

**SOUTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT
RONALD REAGAN BOARD OF TRUSTEES ROOM-RM 145
HEALTH SCIENCES/DISTRICT OFFICES BLDG., SADDLEBACK COLLEGE**

**MINUTES OF THE BOARD OF TRUSTEES' MEETING
DECEMBER 6, 2010**

PRESENT

Members of the Board of Trustees:

Nancy M. Padberg, Vice President
Marcia Milchiker, Clerk
John S. Williams, Member
Thomas A. Fuentes, Member
William O. Jay, Member
David B. Lang, Member
T.J. Prendergast, Member
Eve Shieh, Student Member

ABSENT

Donald P. Wagner, President

Administrative Officers:

Gary Poertner, Chancellor
Robert Bramucci, Vice Chancellor, Technology and Learning Services
David Bugay, Vice Chancellor, Human Resources
Tod Burnett, President Saddleback College
Glenn Roquemore, President Irvine Valley College
Randy Peebles, Provost, ATEP

CALL TO ORDER: 5:00 P.M.

1.0 PROCEDURAL MATTERS

- 1.1 Call to Order
- 1.2 Public Comments Members of the public may address the Board on items listed to be discussed in closed session. Speakers are limited to two minutes each.

RECESS TO CLOSED SESSION FOR DISCUSSION OF THE FOLLOWING:

- A. Public Employee Appointment, Employment, Evaluation of Performance, Discipline, Dismissal, Release (GC Section 54957)
 - 1. Public Employee Discipline, Dismissal (4)

- B. Conference with Labor Negotiators (GC Section 54957.6)
 - 1. SOCCCD Faculty Association
 - a. Agency Designated Negotiator: David Bugay, Ph. D.
 - 2. California School Employees Association (CSEA)
 - a. Agency Designated Negotiator: David Bugay, Ph. D.
 - 3. Police Officers Association (POA)
 - a. Agency Designated Negotiator: David Bugay, Ph. D.

- C. Conference with Real Property Negotiators (GC Section 54956.8)
 - 1. Property located at former Marine Corps Air Station, Tustin, portions of Property known as Tustin Legacy Agency Designated Negotiator: David Bugay, Ph. D.; Consideration of terms of possible property exchange with County of Orange
 - 2. ATEP: Property located at 15101 Redhill Avenue, Tustin, CA; Agency Designated Negotiator: Hudson Pacific Properties and CB Richard Ellis with \$9.2 million on Price and Conditions.

- D. Conference with Legal Counsel (GC Section 54956.9)
 - 1. Existing Litigation (GC Section 54956.9[b]) (1 case) Westphal v. Wagner'
 - 2. Anticipated Litigation/Significant Exposure to Litigation (3 cases) (GC Section 54956.9[b][1] and [b][3][A])

2.0 PROCEDURAL MATTERS

2.1 Actions Taken in Closed Session

On a 6-0 vote, with Trustee Wagner absent, the board approved not to renew an administrator's contract.

On a 6-0 vote, with Trustee Wagner absent, the board approved settlement agreement with a classified manager.

On a 6-0 vote with Trustee Wagner absent, the board approved termination of employment of a classified employee.

2.2 Invocation

Led by Trustee Marcia Milchiker

2.3 Pledge of Allegiance

Led by Trustee Nancy Padberg

2.4 Administration of Oath of Office to New and Re-Elected Trustees

Lyle Robertson, Commissioner, Laguna Hills Harbor Court administered the Oath of Office to Nancy Padberg, Marcia Milchiker and T.J. Prendergast.

2.5 Annual Organizational Meeting and Facilities Corporation Meeting

A. Election of Officers

On a motion made by Trustee Milchiker and seconded by Trustee Jay, Trustee Padberg was nominated President. This motion passed on a 6-1 vote with Trustee Fuentes opposing. On a motion made by Trustee Jay and seconded by Trustee Padberg, Trustee Prendergast was nominated as Vice President of the Board of Trustees. This motion passed on a 7-0 vote. On a motion made by Trustee Jay and seconded by Trustee Padberg, Trustee Milchiker was nominated to be Clerk. This motion passed on a 7-0 vote.

B. Appointment of Secretary and Assistant Secretary

On a motion made by Trustee Milchiker, seconded by Trustee Jay and unanimously carried, Chancellor Poertner was appointed Secretary. On a motion made by Trustee Milchiker, seconded by Trustee Jay and unanimously carried, Vice Chancellor Bugay was appointed Assistant Secretary.

C. Appointment of Trustee Representatives

Representative to the Nominating Committee to the Committee on School District Organization:

On a motion made by Trustee Milchiker, seconded by Trustee Padberg and unanimously carried, T.J. Prendergast was appointed Representative; and on a motion made by Trustee Lang and seconded by Trustee Prendergast, Marcia Milchiker was appointed Alternate Representative.

District's Political Action Representative to the Orange County School Boards Association:

On a motion made, seconded and unanimously carried, Trustee David Lang was appointed Representative to the Orange County School Boards Association.

Liaison to Orange County Community College Trustees

Association: On a motion made by Trustee Williams, seconded by Trustee Lang and unanimously carried, Bill Jay was appointed Liaison to Orange County Community College Trustees Association.

Representative to the Orange County Legislative Task Force:

On a motion duly made, seconded and unanimously carried, Tom Fuentes was appointed Representative to the Orange County Legislative Task Force. On a duly motion made, seconded and unanimously carried, Marcia Milchiker was appointed Alternate Representative.

D. Establishment of Regular Meeting Dates

On a motion made by Trustee Williams and seconded by Trustee Milchiker the Board unanimously approved the Board meetings for the calendar year 2011 with one amendment: the January meeting will take place on January 20, 2011.

E. Establishment of Agenda Planning Calendar

On a motion made by Trustee Fuentes and seconded by Trustee Jay the Agenda Planning Calendar was unanimously approved with the amendment to the meeting date for January.

F. Approval of Agenda Format

On a motion made by Trustee Lang, seconded by Trustee Jay the Agenda format was unanimously approved.

G. Special Meeting of the Board of Directors, Facilities Corporation.

On a motion made by Trustee Fuentes, seconded by Trustee Jay and unanimously carried, the same persons holding membership on the SOCCCD Board of Trustees were elected as directors of the SOCCCD , and the same officers of the SOCCCD Board of Trustees were elected to the Facilities Corporation Facilities Corporation to a term of office extending until the next annual organizational meeting. On a motion made by Trustee Jay and seconded by Trustee Williams and unanimously carried, Vice Chancellor David Bugay was appointed Treasurer. The President, Vice President, Secretary and Treasurer are elected to a term of office extending until the next annual organizational meeting.

2.6 Resolutions/Presentations/Introductions

Resolution: John Williams, Member, Board of Trustees

2.7 Public Comments

Members of the public may address the Board on any item on the agenda at this time or during consideration of the item. Items not on the agenda that are within the subject matter jurisdiction of the Board may also be addressed at this time. Speakers are limited to up to two minutes each.

RECONVENE OPEN SESSION: 6:30 P.M.

3.0 REPORTS

3.1 Oral Reports: Speakers are limited to two minutes each.

- A. Board Reports
- B. Chancellor's Report
- C. Board Request(s) for Report(s)

On a motion made by Trustee Milchiker and seconded by Trustee Williams the board approved a Board Request for Report from Trustee Padberg for a study from the District and Saddleback College on the construction of a new football stadium.

On a motion made by Trustee Milchiker and seconded by Trustee Jay the board approved a Board Request for Report from Trustee Padberg for a report on the construction of a Science Building at Saddleback College.

5.0 CONSENT CALENDAR ITEMS

All matters on the consent calendar are routine items and are to be approved in one motion unless a Board member requests separate action on a specific item, and states the compelling reason for separate action.

On a motion made by Trustee Jay and seconded by Trustee Milchiker the Consent Calendar Items were approved on a 7-0 vote.

5.1 SOCCCD: Board of Trustees Meeting Minutes

Approve minutes of a special meeting and regular meeting held on November 17, 2010.

- 5.2 Saddleback College: Study Abroad Program to Santander, Spain
Approve the Saddleback College study abroad program: Spanish Language Studies in Santander, Spain in the summer of 2011 and direct the administration to execute the Educational Tour/Field Study Travel Contractor Agreement with the Travel and Education for coordinating all travel agreements.
- 5.3 Saddleback College: Spring 2011 Community Education Programs
Approve the Community Education courses, presenters, and compensation as presented.
- 5.4 Saddleback College: Donated Equipment
Approve the donation of three personal computers to the Epiphany Center, a shelter for women and children.
- 5.5 Saddleback College: Simulation Equipment for Health Sciences
Approve award of bid for Simulation Equipment to Laerdal Medical Corporation for a total amount of \$168,951.89.
- 5.6 Irvine Valley College: Sub-Award Grant Acceptance from Coast Community College District
Approve the Coast Community College District sub-award grant for \$6,800.00 funded through the California Community Colleges Chancellor's Office for its Business Industry Collaborative.
- 5.7 Irvine Valley College: Employment Training Panel Application
Approve the ETP Application Package, allowing TFP to submit the training application to the State on behalf of IVC.
- 5.8 Irvine Valley College: Energy Service Agreement Amendment No. 1
Approve amendment to Performance Based Energy Savings Agreement assigned to Chevron Energy Solutions Company.
- 5.9 SOCCCD: Amendment to Blackboard Mobile Contract
Approve amendment to Blackboard contract for mobile services for students for a total amount not to exceed \$97,120.00.
- 5.10 SOCCCD: Authorized Signature List of Board of Trustees' Designees to Approve Documents and Contracts Approve authorizing individuals.

- 5.11 SOCCCD: Budget Amendment:
Adopt Resolution No. 10-21 to Amend 2010/2011 Restricted General Fund Adopt resolution to amend the adopted budget.
- 5.12 SOCCCD: Purchase Order/Confirming Requisitions
Approve purchase orders processed in accordance with the general priorities of the adopted budget and numbered P11-02410 through P11-02612 amounting to \$3,020,171.50 and confirming requisitions dated October 27, 2010 through November 12, 2010 totaling \$28,949.06
- 5.13 SOCCCD: Payment of Bills
Approve check no. 097659 through 098183, processed through Orange County Department of Education, totaling \$2,072,753.09; and check no. 010008 through 010016, processed through Saddleback College Community Education, totaling \$7,343.48; and checks no. 008784 through 008788, processed through Irvine Valley College Community Education, totaling \$25,072.33.
- 5.14 SOCCCD: Transfer of Budget Appropriations
Ratify transfer of budget appropriations as shown.
- 5.15 SOCCCD: Authorization of Payment to Student Trustee Absent from Board Meeting
Adopt resolution authorizing payment to Student Trustee.
- 5.16 SOCCCD: Trustees' Requests for Attending Conferences
Approve the Trustees' requests for attending conferences.
- 5.17 SOCCCD: November 2010 Contracts Ratify contracts as listed.

6.0 GENERAL ACTION ITEMS

- 6.1 SOCCCD: Acceptance of District Annual Audit Report: 2009-2010
Accept report for review and study.

On a motion made by Trustee Williams and seconded by Trustee Lang the District Annual Audit Report 2009-2010 was accepted on a 7-0 vote.

- 6.2 SOCCCD: Hillpointe/Promenade Apartments: Administer Ground Lease Agreement and Approve Assignment and Assumption of the Lease to MG Properties Investment Real Estate
Approve motion for authorization to the Chancellor or his/her designee to execute all documents necessary to carry out the terms of the assignment and assumption.

On a motion made by Trustee Williams and seconded by Trustee Prendergast this item was approved on a 7-0 vote.

- 6.3 SOCCCD: Contracts with Neudesic, LLC for Software Development, System Audits, and Emergency Support
Approve contracts for additional SIS and Data Warehouse features as well as business continuity services for a total of \$1,170,000.00

On a motion made by Trustee Jay and duly seconded this item was approved on a 6-0 vote with Trustee Williams absent.

- 6.4 SOCCCD: BP 1400 Code of Ethics for Members of the Board of Trustees, BP 3450 Traffic and Parking Regulations, BP 4009 Drivers for College-Sponsored Activities, BP 4201.3 Re-Employment of Classified Personnel, BP 4203 Sick Leave for Educational Administrators and Classified Management Personnel, BP 5627 Student Participation in Governance and BP 6122 Challenge of Adopted Instructional Materials
Approve Board Policies as presented.

On a motion made by Trustee Milchiker and seconded by Trustee Jay this item was approved on a 6-0 vote with Trustee Prendergast abstaining.

- 6.5 SOCCCD: Board Policy Revision: BP-4306-Calendar, BP-4420-Enrollment Fee Reimbursement for Employees, BP-5618-Credit by Examination-Specific Course Credit, BP-5800-Prevention of Identity Theft in Student Financial Transactions, BP-5620-College Level Examination Program (CLEP), BP-6170-Counseling, BP-6180-Career and Technical Educational Program Advisory Committees, BP-5621-English Equivalency Examination
Accept for Review and Study

On a motion made by Trustee Lang and seconded by Trustee Milchiker this item was accepted for review and study on a 7-0 vote.

- 6.6 SOCCCD: Academic Personnel Actions - Regular Items
Approve New Personnel Appointments, Academic Temporary Part-Time/Substitute Staff, Change in Administrative Position Title, Change of Status, Administrator Contract Extension, Additional Compensation: General Fund, Additional Compensation: Categorical/Non-General Fund, Leave of Absence, Resignation/Retirement/ Conclusion of Employment, Change on Academic Administrator Salary Schedule.

On a motion made by Trustee Lang and seconded by Trustee Prendergast this Item was approved on a 6-1 vote with Trustee Jay opposing .

- 6.7 SOCCCD: Classified Personnel Actions - Regular Items
Approve New Personnel Appointments, Authorization to Eliminate Classified Position and/or Position Numbers, Change of Status, Classified Bilingual Stipend, Additional Compensation, Out of Class Assignments, Leave of Absence, Resignation/Retirement/Conclusion of Employment, Volunteers.

Item E.1 was pulled by administration and it was noted that the date for item G.2 should read 2011 and not 2010. On a motion made by Trustee Williams and seconded by Trustee Jay this item passed on a 7-0 vote.

- 6.8 SOCCCD: Claim Against the District: Kathleen Schrader
Recommendation to reject Kathleen Schrader's claim and refer it to the District's insurance administrator for processing.

On a motion made by Trustee Lang and seconded by Trustee Milchiker this item passed on a 7-0 vote.

- 6.9 SOCCCD: Land Exchange with the County of Orange - Memorandum of Understanding
Approve/Ratify the Memorandum of Understanding.

On a motion made by Trustee Lang and seconded by Trustee Jay this item passed on a 7-0 vote.

- 6.10 Saddleback College: Amended 2011-2012 Faculty Request List
Approve the announcement and recruitment of the replacement of the
Matriculation Coordinator/Counselor faculty position.

On a motion made by Trustee Lang and seconded by Trustee Milchiker
this item passed on a 7-0 vote.

- 6.11 SOCCCD: Resolution In Support of Expedited Implementation of SB 1440
Approve Resolution which expresses the intent to expedite approval of
degrees in order to have SB 1440 fully implemented by Fall 2011.

On a motion made by Trustee Williams and seconded by Trustee
Milchiker this item passed on a 7-0 vote.

7.0 INFORMATION ITEMS

- 7.1 Saddleback College: Speakers
A listing of speakers for events and/or classes at Saddleback College.

- 7.2 SOCCCD: Basic Aid Report
Projected receipts and approved projects.

- 7.3 SOCCCD: Facilities Plan Status Report
Status of current construction projects.

- 7.4 SOCCCD: Monthly Financial Status Report
Report is as of October 31, 2010.

On a motion made by Trustee Milchiker and seconded by Trustee Williams the
Board unanimously approved continuing the meeting past 9:00 p.m. until its
conclusion.

- 7.5 Irvine Valley College: Community Education Program
submitted as requested.

Vice President of Instruction Craig Justice presented a report to the Board.

8.0 WRITTEN REPORTS

Reports by the following individuals and groups should be written and submitted through the docket process prior to distribution of the Board agenda packet.

- A. President, Saddleback College
- B. President, Irvine Valley College
- C. Provost, ATEP
- D. Associated Student Governments of SC
- E. Associated Students of IVC
- F. Saddleback College Academic Senate
- G. Irvine Valley College Academic Senate
- H. Faculty Association
- I. California School Employees Association
- J. Saddleback College Classified Senate
- K. Irvine Valley College Classified Senate
- L. District Services Classified Senate
- M. Police Officers' Association

9.0 ADDITIONAL ITEMS

- 9.1 SOCCCD: Resolution Establishing Procedure for Appointment of Provisional Board Member
Approve Resolution No. 10-25 establishing the procedure for the appointment of a provisional board member as shown in Exhibit A.

On a motion made by Trustee Williams and seconded by Trustee Jay, this item passed on a 7-0 vote.

ADJOURNMENT (or continuation of closed session if required): 9:00 P.M.

The meeting was adjourned at 9:15 p.m. in memory of Dr. Fred Bremer, former Saddleback College president; Francisco Cinto, Saddleback College custodian; and Nicholas Nikolenko, IVC police officer.

Gary L. Poertner, Secretary