

**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
September 28, 2015**

PRESENT

Members of the Board of Trustees:

T.J. Prendergast, III, President
Timothy Jemal, Vice President
James R. Wright, Clerk
Barbara J. Jay, Member
David B. Lang, Member
Marcia Milchiker, Member
Lemar Momand, Student Member

Administrative Officers:

Gary Poertner, Chancellor
David Bugay, Vice Chancellor, Human Resources
Tod Burnett, President Saddleback College
Debra Fitzsimons, Vice Chancellor, Business Services
Glenn Roquemore, President Irvine Valley College

ABSENT

Terri Whitt, Member
Robert Bramucci, Vice Chancellor, Technology and Learning Services

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**. If you wish to address the board on a closed session item, please complete a yellow form entitled, "Request to Speak" and submit it to the board's Executive Assistant. These forms are available outside the board room. **Speakers are limited to two minutes each.***

RECESS TO CLOSED SESSION FOR DISCUSSION OF THE FOLLOWING:

- 1.3 Public Employee Appointment, Employment, Evaluation of Performance, Discipline, Dismissal, Release (GC Section 54957(b).)
 - A. Public Employee Discipline, Dismissal, Release (GC Section 54957(b).) (2 matters)
- 1.4 Conference with Labor Negotiators (GC Section 54957.6)
 - A. SOCCCD Faculty Association
Agency Designated Negotiator: David P. Bugay, Ph.D.
 - B. California School Employees Association (CSEA)
Agency Designated Negotiator: David P. Bugay, Ph.D.
 - C. Police Officers Association (POA)
Agency Designated Negotiator: David P. Bugay, Ph.D.
- 1.5 Conference with Real Property Negotiators (GC Section 54956.8) (1)
 - A. Exchange of Property by District: Portion of Advanced Technology Education Park: County of Orange, 15445 Lansdowne Road, Tustin
Agency Designated Negotiator: Debra Fitzsimons, Ph.D. regarding exchange of land.
- 1.6 Conference with Legal Counsel (GC Section 54956.9) (3 cases)
 - A. Anticipated Litigation (GC Section 54956.9(d)(2), (e)(1), and (e)(2).) (3 cases)
 1. Pursuant to GC section 54956.9(e)(2):
 - a. Appeal of an administrative determination arising out of a complaint by a student alleging discrimination based on disability.
 - b. A classified administrator is appealing an administrative determination finding no sexual harassment by a faculty member.
 2. Pursuant to GC section 54956.9(e)(1) – matter involving facts and circumstances which the District believes are not known to the potential plaintiff or plaintiffs.

RECONVENE OPEN SESSION: 6:30 P.M.

2.0 PROCEDURAL MATTERS

2.1 Actions Taken in Closed Session

On a 6-0 vote with Trustee Whitt absent, the board approved a general leave to a full-time classified employee on an eight-hour per week basis to perform the duties of a part-time counselor through the end of the fall 2015 semester. The employee will continue her role as a classified employee thirty two hours per week during this time.

2.2 Invocation

Led by Trustee David Lang

2.3 Pledge of Allegiance

Led by Trustee Marcia Milchiker

2.4 Recognitions: Speakers are limited to two minutes each.

A. Resolutions:

1. Irvine Valley College Men's Tennis Team, 2015 CCCAA State Champion
2. Valentin Baize and Max Rumeau, Irvine Valley College, 2015 CCCAA Men's Tennis Doubles Champion
3. Irvine Valley College Women's Sand Volleyball Team, 2015 CCCAA State Champion
4. Marisa Doran and Kobi Pekich, Irvine Valley College, 2015 CCCAA No. 1 Pairs Sand Volleyball State Champion
5. Annie Mitchem and Emily Reinking, Irvine Valley College, 2015 CCCAA No. 2 Pairs Sand Volleyball State Champion
6. Samantha Holdredge and Hailee Earnest, Irvine Valley College, 2015 CCCAA No. 3 Pairs Sand Volleyball State Champion

B. Commendations:

1. None

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. If you wish to address the board, please complete a yellow form entitled, "Request to Speak" and submit it to the board's Executive Assistant. These forms are available outside the board room. **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. College Presidents' Reports (*Written Reports included in Section 8.0*)
- D. Associated Student Government Reports
- E. Board Request(s) for Reports

4.0 DISCUSSION ITEMS

4.1 Legislative and Advocacy Overview

Tere Fluegeman, District Director of Public Affairs and Government Relations, Mark MacDonald, State Legislative Advocate from McCallum Group Inc., and Dana DeBeaumont, Federal Legislative Advocate from Capitol Advocacy Partners, presented a brief overview of legislative and

advocacy efforts on behalf of the district and colleges.

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 Lang requested to pull items 5.8, 5.9, 5.10 and 5.13.

On a motion made by Trustee Jemal and seconded by Trustee Wright, the balance of the consent calendar was approved on a 6-0 vote with Trustee Whitt absent.

- 5.1 **SOCCCD: Board of Trustees Meeting Minutes**
Approve minutes of a Special Meeting held on August 19, 2015 and a Regular Meeting held on August 24, 2015.
- 5.2 **Irvine Valley College: Geology 170, Out of State Travel to Chiricahua National Park, Arizona, April 21-24, 2016**
Approve the proposal of the School of Physical Sciences and Technologies to offer Geology 170 from April 21-24, 2016, to the Chiricahua National Park in southern Arizona. Course fees are \$52.50.
- 5.3 **Irvine Valley College: Curriculum Revisions for the 2015-2016 Academic Year**
Approve curriculum revisions as recommended by the Curriculum Committee in consultation with the Academic Senate for the 2015-2016 academic year, pursuant to Title 5, Section 53200 et seq.
- 5.4 **Saddleback College: Curriculum Revisions and Additions for the 2015-16 Academic Year**
Approve the proposed curriculum changes and additions for the 2015-16 academic year at Saddleback College.
- 5.5 **Saddleback College: Community Education, Additional Fall 2015**
Approve the Community Education courses, presenters, and compensation.
- 5.6 **Saddleback College: Revised 2015-16 Instructional Material/Laboratory Fees**
Approve revised instructional material and laboratory fees for 2015-2016.
- 5.7 **Saddleback College and Irvine Valley College: Speakers**
Approve general fund honoraria for speakers for events and/or classes at Saddleback College and Irvine Valley College.
- 5.8 **SOCCCD: Saddleback College, Cosmetology and Cosmetician (Esthetician) Agreements, Saddleback Beauty Academy**

Approve Saddleback College Cosmetology and Cosmetician (Esthetician) agreements for a 21 month period with options to renew for three additional one-year terms with Saddleback Beauty Academy for an estimated value of \$450,000.

On a motion made by Trustee Lang and seconded by Trustee Jemal, this item was approved on a 6-0 vote.

5.9 SOCCCD: Saddleback College Radio Transmitter Building Project, Change Order No. 2, Pacific Winds Building, Inc.

Approve Board Change Order No. 2 for the Radio Transmitter Building project and authorize staff to execute the corresponding change order with Pacific Winds Building, Inc., resulting in a \$10,691.78 increase for a new contract value of \$164,795.49.

Trustee Lang requested to combine approval and vote jointly on items 5.9 and 5.10.

On a motion made by Trustee Lang and seconded by Trustee Milchiker, these items were approved on a 6-0 vote.

5.10 SOCCCD: Saddleback College Radio Transmitter Building Project, Notice of Completion, Pacific Winds Building, Inc.

Authorize filing the Notice of Completion for the Saddleback College Radio Transmitter Building project to Pacific Winds Building, Inc. for a final contract amount of \$164,795.49.

5.11 SOCCCD: Saddleback College, Site Improvements Project, Design-Build Criteria and Programming Architectural Services Agreement, Amendment No. 2, DLR Group

Approve Amendment No. 2 with DLR Group for increased criteria architect services for the Saddleback College Site Improvements project, increasing the amount of the agreement by \$150,000, for a total fee of \$430,000.

5.12 SOCCCD: Saddleback College Technology and Applied Science (TAS) Swing Space Project, Testing and Inspection Agreement, Amendment No. 1, C.E.M. Lab Corp.

Approve Amendment No. 1 with C.E.M. Lab Corp. for additional testing and special inspection services for the Saddleback College Technology and Applied Science Swing Space project in the amount of \$60,000 for a revised contract amount of \$183,143.

5.13 SOCCCD: Saddleback College CAI Video Production Services, Merit/Andrew

Approve the agreement with Merit/Andrew for the CAI Video Production Services at Saddleback College for the period of September 29, 2015 to December 30, 2015 in the amount of \$125,000.

On a motion made by Trustee Lang and seconded by Trustee Jemal, this

item was approved on a 6-0 vote.

- 5.14 **SOCCCD: ATEP IVC First Building Project, Substitution of Subcontractor, Helix Electric, Inc.**
Approve the removal of Briggs Electric, Inc., as subcontractor and its substitution by Helix Electric, Inc. as subcontractor on the IVC First Building project at ATEP.
- 5.15 **SOCCCD: Annual renewal of Microsoft Campus Agreements for District-wide Microsoft Software Use.**
Approve the annual renewal of a software licensing agreement for the district-wide Microsoft Software Licensing for FY 2015-2016 with ComputerLand of Silicon Valley at a cost not to exceed \$251,369.
- 5.16 **SOCCCD: Agreement for Phone Hardware Refresh and Support, Resilient Communications**
Approve the agreement with Resilient Communications, for an amount not to exceed \$151,813.60.
- 5.17 **SOCCCD: Trustees' Requests for Attending Conferences**
Approve trustees' requests for attending conference(s).
- 5.18 **SOCCCD: Purchase Orders and Checks**
Ratify the purchase orders and checks as listed.
- 5.19 **SOCCCD: August 2015 Contracts**
Ratify contracts as listed.

6.0 GENERAL ACTION ITEMS

- 6.1 **SOCCCD: Appointment of Trustee Representative for 2015**
Approve nomination of one trustee to serve as a representative to the District Audit Committee.
- Trustee Milchiker nominated Trustee Prendergast to serve as one of the three board representatives to the District Audit Committee, replacing former Trustee Padberg. Trustee Jemal seconded the motion. The board unanimously approved the nomination on a 5-0 vote with Trustee Prendergast abstaining.
- 6.2 **SOCCCD: Authorization of Payment to Trustee Absent from Board Meeting**
Authorize payment to Trustee Jemal who was absent from the August 24, 2015 board meeting.
- On a motion made by Trustee Wright and seconded by Trustee Lang, this item was approved on a 5-0 vote with Trustee Jemal abstaining.
- 6.3 **SOCCCD: Trustee Travel and Compensation**

Approve annual individual travel expenditures of the chancellor and trustees and approve report of all district compensation received by each trustee during the 2014-15 fiscal year.

On a motion made by Trustee Lang and seconded by Trustee Jemal, this item was approved on a 6-0 vote.

- 6.4 **SOCCCD: Board Policy Revision: BP-4011.1 Full-time Faculty Hiring, AR-4011.1 Recruitment: Full-time Faculty, BP-4309 Duties and Responsibilities of the Faculty**
Discussion/Approval

On a motion made by Trustee Jemal and seconded by Trustee Prendergast, this item was approved on a 6-0 vote.

- 6.5 **SOCCCD: Board Policy Revision: BP-101 Missions, BP-4117 Family Medical Leave for Administrators and Classified Management Personnel, BP-5050 Student Success and Support Programs, BP-5404 Sexual and Other Assaults**
Accept for review and study.

On a motion made by Trustee Jemal and seconded by Trustee Wright, this item was approved on a 6-0 vote.

- 6.6 **SOCCCD: ATEP Utilities and Infrastructure Project, Phase 1, Architectural Services, Dougherty + Dougherty Architects, LLP**
Approve the architectural/ engineering agreement with Dougherty + Dougherty Architects, LLP for the ATEP Site Utilities and Infrastructure project, Phase I in the amount of \$523,100.

On a motion made by Trustee Lang and seconded by Trustee Jay, this item was approved on a 6-0 vote.

- 6.7 **SOCCCD: ATEP Land Exchange Demolition Project, Change Order No.3, AMPCO Contracting, Inc.**
Approve Board Change Order No. 3 for the ATEP Land Exchange Demolition project and authorize staff to execute the corresponding change order with AMPCO Contracting, Inc. which will result in a decrease of \$25,999.73, for a revised contract of \$2,399,000.27.

On a motion made by Trustee Lang and seconded by Trustee Milchiker, this item was approved on a 6-0 vote.

- 6.8 **SOCCCD: ATEP Land Exchange Demolition, Notice of Completion, AMPCO Contracting, Inc.**
Authorize filing the Notice of Completion for ATEP Land Exchange Demolition Project to AMPCO Contracting, Inc. for a final amount of \$2,399,000.27.

On a motion made by Trustee Jemal and seconded by Trustee Wright, this item was approved on a 6-0 vote.

6.9 SOCCCD: Saddleback College Technology and Applied Science (TAS) Swing Space Project, Change Order No. 2, Solpac Construction, Inc. (dba Soltek Pacific Construction Company)

Approve Board Change Order No. 2 in the amount of \$62,297 with Solpac Construction, Inc. (dba Soltek Pacific Construction Company) for the Saddleback College Technology & Applied Science Building Swing Space project for a total contract amount of \$6,981,450.

On a motion made by Trustee Jemal and seconded by Trustee Lang, this item was approved on a 6-0 vote.

6.10 SOCCCD: Saddleback College Technology and Applied Science (TAS) Building Swing Space Project, Architectural Services Agreement, Amendment No. 7, R2A Architecture

Approve Amendment No. 7, in the amount of \$3,838 with R2A Architecture, for the Saddleback College Technology & Applied Science Building Swing Space project for a total fee of \$751,118.

On a motion made by Trustee Lang and seconded by Trustee Jemal, this item was approved on a 6-0 vote.

6.11 SOCCCD: Saddleback College Advanced Technology and Applied Science (ATAS) Renovation Project, Hire Construction Manager, McCarthy Building Companies, Inc.

Approve the preconstruction services agreement, for a not to exceed amount of \$116,340, and the construction management services agreement for an amount of \$806,217 with McCarthy Building Companies, Inc., for a total value of \$922,557 for the Saddleback College Advanced Technology and Applied Science Renovation project.

On a motion made by Trustee Lang and seconded by Trustee Milchiker, this item was approved on a 6-0 vote.

6.12 SOCCCD: Recess to Public Hearing – Initial Proposal from SOCCCD Police Officers Association

Conduct a public hearing to provide an opportunity for the public to comment on the POA proposal to District.

A Public Hearing was held to allow the District to enter into collective bargaining negotiations pursuant to the requirements of California Government Code 3547.

6.13 SOCCCD: District Initial Proposal to SOCCCD Police Officer Association

Acceptance of District initial proposal to the SOCCCD Police Officer Association for review and study, and set a public hearing on the proposal

for the October 2015 Board meeting.

On a motion made by Trustee Lang and seconded by Trustee Jemal, this item was approved on a 6-0 vote.

6.14 SOCCCD: Academic Personnel Actions – Regular Items

Approve New Personnel Appointments, Additional Compensation: General Fund, Additional Compensation: Categorical/Non-General Fund, Workload Banking, Resignation/Retirement/Conclusion of Employment.

On a motion made by Trustee Milchiker and seconded by Trustee Jemal, this item was approved on a 6-0 vote.

6.15 SOCCCD: Classified Personnel Actions – Regular Items

Approve New Personnel Appointments, Authorization to Establish and Announce a Classified Position, Reorganization, Authorization to Change Classified Positions, Reclassification, Change of Status, Out of Class Assignments, Out of Class Assignment End/Return to Permanent Assignment, Leave of Absence, Resignation/Retirement/Conclusion of Employment, Volunteers.

On a motion made by Trustee Wright and seconded by Trustee Jemal, this item was approved on a 6-0 vote.

6.16 SOCCCD: 2015-2016 Full-Time Faculty Hiring Amendment – Saddleback College

Approve amended 2015-2016 full-time faculty hiring list for Saddleback College.

On a motion made by Trustee Jemal and seconded by Trustee Milchiker, this item was approved on a 6-0 vote.

7.0 REPORTS

7.1 SOCCCD: Saddleback and Irvine Valley College Foundation Annual Report

Executive Directors of Irvine Valley and Saddleback College Foundations will provide summary information on the accomplishments FY 2015-2016, financial summary, and highlights of major initiatives planned FY 2015-2016.

7.2 SOCCCD: Administrative Staffing Levels at the District

Information on SOCCCD's proportion of educational administrators compared to other California Community College multi-college Districts.

7.3 SOCCCD: Staff response to public comments from the previous board meeting

Response to public comment made by an Irvine Valley College student at the July 20 board meeting regarding allegation of discrimination.

- 7.4 **Saddleback College and Irvine Valley College: Speakers**
A listing of speakers for events and/or classes at Saddleback College and Irvine Valley College.
- 7.5 **SOCCCD: Basic Aid Report**
Report on projected receipts and approved projects.
- 7.6 **SOCCCD: Monthly Financial Status Report**
The reports display the adopted budget, revised budget and transactions through August 31, 2015.
- 7.7 **SOCCCD: Retiree (OPEB) Trust Fund**
Report for the period ending August 31, 2015.
- 7.8 **SOCCCD: Facilities Plan Status Report**
Status of current construction projects.

8.0 REPORTS FROM ADMINISTRATION AND GOVERNANCE GROUPS

*Reports by the following individuals and groups may be written and submitted through the docket process prior to distribution of the Board agenda packet. **Speakers are limited to two minutes each.***

- A. Saddleback College Academic Senate
- B. Faculty Association
- C. Irvine Valley College Academic Senate
- D. Vice Chancellor, Technology and Learning Services
- E. Vice Chancellor, Human Resources
- F. Vice Chancellor, Business Services
- G. Irvine Valley College Classified Senate
- H. California School Employees Association
- I. Saddleback College Classified Senate
- J. Police Officers Association

9.0 ADDITIONAL ITEMS

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

Meeting adjourned at 8:58 p.m. in memory of Saddleback College student Shayan Mazroei.



Gary L. Poertner, Secretary