



GOVERNING BOARD AGENDA
REGULAR MEETING, GOVERNING BOARD
PALOMAR COMMUNITY COLLEGE DISTRICT
GOVERNING BOARD ROOM, STUDENT SERVICES CENTER
COLLEGE CAMPUS
SAN MARCOS, CALIFORNIA
TUESDAY, MAY 11, 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.....	3
E.	Report of the Board President	3
F.	Reports of the Governing Board Members	3
G.	Report of the Superintendent/President.....	3
H.	Consent Calendar	3-11
I.	Action on Items Removed from Consent Calendar	11
J.	Reports from College Groups	11-12
K.	Comments from Other Individuals or Groups.....	12
L.	Unfinished Business	12
M.	New Business	12-19
N.	Closed Session.....	19
O.	Reconvene to Open Session	19
P.	Adjournment	19

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. Appointment/Employment of Interim Superintendent/President, pursuant to Government Code 54957
6. Employment Contract for Interim Superintendent/President, pursuant to Government Code 54957

BBB. RECONVENE TO OPEN SESSION

1. RECOMMENDATION: ACTION – APPROVE HIRING OF INTERIM SUPERINTENDENT/PRESIDENT

The Governing Board hereby approves the hiring of _____ to serve as Interim Superintendent/President. A contract for his/her employment will be considered at the next regular Board meeting.

2. **Report from Closed Session Following Regular Meeting on April 13, 2004.**
3. **Pledge of Allegiance**

C. RECOMMENDATION: ACTION - APPROVAL OF MINUTES

1. The Governing Board hereby approves the Minutes of the Regular Meeting of April 13, 2004.
2. The Governing Board hereby approves the Minutes of the Special Meeting of April 27, 2004.
3. The Governing Board hereby approves the Minutes of the Special Meeting of May 3, 2004.

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

DD. CONTINUATION OF PUBLIC HEARING FROM APRIL 13 MEETING

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. Report of Vice President for Instruction
 - a. Report on Materials Fees Procedures
2. Report of Vice President for Student Services
 - a. Report on Student Representation Fees
3. Report of Vice President for Finance and Administrative Services
 - a. Police Department Award
4. Report of Vice President for Human Resource Services
 - a. Report on Salaries of CEOs of Comparable Colleges

CONSENT CALENDAR

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

H. CONSENT CALENDAR

BUSINESS SERVICES

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

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

Re-Encumbered				
FY 2003 PO's	0400030	through	0400031	\$ 6,286.58
Purchase Orders	0440494	through	0440557	\$ 497,357.95
Travel	0450097	through	0450103	\$ 2,678.31
Advertising/Increases	0460073	through	0460086	\$ 63,987.10
Employment Ads	0465017	through	0465020	\$ 1,703.86
Agreement/Services	0470481	through	0470544	\$ 302,303.90
Repairs	0475106	through	0475125	\$ 8,966.39
Agreement/Annual	0480167	through	0480167	\$ 898.00
			TOTAL	\$ <u>884,182.09</u>

COMMUNITY DEVELOPMENT

2. RECOMMENDATION: ACTION – APPROVE NEW COMMUNITY DEVELOPMENT CLASSES, AGREEMENTS, AND PERSONNEL

The Governing Board hereby approves the following **new classes, agreements, and personnel** for providing **Community Development classes**.

Summer, 2004

- a. **Presenter:** Sherry Shoemaker
Name of Class: Oriental Medicine – The Key to Health and Immunity
Effective: June 30, 2004
Instructor Rate: 30% of fees collected
Fee to Student: \$45.00 + \$5 materials fee
Terms: Minimum/maximum 10/30

- b. **Presenter:** Mark Lane
Name of Class: Backyard Astronomy
Effective: July 9, 2004 - July 30, 2004
Instructor Rate: \$41.27 per hour
Fee to Student: \$65.00
Terms: Minimum/maximum 15/60

- c. **Presenter:** Russ Parmenter
Name of Class: Martial Arts Biannual Competition
Effective: June 5, 2004 – June 6, 2004
Instructor Rate: None
Fee to Student: \$30.00 per event entered
Terms: Minimum/maximum 200/600

- d. **Presenter:** Terry Rowen
Name of Class: Beginning Medical Insurance Billing I
Effective: August 14, 2004
Instructor Rate: 40% of fees collected
Fee to Student: \$89.00
Terms: Minimum/maximum 10/60

- e. **Presenter:** Terry Rowen
Name of Class: Beginning Medical Insurance Billing II
Effective: August 15, 2004
Instructor Rate: 40% of fees collected
Fee to Student: \$72.00
Terms: Minimum/maximum 10/60

- f. **Presenter:** Terry Rowen
Name of Class: Computerized Medical Insurance Billing
Effective: August 14, 2004
Instructor Rate: 40% of fees collected
Fee to Student: \$40.00
Terms: Minimum/maximum 10/60

- g. Presenter:** Terry Rowen
Name of Class: How to Start Your Home Medical Insurance Billing Business
Effective: August 15, 2004
Instructor Rate: 40% of fees collected
Fee to Student: \$52.00
Terms: Minimum/maximum 10/60
- h. Presenter:** JoEllen Handelsman
Name of Class: Belly Dancing
Effective: July 10, 2004 – August 14, 2004
Instructor Rate: 30% of fees collected
Fees to Student: \$74.00
Terms: Minimum/maximum 10/50
- i. Presenter:** Tricia Robleto
Name of Class: Make Easy Money Participating in Product Focus Groups
Effective: August 7, 2004
Instructor Rate: 30% of fees collected
Fees to Student: \$39.00
Terms: Minimum/maximum 10/40
- j. Presenter:** Doug O'Connor
Name of Class: Massage for Couples Class
Effective: June 19, 2004
Instructor Rate: 35% of fees collected
Fees to Student: \$55.00
Terms: Minimum/maximum 20/40
- k. Presenter:** Tania Bullard-Balay
Name of Class: The Art and Science of Aromatherapy
Effective: June 26, 2004 – June 27, 2004
Instructor Rate: 30% of fees collected
Fees to Student: \$59.00
Terms: Minimum/maximum 6/20
- l. Presenter:** Clark Moffat
Name of Class: 10 Ways for Retirees to Cut Taxes and Make \$\$ Last
Effective: June 22, 2004
Instructor Rate: **No charge from Instructor**
Fees to Student: \$29.00
Terms: Minimum/maximum 10/50
- m. Presenter:** David Cook
Name of Class: How to Build Your Dream Home for a Song
Effective: July 15, 2004
Instructor Rate: 30%
Fees to Student: \$49.00
Terms: Minimum/maximum 10/50
- n. Presenter:** Michele Armstrong
Name of Class: Children's Theater – "Tom Sawyer" Production
Effective: June 16, 2004 – August 4, 2004
Instructor Rate: 50%
Fees to Student: \$150.00
Terms: Minimum/maximum 25/60

- o. Presenter:** Professional Educators
- Name of Class:** College For Kids Program
- Effective:** July 5, 2004 – August 13, 2004
- Instructor Rate:** \$28 per hour
- Fees to Student:** \$120.00 per camp program
- Terms:** Minimum/maximum 10/25

FISCAL SERVICES

3. RECOMMENDATION: ACTION – APPROVE REVOLVING CASH EXPENDITURES

The Governing Board hereby approves the **Revolving Cash Expenditures** for the month of April, 2004, as indicated on **Exhibit H-3**.

4. RECOMMENDATION: ACTION – APPROVE QUARTERLY FINANCIAL STATUS REPORT

The Governing Board hereby approves the **California Community Colleges Quarterly Financial Status Report (CCFS-311Q)** for quarter ending March 31, 2004. **Exhibit H-4**

5. RECOMMENDATION: ACTION - APPROVE INTRABUDGET TRANSFER AT FISCAL YEAR END

The Governing Board hereby authorizes the Vice President for Finance and Administrative Services to make such **transfers** between the **undistributed reserve** and **any expenditure classification** of the budget of the District for the Fiscal Year 2003-2004 as are necessary to permit the payment of obligations of the District incurred during the fiscal year. **Exhibit H-5**

6. RECOMMENDATION: ACTION – APPROVE QUARTERLY REPORT OF CFO REGARDING DISCLOSURE OF DISTRICT INVESTMENTS

The Governing Board hereby approves the **Quarterly Report of Chief Financial Officer Regarding Disclosure of District Investments** as of March 31, 2004. **Exhibit H-6**

PERSONNEL

7. RECOMMENDATION: ACTION - RATIFY LEAVES OF ABSENCE

- a.** The Governing Board hereby ratifies the recommendation of the Superintendent/President granting a **100% Personal Leave of Absence without pay and with no effect on benefits**, effective August 1, 2004, through May 31, 2005, to **Alexis K. Ciurczak**, Librarian, Library/Media Center. Ms. Ciurczak has been awarded a Fulbright Scholarship.
- b.** The Governing Board hereby ratifies the recommendation of the Superintendent/President granting a **100% Personal Leave of Absence without pay and with no effect on benefits**, effective May 20, 2004, through June 11, 2004, to **Megan M. Schwerdtfeger**, Counseling Support Specialist, Counseling Department.
- c.** The Governing Board hereby ratifies the recommendation of the Superintendent/President granting a **20% Personal Leave of Absence without pay and with no effect on benefits**, effective June 4, 2004, through August 13, 2004, to **Christie L. Bundy**, Staff Assistant, Library/Media Center.

8. RECOMMENDATION: ACTION – RATIFY NEW ACADEMIC POSITION

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

- a. Position: **Assistant Professor, Psychology**
Department: Behavioral Sciences
Division: Social & Behavioral Sciences
Position #: 5393 New?: Yes
% of Position: 100% # Mos: 10
Effective: May 12, 2004
Account #: A-111000-363500-20010-0000000/100%

9. RECOMMENDATION: ACTION - RATIFY CLASSIFIED RECLASSIFICATIONS

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

- a. Position: **Staff Assistant**
Department: Student Affairs
Name: Marilyn Lunde
Position #: 5487 New?: No
Remarks: Position was Administrative Secretary, Grade 19
Effective: May 1, 2004
% of Position: 100% # Mos: 12
Sal Grade/Stp: **23/13** Salary: **\$3,794.86/month**
Account #: A-212200-451100-64910-0000000/100%

- b. Position: **Student Activities Coordinator**
Name: Vacant
Department: Student Affairs
Position #: 5704 New?: No
Remarks: Replacement for Cuong (Chris) Nguyen. Position reclassified from PIC/ BOGW Program Coordinator, Range 20. Funded – PIC and Student Activity fees.
Sal Grade/Stp: **25/1** Salary: **\$3,016.01/month**
% of Position: 100% # Mos.: 12
Effective: May 12, 2004
Account #: A-212200-451100-64910-0811520/80%
A-212200-451100-64910-1812600/20%

10. 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 **April, 2004**, and **short-term employees** for the month of **May, 2004**. **Exhibit H-10**

11. RECOMMENDATION: ACTION - RATIFY ACADEMIC EMPLOYMENT

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

a. Name: **KATHLEEN N. YOUNG**
Degree: B.A., Philosophy and Political Science
 M.A., Psychology - Clinical
 Ph.D., Psychology

Position: Assistant Professor, Psychology
Department: Behavioral Sciences
Position #: 5392 New?: No
Remarks: Replacement for Mark Vernoy
Sal Grade/Stp: **G/1** Salary: **\$4,827.44/month**
% of Position: 100% # of Mos: 10
Effective: August 20, 2004
Account #(s): A-111000-363500-20010-0000000/100%

b. Name: **FREDRIC E. ROSE**
Degree: B.A., Psychology
 M.A., Psychology
 Ph.D., Psychology

Position: Assistant Professor, Psychology
Department: Behavioral Sciences
Position #: 5393 New?: Yes
Remarks: Position approved 5/11/04
Sal Grade/Stp: **G/1** Salary: **\$4,827.44/month**
% of Position: 100% # of Mos: 10
Effective: August 20, 2004
Account #(s): A-111000-363500-20010-0000000/100%

c. Name: **MARTIN M. JAPTOK**
Degree: M.A., American Studies
 Ph.D., English

Position: Assistant Professor, English
Department: English
Position #: 5107 New?: No
Remarks: Replacement for William Salomone
Sal Grade/Stp: **G/1** Salary: **\$4,827.44/month**
% of Position: 100% # of Mos: 10
Effective: August 20, 2004
Account #(s): A-111000-324200-15010-0000000/100%

12. RECOMMENDATION: ACTION - RATIFY RESIGNATIONS

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

- a. **ELOISA CASTRO**, Supervisor, Employment Services, Human Resource Services, effective May 5, 2004 (last day of employment May 4, 2004).
- b. **KIELY KEANE-ALT**, Manager, Fiscal Operations, Fiscal Services, effective May 6, 2004 (last day of employment May 5, 2004).
- c. **LISA M. JOHNSON**, Administrative Secretary, Public Safety Programs, effective May 29, 2004 (last day of employment May 28, 2004).

13. RECOMMENDATION: ACTION - RATIFY STIPEND FOR DESIGNATED BILINGUAL INTERPRETER

The Governing Board hereby ratifies the recommendation of the Superintendent/President granting the **bilingual stipend** for the following employee who is a **designated bilingual interpreter**:

ANGELINA E. ARZATE, Financial Aid Advisor, Financial Aid and Scholarships, effective May 1, 2004.

14. 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: **CHRIS H. LANG**
Position: Law Enforcement Training Supervisor
Department: Public Safety Programs
Position #: 5742 New?: No
Remarks: Replacement for Jason Blacklock; position is in the Confidential and Supervisory Team.
Sal Grade/Step: **50/1** Salary: **\$3,977.40/month**
% of Position: 100% # of Mos: 12
Effective: April 26, 2004
Account #(s): A-123400-336100-60100-0000000/100%
- b. Name: **PATRICIA C. FRADY**
Position: Systems Module Functional Specialist
Department: Fiscal Services
Position #: 6132 New?: No
Remarks: Replacement for Susan Doran; promotion for Ms. Frady.
Sal Grade/Step: **39/1** Salary: **\$4,243.78/month**
% of Position: 100% # of Mos: 12
Effective: April 19, 2004
Account #(s): A-212200-551100-67200-0000000/100%
- c. Name: **KAREN L. BOGUTA**
Position: Community Service Officer
Department: Palomar College Police Department
Position #: 6195 New?: No
Remarks: Replacement for David Santos; funded – Parking Lot Fees.
Sal Grade/Step: **11/1** Salary: **\$2,142.73/month**
% of Position: 100% # of Mos: 12
Effective: May 12, 2004
Account #(s): K-212200-543100-69500-1812070/100%

15. 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:

Eloise Sesler – Cabinet and Furniture Technology
Cynthia Ovard – Dental Assisting
Erin McInerny – Emergency Medical Education

16. 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 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:

SUMMER, 2004

BUSINESS EDUCATION

McMahon, Thomas	Real Estate B.A., Business (Finance) 2+ Years Experience	\$37.01
-----------------	--	---------

EMERGENCY MEDICAL EDUCATION

McInerny, Erin	Emergency Medical Education Coursework and 6+ Years Experience as Emergency Medical Technician	\$37.01
----------------	--	---------

MULTICULTURAL STUDIES

Sawyer, Marcia	Multicultural Studies B.A., History M.A., History Ph.D., History	\$40.71
----------------	---	---------

FALL, 2004

COOPERATIVE EDUCATION

Nott, Sheryl	Cooperative Education A.B., Home Economics M.A., Education	\$38.24
--------------	--	---------

DENTAL ASSISTING

Ovard, Cynthia	Dental Assisting Coursework and 6+ Years Experience in Dental Assisting Discipline	\$37.01
----------------	--	---------

EARTH SCIENCES

Lindsay, David	Geography B.A., History M.A., Geography	\$38.24
----------------	---	---------

Selkin, Peter	Oceanography B.A., Geology Ph.D., Earth Sciences	\$40.71
---------------	--	---------

PERFORMING ARTS

Shaffer, David	Music B.A., History M.M., Music: Performance	\$39.47
----------------	--	---------

TRADES & INDUSTRY

Kessel, Edward	Automotive Technology B.S., Mechanized Agriculture 2+ Years Experience	\$37.01
----------------	--	---------

Sesler, Eloise Cabinet and Furniture Technology \$37.01
Eminence in Furniture Making, Design,
And Finishing

17. 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 employees**:

- a. Name: **MAGAULI V. SOOTO**
Position: Police Officer I
Department: Palomar College Police Department
Position #: 5873 New?: No
Remarks: Replacement for William Knack; funded - Parking Lot Fees.
Sal Grade/Stp: **31/1** Salary: **\$3,490.69/month**
% of Position: 100% # of Mos: 12
Effective: May 12, 2004
Account #(s): K-212200-543100-69500-1812070/100%
- b. Name: **GERARD R. PEREZ**
Position: Police Officer I
Department: Palomar College Police Department
Position #: 5872 New?: No
Remarks: Replacement for Adam Chase; funded - Parking Lot Fees.
Sal Grade/Stp: **31/5** Salary: **\$4,243.78/month**
% of Position: 100% # of Mos: 12
Effective: May 12, 2004
Account #(s): K-212200-543100-69500-1812070/100%
- c. Name: **ARTURO CARLOS, Jr.**
Position: Police Officer I
Department: Palomar College Police Department
Position #: 6062 New?: No
Remarks: Replacement for Gene LaRue Jr.; funded - Parking Lot Fees.
Sal Grade/Stp: **31/1** Salary: **\$3,490.69/month**
% of Position: 100% # of Mos: 12
Effective: May 12, 2004
Account #(s): K-212200-543100-69500-1812070/100%

Administration of Oath of Office to Officers Sooto, Perez, and Carlos

**Resumption of
REGULAR AGENDA**

I. ACTION ON ITEMS REMOVED FROM CONSENT CALENDAR

J. REPORTS FROM COLLEGE GROUPS

1. **INFORMATION: Report of the Faculty Senate**
2. **INFORMATION: Report of the Palomar Faculty Federation**
3. **INFORMATION: Report of The Faculty**

4. **INFORMATION: Report of the Administrative Association**
5. **INFORMATION: Report of the Confidential and Supervisory Team**
6. **INFORMATION: Report of the CCE/AFT**
7. **INFORMATION: Report of the Associated Student Government**

K. COMMENTS FROM OTHER INDIVIDUALS AND GROUPS

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

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

L. UNFINISHED BUSINESS

M. NEW BUSINESS

1. **RECOMMENDATION: ACTION - APPROVE PROPOSED NEW POLICY – BP 6310 – RISK MANAGEMENT**

The Governing Board hereby approves the following **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.

2. **RECOMMENDATION: ACTION - APPROVE PROPOSED NEW POLICY – BP 6810 – ILLNESS/INJURY PREVENTION**

The Governing Board hereby approves the following **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

3. **RECOMMENDATION: ACTION – APPROVE PROPOSED NEW POLICY - BP 5030.6 – FEE EXEMPTION FOR INTERNATIONAL STUDENTS**

The Governing Board hereby approves the following **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.

4. **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 Amador Soto** from the Special Governing Board Meeting held April 27, 2004, is **excused** due to illness.

5. **RECOMMENDATION: ACTION - EXCUSE ABSENCE OF MEMBER DUE TO PERSONAL BUSINESS**

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 Special Governing Board Meeting held April 27, 2004, is **excused** due to personal business out of state.

6. **RECOMMENDATION: ACTION – APPROVE RESOLUTION OF APPRECIATION TO STUDENT TRUSTEE**

BE IT RESOLVED, That the members of the Governing Board of the Palomar Community College District do hereby express their **sincere appreciation to AMADOR SOTO**, who has served as President of the Associated Student Government and Student Trustee from May 27, 2003, through May 11, 2004, and who, throughout his tenure in office, has rendered outstanding service and provided responsible leadership, and who, as a result, has accomplished a great deal for the betterment of the students at Palomar College.

7. **RECOMMENDATION: ACTION – REAFFIRM ELECTION PROCEDURES - IN EVENT OF TIE VOTE, DETERMINE GOVERNING BOARD MEMBER ELECTION WINNER OR WINNERS BY LOT; CANDIDATES TO PAY ALL CHARGES; AND 200-WORD MAXIMUM ON CANDIDATE'S STATEMENT**

The Governing Board hereby declares that for the purposes of the November 2, 2004, regular Governing Board member elections, the Palomar Community College District has established the following **election regulations**:

Tie Vote Procedures (Education Code Section 5016, BP 9.4)

Winner(s) determined by lot
 Runoff election to be called

Costs of Candidate's Statement (Elections Code Section 13307, BP 9.3)

Candidate to pay all charges
 District will pay charges

200-word maximum
 400-word maximum (WILL DOUBLE THE COST)

8. RECOMMENDATION: ACTION – APPROVE ATTENDANCE ALLOWANCE REQUEST BECAUSE OF EMERGENCY CONDITIONS

The Governing Board hereby approves the **Attendance Allowance Request Because of Emergency Conditions**, pursuant to California Code of Regulations, Title 5, Section 58146, for the period of **October 27 through November 1, 2003, due to the San Diego wildfires necessitating a closure of the campus because of unsafe air quality conditions.**

9. RECOMMENDATION: ACTION – AUTHORIZATION FOR THE SOLICITATION OF BIDS FOR THE HIGH TECHNOLOGY LABORATORY/CLASSROOM BUILDING

The Governing Board hereby authorizes the Office of Contract Services to publish a notice calling for **bids** pursuant to California Education Code Section 81641 for construction of the **High Technology Laboratory/Classroom Building** in accordance with approved plans and specifications. **Exhibit M-9**

10. RECOMMENDATION: ACTION - REVIEW AND APPROVE CONTRACTS AND AGREEMENTS MADE FOR PRIOR SIXTY (60) DAYS

The Governing Board hereby ratifies and approves all **contracts and agreements** for the period **March 1, 2004, through April 30, 2004**, and entered into on behalf of the Palomar Community College District, as detailed on **Exhibit M-10**.

11. RECOMMENDATION: ACTION - REJECT ALL BIDS FOR TELEPHONE MAINTENANCE CONTRACT AND AUTHORIZE SOLICITATION OF REQUEST FOR PROPOSALS FOR TELEPHONE MAINTENANCE CONTRACT

The Governing Board hereby rejects all **bids** that were **submitted on April 22, 2004**, at the 2:00 p.m. bid opening as **non-responsive** as detailed in the attached memorandum, identified as **Exhibit M-11** and authorizes the office of Contract Services to **publish a notice calling for proposals** pursuant to Education Code Section 81645.

12. RECOMMENDATION: ACTION - APPROVE FIELD COURSE TO YELLOWSTONE NATIONAL PARK FOR SUMMER, 2004

The Governing Board hereby approves the Palomar Community College District's 2004 **field course to Yellowstone National Park**. The courses listed below shall be offered during the field course. Students may enroll in one of the following courses: (a) Biology 195A, Field Studies in Natural History 3 units; (b) Biology 195B, Field Studies in Ecology 3 units; (c) Biology 45A, Field Studies in Natural History 3 units; (d) Biology 114L Ecosystem Biology Laboratory 2 units; (e) Biology 295, Directed Study in Life Science 2 units.

All agreements and contracts necessary to carry out this summer field course to Yellowstone National Park are hereby authorized between the Palomar Community College District and the following vendors: (a) Xanterra Int'l (AMFAC Parks & Resorts); (b) National Park Service; (c) Dornan's Moose Enterprise; (d) Leisure Sports; (e) Grand Teton Lodge Company; (f) Triangle X Ranch. Advance deposits as may be required by these vendors are hereby authorized. The estimated cost per student is \$720.00 depending on lodging options and availability. Fee includes lodging and activities. Student must provide own means of transportation and meals. **Exhibit M-12**

13. **RECOMMENDATION: ACTION - APPROVE AGREEMENT FOR COMMUNITY COLLEGE DISTRICTS MEDIA COLLECTION AND SERVICES**

The Palomar Community College District hereby approves the **Agreement for Community College Districts Media Collection and Services** implemented through the San Diego County Superintendent of Schools and the San Diego and Imperial Counties Community Colleges Association for establishing a system for sharing information services and maintaining a single collection of their individually owned educational media in a common depository accessible to all parties of this agreement. **Exhibit M-13**

14. **RECOMMENDATION: ACTION – APPROVE CHANGE OF NAME ON TAX-SHELTERED ANNUITY PROVIDER**

The Governing Board hereby approves an **amended tax-sheltered annuity agreement** changing the name of the annuity provider from CGU Life Insurance Company of America (CGU Life) to **Aviva Life Insurance Company** (Aviva). The Governing Board authorizes the Vice President for Finance and Administrative Services to execute all documents required to carry out this action, effective March 24, 2004.

15. **RECOMMENDATION: ACTION - APPROVE AGREEMENT WITH JOINT POWERS AUTHORITY (JPA) FOR MEMBERSHIP IN THE PROTECTED INSURANCE PROGRAM FOR SCHOOLS**

WHEREAS, California school and college districts have determined there is a need for affordable workers' compensation coverage by combining their respective efforts to establish, operate, and maintain a Joint Power Agency for workers' compensation coverages; and

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

NOW, THEREFORE, BE IT RESOLVED That the Trustees of the Palomar Community College District declare its membership in the Protected Insurance Program for Schools and instruct its duly authorized agent to execute on behalf of the Palomar Community College District the attached Joint Powers Agreement and appoints Kenneth Jay and Nancy Horio as its official representatives to the Protected Insurance Program for Schools JPA.

PASSED AND ADOPTED by the Governing Board of the Palomar Community College District this 11th day of May, 2004, by the following vote:

AYES:
NOES:
ABSENT:

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)

I, Sherrill L. Amador, Secretary to the Governing Board, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the Governing Board at a regularly called and conducted meeting held on said date.

Exhibit M-15

Secretary to the Governing Board

16. RECOMMENDATION: ACTION - APPROVE 2004-05 CHILD DEVELOPMENT AGREEMENT CONTRACT NUMBER: FCAP-3223, TODDLER CHILD CARE RESOURCE PROGRAM; ACCEPT FUNDING FROM CALIFORNIA DEPARTMENT OF EDUCATION; AND AUTHORIZE DESIGNATED PERSONNEL TO SIGN CONTRACT

The Governing Board hereby approves **Child Development Services agreement**, Contract Number: FCAP-3223, between the California Department of Education and the Palomar Community College District, effective April 1, 2004, through June 30, 2005, and **accepts funding in the amount of \$3,291.00** for support of the **Toddler Child Care Resources Program** on the San Marcos campus.

The Governing Board hereby authorizes, Jerry R. Patton, Vice President for Finance and Administrative Services, and Ken Jay, Director of Business Services to sign contract documents of the California Department of Education – Child Development Services.
Exhibit M-16

17. RECOMMENDATION: ACTION – APPROVE RESOLUTION REQUESTING TEMPORARY TRANSFER OF FUNDS

WHEREAS, the California Constitution, Article XVI, Section 6, and Education Code Section 85220 provide that the Treasurer of the County shall have the power and it shall be his duty to make such temporary transfer from the funds in his custody as may be necessary to provide funds for meeting the obligations incurred for maintenance purposes by any district whose funds are in his custody and are paid out solely through his office; such temporary transfer of funds shall be made only upon resolution adopted by the governing board of the County to make such temporary transfer; such temporary transfer of funds shall not exceed 85% of taxes accruing to the district, shall not be made prior to the first day of the fiscal year nor after the last Monday in April of the current fiscal year, and shall be replaced from the taxes accruing to such district before any other obligation of the district is met from such taxes; and

WHEREAS, on June 08, 2004, the Governing Board will:

[XXX] Adopt a tentative budget

[] Adopt its final budget

for this district for the fiscal year 2004-2005 pursuant to the provisions of the Education Code Sections 85000 et seq., and taxes accruing to the district for said fiscal year are estimated to be \$38,127,600 and 85% of said taxes is \$32,408,460; and

WHEREAS, taxes accrued to this district during the 2003-2004 fiscal year are projected to be \$37,380,000; and

WHEREAS, it is necessary to provide funds for meeting the obligations incurred for maintenance purposes by this district; and

NOW, THEREFORE, IT IS RESOLVED AND ORDERED pursuant to the provisions of the California Constitution, Article XVI, Section 6, and Education Code Section 85220 as follows:

1. The Board of Supervisors of the County of San Diego is requested to direct the Treasurer of the County of San Diego to make a temporary transfer from the funds in his custody to this district during the 2004-2005 fiscal year to meet obligations incurred for maintenance purposes in the amount of:
 - (a) \$ 5,509,438 for the period from July 1 until August 31 not to exceed 17% of the authorized limit.
 - (b) \$32,408,460 after August 31 but not to exceed a total of 85% of taxes accruing to the district. This amount represents the total available temporary transfer approved by the governing board for the 2004-2005 fiscal year inclusive of the 17% shown in (a) above.
2. If directed by the Board of Supervisors, funds will be transferred to this district by the Treasurer of the County of San Diego in sums as requested by the District Superintendent and certified by him/her to be necessary to provide funds for meeting the obligations incurred for maintenance purposes by the district not to exceed the maximum amount herein specified, provided the Treasurer determines that funds in his custody are available for such transfers.
3. The Clerk/Secretary of this Board is directed to file a copy of this resolution with the Board of Supervisors, the County Superintendent of Schools, the County Auditor and Controller and the County Treasurer-Tax Collector.

PASSED AND ADOPTED by the Governing Board of the Palomar Community College District, County of San Diego, State of California, this 11th day of May, 2004, by the following vote:

AYES:
NOES:
ABSENT:

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)

I, Nancy C. Chadwick, Clerk/Secretary of the Governing Board of the Palomar Community College District, County of San Diego, State of California, do hereby certify that the foregoing is a true copy of a resolution adopted by said Board at a meeting thereof, at the time and by the vote therein stated, which original resolution is on file in the office of said Board.

_____ Date

_____ Secretary of the Governing Board

Exhibit M-17

18. RECOMMENDATION: ACTION – APPROVE RESOLUTION IN SUPPORT OF EQUALIZATION FUNDING FOR CALIFORNIA’S COMMUNITY COLLEGE STUDENTS

WHEREAS, on a dollar per student basis, there is great disparity in funding among California's community college districts; and

WHEREAS, the highest-funded district receives more than \$8,000 per full-time-equivalent student and the lowest-funded districts receive less than \$3,600, and

WHEREAS, the difference between the 15 highest-funded districts and the 15 lowest-funded districts has been more than \$1,200 per student continuously; and

WHEREAS, when there are more state funds available to the community college system, higher-funded districts receive proportionately more and lower-funded districts receive proportionately less; and, conversely, when state funds are cut, higher-funded districts receive a smaller cut per student and lower-funded districts receive a larger cut per student, making the disparity in funding even worse, and

WHEREAS, the lack of equitable state funding means that students in lower-funded districts have significantly less access to classes, tutors, full-time instructors, lab technicians, math and writing center assistance, basic skills classes, adequately maintained facilities, instructional materials, current technology, technical programs, counselors and other support staff for an increasingly diverse student population; and

WHEREAS all of California's community college districts are required to comply with the same state mandates, paying the same rates to PERS, STRS, and Workers Compensation; but the resources to comply with these and other state requirements vary widely district by district; and

WHEREAS, funding all community college programs and services on a per-student basis would reduce the disparity in funding, increase equal access to education and boost the potential for student success throughout the state; and

WHEREAS, the Governor's budget proposal would assist more than 75% of the state's community colleges and 85-90% of the state's community college students;

NOW, THEREFORE, BE IT RESOLVED That the Governing Board of the Palomar Community College District supports the Governor's proposal to fund equalization and:

- urges enactment of SB 1875 (Alpert) to begin the process of equitable funding, and
- commits to actively advocate on behalf of comparable funding for ALL of the state's community college students on a per-student basis.

Passed and adopted by the Governing Board of the Palomar Community College District, in San Diego County.

19. 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.

O. RECONVENE TO OPEN SESSION

P. ADJOURNMENT