



GOVERNING BOARD AGENDA
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

NOTICE TO PUBLIC: In accordance with Board Policy 2350, members of the public who wish to address the Board on matters within its jurisdiction have a five-minute time limit per person. The Board may ask a group to select a spokesperson and may limit the number of speakers on a particular topic unless the proposed speakers are addressing different concerns.

The Open Session of the Board meets the second Tuesday of every month starting at 5:00 p.m. in the Governing Board Room of the Student Services Building on the Palomar College Campus in San Marcos, California, unless changed in advance by Board action. In compliance with Government Code §54957.5, non-exempt writings that are distributed to the Governing Board Members in advance of their meetings, may be viewed at the Governing Board Office, LL-204, or by clicking on the Governing Board web site at www.palomar.edu/gb. In addition, if you would like a copy of any record related to an item on the agenda, please contact Josie Silva, Executive Assistant, at (760) 744-1150, extension 2104, or at jsilva@palomar.edu. The Board reserves the right to modify the order of business in the manner it deems appropriate. Please note all meetings are recorded electronically.

A.	Call to Order (4:00 p.m.)	2
AA.	Roll Call	2
B.	Public Comments	2
C.	Recess to Closed Session	2
CC.	Reconvene to Open Session (5:00 p.m.).....	2
D.	Comments from Other Individuals or Groups	3
DD.	Public Hearing-PCCD Proposal for Negotiations with PFF	3
DDD.	Public Hearing-PCCD Proposal for Negotiations with CCE.....	3
E.	Approval of Minutes	3
F.	Call for Removal of Items from or Changes to Agenda	3
G.	Acknowledgement of Retirements	3
H.	Report of the Governing Board President.....	4
HH.	Report of the Governing Board Trustees	4
I.	Report of the Superintendent/President.....	4
J.	Approval of Consent Calendar Items	5
K.	Action on Items Removed from Consent Calendar	9
L.	Reports from College Groups	9
M.	Unfinished Business.....	9
N.	New Business	9
O.	Board Requests for Reports	20
P.	Recess to Closed Session	20
Q.	Reconvene to Open Session	20
R.	Adjournment.....	20

A. CALL MEETING TO ORDER: 4 p.m.

AA. ROLL CALL

Establishment of a Quorum

B. PUBLIC COMMENTS

In accordance with Board Policy 2350, members of the public who wish to address the Board on matters within its jurisdiction have a five-minute time limit per person. The Board may ask a group to select a spokesperson and may limit the number of speakers on a particular topic unless the proposed speakers are addressing different concerns.

C. RECESS TO CLOSED SESSION FOR DISCUSSION OF THE FOLLOWING:

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.
7. Review of tort claim, pursuant to Government Code §54956.95.

CC. RECONVENE TO OPEN SESSION: 5 p.m.

Actions Taken In Closed Session
Pledge of Allegiance

D. COMMENTS FROM OTHER INDIVIDUALS AND GROUPS

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

In accordance with Board Policy 2345, members of the public who wish to address the Board on matters within its jurisdiction have a five-minute time limit per person. The Board may ask a group to select a spokesperson and may limit the number of speakers on a particular topic unless the proposed speakers are addressing different concerns.

DD. PUBLIC HEARING

1. OPEN 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**

3. CLOSE PUBLIC HEARING

DDD. PUBLIC HEARING

1. OPEN 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**

3. CLOSE PUBLIC HEARING

E. RECOMMENDATION: ACTION – APPROVAL OF MINUTES

1. The Governing Board hereby approves the Minutes of the Regular Meeting of April 14, 2009.

2. The Governing Board hereby approves the Minutes of the Special Meeting of April 28, 2009.

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

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

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.
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.
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.
6. **Eunice Ann Maioroff**, Professor, English. She has served Palomar College for 38 years from September 7, 1971 to May 22, 2009.
7. **Robert T. Miller**, Professor, Behavioral Sciences. He has served Palomar College for 19 years from August 24, 1990, to May 22, 2009.

H. REPORT OF THE GOVERNING BOARD PRESIDENT

HH. REPORTS OF GOVERNING BOARD TRUSTEES

Section 54954.2(a) of the Ralph M. Brown Act states that "No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3. In addition, on their own initiative or in response to questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities. Furthermore, a member of a legislative body, or the body itself, subject to rules or procedures of the legislative body, may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda."

I. REPORT OF THE SUPERINTENDENT/PRESIDENT

1. Report of Vice President for Instruction
 - a. Accreditation Update – Berta Cuaron
2. Report of Vice President for Student Services
3. Report of Vice President for Finance and Administrative Services
4. Report of Vice President for Human Resource Services

J. APPROVAL OF CONSENT CALENDAR ITEMS

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.

FISCAL

1. RECOMMENDATION: ACTION – APPROVE SIGNATURES FOR COUNTY BUSINESS

The Governing Board of Palomar Community College District hereby approves 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

REPLACEMENT OF WARRANTS

2. RECOMMENDATION: ACTION – APPROVE DRAWING NEW WARRANTS

The Governing Board hereby authorizes 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.

PERSONNEL

3. RECOMMENDATION: ACTION – RATIFY AMENDED MEMORANDUM OF UNDERSTANDING WITH THE PALOMAR FACULTY FEDERATION/AFT LOCAL 6161 FOR ROP FACULTY TRANSITION

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

4. RECOMMENDATION: ACTION – RATIFY PART-TIME FACULTY EMPLOYMENT

The Governing Board hereby ratifies the recommendation of the Superintendent/President regarding the **employment of the following part-time faculty**, at the 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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5. RECOMMENDATION: ACTION – RATIFY GRANTING OF TENURE

The Governing Board hereby ratifies 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

6. RECOMMENDATION: ACTION – RATIFY TEMPORARY ACADEMIC EMPLOYMENT

The Governing Board ratifies 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%

7. RECOMMENDATION: ACTION – RATIFY NEW CLASSIFIED POSITION

The Governing Board hereby ratifies 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%

8. RECOMMENDATION: ACTION – RATIFY CLASSIFIED EMPLOYMENT

The Governing Board hereby ratifies 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/Stp: **24/1** Salary: **\$3,757.62/month**
% of Position: 100% # Mos: 12
Effective: May 13, 2009
Account #(s): A-212200-534200-67750-0000000/100%

9. RECOMMENDATION: ACTION – APPROVE PERSONNEL ACTIONS/HISTORY

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

10. RECOMMENDATION: ACTION – RATIFY STIPEND FOR DESIGNATED BILINGUAL INTERPRETER

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

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

11. RECOMMENDATION: ACTION – RATIFY LEAVES OF ABSENCE

- a. The Governing Board hereby ratifies 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 hereby ratifies 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.

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. RECOMMENDATION: ACTION – ACCEPT GIFTS

The Governing Board hereby accepts 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**.

Resumption of REGULAR AGENDA

K. ACTION ON ITEMS REMOVED FROM CONSENT CALENDAR

L. REPORTS FROM COLLEGE GROUPS

1. INFORMATION: Report of the Faculty Senate
2. INFORMATION: Report of the Palomar Faculty Federation
3. INFORMATION: Report of the Administrative Association
4. INFORMATION: Report of the Confidential and Supervisory Team
5. INFORMATION: Report of the CCE/AFT
6. INFORMATION: Report of the Associated Student Government

M. UNFINISHED BUSINESS

N. NEW BUSINESS

1. **Item moved to EE.**
2. RECOMMENDATION: ACTION – APPROVE REMOVAL OF COURSES FROM CURRICULUM – EFFECTIVE FALL 2009

The Governing Board hereby approves 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.

3. RECOMMENDATION – ACTION: APPROVE REMOVAL OF PROGRAMS FROM CURRICULUM – EFFECTIVE FALL 2009

The Governing Board hereby approves 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.

4. RECOMMENDATION: ACTION – REVIEW AND APPROVE CONTRACTS AND AGREEMENTS MADE FOR PRIOR SIXTY (60) DAYS: FEBRUARY 16, 2009 – APRIL 15, 2009

The Governing Board hereby ratifies and approves 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**

5. RECOMMENDATION: ACTION – REVIEW AND APPROVE PURCHASES

The Governing Board hereby 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 hereby 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
		<u>\$ 2,583,906.78</u>

6. RECOMMENDATION: ACTION – APPROVE QUARTERLY REPORT OF THE FISCAL SERVICES DIRECTOR

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

7. RECOMMENDATION: ACTION – APPROVE CALIFORNIA COMMUNITY COLLEGES QUARTERLY FINANCIAL STATUS REPORT

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

8. RECOMMENDATION: ACTION – RESOLUTION OF GOVERNING BOARD OF PALOMAR COMMUNITY COLLEGE DISTRICT REQUESTING TEMPORARY TRANSFER OF FUNDS

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

WHEREAS, on June 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.

12. RECOMMENDATION: ACTION - APPROVE NEW AND/OR CONTINUING CLASSES, AGREEMENTS, AND PERSONNEL FOR PROVIDING CONTRACT TRAINING CLASSES THROUGH WORKFORCE & COMMUNITY DEVELOPMENT

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

13. RECOMMENDATION: ACTION – APPROVE INDEPENDENT CONTRACTOR AGREEMENT WITH ENRICO BUTTA – CASINO DEALER SCHOOL – HOUSE OF GAMES ADMINISTERED THROUGH WORKFORCE & COMMUNITY DEVELOPMENT

The Governing Board hereby approves 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**

14. RECOMMENDATION: ACTION – APPROVE INDEPENDENT CONTRACTOR AGREEMENT WITH DAVID MULL – CASINO DEALER SCHOOL – POKER GAMES ADMINISTERED THROUGH WORKFORCE & COMMUNITY DEVELOPMENT

The Governing Board hereby approves 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**

15. RECOMMENDATION: ACTION – APPROVE INDEPENDENT CONTRACTOR AGREEMENT WITH KRIS PATTERSON – MEDICAL INSURANCE BILLING ADMINISTERED THROUGH WORKFORCE & COMMUNITY DEVELOPMENT

The Governing Board hereby approves 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**

16. RECOMMENDATION: ACTION – APPROVE EDUCATIONAL SERVICES AGREEMENT (CE0609301) WITH TWO DIRECTIONS ADMINISTERED THROUGH WORKFORCE & COMMUNITY DEVELOPMENT

The Governing Board hereby approves 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**

17. RECOMMENDATION: ACTION – APPROVE EDUCATIONAL SERVICES AGREEMENT (CE0709301) WITH TWO DIRECTIONS ADMINISTERED THROUGH WORKFORCE & COMMUNITY DEVELOPMENT

The Governing Board hereby approves 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**

18. RECOMMENDATION: ACTION – APPROVE EDUCATIONAL SERVICES AGREEMENT (CE0509332) WITH HARRAH'S RINCON ADMINISTERED THROUGH WORKFORCE & COMMUNITY DEVELOPMENT

The Governing Board hereby approves 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**

19. RECOMMENDATION: ACTION – APPROVE AGREEMENT WITH AMERICAN HEART ASSOCIATION FOR AUTHORIZATION OF EMERGENCY MEDICAL EDUCATION TO OPERATE AS A TRAINING CENTER

The Governing Board hereby approves 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**

20. RECOMMENDATION: ACTION – APPROVE USE OF FACILITIES AGREEMENT WITH CALIFORNIA STATE UNIVERSITY – SAN MARCOS TO HOLD COMMUNITY EMERGENCY RESPONSE TRAINING CLASSES

The Governing Board hereby approves 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 1st, for a period of one (1) fiscal year, unless terminated in writing by either party prior to April 1st before the desired June 30th termination date. The District shall pay CSUSM at the rate of One Dollar (\$1.00) per year. **EXHIBIT N-20**

21. RECOMMENDATION: ACTION – APPROVE END USER LICENSE AGREEMENT WITH FINANCIAL AID TV TO PROVIDE ON-LINE STUDENT ORIENTATION

The Governing Board hereby approves 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**

22. RECOMMENDATION: ACTION – APPROVE AMENDMENT TO EXISTING AGREEMENT WITH PAYPHONE STATIONS INNOVATIONS (PSI) TO EXTEND TERM OF AGREEMENT

The Governing Board hereby approves 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**

23. RECOMMENDATION: ACTION - DECLARE 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)

The Governing Board hereby 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)

24. RECOMMENDATION: ACTION - DECLARE MISCELLANEOUS EQUIPMENT SURPLUS AND AUTHORIZE PUBLIC SURPLUS TO CONDUCT AN AUCTION VIA WEBSITE

The Governing Board hereby 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 hereby approves items be sold at a web auction, conducted by Public Surplus, in accordance with California Education Code Section 81450(b). **EXHIBIT N-24**

25. RECOMMENDATION: ACTION – APPROVE AGREEMENT WITH RIVERSIDE-SAN BERNARDINO JOINT ELECTRICAL APPRENTICESHIP TRAINING PROGRAM

The Governing Board hereby approves 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**

26. RECOMMENDATION: ACTION – APPROVE SUBSTITUTION OF SHEET METAL SUB-CONTRACTOR ON BID # CM-28-09-BLDG. S - ROOFING & SHEET METAL – SAN MARCOS CAMPUS

The Governing Board hereby approves 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**.

27. RECOMMENDATION: ACTION - ACCEPT AND APPROVE CHANGE ORDER #2 FOR BID NO. B-007 NS BUILDING ADA RAMP PROJECT - RANDALL CONSTRUCTION

The Governing Board hereby accepts 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**

28. RECOMMENDATION: ACTION - ACCEPT AND APPROVE CHANGE ORDER #1 FOR BID NO. 112-09 SOCCER FIELD REPAIRS

The Governing Board hereby accepts 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**

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

The Governing Board hereby approves 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**

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

The Governing Board hereby accepts 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 hereby approves 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**

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

The Governing Board hereby accepts 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 hereby approves 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**

32. RECOMMENDATION: ACTION – ACCEPT PROPOSAL AND APPROVE AGREEMENT WITH FOLLETT HIGHER EDUCATION GROUP, INC., FOR BOOKSTORE MANAGEMENT & OPERATION

The Governing Board hereby accepts 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 hereby approves 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

33. RECOMMENDATION: ACTION – EXCUSE ABSENCE OF TRUSTEE

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.

34. RECOMMENDATION: ACTION – EXCUSE ABSENCE OF TRUSTEE

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.

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

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

P. RECESS TO CLOSED SESSION

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.
7. Review of tort claim, pursuant to Government Code §54956.95.

Q. RECONVENE TO OPEN SESSION

R. ADJOURNMENT

Public Notice—Nondiscrimination:

Palomar College does not discriminate on the basis of ethnicity, religion, age, gender, sexual orientation, color, or disability in any of its programs or activities. Palomar College is committed to providing reasonable accommodations for persons with disabilities. Upon request, this publication will be made available in alternate formats. Please contact Josie Silva, Executive Assistant to the Superintendent/Governing Board, 1140 West Mission Road, San Marcos, CA 92069, (760) 744-1150 extension 2104, 7:30 a.m. to 5:00 p.m., Monday – Friday.