



APPROVED 12/11/2018
GOVERNING BOARD MINUTES
MEETING OF THE GOVERNING BOARD
TUESDAY, NOVEMBER 13, 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

- a. Teresa Laughlin commented on the Superintendent/President's contract and the "annuity" language as used in the contract; she asked that the contract be amended to clarify the term. Teresa passed out a one-page undated sheet related to the term "annuity."
- b. Barbara Baer commented on the President's contract and the annuity language, she asked the Board for clarity on the terminology.
- c. Susan Snow commented that the agenda was posted after work hours on Friday.
- d. Anel Gonzales commented on the Superintendent/President contract specifically the life-time benefits being offered and the annuity language in the contract.

B. Recess to Closed Session The Board recessed to closed session in room A-1 at 4:12 p.m.

C. Reconvene to Open Session The Board reconvened to open session in SSC-1 at 6:47 p.m. All trustees present.

1. Actions Taken in Closed Session:

Board President McNamara reported that the Board took final action to release employee #005000442 from his part-time faculty/coach position with the District effective November 14, 2018. The vote was unanimous.

2. Pledge of Allegiance

Following the Pledge of Allegiance the meeting continued.

3. Public Comment in accordance with Board Policy 2350
 - a. Stacy Rungaitis invited the Board to attend Giving Tuesday on November 27 and the Community Showcase on December 4.
 - b. Shannon Lienhart commented on the proposed Presidential Suite and a public records act request she placed with the District.
 - c. Norma Miyamoto commented on the Superintendent/President contract and the annuity language it contains.
4. Adoption of Agenda: Call for Removal of items - or changes to - the agenda.
The agenda was adopted by unanimous consent.

D. Approval of Minutes for the Regular and Special Meeting(s) of the previous month

The Board approved the Governing Board meeting minutes of the October 9, 2018 Regular meeting as written.

Motion by Halcón, second by Hensch.

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

Final Resolution: Approved

E. Hold Public Hearing(s) as required - none this month.

F. Reports

Governing Board President, Paul McNamara had no report.

Trustee Halcón presented a plaque of appreciation to outgoing Board President, Paul McNamara, and thanked him for his leadership this past year.

Trustee Evilsizer reported on the November 8 Veteran's Day Celebration on campus.

Trustee Deerfield commented on Wells Fargo's practices and Robert Reich's book.

Trustee Hensch reported on the Fallbrook Veteran's event.

Student Trustee Bancroft congratulated those who won on election night. She asked the Board to re-convene to closed session if needed after open session to not keep people waiting at the 5:00 pm open session. She commented on the Grand Opening of the Food Pantry.

Superintendent/President Blake reported she met with Rincon leaders, attended the following events: A task force meeting on drone technology, the Veteran's Day Celebration, and Fallbrook Veteran's event. She congratulated Trustee Evilsizer and Norma Miyamoto on winning the Board Trustee election.

Vice President for Instructional Services, Jack Kahn congratulated Trustee Evilsizer and trustee-elect Norma Miyamoto. VP Kahn reported enrollment increased 2.6% over last fall's enrollment. And commented on partnerships and agreements with high school districts and community groups.

Acting Vice President for Student Service, Aiden Ely announced the new Police Headquarters building is open and operational. He commented on mental health and food insecurity support for students.

Vice President for Fiscal and Administrative Services, Ron Perez reported on the Fallbrook Education Center. Palomar College received a Safety Award for the Rancho Bernardo Center. Those involved were introduced. A concept video of the permanent structure for the Fallbrook Center was presented.

Vice President for Human Resource Services, Lisa Norman reported on the campus-wide Title IV coordinators and reporters, hiring and diversity training, compliance officer and committee chair training, and a VAWA Grant awarded.

G. Approval of Consent Calendar items: Approval of Consent Calendar Items H-L.

Motion by Evilsizer, second by Hensch.

Vote: Aye: McNamara, Hensch, Evilsizer, Halcón, and Deerfield. Student Trustee Bancroft: Aye

Final Resolution: Approved

H. Instruction (Consent)

1. Approve Curriculum Action items for inclusion in the Palomar College Curriculum Inventory effective Fall 2018 and Fall 2019
2. Approve extended Field Trip for students to attend the National Student Advocacy Conference in Washington, D.C. on March 9 - 12, 2019.
3. Midwinter National College Journalism Convention Feb.28-Mar. 3 2019, San Diego, CA For Palomar College Journalism Students

I. Student Services (Consent)

1. Approve reclassification and destruction of Student Services records listed in the exhibit pursuant to Title 5.

J. 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 three (3) Memoranda of Understanding between the District and the Palomar Faculty Federation/AFT Local 6161.

K. Fiscal and Administrative Services (Consent)

1. Approve short-list of PeopleSoft Consultant 2018 firms to be designated to provide services on various upgrade PeopleSoft projects and approve contracts for each firm.
2. Ratify all contracts and agreements made September 1, 2018 through October 31, 2018 on behalf of the District as detailed in the exhibit.
3. Review and approve purchases made by Purchase Order 09/26/18 - 11/01/18 and purchases made by CAL-Card 09/23/18 - 10/22/18 totaling \$4,685,247.37 as listed on the exhibit.

L. Superintendent/President (Consent)

1. Approve Palomar Community College District Board Policies as shown in the exhibit (Second Reading).

2. First Reading: Review Board Policies that have been approved by the Policies and Procedures Committee and the Strategic Planning Council as shown in the exhibit.

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

N. Reports from College Groups

1. Report of the Faculty Senate

Travis Ritt, President of the Faculty Senate, thanked the Board for their approval of the new full and part-time faculty members. He read a resolution affirming AP 7120 Recruitment and Hiring passed by the Faculty Senate.

2. Reports of the Palomar Faculty Federation

Teresa Laughlin, Co-President of the PFF, congratulated Norma Miyamoto for winning the Board Trustee election. Teresa reported on the following PFF events: a workshop on debt forgiveness and listening sessions on top priorities. She gave an update on the ombudsman and conference funding programs.

3. Report of the Administrative Association

No report.

4. Report of the Confidential and Supervisory Team

No report.

5. Report of the Council of Classified Employees

Anel Gonzalez, President of the CCE, commented on new classified positions and expressed concern about the two analyst positions and the upcoming Department of Education Site Visit regarding grants. The CCE leadership is visiting their members at all the Centers. She announced Union Fridays.

6. Report of the Associated Student Government

No report.

O. Informational Items - No Action Required

Review of newly approved Administrative Procedures as shown in the exhibit.

P. New Business

Q. Instruction (New Business)

1. Approve Amendment 1 to the CCAP Agreements for dual enrollment with Bonsall Unified School District, Fallbrook Union High School District, and Vista Unified School District.

Motion by Evilsizer, second by Halcón.

Vote: McNamara, Hensch, Evilsizer, Halcón, and Deerfield

Student Trustee advisory vote: Aye.

Final Resolution: Approved

2. Approve Agreement with High Tech High for the District to provide dual enrollment, college courses, on the High Tech High North County campus.

Motion by Evilsizer, second by Halcón.

Vote: McNamara, Hensch, Evilsizer, Halcón, and Deerfield

Student Trustee advisory vote: Aye.

Final Resolution: Approved

3. Palomar Community College District CCAP Partnership Agreement with Escondido Union High School District

Motion by Halcón, second by Evilsizer.

Vote: McNamara, Hensch, Evilsizer, Halcón, and Deerfield

Student Trustee advisory vote: Aye.

Final Resolution: Approved

4. Approve Agreement with San Diego County Office of Education Juvenile Court and Community Schools

Motion by Halcón, second by Evilsizer.

Vote: McNamara, Hensch, Evilsizer, Halcón, and Deerfield

Student Trustee advisory vote: Aye.

Final Resolution: Approved

R. Student Services (New Business) - none this meeting.

S. Human Resource Services (New Business)

1. Second Review and Approval of Third Amended Employment Agreement with Superintendent/President, Joi Blake, consideration of addendum to agreement. Possible actions include approve addendum to clarify modifications of Paragraphs 1, 3 and 7; final ratification of contractual modifications in Paragraphs 1, 3 and 7, effective retroactively; and any actions which may be considered to address, cure or correct the alleged noncompliance with the provisions of the Brown Act as to the action taken by the Governing Board with respect to Agenda Item O.1 at the regular meeting on July 10, 2018.

Trustee McNamara recommended a four-year contract, a one-time "retention incentive" payment of \$15,000.00 at separation, and the granting of lifetime medical. Trustee Evilsizer asked if dental benefits were also included. Trustees McNamara and Deerfield recommended that the Board's recommendations be incorporated into a new revised document and that it then be brought back for final review at the next meeting.

Following discussions trustee Hensch motioned to return the contract to staff to have the attorney amend and clarify the language as directed by the Board and the document be brought it back at the next meeting for Board review and approval.

Motion by Hensch, second by Evilsizer.

Vote: McNamara, Hensch, Evilsizer, Halcón, and Deerfield

Student Trustee advisory vote: Aye.

Final Resolution: Approved

T. Fiscal and Administrative Services (New Business)

1. Award Contract to Barnhart-Reese Construction, Inc. as the lowest, responsive and responsible bidder in the amount of \$2,932,870.00 for Bid 100-19 T Building - New Storage Buildings project. Trustee Halcón asked for clarification on the location of this project. Facilities staff responded.

Motion by Evilsizer, second by Halcón.

Vote: McNamara, Hensch, Evilsizer, Halcón, and Deerfield

Student Trustee advisory vote: Aye.

Final Resolution: Approved

2. Approve one (1) change order related to the Rancho Bernardo Education site project totaling \$ 35,000.00 as detailed in the exhibit.

Motion by Evilsizer, second by Hensch.

Vote: McNamara, Hensch, Evilsizer, Halcón, and Deerfield

Student Trustee advisory vote: Aye.

Final Resolution: Approved

U. Superintendent/President (New Business)

1. The Governing Board designated December 11, 2018 the District's Annual Organization Meeting.

Motion by Evilsizer, second by Hensch.

Vote: McNamara, Hensch, Evilsizer, Halcón, and Deerfield

Student Trustee advisory vote: Aye.

Final Resolution: Approved

2. The Governing Board reviewed and approved two facility naming items as recommended by the Superintendent/President in accordance with AP 3830 - Naming of Facilities.

Motion by Evilsizer, second by Halcón.

Vote: McNamara, Hensch, Evilsizer, Halcón, and Deerfield

Student Trustee advisory vote: Aye.

Final Resolution: Approved

3. Discuss and take action regarding a claim for personal legal defense of Governing Board Trustee Nina Deerfield in the matter of Palomar Faculty Federation, Local 6161, CFT/AFT, AFL-CIO and Teresa Laughlin v. Palomar Community College District; Trustee Evilsizer; John Halcón; Nancy Ann Hensch; Paul McNamara; Nina Deerfield; and DOES 1 through 15, San Diego Superior Court Case No. 37-2018-00048389-CU-MC-NC, filed September 25, 2018.

Recommended actions:1) Reject claim for payment of all attorneys' fees incurred for personal legal counsel selected by Trustee Deerfield in the matter of Palomar Faculty Federation, Local 6161, CFT/AFT, AFL-CIO, et al. v. Palomar Community College District; et al. 2) Authorize joint representation of Trustee Deerfield by legal counsel selected by District or, alternatively, reimbursement to Trustee Deerfield for up to \$10,000.00 for attorneys' fees paid to personal legal counsel through June 30, 2019 for defense of the Trustee in the matter of Palomar Faculty Federation, Local 6161, CFT/AFT, AFL-CIO, et al. v. Palomar Community College District; et al.

Trustee Deerfield commented on the matter and asked to have the District pay her attorney fees related to this matter. Trustees requested that the District's attorney present in the audience respond. She commented that there is no basis for asserting a conflict of interest. Discussion ensued. Following discussions the Board motioned to approve reimbursement of up to \$10,000.00 to trustee Deerfield to cover attorney fees related to the matter: Palomar Faculty Federation, Local 6161, CFT/AFT, AFL-CIO and Teresa Laughlin v. Palomar Community College District; Trustee Evilsizer; John Halcón; Nancy Ann Hensch; Paul McNamara; Nina Deerfield; and DOES 1 through 15, San Diego Superior Court Case No. 37-2018-00048389-CU-MC-NC.

Motion by Halcón, second by Evilsizer.

Vote: McNamara, Hensch, Evilsizer, Halcón, and Deerfield

Student Trustee advisory vote: Aye.

Final Resolution: Approved

- V. **Board Requests for Reports** There were none.
- W. **Continuation of Closed Session** No additional closed session was needed.
- X. **Adjournment** The meeting adjourned at 7:59 p.m.


Board President


Board Secretary