



**GOVERNING BOARD MINUTES  
REGULAR MEETING, GOVERNING BOARD  
PALOMAR COMMUNITY COLLEGE DISTRICT  
GOVERNING BOARD ROOM, STUDENT SERVICES CENTER  
COLLEGE CAMPUS  
SAN MARCOS, CALIFORNIA  
TUESDAY, JUNE 8, 2004  
6:00 P.M. (CLOSED SESSION) - 7:00 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  
PAUL J. CHARAS, 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:

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. Conference regarding employment of Superintendent/President, pursuant to Government Code, §54957.
6. Pending Litigation pursuant to Government Code §54956.9.

7. Review of tort claim, pursuant to Government Code §54956.95.
8. 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 7:00 p.m. There was no reportable action taken during Closed Session.

**STAFF PRESENT:**

Barbara Baldrige, Executive Assistant to Superintendent/Governing Board  
Bill Bedford, Part-Time Faculty, Physics/Engineering  
Bruce Bishop, Director, Student Affairs  
Reno Frigo, Part-Time Faculty, Chemistry  
Dewi Hokett, Assistant Professor, Speech Communication/Forensics/ASL  
Julie Ivey, Co-President, PFF/AFT; Part-Time Faculty, English  
Ken Jay, President, Administrative Association; Director, Business Services  
Becky McCluskey, President, CCE/AFT; Accounting Technician, Fiscal Services, Escondido Center  
Donna Renner, Secretary, CAST; Facilities Services Coordinator  
Don Sullins, Information Services Consultant  
Katie Townsend-Merino, President, Faculty Senate; Associate Professor, Behavioral Sciences

**GUESTS:**

Dr. Richard Jones  
Joseph Newmyer  
Corey Taft, Student

Others present are listed on the sign-in sheets.

**QUORUM ESTABLISHED**

Following the pledge of allegiance to the flag, Mr. Jensen asked that a minute of silence be observed in memory of President Ronald Reagan. Following that, 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.

**BBBB. ADMINISTRATION OF OATH OF OFFICE TO STUDENT TRUSTEE**

At this time, Mr. Jensen administered the Oath of Office to Paul J. Charas, Student Trustee.

**C. RECOMMENDATION: ACTION - APPROVAL OF MINUTES**

MSC Chadwick, Nelson

The Governing Board hereby approves the Minutes of the Regular Meeting of May 11, 2004.

The Vote was unanimous.

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

Dr. Amador announced the following change to the agenda:

Page 7: Item H-12, Exhibit H-12, add to Short-Term Personnel Action Request:

Department	President's Office
Last Name	Baldrige
First	Barbara
Start Date	07/02/04
End Date	07/23/04
Job Title	Executive Assistant to Superintendent/Governing Board
Hourly Comp Rate	\$30.25
Job Description	Train replacement

**E. REPORT OF THE GOVERNING BOARD PRESIDENT**

Mr. Jensen gave the following report:

After the last meeting, the Board was awarded a raspberry by the *North County Times* based on the premise that we had almost arrested Dr. Finkenthal, which is totally untrue. In fact, we almost arrested his attorney. I wrote a letter to the *North County Times* correcting that, but for one reason or another, they never printed it. (Others present indicated at this time that his response had been printed.)

I just wanted to share that as a child I knew President Reagan. At the time, we lived in Northridge, and Roscoe Boulevard was then a dirt road. Now, I think it's a four- or six-lane road. He had a horse ranch across the road from our place, and when his son Mike came to visit him, he and I were playmates. There were hardly any other kids around that area. One of the last times I saw him, he said he was going to put me in a sack, tie it to the clothes line, and build a fire under me. I guess there are some people who wish he had. He caught us throwing rocks at his horses, so Mike and I hurried across the road to my place and proceeded to climb up my mother's rose trellis and break it down getting on top of our roof.

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

Dr. Nelson gave the following report:

First of all, it was a wonderful graduation. Joe, you and your staff are to be commended. It went off like clockwork. I thought that our special invited guest was wonderful, and her gift to us was so appreciated. All in all, it was a very festive evening.

I attended the PACRA meeting, along with Mark Vernoy to talk about the Strategic Plan. They are, as always, very interested in what's going on at the campus. Mark, in his very methodical way, brought all the slides from the Strategic Plan, and they went over and found where their old offices were and asked what was happening. It was a very enjoyable event.

I would like to, at this point in time, wish Dr. Amador a very festive and happy transition and congratulations for being appointed to the Accreditation Commission. I know that we will continue to hear good things about you as you stay engaged and involved advising community colleges. And I would also like to share my special thanks to Barbara Baldrige. You have been kind of the mother of trustees, and I appreciate it. You have reminded us gently and graciously and always with such discretion, and I certainly appreciate all that you've done for us, and we wish you well also. Also, Dr. Amador, I had one more note that I wanted to acknowledge. Along with wishing you well on your new endeavors, I want to thank you for the systems that you have put in place at

Palomar. It will be a legacy that will be very much appreciated down the line. Thank you so much.

Mr. Evilsizer gave the following report:

May and some of June has been very active around here. May is a month of a lot of celebrations for good causes. The GEAR UP Recognition Luncheon was well attended on May 12, and that was an opportunity to acknowledge a lot of the outreach programs and people involved in those programs. GEAR UP does a wonderful job of impacting the lives of many high school and junior high school students here in San Marcos, and I know they're working on getting over to the Vista Unified School District soon, too. Great program.

TRIO SSS dinner was the next day, and I learned a lot about Joe Madrigal, who shared some personal stories and history. He was the keynote speaker and did a wonderful job. It's nice to see so many students graduating and going on to some good four-year universities and colleges.

Of course, on the 19<sup>th</sup>, we had the Scholarship Honors Night, and that's always a joy to see \$300,000 worth of scholarship money get awarded to students. It's always a terrific thing to see.

Of course, Commencement went very well. And that was a fun and exciting event.

I was able to attend the Nurses Pinning Ceremony in Vista, and we had another cadre of very fine and qualified people going on to pursue their careers in healthcare.

I missed the Paramedic Graduation, which I try not to do, but I am sure that was a good event as well. Congratulations to all of those in that program.

The Woodworking Awards Luncheon was held at the end of May, and I'll tell you, if you haven't had an opportunity to visit that, you're really missing something because they have a full-on potluck, not to mention some active grilling of some fine meats and things. The real joy is seeing the work and the craftsmanship in these furniture pieces, bookends, and guitars. These things are on display at the public fair in Del Mar. And if you get a chance to see those at the fair, please do.

Finally, in terms of things that I was able to attend, last Saturday, at Cal State University San Marcos, Encuentros Leadership had their first ever annual career expo and educational conference. I wanted to thank EOP&S for being there and the GEAR UP folks for being actively involved in that and actively recruiting some Latino boys who I think got some exposure to some good possibilities for future careers and educational paths.

And then I also wanted to thank Dr. Amador for her service to the College over the last three years and wish her well in her retirement. I know she's got some great travel plans for the very near future. And also, Barbara, thank you. You've done a terrific job with following up on things with us that needed to get done and reports that needed to be turned in. I'm glad we have the possibility of keeping you on a little bit longer to maybe help train somebody new. We'll talk about that more tonight.

And then, finally, last month in Closed Session, I was wrongfully accused of furnishing a copy of the President/Superintendent's Goals and Objectives to a faculty member and of having provided a draft copy of a letter of reprimand to another faculty member. No proof of these false allegations was provided; and let me state publicly and for the record, that I have never furnished such documents to anyone outside of our Closed Sessions. And what's disturbing to me is that this type of thinking goes unchecked and unverified. And I am saddened that such negative feelings toward a Board member clouds and inhibits our willingness to work collegially. And I'm hopeful that future rumors will be thoroughly

investigated and validated before false charges are made against any member of our community here at Palomar College.

Ms. Chadwick gave the following report:

This is the best time of the year for us because we get to see our most important product, and that is the student that's completed whatever they want to do – graduation, certificate, whatever. When we have an opportunity to see all of these most important products – these students that are finishing – it's fun.

Like my colleagues here, I was able to go to GEAR UP, the Psychology Poster Session, Fire Academy, EMT Academy, Scholarship Dinner, Graduation, TRIO, Nursing Pinning, and the Woodworking. I'm skipping over these very quickly because we've already talked about them. But taken as a whole, it's an awesome situation to see what kinds of students we have and how well they have been provided this education by our faculty. They all need to be applauded. It's wonderful.

The other thing I want to talk about a little bit is that we are heading into a uncertain period in terms of budget; and I'm hopeful that all of you will continue as you've been doing in the past to pay attention to what's going on in Sacramento and how we can influence that and impact that, because we can. There's a lot that will be happening, and I'm hopeful that we can all work on this together. This is not going to be an easy time.

I also want to add my congratulations to Dr. Amador and to Barbara Baldrige for all of their service. I certainly appreciated it. And I hope you have a wonderful retirement. It's great – I know, I'm there. You'll love it. Thank you so much.

Mr. McMullen gave the following report:

I met with SDICCCA, which is all the community colleges in San Diego County and Imperial County yesterday. The information from Sacramento indicates that the \$80 million budget item towards equalization has Assembly approval, and it now rests with the Senate. We, of course, got the phone numbers and fax numbers and e-mails out again where we could contact the Joint Budget Conference Committee, and they meet today and tomorrow to decide how to settle this issue. Hopefully, we'll know something soon. If this does go through in its entirety, it could provide about \$2.1 million to Palomar in equalization funds annually. If I understand it right, Governor Schwarzenegger put it in for an initial three years with the understanding that the formula would be revised by the end of that time. It would certainly help us. I notice that Jerry put half of it in the budget. That's good conservative planning because I'm sure we'll at least get that. But we want the whole enchilada. Along that line, we're going to miss you, too, Jerry. I know I personally am. Coming from the finance field, I've always appreciated your conservative approach to budgets so, hopefully, there's always something for a rainy day – and hope that rainy day never comes. Unfortunately, this last year, the rainy day did come. I notice you were criticized in a meeting a year or so ago about how have you let this reserve build up to so much – it got up to \$14 million. And, of course, we're ending this year with about \$6 million. So, we know we could not have made it through last year if it hadn't been for your frugal approach to our budgeting, and we do appreciate that.

The other one I did want to mention who's leaving – and that's Dale Wallenius. I know at our graduation, Mrs. Shiley, who was our guest speaker, ended her remarks by saying that she's giving \$100,000 to the Foundation. I looked over at Dale, and I've never quite seen shock on his face before. I know that's your swan song. I know you're going across the highway over here to the university, and we certainly wish you well. I was on the Foundation Board for a number of years, and we used to call your middle name "Fleece." You do your job well, and we wish you the best.

Mr. Charas gave the following report:

I look forward to working with everybody in the coming year. I'm still learning the ropes, but it's going to be a good year for the College, and I definitely look forward to it.

Mr. Jensen stated:

I overlooked the fact that, at the end of this month, we're losing a whole bunch of people. Did I repress that or is that the correct psychological term? I meant to thank Dr. Amador and Jerry. And Barb, you've been an angel. And Dale, you've done one heck of a job. We're going to miss all of you. Jack is a glutton for punishment; he's agreed to stay around for awhile.

**G. REPORT OF THE SUPERINTENDENT/PRESIDENT**

Dr. Amador introduced Dr. Richard Jones, who will serve as Interim Superintendent/President, effective July 2, 2004, and Mr. Joseph Newmyer, who will serve as Interim Assistant Superintendent/Vice President for Finance and Administration, effective June 25, 2004.

Dr. Amador thanked the people with whom she has worked directly and who will be leaving the District. She thanked Jack Miyamoto, who has worked directly with her on many issues. She appreciated his support. She thanked Jerry Patton for his conservative budgeting because no president likes to get in trouble with the budget, and Jerry has been very helpful. She noted that Dale Wallenius is one of the very best in terms of fund raisers, and the College will miss his work in terms of building the Foundation from nothing to a \$5.5 million balance. She thanked Mike Rourke for all of his work in Instruction and especially with the Institutional Review Committee. She noted that she and Barb Baldrige have worked together on a daily basis. She stated that she truly appreciated Barb's fine work and that Barb has been outstanding and one of the best support people she has worked with. She publicly thanked Cheryl Ashour, whom she hired after becoming President. Cheryl has done a wonderful job in the President's office as well.

Annual Implementation Plan 2003-2004

Dr. Amador provided Board members with copies of the AIP 2003-2004, which reflects the institutional work of the Strategic Planning Council as well as the entire College as they worked on the objectives for this past year. In addition there is a "report card" that summarizes what has been accomplished in a very condensed form. "Completed" means that it has been completed; "continuous process" means the structure has been put in place so that it will be addressed on an ongoing basis; "in process" means it has not been completed. In an educational institution, we are dealing with human beings and the education of human beings, and that isn't something you accomplish in one year. Dr. Amador expressed appreciation to all of the Vice Presidents' councils and the work that they have done to ensure that we met institutional goals that were set in the Strategic Plan 2005. She will leave with Dr. Jones, for the continuation of SPC, those goals for 2004-2005 and include the next highest up in the ranking that was done as an institution two years ago of what still needs to be done in terms of institutional work. She stated that one of the things of which she is very proud is that this College has done some self-evaluation in terms of governance structures. This has been done for two years with the help of Michelle Barton as our researcher. We have had very positive results in terms of strategic planning. We did an evaluation last year, and this year's showed an improvement. From the first process, we learned that we needed to do some training. We then provided training on governance, which paid off in terms of how the evaluations came about this year. As part of last year's self-evaluation, it was determined that the Vice Presidents' councils should be evaluated. That has been done and has proven to be successful. Each year, an evaluation should be done as to how we are doing in governance and the necessary corrections should be made to do it better in future years.

### Accreditation

A year ago, when we were accredited, we had six recommendations from the Accrediting Commission for which a progress report needed to be completed by April, 2004. All of them were a part of our Annual Implementation Plan process. We have made significant progress on all of the six recommendations, and, in some cases, we have completed them. That includes the Learning Outcomes Initiatives structure that has been put in place and which addressed in the first stage what was recommended by the Accrediting Commission.

Another significant piece of strategic planning was making the institutional review process an integral part of that, and an annual look at how we are doing in instruction was the first area that went through that process. Next year, the other areas will go through that. When the self-study is written again in 2½ years, there will be a great deal of data available to show that the institution is progressing.

### Sabbatical Leave Reports

Dr. Amador reported that she has read all the Sabbatical Leave reports from Spring, 2003, Fall, 2003, and one full-year 2003-04 report. She assured the Board that all of the reports have met the criteria. All of the processes have been followed in terms of that review. Some significant work by the faculty was done during that time.

### PeopleSoft 8 Conversion

Dr. Amador noted that when she started in this District, all she heard were complaints about PeopleSoft. Three years later, we have gone through the first roll-out with Student Services. We did everything right under the leadership of Don Sullins. Dr. Amador expressed her appreciation to Mr. Sullins for his leadership in seeing this through. She congratulated everyone who had anything to do with PeopleSoft and the Version 8 conversion. It went very smoothly.

### Grade Submission

Herman Lee sent out an announcement that within the first week after finals ended, 99.8% of the grades were submitted by the faculty. Dr. Amador expressed appreciation to the faculty for their diligence in this matter. We hope to keep the same behavior going for turning in positive attendance.

### Conference Committee

Dr. Amador noted that the Senate has \$80 million and the Assembly has \$40 million in terms of equalization funding.

### Appointment to Accrediting Commission

Dr. Amador reported that she has been appointed as a public member of the Accrediting Commission effective July 1. She has one more team chair responsibility in November at Marin College.

### Phi Theta Kappa

Dr. Amador thanked Phi Theta Kappa for presenting her with a certificate indicating that she will have a brick in her name at the national headquarters for Phi Theta Kappa. She extended appreciation to the students for this honor.

## Thanks

Dr. Amador thanked all of the staff, faculty, and administration who have personally sent her items of recognition and letters of thank you. She stated that after 39 years in this business, you don't realize how many people you've helped get a job or said something that made a change in their lives. That has meant a great deal to her. She has seen a lot of changes in education in this state since she started teaching in high school 39 years ago. More significant changes are going to be coming for reasons that are not as viable because of lack of money. She believes that community colleges still are the most significant educational enterprise in the United States and in the world. That's because they bridge success for individuals. She stated that she is truly committed to that and will continue to work with that even though she is not going to be a paid person in that endeavor any longer. She thanked the Board for the opportunity to serve.

### 1. Report of Vice President for Instruction

#### Forensics Report

Ms. Berta Cuaron introduced Dewi Hokett, Director of Forensics, who reported on the success of the Forensics Team this year. She then introduced Corey Taft, forensics student, who presented his award-winning oral interpretation.

#### University or Transfer Studies Degree

In response to Dr. Nelson's question as to where we are in terms of a university or transfer studies degree, Ms. Cuaron reported that the Curriculum Committee had discussed the matter at great length at the May meeting and will make it an agenda item in the fall and revisit the options. Hopefully, they will be able to come back with some recommendations that will meet the needs of our students as well as address some of the faculty concerns from the previous proposal.

Dr. Nelson asked by what time Ms. Cuaron anticipated those would be in place. Ms. Cuaron responded that depending upon the process and how well they can get the dialogue going, she would optimistically hope for fall, 2005. Dr. Nelson noted that with each passing month, our students are placed in jeopardy. Ms. Cuaron noted that we need to be cognizant of the fact that the CSUs and UCs are in the same throes of making revisions, so we need to make sure that we align ourselves with what they are doing.

#### Grant Opportunities

Ms. Cuaron reported that, during the spring semester, there was a great deal of interest in the Instructional Planning Council to look at ways that we can better position ourselves to be proactive in applying for and in securing grant opportunities. A small workgroup has been convened to look at strategies of putting together some mechanisms that would enable us to look at grants to develop a data base and inventory so that we can anticipate those time lines. That might be a better way for us to address grants such as that which was out there for the nursing education program at the state level as well as the federal level.

Ms. Chadwick asked when a report will be made on the health sciences. Ms. Cuaron responded that the department chair was working closely with Dr. Rourke, and they are trying to bring a preliminary report in the early fall. She is currently serving on an advisory committee that was convened through Cal State San Marcos. Their program is in the developmental stages over a three-year time line. We are trying to react to what they may be doing in terms of the nursing program. Ms. Chadwick stated that she thinks it is important that the Board hear what our health sciences programs are, how they are existing now, and some preliminary ideas about the direction that may be occurring and where there may be some interest in changing or looking at different ways to pursue that.

She hopes the initial report will say what we have, where they're located, and the kind of initial or preliminary first questions about where we might be headed.

#### Workforce Development Grant

Ms. Chadwick noted that she had read in the paper this week that a substantial grant had been given to the workforce development people. She asked if we are involved in this in any way. Dr. Amador responded that, through SDICCCA, we have formed clusters. The biotech cluster's Palomar representative is Roya Lahijani. Dr. Amador noted that in the newspaper article, only university and high school students were mentioned. They did not mention the community colleges. However, they do work directly with SDICCCA. Larry Fitch, the director of that program has indicated that he is planning on doing some close partnerships with the community colleges.

#### a. Report on Materials Fees' Procedures

Ms. Cuaron presented a report on the College's materials fees' procedures. She acknowledged the assistance of Dr. Mike Rourke and Dr. Katheryn Garlow in the preparation of this report. They have worked with the task force and revisited the process to ensure that it is streamlined to meet the needs of students and faculty.  
**Exhibit G-1a**

Mr. Evilsizer thanked Ms. Cuaron for the report stating that it outlines for him that we've got a good policy and procedure for additional materials used in classes. He asked what happens in the experience he was presented with where a particular faculty member wants a certain journal to be used in their class, and that journal is not available in the bookstore. The student and the parent were unable to find this journal at Staples, Office Depot, or stationery supply companies. Mr. Evilsizer asked if that would indicate the instructor did not follow the advance notification process. Ms. Cuaron responded that this could be the reason, or perhaps that particular journal was not available due to backorder and needed to be substituted with a second type of journal. The process allows for the faculty member to identify that need, fill the form out, and ensure that it is submitted in a timely manner. Mr. Evilsizer asked if new faculty members are notified of these instructions. Ms. Cuaron responded that textbook order forms go out as soon as the schedule is completed and are processed through the department ADA. If for some reason the form didn't get to the faculty member, that may have caused the problem.

Mr. Evilsizer stated that he would like to see the interactive process that is used with the advisory committees in various areas. Ms. Cuaron stated that a report will be prepared for a future Board meeting on this subject.

## 2. Report of Vice President for Student Services

### a. Report on Student Representation Fees

Mr. Joe Madrigal reported that the Student Representation Fee of \$1.00 has been around for many years. We are in the process of analyzing our collection process and how we might improve it. The fee has very specific uses in terms of what it can do for students in the area of student government. Mr. Madrigal introduced Bruce Bishop, Director of Student Affairs, who presented an update on the legislation authorizing the fee, the purpose of the fee, and the level of our fee collection over the past several years. **Exhibit G-2a**

Mr. Bishop indicated that the reason the collection of fees has decreased in recent years is that PeopleSoft cannot process the collection of this type of fee. We are looking at ways in which we can improve that. There is some hope that PeopleSoft 8 will be able to solve the problem. Ms. Chadwick asked how close we are to moving from hopeful to done. Don Sullins responded that we are very confident that we can take care of the problem, hopefully by spring semester. Ms. Chadwick asked that the Board hear back on that when it's done.

Mr. Evilsizer asked if there are other applications where student fees are refunded. Mr. Sullins responded that we do refund fees when students drop classes. Mr. Evilsizer asked that a report be given at a future meeting that would explain the PeopleSoft problem. Mr. Bishop suggested that, hopefully, the report will explain that the problem has been fixed.

**3. Report of Vice President for Finance and Administrative Services**

**a. Report on FY 04-05 Tentative Budget Overview**

Mr. Jerry Patton presented the FY 04-05 Tentative Budget Overview.

Mr. McMullen asked what percentage of the budget is spent on salaries and benefits for employees. Mr. Patton reported that it has not remained consistent. For 2000-2001, salaries and benefits were 74.52%; for 2001-2002, they were 83.91%; for 2002-2003, they were 77.24%; the projected amount for 2003-2004 is 75.5%. In the tentative budget for 2004-2005, it goes back up to almost 80%. It varies because positions are sometimes open and not filled.

Mr. Evilsizer asked if there is doubt that we might not be making cap. Mr. Patton responded that it is a possibility but is still unknown at this time. Mr. Evilsizer stated that being over cap seems to be the one argument he's been given for not expanding certain programs like public safety. The Director of Public Safety keeps telling him "If I get two extra classrooms, I can generate another \$600-700,000 of revenue per year." Mr. Evilsizer requested that if we don't have the cap stranglehold over us, could we look at that. Mr. Patton responded that this should be addressed to Instruction because it is a curriculum matter, and we need to look at all ways of increasing revenue.

**4. Report of Vice President for Human Resource Services**

**National Day of Mourning**

Dr. Miyamoto reported that the Governor's Office has stated that local agencies, such as community colleges and public schools should make their own decisions as to whether or not to stay open on Friday, June 11, the National Day of Mourning for President Ronald Reagan. The Chancellor's Office has issued a notice stating that districts may do as they wish. If Boards would like to close their districts on Friday, they may do so; however they need to be in compliance with Title 5 and offer 175 days of instruction each year. In talking with the County Office of Education, MiraCosta Community College District, Grossmont/Cuyamaca Community College District, and San Diego Community College District, it appears that they all will be open on Friday.

In order to be accessible to students, the Board members agreed that it was wise to keep the College open on Friday. This will be communicated to all employees.

a. Report on Legal Counsel Determination

Dr. Jack Miyamoto presented a report on Legal Counsel Determination. He noted that we are defendants only. We utilize attorneys in defending lawsuits that are filed against the District. **Exhibit G-4a**

Ms. Chadwick asked when the VP of Human Resources consults with the Superintendent/President to either do the investigation in-house or contract it out, is there a possibility that the Board could be given the information periodically as to how many of these have been decided and where they are. Dr. Miyamoto responded that the Board will be notified when it comes to the point where a decision must be made, so that they are not caught unaware of the situation. Ms. Chadwick stated it would be very helpful if the Board were routinely advised in some periodic manner. Dr. Amador stated that, during the last couple of years, this has been done. Dr. Nelson requested a reminder that something is progressing because sometimes there is a big gap between when the original complaint occurs and the point when it goes to the next stage.

Mr. Evilsizer stated that he was looking at the trend line in a review of legal fees for a six-year period that had been given to the Board previously. Between fiscal years 1997 through 1999-2000 time frame, the District averaged about \$133,000 a year roughly. Between fiscal years 2000 and 2003, we averaged about \$220,000 a year. He asked what has caused that kind of an increase. Dr. Miyamoto responded that the negotiating fees for the District's counsel at the table for the PFF contract were the major cause of this increase. There is a strong sentiment among some faculty that the District gets all that money back through mandated costs, which is absolutely not true. There is only a finite amount in the state, and everybody is trying to access funds from it. We are not likely to get much if anything back from that. Also, the number of suits filed against the District cause the legal fees to vary from time to time.

Mr. Evilsizer asked if the use of outside counsel for contract negotiations has tapered off since the early sessions. Dr. Miyamoto responded that we have not used outside counsel for this purpose in more than a year. We do call him occasionally to be certain that what we have written meets the test.

Dr. Amador stated that when we have an Unfair Labor Practice charge filed against us, the legal fees go back up again because we must defend the District.

Mr. McMullen noted that his personal attorney has raised his rates by 50% the last six years. Dr. Miyamoto noted that our attorneys have been sensitive to our budgetary situation and have kept their fees steady.

**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. REVIEW AND APPROVE PURCHASES MADE FOR PRIOR SIXTY DAYS**

MSC Chadwick, McMullen

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	0440558	through	0440657	\$ 306,914.45
Travel	0450104	through	0450121	\$ 11,223.36
Advertising/Increases	0460087	through	0460103	\$ 25,126.97
Employment Ads	0465021	through	0465022	\$ 75.00
Agreement/Services	0470545	through	0470615	\$ 267,880.45
Repairs	0475126	through	0475135	\$ 4,463.29
Procurement Card	Time Period: 03/23/04 - 04/22/04			\$ 124,378.42
	Time Period: 04/23-04 – 05/22/04			\$ <u>163,458.88</u>
				\$ <u>903,520.82</u>

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**GIFTS**

**2. ACCEPT GIFT**

MSC Chadwick, McMullen

The Governing Board hereby accepts the following **gift** and directs that an appropriate letter of appreciation be sent to the donor:

- a. Books and art supplies for student use, donated by the **Estate of Ruth Carlton, c/o Lloyd Sentinella**, 958 Cornwell Court, San Marcos, California 92069. Total cash value as estimated by donor is \$1,000.00.

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

## FISCAL SERVICES

### 3. AUTHORIZE DRAWING NEW WARRANTS

MSC Chadwick, McMullen

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

Warrant #76-096012 Dated 2/11/03, in the amount of \$24.00 to Kiyoko Shimizu, 1730 Tierra Libertia Road, Escondido, CA 92026. Void due to stale dating.

Warrant #76-115895 Dated 10/16/03, in the amount of \$30.00 to Adam David Jones, 865 Pinewood Drive, Oceanside, CA 92057. Void due to stale dating.

Warrant #76-113658 Dated 9/15/03, in the amount of \$57.00 to Rita Pablos, 32154 Via Saltio, Temecula, CA 92592. Void due to stale dating.

Warrant #76-108834 Dated 8/7/03, in the amount of \$45.00 to Anna Human, 6675 Mission Gorge Road #B211, San Diego, CA 92120. Void due to stale dating.

Warrant #76-106322 Dated 7/17/03, in the amount of \$5.50 to Anna Human, 6675 Mission Gorge Road #B211, San Diego, CA 92120. Void due to stale dating.

Warrant #76-084909 Dated 10/01/02, in the amount of \$11.00 to Jordan Hudson, 26102 Shady Brook Cr., Murrieta, CA 92562. Void due to stale dating.

Warrant #76-112428 Dated 9/15/03, in the amount of \$72.00 to Tyler Ross, 1845 North Broadway, Apt #126, Escondido, CA 92026. Void due to stale dating.

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

### 4. APPROVE BUDGET ADJUSTMENTS FOR FISCAL YEAR 2004-2005 FOR PERIOD FEBRUARY 15, 2004, TO MAY 31, 2004

MSC Chadwick, McMullen

The Governing Board of Palomar Community College District hereby approves **Budget Adjustments of Fiscal Year 2004-2005 from February 15, 2004 to May 31, 2004**. This report shows adjustments made to the budget as of May 31, 2004. **Exhibit H-4**

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**5. APPROVE REVISED BUDGETS AS OF MAY 31, 2004**

MSC Chadwick, McMullen

The Governing Board of the Palomar Community College District hereby approves the following **Revised Budgets as of May 31, 2004**:

General Fund Palomar Unrestricted (11); General Fund State Unrestricted (11); General Fund Restricted (12); Special Debt Service Fund (29); Child Development Fund (33); Capital Outlay Projects Fund (41); Energy Conservation Fund (43); Escondido Center Tenancies (59); Post Retiree Benefit Fund (69); Associated Student Fund (71); Student Representation Fee Fund (72); Student Body Center Fee Fund (73); Student Financial Aid Fund (74); Scholarship and Loan Trust Fund (75).

Reports for each fund are included in the backup material to the Board. **Exhibit H-5**

The Vote was unanimous.

Student Trustee Advisory Vote: Aye

**6. APPROVE BANK SIGNATURE AUTHORIZATIONS FOR PERIOD JUNE 25, 2004, THROUGH JUNE 30, 2005**

MSC Chadwick, McMullen

The Governing Board authorizes the following to deposit/withdraw funds currently deposited in California Bank & Trust, San Marcos, California, for Palomar Community College Financial Aid, Federal Account:

Joseph Newmyer, Interim Assistant Superintendent/Vice President,  
Finance and Administrative Services

or

Martin Good, Director, Fiscal Services

The Governing Board authorizes the following to deposit/withdraw funds currently deposited to the Palomar Community College Transfer Account deposited in California Bank & Trust, San Marcos, California:

Joseph Newmyer, Interim Assistant Superintendent/Vice President,  
Finance and Administrative Services

or

Martin Good, Director, Fiscal Services

The Governing Board authorizes the following to deposit/withdraw funds currently deposited to the Palomar Community College Revolving Cash Fund in California Bank & Trust, San Marcos, California:

Joseph Newmyer, Interim Assistant Superintendent/Vice President,  
Finance and Administrative Services

or

Martin Good, Director, Fiscal Services

The Governing Board authorizes the following to deposit/withdraw funds currently deposited to the Palomar Community College District Associated Students of Palomar College in California Bank & Trust, San Marcos, California:

Joseph Newmyer, Interim Assistant Superintendent/Vice President,  
Finance and Administrative Services  
or  
Martin Good, Director, Fiscal Services  
and  
Paul Charas, President, Associated Student Government  
or  
Neill Kovrig, Executive Vice President of State Affairs, Associated Student Government

The Governing Board authorizes the following to deposit/withdraw funds deposited to the Palomar Community College District EOPS Emergency Loan Fund in California Bank & Trust, San Marcos, California:

Joseph Newmyer, Interim Assistant Superintendent/Vice President,  
Finance and Administrative Services  
or  
Martin Good, Director, Fiscal Services

The Governing Board authorizes the following to deposit/withdraw funds deposited to the Palomar Community College in the San Diego County Treasury:

Joseph Newmyer, Interim Assistant Superintendent/Vice President,  
Finance and Administrative Services  
or  
Martin Good, Director, Fiscal Services

**Exhibit H-6**

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**7. APPROVE SIGNATURES FOR COUNTY BUSINESS**

MSC Chadwick, McMullen

The Governing Board of Palomar Community College District hereby approves the following **business procedures** be authorized, effective June 25, 2004, through June 30, 2005.

- a. Persons authorized, pursuant to the provisions of the Education Code Section 85232, to sign any and all school orders in the name of the District, drawn on the funds of the District:

Joseph Newmyer, Interim Assistant Superintendent/Vice President,  
Finance and Administrative Services  
and  
Martin Good, Director of Fiscal Services

- b. Persons authorized to receive mail from the Accounting Section of the San Diego County Office of Education:

Joseph Newmyer, Interim Assistant Superintendent/Vice President,  
Finance and Administrative Services  
and  
Martin Good, Director of Fiscal Services

**Exhibit H-7**

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**8. AUTHORIZE PERSON TO SIGN PURCHASE ORDERS AND CONTRACTS**

MSC Chadwick, McMullen

The Governing Board of the Palomar Community College District authorizes **Joseph Newmyer to sign purchase orders, contracts, and agreements on behalf of the District** for budget year 2004-05, pursuant to California Education Code Sections 81655-81656.

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**9. ADOPT NOTICE OF PUBLIC HEARING FOR 2004-2005 ANNUAL FINANCIAL BUDGET REPORT (CCFS-311)**

MSC Chadwick, McMullen

The Governing Board hereby approves that the proposed **2004-2005 Annual Financial and Budget Report of the Palomar Community College District will be on display** and available for public inspection on **Friday, September 3, 2004, through Tuesday, September 14, 2004, 8:00 a.m. to 5:00 p.m.**, Fiscal Services, Room A-2, Administration Building, Palomar College.

Further, the Governing Board of the Palomar Community College District will conduct a Public Hearing on the Annual Financial and Budget Report at a meeting of the Governing Board on Tuesday, September 14, 2004, 7:00 p.m., Board Conference Room, Palomar College. Said Notice of Public Hearing is to be published by the North County Times on August 11, 12, or 13, 2004. **Exhibit H-9**

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**10. APPROVE RESOLUTION TO NAME CUSTODIAN OF REVOLVING CASH FUND**

MSC Chadwick, McMullen

**RESOLUTION 04-20790**

**WHEREAS**, there is a need for a Revolving Cash Fund for Fiscal Operations of the District;

**THEREFORE, BE IT RESOLVED**, that the custodian of the **Revolving Cash Fund** in the amount of **\$25,000.00** in the **California Bank & Trust**, San Marcos, California, be **Martin Good, Director, Fiscal Services** or **Joseph Newmyer, Interim Assistant Superintendent/Vice President, Finance and Administrative Services**.

**BE IT FURTHER RESOLVED** that the Revolving Cash Fund has been established for the use of the Interim Vice President, Finance and Administrative Services, and the Director, Fiscal Services, in securing or purchasing services and/or materials, and for otherwise authorized purposes, including prepayments and salary advances. **Exhibit H-10**

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

11. **CONFIRM THE CLASSIFICATION OF RECORDS TO CLASS 3-DISPOSABLE AND AUTHORIZE DESTRUCTION THEREOF PURSUANT TO TITLE 5, § 59028, CALIFORNIA ADMINISTRATIVE CODE**

MSC Chadwick, McMullen

The Governing Board hereby approves the records identified in the backup memorandum hereto, the substance of which is incorporated by this reference, have been certified by the Director of Business Services, as designee of the Superintendent of the District, as accurate in detail; and the aforesaid records are hereby confirmed to be **Class 3-Disposable** and may be **destroyed** in accordance with Title 5, Division 6, Chapter 10, § 59021 et seq. of the California Code of Regulations. **Exhibit H-11**

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**PERSONNEL**

12. **APPROVE PERSONNEL ACTIONS/ HISTORY**

MSC Chadwick, McMullen

The Governing Board hereby approves the **Personnel Actions/History** report, which includes hires and pay rate changes for **student employees** for the month of **May, 2004, and short-term employees** for the month of **June and July, 2004. Exhibit H-12**

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

13. **RATIFY CLASSIFIED EMPLOYMENT**

MSC Chadwick, McMullen

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

a.      Name:                    **CATHERINE ARMAS-MATSUMOTO**  
          Position:                Marketing Services Assistant  
          Department:            ETV/CCC Confer  
          Position #:                6248                                New:                                No  
          Remarks:                Replacement for Stephanie Gonzales; funded – CCC Confer  
          Sal Grade/Step:        **20/1**                                Salary:                            **\$2,670.14 /month**  
          % of Position:        100%                                # of Mos:                        12  
          Effective:                May 28, 2004  
          Account #:                K-212200-318100-61320-1612191/100%

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**14. RATIFY ACADEMIC EMPLOYMENT**

MSC Chadwick, McMullen

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

a. Name: **PERRI L. GILL**  
Position: Assistant Professor, Mathematics  
Degree: B.A., Liberal Arts  
M.A., Mathematics  
Department: Mathematics  
Position #: 5280 New: No  
Remarks: Replacement for Richard Nation  
Sal Rng/Stp: **D/1** Salary: **\$4,235.13/month**  
% of Position: 100% # of Mos: 10  
Effective: August 20, 2004  
Account #: A-111000-347200-17010-0000000/100%

b. Name: **YAN TIAN**  
Position: Assistant Professor, Mathematics  
Degree: B.A., Mathematics  
M.A., Mathematics  
Department: Mathematics  
Position #: 6247 New: No  
Remarks: Replacement for Bahram Sherkat  
Sal Rng/Stp: **C/1** Salary: **\$4,037.64/month**  
% of Position: 100% # of Mos: 10  
Effective: August 20, 2004  
Account #: A-111000-347200-17010-0000000/100%

c. Name: **GARY SOSA**  
Position: Assistant Professor, ESL  
Department: English as a Second Language  
Position #: 5140 New: No  
Remarks: Replacement  
Sal Rng/Stp: **C/1** Salary: **\$4,037.64/month**  
% of Position: 100% # of Mos: 10  
Effective: August 20, 2004  
Account #: A-111000-325200-4930V-0000000/100%

d. Name: **JENNIFER ZABZDYR**  
Position: Assistant Professor, Chemistry  
Degree: B.A., Chemistry  
Minimum qualifications satisfied through equivalency  
Department: Chemistry  
Position #: 5239 New: No  
Remarks: Replacement for Ron Phillips  
Sal Rng/Stp: **B/1** Salary: **\$3,839.93/month**  
% of Position: 100% # of Mos: 10  
Effective: August 20, 2004  
Account #: A-111000-342200-19050-0000000/100%

e.      **Name:**           **KARL SEILER**  
          **Position:**       Assistant Professor, Physical Education/Head Woman's  
                              Volleyball Coach  
          **Degree:**        A.A., General Education  
                              B.S., Physical Education  
                              M.Ed., Physical Education  
          **Department:** Physical Education/Athletics  
          **Position #:** 5422            **New:**            No  
          **Remarks:**    Replacement for Bob Lusky  
          **Sal Rng/Stp:** **C/1**            **Salary:**        **\$4,037.64/month**  
          **% of Position:** 100%        **# of Mos:**        10  
          **Effective:**    August 20, 2004  
          **Account #:**    A-111000-367300-08350-0000000/100%

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**15.    APPROVE REIMBURSEMENT OF TRAVEL EXPENSES FOR SECOND-LEVEL INTERVIEWS**

MSC    Chadwick, McMullen

The Governing Board of the Palomar Community College District hereby approves **reimbursement of travel expenses for second-level interviews** for the following:

- a.      **GARY SOSA**  
          **For:**                Airfare  
          **To Attend:**       Second interview for Assistant Professor, ESL  
          **Location:**        Taiwan to San Diego, CA  
          **Date:**                May 14, 2004  
          **Amount:**           \$642.37  
          **Budget Account #:** 575400-12-611200-67600-10-2004-1612080/100%
- b.      **AMALIA V. GARZON**  
          **For:**                Airfare, parking, hotel, car rental/gas, meals  
          **To Attend:**       Second interview for Assistant Professor, Spanish  
          **Location:**        Ogden, UT, to San Diego, CA  
          **Date:**                May 17, 2004  
          **Amount:**           \$487.15  
          **Budget Account #:** 575400-12-611200-67600-10-2004-1612080/100%
- c.      **JENNIFER VAN HEERDE**  
          **For:**                Airfare  
          **To Attend:**       Second interview for Assistant Professor, Political Science  
          **Location:**        London, England, to San Diego, CA  
          **Date:**                May 27, 2004  
          **Amount:**           \$999.76  
          **Budget Account #:** 575400-12-611200-67600-10-2004-1612080/100%

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**16. ACTION - RATIFY ADMINISTRATIVE EMPLOYMENT**

MSC Chadwick, McMullen

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

- a. Name: **ANNE K. STADLER**  
Position: Director, EOP&S/CARE  
Department: Extended Opportunity Programs & Services (EOP&S)/Cooperative Agencies Resources for Education (CARE)  
Position #: 5546 New: No  
Remarks: Replacement for Suzanne Gavin  
Sal Grade/Stp: **66/2** Salary: **\$6,200.31/month**  
% of Position: 100% # of Mos: 12  
Effective: July 1, 2004  
Account #: A-123400-473100-64300-0000000/100%
- b. Name: **LYNDA G. HALTTUNEN**  
Position: Dean of Counseling Services  
Department: Student Services  
Position #: 5509 New: No  
Remarks: Replacement for Judith Eberhart  
Sal Grade/Stp: **75/6** Salary: **\$9,067.49/month**  
% of Position: 100% # of Mos: 12  
Effective: July 1, 2004  
Account #: A-123100-462100-63100-0000000/100%
- c. Name: **ANNA WOODCOCK**  
Position: Institutional Research Analyst  
Department: Institutional Research & Planning  
Position #: 5979 New: No  
Remarks: Replacement for Lorie Sousa; funded - PFE  
Sal Grade/Stp: **53/1** Salary: **\$4,282.31/month**  
% of Position: 100% # of Mos: 12  
Effective: July 6, 2004  
Account #: A-212100-313100-66310-0611400/100%

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**17. RATIFY NEW CLASSIFIED POSITION**

MSC Chadwick, McMullen

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

- a. Position: **Fiscal Specialist**  
Name: Vacant  
Department: Educational Television  
Position #: 6235 New: Yes  
Remarks: e-Conferencing Project  
Sal Grade/Stp: **30/1** Salary: **\$3,409.75/month**  
% of Position: 100% # Mos.: 12  
Effective: June 11, 2004  
Account #: K-212200-318100-61320-1612191/100%

b. Position: **System Module Functional Specialist**  
 Name: Vacant  
 Department: Payroll Services  
 Position #: 6293 New: Yes  
 Remarks:  
 Sal Grade/Stp: **39/1** Salary: **\$4,243.77/month**  
 % of Position: 100% # Mos.: 12  
 Effective: June 11, 2004  
 Account #: A-212200-559100-67310-0000000/100%

The Vote was unanimous.  
 Student Trustee Advisory Vote: Aye

**18. APPROVE CONTRACTS FOR EDUCATIONAL AND CLASSIFIED ADMINISTRATORS**

MSC Chadwick, McMullen

The Governing Board hereby ratifies the recommendation of the Superintendent/President regarding the **contracts** for the following **administrators** for the 2004-2005 fiscal year:

**One-year Contracts for Educational Senior Administrators**

Garlow, Katheryn	Dean, Languages & Literature
Halttunen, Lynda G.	Dean of Counseling Services
Owens, Wilma G.	Dean, Career, Technical & Extended Education
Schwerdtfeger, Patrick M.	Dean, Arts, Media, Business, & Computing Systems
Vernoy, Mark W.	Dean, Social & Behavioral Science

**One-year Contracts for Educational and Classified Administrators**

Barnaba, Ruth V.	Tutoring Services Program Coordinator
Barton, Michelle A.	Director, Research/Planning
Bean, Norma M.	Director, Extended Education
Bianchi, Americo	Web Services Manager, Educational Television
Bishop, Bruce E.	Director, Office of Student Affairs
Brockett, Theo Y.	Manager, Education Center, Palomar College Escondido Center
Brown, Pamela L.	Institutional Research Analyst
Cerda, Angela M.	Fiscal Administrator, Educational Television
Cerda, Philip J.	Broadcast Operations Manager, Educational Television
Conway, Mary Jayne	Director of Health Services
Ellis, Michael D.	Director, Facilities
Faas, Lisa J.	Digital Satellite Network Manager, Educational Television
Fish, Judith K.	Director, Regional Occupational Program
Flores, Esperanza	Payroll Manager, Payroll Services
Gannett, Katherine G.	Manager, Library Staff and Services, Library Media Center
Gavin, Calvin One Deer	Director, Grant Funded Student Support Programs
Good, Martin	Director, Fiscal Services
Gropen, Laura A.	Marketing Services Manager, Educational Television
Haines, Ronald R.	Director, Disability Resource Center
Hoffman, Janet S.	Manager, Education Center/Counselor
Horio, Nancy J.	Manager, Human Resource Services
Hudson-Maclsaac, K.	Manager, Facility Planning/Environmental Health and Safety
Jay, Kenneth P.	Director, Business Services
Jones, Debby	Director, Telecommunications Special Grant Project/CCCSAT
Larmer, G. Patrick	Manager, Theatre Operations, Performing Arts
Lee, Herman C.	Director, Enrollment Services

McClure, Scott R.	Manager, Systems and Programming, Information Systems
Medel, Tom	Manager, Education Center, Poway/Mt. Carmel
Miner, Annette J	PinES Director
Morrow, Blaine	e-Conferencing Project Director, Educational Television
O'Neill, Yasue	Coordinator, International Education, Admissions, Records, and Veteran's Services
Plotts, Thomas B.	Director, Public Safety Programs
Sabato, Cindy	Director of Communications
Safranek, Teri	Manager, Workforce and Community Development
San Agustin, Mary S.	Director, Financial Aid and Scholarships
Smith, Mollie	Director, Occupational & Noncredit Programs
Stadler, Anne K.	Director, EOP&S/CARE
Taramasco, Michelle A.	Client Services Manager, Educational Television
Taveuveu, Brandi Y.	Budget Analyst, Fiscal Services
Vargas, Jose I.	Manager, Network and Technical Services, Information Services
Veach, Diane M.	Manager, Instruction Office
Woods, John F.	Director, Athletics

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**19. RATIFY LEAVES OF ABSENCE**

MSC Chadwick, McMullen

- a. 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 July 6, 2004, through July 30, 2004, to **Melissa Kloz**, Financial Aid Advisor, Financial Aid Department.
- b. The Governing Board hereby ratifies the recommendation of the Superintendent/President granting a **100% Family Medical Leave of Absence without pay and with no effect on benefits**, effective June 25, 2004, through September 17, 2004, to **Brandi Taveuveu**, Budget Analyst, Fiscal Services.
- c. 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 10, 2004, through May 21, 2004, to **Wendy Nelson**, Associate Professor, Communications.
- d. The Governing Board hereby ratifies the recommendation of the Superintendent/President granting a **7.5% Personal Leave of Absence without pay and with no effect on benefits**, effective June 24, 2004, through August 12, 2004 to **Kelly Patrick**, Library Media Technician II, Library Media Center (to teach).
- e. 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 20, 2004, through August 20, 2004, to **Shelli Douglass**, Senior Office Specialist, Educational Television (to teach).

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**20. RATIFY STIPEND**

MSC Chadwick, McMullen

The Governing Board hereby ratifies the recommendation of the Superintendent/President granting a **\$500.00 monthly stipend** for the following employee, who will be performing **additional duties due to the resignation of the Chief Advancement Officer**.

**PAMELA D. GRASSO**, Advancement/Foundation Coordinator, Advancement Office, effective July 1, 2004.

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**21. APPROVE CONTRACTS FOR ASSISTANT SUPERINTENDENTS/VICE PRESIDENTS**

MSC Chadwick, McMullen

The Governing Board hereby ratifies the recommendation of the Superintendent/President regarding the **contracts** for the following **Assistant Superintendents/Vice Presidents** effective July 1, 2004, through June 30, 2006:

Cuaron, Berta C.  
Assistant Superintendent/Vice President, Instruction

Madrigal, Joseph L.  
Assistant Superintendent/Vice President, Student Services

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**22. GRANT EQUIVALENCY FOR DISCIPLINE**

MSC Chadwick, 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:

Daniel Barron - Fire Technology  
Digna Evelyn Nievera - Foreign Language

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

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

MSC Chadwick, McMullen

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**

**BEHAVIORAL SCIENCES**

Wilson, Judith	Psychology B.A., Psychology M.A., Psychology	\$38.24
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**BUSINESS EDUCATION**

Brown, Marie	Paralegal Studies J.D., Law	\$40.71
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**COUNSELING**

Larson, David	Counseling B.A., Psychology M.Ed., Counseling	\$38.24
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**DESIGN AND CONSUMER EDUCATION**

Gunther, Todd	Drafting Technology B.S., Psychology 2+ Years Experience	\$37.01
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Hartensveld, Erin	Family and Consumer Services B.S., Nutrition M.S., Nutritional Sciences	\$38.24
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**MULTICULTURAL STUDIES**

Lopez-Aramburo, Maria	Chicano Studies M.A., History	\$38.24
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**OCCUPATIONAL AND NONCREDIT PROGRAMS**

McMillan, Wendy	Community Education B.A., Physical Education M.S., Educational Counseling	\$38.24
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Wing, Richard	Community Education B.A., English/History M.A., Education	\$39.47
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**FALL, 2004**

**COMMUNICATIONS**

Bazinet-Tolson, Jacqueline	Radio and Television B.S., Television, Film and New Media Production 2+ Years Experience	\$37.01
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**COMPUTER SCIENCE AND INFORMATION SYSTEMS**

Singer, A. Paul	Computer Sciences & Information Systems B.S., Business Administration 2+ Years Experience	\$37.01
-----------------	---	---------

**COOPERATIVE EDUCATION**

Hartford, William	Cooperative Education B.A., History M.P.A., Public Administration	\$38.24
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**FOREIGN LANGUAGE**

Nievera, Digna Evelyn	Tagalog B.S.Ed, Home Economics M.A., Education Eminence in Tagalog	\$39.47
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**OCCUPATIONAL & NONCREDIT PROGRAMS**

Fantano, Gene	Supervision M.B.A., Health Care Administration	\$38.24
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**PERFORMING ARTS**

Gercke, Francis	Theater Arts B.A., Economics M.F.A., Acting	\$38.24
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**PUBLIC SAFETY**

Barron, Daniel	Fire Technology A.A., Social Science 5+ Years Experience	\$37.01
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Cramer, David	Administration of Justice B.A., Public Administration 2+ Years Experience	\$37.01
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**TRADES & INDUSTRY**

Yendes, David	Cabinet and Furniture Technology A.A., General Education B.A., History 2+ Years Experience	\$37.01
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The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**24. INFORMATION: RETIREMENT**

On Behalf of the Governing Board of the Palomar Community College District, the following **retirement** has 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. **MICHAEL G. NEWBROUGH**, Professor, Economics, History and Political Science, effective December 19, 2004.

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**25. RATIFY RESIGNATIONS**

MSC Chadwick, McMullen

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

- a. **DEBORAH BENNETT**, Assistant Professor, Nursing Education, effective May 22, 2004 (last day of employment May 21, 2004).
- b. **JENNIFER A. PARIS**, Assistant Professor/Librarian, Library Media Center, effective May 22, 2004 (last day of employment May 21, 2004).
- c. **DALE K. WALLENIOUS**, Chief Advancement Officer/VP Foundation, effective July 1, 2004 (last day of employment June 30, 2004).
- d. **JERRY R. PATTON**, Assistant Superintendent/Vice President, Finance and Administrative Services, effective June 30, 2004 (last day of employment June 29, 2004).
- e. **MARCELLUS JONES**, Senior Storekeeper, Warehouse, effective May 21, 2004 (last day of employment May 20, 2004).

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**26. Item was removed from the Consent Calendar for discussion.**

**27. APPOINTMENT OF SECRETARY TO THE BOARD**

MSC Chadwick, McMullen

**RESOLUTION 04-20791**

**BE IT RESOLVED**, That **Dr. Richard A. Jones, Interim Superintendent/President**, be appointed as Secretary to the Governing Board of the Palomar Community College District, effective July 2, 2004, succeeding Dr. Sherrill L. Amador.

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**28. Item was removed from the Consent Calendar for discussion.**

<p style="text-align: center;"><b>Resumption of REGULAR AGENDA</b></p>
--

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

Mr. Evilsizer asked the reason for having the ending dates of these temporary employees as shown in items 26 and 28. Dr. Amador reminded Mr. Evilsizer that it had been discussed previously that it would be best if the new Superintendent/President were to hire the new Vice Presidents. Therefore, he/she will be brought on board prior to the completion of the search for the Vice Presidents. Dr. Miyamoto noted that the dates to conclude employment that are shown are flexible.

**26. RATIFY TEMPORARY ADMINISTRATIVE EMPLOYMENT**

MSC McMullen, Chadwick

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

Name: **DR. RICHARD A. JONES**  
Position: Interim Superintendent/President  
Salary: \$15,417.00/month  
Effective: July 2, 2004, through October 31, 2004

Name: **JOSEPH NEWMYER**  
Position: Interim Assistant Superintendent/Vice President for Finance and Administrative Services  
Salary: \$12,224.00/month  
Effective: June 25, 2004, through December 31, 2004

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**28. APPROVE AGREEMENT WITH PROFESSIONAL PERSONNEL LEASING, INC., TO PROVIDE PROFESSIONAL AND ADMINISTRATIVE SERVICES TO THE DISTRICT**

MSC McMullen, Chadwick

The Governing Board hereby approves a consulting services agreement with **Professional Personnel Leasing, Inc.**, effective July 2, 2004, through December 31, 2004, to provide consulting services to the District's Human Resource Services Department in the person of **Dr. Jack Miyamoto**, for monthly consideration of Thirteen Thousand One Hundred Twenty Six Dollars (\$13,126.00). This agreement is subject to monthly renewal as needed.

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

At this point, the Board took a short recess.

**J. REPORTS FROM COLLEGE GROUPS**

**1. INFORMATION: Report of the Faculty Senate**

Katie Merino gave the following report:

We had a special meeting on May 17 and passed three resolutions that I wanted to read. First:

Whereas the website of the Police Department of Palomar College states, "the Palomar College Police Department is committed to the safety and security of all students, staff, and faculty attending or visiting Palomar Community College, we pride ourselves on the development of a community-oriented relationship with those we are sworn to protect and serve,

Whereas at the May 11, 2004, Board meeting, acting upon the direction of administration, two Palomar College police officers, along with the Vice President of Finance and the Interim Police Chief surrounded Dr. Finkenthal and his attorney, Mr. Singleton, in an apparent attempt to intimidate them, and

Whereas there was no threat to the safety or security of any staff, student, faculty, or members of the public posed by Dr. Finkenthal or his attorney, and

Whereas allowing themselves to be used as tools of intimidation, the Police Department harms the development of a community-oriented relationship with faculty,

Therefore, be it resolved that the Faculty Senate condemns the Superintendent/President's and the Governing Board's use of police officers for the purpose of intimidation of faculty, staff, students, or members of the public or to limit the expression of viewpoints.

The second motion reads:

Whereas the tenure evaluation review process falls clearly within the category of academic and professional matters, and

Whereas the Faculty Senate recognizes that it failed in its obligation to oversee this process during the 15 months that the Tenure and Evaluations Review Board did not meet, and

Whereas this failure of oversight allowed for administrative involvement to exceed the bounds of past practice and the intent of AB 1725, and

Whereas this failure of oversight allowed for the Tenure and Evaluations Review Coordinator to act in isolation and to suspend the work of the Tenure and Evaluations Review Board without reporting to the Senate, and

Whereas Board Policy 173 states that "The recommendations from the Evaluation Committee and the Tenure and Evaluations Review Board are sent by the Tenure Review Coordinator to the Superintendent/President to be forwarded to the Governing Board,

Therefore, be it resolved that the Faculty Senate recommends that in accordance with Board Policy 4.5, which states that the Governing Board will rely primarily upon the Faculty Senate on academic and professional matters, the Senate requests that the Governing Board declare the most recent evaluations of Monika Brannick and Dan Finkenthal to be nullified.

The final motion reads:

In response to the Governing Board's three two May 11, 2004, vote to send a notice of unprofessional conduct to Dr. Dan Finkenthal, the Faculty Senate of Palomar College issues the following statement:

Whereas Dr. Finkenthal made all necessary accommodations to ensure that his students' educational needs were met, and

Whereas Dr. Finkenthal's use of personal necessity leave was entirely within the guidelines set forth by the faculty manual, and

Whereas the "investigation into the incident" at the TERB office was incomplete and that no statement was taken from Professor Susan Snow, a witness to the event, and

Whereas no informal mediation or other collegial recourse was sought to rectify the situation following the incident at the TERB office, and

Whereas while the Faculty Senate does not condone rudeness, nevertheless, the issuance of a notice of unprofessional conduct is an inappropriate and disproportionate response to such a situation, and

Whereas behavior is a highly subjective category, and

Whereas the most recent letter of reprimand in Dr. Finkenthal's file, a letter that was used to justify in part the notice of unprofessional conduct, was speciously issued, and

Whereas Dr. Finkenthal was denied on three separate occasions his right to academic due process as guaranteed under Board Policy 177, and

Whereas three members of the Governing Board appeared to have turned a blind eye to the current administration's blatant disregard for the Board's own stated policies, and

Whereas according to Board Policy 173, matters related to tenure and evaluation policies and procedures are an academic and professional matter, and

Whereas the Board's action against Dr. Finkenthal shows a blatant disregard for Board Policy 4.5, which states that the Board will rely primarily upon the recommendation of the Faculty Senate on all academic and professional matters,

Therefore, be it resolved that the Faculty Senate hereby formally condemns the actions of Board members Darrell McMullen, Ralph Jensen, and Michele Nelson for their failure to function as impartial, well-informed, collegial, and thoughtful trustees of Palomar College in this matter.

Mr. Jensen made the following statement:

Number one, the Finkenthal matter was resolved. It is finished.

Number two, with regard to the police, it was to stop the outrageous slander of that attorney against other faculty members and classified staff of this college. He was out of order continually. He refused to maintain order and decorum. That was the reason he was threatened. You notice after that he did behave himself.

**2. INFORMATION: Report of the Palomar Faculty Federation**

Julie Ivey gave the following report:

I'd like to report that the PFF negotiating team and the District will meet over the next two weeks to discuss curriculum and release time, so hopefully we'll get that matter resolved.

I also would like the Board to consider putting an item on the agenda for next week. You all have copies of this resolution. (unintelligible) be put up on the agenda and put up for a vote. It's one of many that will go before the AFT convention in August and hopefully before the state legislature afterwards. It was originated by COCAL (the Coalition of Contingent Academic Labor). It was approved by the CCC (the Community College Council) and (unintelligible) and the CFT convention in May. It was favorably received at both the Republican and Democratic conventions. The resolution has also been approved by several governing boards and many locals. The resolution is on contingent, part-time, adjunct, and non-tenured faculty in California public higher education. It deals with the increasing dependency upon contingent labor and the negative effects this has on education in general and the call to increase working conditions for contingent or adjunct or part-time faculty. And my colleague Bill will read the resolution later. We're hoping that the Board will put this on the agenda for a vote for next time.

3. **INFORMATION: Report of The Faculty** – There was no report.
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 gave the following report:

I want to congratulate all of you who are retiring. Dr. Amador, I want to thank you for your open door policy and talking to us and listening to our issues and trying to work out certain things. Jerry, I've worked with you on budget matters forever, and this last year with a lot of personnel issues. I hope you know you've gained so much respect, especially from the Classified on certain issues that you worked on. Thank you for everything you've done. Dean Rourke, and Dale's not here, thank you for everything you've done for the College. We'll miss you all. And Barbara, you're an angel, you're a doll, you've been great.

7. **INFORMATION: Report of the Associated Student Government**

Paul Charas gave the following report:

We're working on getting a full board. The four of us that are here are doing the relay for life in Escondido. We're doing Project Vote Smart for the November election. It's a bipartisan web site where you can go to look up all your elected representatives or contact information, their voting record on certain issues. And, of course, we'll be working with the Office of Student Affairs and Mr. Bruce Bishop. We always look forward to doing that. The biggest thing is getting more than four people on our board.

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

The following persons addressed the Board on the subjects indicated:

1. Bill Bedford – Resolution: Contingent Faculty **Exhibit K-1**
2. Reno Frigo – Distribution of Equity Money

Dr. Miyamoto: I think coming to an agreed-upon definition of parity is but one issue in terms of negotiations, in terms of part-time salaries and that whole issue. I think the other thing is that there is language in the Chancellor's Office that parity definition needs to be agreed upon prior to the issuance of that. Jerry Patton has contacted the Chancellor's Office to try and get a written response from them regarding that issue, and we are still awaiting that as far as I know. I just want to reassure you that negotiations for those dollars in terms of that whole part-time issue are much larger than just a parity definition. The District and the union have talked about those issues. We have placed the part-time issue with the total package, separately outside the package, and we have yet to get an agreement on that. I just want to assure you that it's just not that one little issue of finding agreement on parity. There are many other things, such as the salary schedule issue. There are some ancillary issues about that. I think those proposals, both PFF's proposals in terms of part-time faculty and the District's are public documents, and if you'd like to see what's involved in both of those proposals, I'd be more than happy to share the District's, and I think PFF probably doesn't have a problem with what their proposal is either. I don't speak for PFF though.

Dr. Nelson: Dr. Miyamoto, may I ask a question? Refresh my memory. I remember that in December, we offered as a District to settle with the part-time people, did we not?

Dr. Miyamoto: We did, separately.

Dr. Nelson: That's all. That's what the offer was, if I remember correctly.

Mr. Frigo: It was the money earmarked for us with no strings attached.

Dr. Miyamoto: It depends on what you call strings. As I said to you a minute ago, it's more than just saying here's the money. There are also conditions on that in terms of salary schedules, in terms of other conditions that are involved in that. So it's not as simple as you purport to. But Dr. Nelson is absolutely correct. In December, we put a package on the table to the PFF to detach that document from any total settlement package, and we were willing to negotiate with the PFF to settle that.

Ms. Chadwick: Where is that now?

Dr. Miyamoto: They did not want to respond to that and settle it by itself. They put it back in the package – that's my latest recollection – as part of a package in terms of a settlement. So we did not agree on settling that singularly.

Mr. Frigo: Long story short – up and down the state this has been done. There are work-arounds possible. Long story short – where there's a will, there's a way.

Mr. Patton: I might add that I have talked to Robert Turnage; he is the Vice Chancellor of Fiscal Policy at the Chancellor's Office. I have asked him twice, telling him that I have heard that up and down the state there have been settlements about the parity monies. He said "they may be doing that, but we are not authorizing you to do that." And I said, "could you give me something in writing?" I have not received that yet.

Mr. Frigo: My suspicion is that the advice we're getting on this and a lot of other issues is conservative to say the least. Three weeks ago, I turned out my chemistry lab students and was told we cannot collect fees for breakage. I want you to know that I did my own survey of best practices in the area community colleges, and I think we're the only one in southern California who accepted that advice from, I suppose legal counsel, that we can no longer charge for breakage and lost material. Are we that wealthy? Where are we getting our information?

Mr. Patton: Sir, that comes from the Chancellor's Office.

Mr. Frigo: Isn't he Chancellor over MiraCosta and the San Diego Community Colleges?

Mr. Patton: It is each individual college's decision to decide whether they want to follow the law or not.

Mr. Frigo: We decided then.

Mr. Jensen: Whether they wanted to follow the law or not.

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

M. **NEW BUSINESS**

1. **RECEIVE BIDS FOR TRASH/RECYCLING**

MSC Nelson, Chadwick

The following bid was received by the Palomar Community College District from the firm indicated in response to Notice to Bidders published on April 19, 2004, and April 26, 2004:

**BIDDER**

EDCO Waste and Recycling Services  
San Marcos, CA 92069

**EDCO Waste and Recycling Services** is hereby found to be the lowest, responsive bidder to Palomar Community College District on the aforesaid **Trash/Recycling**, and an agreement per attached price schedule, **Exhibit M-1**, is hereby authorized between this company and the District, subject to compliance with all insurance requirements. The term of this purchase agreement is for the period of July 1, 2004, through June 30, 2005, with the option to annually renew for four (4) full additional years during the tenure of this agreement. Funding Source: Operating Expenses/Waste Disposal General Funds

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**2. APPROVE COURSE FOR INCLUSION IN CURRICULUM**

MSC Chadwick, Nelson

The Governing Board hereby **approves the following course** which has been examined by the Curriculum Committee and is being recommended for **inclusion in the Palomar College Curriculum.**

1. Course Number: AJ 97  
Long Course Title: Topics in Administration of Justice  
Short Course Title: Topics in Admin of Justice  
Discipline: Administration of Justice  
Requisite validated: N/A  
Discipline for Minimum Qualifications: Administration of Justice  
A.A. degree and certificate program (s):  
Elective course in Administration of Justice – Law Enforcement  
Allow Multiple Enrollments: No  
General Education category: N/A  
Distance Learning offering(s): N/A  
Effective: Fall 2004

AJ 97 Topics in Administration of Justice  
*Units awarded in topics courses are dependent upon the number of hours required of the student. Any combination of lecture, laboratory or lecture/laboratory may be scheduled by the department. Refer to class schedule. (.5 – 20 units)*

Topics in Administration of Justice. See Class Schedule for specific topic offered. Course title will designate subject covered. *Graded only. May be taken 4 times.*

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**3. APPROVE FIVE-YEAR CONSTRUCTION PLAN**

MSC Chadwick, Nelson

The Governing Board hereby approves the Palomar Community College District's **Five-Year Construction Plan. Exhibit M-3**

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**4. APPROVE TENTATIVE BUDGET**

MSC McMullen, Nelson

The Governing Board hereby approves the **2004-2005 Tentative Budget for the Palomar Community College District. Exhibit M-4**

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

5. **APPROVE RESOLUTION TO AUTHORIZE A "DIVISION ELECTION" TO ESTABLISH A DEEMED RETIREMENT SYSTEM PURSUANT TO SECTION 218(d)(6) OF THE FEDERAL SOCIAL SECURITY ACT**

MSC Chadwick, Nelson

**RESOLUTION 04-20792**

**WHEREAS**, The Palomar Community College District, hereinafter designated as "Public Agency", desires to establish a "deemed" retirement system pursuant to Section 218(d)(6) of the Federal Social Security Act composed of positions of members of the **State Teachers' Retirement System**, hereafter designated as "Present Retirement System", desiring "**Medicare Only**" coverage, and to include services performed by individuals employed by the Public Agency in positions covered by said "deemed" retirement system, as members of a coverage group established by Section 218 (d) (4) of said Act, in California State Social Security Agreement of March 9, 1951, providing for the coverage of public employees under the insurance system established by said Act as amended; and

**WHEREAS**, State and Federal law and regulations require, as a condition of such coverage, that Division be authorized by the Board of Administration, California Public Employees' Retirement System; and

**WHEREAS**, it is necessary that the "Public Agency" now designate any services which it desires to exclude from coverage with respect to such coverage group under said insurance system; and

**WHEREAS**, it is necessary for the Public Agency to set forth the modification, if any, of the benefits and contributions under the Present Retirement System that may result from coverage under the said insurance system with respect to such coverage group;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Administration, California Public Employees' Retirement System, be and hereby is requested to authorize the foregoing Division; and

**BE IT FURTHER RESOLVED**, that upon receipt of authorization from the Board of Administration a division shall be conducted in accordance with the requirements in Section 218 (d) of the Social Security Act, and applicable State and Federal laws and regulations; that each eligible member of the Present Retirement System at the time of the Division shall be furnished a form to permit the member to elect whether his services should be excluded from or included under the said California State Social Security Agreement as hereinbefore provided; with such "**Medicare Only**" coverage effective as to services performed on and after January 1, 2005; and

**BE IT FURTHER RESOLVED**, that the following services with respect to said coverage group of the Public Agency shall be excluded from coverage under said agreement:

1. All services excluded from coverage by Section 218 of the Social Security Act; and
2. Services excluded by option of the Public Agency (Check only one part; fill in Part b if it is checked):
  - \_\_\_\_\_ a. No optional exclusions desired
  - \_\_\_X\_\_\_ b. Services performed:

Excluded from this resolution:

1. **Part-time faculty** (Any person who is employed to teach community college classes for not more than 60 percent of the hours per week considered a full-time assignment for regular employees having comparable duties.)

**BE IT FURTHER RESOLVED**, that with respect to the said coverage group the benefits and contributions of the Present Retirement System shall not be modified in any way; and

**BE IT FURTHER RESOLVED**, that notice of the Division shall be given to members of the Present Retirement System not less than ninety days prior to the date of the Division; provided, however, that notice shall be given to employees becoming members of the Present Retirement System after the date of such notice up to and including the date of the Division on the date on which they attain membership in the system; and that Dr. Jack Miyamoto, Assistant Superintendent/Vice President, Human Resource Services, is hereby designated and appointed as the Local Division Officer to conduct such Division on behalf of the Public Agency in accordance with the law, regulations, and this resolution, including the fixing of the date and the giving of proper notice thereof to members of the Present Retirement System and to all such eligible employees; and

**BE IT FURTHER RESOLVED**, that the Public Agency will pay and reimburse the State at such time and in such amounts as may be determined by the State the approximate cost of any and all work and services relating to such Division.

**PASSED AND ADOPTED** by the Governing Board of the Palomar Community College District this 8<sup>th</sup> day of June, 2004, by the following vote:

AYES: 5  
NOES: 0  
ABSENT: 0

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.

\_\_\_\_\_  
Secretary to the Governing Board

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

6. **AUTHORIZE SOLICITATION OF BIDS FOR ETV REMODEL CONSTRUCTION PROJECT**

MSC McMullen, Chadwick

The Governing Board hereby authorizes the Office of Contract Services to **competitively bid** the **remodel of offices for Education Television (ETV)** as identified in the attached memorandum as **Exhibit M-6**, and incorporated herein by this reference, and to **execute a contract** within the limits of available funding, to the **lowest, responsive bidder** in the area of work described in **Exhibit M-6**, subject to later ratification by the Governing Board.

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

7. **RENEW CONTRACT AGREEMENT WITH HORIZONLIVE, INC., FOR HOSTING THE STATEWIDE e-CONFERENCING PROJECT**

MSC Chadwick, Nelson

The Governing Board hereby approves a renewal contract between **HorizonLive, Inc.**, and Palomar Community College District effective July 1, 2004, through June 30, 2005, for hosting of the **statewide e-Conferencing telecommunications project (TSP)**, Grant RFA No. 00-0079, with HorizonLive, Inc., per terms of original agreement, dated December 12, 2001. Amount of renewal contract not to exceed Five-hundred Thousand Dollars (\$500,000). Funds to be paid from the e-Conferencing Grant account. **Exhibit M-7**

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

8. **APPROVE AGREEMENT WITH C. W. DRIVER, FOR CONSTRUCTION MANAGEMENT SERVICES IN THE CONSTRUCTION OF THE HIGH TECHNOLOGY LABORATORY AND CLASSROOM BUILDING**

MSC McMullen, Chadwick

The Governing Board hereby approves an agreement between the Palomar Community College District and **C. W. Driver**, 12526 High Bluff Drive, Suite 300, San Diego, California 92130, in the amount of \$486,000.00 (Four hundred eighty-six thousand dollars) for **construction management services** on the construction of the **High Technology Laboratory and Classroom Building** at the San Marcos campus. The term of this agreement shall be from the effective date of June 9, 2004, throughout the duration of the project. Estimated completion of the project is 24 months. **Exhibit M-8**

Mr. Evilsizer asked if this was just the program management portion of the construction project. Several people responded affirmatively.

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

9. **APPROVE STATE OF CALIFORNIA, DEPARTMENT OF EDUCATION, CHILD DEVELOPMENT DIVISION, AGENCY ANNUAL REPORT FOR CHILD DEVELOPMENT CENTERS, AND AUTHORIZE SECRETARY TO THE GOVERNING BOARD TO EXECUTE REPORT**

MSC Chadwick, Nelson

The Governing Board of the Palomar Community College District hereby approves the annual **Agency Self-Evaluation Report** for the **state preschool program and campus child care program** and authorizes the Secretary to the Governing Board to sign each Agency Annual Report for each contract report. **Exhibit M-9**

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**10. APPROVE AN INCREASE TO PARENT FEES AT DISTRICT'S CHILD DEVELOPMENT CENTERS**

MSC Chadwick, Nelson

The Governing Board hereby approves the **Child Development Centers** to **increase** the parent **fee** by 20% to children 3 years old and above, 5% for children under 3 years old, and are also requesting to charge parents based on the Centers' ratio of adults to children that their child receives, effective July 1, 2004, to meet the fiscal needs for budget year 2004-05. **Exhibit M-10**

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**11. APPROVE FIRE REVENUE AGREEMENT WITH CITY OF VISTA**

MSC McMullen, Chadwick

The Governing Board hereby approves an agreement with the City of Vista (hereinafter City), to offer **in-service training courses** on a semester-by-semester basis through the District's Fire Technology Program for employees of the **City of Vista Fire Department**. The City shall furnish qualified instructors; provide facilities and equipment, all at no cost to the District. The District is expected to generate additional FTE per year under courses through the Fire Technology Program. The District shall reimburse the City \$2.50 per student contact hour for services and materials furnished by the City. **Exhibit M-11**

Mr. Evilsizer stated that he couldn't follow this one. It seems like the City of Vista is providing the classroom space, they're providing the instructors, they're providing the students, and we're paying them. So I'm missing something. Dr. Amador responded that we are getting the FTES. Mr. Evilsizer responded that we're getting the FTES from the state.

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**12. APPROVE AGREEMENT WITH SAN DIEGO COUNTY SUPERINTENDENT OF SCHOOLS FOR OPERATION OF REGIONAL OCCUPATIONAL PROGRAMS, FY 2004-05**

MSC Chadwick, McMullen

The Governing Board hereby approves an agreement between the Palomar Community College District and the San Diego County Superintendent of Schools for the operation of the **Regional Occupational Program** courses and services for fiscal year 2004-2005 (effective July 1, 2004, and terminating June 30, 2005), in the amount of One Million, Five Hundred Eighteen Thousand, Seven Hundred Seventy-four Dollars (\$1,518,774.00), and the Superintendent/President of the District is hereby authorized to execute the agreement on behalf of the District. **Exhibit M-12**

Dr. Nelson commended Wilma Owens and Judy Fish for their efforts in securing this contract. This is a fabulous program that supplements our vocational education. It takes constant vigilance to bring in those extra dollars and the kinds of programs that we would not have without it. The staff is to be commended.

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**13. RECEIVE PROPOSALS FOR TELECOMMUNICATIONS MAINTENANCE CONTRACT AND AUTHORIZE CONTRACT WITH QUINTRON TELEPHONE SYSTEMS, INC.**

MSC Chadwick, McMullen

The Governing Board of the Palomar Community College District, pursuant to California Education Code Section 81645 may select one of the three lowest responsible competitive bids, or proposals for **telecommunications maintenance**. On May 27, 2004, the office of Contract Services received proposals on the District's behalf, as identified in the attached memorandum as **Exhibit M-13**, and incorporated herein by this reference. The Information Services Department of the District evaluated the information and has determined that the proposal submitted by **Quintron Telephone Systems, Inc.**, is the one that will most meet the needs of the District.

Based upon the foregoing declarations and findings, the Palomar Community College District hereby declares that the proposal of Quintron Telephone Systems, Inc., 4340 Viewridge Avenue, Suite B, San Diego, California 92133, be and is hereby declared to be the proposal of choice for the award of a contract pursuant to California Education Code Section 81645, and a contract is so awarded to said company effective July 1, 2004, through June 30, 2007, and an option to renew for two (2) additional years thereafter, at the annual amount for yearly maintenance of Thirty-six Thousand Dollars (\$36,000.00). Included in the contract is an option of Quintron to perform pre-approved additional services not covered under the fixed rate for maintenance services, such as departmental telephone additions and changes, in an amount not to exceed \$50,000 per contract year.

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**14. REJECT CLAIMS**

MSC McMullen, Nelson

The Governing Board of the Palomar Community College District hereby **rejects the claim** for damages filed by James A. Greer, Esq., Greer and Associates, on behalf of his clients, **Mr. and Mrs. Ralph White**, and refers it to the District's Claim Administrator for handling.

The Governing Board of the Palomar Community College District hereby **rejects the claim** for damages filed by James A. Greer, Esq., Greer and Associates, on behalf of his client, **Gary Carlisle**, and refers it to the District's Claim Administrator for handling.

The Governing Board of the Palomar Community College District hereby **rejects the claim** for damages filed by James A. Greer, Esq., Greer and Associates, on behalf of his clients, **Tom and Lynda Ramirez**, and refers it to the District's Claim Administrator for handling.

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

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

The Governing Board hereby approves the following agenda item for consideration at the next meeting:

Mr. Evilsizer requested that all efforts be made to ensure the collection of the \$1.00 student representation fee. He feels we are short-changing our students and stated that he has a problem with that.

**N. CLOSED SESSION**

The Board recessed at 9:50 p.m. and went into Closed Session at 9:55 p.m., to discuss:

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. Conference regarding employment of Superintendent/President, pursuant to Government Code, §54957.
6. Pending litigation pursuant to Government Code §54956.9.
7. Review of tort claim, pursuant to Government Code §54956.95.
8. Conference with Real Property Negotiator, pursuant to Government Code §54956.8. Property APNs as follows: 108-120 Parcels 49, 50, 51; 108-121 Parcels 12, 13; 108-421 Parcel 03, 04; 125-061 Parcel 02, 03; 108-370 Parcels 11, 45, 48, 50 52; 108-371 Parcel 07; 108-440 Parcel 01, 02; 323-100 Parcel 11; 323-482 Parcel 12; 323-500 Parcels 01, 05, 06, 07, 08, 09, 14; 323-501 Parcel 02; 323-090 Parcel 89; 323-091 Parcel 06.

**O. RECONVENE TO OPEN SESSION**

The meeting reconvened to Open Session at 10:25 p.m. There was no reportable action taken during Closed Session.

**P. ADJOURNMENT**

The meeting was adjourned at 10.25 p.m.