

**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  
MARCH 28, 2011**

**PRESENT**

Members of the Board of Trustees:

Nancy M. Padberg, President  
T.J. Prendergast, Vice President  
Marcia Milchiker, Clerk  
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  
Craig Justice for Glenn Roquemore, Vice President Irvine Valley College  
Randy Peebles, Associate Vice Chancellor, Economic Development

**ABSENT**

Glenn Roquemore, President Irvine Valley College

**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 (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 Legal Counsel (GC Section 54956.9)
  - 1. Existing Litigation (GC Section 54956.9[b]) (2 cases)  
Westphal v. Wagner  
Avery Investment Group v. SOCCCD
  - 2. Initiation of Litigation (GC Section 54956.9) (1 case)  
Theiler v. Ventura County CCD  
(Discussion of possible joinder as Amicus Curiae)
  - 3. Anticipated Litigation/Significant Exposure to Litigation (1 case)  
(GC Section 54956.9[b][1] and [b][3][A])

## **RECONVENE OPEN SESSION: 6:30 P.M.**

### **2.0 PROCEDURAL MATTERS**

#### 2.1 Actions Taken in Closed Session

On a 7-0 vote, the board approved an unpaid general leave with benefits to a classified employee from March 31, 2011 through June 30, 2011.

On a 6-0 vote, the board approved the District's participation as a Amicus Curiae in Theiler vs. Ventura County Community College District.

#### 2.2 Invocation Led by Trustee Bill Jay

#### 2.3 Pledge of Allegiance Led by Trustee David Lang

2.4 SOCCCD: Facilities Corporation 2011 of the South Orange County Community College District, Initial Organizational Meeting

At 7:22 p.m., the Facilities Corporation meeting was called to order by Trustee Padberg.

- A. Facilities Corporation 2011 Agenda
- B. Articles of Incorporation
- C. The Action by Written Consent of Incorporator
- D. The Bylaws of the Corporation and the Certificate of Secretary

On a motion by Trustee Milchiker and seconded by Trustee Jay, the Bylaws of the Corporation and the Certificate of Secretary were approved by a 6-1 vote with Trustee Fuentes opposing.

- E. Resolutions for Board of Directors Approval
  - The Election of Additional Officers

On a motion by Trustee Milchiker and seconded by Trustee Jay, the resolutions for Board of Directors were approved by a 6-1 vote with Trustee Fuentes opposing.

On a motion by Trustee Jay and seconded by Trustee Milchiker, the election of additional officers which includes Trustee Prendergast as Vice President, and Trustee Lang as Chief Financial Officer with Chancellor Poertner as Assistant Secretary, and Vice Chancellor Bugay as Assistant Treasurer of the Facilities Corporation, the Board approved the exhibit by a 6-1 vote with Trustee Fuentes opposing.

- F. Power of Attorney and Declaration of Representative Form 2848

On a motion made by Trustee Milchiker and seconded by Trustee Meldau, the Board approved to authorize the assistant secretary to prepare and file forms and statements as provided in Exhibit F and G. Motion carried by a 6-1 vote with Trustee Fuentes opposing.

- G. Attorney General Initial Registration Form plus attachment - Form CT-1

At 7:31 p.m., President Padberg adjourned the Facilities Corporation meeting to the regular meeting of the Board of Trustees.

2.5 Resolutions / Presentations / Introductions

2.6 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 two minutes each.***

### **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)

### **4.0 DISCUSSION ITEM**

#### **4.1 SOCCCD: Protective Measures Relative to Construction Complexities** Director Brandye D'Lena will present information identifying specifics of those concerns and perform a comparative analysis.

District Director of Facilities Planning, Brandye D'Lena provided a comparative analysis of concerns related to construction complexities.

#### **4.2 SOCCCD: Advanced Technology & Education Park (ATEP) Planning and Development** Associate Vice Chancellor Randy Peebles will provide summary information on the continued development of ATEP.

Associate Vice Chancellor, Randy Peebles provided a summary of ATEP development progress.

#### **4.3 SOCCCD: 2020 Vision Report** Vice Chancellor Bob Bramucci will present information on 2020 Vision, Student Success, a report of the Commission of the Future of the Community College League of California.

Vice Chancellor Bob Bramucci presented an overview of the 2020 Vision: A Report of the Commission on the Future from the Community College League of California.

#### **4.4 SOCCCD: New Markets Tax Credits Report** Vice Chancellor David Bugay, Associate Vice Chancellor Randy Peebles and District staff will present the current status of New Market Tax Credit.

Vice Chancellor David Bugay and Dante Gumucio of Public Economics provided an update and summary costs related to the pursuit of New Markets Tax Credits to assist with funding for the next phase of development at ATEP.

On a motion made by Trustee Prendergast and seconded by Trustee Milchiker the board unanimously approved to extend the meeting until 9:30 p.m.

## **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.*

Trustee Padberg requested item 5.9 be pulled from the consent calendar and item 6.3 be pulled from the general action calendar; Trustee Lang requested item 5.6 and item 5.8 be pulled; Trustee Milchiker requested item 5.13 be pulled and abstained from voting.

On a motion made by Trustee Prendergast and seconded by Trustee Milchiker the remaining consent calendar items were approved on a 7-0 vote.

- 5.1 SOCCCD: Board of Trustees Meeting Minutes  
Approve minutes of a regular meeting held on February 28, 2011.
- 5.2 Saddleback College: Transfer Degrees & one Occupational Skills Award for the 2010-2011 Academic Year  
Approve the proposed changes in curriculum and certificates/degrees
- 5.3 Saddleback College: Student Out-of-State Travel – Middleton, Wisconsin  
Approve the out-of-state travel request for up to 13 students and volunteer advisor to attend the National Collegiate Roller Hockey Association National Championships in Middleton, Wisconsin, April 5, 2011 through April 11, 2011.
- 5.4 Irvine Valley College: Naming of Outdoor Laboratory Space/Garden  
Approve the School of Life Sciences' recommendation to name the outdoor laboratory space/garden located south of the PE 100 building, the Biology, Ecology and Environmental Studies (BEES) Garden.
- 5.5 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.
- 5.6 Irvine Valley College: Award of Bid: CACT Automation Lab

Approve award of Bid No. 11 for the CACT Automation Lab to Lab Corporation in the amount of \$296,172.69.

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

- 5.7 Saddleback College: Speaker  
Approve general fund honorarium for a speaker at Saddleback College.

- 5.8 Saddleback College and Irvine Valley College: Community Education, Summer 2011  
Approve additional Community Education courses, presenters, and compensation for Summer 2011.

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

- 5.9 Saddleback College: Use of CMAS Contract to Lease Purchase and Maintain Kodak Digimaster EX125 Printing Equipment & Booklet Maker  
Approve use of CMAS contract no. 3-08-70-0139B with Eastman Kodak Company at an estimated cost of \$357,782.20.

- 5.10 Saddleback College: Kodak Digimaster EX125 Printer System and Bookletmaker System – Eastman Kodak Company  
Approve contract with Eastman Kodak Company for the purchase of a new Kodak Digimaster EX125 Printer System with a Bookletmaker System at a cost of \$189,458.68 including tax.

- 5.11 Saddleback College: MicroPress Publishing System – Ricoh Americas Corporation  
Approve contract with Ricoh Americas Corporation for the purchase of MicroPress Publishing System at a cost of \$22,870.13 including tax.

- 5.12 Saddleback College: Student Out-of-State Travel – Primm, Nevada  
Approve the out-of-state travel request for up to 15 students and two faculty advisors to attend the “Addiction Counseling for the 21<sup>st</sup> Century” conference in Primm, Nevada from April 14, 2011 through April 16, 2011 at a cost not to exceed \$12,000.

- 5.13 SOCCCD: Authorization of Payment to Trustee Absent from Board Meeting  
Adopt resolution 11-05 (Exhibit A) authorizing payment to Trustee Milchiker who was absent from the February 28, 2011 meeting of the Board of Trustees.

On a motion made by Trustee Lang and seconded by Trustee Jay this item was approved on a 6-1 vote with Trustee Milchiker abstaining.

- 5.14 SOCCCD: I.T. Server Room Renovation: Change Order No. 1 and Notice of Completion

Approve change order decreasing the contract amount by \$5,700.00 and authorize the filing of the Notice of Completion. The total revised contract amount is \$317,054.00.

- 5.15 SOCCCD: Education and Facilities Master Plan: Hire CEQA Consultant Services  
Approve agreement with RGP Planning & Development Services for a fee of \$264,894 and approve assignment of capital improvement dollars of \$320,000 for these and CEQA related services.
- 5.16 SOCCCD: Academic Calendar 2012-2013  
Approve the proposed academic calendar for 2012-2013.
- 5.17 SOCCCD: Trustees' Requests for Attending Conferences  
Approve Trustees' requests for attending conference(s) as shown in Exhibit A.
- 5.18 SOCCCD: Purchase Order/Confirming Requisitions  
Approve purchase orders processed in accordance with the general priorities of the adopted budget and numbered P11-03412 through P11-03788 amounting to \$1,148,302.01. Confirming requisitions dated February 2, 2011 through March 1, 2011 totaling \$590,629.99.
- 5.19 SOCCCD: Payment of Bills  
Approve check no. 100084 through 100968, processed through the Orange County Department of Education, totaling \$6,110,537.23; and check no. 010052 through 010066, processed through Saddleback College Community Education, totaling \$14,519.94; and check no. 008805 through 008836, processed through Irvine Valley College Community Education, totaling \$851.00.
- 5.20 SOCCCD: Transfer of Budget Appropriations  
Ratify transfer of budget appropriations as shown.
- 5.21 SOCCCD: Budget Amendment: Adopt Resolution No. 11-04 to Amend 2010/2011 Restricted General Fund  
Adopt resolution to amend the adopted budget.
- 5.22 SOCCCD: Gifts to the District and Foundations  
Approve acceptance of gifts.
- 5.23 SOCCCD: February/March 2011 Contracts  
Ratify contracts as listed.

## 6.0 GENERAL ACTION ITEMS

- 6.1 Saddleback College: Proposed Division Name and Dean's Title Change  
Approve the permanent division name from Physical Education/Kinesiology and Athletics to Kinesiology and Athletics, as well as the Dean's title to Dean of Kinesiology and Athletics.

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

- 6.2 Saddleback College: LA Cellular Ground Lease Amendment No. 2  
Approve amendment to the LA Cellular Ground Lease agreement.

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

- 6.3 Saddleback College: Use of Lease-Purchase Agreement with Wells Fargo for the Digimaster EX125 Printing Equipment & Bookletmaker and Ricoh Micro Press Publishing System  
Approve entering into a lease-purchase agreement with Wells Fargo Financial Leasing, Inc. for the Digimaster Kodak EX125, Bookletmaker System and the Ricoh Micro Press Publishing System.

Trustee Padberg requested to pull this item.

- 6.4 SOCCCD: Authorization to Seek Proposals for Lease/Leaseback Services  
Approve authorization to seek proposals.

On a motion made by Trustee Fuentes and seconded by Trustee Lang this item was tabled on a 5-2 vote with Trustee Prendergast and Trustee Padberg opposing.

- 6.5 SOCCCD: CCCT Board of Directors Election – 2011  
List nominees for the eight vacancies on the CCCT Board of Directors

On a motion made by Trustee Milchiker and seconded by Trustee Lang the Board unanimously approved to nominate candidate, Jim Moreno to the 2011 California Community College Trustees Board.

- 6.6 SOCCCD: OCSBA Board of Directors Interest Form  
Nomination of trustee for the OCSBA Board of Directors

No action taken

At 9:25 p.m. On a motion made by Trustee Milchiker and seconded by Trustee Meldau the Board unanimously approved to extend the meeting to 10 p.m.



- 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  
Discussion/Approval.

On a motion made by Trustee Lang and seconded by Trustee Milchiker the Board unanimously approved to pull Board Policy 104 in order for it to be revised.

On a motion made by Trustee Milchiker and seconded by Trustee Lang the remaining board policies were approved on a 7-0 vote.

- 6.8 SOCCCD: Board Policy Revision: BP-4306-Calendar  
Accept for review and study.

The Board accepted item for review and study.

- 6.9 SOCCCD: Initial Proposal from CSEA  
Acceptance of proposal from California School Employees Association for review and study, and set a public hearing on the proposal for the April 2011 Board meeting.

The Board accepted item for review and study.

- 6.10 SOCCCD: Academic Personnel Actions – Regular Items  
Approve New Personnel Appointments, Authorization to Establish and Announce Academic Administrative Position, Additional Compensation: General Fund, Additional Compensation: Categorical/Non-General Fund, Workload Banking, Clarification for Prior Personnel Agenda.

Trustee Milchiker requested to separate B.1 and B.2 of Exhibit A, page 2 of 4 from the rest of the Academic Personnel Actions.

On a motion made by Trustee Milchiker and seconded by Trustee Lang the Board unanimously approved to separate B.1 and B.2.

On a motion made by Trustee Lang and seconded by Trustee Milchiker the rest of the Academic Personnel Actions were approved on a 7-0 vote.

On a motion made by Trustee Prendergast and seconded by Trustee Meldau the Board approved B.1 of Exhibit A, page 2 of 4 on a 5-2 vote with Trustee Fuentes and Trustee Jay opposing.

On a motion made by Trustee Prendergast and seconded by Trustee Meldau the Board approved B.2 of Exhibit A, page 2 of 4 on a 5-2 vote with Trustee Milchiker and Trustee Jay opposing.

- 6.11 SOCCCD: Classified Personnel Actions – Regular Items  
Approve New Personnel Appointments, Authorization to Reorganize Reporting Structure for a Classified Position, Authorization to Eliminate Classified Position and/or Position Numbers, Authorization to Establish and Announce a Classified Position, Change of Status, Out of Class Assignments, Leave of Absence, Resignation/Retirement/Conclusion of Employment, Volunteers, Clarification for Prior Personnel Agenda.

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

- 6.12 SOCCCD: Adopt Resolution No. 11-06 to Establish Facilities Corporation Capital Outlay Fund  
Adopt resolution authorizing the establishment of a Facilities Corporation Capital Outlay Projects Fund.

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

## **7.0 REPORTS**

- 7.1 Saddleback College and Irvine Valley College: Professors of the Year  
Saddleback and Irvine Valley College Professors of the Year nominations will be forwarded to the Orange County Department of Education for the county-wide competition.
- 7.2 Saddleback College and Irvine Valley College: Speakers  
A listing of speakers for events and/or classes at Saddleback College and Irvine Valley College.
- 7.3 SOCCCD: Basic Aid Report  
Report on projected receipts and approved projects.
- 7.4 SOCCCD: Facilities Plan Status Report  
Status of current construction projects.
- 7.5 SOCCCD: List of Board Requested Reports  
Reports requested by the Board of Trustees.
- 7.6 SOCCCD: Monthly Financial Status Report  
The report displays the adopted budget, revised budget and transactions through February 28, 2011.

## **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**

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

The meeting adjourned at 9:55 p.m.

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Gary L. Poertner, Secretary