



**APPROVED 6/10/2009**

**GOVERNING BOARD MINUTES**

**REGULAR MEETING OF THE GOVERNING BOARD**

**DATE: TUESDAY, MAY 12, 2009**

**4:00 P.M. (CLOSED SESSION) - 5:00 P.M. (OPEN SESSION)**

**PALOMAR COMMUNITY COLLEGE DISTRICT**

**GOVERNING BOARD ROOM, STUDENT SERVICES CENTER**

**1140 WEST MISSION ROAD**

**SAN MARCOS, CALIFORNIA**

**A. CALL TO ORDER**

Board President, Nancy Chadwick, called the regular meeting of the Palomar Community College District Governing Board to order at 4:00 p.m.

**AA. ROLL CALL**

**TRUSTEES PRESENT:**

NANCY C. CHADWICK, M.S.W., M.P.A., PRESIDENT  
MARK R. EVILSIZER, M.A., SECRETARY  
DARRELL L. MC MULLEN, M.B.A., TRUSTEE  
ROSE MARIE DISHMAN, PH.D., TRUSTEE  
ROBERT FREDERICK, STUDENT TRUSTEE

**TRUSTEE ABSENT:**

MICHELE T. NELSON, PH.D., VICE PRESIDENT

**EXECUTIVE ADMINISTRATORS PRESENT:**

Robert P. Deegan, Superintendent/President  
Berta Cuaron, Assistant Superintendent/Vice President, Instruction  
Bonnie Ann Dowd, Ed.D., Assistant Superintendent/Vice President, Finance & Administrative Services  
Joseph Madrigal, Assistant Superintendent/Vice President, Student Services  
John Tortarolo, Assistant Superintendent/Vice President, Human Resource Services

**B. PUBLIC COMMENTS – There were none.**

**C. RECESS TO CLOSED SESSION**

The Board went into Closed Session at 4:02 p.m., to discuss:

1. Public Employee Discipline/Dismissal/Release, pursuant to Government Code §54957 et seq.
2. Conference regarding negotiations with CCE/AFT, pursuant to Government Code §54957.6.
3. Conference regarding negotiations with PFF/AFT, pursuant to Government Code §54957.6.
4. Conference regarding discussion with Other Unrepresented Employees, pursuant to Government Code §54957.6.
5. Public Employment, pursuant to Government Code §54957.
6. Conference with Real Property Negotiator, pursuant to Government Code §54956.8. Property APNs as follows:
  - a. Discussion of potential sites in the southern portion of the District.

**CC. RECONVENE TO OPEN SESSION**

The meeting reconvened to Open Session at 5 p.m. There was no reportable action taken.

**STAFF PRESENT:**

Monika Brannick, President, Faculty Senate; Associate Professor, Mathematics  
Shannon Lienhart, PFF Co-President; Associate Professor, Mathematics  
Lee Hoffmann, President, CAST; Supervisor of Media, Audio Visual  
Theo Brockett, Vice President, Administrative Association; Manager, Escondido Center  
Neill Kovrig, President, CCE/AFT; Counseling Services Specialist, Transfer Center  
Josie Silva, Executive Assistant, Superintendent/Governing Board

**GUESTS:**

Others present are listed on the sign-in sheets.

**QUORUM ESTABLISHED**

Following the pledge of allegiance to the flag, Board President Chadwick 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 TWO YEARS FROM THE MEETING DATE.

At this time, Board President Chadwick announced the removal of item EE from the agenda. This item will appear on next month's Governing Board meeting agenda for action.

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

1. Linda Dudik, Honor of History – Palomar's Associate Degrees
2. Pat Drinan, Honor of History – Palomar's Associate Degrees
3. Mary Ann Drinan, Honor of History – Palomar's Associate Degrees
4. Genevieve M. Clabreul, R.N. – Nursing Accreditation
5. Chris Edwards – Nursing Accreditation

**DD. PUBLIC HEARING**

**1. OPEN PUBLIC HEARING**

Board President Chadwick opened the public hearing.

**2. PUBLIC HEARING – PALOMAR COMMUNITY COLLEGE DISTRICT PROPOSAL FOR NEGOTIATIONS WITH THE PALOMAR FACULTY FEDERATION, FOR ACADEMIC YEARS 2009-2010, 2010-2011, AND 2011-2012**

In compliance with California Government Code, §3547(b), the Governing Board of the Palomar Community College District is holding a public hearing on May 12, 2009, so that representatives of the public in this District may have an opportunity to express themselves to the Board regarding the Palomar Community College District's proposal for negotiations for academic years 2009-2010, 2010-2011, and 2011-2012. The Palomar Community College District's proposal has been available for review in the Human Resource Services office from April 14, 2009, through May 12, 2009. **EXHIBIT DD-2**

There were no comments.

**3. CLOSE PUBLIC HEARING**

Board President Chadwick closed the public hearing.

**DDD. PUBLIC HEARING**

**1. OPEN PUBLIC HEARING**

Board President Chadwick opened the public hearing.

**2. PUBLIC HEARING – PALOMAR COMMUNITY COLLEGE DISTRICT PROPOSAL FOR NEGOTIATIONS WITH THE COUNCIL OF CLASSIFIED EMPLOYEES FOR A COLLECTIVE BARGAINING AGREEMENT**

In compliance with California Government Code, §3547(b), the Governing Board of the Palomar Community College District is holding a public hearing on May 12, 2009, so that representatives of the public in this District may have an opportunity to express themselves to the Board regarding the Palomar Community College District's proposal for negotiations for academic years 2009-2010, 2010-2011, and 2011-2012. The Palomar Community College District's proposal has been available for review in the Human Resource Services office from April 14, 2009, through May 12, 2009. **EXHIBIT DDD-2**

CCE President, Neill Kovrig, expressed his dissatisfaction with the manner in which the District is pursuing negotiations.

**3. CLOSE PUBLIC HEARING**

Board President Chadwick closed the public hearing.

**E. APPROVAL OF MINUTES**

MSC Evilsizer/McMullen

1. The Governing Board approved the Minutes of the Regular Meeting of April 14, 2009.
2. The Governing Board approved the Minutes of the Special Meeting of April 28, 2009.

The Vote was unanimous of those present.  
Student Trustee Advisory Vote: Aye

**EE.** Item pulled from agenda.

**F. CALLED FOR REMOVAL OF ITEMS FROM OR CHANGES TO AGENDA**

**REMOVED** the following item from the May 12, 2009, agenda as follows:

**EE. RECOMMENDATION – ACTION: APPROVE PROGRAMS FOR INCLUSION IN CURRICULUM – EFFECTIVE FALL 2009**

The Governing Board hereby approves the following programs which have been examined by the Curriculum Committee and are being recommended for inclusion in the Palomar College Curriculum, effective Fall, 2009:

- a. Program Title: Nursing – ADN  
Discipline: Nursing (NURS)  
Award Type: A.S. Degree Major  
Total Units: 74

## **G. ACKNOWLEDGEMENT OF RETIREMENTS**

(An opportunity for the Board of Trustees to express appreciation to employees who will retire with **ten (10)** or more years of service to the District)

1. **Yvonne D. Anderson**, Professor, Economics, History and Political Science. She has served Palomar College for 20 years from August 25, 1989, to May 22, 2009.

Department Chair, Professor Chris Johnson, commented on the career of Professor Yvonne Anderson who has been teaching at Palomar College for the past twenty years, first as a part time instructor teaching American History, then as a full time faculty member.

5. **Loren A. Lee**, Professor, Economics, History and Political Science. He has served Palomar College for 29 years from September 2, 1980, to June 1, 2009.

Professor Teresa Laughlin commented on the career of Professor Loren Lee. Professor Lee has always taught with enthusiasm – students and co-workers have a high regard for him. He will be missed tremendously.

6. **Robert T. Miller**, Professor, Behavioral Sciences. He has served Palomar College for 19 years from August 24, 1990, to May 22, 2009.

Dean Mark Vernoy commented on the career of Professor Robert Miller whom he has known for almost thirty years, first as a student in Dean Vernoy's statistics class, then as a full time faculty member. He earned his B.A. and M.A. Degrees from San Diego State. Dean Vernoy stated that Professor Miller is one of the best psychology professors he has known and is very saddened to see him leave.

2. **Bruce W. Gan**, Assistant Professor, Regional Occupational Program. He has served Palomar College for 10 years from August 20, 1999, to May 22, 2009.

3. **Joseph R. Farrelly**, Professor, Computer Science and Information Systems. He has served Palomar College for 35 years from September 4, 1973, to January 31, 2009.

4. **Charles E. Kirk**, Assistant Professor, Regional Occupational Program. He has served Palomar College for 20 years from August 25, 1989, to May 22, 2009.

6. **Eunice Ann Maioroff**, Professor, English. She has served Palomar College for 38 years from September 7, 1971, to May 22, 2009.

Vice President Cuaron announced that the Faculty Achievement Tea is scheduled on Thursday, May 14, where all faculty retirees will be honored, as well as those who have been granted tenure.

## **H. REPORT OF THE GOVERNING BOARD PRESIDENT**

Board President Nancy Chadwick reported on her attendance at the Legislative Advisory Committee meeting, where discussion on bills not requiring funds took place. She attended SDICCCA where most of the discussion was on the May 19th election. She also attended the California Community College Trustees (CCCT) Conference in Northern California, where she attended a workshop on the League's Energy Efficiency Program. Trustee Chadwick has been attending the Palomar Foundation meetings which have been engaged in planning several events. She attended the Health Sciences groundbreaking ceremony, the Fire Academy graduation, and the reception of the new Chancellor of Grossmont-Cuyamaca, Cindy Miles. She participated at the annual meeting of the Friends of the Arboretum and at a San Diego Taxpayers Association Dinner. Lastly, she urged everyone to vote at the May 19th election.

## HH. REPORTS OF GOVERNING BOARD TRUSTEES

Trustee Rose Marie Dishman reported on her attendance at the Health Sciences building groundbreaking ceremony, the Diversity event, the Nursing Associate of Science Degree public forum, and at the art and ceramic sale.

Trustee Darrell McMullen read an article regarding the issues that teachers face on a daily basis.

Trustee Mark Evilsizer reported on his attendance at the Phi Theta Kappa event, the Arboretum Beautification Day, a welcome for Dr. Rodriguez, President of Mira Costa College, and at the Diversity Forum. He also reported that CCLC is establishing a liaison to work with the community colleges in California to work on solar energy projects, i.e., finding financing, pursuing rebates, help with purchasing. Trustee Evilsizer attended the welcome for the newly appointed Grossmont-Cuyamaca Community College District Chancellor, Cindy Miles. He attended the Palomar production, *Angels in America*, and applauded the actors and Professor Michael Mufson. Lastly, he said he was hoping to hear from more community members at the nursing forum, but nonetheless it was very informational.

Student Trustee Rob Frederick thanked the Board and the administration for working with him throughout the past year. He reported his attendance at the Diversity event, Phi Theta Kappa Induction, and at the Nursing Forum. He expressed his final thoughts as a Student Trustee.

## I. REPORT OF THE SUPERINTENDENT/PRESIDENT

Superintendent/President Deegan reported on the death of faculty member Margie Ruzich, who passed away on May 10. He thanked the Governing Board members for attending all of the events in support of the students, faculty, and staff. While he was attending the CCLC Conference, he was notified of the closure of Mission Hills High School due to the Swine Flu. He was in constant communication with Vice President Joe Madrigal and Jane Conway, Director of Health Services, regarding this incident. He announced that Jayne Conway received a letter of commendation from the County of San Diego for the manner in which she handled the *Swine Flu* issue for the District. Lastly, he thanked the faculty and staff for the outstanding work they do throughout the year in support of students. He thanked those who worked on the preparation of the accreditation report, all those who participated on committees, especially the Policies and Procedures Review Task Force. He said the Task Force is one of the hardest working groups – they have been revamping the District's policies and procedures. He acknowledged the work of Dr. Jane Wright, CCLC consultant, and Josie Silva, Executive Assistant to the Superintendent/Board, for their outstanding work throughout the year. Lastly, President Deegan congratulated Andrew Bissell as the new Student Trustee/ASG President, and Ann Hong, ASG Vice President, on their election.

### 1. Report of Vice President for Instruction

#### a. Accreditation Update – Berta Cuaron

Vice President Berta Cuaron reported that all factual corrections are currently being made to the Accreditation Report that was received by the District. She thanked the many people who worked hard on the self study, site visit, and the ending document.

Vice President Cuaron announced the 2008-09 Bravura publication by Professors Rocco Versace and Carlton Smith, which is a collection of short stories, poetry, non-fiction commentary, essays, and literary works by students. She said Bravura is published each year at the conclusion of the spring semester. Lastly, Vice President Cuaron thanked the faculty leadership.

2. Report of Vice President for Student Services

Vice President Joe Madrigal reported on the Transfer Recognition event, and on the EOP&S, TRIO, and CalWORKs graduation ceremonies. He asked Scott Cathcart, Director of Athletics, to inform the Board regarding the baseball tournament event which will be held on campus.

3. Report of Vice President for Finance and Administrative Services

Vice President Bonnie Ann Dowd reported on the status of the Independent Citizens' Oversight Committee (ICOC) elections. Three vacancies will be filled and recommendations will be brought to the Board for approval. Vice President Dowd has been very involved in the state budget situation and acknowledged that next year will be very challenging for community colleges. Lastly, she commented on the passing of her mentor, colleague, and friend—Margie Ruzich.

4. Report of Vice President for Human Resource Services

Vice President John Tortarolo reported on the Diversity event and thanked the Equal Employment Opportunity (EEO) Advisory committee for the planning of the event. He said this event was very successful.

<b>Resumption of REGULAR AGENDA</b>
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**J. APPROVAL OF CONSENT CALENDAR ITEMS**

**FISCAL**

**1. APPROVED SIGNATURES FOR COUNTY BUSINESS**

MSC McMullen/Frederick

The Governing Board of Palomar Community College District approved the following business procedures be authorized effective July 1, 2009, through June 30, 2010:

- 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:

Bonnie Ann Dowd, Assistant Superintendent/Vice President, Finance and Administrative Services,  
Phyllis Laderman, Director, Fiscal Services  
Ken Jay, Director, Business Services

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

Bonnie Ann Dowd, Assistant Superintendent/Vice President, Finance and Administrative Services,  
Phyllis Laderman, Director, Fiscal Services

- c. Persons authorized to designate employees that can initiate, authorize and process wire transfers with the County of San Diego:

Bonnie Ann Dowd, Assistant Superintendent/Vice President, Finance and Administrative Services,  
Phyllis Laderman, Director, Fiscal Services

#### **EXHIBIT J-1**

The Vote was unanimous of those present.  
Student Trustee Advisory Vote: Aye

### **REPLACEMENT OF WARRANTS**

#### **2. APPROVED DRAWING NEW WARRANTS**

MSC McMullen/Frederick

The Governing Board authorized the Disbursing Officer to draw new warrants as follows:

- a. Warrant #76-175913, dated April 3, 2008, in the amount of **\$85.85**, to **Ulises Nava**., c/o Palomar College Financial Aid Department. Void due to stale date.
- b. Warrant #76-176241, dated April 17, 2008, in the amount of **\$606.00**, to **Tara Ahmadi**., 2230 Haste Street #304 Berkeley, CA 94704. Void due to stale date.
- c. Warrant #76-181040, dated September 8, 2008, in the amount of **\$100.00**, to **Joyce Duncan**., 1331 Laurel Tree Lane #230, Carlsbad, CA 92011. Void due to stale date.

The Vote was unanimous of those present.  
Student Trustee Advisory Vote: Aye

### **PERSONNEL**

#### **3. RATIFIED AMENDED MEMORANDUM OF UNDERSTANDING WITH THE PALOMAR FACULTY FEDERATION/AFT LOCAL 6161 FOR ROP FACULTY TRANSITION**

MSC McMullen/Frederick

The Governing Board ratified the amended memorandum of understanding with the Palomar Faculty Federation/AFT Local 6161 for **ROP Faculty Transition**. **EXHIBIT J-3**

The Vote was unanimous of those present.  
Student Trustee Advisory Vote: Aye

**4. RATIFIED PART-TIME FACULTY EMPLOYMENT**

MSC McMullen/Frederick

The Governing Board ratified the recommendation of the Superintendent/President regarding the **employment of the following part-time faculty**, at the hourly rates indicated for Spring & Fall 2009 (day and/or evening); said part-time faculty are not scheduled to teach more than a 67 percent load in a single semester:

**SPRING 2009**

**COUNSELING**

Flores, Rachelle N.	Counseling M.S., Counseling, College Counseling & Student Services B.A., Psychology	\$52.08
Pogue-Cely, Mary	Counseling M.S., Counseling, College Counseling & Student Services B.A., Anthropology	\$52.08

**FALL 2009**

**COMMUNICATIONS**

Coddon, David L.	Journalism B.A., Journalism 2+ Years Experience	\$51.64
Whitesides, Barbara A.	Radio & Television M.A., Organizational Management 2+ Years Experience	\$52.90

**LIFE SCIENCES**

Tubbs, Christopher W.	Zoology Ph.D., Marine Science B.S., Zoology	\$56.17
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The Vote was unanimous of those present.  
Student Trustee Advisory Vote: Aye

**5. Removed from Consent Calendar.**

**6. RATIFIED TEMPORARY ACADEMIC EMPLOYMENT**

MSC McMullen/Frederick

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

- a.     Name:           **Leah Jackie Martin-Klement**  
       Position:       Assistant Professor  
       Department:    Regional Occupational Program  
       Position #:     5212           New:   No  
       Remarks:       Temporary specially funded position pursuant to Education Code Sections 87470 and 87471; funded- Regional Occupational Program.  
       Sal Rng/Stp:    **C/20**           Salary: **\$8,926.14/month**  
       % of Position:  100%           # Mos:  10  
       Effective:      August 21, 2009 – May 21, 2010  
       Account #(s):  K-111000-337100-07020-1812080/100%
- b.     Name:           **Anita Sugar**  
       Position:       Assistant Professor  
       Department:    Regional Occupational Program  
       Position #:     5211           New:   No  
       Remarks:       Temporary specially funded position pursuant to Education Code Sections 87470 and 87471; funded- Regional Occupational Program.  
       Sal Rng/Stp:    **E/26**           Salary: **\$9,816.12/month**  
       % of Position:  100%           # Mos:  10  
       Effective:      August 21, 2009 – May 21, 2010  
       Account #(s):  K-111000-337100-06140-1812080/100%

The Vote was unanimous of those present.  
Student Trustee Advisory Vote: Aye

**7. RATIFIED NEW CLASSIFIED POSITION**

MSC McMullen/Frederick

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

- a.     Position:       **HISPANIC SERVING INSTITUTION/  
                      TEACHING LEARNING CENTER  
                      INSTRUCTIONAL SUPPORT ASSISTANT I**  
       Name:           Vacant  
       Department:    Instructional Services  
       Position #:     6435           New:   Yes  
       Remarks:       New classification for TLC/Escondido Center; funded – Title V HSI grant.  
       Sal Grade/Stp:  **16/1**           Salary: **\$3,091.94/month**  
       % of Position:  100%           # Mos.:  11  
       Effective:      May 13, 2009  
       Account #:     K-222000-311100-49300-1112980/100%

The Vote was unanimous of those present.  
Student Trustee Advisory Vote: Aye

**8. RATIFIED CLASSIFIED EMPLOYMENT**

MSC McMullen/Frederick

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

- a.      Name:                **DARREL E. ROMINE**  
          Position:          Print Services Press Operator  
          Department:        Business Support Services  
          Position #:          6423                    New?: No  
          Remarks:          Replacement for Jeffrey Tarr  
          Sal Grade/Step:    **24/1**                    Salary: **\$3,757.62/month**  
          % of Position:     100%                    # Mos: 12  
          Effective:         May 13, 2009  
          Account #(s):      A-212200-534200-67750-0000000/100%

The Vote was unanimous of those present.  
Student Trustee Advisory Vote: Aye

**9. APPROVED PERSONNEL ACTIONS/HISTORY**

MSC McMullen/Frederick

The Governing Board approved the **Personnel Actions/History** report, which includes hires and pay rate changes for **student employees** for the month of **April, 2009**, and **short-term employees** for the month of **May, 2009**. **EXHIBIT J-9**

The Vote was unanimous of those present.  
Student Trustee Advisory Vote: Aye

**10. RATIFIED STIPEND FOR DESIGNATED BILINGUAL INTERPRETER**

MSC McMullen/Frederick

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

- a.      **Lourdes M. Runk**, Instructional Support Assistant II, Business Administration, effective May 1, 2009.

The Vote was unanimous of those present.  
Student Trustee Advisory Vote: Aye

11. **RATIFIED LEAVES OF ABSENCE**

MSC McMullen/Frederick

- a. The Governing Board ratified the recommendation of the Superintendent/President granting a **15% Personal Leave of Absence without pay and with no effect on benefits**, effective June 23, 2009, through August 13, 2009, to **Marcela Gomez**, English as a Second Language Student Specialist, English as a Second Language, to teach.
- b. The Governing Board ratified the recommendation of the Superintendent/President granting a **100% Family Medical Leave of Absence with no effect on benefits**, effective April 10, 2009, through July 3, 2009; and an additional **100% Medical Leave of Absence with no effect on benefits**, effective July 4, 2009, through July 10, 2009, to **Anne K. Stadler**, Director, Extended Opportunity Programs & Services/Cooperative Agencies Resources for Education.

The Vote was unanimous of those present.  
Student Trustee Advisory Vote: Aye

12. **INFORMATION - RETIREMENTS**

On Behalf of the Governing Board of the Palomar Community College District, the following **retirements** have been accepted by Robert P. Deegan, 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. **Charles E. Kirk**, Assistant Professor, Regional Occupational Program, effective May 23, 2009. He has served Palomar College for 20 years from August 25, 1989, to May 22, 2009.
- b. **Yvonne D. Anderson**, Professor, Economics, History and Political Science, effective May 23, 2009. She has served Palomar College for 20 years from August 25, 1989, to May 22, 2009.
- c. **Eunice Ann Maioroff**, Professor, English, effective May 23, 2009. She has served Palomar College for 38 years from September 7, 1971, to May 22, 2009.

## GIFTS

### 13. ACCEPTED GIFTS

MSC McMullen/Frederick

The Governing Board accepted the following **gifts** and directs that an appropriate letter of appreciation be sent to the donor:

- a. **Portable IV pole** (\$51.00) and **miscellaneous IV set ups** (\$500.00) donated by **Rick Buchanon**, 2045 Janet Circle, Oceanside, CA 92054. These items are to be used for instructional purposes by students in the Emergency Medical Education department. Total cash value as estimated by donor is **\$551.00**.
- b. **Eighteen (18) Bamboo Skateboard Decks** (\$8/each) for Graphic Design donated by **Ron Stebenne**, 3025 Industry Street, Ste. B, Oceanside, CA 92054. These items are to be used by Graphic Communications students. Total cash value as estimated by donor is **\$144.00**.

The Vote was unanimous of those present.  
Student Trustee Advisory Vote: Aye

## K. ACTION ON ITEMS REMOVED FROM CONSENT CALENDAR

Trustee Rose Marie Dishman asked for clarification on this item. Vice President Cuaron briefed the Board on the background of the ROP issue and consequently the approval of the position.

### 5. RATIFIED GRANTING OF TENURE

MSC Evilsizer/McMullen

The Governing Board ratified the recommendation of the Superintendent/President regarding the **granting of tenure** effective for the **2009-2010 academic year** to the following faculty member:

- a. James E. Duvall - Design and Consumer Education

The Vote was unanimous of those present.  
Student Trustee Advisory Vote: Aye

## L. REPORTS FROM COLLEGE GROUPS

### 1. INFORMATION

#### Report of the Faculty Senate

Monika Brannick, Faculty Senate President, commented on the passing of retired Professor Margie Ruzich. She reported that the Faculty Senate appointed a new TERB Coordinator—Barb Kelber, who will begin in the spring semester. The Senate approved the revision of the governance structure of the Student Learning Outcomes Council. The position of a Learning Outcomes Coordinator will be created to keep everyone on track. The Senate also granted Emeritus Status to the following: Maura Gage, Yvonne Anderson, Charles Kirk, Ann Maioroff, Robert Miller, Loren Lee, and Joe Farrelly. Lastly, Ms. Brannick said the Diversity event was very successful and she thanked all of the administrators for all of their support.

2. **INFORMATION**

**Report of the Palomar Faculty Federation**

PFF Co-President Shannon Lienhart commented on the passing of Margie Ruzich. She thanked Trustee McMullen for the article that he read during his report. PFF held e-Board elections – Shayla Sivert is the new e-Board member. PFF will begin negotiations soon. Ms. Lienhart attended the Annual Labor Council dinner and won a lunch with Congressman Filner.

3. **INFORMATION**

**Report of the Administrative Association**

Administrative Association (AA) President Theo Brocket reported that elections were held and the new officers will begin on July 1. The AA Retreat will be held on June 12. Lastly, she commented on the passing of Professor Margie Ruzich.

4. **INFORMATION**

**Report of the Confidential and Supervisory Team**

CAST President Leigh Hoffman reported that CAST has completed its Ethics statement and is due to be ratified by its constituents.

5. **INFORMATION**

**Report of the CCE/AFT**

CCE President Neill Kovrig reported that CCE elections were held and he will continue as President of CCE; Debbie Claypool, Sr. Vice President; Suzanne Szames, Secretary; Terri Canela, Assistant Grievance Officer; Terry Amavisca, Lisa Douglas, and Melissa Lopez are Stewards; Christine Wick, Assistant Vice President; Mike Dimmick, Treasurer. Representatives will be attending the ULI Leadership Institute for training. Mr. Kovrig further commented that he understands the difficulty with issues between the Telescope and ASG, but would like to congratulate the new ASG President and Vice President, and recognized Claudia Duran for her service as the outgoing ASG Vice President and for all of the work she performed on the various committees.

6. **INFORMATION**

**Report of the Associated Student Government**

ASG President Rob Frederick congratulated Andrew Bissell and Ann Hong on their election. He reported on several campus events sponsored by the ASG. He commended Sherry Titus for her work on commencement and as Student Affairs Director. Mr. Frederick reported that ASG will be reviewing its Ethics statement. He further stated that eleven members of ASG are transferring to various universities. He reported on various events that he attended. Lastly, he hopes that items that were left uncompleted during his tenure as ASG President will be reviewed and approved in the future, i.e., class cancellation link, FAFSA resolution, enrollment management to diversity, budget, concert series on campus, and snack shack. He thanked everyone for their support during the past year.

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

Board President Chadwick called a recess at 6:48 p.m. The meeting reconvened at 7:00 p.m.

**N. NEW BUSINESS**

**1. Item moved to EE.**

**2. APPROVED REMOVAL OF COURSES FROM CURRICULUM – EFFECTIVE FALL 2009**

MSC Dishman/McMullen

The Governing Board approved the removal of the courses which have been examined by the Curriculum Committee and are being recommended for removal from the Palomar College Curriculum, effective Fall, 2009:

**CREDIT COURSES**

- a. Course Number and Title: AP C 238 Wood/Metal Jambs and Pre-hung Doors  
Short Title: Wood/Metal Jambs/Prehung Doors  
Discipline: AP Carpentry (AP C)  
Course included in the following programs:  
A. Apprenticeship-Carpentry, A.A. Degree Major or Certificate of Achievement  
Repeatability: May be taken 2 times.  
Reason for Deactivation: No longer offered at Carpentry Training Center.
- b. Course Number and Title: AP C 240 Cylindrical and Mortise Locksets  
Short Title: Cylindrical/Mortise Locksets  
Discipline: AP Carpentry (AP C)  
Course included in the following programs:  
A. Apprenticeship-Carpentry, A.A. Degree Major or Certificate of Achievement  
Repeatability: May be taken 2 times.  
Reason for Deactivation: No longer offered at Carpentry Training Center.
- c. Course Number and Title: R ACR 56 Advanced Air Conditioning, Heating and Refrigeration  
Short Title: ADV AIR COND, HEATING, REFRIG  
Discipline: Air Conditioning/Heating/Refrigeration (R ACR)  
Prerequisites: R ACR 50, and R ACR 55  
Course Included in the following programs:  
A. Air Conditioning/Heating/Refrigeration, Certificate of Proficiency  
Grading Basis: Grade Only  
Repeatability: May be taken 2 times.  
Reason for Deactivation: ROP Air Conditioning, Heating, and Refrigeration program ending Spring 2009.
- d. Course Number and Title: R ACR 58 Refrigerant Recovery  
Discipline: Air Conditioning/Heating/Refrigeration (R ACR)  
Course Included in the following programs:  
A. Air Conditioning/Heating/Refrigeration, Certificate of Proficiency  
Grading Basis: Grade Only  
Repeatability: May be taken 2 times.  
Reason for Deactivation: ROP Air Conditioning, Heating, and Refrigeration program ending Spring 2009.

- e. Course Number and Title: R ACR 97 Air Conditioning, Heating, and Refrigeration Topics  
Short Title: AIR COND/HEATING/REFRIG TOPICS  
Discipline: Air Conditioning/Heating/Refrigeration (R ACR)  
Course Included in the following programs:  
A. Air Conditioning/Heating/Refrigeration, Certificate of Proficiency  
Grading Basis: Grade Only  
Repeatability: May be taken 4 times.  
Reason for Deactivation: ROP Air Conditioning, Heating, and Refrigeration program ending Spring 2009.

The Vote was unanimous of those present.  
Student Trustee Advisory Vote: Aye

**3. APPROVED REMOVAL OF PROGRAMS FROM CURRICULUM – EFFECTIVE FALL 2009**

MSC Evilsizer/McMullen

The Governing Board approved the removal of the following programs, which have been examined by the Curriculum Committee and are being recommended for removal from the Palomar College curriculum, effective Fall 2009:

**CREDIT PROGRAMS**

- a. Program Title: Applications Support Specialist  
Discipline: Computer Science and Information Systems (R CSIS)  
Award Type: Certificate of Proficiency  
Total Units: 13.00  
Reason for Deactivation: ROP Computer Technology program ending Spring 2009.
- b. Program Title: Fashion Merchandising/Entry-Level  
Discipline: Fashion (FASH)  
Award Type: Certificate of Achievement  
Total Units: 25 – 26  
Reason for Deactivation: Streamlining programs in the Fashion area.

The Vote was unanimous of those present.  
Student Trustee Advisory Vote: Aye

**4. REVIEWED AND APPROVED CONTRACTS AND AGREEMENTS MADE FOR PRIOR SIXTY (60) DAYS: FEBRUARY 16, 2009 – APRIL 15, 2009**

MSC Evilsizer/McMullen

The Governing Board ratified and approved all contracts and agreements for the period February 16, 2009, through April 15, 2009, and entered into on behalf of the Palomar Community College District. **EXHIBIT N-4**

The Vote was unanimous of those present.  
Student Trustee Advisory Vote: Aye

5. **REVIEWED AND APPROVED PURCHASES**

MSC Evilsizer/McMullen

The Governing Board reviews and approves all purchase transactions and contracts entered into on behalf of the Palomar Community College District, pursuant to resolutions numbered 96-18423 and 96-18424 adopted June 24, 1997, be and are reviewed and approved for the following. All purchases listed herein are made against the 2008-2009 fiscal year budget: **EXHIBIT N-5**

Purchase Orders	Time Period: 04/02/09 – 04/29/09	\$ 2,430,527.24
Procurement Card	Time Period: 02/23/09 – 03/22/09	\$ 153,379.54
		<b><u>\$ 2,583,906.78</u></b>

The Vote was unanimous of those present.  
Student Trustee Advisory Vote: Aye

6. **APPROVED QUARTERLY REPORT OF THE FISCAL SERVICES DIRECTOR**

MSC Evilsizer/McMullen

The Governing Board approved the **Quarterly Report of Fiscal Services Director, Regarding Disclosure of District Investments** as of March 31, 2009. **EXHIBIT N-6**

The Vote was unanimous of those present.  
Student Trustee Advisory Vote: Aye

7. **APPROVED CALIFORNIA COMMUNITY COLLEGES QUARTERLY FINANCIAL STATUS REPORT**

MSC McMullen/Evilsizer

The Governing Board approved the **California Community Colleges Quarterly Financial Status Report (CCFS-311Q)** for quarter ending March 31, 2009. **EXHIBIT N-7**

The Vote was unanimous of those present.  
Student Trustee Advisory Vote: Aye

8. **RESOLUTION OF GOVERNING BOARD OF PALOMAR COMMUNITY COLLEGE DISTRICT REQUESTING TEMPORARY TRANSFER OF FUNDS**

MSC McMullen/Evilsizer

**RESOLUTION NO. 09-21002**

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

WHEREAS, on June 9, 2009, the Governing Board will:

[XXX] Adopt a tentative budget

[ ] Adopt its final budget

for this district for the fiscal year 2009-2010 pursuant to the provisions of the Education Code Sections 70901, and taxes accruing to the district for said fiscal year are estimated to be \$56,368,722 and 85% of said taxes is \$47,913,414; and

WHEREAS, taxes accrued to this district during the 2008-2009 fiscal year are projected to be \$55,263,453; and

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

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

1. The Board of Supervisors of the County of San Diego is requested to direct the Treasurer of the County of San Diego to make a temporary transfer from the funds in his custody to this district during the 2009-2010 fiscal year to meet obligations incurred for maintenance purposes in the amount of:
  - (a) \$8,145,280 for the period from July 1 until August 31 not to exceed 17% of the authorized limit.
  - (b) \$47,913,414 after August 31 but not to exceed a total of 85% of taxes accruing to the district. This amount represents the total available temporary transfer approved by the governing board for the 2009-2010 fiscal year inclusive of the 17% shown in (a) above.
2. If directed by the Board of Supervisors, funds will be transferred to this district by the Treasurer of the County of San Diego in sums as requested by the District Superintendent and certified by him/her to be necessary to provide funds for meeting the obligations incurred for maintenance purposes by the district not to exceed the maximum amount herein specified, provided the Treasurer determines that funds in his custody are available for such transfers.

3. The Secretary of this Board is directed to file a copy of this resolution with the Board of Supervisors, the County Superintendent of Schools, the County Auditor and Controller and the County Treasurer-Tax Collector.

PASSED AND ADOPTED by the Governing Board of the Palomar Community College District, County of San Diego, State of California, this 12<sup>th</sup> day of May, 2009 by the following vote:

AYES:  
NOES:  
ABSENT:

STATE OF CALIFORNIA ( )  
COUNTY OF SAN DIEGO ( )

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Secretary of the Board

**EXHIBIT N-8**

The Vote was unanimous of those present.  
Student Trustee Advisory Vote: Aye

**9. REJECTED CLAIM**

MSC Evilsizer/McMullen

**BE IT RESOLVED, That** the Governing Board of the Palomar Community College District rejected the claim for indemnity, comparative contribution and declaratory relief filed by Jeffrey P. Wade, Jr., Esq., Stutz Artiano Shinoff & Holtz on behalf of his clients **San Diego and Imperial County Fringe Benefits Consortium and Victoria De La Torre** and refers it to the District's Claim Administrator for handling.

The Vote was unanimous of those present.  
Student Trustee Advisory Vote: Aye

**10. REJECTED CLAIM**

MSC Evilsizer/McMullen

**BE IT RESOLVED, That** the Governing Board of the Palomar Community College District rejected the claim for damages resulting from a failure to exercise a duty to act and breach of contractual obligation filed by Brian D. Harrison, Esq., Sedgwick, Detert, Moran & Arnold LLP on behalf of his client **Hartford Life Group Insurance Company** and refers it to the District's Claim Administrator for handling.

The Vote was unanimous of those present.  
Student Trustee Advisory Vote: Aye

11. **APPROVED ACCEPTEDANCE OF FUNDS FOR CAREER TECHNICAL EDUCATION  
COMMUNITY COLLABORATIVE PROGRAMS – GRANT AGREEMENT NO. 08-140**

MSC Evilsizer/McMullen

The Governing Board approved the acceptance of a collaborative grant with Mira Costa College in the amount of \$92,000.00 to complete the Governor's Career Technical Education initiative. Mira Costa College will be the fiscal agent. **EXHIBIT N-11**

The Vote was unanimous of those present.  
Student Trustee Advisory Vote: Aye

12. **APPROVED NEW AND/OR CONTINUING CLASSES, AGREEMENTS, AND  
PERSONNEL FOR PROVIDING CONTRACT TRAINING CLASSES THROUGH  
WORKFORCE & COMMUNITY DEVELOPMENT**

MSC Evilsizer/McMullen

The Governing Board approved the following new and/or continuing classes, agreements, and personnel for providing training classes through Workforce & Community Development:

**Contract Training Program Spring 2009**

**Class & Service Provider**

- |    |                         |                                       |
|----|-------------------------|---------------------------------------|
| a. | <b>Name:</b>            | Jay Miller<br>Don Peterson            |
|    | <b>Name of Class:</b>   | Welder Certification course           |
|    | <b>Effective:</b>       | May 18 -19, 2009                      |
|    | <b>Instructor Rate:</b> | 20% of registration fee               |
|    | <b>Fees to Student:</b> | \$50.00                               |
| b. | <b>Name:</b>            | Julie Graboi                          |
|    | <b>Name of Class:</b>   | English as a Second Language Training |
|    | <b>Effective:</b>       | May 19 - July 7, 2009                 |
|    | <b>Instructor Rate:</b> | \$50.00 per hour                      |

The Vote was unanimous of those present.  
Student Trustee Advisory Vote: Aye

13. **APPROVED INDEPENDENT CONTRACTOR AGREEMENT WITH ENRICO BUTTA –  
CASINO DEALER SCHOOL – HOUSE OF GAMES ADMINISTERED THROUGH  
WORKFORCE & COMMUNITY DEVELOPMENT**

MSC McMullen/Evilsizer

The Governing Board approved an Independent Contractor Agreement between Palomar Community College District (hereinafter "District") and Enrico Butta, (hereinafter "Contractor") to teach Casino Dealer School – House Games through Workforce & Community Development. Term of the contract shall be July 1, 2009, through June 30, 2010. District shall pay Contractor \$3,328 per session provided a minimum of 10 students are enrolled in the class. **EXHIBIT N-13**

The Vote was unanimous of those present.  
Student Trustee Advisory Vote: Aye

14. **APPROVED INDEPENDENT CONTRACTOR AGREEMENT WITH DAVID MULL – CASINO DEALER SCHOOL – POKER GAMES ADMINISTERED THROUGH WORKFORCE & COMMUNITY DEVELOPMENT**

MSC McMullen/Evilsizer

The Governing Board approved an Independent Contractor Agreement between Palomar Community College District (hereinafter “District”) and David Mull, (hereinafter “Contractor”) to teach Casino Dealer School – Poker Games through Workforce & Community Development. Term of the contract shall be July 1, 2009, through June 30, 2010. District shall pay Contractor \$3,328 per session provided a minimum of 10 students are enrolled in the class. **EXHIBIT N-14**

The Vote was unanimous of those present.  
Student Trustee Advisory Vote: Aye

15. **APPROVED INDEPENDENT CONTRACTOR AGREEMENT WITH KRIS PATTERSON – MEDICAL INSURANCE BILLING ADMINISTERED THROUGH WORKFORCE & COMMUNITY DEVELOPMENT**

MSC McMullen/Evilsizer

The Governing Board approved an Independent Contractor Agreement between Palomar Community College District (hereinafter “District”) and Kris Patterson, (hereinafter “Contractor”) to teach Medical Insurance Billing classes through Workforce & Community Development. Services will be performed July 13 – 16, 2009 and August 3 – 6, 2009. District shall pay Contractor 50% of registration fees collected from students for instructional services, provided a minimum of 10 students are enrolled in the class. **EXHIBIT N-15**

The Vote was unanimous of those present.  
Student Trustee Advisory Vote: Aye

16. **APPROVED EDUCATIONAL SERVICES AGREEMENT (CE0609301) WITH TWO DIRECTIONS ADMINISTERED THROUGH WORKFORCE & COMMUNITY DEVELOPMENT**

MSC Evilsizer/Dishman

The Governing Board approved an Educational Services Agreement between Palomar Community College District (District) and Two Directions (Agency), to provide instruction in 8 hours of not-for-credit instruction – Automotive Technology Training through Workforce & Community Development. Classes are scheduled for June 17-18, 2009. In consideration of the instructional and related services provided by District, the Agency agrees to pay a flat fee of \$960.00. **EXHIBIT N-16**

The Vote was unanimous of those present.  
Student Trustee Advisory Vote: Aye

17. **APPROVED EDUCATIONAL SERVICES AGREEMENT (CE0709301) WITH TWO DIRECTIONS ADMINISTERED THROUGH WORKFORCE & COMMUNITY DEVELOPMENT**

MSC Evilsizer/Dishman

The Governing Board approved an Educational Services Agreement between Palomar Community College District (District) and Two Directions (Agency), to provide instruction in 32 hours of not-for-credit instruction – Medical Insurance Billing Training through Workforce & Community Development. Classes are scheduled July 13-16, 2009 and August 3–6, 2009. In consideration of the instructional and related services provided by District, the Agency agrees to pay \$399.00.per student instructed (10 student minimum) for a total of \$3,990.00. **EXHIBIT N-17**

The Vote was unanimous of those present.  
Student Trustee Advisory Vote: Aye

18. **APPROVED EDUCATIONAL SERVICES AGREEMENT (CE0509332) WITH HARRAH'S RINCON ADMINISTERED THROUGH WORKFORCE & COMMUNITY DEVELOPMENT**

MSC Evilsizer/Dishman

The Governing Board approved an Educational Services Agreement between Palomar Community College District (District) and Harrah's Rincon, (Agency) to provide instruction in customized Beginning & Intermediate/Advanced Level English at Workplace - English as a Second Language Training from the Hospitality Communications I and II curriculum. Classes are scheduled May 19 – July 7, 2009. In consideration of the instructional and related services provided by District, the Agency agrees to pay a total amount \$4,760.00. **EXHIBIT N-18**

The Vote was unanimous of those present.  
Student Trustee Advisory Vote: Aye

19. **APPROVED AGREEMENT WITH AMERICAN HEART ASSOCIATION FOR AUTHORIZATION OF EMERGENCY MEDICAL EDUCATION TO OPERATE AS A TRAINING CENTER**

MSC McMullen/Evilsizer

The Governing Board approved an agreement with American Heart Association (AHA) for the purpose of authorizing the Emergency Medical Education (EME) department to operate as a Training Center for the AHA. This agreement will authorize the EME department to conduct courses, certify instructors and issue CPR cards in accordance with AHA standards. Term of the agreement is an initial one-year term and if the partnership is successful, it will be renewed in two-year increments. **EXHIBIT N-19**

The Vote was unanimous of those present.  
Student Trustee Advisory Vote: Aye

20. **APPROVED USE OF FACILITIES AGREEMENT WITH CALIFORNIA STATE UNIVERSITY – SAN MARCOS TO HOLD COMMUNITY EMERGENCY RESPONSE TRAINING CLASSES**

MSC McMullen/Evilsizer

The Governing Board approved a Use of Facility agreement between California State University – San Marcos (CSUSM) and Palomar Community College District (District) for the purpose of the District holding Community Education NHSED 901, Community Emergency Response Training (CERT) classes for the general public. The term of the agreement shall be effective May 12, 2009, and shall be automatically renewed each year, July 1<sup>st</sup>, for a period of one (1) fiscal year, unless terminated in writing by either party prior to April 1<sup>st</sup> before the desired June 30<sup>th</sup> termination date. The District shall pay CSUSM at the rate of One Dollar (\$1.00) per year. **EXHIBIT N-20**

The Vote was unanimous of those present.  
Student Trustee Advisory Vote: Aye

21. **APPROVED END USER LICENSE AGREEMENT WITH FINANCIAL AID TV TO PROVIDE ON-LINE STUDENT ORIENTATION**

MSC Evilsizer/Dishman

The Governing Board approved an agreement with Financial Aid TV to provide software and maintenance of online videos to assist financial aid students in understanding their financial aid rights and responsibilities. Total cost for services is \$35,000.00 for a 3 year period, effective May 12, 2009. **EXHIBIT N-21**

The Vote was unanimous of those present.  
Student Trustee Advisory Vote: Aye

22. **APPROVED AMENDMENT TO EXISTING AGREEMENT WITH PAYPHONE STATIONS INNOVATIONS (PSI) TO EXTEND TERM OF AGREEMENT**

MSC McMullen/Evilsizer

The Governing Board approved an amendment to the existing agreement with Payphone Stations, Inc., to extend the term of the agreement for two (2) additional years at the current rate of \$400.00 per month for the installation, maintenance and operation of pay telephones at the San Marcos campus and Escondido Center. **EXHIBIT N-22**

The Vote was unanimous of those present.  
Student Trustee Advisory Vote: Aye

23. **DECLARED A SET OF FOUR TIMPANI FROM PERFORMING ARTS DEPARTMENT SURPLUS AND OF INSUFFICIENT VALUE FOR AUCTION, AND DONATE PROPERTY TO CIVIC YOUTH ORCHESTRA, ESCONDIDO, CA (UNANIMOUS CONSENT REQUIRED)**

MSC Evilsizer/McMullen

The Governing Board finds one set of four (4) timpani used by the Performing Arts Department surplus, no longer needed for District purposes, and of insufficient value to defray the costs of arranging a sale, all in accordance with District Procedure 552; and, that the set of four timpani shall be donated to Civic Youth Orchestra, Escondido, CA, as pursuant to California Education Code Section 81452. (unanimous consent required)

The Vote was unanimous of those present (Nelson: Absent)  
Student Trustee Advisory Vote: Aye

24. **DECLARE MISCELLANEOUS EQUIPMENT SURPLUS AND AUTHORIZE PUBLIC SURPLUS TO CONDUCT AN AUCTION VIA WEBSITE**

MSC McMullen/Frederick

The Governing Board declares the list of items as described in the accompanying memorandum to this resolution, as surplus property and no longer of value or use to the District. The Governing Board approved items be sold at a web auction, conducted by Public Surplus, in accordance with California Education Code Section 81450(b). **EXHIBIT N-24**

The Vote was unanimous of those present.  
Student Trustee Advisory Vote: Aye

25. **APPROVED AGREEMENT WITH RIVERSIDE-SAN BERNARDINO JOINT ELECTRICAL APPRENTICESHIP TRAINING PROGRAM**

MSC Evilsizer/McMullen

The Governing Board approved the renewal of an agreement with the Riverside/San Bernardino Joint Electrical Apprenticeship Training for the continued educational support for their Apprenticeship Program. **EXHIBIT N-25**

The Vote was unanimous of those present.  
Student Trustee Advisory Vote: Aye

**26. APPROVED SUBSTITUTION OF SHEET METAL SUB-CONTRACTOR ON BID # CM-28-09-BLDG. S - ROOFING & SHEET METAL – SAN MARCOS CAMPUS**

MSC McMullen/Evilsizer

The Governing Board approved the request by Richard & Richard, contractor for the roofing & sheet metal of Building S, to substitute Ehmke Sheet Metal as its sheet metal sub-contractor for Challenger Sheet Metal as authorized under Public Contract Code § 4107 et. al, on the grounds that Richard & Richard and Challenger Sheet Metal were unable to negotiate a contract. The notice and opportunity to object required under § 4107 (a) (9) has been waived by Challenger Sheet Metal in writing as detailed in **EXHIBIT N-26.**

The Vote was unanimous of those present.  
Student Trustee Advisory Vote: Aye

**27. ACCEPTED AND APPROVED CHANGE ORDER #2 FOR BID NO. B-007 NS BUILDING ADA RAMP PROJECT - RANDALL CONSTRUCTION**

MSC McMullen/Evilsizer

The Governing Board accepted and approves Change Order #2 in the amount of \$2,500.00 pertaining to Bid B-007 NS Building ADA Ramp Project; original contract approved by the Governing Board on May, 19, 2008, as detailed on the accompanying memorandum in support hereof. **EXHIBIT N-27**

The Vote was unanimous of those present.  
Student Trustee Advisory Vote: Aye

**28. ACCEPTED AND APPROVED CHANGE ORDER #1 FOR BID NO. 112-09 SOCCER FIELD REPAIRS**

MSC McMullen/Evilsizer

The Governing Board accepted and approves Change Order #1 pertaining to Bid # 112-09 Soccer Field Repairs; original contract approved by the Governing Board on April 14, 2009, as detailed on the accompanying memorandum in support hereof. **EXHIBIT N-28**

The Vote was unanimous of those present.  
Student Trustee Advisory Vote: Aye

**29. RECOMMENDATION: ACTION – APPROVED REQUEST TO REDUCE RETENTION HELD ON BID # CM-04-09 MIB: EARTHWORK & BLASTING PROJECT FROM 10% TO 5%**

MSC McMullen/Evilsizer

The Governing Board approved reduction of the percentage of the retention held on Bid # CM-04-09 MIB: Earthwork & Blasting Project with Mountain Movers, Inc., from 10% to 5% based on over 95% of the project work has been successfully completed. The total contract amount for the project is \$724,000.00. **EXHIBIT N-29**

The Vote was unanimous of those present.  
Student Trustee Advisory Vote: Aye

**30. ACCEPTED THE BID OF GEARY FLOORS, AS THE LOWEST RESPONSIVE BIDDER, FOR BID #110-09: GYMNASIUM FLOOR RESURFACING/SAN MARCOS CAMPUS**

MSC McMullen/Evilsizer

The Governing Board accepted the bid of Geary Floors, 1060 Rippey Street, El Cajon, CA 92020, as the lowest responsive bidder for Bid # 110-09: Gymnasium Floor Resurfacing/San Marcos campus.

Furthermore, the Governing Board approved a contract between Palomar Community College District and Geary Flooring, in the amount of \$18,290.00 and Additive 1: Annual Maintenance (to provide surface touch-up and refinishing each year for up to five [5] years) in the amount of \$6,600.00 per year. **EXHIBIT N-30**

The Vote was unanimous of those present.  
Student Trustee Advisory Vote: Aye

**31. ACCEPTED THE BID OF LEDCOR CONSTRUCTION, INC., AS THE LOWEST RESPONSIVE BIDDER, FOR BID #111-09: CHILD DEVELOPMENT CENTER (CDC) REMODEL/ESCONDIDO CENTER**

MSC McMullen/Evilsizer

The Governing Board accepted the bid of Ledcor Construction, Inc., 6405 Mira Mesa Boulevard, #100, San Diego, CA 92121, as the lowest responsive bidder for Bid # 111-09: Child Development Center (CDC) Remodel/Escondido Center.

Furthermore, the Governing Board approved a contract between Palomar Community College District and Ledcor Construction, Inc., in the amount of \$58,399.00, subject to receipt of all required bonds and insurance certificates. **EXHIBIT N-31**

The Vote was unanimous of those present.  
Student Trustee Advisory Vote: Aye

**32. ACCEPTED PROPOSAL AND APPROVED AGREEMENT WITH FOLLETT HIGHER EDUCATION GROUP, INC., FOR BOOKSTORE MANAGEMENT & OPERATION**

MSC McMullen/Evilsizer

The Governing Board accepted the proposal of Follett Higher Education Group, Inc. dated April 28, 2009 to operate and manage the Palomar College Bookstore operation, pursuant to which proposal Follett guarantees the District a minimum of \$2,875,000 over five years, or a percentage of gross revenues generated from all sales based on the following schedule, whichever is greater:

- 11.25% of all gross revenue up to \$6,000,000
- 12.25% of all gross revenue greater than \$6,000,000

In addition, Follett Higher Education Group, Inc. will invest \$200,000 to remodel the Palomar College Bookstore, spend \$9,000 in marketing and advertising campaigns, provide \$25,000 in general scholarships and \$25,000 in textbook scholarships.

Furthermore, the Governing Board approved a five year agreement between Palomar Community College District and Follett Higher Education Group, Inc. for the management and operation of the Palomar College Bookstore, including all existing and future bookstore operations conducted on the San Marcos campus and at off-site locations, effective November 1, 2009 based upon the terms of the proposal stated above, and upon such other terms and conditions as may be agreed to by the District and Follett Higher Education Group, Inc. with specific reference to the requirements of the Request for Proposal issued by the District on or about March 26, 2009. **EXHIBIT N-32**

The Vote was unanimous of those present.  
Student Trustee Advisory Vote: Aye

**33. EXCUSE ABSENCE OF TRUSTEE**

MSC Evilsizer/Dishman

In accordance with Section 72425(c) of the CA Education Code, the Governing Board finds that the absence of **Trustee Michele Nelson** from the Special Meeting of the Governing Board held **April 28, 2009**, is **excused** due to personal necessity.

The Vote was unanimous of those present.  
Student Trustee Advisory Vote: Aye

**34. EXCUSE ABSENCE OF TRUSTEE**

MSC Evilsizer/Dishman

In accordance with Section 72425(c) of the CA Education Code, the Governing Board finds that the absence of **Trustee Darrell McMullen** from the regular meeting of the Governing Board held **April 14, 2009**, is **excused** due to personal necessity.

The Vote: 3 Ayes 1 Abstention (McMullen)  
Student Trustee Advisory Vote: Aye

**INFORMATION ONLY**

**33. INFORMATION: SUPPLEMENTAL INFORMATION FOR STUDY ABROAD PROGRAM TO SALAMANCA, SPAIN, MAY 23, 2009, THROUGH JUNE 21, 2009, APPROVED BY GOVERNING BOARD ON MARCH 10, 2009**

At its regular board meeting of March 10, 2009, the Governing Board of Palomar Community College District approved the Foreign Languages Department to conduct a Study Abroad Program in Salamanca, Spain, from May 23, 2009, to June 21, 2009. Attached is supplemental information on the study abroad program in accordance with the District's study abroad course regulations. **EXHIBIT N-33**

**34. INFORMATION: ASSIGNMENT OF LABOR COMPLIANCE PROGRAM AGREEMENT FROM KEENAN & ASSOCIATES TO SCHOOL CONSTRUCTION COMPLIANCE, LLC**

Keenan & Associates (Keenan) had discontinued its Labor Compliance Program (LCP) and have assigned the existing LCP agreement between Keenan and Palomar Community College District (District) to School Construction Compliance, LLC (SCC), 20 Pacifica, Suite 960, Irvine, CA 92618. Effective March 1, 2009, SCC will assume all rights and obligations of Keenan under the current LCP agreement and Keenan shall have no further responsibility to provide services to the District under the current LCP Agreement.

**35. INFORMATION: ESCROW AGREEMENT FOR SECURITY DEPOSITS IN LIEU OF RETENTION FOR STANDARD DRYWALL, INC., BID # CM-09-09 MIB: METAL STUDS, DRYWALL, FIREPROOFING, DOORS & HARDWARE, PLASTER, PAINTING & FINAL CLEANING – CONSTRUCTION OF MULTI-DISCIPLINARY INSTRUCTIONAL BUILDING (MIB)**

Standard Drywall, Inc., Contractor, for the metal studs, drywall, fireproofing, doors and hardware, plaster, painting and final cleaning for the construction of the MIB, has requested the District to enter into an escrow agreement for security deposits in lieu of retention through California Bank & Trust, 2250 Alpine Blvd., Alpine, CA 91901. Under Section 22300 of the Public Contract Code of the State of California, the Contractor has the option to deposit securities with the Escrow Agent as a substitute for retention earnings required to be withheld by the District pursuant to the contract.

The Code allows the Escrow Holder to invest the retention in an interest bearing account, and pay the interest to the Contractor. The District can also withdraw monies from the account if the Contractor defaults in its obligations under the construction contract, in the same manner as if the District were still controlling the retention. The Escrow Holder cannot disburse any of the principal sums of retention to the Contractor, at any time, without prior approval of the District.

**36. FIRST READING: REVISION OF PALOMAR COMMUNITY COLLEGE DISTRICT POLICIES INCLUDED IN CHAPTER 1 – THE DISTRICT; CHAPTER 3 GENERAL INSTITUTION; CHAPTER 4 INSTRUCTIONAL SERVICES**

This information item includes a proposal to **revise** the following **Board Policies** included in **Chapter 1 – The District; Chapter 3 – General Institution; and Chapter 4 – Instructional Services**. The Board will take action to adopt the following policies at its June 9, 2009, meeting:

BP 1200	Mission Statement
BP 3100	Organizational Structure
BP 3510	Workplace Violence Plan
BP 3515	Reporting of Crimes
BP 3520	Local Law Enforcement
BP 3810	Claims Against the District
BP 4030	Academic Freedom
BP 4290	Academic Honesty
BP 4650	Final Examinations
BP 3280	Grants
BP 3500	Campus Safety
BP 4020	Program, Curriculum and Course Development
BP 4021	Discontinuance of Career-Technical Program
BP 4022	Curricular Matters
BP 4045	Tutorial Services Programs
BP 4103	Cooperative Work Experience Education
BP 4230	Grading and Academic Record Symbols
BP 4250	Probation, Dismissal, and Readmission
BP 4260	Pre-requisites, Co-requisites, and Advisories

The following Administrative Procedures are for **INFORMATION ONLY**:

AP 3100	Organizational Structure
AP 3200	Accreditation
AP 3516	Registered Sex Offender Information
AP 3810	Claims Against the District
AP 4020	Program, Curriculum, and Course Development
AP 4022	Curricular Matters
AP 4103	Cooperative Work Experience Education
AP 4250	Probation, Dismissal, and Readmission

**O. BOARD REQUESTS FOR REPORTS** – There were none requested.

**P. RECESS TO CLOSED SESSION** – No additional session needed.

**R. ADJOURNMENT**

The meeting was adjourned at 7:35 p.m.

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Nancy Chadwick, Board President

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Mark Evilsizer, Secretary