



**GOVERNING BOARD MINUTES**  
**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 P.M. (OPEN SESSION)**

**A. CALL TO ORDER**

Ralph G. Jensen, President, called the regular meeting of the Palomar Community College District Governing Board to order at 6:00 p.m.

**B. ROLL CALL**

**TRUSTEES PRESENT:**

RALPH G. JENSEN, B.A., PRESIDENT  
MICHELE T. NELSON, PH.D., VICE PRESIDENT  
NANCY C. CHADWICK, M.S.W., M.P.A., SECRETARY  
MARK R. EVILSIZER, M.A., TRUSTEE  
DARRELL L. McMULLEN, M.B.A., TRUSTEE  
AMADOR SOTO, STUDENT TRUSTEE

**EXECUTIVE ADMINISTRATORS PRESENT:**

Sherrill L. Amador, Ed.D., Superintendent/President  
Berta Cuaron, M.A., Assistant Superintendent/Vice President, Instruction  
Joseph Madrigal, M.A., Assistant Superintendent/Vice President, Student Services  
Jack Miyamoto, Ed.D., Assistant Superintendent/Vice President, Human Resource Services  
Jerry Patton, M.B.A., Assistant Superintendent/Vice President, Finance and Administrative Services

**BB. CLOSED SESSION**

The Board went into Closed Session at 6:00 p.m., to discuss:

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**

The meeting reconvened to Open Session at 7:05 p.m. There was no reportable action taken during Closed Session.

**STAFF PRESENT:**

Jenny Akins, Vice President, Confidential and Supervisory Team; Supervisor, Purchasing Services  
Joseph Andrews, Part-time Faculty  
Cheryl Ashour, Administrative Assistant, President's Office  
Barbara Baldrige, Executive Assistant to Superintendent/Governing Board  
Bonnie Ann Dowd, Faculty Senate Secretary, Associate Professor/Chair, Business Education  
Deborah Dozier, Assistant Professor, American Indian Studies  
Mary Ann Drinan, Associate Professor/Chair, Economics, History, and Political Science  
John Erickson, Professor, Foreign Languages  
Daniel Finkenthal, Associate Professor, Physics and Engineering  
Bill Jahnel, Assistant Professor, Economics, History, and Political Science  
Ken Jay, President, Administrative Association; Director, Business Services  
Barbara Kelber, President, The Faculty; Associate Professor, English  
Linda Locklear, Professor/Chair, American Indian Studies  
Becky McCluskey, President, CCE/AFT; Accounting Technician, Fiscal Services, Escondido Center  
Michael Mufson, Associate Professor, Performing Arts  
Julie Ivey, Co-President, PFF/AFT; Part-Time Faculty, English  
Susan Snow, Associate Professor, Mathematics  
Steve Spear, President, Faculty Senate; Professor, Earth Sciences  
Rocco Versaci, Co-President, PFF/AFT; Associate Professor, English

**GUESTS:**

Laura Davis, Student  
Zulma Galvan, Student  
Robert Hahn, Palomar College President's Associates  
George Liggins, Palomar College Foundation  
James Sebring, Student

Others present are listed on the sign-in sheets.

**QUORUM ESTABLISHED**

Following the pledge of allegiance to the flag, Mr. Jensen declared a quorum present, and the meeting proceeded with the order of business.

A TAPED RECORD OF THE PROCEEDINGS OF THIS MEETING IS ON FILE IN THE PRESIDENT'S OFFICE FOR THIRTY DAYS OR UNTIL THE MINUTES OF THE MEETING HAVE BEEN APPROVED BY THE GOVERNING BOARD, WHICHEVER IS LONGER.

**C. APPROVAL OF MINUTES**

MSC Chadwick, McMullen

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

The Vote was unanimous.

Student Trustee Advisory Vote: Aye

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

The following changes to the agenda were reported:

1. Page 5:

Item H-6-a. Title should be Professor/Counselor

Item H-6-b. Title should be Professor, Physical Education

Item H-6-c. Title should be Professor, Business Education

Item H-6-d. Title should be Professor, Economics, History and Political Science

2. Page 11

Item M-4. Delete Anne Voth, Mathematics

**D.** Item was postponed as Dr. Finkenthal's attorney was not present.

**DD.** Item was postponed as Dr. Finkenthal's attorney was not present.

**E. REPORT OF THE GOVERNING BOARD PRESIDENT** – There was no report

**F. REPORTS OF THE GOVERNING BOARD MEMBERS**

Dr. Nelson reported that she had recently participated in an accreditation visit to Santa Monica College.

Mr. Evilsizer reported that he had recently attended several college and community events.

Ms. Chadwick commented on several items, including the value of classified staff, state budget developments, and legislative actions.

Mr. McMullen reported on several college and community activities in which he is involved, as well as state legislative issues and Palomar's partnerships with the new Mission Hills High School.

**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**

Dr. Amador introduced Michelle Forshner, All California Academic First Team Member and All USA Academic Team Member, and Neill Kovrig, President of the Alpha Omega Rho Chapter, recipient of the Pinnacle Award.

**2. Presidential Search Update – Dr. Carl Ehmann (Refer to item and exhibit M-19)**

Dr. Ehmann addressed the Board regarding the search brochure, which was being brought forward from the search committee for the Board's approval. He noted that the information will be on the College's web site later tonight.

The Board indicated that they would like to see five finalists forwarded to them from the search committee.

At this time, the Board moved item M-19 forward on the agenda for action.

**M-19. APPROVE BROCHURE FOR SUPERINTENDENT/PRESIDENT SEARCH**

MSC Chadwick, McMullen

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

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**DD. PUBLIC HEARING**

Mr. Jensen made the following statement:

"The Superintendent/President has recommended that the Board consider providing Dr. Daniel Finkenthal with a Notice of Unprofessional Conduct pursuant to Education Code Section 87734. The basis for this recommendation is charges and complaints made by District employees against him.

"Government Code Section 54957 is part of the Ralph M. Brown Act Open Meeting Laws. This law provides that whenever charges and complaints are considered against a public employee, that employee has the right to have those charges and complaints considered in an open session rather than in a closed session. Dr. Finkenthal has requested that this matter be held in an open session as is his right to do under Government Code Section 54957. Because he has exercised his right to be heard in a public session, copies of the charges and complaints upon which the Superintendent/President's recommendation is based are now public documents and are available to the public.

"At this open session, Dr. Finkenthal has the right to make any statements or provide any documents or information which he believes are relevant to the determination that the Board will make today. This is not a formal evidentiary hearing at which evidence is taken, witnesses testify under oath and are cross examined, and a record is required by law to be made. It is to be understood that the Board will be listening to Dr. Finkenthal's presentation but will not be responding, other than reserving the right to ask questions at the end of his presentation.

“Dr. Finkenthal and your attorney, this is your opportunity to address the Board.

“We have a limited number of back-up packets available for reference for those of you in the audience. Please share them as there are not enough to go around.”

Dr. Finkenthal and his attorney addressed the Board, and six individuals (Rocco Versaci, Joseph Andrews, Laura Davis, Linda Locklear, Zulma Galvan, and Bill Jahnel) spoke on his behalf.

At this time, the Board moved item H-14 forward on the agenda.

**H-14. RATIFY SWORN CLASSIFIED EMPLOYMENT**

MSC McMullen, Nelson

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%

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

Jerry Patton provided information on Officer Brito’s background and experience.

**Administration of Oath of Office to Frank J. Brito**

Mr. Jensen administered the Oath of Office to Officer Brito.

**DD. (Continued)**

MSC Chadwick, McMullen

That the hearing be continued to a time certain date as quickly as it can be put on the agenda and have it noticed. It was agreed to schedule it for the next regularly scheduled meeting, May 11, 2004.

**DDD. SEND NOTICE OF UNPROFESSIONAL CONDUCT**

The following item was removed from the agenda, to be considered at the May 11, 2004, meeting:

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

At this time, the Board moved agenda items K-1a and M-1 forward at the request of members of the public.

**K-1. a. Incident Impacting Palomar College Foundation and Palomar College President's Associates**

Dr. George Liggins and Mr. Robert Hahn addressed the Board at this time regarding item M-1 on the agenda, Local 30 Hotel Employees Union, and requested an independent investigation into the incident, that the matter be turned over to the Sheriff's Department, and that charges be filed.

Ms. Chadwick stated that everyone regrets that the incident occurred because everyone values highly the Foundation and the President's Associates. Without them we wouldn't have the kind of support we cherish in terms of programs. Ms. Chadwick asked if a report was filed with the Palomar College Police Department. Dr. Amador responded that a report had been filed and the sheriff's department and the district attorney had been notified. Jerry Patton reported that the sheriff's department has reported that there is probably no grounds for a criminal act.

Mr. Evilsizer asked why we use facilities that are outside our district. There are many other venues within north county, such as the California Center for the Arts in Escondido or Pala Mesa Resort, that we could patronize within our own district. Dr. Liggins responded that the Wine and Dine event has been held for many years at different locations throughout the district. As the event has grown, other venues had to be found. Also, the event has gotten very classy and has attracted some outstanding people who are willing to contribute a lot of money. It was felt that if they are willing to do that, the event should be held at a venue that they can appreciate, and that is what has been done.

Mr. Hahn noted that Cal State San Marcos had their black tie event at La Costa, and they were not approached by any union members, nor were any students from CSUSM brought in to protest the fact that they held their event there. We are the only user of La Costa that this union has come out after. That is the reason we have requested an investigation – why were we singled out from all the groups that use La Costa, and why were our sponsors, students, and faculty put in a threatening environment.

At this time, the following persons addressed the Board on the following subjects:

- 1) Raymond Lopez, Jr., - MEChA version on how the delegation meeting with Mr. Wallenius occurred.
- 2) Ramon Lopez, Sr. – On behalf of Raymond Lopez and MEChA.
- 3) Levy Haury – On behalf of Raymond Lopez.
- 4) Erick Carbajal – HERE Local 30 and labor dispute at La Costa Resort and Spa.
- 5) Oscar Torres – MEChA and La Costa labor dispute.
- 6) Fanny Arango – MEChA and labor dispute
- 7) John Valdez – Recognize MEChA leaders and Palomar College Foundation and positive contributions of each organization.
- 8) David R. Clark – Legal counsel for the Foundation and President's Associates and the fact that Mr. Carbajal had been told that the Foundation would take no position in the labor dispute taking place at La Costa Resort, but Mr. Carbajal forced a meeting.

**M-1. DEFEAT MOTION TO TAKE ACTION REQUESTED BY PALOMAR COLLEGE FOUNDATION AND PALOMAR COLLEGE PRESIDENT'S ASSOCIATES**

MS defeated Chadwick, Evilsizer

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.

Following lengthy discussion, the vote was taken.

The Vote: 2 Aye (McMullen, Jensen) 3 Nay (Chadwick, Evilsizer, Nelson)

(Return to agenda)

**G-3. Report of Vice President for Instruction**

- a. Update on CCCSAT and CCC-Confer Grant Project

Report was postponed to a future meeting.

- b. National Library Week

Mr. Evilsizer stated that he was expecting a report at this meeting about the District's response to the TERB allegations. He asked when the District's position will be reported to the Board.

4. Report of Vice President for Student Services – There was no report.

5. Report of Vice President for Finance and Administrative Services

- a. Budget Update

Jerry Patton gave an abbreviated budget report indicating that the state's revenue projections are falling below the Governor's January projections, that the Proposition 98 guarantee is at risk and being discussed at the state level, that the Governor's proposed equalization funding is at risk and being discussed at the state level, and that the state budget deficit is expected to be at least \$18 billion for 2004-05. Mr. Patton also reported that Palomar College's expenses are exceeding revenues by about \$6 million each year and that the Resource Allocation Committee and Strategic Planning Council are working on a long-range plan to bring expenditures into alignment with income levels.

Dr. Nelson suggested that a separate Board workshop be held to discuss the budget.

Mr. Evilsizer suggested that the number of public safety classes offered be increased in order to increase revenue. Dr. Amador reminded the Board that we are now over cap, and increasing programs would not increase revenue. We would not benefit because of the present method of funding community colleges.

6. Report of Vice President for Human Resource Services

Dr. Miyamoto reported that he will provide the report on the salaries of Presidents of contiguous districts, as well as our comparable districts, at the next regular meeting.

**CONSENT CALENDAR**

**H. CONSENT CALENDAR**

**BUSINESS SERVICES**

1. REVIEW AND APPROVE PURCHASES MADE FOR PRIOR SIXTY DAYS

MSC McMullen, Nelson

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>

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**GIFTS**

2. ACCEPT GIFTS

MSC McMullen, Nelson

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.

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

## TRAVEL

### 3. APPROVE TRAVEL EXPENSES

MSC McMullen, Nelson

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 |

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

## FISCAL SERVICES

### 4. APPROVE REVOLVING CASH EXPENDITURES

MSC McMullen, Nelson

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

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

### 5. AUTHORIZE DRAWING NEW WARRANTS

MSC McMullen, Nelson

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.

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

## PERSONNEL

6. Item was removed from the Consent Calendar by Mr. Evilsizer.

7. **APPROVE PERSONNEL ACTIONS/ HISTORY**

MSC McMullen, Nelson

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**

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

8. **RATIFY LEAVE OF ABSENCE**

MSC McMullen, Nelson

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.

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

9. **RATIFY NEW CLASSIFIED POSITION**

MSC McMullen, Nelson

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

a.	Position:	<b>Program Research Specialist</b>		
	Name:	Vacant		
	Department:	Grant Funded Student Support Programs		
	Position #:	6288	New?:	Yes
	Remarks:	Required per 6 <sup>th</sup> year continued funding of GEAR UP grant		
	Sal Grade/Stp:	<b>25/1</b>	Salary:	<b>\$3,016.01</b>
	% of Position:	100%	# Mos:	12
	Effective:	April 14, 2004		
	Account #:	K-212200-471200-64990-1112320/100%		

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**10. RATIFY PLACEMENT ON RE-EMPLOYMENT LIST**

MSC McMullen, Nelson

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.

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**11. RATIFY CLASSIFIED EMPLOYMENT**

MSC McMullen, Nelson

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/Step: **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/Step: **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%

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**12. GRANT EQUIVALENCY FOR DISCIPLINE**

MSC McMullen, Nelson

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

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**13. RATIFY PART-TIME FACULTY EMPLOYMENT**

MSC McMullen, Nelson

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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The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

14. Item was covered earlier in the meeting.

**Resumption of  
REGULAR AGENDA**

**I. ACTION ON ITEMS REMOVED FROM CONSENT CALENDAR**

**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**, Professor/Counselor, Counseling, effective May 22, 2004
- b. **NAN E. HAUGEN**, Professor, Physical Education, effective May 22, 2004
- c. **JOHN S. LEAHY**, Professor, Business Education, effective May 22, 2004
- d. **JOHN D. TANNER**, 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

Mr. Evilsizer asked what benefits Group III retirees have. Dr. Miyamoto responded that they have none because they have been with the District for less than ten years.

**J. REPORTS FROM COLLEGE GROUPS**

1. **INFORMATION**

**Report of the Faculty Senate**

Steve Spear reported that the faculty evaluations of administrators are complete. They are currently being discussed with the persons being evaluated. The Faculty Senate reappointed Teresa Laughlin as Co-Chair of the Curriculum Committee. Plans are moving ahead for the faculty appreciation tea, which is scheduled for May 6. They approved the Learning Outcomes Council and have a call out for members. This weekend is the spring plenary session of the statewide academic senate. Teresa Laughlin and Steve Spear will be attending. The Senate will be electing a new President prior to the next regularly scheduled Board meeting.

Mr Spear made the following personal statement: "One thing I learned over thirty years ago when I first came to Palomar College is that if one wants to get things done, you need the help and knowledge of the support staff. I cannot count the times over the years, and this year especially, that I've had to rely on you for help. I want to take this opportunity to thank you."

2. **INFORMATION**

**Report of the Palomar Faculty Federation**

Rocco Versaci reported that the PFF is pleased that the Board voted to postpone a decision on the Finkenthal hearing until the next meeting because there is a great deal of material to study. He stated that he hoped that when reviewing the material with the conflicting reports about what happened in the TERB office, the Board would be guided by Dr. Nelson's words regarding what happened in Dale Wallenius' Office, specifically that people experience events in very different ways. "Sometimes, nailing down the truth of a conflict like that is extremely difficult to assess conclusively, especially when you are talking about evidence to constitute the sending of a notice of unprofessional conduct. It is PFF's belief that when all the information is studied and you have heard the words of all who have spoken and will speak at the next meeting, you will see fit to reject Dr. Amador's request that this notice be sent out."

Julie Ivey reported that when she teaches her English 100 class how to make an effective argument, she tells them that one of the most effective strategies is to try to see the other side. However, some of the events have confounded her. She stated, "one would presume an administration would be seriously interested in devoting its resources toward the education of our students. However, we know that at least \$23,000 was spent pursuing, or you could say harassing, a faculty member. I don't know how many thousands (unintelligible) pursuing a faculty member, who knows how many dentist chairs that could have bought or how many optician labs it could have helped finance. Who can explain this contradiction? The other is logically, you would presume that the administration would try to settle a faculty contract only to settle faculty unrest and have (unintelligible) faculty going back to work doing the job of teaching. We spent hundreds of hours, our team, in negotiations over the past almost three years. And we haven't come close to a contract. The last mediation package presented last week increased workload, increased class size, and in the process promised to lay off a whole lot of adjuncts, yet we still haven't got a contract. And more baffling is how many hours have been spent creating that mediation proposal that they knew the faculty would never accept. Who can explain this contradiction? Some of this lack of rhyme or reason must have rubbed off on me because as representative of Palomar Faculty Federation, I will despite all odds, and with my colleague Rocco, defend our right to teach and our freedom of expression and our students' right to learn and be educated."

3. **INFORMATION**

**Report of The Faculty**

Barbara Kelber reported that this being the last part of the semester, the faculty is busy. "It is hiring time, and we appreciate the support of the staff who help us with hiring committees. We appreciate the opportunity to hire new faculty members and the kinds of formulas that require that we do so. I'm just learning a lot of this now – these formulas that require that we hire faculty. We are very aware of the fears and concerns of our colleagues in the classified and administrative positions who are concerned about their jobs. We recognize that the formula that requires that we hire puts our whole working group, our whole community, under enormous stress. The faculty understands that and tries to seek ways where we can to help. Vice President Patton, working with the Resource Allocation Committee, has said we are all committed to helping to consider ways to work within the situation. We recognize that we are facing difficult intersections, but we want to support him. At the same time, the timing couldn't be worse for us to try to be working out a contract that will be fair and equitable for the faculty. But I want to invoke the words of Teresa Laughlin's letter to all of you that was copied to the faculty today saying, please, in terms of leadership, in terms of the concerns of how long this has gone on, at the same time that we are committed to try to find ways to help with the crisis in our budget, still this faculty should have a fair and equitable contract. I ask for continued leadership in that.

"The Faculty is considering changes to its constitution. Earlier tonight, when I was listening to the hearing, I wanted to say to you all that if it helps you to know, the faculty has been aware of the storm around these issues of tenure evaluation and so on. The Faculty Senate is taking action. The Faculty Senate appointed a task force to look at our constitution to consider ethics, to try to hold ourselves and everyone to a high standard. If it helps you in coming to some terms regarding this, that code of ethics which we will be adopting, I'm sure, because the faculty has seen it for two weeks, and I will send it to you when we accept it. But it does cover some of these areas. This is an academic and professional matter, so to Vice President Cuaron, I wanted to extend an offer to talk in order to assist you in whatever report you might want to bring to the Board, recognizing that tenure evaluations are an academic and professional matter and that the Senate is looking into this actively at the moment. And perhaps, in terms of academic and professional matters, the Board is asked to rely primarily on the Faculty Senate for recommendations. We could work together on something that would take care of that and recognize that academic and professional status of the matter and to leave it in the hands of the faculty, recognizing the need for you to make a report, perhaps we can work together on that.

"The only other thing is to follow up on the issue regarding Fergal O'Doherty from the last meeting. I wanted to thank Vice President Patton for contacting us, putting us in touch with the Police Department on Campus. I do have a couple of meetings scheduled with the Police to dialogue about this. I think it will bring us into much better understanding, perhaps bring some suggestions about awareness. I certainly appreciate the time that the officers, who we value greatly, will give us to try to dialogue about these matters."

4. **INFORMATION**

**Report of the Administrative Association** – There was no report.

5. **INFORMATION**

Report of the **Confidential and Supervisory Team** – There was no report.

6. **INFORMATION**

Report of the **CCE/AFT**

Becky McCluskey stated that she wanted to say something, but she didn't know quite how to say it. She said, "I was listening to everything that was said today during this hearing, and I know it's going to be continued. I know there's a lot of issues going on, and the thing that bothered me is it seems – and I wasn't there so I can't say, but I talked to Colene about what happened – it seems like how a classified employee was treated is downplayed, and all the other things that are going on is the main part of the issue that the faculty are talking about. I just hope – and I know that Dr. Finkenthal did say that he acted in a loud way – but that gets really intimidating when you're a classified employee and you're trying to follow what you're supposed to do by not giving personal-type information unless you have prior approval to do so, because then they can be considered insubordinate and get in trouble. This concerns me and I just wanted to say that."

7. **INFORMATION**

Report of the **Associated Student Government**

Amador Soto reported that Spring Fest was held a couple of weeks ago. It went well and was a big success.

ASG elections are coming up. Tomorrow incentives will be given at Health Services to people who know the new smoking policy.

**K. COMMENTS FROM OTHER INDIVIDUALS OR GROUPS**

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

b. The Following persons addressed the Board on the following subjects:

- 1) Deborah Dozier – Disability.
- 2) Mary Ann Drinan – Lois Galloway's loss of employment at Palomar.
- 3) John Erickson – Lois Galloway.
- 4) Susan Snow – Letter to BOG from Kevin Barrett.
- 5) Michael Mufson – Save Palomar's Mission.

Dr. Miyamoto stated that Ms. Galloway is represented by counsel, and it is an ongoing personnel issue. Her counsel has raised some concerns that we will respond to shortly. He wanted the Board to know that we are aware of her concerns and those voiced by her colleagues and will respond in the next few days.

**L. UNFINISHED BUSINESS** – There was none.

**M. NEW BUSINESS**

1. **Item was covered earlier in the meeting.**

**2. VOTE FOR UP TO TEN CANDIDATES FOR CCCT BOARD ELECTION – 2004**

MSC Soto, McMullen

The Governing Board hereby casts its vote for **the ten** candidates indicated in **bold print** for the **CCCT Board**:

**Edward Ortell (Citrus)\***  
Charles Meng (Napa Valley)  
Bill McMillin (Ohlone)  
Judi Beck (Shasta-Tehama-Trinity Joint)\*  
**Paul Fong (Foothill-De Anza)\***  
**Kay Albiani (Los Rios)\***  
Marie Kiersch (San Luis Obispo County)\*  
**Walter Howald (Coast)**  
Bettye Underhill (Victor Valley)  
Anita Grier (San Francisco)\*  
**Herbert Roney (Santa Monica)**

Kay Meek (Kern)  
**Jeanette Mann (Pasadena Area)**  
**William McGinnis (Butte-Glenn)\***  
Carolyn Batiste (MiraCosta)\*  
William Freeman (Hartnell)  
Charles Page (Monterey Peninsula)  
Donald Singer (San Bernardino)  
Fred Tovar (San Jose-Evergreen)  
**Rebecca Garcia (Cabrillo)\***  
**Chris Constantin (West Valley-Mission)**  
**Jess Reyes (Contra Costa)**

\* Incumbent

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**3. 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**

MSC Chadwick, Soto

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.

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**4. APPROVE SABBATICAL LEAVES FOR 2004-2005**

MSC Chadwick, Soto

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  
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

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**5. APPROVE RESOLUTION REAFFIRMING TOLERANCE AND DIVERSITY**

MSC Chadwick, Soto

**RESOLUTION 04-20781**

**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.

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

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

MSC McMullen, Chadwick

**RESOLUTION 04-20782**

**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**

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

7. **AUTHORIZE THE SELECTION OF GEORGE WEIR ASPHALT CONSTRUCTION, INC., AND RATIFY CONTRACT FOR SERVICES**

MSC Chadwick, Soto

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**.

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

8. **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**

MSC Chadwick, Nelson

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**

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

9. **DECLARE FOOTBALL EQUIPMENT SURPLUS AND AUTHORIZE SALE IN ACCORDANCE WITH CALIFORNIA EDUCATION CODE SECTION 81450.5**

MSC Chadwick, Soto

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

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

10. **AUTHORIZATION TO EXECUTE CONTRACT DOCUMENTS OF THE OFFICE OF EMERGENCY SERVICES**

MSC Chadwick, Soto

**RESOLUTION 04-20783**

**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 13<sup>th</sup> 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 13<sup>th</sup> day of April, 2004.

Date: \_\_\_\_\_

\_\_\_\_\_  
Superintendent/President

\_\_\_\_\_  
(Signature)

**Exhibit M-10**

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**11. APPROVE REPRESENTATION FOR LEGAL SERVICES THROUGH THE OFFICE OF COUNTY COUNSEL OF SAN DIEGO COUNTY**

MSC Chadwick, Nelson

**RESOLUTION 04-20784**

**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 13<sup>th</sup> day of April, 2004.

AYES: 5  
NOES: 0  
ABSENT: 0

**Exhibit M-11**

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

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

MSC McMullen, Chadwick

**RESOLUTION 04-20785**

**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 13<sup>th</sup> day of April, 2004, by the following vote:

AYES: 5  
NOES: 0  
ABSENT: 0

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized Signature

**Exhibit M-12**

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**13. APPROVE PARTNERSHIP FOR EXCELLENCE SURVEY OF LOCAL INVESTMENTS OF PARTNERSHIP FUNDS**

MSC Chadwick, McMullen

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**

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

14. **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**

MSC Chadwick, McMullen

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**

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

15. **EXCUSE ABSENCE OF MEMBER DUE TO ILLNESS**

MSC Chadwick, Nelson

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.

The Vote: 4 Aye, 1 Abstain (McMullen)  
Student Trustee Advisory Vote: Aye

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.** Item was covered earlier in the meeting.

**20. APPROVE AGENDA ITEMS FOR CONSIDERATION AT NEXT MEETING**

Mr. Evilsizer made the following statement: "When any one of the members of this Board of Trustees gives a directive or receives assurances back that something is going to be reported at a meeting, I think it's incumbent upon the staff to comply with that agreement, and I think that was violated. So I would hope that we would work in the future to prevent that from happening and that we would honor those directives in the future."

Dr. Amador responded: "In all due respect, because of legal counsel asking me not to discuss that matter, I cannot."

**N. CLOSED SESSION**

The Board recessed at 11:30 p.m. and went into Closed Session at 11:40 p.m., to discuss:

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	

Closed Session ended at 12:25 p.m. Because of the lateness of the hour, the report from closed session will be made at the beginning of the next regular meeting.

**O. ADJOURNMENT**

The meeting was adjourned at 12:25 a.m.