



APPROVED 7/14/2009
GOVERNING BOARD MINUTES
REGULAR MEETING OF THE GOVERNING BOARD
DATE: WEDNESDAY, JUNE 10, 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
MICHELE T. NELSON, PH.D., VICE PRESIDENT
MARK R. EVILSIZER, M.A., SECRETARY
DARRELL L. MC MULLEN, M.B.A., TRUSTEE
ROSE MARIE DISHMAN, PH.D., TRUSTEE
ANDREW BISSELL, STUDENT TRUSTEE

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 5:04 p.m. Board President Chadwick reported the following:

The Board took action in closed session to terminate a **permanent classified employee**, #006590760, effective June 10, 2009.

STAFF PRESENT:

Shannon Lienhart, PFF Co-President; Associate Professor, Mathematics
Jayne Conway, Educational Administrators Rep/Administrative Association; Director, Health Services
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.

CCC. ADMINISTRATION OF OATH OF OFFICE TO STUDENT TRUSTEE

Board President Chadwick administered the Oath of Office to Andrew Bissell, Student Trustee.

D. COMMENTS FROM OTHER INDIVIDUALS OR GROUPS

Dr. Carlos Von Son – Part time faculty budget
Armando Telles – Budget cuts for faculty and staff

E. APPROVAL OF MINUTES

MSC Evilsizer/McMullen

1. The Governing Board approved the Minutes of the Special Meeting of May 7, 2009.
2. The Governing Board approved the Minutes of the Regular Meeting of May 12, 2009.

The Vote was unanimous.
Student Trustee Advisory Vote: Aye

EE. APPROVED PROGRAM FOR INCLUSION IN CURRICULUM – EFFECTIVE FALL 2009

MSC Nelson/McMullen

The Governing Board hereby approves the following program which had been examined by the Curriculum Committee and is 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

Comments were received from numerous individuals. It was agreed that this issue will continue to be addressed with the review of History & American Institutions requirement in the Curriculum Committee. After a lengthy discussion, a roll call vote was called as follows:

Student Trustee, Andrew Bissell: Aye
Trustee Rose Marie Dishman: Aye
Trustee Mark Evilsizer: Oppose
Trustee Darrell McMullen: Aye
Trustee Michele Nelson: Aye
Board President Nancy Chadwick: Aye

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

Change item under **NEW BUSINESS** as follows:

- 6. **NOW, THEREFORE, BE IT RESOLVED THAT THE GOVERNING BOARD OF THE PALOMAR COMMUNITY COLLEGE DISTRICT DOES HEREBY APPOINT THE FOLLOWING INDIVIDUALS UNDER THE CATEGORIES SPECIFIED ALONG WITH THE NAME OF THE AFFILIATED ORGANIZATION FOR A TWO-YEAR TERM BEGINNING FY 2009-10:**

NAME	CATEGORY
1.	One (1) member active in a bona-fide taxpayers association.
2.	One (1) member active in a support organization for Palomar College, such as a foundation or advisory council.
3.	Community At-Large
4.	Community At-Large One (1) member active in a business organization representing the business community located in the District.

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, **Theo M. Brockett**, Manager, Education Center, Escondido Center. She has served Palomar College for 20 years from September 12, 1988, to June 30, 2009.

Dean Wilma Owens commented on the career and accomplishments of Theo Brockett at Palomar College. Ms. Brockett began her career at Palomar College as Manager/Director of the Venture Program, she worked as the Interim Manager of Human Resource Services, and then as Assistant Manager of the Escondido Center. She has been very active in the Administrative Association.

2. **Linda Dudik**, Professor, Economics, History and Political Science. She has served Palomar College for 34 years from September 8, 1975, to May 22, 2009.

Dean Mark Vernoy has known Professor Dudik for 33 years and has been a good colleague and friend. She was instrumental in the Women's Studies program, she started the Vietnam class, and most recently very involved with the World War II class. She started the project of documenting the statements that were made by Pearl Harbor survivors and commenced the digitizing these documents for historical purposes. Assistant Professor Peter Bowman, Professor John Valdez, Dean Wilma Owens, and Neill Kovrig also offered their comments.

3. **Joseph L. Madrigal**, Assistant Superintendent/Vice President, Student Services. He has served Palomar College for 12 years from August 23, 1996, to June 30, 2009.

President Deegan said Vice President Joe Madrigal was born in Chamaucaro, Guanajuato, Mexico. His family came to the United States in 1954 and settled in Fort Bragg, CA. He graduated from Chico State University with a Bachelor of Arts degree and a secondary teaching credential. Vice President Madrigal attended Harvard University and received his Master of Arts degree in Education, specializing in curriculum development. He began his community college career at Hartnell College, from there he went to Mendocino College, and lastly he came to Palomar College. Vice President Madrigal has always been complimentary to his staff. He thanked Vice President Madrigal for his service to Palomar College.

Comments were heard from various individuals commemorating Vice President Madrigal's career at Palomar College. Lastly, Vice President Madrigal commended the Student Services staff and said he will have many fond memories.

4. **L. Jean Ruff**, Financial Assistance Specialist, Financial Aid, Veterans' & Scholarship Services. She has served Palomar College for 28 years from September 2, 1980, to June 30, 2009.

Vice President Madrigal commented on Jean Ruff's 30 years of service to Palomar College. Neill Kovrig presented Jean with a plaque from the CCE/AFT for her service to the union.

5. **John R. Tagg**, Professor, English. He has served Palomar College for 22 years from November 2, 1987, to May 22, 2009.

Vice President Cuaron acknowledged the retirement of Professor John Tagg and wished him well.

GG. REPORTS/PRESENTATIONS

2. Presentation of the Prop M Independent Citizens' Oversight Committee (ICOC) FY 2007-08 Annual Report – Dr. Bonnie Ann Dowd, Vice President, Finance & Administrative Services

Mrs. Virginia McDonald, chair of the ICOC, introduced members of the ICOC who were present. She gave the background on Proposition M and the requirement to create the ICOC. The committee includes representatives from taxpayer groups, business and industry, senior citizens organizations, and students. Mrs. McDonald said the committee was pleased to report full compliance with all Prop M requirements as described in Article 13(a) of the California State Constitution. The annual report of the ICOC ensures the community that Prop M expenditures have been issued properly and only for projects identified in the bond measure and that no measures or monies were unlawfully used for teachers and administrators salaries. A copy of the full financial and performance audit report is available on the ICOC website.

At this time, Vice President Bonnie Ann Dowd gave a demonstration of the ICOC website.

1. FY 2009-10 Tentative Budget Presentation – Dr. Bonnie Ann Dowd, Vice President, Finance & Administrative Services

Vice President Dowd gave a PowerPoint presentation on the current state fiscal crisis affecting the 2008-09 budget and the projected 2009-2010 tentative budget. She emphasized that changes will most likely occur.

H. REPORT OF THE GOVERNING BOARD PRESIDENT

Board President Nancy Chadwick announced the death of the husband of past Student Trustee Michelle Eichelberger and offered her condolences to the family. Board President Chadwick reported on her attendance at the Transfer Recognition event, the Faculty Achievement Tea, the ASG Dinner, EOP&S/CARE/CalWORKs graduation, the Latino graduation, the nursing graduation, the Palomar Scholarship Honors night, commencement, and at the Palomar woodworking cabinetry program awards. She also reported that SDICCCA is sending a letter to all of the elected officials in the area urging them to consider proportionality in terms of budget cuts. Board President Chadwick acknowledged the work of the *Foundation*; the latest event raised \$100,000 which will go towards student scholarships. Lastly, she met with the auditors and looked forward to their report.

HH. REPORTS OF GOVERNING BOARD TRUSTEES

Trustee Rose Marie Dishman reported on her attendance at several year-end events. She commented that she would like to see double the graduates at next year's commencement. Lastly, she was pleased to see how many people came out to express their opinions over the last few months regarding the nursing degree.

Trustee Darrell McMullen – no report

Trustee Mark Evilsizer reported on his attendance at the Transfer Recognition ceremony, the ASG dinner, baseball tournament against Mt. Sac, EOP&S/CARE/CalWORKs graduations, the Bravura Awards where Dean McDonald shared one of his literary pieces, the paramedic graduation, Honors Night, the Latino Graduation ceremony, and commencement. He was glad to see Police Cadets working at commencement. He welcomed new Student Trustee, Andrew Bissell, to the Board. Lastly, Trustee Evilsizer commented on the budget situation.

Trustee Michele Nelson thanked the faculty for attending the commencement ceremony as a unit and expressed her appreciation. She acknowledged the work of the Cabinet and Furniture Technology woodworkers who are participating at the fair and is confident they will return home winners as usual.

Student Trustee Andrew Bissell commented that he was happy to be here and to learn.

I. REPORT OF THE SUPERINTENDENT/PRESIDENT

Superintendent/President Robert Deegan welcomed Student Trustee, Andrew Bissell, and said he looks forward to working with him during the year. He expressed his condolences to Michelle Eichelberger and family on the loss of Michelle's husband. She was very instrumental in the passage of the smoking policy. President Deegan thanked Theo Brockett for her service and wished her well on a full recovery. He commented that this year's commencement ceremony was one of the best, and thanked Sherry Titus and all those individuals associated with commencement; 2,783 students received degrees or certificates. President Deegan commented on the California budget crisis and said it is his commitment to do everything possible to save jobs on this campus. The Strategic Planning Council will be holding a meeting to talk about the budget projections and cuts. He commented on the agenda item on administrative contracts and said this item was approved last year and there was no indication on budget cuts in March to the extent that we see now. An All-College Forum is scheduled the following week to inform everyone about the current budget issues. He thanked the Foundation for raising \$100,000 which goes to students through scholarships, book grants, etc. The District will do its best to maintain the same level of service and will work together with all constituent groups.

1. Report of Vice President for Instruction

Vice President Cuaron thanked the Board for passing the nursing degree, it has been a very long journey and she assured the Board that she will work with the chairs of the departments to look at options to see if there is any way to revisit the American Institutions as an option in that degree. She commented that commencement is always a great reminder of the great work that is done at Palomar College and thanked the faculty, staff, and administrators for the tremendous work they do to serve the students through their educational career paths.

a. Accreditation Self-Study Progress Report – Berta Cuaron

The Commission is in possession of the District's final report and the College was given the opportunity to submit a letter in response to those recommendations. She, along with President Deegan and Michelle Barton, attended a meeting of the Accreditation Commission yesterday where President Deegan spoke to those same recommendations. We responded to questions from one of the three commissioners who had read the report. The Commission's recommendations should be received by the District no later than June 30, 2009.

2. Report of Vice President for Student Services

Vice President Joe Madrigal reported that a total of 43 Palomar College student athletes representing the institution's nine spring sport programs have qualified for All-Pacific Coast Conference academic honors based upon their in-season grade performances. Minimum qualifications for the award include active participation on an intercollegiate athletic team, successful completion of 12 semester units, and achievement of a 3.0 grade-point average on a 4.0 scale. Over the entire year, 97 student athletes performed at that level for both semesters. Dr. Vernoy has been meeting with Student Services cabinet members to try to provide a smooth transition in Student Services. Vice President Madrigal announced that his 13 years at Palomar College have been most enjoyable. He has worked in Central California, Northern California, and in Southern California - three colleges have given him a very nice impression and a feel for the community college system in the State of California. He plans to do volunteer work with the Encuentros program.

3. Report of Vice President for Finance and Administrative Services - no report
4. Report of Vice President for Human Resource Services

Vice President John Tortarolo wished Theo Brocket a happy retirement and a speedy recovery. She has gone above and beyond as President of the Administrative Association replacing Laura Gropen. He wished Jean Ruff a happy retirement and thanked her for her membership on the Benefits Committee. He acknowledged Vice President Madrigal on his retirement and wished him well.

Resumption of REGULAR AGENDA

J. APPROVAL OF CONSENT CALENDAR ITEMS

FISCAL SERVICES

1. **APPROVED BANK SIGNATURE AUTHORIZATIONS FOR PERIOD JULY 1, 2009, THROUGH JUNE 30, 2010**

MSC McMullen/Evilsizer

The Governing Board authorized the following to deposit/withdraw funds currently deposited to the Palomar Community College District Financial Aid, Federal Account in Wells Fargo Bank:

Bonnie Ann Dowd, Assistant Superintendent/Vice President,
Finance and Administrative Services, **or**
Robert P. Deegan, Superintendent/President, **or**
Phyllis Laderman, Director, Fiscal Services

The Governing Board authorized the following to deposit/withdraw funds currently deposited to the Palomar Community College Transfer Account deposited in Wells Fargo Bank:

Bonnie Ann Dowd, Assistant Superintendent/Vice President,
Finance and Administrative Services, **or**
Robert P. Deegan, Superintendent/President, **or**
Phyllis Laderman, Director, Fiscal Services

The Governing Board authorized the following to deposit/withdraw funds currently deposited to the Palomar Community College Revolving Cash Fund in Wells Fargo Bank:

Bonnie Ann Dowd, Assistant Superintendent/Vice President,
Finance and Administrative Services, **or**
Robert P. Deegan, Superintendent/President, **or**
Phyllis Laderman, Director, Fiscal Services

The Governing Board authorized the following to deposit/withdraw funds currently deposited to the Palomar Community College District Associated Students of Palomar College in Wells Fargo Bank:

Bonnie Ann Dowd, Assistant Superintendent/Vice President,
Finance and Administrative Services, **or**
Robert P. Deegan, Superintendent/President, **or**
Phyllis Laderman, Director, Fiscal Services
and
Andrew Bissell, President, Associated Student Government
or
Ji-hye Ann Hong, Vice President, Associated Student Government

The Governing Board authorized the following to deposit/withdraw funds deposited to the Palomar Community College, State of California--Cal Grant Account in Wells Fargo Bank:

Bonnie Ann Dowd, Assistant Superintendent/Vice President,
Finance and Administrative Services, **or**
Robert P. Deegan, Superintendent/President, **or**
Phyllis Laderman, Director, Fiscal Services

The Governing Board authorized two of the following to deposit/withdraw funds currently deposited to the Palomar College Payroll Account (automatic payroll deposit and electronic funds transfer for state and federal taxes) in Wells Fargo Bank:

Robert P. Deegan, Superintendent/President
Bonnie Ann Dowd, Assistant Superintendent/Vice President,
Finance and Administrative Services,
Phyllis Laderman, Director, Fiscal Services
Esperanza Flores, Manager, Payroll Services
Janien A. Lau-Thompson, Systems Module Functional Specialist
Cynthia Battaglia, Payroll Assistant

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

Bonnie Ann Dowd, Assistant Superintendent/Vice President,
Finance and Administrative Services **or**
Robert P. Deegan, Superintendent/President, **or**
Phyllis Laderman, Director, Fiscal Services

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

Bonnie Ann Dowd, Assistant Superintendent/Vice President,
Finance and Administrative Services **or**
Robert P. Deegan, Superintendent/President, **or**
Phyllis Laderman, Director, Fiscal Services

The Vote was unanimous.
Student Trustee Advisory Vote: Aye

TRAVEL

2. Pulled from Consent Calendar.

REPLACEMENT OF WARRANTS

3. APPROVED DRAWING NEW WARRANTS

MSC McMullen/Evilsizer

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

- a. Warrant #76-174369, dated February 21, 2008, in the amount of \$118.02, to Kimberly Edgar, 1228 Warmlands Avenue, Vista, CA 92084. Void due to stale date.
- b. Warrant #76-162214, dated February 1, 2007, in the amount of \$62.00, to Chad M. Lee, 1222 S. Ditmar Street, Oceanside, CA 92054. Void due to stale date.

The Vote was unanimous.

Student Trustee Advisory Vote: Aye

PERSONNEL

4. GRANT EQUIVALENCY FOR DISCIPLINE

MSC McMullen/Evilsizer

Upon the recommendation of the Faculty Senate Equivalency Committee, the Governing Board hereby grants the following individual equivalency to minimum qualifications for the disciplines listed:

Campbell, Pamela Physical Education

The Vote was unanimous.

Student Trustee Advisory Vote: Aye

5. RATIFIED PART-TIME FACULTY EMPLOYMENT

MSC McMullen/Evilsizer

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 Summer and 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:

SUMMER 2009

Physical Education

Campbell, Pamela	Physical Education	\$51.64
	B.S., Kinesiology/Physical Education	
	Eminence in the Field	

FALL 2009

Behavioral Sciences

McKendricks, Bryan J.	Anthropology	\$56.17
	M.A., Anthropology	
	M.A., Education	
	B.A., Anthropology	

Business Administration

Kudla, Aaron J.	Real Estate J.D., Law B.A., Economics 2+ Years Experience	\$56.17
-----------------	--	---------

Computer Science & Information Systems

Herring Hayashi, Katherine	CSIS – Web Technology M.A., Organizational Management B.A., Computer Science	\$52.90
----------------------------	--	---------

Economics, History & Political Sciences

Baer, Barbara J.	Economics M.S., Politics of Development B.A., Economics/Political Science	\$52.90
------------------	---	---------

The Vote was unanimous.
Student Trustee Advisory Vote: Aye

6. RATIFIED CHANGE TO ASSIGNED POSITION

MSC McMullen/Evilsizer

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

a. Name: **JOHN DIAZ**
 Position: Instructional Computer Lab Technician
 Department: Foreign Languages
 Position #: 5143 New?: No
 Remarks: New assignment as a result of layoff.
 Sal Grade/Step: **25/11** Salary: **\$4,988.76/month**
 % of Position: 100% # Mos: 12
 Effective: July 1, 2009
 Account #(s): A-221000-328200-4930T-0000000/50%
 A-222000-326100-11011-0000000/50%

The Vote was unanimous.
Student Trustee Advisory Vote: Aye

b. Name: **BRIAN G. ENGLEMAN**
Position: Extended Opportunity Programs & Services/ Cooperative Agencies Resources for Education Staff Assistant
Department: EOP&S/CARE
Position #: 5555 New?: No
Remarks: New assignment into vacant position as a result of layoff. Funded – 75% EOP&S and 25% CARE.
Sal Grade/Step: **23/10** Salary: **\$4,717.78/month**
% of Position: 100% # Mos: 12
Effective: July 1, 2009
Account #(s): K-212200-473100-64300-1612060/75%
K-212200-473100-64300-1612050/25%

The Vote was unanimous.
Student Trustee Advisory Vote: Aye

13. RATIFIED PLACEMENT ON 39-MONTH RE-EMPLOYMENT LIST

MSC McMullen/Evilsizer

a. The Governing Board ratified the recommendation of the Superintendent/President **placing Mr. Calvin W. Lew** on a 39-month re-employment list, effective July 1, 2009, through September 30, 2012. Mr. Lew has an additional 24 months re-employment eligibility (through September 30, 2014) in accordance with Education Code Section 88117.

The Vote was unanimous.
Student Trustee Advisory Vote: Aye

14. APPROVED HOURLY RATES OF PAY FOR TEMPORARY AND STUDENT EMPLOYEES

MSC McMullen/Evilsizer

The Governing Board approved the proposed hourly rates of pay for temporary and student employees as shown in **EXHIBIT J-14**.

The Vote was unanimous.
Student Trustee Advisory Vote: Aye

15. Pulled from Consent Calendar.

16. 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. **Linda Dudik**, Professor, Economics, History and Political Science, effective May 23, 2009. She has served Palomar College for 34 years from September 8, 1975, to May 22, 2009.
- b. **John R. Tagg**, Professor, English, effective May 23, 2009. He has served Palomar College for 22 years from November 2, 1987, to May 22, 2009.

17. RATIFIED RESIGNATIONS

MSC McMullen/Evilsizer

The Governing Board ratified the recommendation of the Superintendent/ President to accept the **resignations** of the following **employees**:

- a. **Leslie A. Myers**, Legal Coordinator, 3C Media Solutions, effective April 1, 2009 (last day of employment was March 31, 2009).
- b. **Samantha N. Sangsanoi**, Assistant Professor, Nursing Education (Medical-Surgical Nursing), effective May 23, 2009 (last day of employment was May 22, 2009).

The Vote was unanimous.

Student Trustee Advisory Vote: Aye

18. RATIFIED LEAVES OF ABSENCE

MSC McMullen/Evilsizer

- a. The Governing Board ratified the recommendation of the Superintendent/President granting a **50% Personal Leave of Absence without pay and with no effect on benefits**, effective August 20, 2010, through May 20, 2011, to **Patricia A. Deen**, Professor, Earth, Space, and Aviation Sciences.
- b. The Governing Board ratified the recommendation of the Superintendent/President granting a **100% Military Leave of Absence with pay and with no effect on benefits**, effective June 6, 2009, through June 19, 2009, to **Christopher W. Dillard**, Police Officer I, Palomar College Police Department.
- c. 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 May 26, 2009, through June 19, 2009, to **Marcela Gomez**, English as a Second Language Student Specialist, English as a Second Language, to counsel.
- d. The Governing Board ratified the recommendation of the Superintendent/President granting a **7.5% Personal Leave of Absence without pay and with no effect on benefits**, effective June 22, 2009, through August 12, 2009, to **Flecia D. Heise**, Athletic Trainer, Athletics, to teach.
- e. 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 14, 2009, through May 31, 2009, to **René V. Muscarella**, Master Teacher I, Child Development Center.
- f. The Governing Board ratified the recommendation of the Superintendent/President granting a **100% Family Medical Leave of Absence with no effect on benefits**, effective May 11, 2009, through May 22, 2009, to **Gilbert F. Noble**, Professor, Business Administration.
- g. The Governing Board ratified the recommendation of the Superintendent/President granting a **7.5% Personal Leave of Absence without pay and with no effect on benefits**, effective June 22, 2009, through August 14, 2009, to **Kelly Patrick**, Library Media Technician III, Library, to teach.

- h. The Governing Board ratified the recommendation of the Superintendent/President granting a **7.5% Personal Leave of Absence without pay and with no effect on benefits**, effective August 24, 2009, through December 18, 2009, to **Kelly Patrick**, Library Media Technician III, Library, to teach.

The Vote was unanimous.
Student Trustee Advisory Vote: Aye

GIFTS

19. ACCEPTED GIFTS

MSC McMullen/Evilsizer

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

- a. Approximately **800 pounds of art glass and containers**, donated by **Mike and Sandra McManus**, 12869 Camino de la Breccia, San Diego, CA 92128. This donation is to be used for instructional purposes by students in the Art Department. Total cash value as estimated by donor is **\$800.00**.
- b. Catering **deposit of \$2,900** for the **EOP&S/CARE/CalWORKs/TRIO** Graduation/Transfer Recognition Dinner, donated by **Cocina Del Charro**, 1020 West San Marcos Boulevard, Ste. 110, San Marcos, CA 92078. Total cash value as estimated by donor is **\$2,900.00**.

The Vote was unanimous.
Student Trustee Advisory Vote: Aye

K. ACTION ON ITEMS REMOVED FROM CONSENT CALENDAR

2. APPROVED TRAVEL EXPENSES

MSC Evilsizer/Nelson

The Governing Board approved/ratified travel expenses for the following persons:

- a. Board Member **NANCY CHADWICK**
Advanced Funds? Yes
For: Transportation, mileage, meals.
To attend: Committee on Legislation (ACL)
Location: Sacramento, California
Date: March 13, 2009
Amount: \$303.00
Budget No.: 575200-11-111100-66100-10-2009-0000000

b.	Board Member	NANCY CHADWICK
	Advanced Funds?	Yes
	For:	Transportation, mileage, meals.
	To attend:	Committee on Legislation (ACL)
	Location:	Sacramento, California
	Date:	June 12, 2009
	Amount:	\$459.00
	Budget No.:	575200-11-111100-66100-10-2009-0000000

Trustee Evilsizer asked for clarification on the legislative group.

The Vote was unanimous.
Student Trustee Advisory Vote: Aye

8. BOARD FAILED TO APPROVE CONTRACTS FOR ASSISTANT SUPERINTENDENTS/VICE PRESIDENTS

Numerous individuals commented against approving two-year administrator contracts. President Deegan and Vice President Tortarolo explained that the practice of approving two-year contracts for vice presidents has been an on-going practice for the past twenty years and has always been approved by the Board. Last year the Board voted to approve two-year contracts for administrators in the Administrative Association. After a lengthy discussion ensued, the motion and second were withdrawn (MSC McMullen/Nelson). Result: No motion on the floor existed – this item failed.

9. APPROVED CONTRACT FOR INTERIM ASSISTANT SUPERINTENDENT/VICE PRESIDENT

MSC Evilsizer/Nelson

The Governing Board ratified the recommendation of the Superintendent/ President regarding the **employment contract** for the following **Interim Assistant Superintendent/Vice President** effective July 1, 2009, through June 30, 2010:

Vernoy, Mark W.
Interim Assistant Superintendent/Vice President, Student Services

The Vote was unanimous.
Student Trustee Advisory Vote: Aye

President Deegan congratulated Dr. Vernoy as the interim Assistant Superintendent/Vice President.

11. **APPROVED CONTRACTS FOR EDUCATIONAL AND CLASSIFIED ADMINISTRATORS**

MSC Evilsizer/Nelson

The Governing Board hereby ratifies the recommendation of the Superintendent/President regarding the employment contracts for the following administrators effective July 1, 2009, through June 30, 2010:

One-year Contracts for Educational and Classified Administrators

Kelly, Paul W.	Director, Regional Occupational Program (60%)
Gropen, Laura A.	Interim Director, Communications, Marketing, and Public Affairs

The Vote was unanimous.
Student Trustee Advisory Vote: Aye

15. **APPROVED PERSONNEL ACTIONS/HISTORY**

MSC Evilsizer/Nelson

The Governing Board approved the **Personnel Actions/History** report, which includes hires and pay rate changes for **student employees** for the month of **May, 2009, and short-term employees** for the month of **June, 2009. EXHIBIT J-15**

The Vote was unanimous.
Student Trustee Advisory Vote: Aye

10. **AGENDA ITEM WAS BROUGHT TO THE FLOOR, BUT FAILED FOR LACK OF A MOTION: BOARD FAILED TO APPROVE CONTRACTS FOR EDUCATIONAL AND CLASSIFIED ADMINISTRATORS**

L. **REPORTS FROM COLLEGE GROUPS**

1. **INFORMATION**

Report of the Faculty Senate – no report

2. **INFORMATION**

Report of the Palomar Faculty Federation

Shannon Lienhart, Co-President, PFF/AFT, reported that at the state level, CFT/CTA, and the independent unions are very angry with WASC and she will be working with CFT to follow suit in conducting a no confidence vote for WASC. She also said that the faculty union is very cognizant of the financial crisis, and understands how important it is that everyone pull together to preserve the programs for students.

3. **INFORMATION**

Report of the Administrative Association

Jayne Conway, Administrative Association, Educational Administrators Representative, reported that the Administrative Association Retreat will be held on Friday and they will be honoring members with years of service and recognition, as well as announcing the employee of the year. A new executive council has been elected: Phill Cerda, President; Kathryn Gannet, Vice President; Brandi Taveuveu, Secretary; Anthony Cruz, Classified Administrators Representative; and Jayne Conway, Educational Administrators Representative. She congratulated Dr. Vernoy as the interim Vice President of Student Service. Ms. Conway acknowledged Theo Brocket and wished her a speedy recovery. She recognized Theo for her years of service to the college. Lastly, she acknowledged the retirement of Vice President Madrigal and said he has been a part of the meet and confer process for many years.

4. **INFORMATION**

Report of the Confidential and Supervisory Team – no report

5. **INFORMATION**

Report of the CCE/AFT

Neill Kovrig, CCE President, reported that the morale level among the classified staff is at an all time low. The budget crisis has been very difficult and everyone is very worried about their jobs. The CCE looks forward to working the District to address all of the possibilities when it comes to ensuring that each classified staff member maintains his/her job. He welcomed newly appointed Student Trustee, Andrew Bissell.

6. **INFORMATION**

Report of the Associated Student Government

Andrew Bissell, ASG President, announced that commencement ran very smoothly. He thanked all those who attended the end of year ASG Dinner. Lastly, Student Trustee Bissell commented that all of the past ASG Senators graduated in May, so he will need to work on replenishing the ASG cabinet.

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

N. **NEW BUSINESS**

1. **APPROVED TENTATIVE BUDGET**

MSC McMullen/Evilsizer

The Governing Board approved the **2009-2010 Tentative Budget** for the Palomar Community College District. **EXHIBIT N-1**

The Vote was unanimous.

Student Trustee Advisory Vote: Aye

2. APPROVED BUDGET ADJUSTMENTS AND YEAR END TRANSFERS

MSC Nelson/Evilsizer

The Governing Board of Palomar Community College District approved the budget transfers and adjustments of Fiscal Year 2008-09 from October 3, 2008, through May 26, 2009, and the revised budgets as of May 26, 2009. The Governing Board of Palomar Community College District also authorized Bonnie Ann Dowd, Assistant Superintendent/Vice President, Finance and Administrative Services, to make any year end transfers as are necessary to assist with the close of the books for the fiscal year. This report shows adjustments made to the budget as of May 26, 2009, and the revised budgets as of May 26, 2009. **EXHIBIT N-2**

The Vote was unanimous.
Student Trustee Advisory Vote: Aye

3. REVIEWED AND APPROVED PURCHASES

MSC Nelson/McMullen

The Governing Board reviewed and approved 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:

Purchase Orders	Time Period: 04/29/09 – 05/28/09	\$ 22,204,773.50
Procurement Card	Time Period: 02/23/09 – 03/22/09	\$ 162,811.74
		<u>\$ 22,367,585.24</u>

EXHIBIT N-3

The Vote was unanimous.
Student Trustee Advisory Vote: Aye

4. ADOPTED NOTICE OF PUBLIC HEARING FOR THE 2009-2010 ADOPTED BUDGET AND CONDUCT PUBLIC HEARING ON THE ANNUAL FINANCIAL AND BUDGET REPORT

MSC Nelson/Evilsizer

The Governing Board approved that the proposed 2009-2010 Adopted Budget for the Palomar Community College District will be on display and available for public inspection on Tuesday, September 1, 2009, through Monday, September 7, 2009, 8:00 a.m. to 5:00 p.m., Fiscal Services, Room A-2 Administration Building, Palomar College.

FURTHER, The Governing Board of the Palomar Community College District will conduct a Public Hearing on the Annual Financial and Budget Report at a meeting of the Governing Board on Tuesday, September 8, 2009, 5:00 p.m., Governing Board Room, Palomar College. Said Notice of Public Hearing is to be published by the North County Times on August 7, August 10, or August 11, 2009. **EXHIBIT N-4**

The Vote was unanimous.
Student Trustee Advisory Vote: Aye

5. **APPROVED 2009-2010 GANN AMENDMENT LIMIT**

MSC Nelson/Evilsizer

WHEREAS, In November of 1979, the California electorate did adopt Proposition 4, commonly called the Gann Amendment; and

WHEREAS, The provisions of that amendment establish maximum appropriation limitations, commonly called "Gann Limits" for public agencies, including school districts; and

WHEREAS, The District must establish a Gann Limit for the 2009-2010 fiscal year in accordance with the provisions of the Gann Amendment and applicable statutory law;

NOW, THEREFORE, BE IT RESOLVED, That this Board does provide public notice that the attached calculations and documentation of the 2009-2010 Gann Limit are made in accord with applicable constitutional and statutory law and that this Board does hereby declare that the appropriations in the 2009-2010 budget do not exceed the limitations imposed by the Gann Amendment;

AND BE IT FURTHER RESOLVED, That the Superintendent/President provide copies of this resolution along with appropriate attachments to interested citizens of this District.

Attachment: California Community Colleges 2009-2010 Gann Limit Worksheet showing 2009-2010 Appropriations Limit of \$123,946,678 and a 2009-2010 Appropriations Subject to Limit of \$88,363,050. **EXHIBIT N-5**

The Vote was unanimous.

Student Trustee Advisory Vote: Aye

6. **APPROVED APPOINTMENT OF MEMBERS TO THE INDEPENDENT CITIZENS' OVERSIGHT COMMITTEE (ICOC)**

MSC Nelson/Evilsizer

RESOLUTION NO. 09-21003

WHEREAS, the Governing Board of the Palomar Community College District (the "Board") previously adopted a resolution requesting San Diego County (the "County") to call an election for general obligation bonds (the "Bond Election") to be held on November 7, 2006; and

WHEREAS, on November 7, 2006, the Bond Election was duly held and conducted for the purpose of voting a measure for the issuance of bonds of the District in the amount of \$694,000,000 (the "Measure M"); and

WHEREAS, at such election, Measure M received the affirmative vote of more than fifty-five percent of the voters of the District voting on the proposition as certified by the Registrar of Voters of San Diego County in the official canvassing of votes, and,

WHEREAS, the Governing Board of the Palomar Community College District approved a resolution establishing an Independent Citizens' Oversight Committee (the "ICOC"), Resolution No. 06-20893, on September 26, 2006; and

WHEREAS, each member shall serve a term of two (2) years and no member may serve more than two (2) consecutive terms; and

NOW, THEREFORE, BE IT RESOLVED THAT THE GOVERNING BOARD OF THE PALOMAR COMMUNITY COLLEGE DISTRICT DOES HEREBY APPOINT THE FOLLOWING INDIVIDUALS UNDER THE CATEGORIES SPECIFIED ALONG WITH THE NAME OF THE AFFILIATED ORGANIZATION FOR A TWO-YEAR TERM BEGINNING FY 2009-10:

NAME	CATEGORY
1. Michael McDowell	One (1) member active in a bona-fide taxpayers association.
2. Richard Borevitz	One (1) member active in a support organization for Palomar College, such as a foundation or advisory council.
3. John Nabors, Jr.	Community At-Large
4. George Weiner	One (1) member active in a business organization representing the business community located in the District.

The Vote was unanimous.
Student Trustee Advisory Vote: Aye

7. APPROVED YEAR 4 OF 5 YEAR AGREEMENT WITH STRATA INFORMATION GROUP (SIG) FOR MANAGEMENT SERVICES FOR DISTRICT'S INFORMATION SERVICES

MSC Nelson/McMullen

The Governing Board of the Palomar Community College District (District) approved a management services agreement with Strata Information Group (SIG) in accordance with California Government Code Section 53060, effective July 1, 2006, through June 30, 2007, subject to renewal for up to four (4) additional years at a monthly consideration of \$19,800.00, including all normal and customary travel and expenses. The District seeks to exercise their option and extend the agreement for an additional year.

The Governing Board authorized Palomar Community College District to renew Year 4 of the original agreement effective July 1, 2009, through June 30, 2010 for a monthly consideration of \$19,800.00, including all normal and customary travel and expenses. This agreement is to be funded from the Information Services Department budget, including the vacant Director position.

The Vote was unanimous.
Student Trustee Advisory Vote: Aye

8. **APPROVED AMENDMENT TO AGREEMENT WITH DISTRICT ARCHITECT, LPA, INC., TO UPDATE EDUCATIONAL MASTER PLAN**

MSC Evilsizer/Nelson

RESOLUTION NO. 09-21004

The Governing Board approved an amendment to the existing agreement with LPA, Inc., as the District's Architect, for the update and refinement of the Palomar Community College's Educational Master Plan, a component of the Palomar Community College District Master Plan 2022. In consideration of these services, as defined in Exhibit N-8, herewith attached, the District shall compensate LPA in an amount estimated at \$161,680.00. The approved services are only for the update of the educational portion of the Master Plan 2022. The District shall seek additional approval for the update of the facilities portion of the Master Plan 2022 once the educational component has been completed. **EXHIBIT N-8**

The Vote was unanimous.
Student Trustee Advisory Vote: Aye

9. **APPROVED USE AGREEMENT WITH INTELECOM INTELLIGENT COMMUNICATIONS FOR PARTNER DISTRICTS OF THE SOUTHERN CALIFORNIA CONSORTIUM FOR COMMUNITY COLLEGE TELEVISION**

MSC Evilsizer/Nelson

The Governing Board approved an Instructional Materials Utilization Agreement between INTELECOM Intelligent Communications and Palomar Community College District for the right to use telecourses produced, owned, or otherwise acquired by INTELECOM. The District shall pay an annual maintenance fee in the amount of \$1500.00 and an enrollment fee is assessed at \$5.69 per unit, per three unit course. The Maintenance and Enrollment fees are paid in advance for the 2009-10 academic year. **EXHIBIT N-9**

The Vote was unanimous.
Student Trustee Advisory Vote: Aye

10. **APPROVED FIVE-YEAR CONSTRUCTION PLAN**

MSC McMullen/Nelson

RESOLUTION NO. 09-21005

The Governing Board approved the Palomar Community College District Five-Year Construction Plan. The Five-Year Construction Plan is consistent with the proposed Facilities Master Plan, which was originally approved by the Governing Board on August 26, 2003. **EXHIBIT N-10**

The Vote was unanimous.
Student Trustee Advisory Vote: Aye

11. **ACCEPTED THE SELECTION OF RICHARD & RICHARD CONSTRUCTION COMPANY, INC., AS THE LOWEST RESPONSIVE BIDDER, BID #CM-37-09-NS NATURAL SCIENCES BUILDING MISCELLANEOUS MODIFICATIONS**

MSC Evilsizer/Nelson

The Governing Board hereby accepts the bid of Richard & Richard Construction Company, Inc., as the lowest responsive bidder for Bid # CM-37-09-NS: Natural Sciences Building Miscellaneous Modifications

Furthermore, the Governing Board approved a contract between Palomar Community College District and Richard & Richard Construction Company, Inc., in the amount of \$599,000.00, subject to receipt of all required bonds and insurance certificates. **EXHIBIT N-11**

The Vote was unanimous.
Student Trustee Advisory Vote: Aye

12. **APPROVED CHANGE ORDER 2; ACCEPT AS FINAL AND COMPLETE, BID NO. 112-09: SOCCER FIELD REPAIRS, AUTHORIZE RELEASE OF RETENTION TO ASPHALT, FABRIC & ENGINEERING INC., DOING BUSINESS AS (DBA) CALIFORNIA ULTIMATE TURF IN THIRTY-FIVE DAYS AND RECORD NOTICE OF COMPLETION**

MSC Nelson/McMullen

The Governing Board approved Change Order #2 in the total deduct amount of \$(16,049.00), as described in exhibit N-12; accepts Bid #112-09 as complete and final; and authorized the Superintendent/President to execute and file the Notice of Completion including execution of the verification as Secretary to the Governing Board. The original contracted amount being \$51,607.00, and all money due and owing to the Contractor, with the exception of the ten percent (10%) retention, shall be paid, and following the expiration of thirty-five (35) calendar days from the date of this resolution, the retention shall be paid to Asphalt, Fabric & Engineering, dba: California Ultimate Turf, 2683 Lime Avenue, Signal Hill, CA 90755, provided no liens are filed within this period. **EXHIBIT N-12**

The Vote was unanimous.
Student Trustee Advisory Vote: Aye

13. **ACCEPTED AND APPROVED CHANGE ORDER #1 FOR BID # CM-18-09-MIB: PLUMBING AND SITE UTILITIES, CONSTRUCTION OF MULTI-DISCIPLINARY INSTRUCTIONAL BUILDING (MIB)**

MSC Evilsizer/McMullen

The Governing Board accepted and approved Change Order #1, in the total amount of \$2,080.12, pertaining to Bid # CM-18-09 MIB, Plumbing & Site Utilities, Multi-Disciplinary Instructional Building Project; original contract awarded to Peltzer Plumbing, Inc., and ratified by the Governing Board on February 10, 2009, as detailed on the accompanying memorandum in support hereof. **EXHIBIT N-13**

The Vote was unanimous.
Student Trustee Advisory Vote: Aye

14. **ACCEPTED AND APPROVED CHANGE ORDER #1 FOR BID # CM-21-09-MIB:
ELECTRIC, CONSTRUCTION OF MULTI-DISCIPLINARY INSTRUCTIONAL BUILDING
(MIB)**

MSC Evilsizer/McMullen

The Governing Board accepted and approved Change Order #1, in the total amount of \$25,210.88, pertaining to Bid # CM-21-09 MIB: Electric, Multi-Disciplinary Instructional Building Project; original contract awarded to Saturn Electric, Inc., and ratified by the Governing Board on February 10, 2009, as detailed on the accompanying memorandum in support hereof. **EXHIBIT N-14**

The Vote was unanimous.
Student Trustee Advisory Vote: Aye

15. **ACCEPTED AND APPROVED CHANGE ORDER #1 FOR BID # 109-09:
ALTERATIONS TO THE TEACHING AND LEARNING CENTER (TLC) ESCONDIDO
CENTER**

MSC Evilsizer/McMullen

The Governing Board accepted and approved Change Order #1, in the total amount of \$31,399.00, pertaining to Bid # 109-09: Alterations to the Teaching and Learning Center (TLC) Project, Escondido Center; original contract awarded to Pacific Building Group, Inc., and approved by the Governing Board on April 14, 2009, as detailed on the accompanying memorandum in support hereof. **EXHIBIT N-15**

The Vote was unanimous.
Student Trustee Advisory Vote: Aye

16. **RECOMMENDATION: ACTION - DECLARE COMPUTERS SURPLUS AND
APPROVED DONATION TO ESCONDIDO UNION HIGH SCHOOL DISTRICT**

MSC Nelson/Evilsizer

The Governing Board declared the computers identified in Exhibit N-16, and incorporated herein by this reference, surplus, and no longer needed for District use. The Governing Board by a unanimous vote approved the computers to be donated to Escondido Union High School District pursuant to California Education Code Section 81452(a). **(UNANIMOUS CONSENT REQUIRED) EXHIBIT N-16**

The Vote was unanimous.
Student Trustee Advisory Vote: Aye

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

MSC Nelson/Evilsizer

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

SUMMER 2009 – Venture Program

Class & Independent Contractor

Name: Christina DeSanto
Name of Class: College for Kids Program Coordinator
Effective: 07-01-09 to 08-07-09
Instructor Rate: \$40.00 per hour
Total Hours: 200 hours of coordination

The Vote was unanimous.
Student Trustee Advisory Vote: Aye

18. **ADOPTED REVISION OF PALOMAR COMMUNITY COLLEGE DISTRICT POLICIES INCLUDED IN CHAPTER 1 – THE DISTRICT; CHAPTER 3 GENERAL INSTITUTION; AND CHAPTER 4 INSTRUCTIONAL SERVICES**

MSC McMullen/Nelson

The Governing Board of the Palomar Community College District adopted the following **Board Policies** included in **Chapter 1 – The District; Chapter 3 – General Institution; and Chapter 4 – Instructional Services:**

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

EXHIBIT N-18

The Vote was unanimous.
Student Trustee Advisory Vote: Aye

19. **SCHEDULED SPECIAL MEETINGS/WORKSHOPS**

MSC McMullen/Nelson

The Governing Board of the Palomar Community College District hereby schedules the following Special Meetings/Board Workshops: **June 23, 2009; June 29, 2009; July 28, 2009; and August 25, 2009**-topics and location to be determined.

The Vote was unanimous.
Student Trustee Advisory Vote: Aye

20. **EXCUSED ABSENCE OF TRUSTEE**

MSC McMullen/Evilsizer

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 **May 7, 2009**, and the Regular meeting held **May 12, 2009**, is **excused** due to personal necessity.

The Vote: 4 Ayes 1 Abstention (Nelson)
Student Trustee Advisory Vote: Aye

21. **INFORMATION: ESCROW AGREEMENT FOR SECURITY DEPOSITS IN LIEU OF RETENTION FOR EDGE DEVELOPMENT, INC., BID # CM-23-09 S-BUILDING REPLACEMENT PROJECT**

Edge Development, Inc., Contractor, for the structural concrete for the construction of the new Health Sciences (HS) Building, has requested the District to enter into an escrow agreement for security deposits in lieu of retention through Torrey Pines Bank, 4350 Executive Dr., Suite 130, San Diego, CA 92121. 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.

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 9:25 p.m.