



**APPROVED 11/10/2009**

**GOVERNING BOARD MINUTES**

**REGULAR MEETING OF THE GOVERNING BOARD**

**DATE: TUESDAY, OCTOBER 13, 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  
John Tortarolo, Assistant Superintendent/Vice President, Human Resource Services  
Mark Vernoy, Ph.D., Interim Assistant Superintendent/Vice President, Student 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.

7. Conference with Legal Counsel – Existing Litigation, pursuant to Government Code §54956.9a. Settlement Agreement – Hartford Life Group Insurance Company vs. Palomar Community College District.

**CC. RECONVENED TO OPEN SESSION**

The meeting reconvened to Open Session at 5:07 p.m. There was no reportable action taken.

**STAFF PRESENT:**

Monika Brannick, President, Faculty Senate; Associate Professor, Mathematics  
Shannon Lienhart, PFF Co-President; Associate Professor, Mathematics  
Lee Hoffmann, President, CAST; Supervisor of Media, Audio Visual  
Katherine Gannett, Vice President, Administrative Association; Manager, Library  
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.

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

1. Katherine Gannett – Breast Cancer Awareness
2. Andrew Bissell – Email regarding problems with ASG/Student Affairs Office
3. Daniel Finkenthal – Email complaint
4. Josue Graciano – ASG accountability and concerns with leadership
5. Katherine Khaskin – Email complaint
6. Cheryl Seraphim – Email complaint
7. Shannon Lienhart – ASG/email complaint
8. Neill Kovrig – In support of Student Affairs Office personnel

**E. APPROVAL OF MINUTES**

MSC Nelson/Evilsizer

1. The Governing Board approved the Minutes of the Regular Meeting of September 8, 2009.
2. The Governing Board approved the Minutes of the Special Meeting of September 22, 2009.

The Vote was unanimous.

Student Trustee Advisory Vote: Aye

**F. CALL FOR REMOVAL OF ITEMS FROM OR CHANGES TO AGENDA - There were none.**

**G. ACKNOWLEDGEMENT OF RETIREMENTS**

1. **Charles U. Matanane**, Auto Mechanic/Maintenance Locksmith, Building Services. He served Palomar College for 29 years from August 11, 1980, to September 30, 2009.

Mike Ellis, Director, Facilities, commented that Mr. Matanane worked for the District for 29 years as the automotive mechanic, certified swimming pool operator, and also building locksmith.

2. **Anne K. Stadler**, Director, Extended Opportunity Programs & Services/Cooperative Agencies Resources for Education. She served Palomar College for 9 years from April 12, 2000, to September 29, 2009.

Dean Lynda Halttunen acknowledged the retirement of Anne Stadler who began her career at Palomar College in 1998, teaching ESL in Escondido. After a short period of time she was hired to develop and implement the Non Credit Matriculation Program. In 2003, Ms. Stadler agreed to step into the EOPS Director position as interim and in 2004 she was selected as permanent director of EOPS/CARE and CalWORKs. While in EOP&S, Ms. Stadler continued to assist the Non-Credit Matriculation Program and the INEA Program in concert with the Mexican consulate.

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

Board President Nancy Chadwick reported on her attendance at the Teaching and Learning Center ribbon cutting ceremony and expressed her appreciation for the project. She reported that the SDICCCA Board Alliance is in the processing of putting together a campaign document to achieve an educational goal in terms of the community college budget situation. The campaign will include media, presentations, opinion pieces, etc., the kinds of things that will make a difference in terms of educating the public, but moreover the elected officials. The Alliance intends to hold a meeting at the Legislative Conference in January with all of the elected officials and present a strong case for the community colleges and how they fit in the California economy. Ms. Chadwick acknowledged the Palomar College Foundation on their financial status, and moreover their fundraising events. Lastly, the Annual Gala will be held in November, she urged everyone to keep that date in mind.

**HH. REPORTS OF GOVERNING BOARD TRUSTEES**

Trustee Michele Nelson announced that she will be travelling to Singapore, India, and Bhutan, and will return on November 14, just in time to attend the Gala. She reported on her attendance at the Teaching and Learning Center ribbon cutting and acknowledged those who were responsible for the creation of the Center.

Trustee Mark Evilsizer acknowledged Anne Stadler and the service she provided to Palomar. He attended the Teaching and Learning Center ribbon cutting ceremony and said it is a great resource to help students. He reported on the Encuentros 6th Annual Career Exploration and Education Conference and praised President Deegan who spoke to these young men and shared the hardships he personally experienced growing up. Trustee Evilsizer said there were over 200 volunteers and over 45 presenters spending time with these young Latino men to share the benefits of staying in school and graduating from college. He acknowledged those volunteers from Palomar who played a key role in that event.

Trustee Darrell McMullen reported on his attendance at a number of events, and thanked President Deegan for hosting the reception for new faculty.

Trustee Rose Marie Dishman reported on her attendance at the Teaching and Learning Center ribbon cutting ceremony and said she was particularly impressed about the availability of computers that students could actually check out.

Student Trustee Andrew Bissell reported on his attendance at the Teaching and Learning Center ribbon cutting ceremony. He also reported on two Region 10 meetings where the state budget was discussed.

## **I. REPORT OF THE SUPERINTENDENT/PRESIDENT**

Superintendent/President Robert Deegan expressed his thoughts on the correspondence that was received from an ex-student at Palomar attacking the staff in the Student Affairs Office and making false allegations regarding certain events. Of particular concern were the allegations that a crime was reported to the Director of Student Affairs and it was not considered seriously. President Deegan strongly indicated that all crimes are taken seriously and every act of violence that occurs on this campus will be investigated and prosecuted according to the law. He promised the Board that he will work with Vice President Vernoy and the Associated Student Government and work out all issues. President Deegan praised Sherry Titus, Director of Student Affairs, and commended her for doing an outstanding job.

President Deegan said he was proud to have had the opportunity to participate in the Encuentros conference where over 800 young Latino men were in attendance. These males were between the ages of 13 to 17, and one of the biggest issues in North County is the 50% drop out rate among this demographic. The Encuentros organization is community based and provides assistance and support to work closely with the high schools, colleges, and universities to do something about this growing problem and to encourage these young men to continue their education.

President Deegan reported that the Teaching and Learning Center (TLC) had a wonderful grand opening because it is a connection for the success of students. It is a one stop center for tutoring, counseling, financial aid, or whether they are in an ESL class, remedial English course, or advanced English class. The TLC is there to provide the assistance and support students may need. The faculty and staff have done an outstanding job and said the connection between the faculty and students contributes to their success.

Lastly, President Deegan acknowledged Rich Talmo and his staff for the work that goes into the Gala event. The funds raised by the President's Associates and the Foundation go directly to support students through scholarships and projects to support faculty and staff. President Deegan encouraged everyone to attend.

### **1. Report of Vice President for Instruction**

#### **a. Accreditation Self-Study Progress Report – Berta Cuaron**

Vice President Berta Cuaron introduced Marty Furch, Student Learning Outcomes (SLO) Coordinator, who addressed recommendation #2 – Student Learning Outcomes.

Ms. Furch summarized the Student Learning Outcomes and Assessment (SLOAC) Cycle Plan 2009-2014 timeline that was developed by the SLO Council. The timeline addressed course, program, institutional, and service area SLOs. Ms. Furch updated the Board on the status of course SLOs completion rates.

Vice President Cuaron introduced Dr. Brent Gowen to report on recommendation #3 – Distance Education.

Dr. Gowen informed the Board that the Commission is asking Palomar to 1) validate the preparedness of faculty to teach on-line courses; 2) ensure regular, effective communication between on-line students and faculty; 3) improve the evaluation of on-line courses and on-line instruction; 4) compare students' achievement and success in on-line to traditional, face-to-face courses.

Workgroups with members from the Academic Technology Committee and TERB have been working together to implement these recommendations. He gave a brief summary of the progress to date.

Vice President Cuaron introduced Faculty Senate President, Monika Brannick, and Vice President Tortarolo to report on recommendation #4 –Senior Administration Evaluations.

Ms. Brannick informed the Board that the Faculty Senate has ceased the practice of evaluating the senior administration. Vice President Tortarolo, Dr. Gowen, and Ms. Brannick met to discuss drafting a policy and how to proceed with conducting evaluations and due process. Vice President Tortarolo reported that a committee was formed to draft a policy to ensure due process for any employee regardless of position. The draft policy will be reviewed by the Policies & Procedures Review Task Force in November.

2. Report of Vice President for Student Services

Interim Vice President Vernoy reported on the Encuentros Conference, which was held at Mira Costa College. He said a large number of Palomar employees volunteered and gave many hours of their time for this event. He said the girls' basketball team will be participating in the Stride Against Breast Cancer Walk.

3. Report of Vice President for Finance and Administrative Services - Absent

4. Report of Vice President for Human Resource Services – no report

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

**TRAVEL**

1. **APPROVED TRAVEL EXPENSES**

MSC Evilsizer/McMullen

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

a.	Board Member	<b>MARK EVILSIZER</b>
	Advanced Funds?	Yes
	For:	Transportation, mileage, meals, lodging, registration, etc.
	To attend:	CCLC Annual Convention & Partner Conference
	Location:	San Francisco, California
	Date:	November 17, 2009
	Amount:	\$728.72
	Budget No.:	575200-11-111100-66100-10-2010-0000000

The Vote was unanimous.

Student Trustee Advisory Vote: Aye

## REPLACEMENT OF WARRANTS

### 2. APPROVED DRAWING NEW WARRANTS

MSC Evilsizer/McMullen

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

- a. Warrant #76-183772, dated December 11, 2008, in the amount of \$250.00, to **Zachary A. Peterson**, 13421 Sagewood Drive, Poway, CA 92064. Void due to stale date.
- b. Warrant #76-179867, dated August 21, 2008, in the amount of 693.50, to **Rancho Bernardo High School**, 13010 Paseo Lucido, San Diego, CA 92128-4499. Void due to stale date.

The Vote was unanimous.

Student Trustee Advisory Vote: Aye

## PERSONNEL

### 3. APPROVED AMENDMENTS TO CCE/AFT AGREEMENT B.P. CCE/AFT – 14 LEAVES OF ABSENCE

MSC Evilsizer/McMullen

The Governing Board approved the amendments to the CCE/AFT Agreement section **B.P. CCE/AFT - 14 Leaves of Absence. EXHIBIT J-3**

The Vote was unanimous.

Student Trustee Advisory Vote: Aye

### 4. APPROVED AMENDMENTS TO CCE/AFT AGREEMENT B.P. CCE/AFT – 18 COMPENSATION

MSC Evilsizer/McMullen

The Governing Board approved the amendments to the CCE/AFT Agreement section **B.P. CCE/AFT - 18 Compensation. EXHIBIT J-4**

The Vote was unanimous.

Student Trustee Advisory Vote: Aye

**5. GRANT EQUIVALENCY FOR DISCIPLINE**

MSC Evilsizer/McMullen

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

Bressette, Brian M.	Apprenticeship – Sound Technician
Carson, Paul	Electrician Trainee
Cole, Delphie L.	Apprenticeship – Sound Technician
Kedella, Stephen	Apprenticeship – Electrical
Lanza, Brett A.	Apprenticeship – Electrical
Stark, James P.	Apprenticeship – Electrical

The Vote was unanimous.

Student Trustee Advisory Vote: Aye

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

MSC Evilsizer/McMullen

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 Fall, 2009, and Spring, 2010, (day and/or evening); said part-time faculty are not scheduled to teach more than a 67 percent load in a single semester:

**FALL 2009**

**DESIGN & CONSUMER EDUCATION**

Chan, Curtis	Drafting Technology B.S., Mechanical Engineering 2+ Years Experience	\$50.27
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**NURSING EDUCATION**

Clynch, Katrina D.	Clinical Nursing B.S., Nursing	\$50.27
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Moore, Hannah M.	Nursing M.S.N, Nursing	\$51.53
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**OCCUPATIONAL & NONCREDIT PROGRAMS**

Carson, Paul	Electrician Trainee Eminence in the Field	\$50.27
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Iverson, Mark E.	Wastewater Technology M.S., Civil Engineering 2+ Years Experience	\$51.53
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Licata, Craig R.	Health & Safety Education B.S., Occupational Studies & Vocational Arts A.A., Fire Technology	\$50.27
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**PERFORMING ARTS**

Estrada, Maria G.	Dance M.F.A., Dance B.A., Dance	\$51.53
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**SPRING 2010**

**BEHAVIORAL SCIENCES**

Briceno, Jose C.                      Sociology    \$51.53  
M.A., Sociological Practice  
B.A., Criminal Justice

Montagne, Meredith L.              Anthropology                                        \$51.53  
M.A., Anthropology  
B.A., Anthropology

**COMPUTER SCIENCE & INFORMATION SYSTEMS**

Thomason, DeMonte A.              CSIS – Networking                                \$51.53  
M.S., Information Technology,  
2+ Years Experience

**GRAPHIC COMMUNICATIONS**

Solanki, Mitesh V.                      Graphic Communication –                        \$50.27  
Multimedia & Web  
B.S., Advertising  
2+ Years Experience

**REGIONAL OCCUPATIONAL PROGRAMS**

Lucas, Mark E.                          CSIS    \$50.27  
B.S., Mathematics  
2+ Years Experience

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**7. APPROVED CHILD DEVELOPMENT CENTER TEACHER EMPLOYMENT**

MSC Evilsizer/McMullen

The Governing Board ratified the recommendation of the Superintendent/ President regarding the **employment of the following Child Development Center Teacher**, at the hourly rate indicated for Fall, 2009:

Burke, Lisa                                Teacher    \$18.51  
Preliminary Multiple Subject  
Teaching Credential  
B.A., Liberal Studies

Peterson, Leanne                      Teacher    \$18.51  
M.Ed., Counseling & Guidance  
B.A., Elementary Education:  
Early Childhood

Sanchez, Maria O.                      Teacher    \$18.51  
A.S., Child Development  
Child Development Site  
Supervisor Permit

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**8. RATIFIED APPRENTICESHIP INSTRUCTOR CERTIFICATION**

MSC Evilsizer/McMullen

The Governing Board ratified the recommendation of the Superintendent/President regarding the **certification of the following apprenticeship instructors**, for Fall 2009 (day and/or evening); said instructors are employed by the respective Program Sponsors:

**OCCUPATIONAL & NONCREDIT PROGRAMS**

***Employed and paid by sponsor: San Diego Electrical Training Trust***

Bressette, Brian M.	Apprenticeship – Sound Technician Eminence in the Field
Cole, Delphie L.	Apprenticeship – Sound Technician Eminence in the Field
Kedella, Stephen	Apprenticeship – Electrical Eminence in the Field
Lanza, Brett A.	Apprenticeship – Electrical Eminence in the Field
Peters, Michael	Apprenticeship – Electrical A.S., Electronics Engineering Technology 4+ Years Experience
Stark, James P.	Apprenticeship – Electrical Eminence in the Field

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**9. RATIFIED CLASSIFIED EMPLOYMENT**

MSC Evilsizer/McMullen

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

- a. Name: **LUIS A. ALFARO MOLINA**  
Position: Financial Assistance Specialist – Board Financial Assistance Program (BFAP)  
Department: Financial Aid, Veterans & Scholarship Services  
Position #: 6434 New?: Yes  
Remarks: Position approved 4/14/09; funded – BFAP; continuation of position is dependent on continuation of funding.  
Sal Grade/Step: **20/1** Salary: **\$1,534.46/month**  
% of Position: 45% # Mos.: 12  
Effective: October 14, 2009  
Account #(s): K-212200-475100-64600-1612002/100%  
Normal Work Schedule: Tuesday and Thursday, 9:00 am – 3:30 pm;  
Wednesday, 12:00 pm – 6:30 pm. A 3% night differential will be paid for hours worked between 6:00 p.m. and 10:00 p.m.

- b. Name: **SHAWN M. MCCANN**  
Position: Skilled Maintenance Technician – Parking Lots  
Department: Facilities/Building Services  
Position #: 5689 New?: No  
Remarks: Replacement for Ronald Schroeder; funded – Parking Fees;  
continuation of position is dependent on continuation of funding.  
Sal Grade/Step: **17/1** Salary: **\$3,168.70/month**  
% of Position: 100% # Mos.: 12  
Effective: October 14, 2009  
Account #(s): A-212200-542100-65100-1812070/100%  
Normal Work Schedule: Wednesday – Sunday, 7:00 a.m. – 4:00 p.m.

**10. APPROVED PERSONNEL ACTIONS/HISTORY**

MSC Evilsizer/McMullen

The Governing Board approved the **Personnel Actions/History** report, which includes hires for **student employees** for the month of **September, 2009, and temporary employees** for the month of **October, 2009. EXHIBIT J-10**

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

MSC Evilsizer/McMullen

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

- a. **Elizabeth L. Zermeno**, Counseling Services Specialist, Counseling, effective October 14, 2009.

**12. RATIFIED LEAVES OF ABSENCE**

MSC Evilsizer/McMullen

- a. The Governing Board ratified the recommendation of the Superintendent/ President granting a **100% Family Medical Leave of Absence with no effect on benefits**, effective September 14, 2009, through October 18, 2009, to **Ardith D. Burrows**, Enrollment Services Specialist, Enrollment Services.
- b. The Governing Board ratified the recommendation of the Superintendent/President granting a **100% Family Medical Leave of Absence with no effect on benefits**, effective August 26, 2009, through October 20, 2009, to **Lisa S. Galbreath**, Counseling Services Specialist, Transfer Center.
- c. The Governing Board ratified the recommendation of the Superintendent/President granting a **100% Medical Leave of Absence with no effect on benefits**, effective October 2, 2009, through January 15, 2010, to **Peggy J. Richardson**, Library Public Services Supervisor, Library.

The Vote was unanimous.

Student Trustee Advisory Vote: Aye

**13. 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. **Marlene Deleon**, Staff Assistant, Educational Television, effective August 9, 2009. She has served Palomar College for 24 years from July 24, 1985, to August 8, 2009.
- b. **Lynne M. Henson**, Professor, English as a Second Language, effective January 1, 2010. She has served Palomar College for 20 years from January 20, 1990, to December 31, 2009.
- c. **Charles U. Matanane**, Auto Mechanic/Maintenance Locksmith, Building Services, effective October 1, 2009. He has served Palomar College for 29 years from August 11, 1980, to September 30, 2009.
- d. **C. Andrea Taupier**, Professor, Life Sciences, effective December 19, 2009. She has served Palomar College for 33 years from September 3, 1976, to December 18, 2009.

On behalf of the Governing Board of the Palomar Community College District, the following **retirement** has been accepted by Robert P. Deegan, Superintendent/President, as authorized by the Governing Board, under **Group III**:

- aa. **Anne K. Stadler**, Director, Extended Opportunity Programs & Services/ Cooperative Agencies Resources for Education, effective September 30, 2009. She has served Palomar College for 9 years from April 12, 2000, to September 29, 2009.

**GIFT**

**14. ACCEPTED GIFT**

MSC Evilsizer/McMullen

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

- a. **Gift of Time** – 107 hours of labor for Escondido Center Child Development Center remodel @ \$75.00/hour donated by **Mike LeBlanc, MNL Inspection**, 14637 Tyler Road, Valley Center, CA 92082. Total cash value as estimated by donor is **\$8,025.00**.

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

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

**L. REPORTS FROM COLLEGE GROUPS**

**1. INFORMATION**

**Report of the Faculty Senate**

Faculty Senate President, Monika Brannick, said she had no report on behalf of the Faculty Senate, but on a personal note commented on the hate email that was sent by Shaun Briggs, an ex-student from Palomar, attacking the staff of the Student Affairs Office, and said she considers this type of attack as hate mail. She reported that hate mail is still being received by another faculty member, and the police department is currently working on this file. Ms. Brannick expressed her enthusiasm with the growing membership of the Gay/Straight Alliance (GSA) Club.

**2. INFORMATION**

**Report of the Palomar Faculty Federation**

PFF Co-President, Shannon Lienhart, reported that she and Shayla Sivert attended a California community college meeting where there is a movement in the community college teachers' unions across the state of California to join together. Discussion also took place regarding ousting Dr. Barbara Beno from her current position. Lastly, the Cal State system held rallies across the state to ask for reform of the state budget in terms of education.

**3. INFORMATION**

**Report of the Administrative Association**

Administrative Association Vice President, Katherine Gannett, acknowledged the service of Anne Stadler and her contribution to Palomar. The Administrative Association continues to participate in meet and confer with the District and is exploring options for in-service training opportunities for the membership.

**4. INFORMATION**

**Report of the Confidential and Supervisory Team** – no report

**5. INFORMATION**

**Report of the CCE/AFT** – no report

**6. INFORMATION**

**Report of the Associated Student Government**

ASG President, Andrew Bissell, reported that the ASG held a workshop in which President Deegan was invited to speak to the students. The ASG has not met due to problems with the agenda.

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

**N. NEW BUSINESS**

1. **AFTER HOLDING A PUBLIC HEARING ON AUGUST 11, 2009, UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) ON A MITIGATED NEGATIVE DECLARATION (MND) FOR THE FOLLOWING PROJECTS: INDUSTRIAL TECHNOLOGY CENTER AND HOWARD BRUBECK THEATER ADDITION/ RENOVATION, ADOPT RESOLUTION OF FINAL DETERMINATION**

MSC McMullen/Evilsizer

**RESOLUTION NO. 10-21008**

**WHEREAS**, the Palomar Community College District (District) proposes to construct the following projects: Industrial Technology Center and Howard Brubeck Theater Addition/Renovation (hereinafter "Projects") on the San Marcos campus of the District; and,

**WHEREAS**, CEQA requires that the District study the Projects and determine the impact on the environment, both during construction and after the completion thereof, and on the surrounding community; and,

**WHEREAS**, the District has retained the services of PBS&J (hereinafter "Consultant") to prepare a MND pursuant to CEQA requirements; and,

**WHEREAS**, the Consultant and the District prepared a Draft MND which concluded that the Projects will have impacts on the environment and on the surrounding community, but that the impacts would be mitigated by certain measures incorporated into the projects; and,

**WHEREAS**, the Draft MND was circulated through the State Clearinghouse for a 30-day public review period; and

**WHEREAS**, responses have been prepared for the comments received during the public review period, as part of the preparation of the Final MND, and the responses sent to the commenting agencies; and,

**WHEREAS**, a Mitigation Monitoring and Reporting Program has been prepared as part of the Final MND; and,

**WHEREAS**, Notice of the August 11, 2009, public hearing of the Governing Board to accept public comments on the Final MND was published locally in the area in which the Projects will be constructed, and also sent to the commenting agencies; and,

**WHEREAS**, prior to the August 11, 2009, public hearing of the Governing Board, additional comments were received from two of the agencies that had previously commented on the Draft MND, and the Consultant and the District has met with those agencies to resolve their concerns, and responses to the agencies' additional comments have been sent to these agencies; and,

**NOW, THEREFORE, BE IT RESOLVED**, That the public was invited to comment upon the Final MND prior to and at the regular meeting of the Governing Board held on August 11, 2009, and the time and place of this public hearing has been duly noticed and published in accordance with CEQA; and,

**BE IT FURTHER RESOLVED, That** the Final MND for the Projects known as the Industrial Technology Center and Howard Brubeck Theater Addition/Renovation is approved and adopted, and the **Notice of Determination for the Final MND** for said Projects is approved, and the District is authorized and directed to file and record said Notice of Determination as required under CEQA.

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**2. REVIEWED AND APPROVED PURCHASES**

MSC Evilsizer/Nelson

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, are reviewed and approved for the following. All purchases listed herein are made against the 2009-2010 fiscal year budget: **EXHIBIT N-2**

Purchase Orders	Time Period: 08/27/09 – 10/02/09	\$ 1,848,317.70
Procurement Card	Time Period: 07/23/09 – 08/22/09	<u>\$ 145,388.69</u>
		\$ 1,993,706.39

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**3. APPROVED CALIFORNIA COMMUNITY COLLEGE ANNUAL FINANCIAL AND BUDGET REPORT FOR PALOMAR COMMUNITY COLLEGE DISTRICT**

MSC Evilsizer/Nelson

The Governing Board approved the **California Community College Annual Financial and Budget Report (CCFS-311)** for Financial Fiscal Year 2008-09 and Budget Fiscal Year 2009-10. **EXHIBIT N-3**

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**4. APPROVED PLANS AND SPECIFICATIONS FOR INDUSTRIAL TECHNOLOGY CENTER, AND AUTHORIZE NOTICE CALLING FOR BIDS IN ACCORDANCE WITH THE APPROVED PLANS AND SPECIFICATIONS**

MSC Evilsizer/McMullen

The Governing Board approved the **plans and specifications** prepared by HMC Architects for the construction of the Industrial Technology Center – San Marcos campus (hereinafter the “Project”) and authorize notice calling for bids pursuant to California Education Code §81641 to implement the Project in accordance with the plans and specifications approved herein.

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

5. **APPROVED SUBSTITUTION OF HVAC SUB-CONTRACTOR ON NATURAL SCIENCES (NS) BUILDING MODIFICATIONS PROJECT – BID # CM-37-09-NS**

MSC Nelson/McMullen

The Governing Board approved the request by Richard & Richard Construction Company (“R&R”), general contractor for the Natural Sciences (NS) Building Modification Project, to **substitute** another HVAC sub-contractor in the place of J. A. Fergus Mechanical Inc., (“FERGUS”), as authorized under Public Contract Code §4107 et. al. According to R&R, FERGUS refuses to continue working on the project due to delays and time-constraints with other projects. In accordance with Public Contract Code Section 4107 (a) (9), a certified letter was sent to FERGUS, notifying of the request for substitution and an opportunity to object. **No objection was received by FERGUS** within the required 5 working days and is deemed consent to the substitution.

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

6. **APPROVED SUBSTITUTION OF SUB-CONTRACTOR ON BID # CM-36-09 ELECTRICAL, LOW VOLTAGE, AND DRY UTILITIES: HEALTH SCIENCES BUILDING**

MSC Nelson/McMullen

The Governing Board approved the request by Construction Electric Inc., (CEI) electrical contractor, Bid # CM-36-09 Electrical, Low Voltage & Dry Utilities: Health Sciences Building, to **substitute** their sub-contractor Advanced Solar Integration Technologies (ASIT), as authorized under Public Contract Code §4107 et. al., on the grounds that CEI and ASIT were unable to negotiate a contract. The notice and opportunity to object required under § 4107 (a) (9) has been **waived by ASIT in writing**, dated September 30, 2009. **EXHIBIT N-6**

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

7. **RATIFIED CONTRACT WITH SOUTHLAND ELECTRIC, INC., FOR BID 101-10 INFORMATION SERVICES AND CAMPUS POLICE GENERATORS**

MSC McMullen/Evilsizer

The Governing Board ratified a **contract** between Palomar Community College District (“District”) and **Southland Electric, Inc.**, (“Contractor”) in the amount of \$515,000.00. Contractor responded to the District’s notice calling for bids on Bid #101—10: Information Services and Campus Police Generators and was found to be the lowest responsive pre-qualified bidder. **EXHIBIT N-7**

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

8. **AUTHORIZATION TO EXECUTE CONTRACT FOR BID #102-10 PRE-WORK INDUSTRIAL TECHNOLOGY CENTER**

MSC Nelson/Evilsizer

The Governing Board authorized Bonnie Ann Dowd, Vice President, Finance & Administrative Services, or Ken Jay, Director, Business & Contract Services, to execute a contract to the **lowest responsive** pre-qualified General Contractor for Bid #102-10 Pre-Work **Industrial Technology Center**.

In order for the project to be completed by mid-December, 2009, it is necessary to award a contract as soon as possible after the bid opening of October 27, 2009. The contract award will be brought back to the Governing Board for ratification at a future Governing Board meeting.

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

9. **ACCEPTED AND APPROVED CHANGE ORDER #1 FOR NATURAL SCIENCES (NS) BUILDING MODIFICATIONS PROJECT – BID # CM-37-09-NS**

MSC Nelson/Evilsizer

**RESOLUTION NO. 10-21009**

The Governing Board accepted and approved **Change Order #1** in the amount of **\$45,407.10** pertaining to Bid #CM-37-09 NS: Natural Sciences (NS) Building Modifications; original contract approved by the Governing Board on June 10, 2009, as detailed on the accompanying memorandum in support hereof. **EXHIBIT N-9**

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

10. **ACCEPTED AND APPROVED CHANGE ORDER #2 FOR ALTERATIONS TO THE TEACHING AND LEARNING CENTER, ESCONDIDO CENTER, PROJECT – BID # 109-09**

MSC Nelson/Evilsizer

**RESOLUTION NO. 10-21010**

The Governing Board accepted and approved **Change Order #2** pertaining to Bid #109-09: Alterations to the Teaching and Learning Center; original contract approved by the Governing Board on April 14, 2009, as detailed on the accompanying memorandum in support hereof. **EXHIBIT N-10**

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

11. **ACCEPTED AND APPROVED DSA CHANGE ORDER #2 – HEALTH SCIENCES BUILDING PROJECT**

MSC Nelson/Evilsizer

**RESOLUTION NO. 10-21011**

The Governing Board approved DSA **Change Order #2** in the amount of **\$4,274.44** for the Health Sciences Building project. The change order is comprised of Contract Change Directives (CCD) received from the following awarded prime contractors for the project, as detailed on the accompanying memorandum in support. **EXHIBIT N-11**

Bid #CM-25-09 (Structural Steel & Misc. Metals) \$ 1,344.00  
**Richardson Steel, Inc.**

Bid #CM-27-09 (Interior/Exterior Assemblies) \$ 1,643.78  
**Richard & Richard Construction Company**

Bid #CM-28-09 (Roofing & Sheet Metal) \$ 366.00  
**Richard & Richard Construction Company**

Bid #CM-32-09 (Misc. Specialties) \$ 467.16  
**RVH Constructors, Inc.**

Bid #CM-36-09 (Electrical) \$ 453.50  
**Construction Electric, Inc.**

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

12. **ACCEPTED AND APPROVED DSA CHANGE ORDER #3 – MULTI- DISCIPLINARY INSTRUCTIONAL BUILDING (MIB) PROJECT**

MSC Nelson/Evilsizer

**RESOLUTION NO. 10-21012**

The Governing Board approved DSA **Change Order #3** in the credit amount of **\$51,953.00** for the construction of the Multi-Disciplinary Instructional Building (MIB). The change order is comprised of Contract Change Directives (CCD) received from the following awarded prime contractors for the project as detailed on the accompanying memorandum in support. **EXHIBIT N-12**

Bid # CM-18-09-MIB <\$48,302.00>  
**Pelzer Plumbing**

Bid # CM-06-09-MIB <\$3,651.00>  
**Edge Development**

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

13. **APPROVED FIELD TRIP TO LONE PINE, BISHOP, CA, FOR PHOT 212: LANDSCAPE PHOTOGRAPHY CLASS ON OCTOBER 14-18, 2009**

MSC McMullen/Evilsizer

The Governing Board approved a **field trip to Lone Pine**, Bishop, CA, on October 14 through October 18, 2009, for PHOT 212 Landscape Photography class. Class will photograph well-known landscape and historical locations. Students will be responsible for providing their own transportation and lodging. **EXHIBIT N-13**

The Vote was unanimous.

Student Trustee Advisory Vote: Aye

14. **APPROVED FIELD TRIP TO MOUNT CALVARY MONASTERY, SANTA BARBARA, CA, FOR PHIL 105: PHILOSOPHY OF RELIGION CLASSES ON OCTOBER 23-25, 2009**

MSC McMullen/Evilsizer

The Governing Board approved a **field trip to Mount Calvary Monastery**, Santa Barbara, CA, on October 23 through October 25, 2009, for PHIL 105: Philosophy of Religion classes. Students will observe monastery life and attend workshops given by the resident Monks. Students will be responsible for providing their own transportation and lodging. **EXHIBIT N-14**

The Vote was unanimous.

Student Trustee Advisory Vote: Aye

15. **DECLARED 18 SEWING MACHINES FROM DESIGN & CONSUMER EDUCATION DEPARTMENT SURPLUS AND OF INSUFFICIENT VALUE FOR AUCTION AND DONATE PROPERTY TO ACCESS, INC., SAN DIEGO, CA (UNANIMOUS CONSENT REQUIRED)**

MSC Nelson/Evilsizer

The Governing Board finds 18 sewing machines used by the Design & Consumer Education 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 18 sewing machines shall be donated to Access, Inc., a non-profit organization serving the San Diego area as pursuant to California Education Code Section 81452. (unanimous consent required) **EXHIBIT N-15**

The Vote was unanimous.

Student Trustee Advisory Vote: Aye

16. **APPROVED AGREEMENT 09-10-4489 WITH YOSEMITE COMMUNITY COLLEGE DISTRICT, CHILD DEVELOPMENT TRAINING CONSORTIUM**

MSC Nelson/McMullen

The Governing Board approved agreement # 09-10-4489 between the Palomar Community College District (hereinafter "District") and the **Yosemite Community College District, Child Development Training Consortium** (hereinafter "YCCD-CDTC") effective September 1, 2009, through June 30, 2010. District shall provide **college credit to enrolled students** required to obtain or renew a child development permit and YCCD-CDTC shall pay to District an amount not to exceed **\$18,750.00** for performance of the services in a satisfactory manner. **EXHIBIT N-16**

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

17. **APPROVED (2) SUPPLEMENTAL AGREEMENTS TO MASTER LICENSE AGREEMENT WITH COAST COMMUNITY COLLEGE DISTRICT**

MSC Nelson/McMullen

The Governing Board approved a **supplemental agreement as part of the master license agreement** between both parties for **use of video programming and print components** for the subject course – Media Waves: An Introduction to Mass Communication. In consideration for the license rights, the District shall pay Coast Community College District **\$750.00** license fee and student royalty fees of \$20.00 per enrolled student each and every time course is offered by District. The term of the agreement is July 1, 2009 – June 30, 2010.

Furthermore, the Governing Board approves a **supplement agreement as part of the master license agreement** between both parties for **use of video programming and print components** for the subject course – Dollars & Sense: Personal Finance for the 21<sup>st</sup> Century. In consideration for the license rights, the District shall pay Coast Community College District **\$500.00** license fee and student royalty fees of \$20.00 per enrolled student each and every time course is offered by District. The term of the agreement is June 1, 2009 – December 31, 2009.

**EXHIBIT N-17**

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

18. **APPROVED EXTENDED FIELD TRIP TO FULLERTON, CA, TO ATTEND AND COMPETE IN THE JOURNALISM ASSOCIATION OF COMMUNITY COLLEGE'S SOUTHERN CALIFORNIA REGIONAL CONFERENCE, OCTOBER 23 - 24, 2009**

MSC McMullen/Evilsizer

The Governing Board approved an extended field trip for instructors and students enrolled in Jour 105, 110L, 140, 205, 210 and 215 to attend and compete in the Journalism Association of Community College's Southern California Regional Conference, CSU Fullerton, October 23–24, 2009. **EXHIBIT N-18**

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

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

MSC McMullen/Evilsizer

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

**FALL 2009 – VENTURE PROGRAM**

**Class & Independent Contractor**

**Name:** John Howells (AXA Advisors)  
**Name of Class:** Personal Financial Management Workshop  
**Effective:** 3 Wednesdays: 10/4, 10/21, 10/28  
**Instructor Rate:** 35% of fees collected for students instructed  
**Fees to Students:** \$59.00 in advance, \$79.00 at door

**CONTRACT TRAINING PROGRAM FALL 2009**

**Class & Service Provider**

**Name:** Sergio Hernandez  
**Name of Class:** California Heavy Duty Vehicle Inspection Program & Periodic Smoke Inspection Program  
**Effective:** October 30, 2009  
**Instructor Rate:** 22.5% of registration fees or 4hours @ \$53.41/hr. (8 hour class split with another instructor), whichever is greater  
**Fees to Students:** \$175.00

**Name:** Vincent Pollizzi  
**Name of Class:** California Heavy Duty Vehicle Inspection Program & Periodic Smoke Inspection Program  
**Effective:** October 30, 2009  
**Instructor Rate:** 22.5% of registration fees or 4hours @ \$50.27/hr. (8 hour class split with another instructor), whichever is greater  
**Fees to Students:** \$175.00

**Name:** Rita Stansel  
**Name of Class:** Smog Update Training 2009 course  
**Effective:** November 6-16, 2009  
**Instructor Rate:** 45% of fees collected for students instructed  
**Fees to Students:** \$295.00

**Name:** Rita Stansel  
**Name of Class:** Level I Smog Citation Course  
**Effective:** October 23-24, 2009  
**Instructor Rate:** 45% of fees collected for students instructed  
**Fees to Students:** \$400.00

**Name of Company:** LMI Aerospace, Inc.  
1377 Specialty Drive  
Vista, CA 92081

**Name of Class:** English as a Second Language Training  
**Effective:** October 20-December 15, 2009  
**Instruction:** 24 hours of instruction @ \$225.00 per hour for a total of \$5,400.00

**Name:** Martha Velasco  
**Name of Class:** English as a Second Language  
**Effective:** October 20 – December 15, 2009  
**Instructor Rate:** \$75.00 per hour

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**20. INFORMATION: ESCROW AGREEMENT FOR SECURITY DEPOSITS IN LIEU OF RETENTION FOR SOUTHLAND ELECTRIC, INC., BID # 101-10 INFORMATION SERVICES & CAMPUS POLICE GENERATORS**

Southland Electric, Inc., electrical contractor, for Bid #101-10 Information Services & Campus Police Generator projects, has requested the District to enter into an **escrow agreement for security deposits in lieu of retention** through California Bank & Trust, 5500 Grossmont Center Drive, Suite 408, La Mesa, CA 91942. 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.

**21. ACCEPTED SETTLEMENT OF LEGAL CLAIM**

MSC Nelson/Evilsizer

The Governing Board of the Palomar Community College District accepted and agreed to the proposed **settlement terms** to resolve and satisfy all legal claims against the District brought by plaintiff in **Hartford Life Group Insurance Company vs. Palomar Community College District**.

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**22. FIRST READING: REVISION OF PALOMAR COMMUNITY COLLEGE DISTRICT POLICIES INCLUDED IN CHAPTER 3 - GENERAL INSTITUTION AND CHAPTER 4 - INSTRUCTIONAL SERVICES**

This item includes a proposal to **revise** the following **Board Policies** included in **Chapter 3 – General Institution** and **Chapter 4 – Instructional Services**. The Board will take action to adopt the following policies at its November 10, 2009, meeting:

BP 3260	Legal Opinions – Assistance
BP 3300	Public Records
BP 3530	Weapons on Campus
BP 4010	Academic Calendar
BP 4060	Agreements with School Districts for Noncredit Education
BP 4070	Auditing and Auditing Fees
BP 4102	Career Technical Advisory Committees
BP 4110	Honorary Degrees
BP 4226	Multiple and Overlapping Enrollments
BP 4400	Community Services
BP 4675	Class Size

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

AP 3300	Public Records
AP 3501	Skateboards, Roller Blades, and Similar Roller Devices
AP 3510	Workplace Violence
AP 3520	Local Law Enforcement
AP 3530	Weapons on Campus
AP 4010	Academic Calendar
AP 4021	Discontinuance of Career-Technical Programs
AP 4040	Library and Other Instructional Support Services
AP 4060	Agreements with School Districts for Noncredit Education
AP 4070	Auditing and Auditing Fees
AP 4102	Career Technical Programs Advisory Committees
AP 4110	Honorary Degrees
AP 4220	Standards of Scholarship
AP 4226	Multiple and Overlapping Enrollments
AP 4230	Grading and Academic Record Symbols
AP 4260	Pre-requisites and Co-requisites and Advisories
AP 4400	Community Services
AP 4610	Instructional Service Agreements
AP 4675	Class Size
AP 5075	Course Adds and Drops

**EXHIBIT N-22**

**O. BOARD REQUESTS FOR REPORTS**

Board President Chadwick requested a review of the allegations that were stated in the email received from Shaun Briggs.

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

**R. ADJOURNMENT**

The meeting was adjourned at 7:16 p.m.

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Nancy Chadwick  
Board President

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Mark Evilsizer  
Secretary of the Board