



APPROVED 9/11/2018
GOVERNING BOARD MINUTES
MEETING OF THE GOVERNING BOARD
TUESDAY, AUGUST 14, 2018
PALOMAR COMMUNITY COLLEGE DISTRICT
ROOM SSC-1, SAN MARCOS CAMPUS
1140 W. MISSION RD., SAN MARCOS, CALIFORNIA

A. Opening Items

1. Call meeting to Order

Board President McNamara called the meeting to order at 4:00 p.m. in SSC-1.

2. Roll Call

PRESENT

PAUL P. MCNAMARA, PRESIDENT
JOHN HALCÓN, VICE PRESIDENT
MARK R. EVILSIZER, SECRETARY
NINA DEERFIELD, TRUSTEE
NANCY ANN HENSCH, TRUSTEE
AMBER BANCROFT, STUDENT TRUSTEE (arrived 5:00 pm)

ABSENT

NONE

3. Public Comment in accordance with Board Policy 2350

Diane Studinka, an employee, shared concerns regarding the Anthem Blue Cross SISC health benefits as related to surgical limitations. She asked the District to notify plan participants of the limitations.

B. Recess to Closed Session The Board recessed to closed session in room A-1 at 4:06 p.m.

C. Reconvene to Open Session The Board reconvened to open session in SSC-1 at 5:02 p.m. All trustees present.

1. Actions Taken in Closed Session. Board President McNamara reported that there were no reportable actions taken in closed session.

2. Pledge of Allegiance. Following the Pledge of Allegiance the meeting continued.

3. Public Comment in accordance with Board Policy 2350:

- a. Lisa Cirillo, a student, expressed concerns regarding an incident that occurred to her in the financial aid office with a district employee. Ms. Cirillo said she felt harassed and threatened.
- b. Lesley Williams, an employee, handed out a report titled *Data, Analyses and Perspectives regarding the terms of the 3rd Amended Contract for the Superintendent/President* dated August 14, 2018 and an undated addendum "Sources of Information" (both on file in the Governing Board Office in accordance with AP 3310.) She expressed concerns regarding various aspects of the 3rd amended contract of the Superintendent/President approved by the Board at the July 10, 2018 Board meeting. She asked that the Board hire a third-party to poll employees regarding the campus climate.
- c. Ellen Weller, an employee, talked about the Palomar Symphony Orchestra's free Grape Day Park event and asked the Board to increase its support of Palomar's Performing Arts by attending events in the community.

- d. Anel Gonzalez, CCE President, expressed concern regarding the recently amended Superintendent/President's contract, proposed changes to the Library/Learning Resource Center (LRC), and interim employment appointments. She asked for increased transparency.
- e. Roger Morrisette, an employee, talked about low enrollments and questioned the Board's rational in approving the amendment of the Superintendent/President's contract.
- f. Shannon Lienhart, an employee, expressed concerns regarding the current administration and governing board, the recently amended Superintendent/President's contract, the proposed changes to the LRC, deficit spending, instructional budget reductions, and a California Public Records Act request related to the LRC project.
- g. Zameer Karim, a former student, discussed an incident that occurred on the San Marcos campus that he felt was not properly investigated. He reported feeling his due process rights were denied. He asked that Acting Vice President Ely re-open the case.
- h. Lee Dulgeroff, a candidate for the Governing Board, introduced himself and talked briefly about his background as a senior executive at San Diego Unified.
- i. Patrick O'Brian, speaking as an individual, expressed concern regarding low campus moral, public shaming of contracted employees, stability spending, declining enrollments and the recently amended Superintendent/President's contract.

D. Approval of Minutes for the Regular Meeting of the previous month

The Board approved the Governing Board meeting minutes of July 10, 2018 as written.

Motion by Deerfield, second by Evilsizer.

Vote – Aye: McNamara, Halcón, Evilsizer, Deerfield, and Hensch. Student Trustee vote: aye.

Final Resolution: Approved

E. Reports

Board President McNamara thanked attendees for coming and expressing their views. He talked about Dr. Blake being a change agent, encouraged discussion and debate about controversial topics, and reminded people that personnel matters are not open to public discussion.

Trustee Halcón had no report.

Trustee Evilsizer reported on his attendance at the Emergency Medical Education graduation event and commented on the increased diversity of the students graduating from the program. He talked about the "Meet your Elected Officials" event and reflected on the Governing Board retreat held at the Rancho Bernardo facility.

Trustee Deerfield talked about her first year as a trustee, completing the CCLC's Excellence in Trusteeship program, and expressed feeling that she has been chastised and misled by the administration. She talked about first amendment rights, characteristics of effective boards, and read the Brown Act's initial section that states the intent of the legislature in enacting the Brown Act.

Trustee Hensch thanked attendees for speaking, and for attending, the Board meeting.

Student Trustee Bancroft reported attending the CCLC Student Trustee conference. She expressed concerns and asked for clarification regarding the status of the Learning Resource Center.

Superintendent/President Blake talked about serving the campus and community by continuing with transparency, upholding the institution's values, and her open-door policy. She stated that she would not engage with falsehoods and allegations that are untrue. She reminded attendees

that when she arrived there was a deficit, enrollments were plummeting, and that the Board charged her with fixing those issues.

Vice President for Instructional Services, Jack Kahn talked about some of the upcoming plenary sessions and expressed optimism for the Fall semester.

Acting Vice President for Student Service, Aiden Ely provided a Promise Program update stating that last year's participants numbered 800 and this year is at 1,342. He attributed the increase to outreach efforts. In closing, he talked about the Discover Palomar event held at the Fallbrook site.

Vice President for Fiscal and Administrative Services, Ron Perez stated that he would be reporting on the finalized performance-based funding model and the district's allocation when he returned from the Chancellor's Budget Workshop. He shared that once the allocation is known the information will be integrated into the Fiscal Recovery Plan and that the draft plan will be routed through the participatory governance groups before it is brought to the Board.

Vice President for Human Resource Services, Lisa Norman reported having a recruitment table at the 2018 LULAC (League United of Latin American Citizens) National Conference.

ICOC 2016-17 Annual Report – Laura Gropen, Director Communications, Marketing, and Public Affairs presented the ICOC report (on file in the Governing Board Office in accordance with AP 3310) to the Board.

F. Approval of Consent Calendar items

Action: On a **Motion** by Trustee Halcón seconded by Trustee Evilsizer, the Board Approved items G.1. through J.2.
Ayes: McNamara, Halcón, Evilsizer, Deerfield, and Hensch
Noes: None
Absent: None
Student Trustee: Aye

G. Instruction (Consent)

1. Approve extended Field Trips for students and coaches to participate in three (3) different speech and/or debate tournaments.
2. Approve new Community Education offerings and authorize Workforce Development & Extended Studies to contract with Alexandra Sirocky as listed in the exhibit.
3. Approve new Community Education offerings and authorize Workforce Development & Extended Studies to contract with Timothy Lynch as listed in the exhibit.
4. Approve the Palomar College Early Childhood Education Lab School revised and updated Parent Handbook.
5. Confirm Classification of the Career Technical and Extend Education's Records to Class-3 Disposable and authorize destruction of Student records prior to August 2010.
6. Confirm Classification of the Occupational Non-Credit/Apprenticeship/Workforce Community and Continuing Education's Records to Class-3 Disposable and authorize destruction of records prior to fiscal year 2015-2016.
7. Accept Research Sub-award Agreement with Humboldt State University Sponsored Programs Foundation in the amount of \$10,000.00 for the period of 8/1/2018 through 9/30/2018.

8. Approve Agreement with Foundation for California Community Colleges to provide Foundation with Consultant Services. District to be compensated \$1,887,328.00.

H. H. Human Resource Services (Consent)

1. Ratify Personnel Action Report which may include hiring/rehiring (all employee groups except Executive Administrators) leaves, retirements/separations, etc. as detailed in the exhibit(s).
2. Ratify one (1) Memorandum of Understanding between the District and the Palomar Faculty Federation/AFT Local 6161.
3. Approve Agreement with Discovery Benefits, Inc. to permit payment of fees for the Health Savings Account for \$1.50 per participant per month.

I. I. Fiscal and Administrative Services (Consent)

1. Approve five (5) year Construction Plan for the period of 2020-2024.

J. J. Superintendent/President (Consent)

1. Approve the acceptance of various donations with a total estimated value of \$3,758.00 as shown in the exhibit.
2. Acknowledge and excuse trustee absence in accordance with Section 72024(d) of the CA Education Code.

K. Action on Items Removed from Consent There were none.

L. Reports from College Groups

1. INFORMATION: Report of the Faculty Senate

Travis Ritt, President of the Faculty Senate, absent.

2. INFORMATION: Report of the Palomar Faculty Federation

Teresa Laughlin, Co-President of the PFF, talked about the Janus decision and reported that more people joined than left the union following the Supreme Court decision. She shared several reasons people cited for joining the union. She expressed continued concern with the hiring process for acting and interim positions. She handed out copies of BP/AP 7120 (on file in the Governing Board Office in accordance with AP 3310) and elaborated on some reasons for her concerns including the perception of preferential treatment and the lack of transparency.

3. INFORMATION: Report of the Administrative Association

Connie Sterling, President of the Administrative Association had no report.

4. INFORMATION: Report of the Confidential and Supervisory Team

CAST had no report.

5. INFORMATION: Report of the CCE/AFT

Anel Gonzalez, President of the CCE, reported that the Janus decision did not have an impact on CCE union membership. She shared that during a CCE membership-meeting attendees expressed concerns about performance evaluations not being completed. Anel reported that the CCE held its retreat and goal setting session.

6. INFORMATION: Report of the Associated Student Government

Amber Bancroft, ASG President, reported on the Discover Palomar events and stated the first ASG meeting of the semester is scheduled for August 24.

M. New Business

N. Student Services (New Business)

1. **Approve two (2) trips for International Travel for one Educational Administrator, Yasue O'Neill, Coordinator, International Education.**

Motion by Evilsizer, second by Hensch. There was no discussion.

Vote – Aye: McNamara, Halcón, Evilsizer, Deerfield and Hensch.

Student Trustee advisory vote: Aye.

Final Resolution: Approved

2. **Approve Agreement with Dr. Enchanta Jenkins to implement the Family Planning, Access, Care and Treatment program at San Marcos Health Center in Fall 2018.**

Motion by Evilsizer, second by Halcón. There was no discussion.

Vote – Aye: McNamara, Halcón, Evilsizer, Deerfield and Hensch.

Student Trustee advisory vote: Aye.

Final Resolution: Approved

O. Fiscal and Administrative Services (New Business)

1. **Approve six (6) Change Orders for Bid CM-17-18-01-NEC-XX, Fallbrook Education Center for a total of \$132,482.00.**

Motion by Halcón, second by Evilsizer. There was no discussion.

Vote – Aye: McNamara, Halcón, Evilsizer, Deerfield and Hensch.

Student Trustee advisory vote: Aye.

Final Resolution: Approved

2. **Request to reduce the retention held on Bid CM-15-16-01-SEC-XX, Rancho Bernardo Education Center for Swinerton Builders from 5% to 2.5%.**

Motion by Evilsizer, second by Hensch. There was no discussion.

Vote – Aye: McNamara, Halcón, Evilsizer, Deerfield and Hensch.

Student Trustee advisory vote: Aye.

Final Resolution: Approved

3. **Approve Change Order #9 for \$300,307.00 for Owner added scope, site security and DSA changes on Bid CM-15-16-01-SEC-XX, Rancho Bernardo Education Center project.**

4. **Approve Change Order #4 for \$84,293.00 for Owner changes, unforeseen conditions and additional costs on the Maintenance & Operations Design/Build project.**

Board President McNamara asked that items 3 and 4, both being change orders, be considered together. There being no objection a motion was made to approve both items.

Motion by Halcón, second by Hensch. Trustee Evilsizer asked for clarification of the costs associated with attaining Net Zero for the M&O project. Director Chris Miller responded.

Vote – Aye: McNamara, Halcón, Evilsizer, Deerfield and Hensch.

Student Trustee advisory vote: Aye.

Final Resolution: Approved

5. **Accept as complete and final six (6) Bid Packages for Bid CM-17-18-01-NEC-XX North Education Center project, authorize release of retention in 35 days and record the Notice of Completions.**

Motion by Evilsizer, second by Halcón. There was no discussion.

Vote – Aye: McNamara, Halcón, Evilsizer, Deerfield and Hensch.

Student Trustee advisory vote: Aye.

Final Resolution: Approved

6. **Accept as complete and final Bid #104-18 Food Pantry and SU Remodel project and authorize release of retention to Fordyce Construction, Inc. in 35 days and record the Notice of Completion.**

Motion by Halcón, second by Evilsizer. There was no discussion.

Vote – Aye: McNamara, Halcón, Evilsizer, Deerfield and Hensch.

Student Trustee advisory vote: Aye.

Final Resolution: Approved

7. **Approve Agreement, Easements, Waivers and Releases and Permission to Grade with Pardee Homes and authorize recording with the County of San Diego for improvements on District Fallbrook Education Center property.**

Motion by Evilsizer, second by Hensch. There was no discussion.

Vote – Aye: McNamara, Halcón, Evilsizer, Deerfield and Hensch.

Student Trustee advisory vote: Aye.

Final Resolution: Approved

8. **Award Bid #105-18 South Education Center Offsite Intersection Improvement Project to PAL General Engineering, Inc. in the amount of \$288,467.00.**

Motion by Halcón, second by Hensch. There was no discussion.

Vote – Aye: McNamara, Halcón, Evilsizer, Deerfield and Hensch.

Student Trustee advisory vote: Aye.

Final Resolution: Approved

9. **Approve Lease transfer for two (2) construction trailers at the Fallbrook Education Center from Swinerton Construction to District for staff to work and store materials for 36 months at \$1,386.64/month.**

Motion by Halcón, second by Evilsizer. Trustee Evilsizer asked for clarification on the feasibility of moving the trailers off-site. Director Miller responded.

Vote – Aye: McNamara, Halcón, Evilsizer, Deerfield and Hensch.

Student Trustee advisory vote: Aye.

Final Resolution: Approved

10. **Accept and Approve Legal Finding for unforeseen conditions on the LRC Sidewalk Connector Project.**

Motion by Halcón, second by Evilsizer. There was no discussion.

Vote – Aye: McNamara, Halcón, Evilsizer, Deerfield and Hensch.

Student Trustee advisory vote: Aye.

Final Resolution: Approved

P. **Board Requests for Reports** Trustees made the following requests for information:

- Identify how Wells Fargo's values align with Palomar's
- Employee evaluations not being conducted timely
- Voids/gaps in medical coverage
- Update of Palomar's Information Technology/Security/Chancellor's Office "Hack Audit"
- Review/outcome of Zameer Karim Case
- Acting/Interim Recruitment process
- Student Lisa Cirillo, harassment and treatment from Director, Financial Aid

Q. **Continuation of Closed Session**: Not needed.

R. **Adjournment** The meeting adjourned at 6:29 p.m.


Paul McNamara, Board President


Mark Evilsizer, Secretary