



GOVERNING BOARD AGENDA
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

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

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

A.	Call to Order (4:00 p.m.)	2
AA.	Roll Call	2
B.	Public Comments	2
C.	Recess to Closed Session	2
CC.	Reconvene to Open Session (5:00 p.m.).....	2
D.	Comments from Other Individuals or Groups	3
E.	Approval of Minutes	3
F.	Call for Removal of Items from or Changes to Agenda	3
G.	Acknowledgement of Retirements	3
H.	Report of the Governing Board President.....	3
HH.	Report of the Governing Board Trustees	3
I.	Report of the Superintendent/President.....	3
J.	Approval of Consent Calendar Items	4
K.	Action on Items Removed from Consent Calendar	9
L.	Reports from College Groups	9
M.	Unfinished Business.....	9
N.	New Business	9
O.	Board Requests for Reports	16
P.	Recess to Closed Session	16
Q.	Reconvene to Open Session	17
R.	Adjournment.....	17

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

AA. ROLL CALL

Establishment of a Quorum

B. PUBLIC COMMENTS

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

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

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

Actions Taken In Closed Session
Pledge of Allegiance

D. COMMENTS FROM OTHER INDIVIDUALS AND GROUPS

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

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

E. RECOMMENDATION: ACTION - APPROVAL OF MINUTES

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

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

G. ACKNOWLEDGEMENT OF RETIREMENTS

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

1. **Charles U. Matanane**, Auto Mechanic/Maintenance Locksmith, Building Services, He has served Palomar College for 29 years from August 11, 1980, to September 30, 2009.
2. **Anne K. Stadler**, Director, Extended Opportunity Programs & Services/Cooperative Agencies Resources for Education. She has served Palomar College for 9 years from April 12, 2000, to September 29, 2009.

H. REPORT OF THE GOVERNING BOARD PRESIDENT

HH. REPORTS OF GOVERNING BOARD TRUSTEES

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

I. REPORT OF THE SUPERINTENDENT/PRESIDENT

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

J. APPROVAL OF CONSENT CALENDAR ITEMS

NOTICE TO PUBLIC: There will be no separate discussion of these items unless a Governing Board member or member of the public requests that particular item(s) be removed from the Consent Calendar. Items so removed will be considered separately. All matters remaining under Consent Calendar are considered to be routine and will be approved by one motion.

TRAVEL

1. RECOMMENDATION: ACTION – APPROVE TRAVEL EXPENSES

The Governing Board hereby approves/ratifies travel expenses for the following persons:

- | | | |
|----|-----------------|---|
| a. | Board Member | MARK EVILSIZER |
| | 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 |

REPLACEMENT OF WARRANTS

2. RECOMMENDATION: ACTION – APPROVE DRAWING NEW WARRANTS

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

- a. Warrant #76-183772, 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.

PERSONNEL

3. RECOMMENDATION: ACTION – APPROVE AMENDMENTS TO CCE/AFT AGREEMENT B.P. CCE/AFT – 14 LEAVES OF ABSENCE

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

4. RECOMMENDATION: ACTION – APPROVE AMENDMENTS TO CCE/AFT AGREEMENT B.P. CCE/AFT – 18 COMPENSATION

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

5. RECOMMENDATION: ACTION – GRANT EQUIVALENCY FOR DISCIPLINE

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

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

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

The Governing Board hereby ratifies the recommendation of the Superintendent/ President regarding the **employment of the following part-time faculty**, at the hourly rates indicated for 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
Moore, Hannah M.	Nursing M.S.N, Nursing	\$51.53

OCCUPATIONAL & NONCREDIT PROGRAMS

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

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 M.A., Sociological Practice B.A., Criminal Justice	\$51.53
Montagne, Meredith L.	Anthropology M.A., Anthropology B.A., Anthropology	\$51.53

COMPUTER SCIENCE & INFORMATION SYSTEMS

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

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

Lucas, Mark E.	CSIS B.S., Mathematics 2+ Years Experience	\$50.27
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**7. RECOMMENDATION: ACTION – APPROVE CHILD DEVELOPMENT CENTER
 TEACHER EMPLOYMENT**

The Governing Board hereby ratifies 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 Preliminary Multiple Subject Teaching Credential B.A., Liberal Studies	\$18.51
Peterson, Leanne	Teacher M.Ed., Counseling & Guidance B.A., Elementary Education: Early Childhood	\$18.51
Sanchez, Maria O.	Teacher A.S., Child Development Child Development Site Supervisor Permit	\$18.51

8. RECOMMENDATION: ACTION – RATIFY APPRENTICESHIP INSTRUCTOR CERTIFICATION

The Governing Board hereby ratifies 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

9. RECOMMENDATION: ACTION – RATIFY CLASSIFIED EMPLOYMENT

The Governing Board hereby ratifies 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. RECOMMENDATION: ACTION – APPROVE PERSONNEL ACTIONS/HISTORY

The Governing Board hereby approves 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. RECOMMENDATION: ACTION – RATIFY STIPEND FOR DESIGNATED BILINGUAL INTERPRETER

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

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

12. RECOMMENDATION: ACTION – RATIFY LEAVES OF ABSENCE

- 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 hereby ratifies 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 hereby ratifies 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.

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. RECOMMENDATION: ACTION – ACCEPT GIFT

The Governing Board hereby accepts the following **gift** and direct 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**.

**Resumption of
REGULAR AGENDA**

K. ACTION ON ITEMS REMOVED FROM CONSENT CALENDAR

L. REPORTS FROM COLLEGE GROUPS

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

M. UNFINISHED BUSINESS

N. NEW BUSINESS

- 1. **RECOMMENDATION: ACTION – 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**

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 hereby approved and adopted, and the **Notice of Determination for the Final MND** for said Projects is hereby approved, and the District is hereby authorized and directed to file and record said Notice of Determination as required under CEQA.

2. RECOMMENDATION: ACTION – REVIEW AND APPROVE PURCHASES

The Governing Board hereby reviews and approves all **purchase transactions and contracts** entered into on behalf of the Palomar Community College District, pursuant to resolutions numbered 96-18423 and 96-18424 adopted June 24, 1997, are hereby 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	\$ 145,388.69
		\$ 1,993,706.39

3. RECOMMENDATION: ACTION – APPROVE CALIFORNIA COMMUNITY COLLEGE ANNUAL FINANCIAL AND BUDGET REPORT FOR PALOMAR COMMUNITY COLLEGE DISTRICT

The Governing Board hereby **approves 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**

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

The Governing Board hereby **approves 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.

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

The Governing Board hereby approves 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.

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

The Governing Board hereby approves 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**

7. **RECOMMENDATION: ACTION – RATIFY CONTRACT WITH SOUTHLAND ELECTRIC, INC., FOR BID 101-10 INFORMATION SERVICES AND CAMPUS POLICE GENERATORS**

The Governing Board hereby ratifies 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**

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

The Governing Board hereby authorizes 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.

9. RECOMMENDATION: ACTION – ACCEPT AND APPROVE CHANGE ORDER #1 FOR NATURAL SCIENCES (NS) BUILDING MODIFICATIONS PROJECT – BID # CM-37-09-NS

The Governing Board hereby accepts and approves **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**

10. RECOMMENDATION: ACTION – ACCEPT AND APPROVE CHANGE ORDER #2 FOR ALTERATIONS TO THE TEACHING AND LEARNING CENTER, ESCONDIDO CENTER, PROJECT – BID # 109-09

The Governing Board hereby accepts and approves **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**

11. RECOMMENDATION: ACTION – ACCEPT AND APPROVE DSA CHANGE ORDER #2 – HEALTH SCIENCES BUILDING PROJECT

The Governing Board hereby approves 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.

12. RECOMMENDATION: ACTION – ACCEPT AND APPROVE DSA CHANGE ORDER #3 – MULTI- DISCIPLINARY INSTRUCTIONAL BUILDING (MIB) PROJECT

The Governing Board hereby approves 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

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

The Governing Board hereby approves 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**

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

The Governing Board hereby approves 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**

15. **RECOMMENDATION: ACTION – DECLARE 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)**

The Governing Board hereby 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**

16. **RECOMMENDATION: ACTION – APPROVE AGREEMENT 09-10-4489 WITH YOSEMITE COMMUNITY COLLEGE DISTRICT, CHILD DEVELOPMENT TRAINING CONSORTIUM**

The Governing Board hereby approves 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**

17. **RECOMMENDATION: ACTION – APPROVE (2) SUPPLEMENTAL AGREEMENTS TO MASTER LICENSE AGREEMENT WITH COAST COMMUNITY COLLEGE DISTRICT**

The Governing Board hereby approves 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 21st 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

18. **RECOMMENDATION: ACTION – APPROVE 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**

The Governing Board hereby approves 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**

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

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

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

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. **RECOMMENDATION: ACTION – ACCEPT SETTLEMENT OF LEGAL CLAIM**

The Governing Board of the Palomar Community College District hereby accepts and agrees 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**.

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

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

P. RECESS TO CLOSED SESSION

1. Public Employee Discipline/Dismissal/Release, pursuant to Government Code §54957 et seq.
2. Conference regarding negotiations with CCE/AFT, pursuant to Government Code §54957.6.

3. Conference regarding negotiations with PFF/AFT, pursuant to Government Code §54957.6.
4. Conference regarding discussion with Other Unrepresented Employees, pursuant to Government Code §54957.6.
5. Public Employment, pursuant to Government Code §54957.
6. Conference with Real Property Negotiator, pursuant to Government Code §54956.8. Property APNs as follows:
 - a. Discussion of potential sites in the southern portion of the District.
7. Conference with Legal Counsel – Existing Litigation, pursuant to Government Code §54956.9a. Settlement Agreement – Hartford Life Group Insurance Company vs. Palomar Community College District.

Q. RECONVENE TO OPEN SESSION

R. ADJOURNMENT

Public Notice—Nondiscrimination:

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