



GOVERNING BOARD AGENDA
REGULAR MEETING, GOVERNING BOARD
PALOMAR COMMUNITY COLLEGE DISTRICT
GOVERNING BOARD ROOM, STUDENT SERVICES CENTER
COLLEGE CAMPUS
SAN MARCOS, CALIFORNIA
TUESDAY, APRIL 13, 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 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
DD.	Hearing	2
DDD.	Action	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	3-9
I.	Action on Items Removed from Consent Calendar	9
J.	Reports from College Groups	9
K.	Comments from Other Individuals or Groups	9
L.	Unfinished Business	9
M.	New Business	10-17
N.	Closed Session	17
O.	Reconvene to Open Session	17
P.	Adjournment	17

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 Section 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. Public Employment, pursuant to Government Code 54957.
6. Conference with Real Property Negotiator, pursuant to Government Code 54956.8.
Property APNs as follows:

108-120 Parcels 49, 50, 51	108-121 Parcels 12, 13
108-421 Parcel 03, 04	125-061 Parcel 02, 03
108-370 Parcels 11, 45, 48, 50 52	108-371 Parcel 07
108-440 Parcel 01, 02	323-100 Parcel 11
323-482 Parcel 12	323-500 Parcels 01, 05, 06, 07, 08, 09, 14
323-501 Parcel 02	323-090 Parcel 89
323-091 Parcel 06	

BBB. RECONVENE TO OPEN SESSION

Pledge of Allegiance

C. RECOMMENDATION: ACTION - APPROVAL OF MINUTES

The Governing Board hereby approves the Minutes of the Regular Meeting of March 9, 2004.

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

DD. PUBLIC HEARING

1. Under Government Code 54957, Dr. Daniel Finkenthal requests a public hearing on the Palomar Community College District's complaints and charges against him.

DDD. RECOMMENDATION: ACTION – SEND NOTICE OF UNPROFESSIONAL CONDUCT

1. The Governing Board hereby approves the sending of a Notice of Unprofessional Conduct, pursuant to Education Code Section 87734, to Dr. Daniel Finkenthal.

E. REPORT OF THE GOVERNING BOARD PRESIDENT

F. REPORTS OF THE GOVERNING BOARD MEMBERS

G. REPORT OF THE SUPERINTENDENT/PRESIDENT

1. Recognition of Michelle Forshner, All California Academic First Team Member; and the Alpha Omega Rho Chapter as Recipient of the Pinnacle Award

2. Presidential Search Update – Dr. Carl Ehmann (Refer to item and exhibit M-19)
3. Report of Vice President for Instruction
 - a. Update on CCCSAT and CCC-Confer Grant Project
4. Report of Vice President for Student Services
5. Report of Vice President for Finance and Administrative Services
 - a. Budget Update
6. Report of Vice President for Human Resource Services

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:

Purchase Orders	0440403	through	0440493	\$ 244,489.58
Travel	0450078	through	0450096	\$ 4,773.91
Advertising/Increases	0460061	through	0460072	\$ 11,276.34
Agreement/Services	0470426	through	0470480	\$ 262,294.40
Repairs	0475098	through	0475105	\$ 19,743.28
Agreement/Annual	0480166	through	0480166	\$ 27,500.00
Procurement Card	Time Period: 02/23/04 - 03/22/04			<u>\$ 109,523.50</u>
TOTAL				<u>\$ 679,601.01</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. Used books for student use, donated by **Scott Bass**, 1637 E. Valley Parkway, #270, Escondido, California 92027. Total cash value as estimated by donor is \$300.00.
- b. John Deere tractor to be used for grounds-related work, donated by **Dr. Baher**, 1464 Misty Sea Way, San Marcos, California 92069. Total cash value as estimated by donor is \$3,537.00.

- c. Aircraft Training Manuals (67) for check-out to students for study, donated by **Daryl Dalrymple**, 4643 Valencia Drive, San Diego, California 92115. Total cash value as estimated by donor is \$8,000.00.

TRAVEL

3. RECOMMENDATION: ACTION – APPROVE TRAVEL EXPENSES

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

- a. **Michele T. Nelson**
 - Advanced Funds? Yes
 - For: Meal
 - To attend: Poway State of Community Luncheon
 - Location: Poway, California
 - Date: March 17, 2004
 - Amount: \$30.00
 - Budget Acct. No.: 575200-11-111100-66100-10-2004-0000000

FISCAL SERVICES

4. RECOMMENDATION: ACTION – APPROVE REVOLVING CASH EXPENDITURES

The Governing Board hereby approves the **Revolving Cash Expenditures** for the month of February, 2004, as indicated on **Exhibit H-4**.

5. RECOMMENDATION: ACTION – AUTHORIZE DRAWING NEW WARRANTS

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

Warrant #76-094851 Dated 2/11/03, in the amount of \$102.00 to Melissa L. Brisco, 1202 Borden Rd. #82, Escondido, CA 92026. Void due to stale dating.

Warrant #76-085398 Dated 10/1/02, in the amount of \$12.00 to Reginald Owens, 1269 Sunglow Drive, Oceanside, CA 92056. Void due to stale dating.

Warrant #76-107355 Dated 7/17/03, in the amount of \$48.00 to Javentino Saavedra, 759 Eastbury Drive, Escondido, CA 92025. Void due to stale dating.

Warrant #76-087600 Dated 3/21/04, in the amount of \$165.00 to Matthew R. Prior, 4400 Maple Drive, Oceanside, CA 92056. Void due to stale dating.

Warrant #77-059035, dated 11/20/02, in the amount of \$12.45, payable to Reginald Owens, 1269 Sunglow Drive, Oceanside, California 92056. Void due to stale dating.

PERSONNEL

6. INFORMATION - RETIREMENTS

On behalf of the Governing Board of the Palomar Community College District, the following **retirements** have been accepted by Dr. Sherrill L. Amador, Superintendent/President, as authorized by the Governing Board, under Group I (receive the employer-paid health benefits as provided to active employees and eligible dependents for life of the retiree) of the Retirement Health and Dental Plan approved by the Governing Board December 8, 1987:

- a. **JUDITH E. EBERHART**, Associate Professor/Counselor, Counseling, effective May 22, 2004
- b. **NAN E. HAUGEN**, Associate Professor, Physical Education, effective May 22, 2004
- c. **JOHN S. LEAHY**, Associate Professor, Business Education, effective May 22, 2004
- d. **JOHN D. TANNER**, Associate Professor, Economics, History and Political Science, effective May 22, 2004

On behalf of the Governing Board of the Palomar Community College District, the following **retirements** have been accepted by Dr. Sherrill L. Amador, Superintendent/President, as authorized by the Governing Board, under Group II (receive the employer-paid health benefits as provided to active employees and eligible dependents until the retiree has reached the age of 65, dental for life) of the Retirement Health and Dental Plan approved by the Governing Board December 8, 1987:

- a. **EMMETT G. LOGAN**, Custodian I, Custodial Services, effective January 2, 2004
- b. **DR. GHEORGHE MOZES**, Director, Library/Educational Television, effective May 1, 2004

On behalf of the Governing Board of the Palomar Community College District, the following **retirements** have been accepted by Dr. Sherrill L. Amador, Superintendent/President, as authorized by the Governing Board, under Group III:

- a. **BARBARA A. BALDRIDGE**, Executive Assistant, Superintendent/President's Office, effective July 1, 2004
- b. **CAROLYN H. FUNES**, Associate Professor/Librarian, Library Media Center, effective May 22, 2004
- c. **DR. JACK MIYAMOTO**, Assistant Superintendent/Vice President, Human Resource Services, effective July 1, 2004
- d. **DR. MICHAEL D. ROURKE**, Dean, Math/Natural & Health Sciences, effective July 1, 2004

7. 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 **March, 2004, and short-term employees** for the month of **April, 2004. Exhibit H-7**

8. RECOMMENDATION: ACTION - RATIFY LEAVE OF ABSENCE

The Governing Board hereby ratifies the recommendation of the Superintendent/President granting a **100% Family Leave of Absence without pay and with no effect on benefits**, effective May 12, 2004, through May 31, 2004, and **50% Family Leave of Absence without pay and with no effect on benefits**, effective June 1, 2004, through November 7, 2004, to **Michelle J. Tucker**, Outreach Coordinator, Grant Funded Student Support Programs.

9. RECOMMENDATION: ACTION - RATIFY NEW CLASSIFIED POSITION

The Governing Board hereby ratifies the recommendation of the Superintendent/President regarding the following **new classified position**:

a. Position: **Program Research Specialist**
 Name: Vacant
 Department: Grant Funded Student Support Programs
 Position #: 6288 New?: Yes
 Remarks: Required per 6th year continued funding of GEAR UP grant

 Sal Grade/Stp: **25/1** Salary: **\$3,016.01**
 % of Position: 100% # Mos: 12
 Effective: April 14, 2004
 Account #: K-212200-471200-64990-1112320/100%

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

The Governing Board hereby ratifies the recommendation of the Superintendent/President **placing ANN M. BARNES** on a **re-employment list**. Placement will be effective April 14, 2004, through July 13, 2007.

11. RECOMMENDATION: ACTION - RATIFY CLASSIFIED EMPLOYMENT

The Governing Board hereby ratifies the recommendation of the Superintendent/President regarding the **employment** of the following **classified employees**:

a. Name: **ANNA-KATE HILTON**
 Position: Academic Department Assistant
 Department: Speech Communication/Forensics/American Sign Language
 Position #: 5179 New?: No
 Remarks: Replacement for Debbi Brewer
 Sal Grade/Stp: **19/2** Salary: **\$2,735.16/month**
 % of Position: 100% # of Mos: 12
 Effective: March 16, 2004
 Account #(s): A-212200-329100-60910-0000000/100%

b. Name: **DENISE A. PARKER-ROBERTSON**
 Position: American Sign Language/English Interpreter
 Department: Disability Resource Center
 Position #: 6121 New?: No
 Remarks: Replacement for Denise Vander Stoel
 Sal Grade/Stp: **31/1** Salary: **\$1,570.81/month**
 % of Position: 45% # of Mos: 10
 Effective: March 22, 2004
 Account #(s): A-212200-472100-64200-0000000/100%

- c. Name: **JEANNETTE E. MARTINEZ-DIAZ**
Position: Senior Office Specialist
Department: Grant Funded Student Support Programs
Position #: 5552 New?: No
Remarks: Replacement for Daniel Dryden; transfer for Ms. Martinez-Diaz;
funded – TRIO.
Sal Grade/Stp: **14/8** Salary: **\$2,914.23/month**
% of Position: 100% # of Mos: 12
Effective: May 3, 2004
Account #(s): K-212200-471300-64300-1112300/100%
- d. Name: **SANDRA L. OROZCO**
Position: Counseling Support Specialist
Department: Extended Opportunity Programs & Services
Position #: 5770 New?: No
Remarks: Replacement for Kellis Neidiffer; funded – EOP&S.
Sal Grade/Stp: **16/1** Salary: **\$2,421.16/month**
% of Position: 100% # of Mos: 12
Effective: March 29, 2004
Account #(s): K-212200-473100-64300-1612060/100%
- e. Name: **KELLY A. SNOW**
Position: American Sign Language/English Interpreter
Department: Disability Resource Center
Position #: 5851 New?: No
Remarks: Replacement for Denise Vander Stoel
Sal Grade/Stp: **31/4** Salary: **\$4,041.40/month**
% of Position: 100% # of Mos: 10
Effective: April 14, 2004
Account #(s): A-212200-472100-67200-0000000/100%

12. 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:

Gale Gibbons – Adult Education Exercise and Fitness
Dafu Wu – Chinese
David Ontiveros – Emergency Medical Education

13. 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, Summer, and Fall, 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

EMERGENCY MEDICAL EDUCATION

Ontiveros, David	Emergency Medical Education	\$37.01
	Coursework and 6+ Years Experience as	
	Emergency Medical Technician	

LIBRARY SCIENCE

Wing, Nancy	Library Technology B.A., History M.L.I.S., Library and Information Science	\$38.24
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OCCUPATIONAL & NONCREDIT PROGRAMS

Gibbons, Gale	Community Education (Non-Credit) California Community College Certificate: Body Conditioning & Body Conditioning for Seniors 6+ Years Experience	\$37.01
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PERFORMING ARTS

Antonsen, Ivar	Music California Community College Instructor Credential in Music M.A., Music	\$38.24
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SUMMER, 2004

FOREIGN LANGUAGES

Wu, Dafu	Chinese B.A., Foreign Language (English) & Literature Eminence in Chinese Language (Mandarin)	\$37.01
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PERFORMING ARTS

Smith, Alison	Dance B.A., Anthropology M.F.A., Dance	\$38.24
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PUBLIC SAFETY

Wolfe, Bill	Administration of Justice B.S.L., Law J.D., Law	\$48.11
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FALL, 2004

PUBLIC SAFETY

Moles, Cory	Administration of Justice A.A., General Studies B.S., Criminal Justice	\$37.01
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Poehlman, Michael	Administration of Justice B.S., Criminal Justice M.P.A., Public Administration	\$38.24
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14. RECOMMENDATION: ACTION - RATIFY SWORN CLASSIFIED EMPLOYMENT

The Governing Board hereby ratifies the recommendation of the Superintendent/President regarding the **employment** of the following **sworn classified employee**:

- a. Name: **FRANK J. BRITO**
 Position: Police Officer I
 Department: Palomar College Police Department
 Position #: 5869 New?: No
 Remarks: Replacement for Gerard Perez; funded - Parking Lot Fees
 Sal Grade/Step: **31/1** Salary: **\$3,490.69/month**
 % of Position: 100% # of Mos: 12
 Effective: April 14, 2004
 Account #(s): K-212200-543100-69500-1812070/100%

Administration of Oath of Office to Frank J. Brito

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.

- a. Incident Impacting Palomar College Foundation and Palomar College President's Associates – Dr. George Liggins and Mr. Robert Hahn

L. UNFINISHED BUSINESS

M. NEW BUSINESS

1. RECOMMENDATION: ACTION – TAKE ACTION REQUESTED BY PALOMAR COLLEGE FOUNDATION AND PALOMAR COLLEGE PRESIDENT’S ASSOCIATES

The Governing Board hereby agrees to take the following action as requested by the Palomar College Foundation and the Palomar College President’s Associates in **Exhibit M-1**:

- a. Open an immediate investigation of incident;
- b. Refer incident to the San Diego County Sheriff’s Department; and
- c. Refer incident to the San Diego District Attorney for criminal prosecution.

2. RECOMMENDATION: ACTION – VOTE FOR UP TO TEN CANDIDATES FOR CCCT BOARD ELECTION – 2004

The Governing Board hereby casts its vote for **up to ten** of the following candidates for the **CCCT Board**:

- | | |
|------------------------------------------|----------------------------------------|
| Edward Ortell (Citrus)* | Kay Meek (Kern) |
| Charles Meng (Napa Valley) | Jeanette Mann (Pasadena Area) |
| Bill McMillin (Ohlone) | William McGinnis (Butte-Glenn)* |
| Judi Beck (Shasta-Tehama-Trinity Joint)* | Carolyn Batiste (MiraCosta)* |
| Paul Fong (Foothill-De Anza)* | William Freeman (Hartnell) |
| Kay Albiani (Los Rios)* | Charles Page (Monterey Peninsula) |
| Marie Kiersch (San Luis Obispo County)* | Donald Singer (San Bernardino) |
| Walter Howald (Coast) | Fred Tovar (San Jose-Evergreen) |
| Bettye Underhill (Victor Valley) | Rebecca Garcia (Cabrillo)* |
| Anita Grier (San Francisco)* | Chris Constantin (West Valley-Mission) |
| Herbert Roney (Santa Monica) | Jess Reyes (Contra Costa) |

* Incumbent

3. RECOMMENDATION: ACTION – SET TERM OF OFFICE, SET COMPENSATION, AFFORD PRIVILEGE TO MAKE AND SECOND MOTIONS AND CAST ADVISORY VOTE FOR NON-VOTING STUDENT TRUSTEE FOR 2004-2005

The Governing Board, in accordance with Board Policy 11.1, hereby sets the **compensation** for the non-voting **Student Trustee for 2004-2005**, for a **one-year term**, at **\$400.00 per month** and affords the Student Trustee the privilege to **make and second motions** and **cast an advisory vote**, although the vote shall not be included in determining the vote required to carry any measure before the Board.

4. RECOMMENDATION: ACTION – APPROVE SABBATICAL LEAVES FOR 2004-2005

The Governing Board hereby approves **sabbatical leaves** for **2004-2005** for the following persons:

Fall, 2004

Louise Boehm, Art Department
Lisa DuBois, Earth Sciences
Candice Francis, Life Sciences
Terry Humphrey, Behavioral Sciences
Mark Lane, Earth Sciences
Elizabeth Lowe (Pearson), Life Sciences
Christine Oatman, Art Department
Jorge Saavedra, Mathematics
Anthony W. Smith, Computer Science and Information Systems
Richard Stegman, Computer Science and Information Systems
Cristina Tejeda, Design & Consumer Education
Anne Voth, Mathematics
Gary Zacharias, English Department

Spring, 2005

Michael Arguello, Economics, History and Political Science
G.D.(Doug) Durrant, Art Department
Russell Filbeck, Trades and Industry
Maura Gage, Life Sciences
Sherry Gordon, Business Education
Lori Graham, Design and Consumer Education
Robert Jones, Mathematics
Shannon Lienhart, Mathematics
Patriceann Mead, Performing Arts
Dennis O'Neil, Behavioral Sciences
Susan Snow, Mathematics
Paul Stachelek, Communications Department

5. RECOMMENDATION: ACTION – APPROVE RESOLUTION REAFFIRMING TOLERANCE AND DIVERSITY

Whereas, Palomar College is a public institution of higher education and is comprised of a diverse group of students, faculty, and staff reflective of our communities; and,

Whereas, Palomar College recognizes and appreciates the benefits of a diverse campus community and affirms the ideals of acceptance, respect, equality, and freedom from harassment; and,

Whereas, Palomar College adheres to the principles that guarantee the free flow of ideas in an academic community; and,

Whereas, intolerance, prejudice, and unlawful discrimination weaken our society and threaten the very foundations of freedom we enjoy as Americans;

THEREFORE, BE IT RESOLVED That the Governing Board of the Palomar Community College District reaffirms the right of individuals to be free from those actions that illegally harass, intimidate, and threaten members of the college community and the educational process and that such actions are completely unacceptable and will not be tolerated.

6. RECOMMENDATION: ACTION - APPROVE ISSUANCE OF 2004 TAX AND REVENUE ANTICIPATION NOTES AND PARTICIPATION IN COMMUNITY COLLEGE LEAGUE OF CALIFORNIA CASH FLOW FINANCING PROGRAM

BE IT RESOLVED, That the Governing Board of the Palomar Community College District hereby approves issuance of **2004 Tax and Revenue Anticipation Notes** (hereinafter "TRANS") in an amount not to exceed \$5,000,000.00 dated July 1, 2004, with maturity not to exceed thirteen (13) calendar months thereafter, through the statewide financing program sponsored by the Community College League of California; and the Assistant Superintendent/Vice President, Finance and Administrative Services, or Director, Fiscal Services, alone, are hereby authorized and directed, for and in the name and on behalf of the District to execute all documents, including but not limited to, the Note Purchase Agreement, including the Pricing Confirmation, and the 2004 Tax and Revenue Anticipation Note, in substantially the form presented herewith, and to execute, deliver, and record all documents requiring same, to all required and interested parties; true and correct copies of all documents referred to herein, are approved in substantially this same form as presented, are on file with the Secretary to the Board, and the terms thereof are incorporated by this reference and made a part of this Resolution. **Exhibit M-6**

7. RECOMMENDATION: ACTION - AUTHORIZE THE SELECTION OF GEORGE WEIR ASPHALT CONSTRUCTION, INC., AND RATIFY CONTRACT FOR SERVICES

The Governing Board hereby authorizes the selection of George Weir Asphalt Construction, Inc., 610 North Metcalf Street, Escondido, California (hereinafter "WEIR") as the lowest responsive bidder in the amount of \$84,758.50 and hereby ratifies the contract dated March 12, 2004, between the District and WEIR, in said amount, as authorized by the Governing Board at its February 10, 2004, meeting, item M-9.

The above contractor responded to a request for bids on the asphalt paving project at the T-Building, running track, and sections of Comet Circle on the San Marcos campus, as detailed in **Exhibit M-7**.

8. RECOMMENDATION: ACTION - APPROVE AND ACCEPT AS FINAL AND COMPLETE ASPHALT PAVING PROJECT ON THE SAN MARCOS CAMPUS BY GEORGE WEIR ASPHALT CONSTRUCTION, INC.; AUTHORIZE RELEASE OF BID SECURITY IN THIRTY-FIVE DAYS, RELEASE BONDS AND RECORD NOTICE OF COMPLETION

The Governing Board hereby accepts the asphalt paving project on the San Marcos campus by George Weir Asphalt Construction, Inc., (the "Contractor"), 610 North Metcalf Street, Escondido, California, as complete and final; and the Superintendent/President is authorized to execute and file the Notice of Completion including execution of the verification as Secretary to the Governing Board. The total amount of this contract is \$84,758.50; and all money due and owing to the Contractor, with the exception of the ten percent retention of \$8,475.85 (the "Retention") shall be paid, and following the expiration of thirty-five (35) calendar days from the date of this resolution, the Retention shall be paid to the Contractor, providing no liens are filed within this period. The bid security posted by George Weir Asphalt Construction, Inc., shall be returned to this Contractor and all other bonds be released within the time and in the manner as provided by law. **Exhibit M-8**

9. RECOMMENDATION: ACTION – DECLARE FOOTBALL EQUIPMENT SURPLUS AND AUTHORIZE SALE IN ACCORDANCE WITH CALIFORNIA EDUCATION CODE SECTION 81450.5

The Governing Board hereby declares the football equipment as identified in the attached memorandum as **Exhibit M-9** surplus, no longer needed for District purposes, and that the football equipment shall be sold for cash to a school district, community college district, or other public entity in accordance with California Education Code Section 81450.5

10. RECOMMENDATION: ACTION – AUTHORIZATION TO EXECUTE CONTRACT DOCUMENTS OF THE OFFICE OF EMERGENCY SERVICES

BE IT RESOLVED by the Governing Board of the Palomar Community College District that the Assistant Superintendent/Vice President, Finance and Administrative Services, or the Director, Business Services, or the Director, Facilities, is hereby authorized to execute for and in behalf of the Palomar Community College District, a public entity established under the laws of the State of California, this application and to file it in the Office of Emergency Services for the purpose of obtaining certain federal financial assistance under P.L. 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.

BE IT ALSO RESOLVED That the Palomar Community College District, a public entity established under the laws of the State of California, hereby authorizes its agent(s) to provide to the State Office of Emergency Services for all matters pertaining to such state disaster assistance the assurances and agreements required.

Passed and approved this 13th day of April, 2004.

(Name and Title)

(Name and Title)

(Name and Title)

CERTIFICATION

I, Sherrill L. Amador, duly appointed and Secretary to the Board of Palomar Community College District, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Governing Board of the Palomar Community College District on the 13th day of April, 2004.

Date: _____

Superintendent/President

(Signature)

Exhibit M-10

11. RECOMMENDATION: ACTION – APPROVE REPRESENTATION FOR LEGAL SERVICES THROUGH THE OFFICE OF COUNTY COUNSEL OF SAN DIEGO COUNTY

BE IT RESOLVED AND ORDERED That County Counsel of San Diego County be authorized to provide legal services to the Palomar Community College District ("District") and its representatives on matters relating to the duties of the District and its officers, upon the following terms and conditions:

1. Legal services will be provided only pursuant to requests from the Office of Contract Services and the following personnel identified as authorized by the District:

Jerry R. Patton, Assistant Superintendent/Vice President., Finance and Administrative Services

Ken Jay, Director, Business Services

Eileen Poole, Staff Legal Assistant, Contract Services

2. Legal services will include:
 - (a) Oral and written advice and opinions relating to the duties of the Contract Services office;
 - (b) Judicial and Administrative proceedings concerning the District, its officers and/or employees; provided that the County Counsel is specifically requested to represent the District in a matter.
3. Such legal services will be provided by County Counsel at the cost recovery rates established by the County Board of Supervisors and as approved by the County Counsel.
4. Payment for such services will be made promptly on monthly billing by County Counsel, except if the amount in any month is less than \$100.00, County Counsel may defer billing to a later month.
5. This resolution shall continue in effect indefinitely, unless amended in writing by the parties.

The District acknowledges that County Counsel regularly performs legal services for many public entities including, but not limited to, the County of San Diego, and school districts, community college districts, and fire protection districts within the County of San Diego, in connection with a wide variety of matters. Some of these public entities may be involved with or have interests adverse to the District in various matters. So long as County Counsel is not representing another public entity *in the same matter* for which legal representation is being sought by, or provided to, the District by County Counsel, the District waives any conflicts resulting from County Counsel representing other public entities. Where County Counsel represents multiple clients with independent legal interests in the same matter, the Office of County Counsel shall request a waiver from all clients when there is an actual or potential conflict of interest. The Board hereby delegates to the Superintendent/President of the District authority to determine whether to waive, and to waive, any conflict of interest involving representation by the Office of County Counsel.

PASSED AND ADOPTED this 13th day of April, 2004.

AYES:

NOES:

ABSENT:

Exhibit M-11

12. **RECOMMENDATION: ACTION - APPROVE AGREEMENT WITH JOINT POWERS AUTHORITY (JPA) FOR MEMBERSHIP IN THE STATEWIDE EDUCATIONAL WRAP-UP PROGRAM (SEWUP)**

WHEREAS, Palomar Community College District along with other school districts in the State of California have been studying Owner Controlled Insurance Programs (Wrap Up); and

WHEREAS, these districts have determined there is a need for Owner Controlled Insurance Programs (Wrap Up) by combining their respective efforts to establish, operate and maintain a Joint Powers Agency for Owner Controlled Insurance Programs (Wrap Up); and

WHEREAS, Title I, Division 7, Chapter 5, Article I (Section 6500 et seq.) of the Governing Code of the State of California, authorizes joint exercise by two or more public agencies of any power common to them; and

WHEREAS, California law authorizes districts to establish Owner Controlled Insurance Programs (Wrap Up),

NOW, THEREFORE, BE IT RESOLVED That the Governing Board of the Palomar Community College District hereby declares its membership in the Statewide Educational Wrap Up Program and instructs its duly authorized agent to execute on behalf of the District the attached Joint Powers Agreement and appoints Ken Jay, Director, Business Services, as its official representative to the SEWUP JPA.

Passed on and adopted by the Governing Board of Palomar Community College District this 13th day of April, 2004, by the following vote:

AYES:
NOES:
ABSENT:

Exhibit M-12

13. **RECOMMENDATION: ACTION - APPROVE PARTNERSHIP FOR EXCELLENCE SURVEY OF LOCAL INVESTMENTS OF PARTNERSHIP FUNDS**

The Governing Board hereby approves the report to the Chancellor's Office for fiscal year **2003-2004 Partnership for Excellence Survey of Local Investments of Partnership Funds**, budget amount of \$5,522,489.00. **Exhibit M-13**

14. **RECOMMENDATION: ACTION - ACCEPT THE SELECTION OF WIER CONSTRUCTION CORPORATION AS THE LOWEST RESPONSIVE BIDDER OF PHASE ONE OF THE BASEBALL FACILITY AND PRACTICE FIELDS BID AND APPROVE CONTRACT, SUBJECT TO RECEIPT OF BONDING, INSURANCE, AND SATISFACTORY REFERENCE CHECKS**

The Governing Board hereby accepts the selection of Wier Construction Corporation, 2255 Barham Drive, Escondido, California, (hereinafter "Wier") as the lowest responsive bidder for Phase One of the Baseball Facility and Practice Fields project in the amount of \$1,799,000.00, and approves a contract with Wier, subject to receipt of all required bonds and insurance certificates, and on condition that all reference checks are positive. **Exhibit M-14**

15. **RECOMMENDATION: ACTION - EXCUSE ABSENCE OF MEMBER DUE TO ILLNESS**

In accordance with Section 72425(c) of the California Education Code, the Governing Board hereby finds that the **absence of Darrell L. McMullen** from the Governing Board Meeting held March 9, 2004, is **excused** due to illness.

16. FIRST READING: PROPOSED NEW POLICY – BP 6310 – RISK MANAGEMENT

At the next Governing Board meeting, an item will appear on the agenda for approval of the following proposed new policy:

**BP 6310
Risk Management**

The Board is committed to the establishment of a risk management program that is consistent with all legal requirements for community colleges. The primary concern of such a program shall be the safety and health of students, faculty, staff, and the public and the protection of District property and assets. In order to ensure that the District is conducting its operations as safely and efficiently as possible, the Board authorizes the Superintendent/President or designee to develop and maintain a risk management program that includes identification, prevention, mitigation, and assumption or transfer of risks through appropriate agreements, purchase of insurance, pooling with other agencies or other risk financing practices. The ultimate goal shall be successful implementation of safety and loss prevention/control practices and the maintenance of adequate insurance programs. An annual report on the program shall be presented to the Board.

17. FIRST READING: PROPOSED NEW POLICY – BP 6810 – ILLNESS/INJURY PREVENTION

At the next Governing Board meeting, an item will appear on the agenda for approval of the following proposed new policy:

**BP 6810
Illness/Injury Prevention**

Pursuant to the Labor Code and California General Industry Orders, the Board of Trustees recognizes the necessity of an injury/illness prevention program. No employee shall be required to work under unsafe or hazardous conditions or to perform tasks that endanger their health or safety. The District shall make every reasonable effort to ensure that working conditions and equipment are maintained in compliance with federal, state, and local laws and regulations.

The Board expects all employees to use safe work practices and to report and correct any unsafe conditions that may occur. The Superintendent/President shall name a manager to serve as the safety officer for the District. The safety officer shall be responsible for maintaining implementation procedures for this policy in accordance with federal, state, and local laws. These procedures shall include the development of safe and healthy work practices through education, training, and enforcement.
Labor Code Section 6401.7; Cal-OSHA Safety Orders Section 3203

18. FIRST READING: PROPOSED NEW POLICY – FEE EXEMPTION FOR INTERNATIONAL STUDENTS

At the next Governing Board meeting, an item will appear on the agenda for approval of the following proposed new policy:

**BP 5030.6
Fee Exemption for International Students**

Palomar College shall charge a nonresident capital outlay fee and an application processing fee to citizens and residents of a foreign country per Education Code 76141 and 76142. A student who demonstrates economic hardship is exempt from the capital outlay fee and the application processing fee. The exemption is authorized, on a per semester basis, when a student meets the eligibility criteria for benefits under the Aid to Families of Dependent Children program, the Supplemental Income/State Supplementary Program, or a general assistance program.

19. RECOMMENDATION: ACTION - APPROVE BROCHURE FOR SUPERINTENDENT/PRESIDENT SEARCH

The Governing Board hereby approves the **brochure** for the **Superintendent/President search**, which has been recommended by the Presidential Search Committee, with the following revisions: _____ **Exhibit M-19**

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

The Governing Board hereby approves the following agenda items 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 Section 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. Public Employment, pursuant to Government Code 54957.
6. Conference with Real Property Negotiator, pursuant to Government Code 54956.8.
Property APNs as follows:

108-120 Parcels 49, 50, 51	108-121 Parcels 12, 13
108-421 Parcel 03, 04	125-061 Parcel 02, 03
108-370 Parcels 11, 45, 48, 50 52	108-371 Parcel 07
108-440 Parcel 01, 02	323-100 Parcel 11
323-482 Parcel 12	323-500 Parcels 01, 05, 06, 07, 08, 09, 14
323-501 Parcel 02	323-090 Parcel 89
323-091 Parcel 06	

O. RECONVENE TO OPEN SESSION

P. ADJOURNMENT