



GOVERNING BOARD AGENDA
REGULAR MEETING, GOVERNING BOARD
PALOMAR COMMUNITY COLLEGE DISTRICT
GOVERNING BOARD ROOM, STUDENT SERVICES CENTER
COLLEGE CAMPUS
SAN MARCOS, CALIFORNIA
TUESDAY, FEBRUARY 10, 2004
6:00 P.M. (CLOSED SESSION) - 7:00 P.M. (OPEN SESSION)

NOTICE TO PUBLIC: In accordance with Board Procedure 12.10.1, members of the public who wish to address the Board on matters within its jurisdiction have a five-minute time limit per person. The Board may ask a group to select a spokesperson and may limit the number of speakers on a particular topic unless the proposed speakers are addressing different concerns.

The Open Session of the Board meets the second and fourth Tuesday of every month starting at 7:00 p.m. in the Governing Board Room of the Student Services Building on the Palomar College Campus in San Marcos, California, unless changed in advance by Board action. Anyone having an interest in documents on file should call the Governing Board's Executive Assistant in the President's Office on extension 2104.

| | | |
|------|---|-------|
| A. | Call to Order (6 p.m.) | 2 |
| B. | Roll Call | 2 |
| BB. | Closed Session | 2 |
| BBB. | Open Session (7 p.m.) | 2 |
| C. | Approval of Minutes | 2 |
| D. | Call for Removal of Items from or Changes to Agenda | 2 |
| E. | Report of the Board President | 2 |
| F. | Reports of the Governing Board Members | 2 |
| G. | Report of the Superintendent/President | 2-3 |
| H. | Consent Calendar | 3-11 |
| I. | Action on Items Removed from Consent Calendar | 11 |
| J. | Reports from College Groups | 12 |
| K. | Comments from Other Individuals or Groups | 12 |
| L. | Unfinished Business | 12 |
| M. | New Business | 12-17 |
| N. | Closed Session | 17 |
| O. | Reconvene to Open Session | 18 |
| P. | Adjournment | 18 |

A. CALL MEETING TO ORDER

B. ROLL CALL

Establishment of a Quorum

BB. CLOSED SESSION

1. Public Employee Discipline/Dismissal/Release, pursuant to Government Code 54957.6.
2. Conference regarding negotiations with CCE/AFT, pursuant to Government Code 54957.6.
3. Conference regarding negotiations with PFF/AFT, pursuant to Government Code 54957.6.
4. Conference regarding discussion with Other Unrepresented Employees, pursuant to Government Code 54957.6.
5. Review of tort claim, pursuant to Government Code 54956.95.
6. Consider granting honorary degree, pursuant to Ed. Code 72122.

BBB. RECONVENE TO OPEN SESSION

Pledge of Allegiance

C. RECOMMENDATION: ACTION - APPROVAL OF MINUTES

1. The Governing Board hereby approves the Minutes of the Regular Meeting of January 13, 2004.
2. The Governing Board hereby approves the Minutes of the Special Meeting/Workshop of January 27, 2004.

D. CALL FOR REMOVAL OF ITEMS FROM OR CHANGES TO AGENDA

E. REPORT OF THE GOVERNING BOARD PRESIDENT

F. REPORTS OF THE GOVERNING BOARD MEMBERS

G. REPORT OF THE SUPERINTENDENT/PRESIDENT

1. Report by Presidential Search Committee Consultant – Dr. Carl Ehmann

Exhibit G-1

2. Report of Vice President for Instruction
 - a. Student Access to the “Golden Four”
3. Report of Vice President for Student Services
4. Report of Vice President for Finance and Administrative Services
 - a. Audit Report **Exhibit G-4a**

5. Report of Vice President for Human Resource Services
 - a. Middle Management Position and Salary Comparison Study

| |
|-------------------------|
| CONSENT CALENDAR |
|-------------------------|

NOTICE TO PUBLIC: *There will be no separate discussion of these items unless a Governing Board member or member of the public requests that particular item(s) be removed from the Consent Calendar. Items so removed will be considered separately. All matters remaining under Consent Calendar are considered to be routine and will be approved by one motion.*

H. CONSENT CALENDAR

BUSINESS SERVICES

1. RECOMMENDATION: ACTION – REVIEW AND APPROVE PURCHASES MADE FOR PRIOR SIXTY DAYS

The Governing Board hereby reviews and approves the following purchase transactions and contracts entered into on behalf of the Palomar Community College District. All of the following purchases are made against the 2003-2004 fiscal year budget:

| | | | | |
|-----------------------|----------------------------------|---------|---------|-----------------------|
| Re-Encumbered | | | | |
| FY 2003 PO's | 0400026 | through | 0400027 | \$ 1,135.00 |
| Purchase Orders | 0440211 | through | 0440336 | \$ 581,920.75 |
| Travel | 0450039 | through | 0450060 | \$ 8,286.50 |
| Advertising/Increases | 0460026 | through | 0460047 | \$ 80,826.84 |
| Employment Ads | 0465009 | through | 0465011 | \$ 1,200.33 |
| Agreement/Services | 0470332 | through | 0470390 | \$ 271,816.51 |
| Repairs | 0475060 | through | 0475079 | \$ 20,151.82 |
| Agreement/Annual | 0480155 | through | 0480162 | \$ 7,223.98 |
| Utilities | 0495057 | through | 0495057 | \$ 700.75 |
| Procurement Card | Time Period: 10/23/03 - 11/22/03 | | | \$ 90,936.32 |
| | Time Period: 11/23/03 - 12/22/03 | | | \$ 70,477.28 |
| | Time Period: 12/23/03 - 01/22/04 | | | \$ 98,162.87 |
| | | | | <u>\$1,232,838.95</u> |

GIFTS

2. RECOMMENDATION: ACTION – ACCEPT GIFTS

The Governing Board hereby accepts the following gifts and directs that an appropriate letter of appreciation be sent to the donors:

- a. Two Lone Goose 5-in-1 flight timers with mounting brackets and three Lone Goose 5-in-1 flight timers with sound annunciation and mounts to be used on flight simulators in the lab for the instrument flight course, donated by **David Barrett**, 2034 Costa Vista Way, Oceanside, California 92054. Total cash value as estimated by donor is \$589.60.
- b. Stained glass pieces for use in student projects in the glassblowing classes, donated by **Don Kraft**, 4182 Sorrento Valley Blvd, San Diego, California 92121. Total cash value as estimated by donor is \$250.00.

DESTRUCTION OF RECORDS

3. **RECOMMENDATION: ACTION - CONFIRM CLASSIFICATION OF RECORDS TO CLASS 3-DISPOSABLE; AND AUTHORIZE DESTRUCTION PURSUANT TO TITLE 5, §16023 THROUGH §16028, CALIFORNIA ADMINISTRATIVE CODE**

The Governing Board hereby approves the records identified below, the substance of which is incorporated by this reference, which have been certified by the Director of Enrollment Services, as designee of the Superintendent of the District, as accurate in detail; and approves that the following **records** are hereby confirmed to be **Class 3-Disposable**, and may be **destroyed** in accordance with Article 2, Sections 16023 through 16028, of Article 5, California Administrative Code.

Summer/Fall 1999

- Applications
- Course Requests
- Add/Drop forms
- Drop rosters and cards
- Attendance rosters
- Community Education Applications

FISCAL SERVICES

4. **RECOMMENDATION: ACTION – APPROVE QUARTERLY FINANCIAL STATUS REPORT FOR QUARTER ENDING DECEMBER 31, 2003**

The Governing Board hereby approves the **California Community Colleges Quarterly Financial Status Report (CCFS-311Q)** for quarter ending December 31, 2003. **Exhibit H-4**

5. **RECOMMENDATION: ACTION – APPROVE QUARTERLY REPORT OF CFO REGARDING DISCLOSURE OF DISTRICT INVESTMENTS AS OF DECEMBER 31, 2003**

The Governing Board hereby approves the **Quarterly Report of Chief Financial Officer Regarding Disclosure of District Investments** as of December 31, 2003. **Exhibit H-5**

6. **RECOMMENDATION: ACTION – APPROVE REVOLVING CASH EXPENDITURES FOR DECEMBER, 2003**

The Governing Board hereby approves the **Revolving Cash Expenditures** for the month of December, 2003. **Exhibit H-6**

7. **RECOMMENDATION: ACTION – AUTHORIZE DRAWING NEW WARRANTS**

The Governing Board hereby authorizes the Disbursing Officer to **draw new warrants** as follows:

1. Warrant #76-103419 Dated 5/29/03, in the amount of \$45.00 to Mark S. Light, 1323 Rock Springs Road, San Marcos, CA 92069. Void due to stale dating.
2. Warrant #76-135515 Dated 3/26/96, in the amount of \$19.66 to Yolanda Ayele, 948 Cornwell Court, San Marcos, CA 92069. Void due to stale dating.
3. Warrant #76-098496 Dated 2/20/03, in the amount of \$345.00 to WESTOP, 60 West Olsen Road #3700, Thousand Oaks, CA 91360. Void due to stale dating.

4. Warrant #76-094697 Dated 2/11/03, in the amount of \$5.00 to Erin R. Guanzon, 730 Avenida Abeja, San Marcos, CA 92069. Void due to stale dating.
5. Warrant #76-075049 Dated 5/2/02, in the amount of \$3.00 to Carlo Cavalluzzi, 1285 Granada Way, San Marcos, CA 92069. Void due to stale dating.
6. Warrant # 76-081734 Dated 8/8/02, in the amount of \$57.00 to Elizabeth Dicter, 2116 Sea Island Place, San Marcos, CA 92069. Void due to stale dating.
7. Warrant #76-041737 Dated 2/13/03, in the amount of \$27.00 to Juan Luna, 228 East Drive, Vista, CA 92083. Void due to stale dating.

8. RECOMMENDATION: ACTION – ACCEPT AUDIT REPORT

The Governing Board hereby accepts the Audit Report of the Palomar Community College District, Year Ended June 30, 2003, as prepared by Vicenti, Lloyd, Stutzman LLP, 2100-A Foothill Boulevard, La Verne, California 91750.

PERSONNEL

9. RECOMMENDATION: ACTION – APPROVE PERSONNEL ACTIONS/ HISTORY

The Governing Board hereby approves the **Personnel Actions/History** report, which includes hires and pay rate changes for **student employees** for the month of **January, 2004, and short-term employees** for the month of **February, 2004. Exhibit H-9**

10. INFORMATION: CLASSIFIED PROFESSIONAL GROWTH AWARDS

In accordance with the Professional Growth Program for Classified Employees, the following employees are granted a one-time lump sum stipend of \$2,000.00 effective February 1, 2004, with the understanding that there is a waiting period of three years before beginning another Professional Growth Program:

| | |
|------------------|-------------------------------|
| Employee Name: | Adrianna Ayala |
| Position: | Academic Department Assistant |
| Department: | Nursing Education |
| Course of Study: | Paralegal Program |
| Employee Name: | Marjory Adcock |
| Position: | Graphic Specialist III |
| Department: | Graphic Communications |
| Course of Study: | G.E./Transfer Courses |

11. INFORMATION: CLASSIFIED PROFESSIONAL GROWTH AWARDS

In accordance with the Professional Growth Program for Classified Employees, the following employees are granted a \$500.00 annual stipend, prorated on a monthly basis, effective February 1, 2004:

Employee Name: Marcela Gomez
 Position: Sr. Office Specialist
 Department: ESL
 Course of Study: BA Degree Courses

Employee Name: Michelle Usher
 Position: Senior Office Specialist
 Department: Child Development Center
 Course of Study: Work-Related Courses

12. RECOMMENDATION: ACTION - RATIFY RESIGNATIONS

The Governing Board hereby ratifies the recommendation of the Superintendent/President granting the **resignation** of the following **employees**:

- a. **SIA H. KAUFMAN**, Teacher, Child Development Center, effective January 17, 2004, (last day of employment January 16, 2004).
- b. **CUONG V. NGUYEN**, PIC/BOGW Program Coordinator, Student Affairs, effective January 26, 2004, (last day of employment January 23, 2004).

13. RECOMMENDATION: ACTION – RATIFY ASSIGNED TIME TO ACADEMIC CONTRACT

The Governing Board hereby ratifies the recommendation of the Superintendent/President regarding the **assigned time** for faculty for the Spring, 2004, Semester:

| Name | Assignment | Department/Position | Assigned Time |
|--------------------|------------|---------------------|---------------|
| Kelber, Barbara N. | President | The Faculty | 20% |

14. RECOMMENDATION: ACTION - RATIFY CORRECTION OF ASSIGNED TIME TO ACADEMIC CONTRACT

The Governing Board hereby ratifies the recommendation of the Superintendent/President regarding the **correction of assigned time and monthly stipend** for faculty for the 2003-2004 Academic Year:

| Name | Assignment | Department/Position | Assigned Time | Monthly Stipend |
|---------------|------------|---------------------|---------------|-----------------|
| Houser, Jerry | Chair | Earth Sciences | 40% | \$414.50 |

17. RECOMMENDATION: ACTION - RATIFY CONTRACT CHANGE

The Governing Board hereby ratifies the recommendation of the Superintendent/President that the **reassigned time** to the following academic contracts be approved:

- a. Name : **LINDA LOCKLEAR**
Remarks: 20% reassigned time for Spring, 2004, semester to work with the Hewlett Packard Tribal Digital Village Project
Effective: January 20, 2004 through May 22, 2004
Account #: K-131100-363500-20010-1812112/100%
- b. Name : **KAREN HUFFMAN**
Remarks: 40% reassigned time for Spring, 2004, semester to work on innovative project to develop educational tools focusing on core concepts for the introduction to psychology course
Effective: January 20, 2004 through May 22, 2004
Account #: A-133100-363500-20010-0000000/100%

18. RECOMMENDATION: ACTION – GRANT EQUIVALENCY FOR DISCIPLINE

Upon the recommendation of the Faculty Senate Equivalency Committee, the Governing Board hereby grants the following individuals **equivalency to minimum qualifications** for the disciplines listed:

Albert Brooks – Cabinet and Furniture Technology
Scott Wardinsky – Dance
Glen Borland – Engineering
John Esposito – English
Les Reich – ROP Computer Science Information Systems
Joseph Bunn – Fire Technology

19. RECOMMENDATION: ACTION – RATIFY PART-TIME FACULTY EMPLOYMENT

The Governing Board hereby ratifies the recommendation of the Superintendent/President regarding the **employment of the following part-time faculty**, at the rates indicated for Spring, 2004 (day and/or evening); said part-time faculty are not scheduled to teach more than a 60-percent load in a single semester:

SPRING 2004

ART

| | | |
|-------------------|----------------------|---------|
| Pierson, Jennifer | Art | \$40.71 |
| | B.A., Graphic Design | |
| | M.A., Art | |
| | M.F.A., Art | |

BEHAVIORAL SCIENCES

| | | |
|--------------------|------------------|---------|
| Melenyk, Genevieve | Psychology | \$38.24 |
| | M.A., Psychology | |

CHEMISTRY

| | | |
|-------------------------|-----------------|---------|
| Thiyagarajah, Selakilli | Chemistry | \$38.24 |
| | M.S., Chemistry | |

c. Name: **GRANT J. BROWN**
Position: Community Service Officer
Department: Palomar College Police Department
Position #: 6193 New?: No
Remarks: Replacement for Judith Harzewski; funded – Parking Lot Fees.
Sal Grade/Step: **11/1** Salary: **\$2,142.73/month**
% of Position: 100% # of Mos: 12
Effective: February 11, 2004
Account #(s): K-212200-543100-69500-1812070/100%

21. RECOMMENDATION: ACTION – RATIFY DENIAL OF REQUEST FOR LEAVE

The Governing Board hereby ratifies the recommendation of the Superintendent/President **disapproving the request for leave of absence** for **OLIVIA ROMERO-WALSH**, and that Ms. Romero-Walsh's name be **placed on a re-employment list**, effective February 11, 2004, through August 10, 2007, in accordance with Education Code Section 88192.

22. RECOMMENDATION: ACTION - RATIFY PLACEMENT ON RE-EMPLOYMENT LIST

The Governing Board hereby ratifies the recommendation of the Superintendent/President **placing EMMETT G. LOGAN on a re-employment list**. Placement will be effective February 11, 2004, through August 10, 2007, in accordance with Education Code Section 88192.

TRAVEL

23. RECOMMENDATION: ACTION – APPROVE TRAVEL EXPENSES

The Governing Board hereby approves/ratifies travel expenses for the following persons:

- a. **NANCY C. CHADWICK**
Advanced Funds? Yes
For: Mileage, meal, registration,
To attend: SDICCCA Annual Trustees Dinner and Workshop
Location: Imperial Valley, California
Date: February 25, 2004
Amount: \$151.25
Budget Acct. No.: 575200-11-111100-66100-10-2004-0000000
- b. **DARRELL L. McMULLEN**
Advanced Funds? Yes
For: Mileage, meal, registration,
To attend: SDICCCA Annual Trustees Dinner and Workshop
Location: Imperial Valley, California
Date: February 25, 2004
Amount: \$151.25
Budget Acct. No.: 575200-11-111100-66100-10-2004-0000000

| |
|---|
| Resumption of REGULAR AGENDA |
|---|

I. ACTION ON ITEMS REMOVED FROM CONSENT CALENDAR

J. REPORTS FROM COLLEGE GROUPS

1. **INFORMATION:** Report of the **Faculty Senate**
2. **INFORMATION:** Report of the **Palomar Faculty Federation**
3. **INFORMATION:** Report of **The Faculty**
4. **INFORMATION:** Report of the **Administrative Association**
5. **INFORMATION:** Report of the **Confidential and Supervisory Team**
6. **INFORMATION:** Report of the **CCE/AFT**
7. **INFORMATION:** Report of the **Associated Student Government**

K. COMMENTS FROM OTHER INDIVIDUALS AND GROUPS

1. **INFORMATION:** Comments from **Other** Individuals or Groups

In accordance with Board Procedure 12.10.1, members of the public who wish to address the Board on matters within its jurisdiction have a five-minute time limit per person. The Board may ask a group to select a spokesperson and may limit the number of speakers on a particular topic unless the proposed speakers are addressing different concerns.

L. UNFINISHED BUSINESS

1. **RECOMMENDATION: ACTION – APPROVE APPOINTMENT OF FACULTY MEMBERS OF PRESIDENTIAL SEARCH COMMITTEE**

The Governing Board hereby approves the appointment of the following faculty members of the Presidential Search Committee:

| MEMBER | TITLE | GROUP |
|-----------------|---|-------------------------------|
| | | Committee Co-Chair Faculty |
| | | Faculty |
| | | Faculty |
| | | Faculty |
| | | Faculty |
| | | Faculty |
| | | Faculty |
| | | PFF |
| | | Adjunct Faculty |
| Ms. Josie Silva | Administrative Assistant Human Resource Services | Committee Facilitator |

M. NEW BUSINESS

1. RECOMMENDATION: ACTION - EXCUSE ABSENCE OF STUDENT TRUSTEE

In accordance with Section 72425(c) of the California Education Code, the Governing Board finds that the absence of Amador Soto from the Governing Board Meeting held January 27, 2004, is excused due to attendance not needed at workshop.

2. RECOMMENDATION: ACTION – APPROVE RESOLUTION SUPPORTING PROPOSITION 55 - THE KINDERGARTEN-UNIVERSITY PUBLIC EDUCATION FACILITIES BOND ACT OF 2004

WHEREAS, California's K-12 schools, community colleges, and public universities face tremendous needs in classroom construction, restoration and earthquake retrofitting; and

WHEREAS, more than 2.4 million students are enrolled in California's public higher education system, which includes the University of California, the California State University, and the California Community Colleges; and

WHEREAS, the Kindergarten-University Public Education Facilities Bond Act of 2004 will help prepare students for the workplace of the 21st century and high-skilled, high-wage jobs; and

WHEREAS, more than \$35 billion per year is contributed to the state's economy through California's three higher education systems, and there is a direct correlation between California's future economic and cultural prosperity and the availability of educational opportunities for its citizens through community colleges and other higher education institutions; and

WHEREAS, the total unmet facilities needs for the community college system have been estimated at approximately \$14.8 billion to fund needed new facilities and upgrade existing buildings to meet enrollment growth and provide students access to new technologies; and

WHEREAS, the Kindergarten-University Public Education Facilities Bond Act of 2004 would provide \$2.3 billion for public higher education facilities including \$920 million over the next two years for the California Community Colleges for building projects to serve the educational needs of the system's 1.75 million students; and

WHEREAS, California's historical policy of access to higher education for all eligible students is threatened, and

WHEREAS, the Palomar Community College District believes that every effort should be made to inform voters about the impact of passage of the Kindergarten-University Public Education Facilities Bond Act of 2004 on local residents and students and their community college(s); now

THEREFORE, BE IT RESOLVED, that the Governing Board of the Palomar Community College District supports the Kindergarten-University Public Education Facilities Bond Act of 2004 and encourages students and voters to become aware of the pros and cons of passage of the Kindergarten-University Public Education Facilities Bond Act of 2004 and the impact of its passage upon Palomar College.

3. RECOMMENDATION: ACTION – APPROVE RESOLUTION SUPPORTING PROPOSITION 56 - THE BUDGET ACCOUNTABILITY ACT

WHEREAS, the Budget Accountability Act on the March 2004 state ballot would require a 55 percent rather than a two-thirds vote of the Senate and Assembly to adopt a state budget; and

WHEREAS, the Budget Accountability Act would provide incentives for lawmakers to progress with their work, including: withholding salary and expenses from the Governor and Legislature if the budget is not passed and signed by the constitutional deadline; requiring the Legislature to remain in session and not act on other legislation until the budget is adopted, except in response to an emergency declared by the Governor; providing for a “rainy day” reserve fund of five percent to be established in good years to cushion the state from severe cuts in a bad economy; and requiring the state ballot pamphlet that goes to voters at each election to contain a brief summary of how the state spends the money it receives; and

WHEREAS, California is one of only three states (in addition to Rhode Island and Arkansas) in which a two-thirds majority is needed to approve a state budget; and

Whereas, the high vote threshold has been cited as the primary reason the Legislature frequently has been unable to adopt a timely budget, having missed the June 15 deadline for adopting a budget eighteen times in the last 22 years and having begun a new fiscal year without an approved budget in place nine times over the past thirteen years; and

WHEREAS, the Palomar Community College District Governing Board does not have sufficient information for adopting an appropriate budget when the Legislature has not acted by its deadline;

THEREFORE, BE IT RESOLVED, that the Governing Board of Palomar Community College District supports the Budget Accountability Act and encourages voters to become aware of the pros and cons of passage of the Budget Accountability Act and the impact of its passage upon the District.

4. RECOMMENDATION: ACTION – APPROVE RESOLUTION SUPPORTING PROPOSITION 57 – THE ECONOMIC RECOVERY BOND ACT

WHEREAS, the Economic Recovery Bond Act (Proposition 57) on the March 2004 state ballot is a one-time bond of up to fifteen billion dollars to retire the state deficit; and

WHEREAS, state spending has exceeded revenues for three years, creating funding losses and volatility in state funding which have undermined stable, predictable and adequate funding to community colleges; and

WHEREAS, this bond measure would consolidate the deficit and allow California to restore fiscal stability without raising taxes; and

WHEREAS, California needs to set its fiscal house in order to start building for the future; and

WHEREAS, Proposition 57 will allow community colleges to continue to provide quality programs and services for students and assist them in preparing for employment or transfer to a four-year university; and

WHEREAS, Proposition 57 will keep the state solvent and prevent drastic cuts in education, health care, local government and public safety; and

WHEREAS, Proposition 57 will present the voters with the opportunity to determine whether a deficit bond should be enacted to provide fiscal stability for California's future; and

WHEREAS, this bond measure will not take effect unless voters also approve the California Balanced Budget Act (Proposition 58), which prohibits borrowing to pay deficits ever again and requires enactment of a balanced budget; and

WHEREAS, the failure of this bond could result in mid- and future-year cuts for public education including community colleges, thus placing extreme hardship upon community colleges and the students they serve as well as all other publicly-funded agencies;

WHEREAS, Proposition 57 is fully funded by dedicating one-quarter cent for the existing sales tax rate; and

WHEREAS, Proposition 57 would require no tax increase to pay the deficit bond;

THEREFORE, BE IT RESOLVED, that the Trustees of the Palomar Community College District support Proposition 57 (The Economic Recovery Bond Act) and encourage voters to become aware of the implications of its passage upon Palomar Community College District.

5. **RECOMMENDATION: ACTION – APPROVE RESOLUTION SUPPORTING PROPOSITION 58- THE CALIFORNIA BALANCED BUDGET ACT**

WHEREAS, Proposition 58 (The Balanced Budget Act) requires the enactment of a balanced budget, addresses fiscal emergencies, and establishes a budget reserve; and

WHEREAS, Proposition 58 amends the California Constitution to require enactment of a balanced state budget, establish a state budget reserve, and place limits on future borrowing to finance state budget deficits; and

WHEREAS, the Balanced Budget Act would require the Governor and Legislature to enact a balanced budget, and require the legislature to postpone other action until a budget is adopted; and

WHEREAS, Proposition 58 would require that spending not exceed income each fiscal year, and establish a reserve of at least \$8 billion; and

WHEREAS, Proposition 58 would prohibit borrowing in the future to pay off deficits; and

WHEREAS, the balanced budget and debt limitation provisions in Proposition 58 are likely to result in more immediate actions to correct budgetary shortfalls;

WHEREAS, the provisions above would become operative only if the voters approve Proposition 57 (The Economic Recovery Bond Act) as well as Proposition 58; and

WHEREAS, if this measure fails, the result will be massive reductions to the California community college system, the students served by that system, and other public agencies;

THEREFORE, BE IT RESOLVED, that the Governing Board of the Palomar Community College District supports Proposition 58 (The California Balanced Budget Act) and encourages voters to become aware of the implications of its passage upon Palomar Community College District.

6. RECOMMENDATION: ACTION – APPROVE ADOPTION OF STATEWIDE AVERAGE RATE OF \$149 PER UNIT FOR 2004-05 NONRESIDENT TUITION FEE; \$10 PER UNIT CAPITAL OUTLAY, MAINTENANCE, AND EQUIPMENT FEE; AND A \$25 NONREFUNDABLE INTERNATIONAL STUDENT APPLICATION PROCESSING FEE EFFECTIVE SUMMER, 2004

BE IT RESOLVED, That the Palomar Community College District shall adopt the Statewide Average Rate of \$149 per unit of credit for the 2004-2005 Nonresident Tuition Fee for all nonresident students;

BE IT FURTHER RESOLVED, That Palomar Community College District charge nonresident students who are both citizens and residents of a foreign country \$10 per unit of credit for the 2004-2005 Fiscal Year. This \$10 fee is for the purposes of capital outlay, maintenance and equipment expenditures which are not covered in the above calculated Nonresident Tuition Fee and is authorized under Education Code 76141.

BE IT FURTHER RESOLVED, That Palomar Community College District charge a non-refundable International Student Application Processing Fee of \$25.

BE IT FURTHER RESOLVED, That these fees be effective beginning with the Summer 2004 session. **Exhibit M-6**

7. RECOMMENDATION: ACTION – REJECT CLAIM

The Governing Board of the Palomar Community College District hereby **rejects the claim** for personal injuries filed by **Robert R. Benson Jr.** and refers it to the District's Claim Administrator for handling.

8. RECOMMENDATION: ACTION – APPROVE LEASE PURCHASE FINANCING AGREEMENT FOR NEW CONSTRUCTION OF PORTABLE BUILDING FOR CAMPUS POLICE AND AUTHORIZE SIGNERS OF AGREEMENT

The Palomar Community College District (the "District") desires to enter into that certain Lease-Purchase Agreement dated as of February 1, 2004, by and between the District and the **Public Capital Corporation**, for the purpose of financing a portable building to relocate Campus Police to the San Marcos campus. The District desires to designate Jerry R. Patton, Vice President, Finance and Administrative Services, and Ken Jay, Director, Business Services, as authorized signers of the Agreement.

NOW THEREFORE, BE IT RESOLVED BY THE PALOMAR COMMUNITY COLLEGE DISTRICT:

Section 1. That the District will enter into a Lease Purchase Agreement with Public Capital Corporation, for the purpose of financing Portable Building.

Section 2. The District will designate Jerry R. Patton, Vice President, Finance and Administrative Services, and Ken Jay, Director, Business Services, as authorized signers of the Lease Purchase Agreement dated as of February 1, 2004, by and between the District and Public Capital Corporation. **Exhibit M-8**

9. RECOMMENDATION: ACTION – AUTHORIZATION FOR SOLICITATION OF BIDS FOR VARIOUS CONSTRUCTION PROJECTS SCHEDULED IN SPRING, 2004

The Governing Board hereby authorizes the Office of Contract Services to competitively bid those construction projects identified in the attached memorandum as **Exhibit M-9**, and incorporated herein by this reference, as the construction projects to be undertaken in Spring, 2004, and to execute contracts within the limits of available funding to the lowest, responsive bidders in each area of work described in **Exhibit M-9**, subject to later ratification by the Governing Board.

10. RECOMMENDATION: ACTION – APPROVE CHANGE OF NAMES ON TAX SHELTERED ANNUITY PROVIDER AND CUSTODIAL ACCOUNT AGREEMENTS

The Governing Board hereby approves an amended tax-sheltered annuity agreement changing the name of the annuity provider from Aid Association for Lutherans to Thrivent Financial for Lutherans, and changing the name of the custodial account from Lutheran Brotherhood Sec Corp. to Thrivent Investment Management, Inc. The Governing Board authorizes the Vice President of Finance and Administrative Services to execute all documents required to carry out this action, effective January 1, 2004.

11. RECOMMENDATION: ACTION - APPROVE 2003-2004 CHILD DEVELOPMENT AGREEMENT CONTRACT NUMBER FIMS-3546, INSTRUCTIONAL MATERIALS, ACCEPT FUNDING FROM THE CALIFORNIA DEPARTMENT OF EDUCATION AND AUTHORIZE DESIGNATED PERSONNEL TO SIGN CONTRACT

The Governing Board hereby approves **Child Development Services** agreement, Contract Number FIMS-3546, between the Palomar Community College District and **California Department of Education**, effective July 1, 2003, through June 30, 2004, and accepts funding in the amount of \$998.00 for instructional materials for the Child Development Centers.

The Governing Board hereby authorizes, Jerry R. Patton, Vice President, Finance and Administrative Services, and Ken Jay, Director, Business Services, to sign contract documents of the California Department of Education – Child Development Services.
Exhibit M-11

12. RECOMMENDATION: ACTION – APPROVE AGENDA ITEMS FOR CONSIDERATION AT NEXT MEETING

The Governing Board hereby approves the listing of the following items on the agenda for consideration at the next meeting: _____

N. CLOSED SESSION

1. Public Employee Discipline/Dismissal/Release, pursuant to Government Code 54957.6.
2. Conference regarding negotiations with CCE/AFT, pursuant to Government Code 54957.6.
3. Conference regarding negotiations with PFF/AFT, pursuant to Government Code 54957.6.
4. Conference regarding discussion with Other Unrepresented Employees, pursuant to Government Code 54957.6.
5. Review of tort claim, pursuant to Government Code 54956.95.
6. Consider granting honorary degree, pursuant to Ed. Code 72122.

O. RECONVENE TO OPEN SESSION

P. ADJOURNMENT