

**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
FEBRUARY 28, 2011**

PRESENT

Members of the Board of Trustees:

Nancy M. Padberg, President
T.J. Prendergast, Vice President
Thomas A. Fuentes, Member
William O. Jay, Member
David B. Lang, Member
Frank M. Meldau, Member
Eve Shieh, Student Member

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, Associate Vice Chancellor, Economic Development

ABSENT

Marcia Milchiker, Clerk

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 Employment (2)
 - 2. Public Employee Discipline, Dismissal (1)

- 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 case)
 - 1. Lease of Property by District: Portion of Saddleback College site; Agency Designated Representative – Gary Poertner.

- 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 (1 case)
(GC Section 54956.9[b][1] and [b][3][A])

RECONVENE OPEN SESSION: 6:00 P.M.

2.0 PROCEDURAL MATTERS

2.1 Actions Taken in Closed Session

On a 6-0 vote, with Trustee Milchiker absent, the board approved two unpaid leaves of absence with benefits for two classified employees.

2.2 Invocation
Led by Trustee Thomas A. Fuentes

2.3 Pledge of Allegiance
Led by Trustee Bill Jay

2.4 Resolutions/Presentations/Introductions

Resolution in Support of California Community Colleges Budget Priorities and Principles was tabled until the next Board meeting.

2.5 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.

3.0 REPORTS

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

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

4.0 DISCUSSION ITEMS

4.1 SOCCCD: Project Planning: Construction Delivery Methods; Lease/Leaseback

Vice Chancellor David Bugay and Director Brandye D'Lena will provide summary information on alternative delivery methods with a presentation on Lease/Leaseback by Andreas Chialtas, with Atkinson, Andelson, Loya, Ruud & Romo.

District Director Brandye D'Lena and Attorney Andreas Chialtas addressed the Board and provided summary information on Lease/Leaseback delivery method.

4.2 SOCCCD: New Market Tax Credit Report

An advisor from Public Economics, Inc. will update the Board on the project's present status.

Dante Gumucio from Public Economics, Inc., addressed the Board on the status of the New Market Tax Credit Report.

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.

Chancellor Poertner announced that the Board received an addendum to Item 5.7 prior to the Board meeting. The addendum was accepted by the Board.

Trustee Fuentes requested Item 5.19 be pulled for separate action.

On a motion made by Trustee Prendergast and seconded by Trustee Meldau the remaining Consent Calendar Items were approved on a 6-0 vote with Trustee Milchiker absent.

- 5.1 SOCCCD: Board of Trustees Meeting Minutes
Approve minutes of a Regular Meeting held on January 20, 2011.
- 5.2 Irvine Valley College: Sub-Award Grant Acceptance from Center for Occupational Research and Development
Approve the Center for Occupational Research and Development sub-award grant for \$15,000.00 through the National Center for Optics and Photonics Education (OP-TEC). The funds will be used to train new photonics technicians and focus on education programs devoted to lasers, optics, and photonics technology. The agreement is in effect through August 31, 2011.
- 5.3 Irvine Valley College: Sub-Awards Grant Acceptance from North Orange County Community College District, Center for Applied and Competitive Technologies
Approve the North Orange County Community College District sub-awards grant for Center for Applied and Competitive Technologies (CACT) in the amount of \$50,000.00: \$25,000 each from the Job Development Incentive Fund (JDIF) and Responsive Training Fund (RTF). CACT will use the funds to provide career technical training and market programs. The sub award for RTF is in effect through June 30, 2011 and for JDIF, through June 30, 2012.
- 5.4 Irvine Valley College: Sub-Award Grant Acceptance from the North Orange County Community College District, New Media & Entertainment
Approve the North Orange County Community College District sub-award grant for \$2,500.00 for the New Media & Entertainment Initiative (NMEI). The funds will be used to expand multimedia training and education in the areas of digital arts and new media applications. The agreement is in effect from July 1, 2010 through June 30, 2011.
- 5.5 Irvine Valley College: Honors Geography 102, Out-of-State Travel Program
Approve the Honors Geography 102 out-of-state travel program to the Pacific Northwest from July 21-31, 2011. There is no impact to the general fund.
- 5.6 Irvine Valley College: Geology 170, Out-of-State Travel Program
Approve the Geology 170 out-of-state travel program to the Grand Canyon National Park, Arizona and vicinity from April 28 through May 1, 2011. There is no impact to the general fund.
- 5.7 Irvine Valley College: Curriculum Revisions for the 2011-12 Academic Year
Approve curriculum changes for the 2011-12 academic year pursuant to Title 5, Section 53200 et seq.
- 5.8 Irvine Valley College: Landscaping Project Architectural Services: Amendment No. 2 for Increased Services
Approve amendment in the amount of \$39,085.00. The total revised contract amount is \$146,930.00.
- 5.9 Irvine Valley College: Barranca Road Project, Consultant Services

- Approve consultant agreement with RGP Planning and Development Services in the amount of \$250,125.00.
- 5.10 Saddleback College: Phi Theta Kappa 93rd International Convention
Approve the out-of-state travel request for up to six students and one faculty advisor to attend the Phi Theta Kappa 93rd International Convention in Seattle, Washington at a cost not to exceed \$8,000.
- 5.11 Saddleback College: Special topics – New York Study Tour
Approve the Saddleback College Fashion 289 Special Topics course from June 6 through June 11, 2011, out-of-state travel to New York.
- 5.12 Saddleback College: Curriculum and Certificates/Degrees Revision for the 2010-2011 Academic Year
Approve the proposed changes in curriculum and certificate/degrees.
- 5.13 Saddleback College: Speakers
Approve general fund honorarium for speakers at Saddleback College.
- 5.14 Saddleback College and Irvine Valley College: Revised 2011-2012 Instructional Material/Laboratory Fees
Approve revised instructional material and laboratory fees for 2011-2012.
- 5.15 Saddleback College: Village Expansion Project: Amendment to Increase Contract Services with R2A Architecture
Approve amendment to contract with R2A Architecture increasing the amount by \$10,475.00. The total revised contract amount is \$314,290.00.
- 5.16 Saddleback College: I.T. Server Room Renovation: Amendment to Decrease Contract Services with R2A Architects
Approve amendment to contract reducing the amount by \$6,269.00. The total revised contract amount is \$68,907.00.
- 5.17 Saddleback College and Irvine Valley College: Community Education, Summer 2011
Approve Community Education courses, presenters, and compensation for Summer Session 2011.
- 5.18 Saddleback College: Cosmetology and Cosmetician Instruction Agreement Amendments
Approve agreement amendments to change the name of Lake Forest Beauty College to Athena College of Beauty.
- 5.19 ATEP: Master Architectural Services
Approve Master Architect Services agreement with gkkworks for ATEP in the amount of \$132,820.00.

On a motion made by Trustee Jay and seconded by Trustee Prendergast, this item passed on a 4/2 vote with Trustee Fuentes casting a negative vote and Trustee Lang abstaining.

- 5.20 SOCCCD: Reimbursement to Trustees for Mileage to and from Required Board Meetings
Approve reimbursement claims for the period July 1 to December 31, 2010.
- 5.21 SOCCCD: Claim Against the District: Dumarc Corporation
Reject claim and refer to the District's insurance administrator for processing.
- 5.22 SOCCCD: Transfer of Budget Appropriations
Ratify transfer of budget appropriations as shown.
- 5.23 SOCCCD: Budget Amendment: Adopt Resolution No. 11-03 to Amend 2010/2011 Restricted General Fund
Adopt resolution to amend the adopted budget.
- 5.24 SOCCCD: Gifts to the District and Foundations
Approve gifts as presented.
- 5.25 SOCCCD: January/February 2011 Contracts
Ratify contracts as listed.
- 5.26 SOCCCD: Purchase Order/Confirming Requisitions
Approve purchase orders processed in accordance with the general priorities of the adopted budget and numbered P11-02977 through P11-03411 amounting to \$2,615,342.59. Confirming requisitions dated December 15, 2010 through February 1, 2011 totaling \$273,862.28.
- 5.27 SOCCCD: Payment of Bills
Approve check no. 099016 through 100083, processed through the Orange County Department of Education, totaling \$7,399,262.48; and checks no. 010030 through 010051, processed through Saddleback College Community Education, totaling \$42,883.95; and checks no. 008793 through 008804, processed through Irvine Valley College Community Education, totaling \$85,188.39.
- 5.28 SOCCCD: 2012-2013 Academic Calendar
Accept for review and study the proposed Academic Calendar for 2012-2013

6.0 GENERAL ACTION ITEMS

- 6.1 Saddleback College: FCC Legal Services
The Chancellor recommends the Board of Trustees ratify the agreement with Lauren Lynch Flick, Law Offices of Pillsbury Winthrop Shaw Pittman, as shown in Exhibit A.

On a motion made by Trustee Fuentes and seconded by Trustee Lang, this item passed on a 6-0 vote.

- 6.2 Saddleback College: Memorandum of Understanding between SOCCCD and UCI for the Formation and Operation of a Saddleback College RapidTech Center
Approve the Memorandum of Understanding between SOCCCD and UCI for the formation and operation of a Saddleback College RapidTech Center on the UCI campus.

On a motion made by Trustee Fuentes and seconded by Trustee Meldau, this item passed on a 6-0 vote with the stipulation that a modification be made on the existing language in Exhibit A, page 6 of 16, Section 1.4, (b).

- 6.3 Saddleback College: 2011-2012 Faculty Hiring Request Addendum
Approve the announcement of positions and recruitment of new full-time faculty, contingent upon funding, at Saddleback College for the 2011-2012 academic year.

President Burnet noted that there was an error on Exhibit A, the title of the third position under the column heading "Academic Discipline" should read "Medical Technology/Phlebotomy" instead of "Health Sciences."

On a motion made by Trustee Fuentes and seconded by Trustee Lang, this item passed on a 6-0 vote.

- 6.4 Saddleback College: Pool Deck Replacement: Substitution of Subcontractor: E&E Custom Iron Works
Approve the removal of E&E Custom Iron Works and its substitution by Condor Inc.

On a motion made by Trustee Lang and seconded by Trustee Fuentes, this item passed on a 6-0 vote.

- 6.5 Irvine Valley College: Employment Training Panel Agreement
Approve the State of California's Employment Training Panel (ETP) Agreement for \$199,465.00. The funds will be used to provide technology training and support job-skills training to incumbent workers of California-based companies. The agreement is in effect from February 14, 2011 through February 13, 2013.

On a motion made by Trustee Lang and seconded by Trustee Fuentes, this item passed on a 6-0 vote.

- 6.6 SOCCCD: Board Policy Revision: BP-3530-Compliance with Payment Card Industry Data Security Standards (PCI-DSS), BP-5619-Advanced Placement Examination Program, BP-3401-Animals or Pets on Campus, BP-4075-Health and Welfare Benefits for Former Board of Trustees, BP-166-Health Benefits, BP-2001-Administrative Organization, BP-5607-

Nonresident Student Tuition, BP-5506-Accommodations for Students with Disabilities, BP-6132-Selection of Library Materials, BP-6135-Library-Use Fee

Discussion/Approval

On a motion made by Trustee Fuentes and seconded by Trustee Jay, this item passed on a 6-0 vote.

- 6.7 SOCCCD: Board Policy Revision: BP 3610-Auxiliary Organizations, BP 5401-Student Conduct, BP 5610.1-Student Fees, BP-3510-Lost Money or Property, BP-4040-Public Disclosure of Employee Compensation, BP-104-Student Member of the Board of Trustees
Accept for Review and Study

On a motion made by Trustee Lang and seconded by Trustee Fuentes, this item was accepted for review and study.

- 6.8 SOCCCD: OCSBA Marian Bergeson Award Nomination
Nomination of trustee for the Marian Bergeson Award.

On a motion made by Trustee Fuentes and seconded by Trustee Jay, the Board unanimously voted to nominate Trustee Lang for the Marian Bergeson Award.

- 6.9 SOCCCD: Academic Personnel Actions – Regular Items
Approve New Personnel Appointments, Additional Compensation: General Fund, Additional Compensation: Categorical/Non-General Fund, Workload Banking.

On a motion made by Trustee Fuentes and seconded by Trustee Meldau, this item passed on a 6-0 vote.

- 6.10 SOCCCD: Classified Personnel Actions – Regular Items
Approve New Personnel Appointments, Authorization to Reorganize Reporting Structure for a Classified Management Position, Authorization to Establish and Announce a Classified Position, Revised Classified Job Classification Description, Change of Status, Out of Class Assignments, Leave of Absence, Additional Compensation, Authorization to Revise the Salary Schedule for the Non-Bargaining Unit, Temporary, Professional Experts, Resignation/Retirement/ Conclusion of Employment, Volunteers.

On a motion made by Trustee Fuentes and seconded by Trustee Lang, this item passed on a 5-1 vote with Trustee Jay casting a negative vote.

On a motion made by Trustee Prendergast and seconded by Trustee Jay, the Board unanimously approved extending the meeting until 9:30 p.m.

- 6.11 SOCCCD: Annual Report on Probationary Faculty Recommended for Tenure
Approval of second and third year faculty contracts.

On a motion made by Trustee Prendergast and seconded by Trustee Lang, this item passed on a 6-0 vote.

- 6.12 Saddleback College: Sciences Building Architectural Services
Approve the architectural agreement with Dougherty and Dougherty in the amount of \$2,604,000.

On a motion made by Trustee Fuentes and seconded by Trustee Lang, this item passed on a 6-0 vote.

- 6.13 SOCCCD: Project Schedule and Basic Aid Assignment
Approve: 1) proceeding with the Saddleback College New Sciences building and reassign Basic Aid dollars previously committed to other Saddleback College projects to the Saddleback College Sciences Building; 2) proceeding with the ATEP First Building for Phase 3A and reassign Basic Aid dollars previously committed to other ATEP projects to the ATEP First Building for Phase 3A; 3) assign \$29,000,000 to the Saddleback College Sciences Building and \$1,000,000 to Irvine Valley College A-400 Renovation from the 2010-11 uncommitted Basic Aid receipts.

Trustee Fuentes requested the item be divided. On a motion made by Trustee Fuentes and seconded by Trustee Lang, the request to divide the item passed on a 5-1 vote with Trustee Meldau casting a negative vote.

On a motion made by Trustee Jay and seconded by Trustee Prendergast, recommendations #1 and #3 passed on a 6-0 vote.

On a motion made by Trustee Jay and seconded by Trustee Prendergast, recommendation #2 passed on a 5-1 vote with Trustee Fuentes casting a negative vote.

- 6.14 SOCCCD: New Markets Tax Credit Transaction: Brokerage Services Agreement: Sandler O'Neill & Partners, L.P.
Approve the agreement with the investment broker, Sandler O'Neill & Partners, L.P.

On a motion made by Trustee Jay and seconded by Trustee Lang, this item passed on a 5-1 vote with Trustee Fuentes casting a negative vote.

- 6.15 SOCCCD: Authorization to Form Nonprofit Corporation for the South Orange County Community College District
Authorize the Chancellor to proceed with the actions necessary to form a new California nonprofit public benefit corporation to be known as FACILITIES CORPORATION 2011 OF THE SOUTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT, and to file the proposed Articles of Incorporation with the California Secretary of State.

On a motion made by Trustee Lang and seconded by Trustee Jay, this item passed on a 5-1 vote with Trustee Fuentes casting a negative vote.

7.0 INFORMATION ITEMS

- 7.1 Saddleback College and Irvine Valley College: Speakers
A listing of speakers for events and/or classes at Saddleback College and Irvine Valley College.
- 7.2 SOCCCD: Basic Aid Report
Report on projected receipts and approved projects.
- 7.3 SOCCCD: Facilities Plan Status Report
Status of current construction projects.
- 7.4 SOCCCD: List of Board Requested Reports
Reports requested by Trustees.
- 7.5 SOCCCD: Monthly Financial Status Report
The reports are for transactions through December 31, 2010.
- 7.6 SOCCCD: Quarterly Financial Status Report
This report is for the quarter ending on December 31, 2010.
- 7.7 SOCCCD: Quarterly Investment Report
The report is for the quarter ending on December 31, 2010.
- 7.8 SOCCCD: Retiree (OPEB) Trust Fund
This report is for the period ending December 31, 2010.

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.

President, Saddleback College
President, Irvine Valley College
Associate Vice Chancellor, Economic Development
Associated Student Government of SC
Associated Students of IVC
Saddleback College Academic Senate
Irvine Valley College Academic Senate
Faculty Association
California School Employees Association
Saddleback College Classified Senate
Irvine Valley College Classified Senate
District Services Classified Senate
Police Officers' Association

Reports were given by Saddleback College President Tod Burnett, Irvine Valley College President Glenn Roquemore, Associate Vice Chancellor of Economic Development Randy Peebles, Professor Stephen Rochford for Irvine Valley College Academic Senate, Saddleback College Academic Senate President Carmen Dominguez, SC Associated Student Government President Melissa Fenerci.

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

The meeting was adjourned at 9:11 p.m.

Gary L. Poertner, Secretary