

**SOUTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT
RONALD REAGAN BOARD OF TRUSTEES ROOM-RM 145
HEALTH SCIENCES/DISTRICT OFFICES BLDG., SADDLEBACK COLLEGE**

**MINUTES OF THE BOARD OF TRUSTEES' MEETING
December 5, 2011**

PRESENT

Members of the Board of Trustees:

Nancy M. Padberg, President
T.J. Prendergast, Vice President
Marcia Milchiker, Clerk
David B. Lang, Member
Frank M. Meldau, Member
Jordan J. Larson, Student Member

Administrative Officers:

Gary Poertner, Chancellor
Debra Fitzsimons, Vice Chancellor, Business Services
David Bugay, Vice Chancellor, Human Resources
Robert Bramucci, Vice Chancellor, Technology and Learning Services
Glenn Roquemore, President Irvine Valley College
Tod Burnett, President Saddleback College
Randy Peebles, Associate Vice Chancellor, Economic Development

ABSENT

Thomas A. Fuentes, Member
William O. Jay, Member

CALL TO ORDER: 5:00 P.M.

1.0 PROCEDURAL MATTERS

1.1 Call To Order

1.2 Public Comments

*Members of the public may address the Board on items listed to be discussed in **closed session**. **Speakers are limited to two minutes each.***

RECESS TO CLOSED SESSION FOR DISCUSSION OF THE FOLLOWING:

- A. Student Discipline (EC 72122)
 - 1. Student Discipline (1)
 - a. Student Discipline/Dismissal/Release

- B. Conference with Labor Negotiators (GC Section 54957.6)
 - 1. California School Employees Association (CSEA)
 - a. Agency Designated Negotiator: David Bugay, Ph. D.

 - 2. Police Officers Association (POA)
 - a. Agency Designated Negotiator: David Bugay, Ph. D.

- C. Conference with Real Property Negotiators (GC Section 54956.8)
 - 1. Lease of Property by District: Portion of Saddleback College site: MG Promenade Apartments LLC, 28032 Marguerite Parkway, Mission Viejo

- D. Conference with Legal Counsel (GC Section 54956.9)
 - 1. Existing Litigation (GC Section 54956.9[b]) (1)
Westphal v. Wagner

 - 2. Anticipated Litigation (GC Section 54956.9 (2))

RECONVENE OPEN SESSION: 6:00 P.M.

2.0 PROCEDURAL MATTERS

2.1 Actions Taken in Closed Session

On a 5-0 vote, with Trustee Bill Jay and Trustee Tom Fuentes absent, the Board approved the expulsion of a full-time student pursuant to Education Code 72122.

2.2 Invocation

Led by Trustee Bill Jay

Due to Trustee Jay's absence, Trustee Nancy Padberg led the invocation.

2.3 Pledge of Allegiance

Led by Trustee Dave Lang

2.4 Annual Organizational Meeting and Facilities Corporation Meeting

A. Election of Officers

On a motion made by Trustee Prendergast and seconded by Trustee Milchiker, Trustee Padberg was nominated President of the Board of Trustees. This motion passed on a 5-0 vote with Trustee Jay and Trustee Fuentes absent.

On a motion made by Trustee Milchiker and seconded by Trustee Meldau, Trustee Prendergast was nominated as Vice President of the Board of Trustees. This motion passed on a 5-0 vote with Trustee Jay and Trustee Fuentes absent.

On a motion made by Trustee Meldau and seconded by Trustee Prendergast, Trustee Milchiker was nominated to be Clerk of the Board of Trustees. This motion passed on a 5-0 vote with Trustee Jay and Trustee Fuentes absent.

B. Appointment of Secretary and Assistant Secretary

On a motion made by Trustee Lang, seconded by Trustee Prendergast and unanimously carried on a 5-0 vote, Chancellor Poertner was appointed Secretary.

On a motion made by Trustee Lang, seconded by Trustee Prendergast and unanimously carried on a 5-0 vote, Vice Chancellor of Business Services, Dr. Fitzsimons was appointed Assistant Secretary.

C. Appointment of Trustee Representatives

On a motion made by Trustee Lang, seconded by Trustee Prendergast, the same trustees appointed as representatives to committees in 2011 will represent the same committees in 2012. This motion passed on a 5-0 vote.

Representative to the Nominating Committee to the Committee on School District Organization:

Trustee T.J. Prendergast was appointed Representative; and Trustee Marcia Milchiker was appointed Alternate Representative.

District's Political Action Representative to the Orange County School Boards Association:

Trustee David Lang was appointed Representative to the Orange County School Boards Association.

Liaison to Orange County Community College Trustees Association: Trustee Bill Jay was appointed Liaison to Orange County Community College Trustees Association.

Representative to the Orange County Legislative Task Force: Trustee Marcia Milchiker was appointed Representative to the Orange County Legislative Task Force and Trustee Dave Lang was appointed Alternate Representative.

Representatives to the SOCCCD Audit Committee to serve on the Pre-Audit and Exit Meetings

Trustee Marcia Milchiker was appointed Chair, Trustee Nancy Padberg and Trustee Dave Lang were appointed Representatives.

D. Establishment of Regular Meeting Dates

On a motion made by Trustee Milchiker and seconded by Trustee Prendergast, the Board approved the Board meetings for the calendar year 2012. This motion passed on a 5-0 vote.

E. Establishment of Agenda Planning Calendar

On a motion made by Trustee Milchiker and seconded by Trustee Prendergast, the Agenda Planning Calendar was approved on a 5-0 vote.

F. Approval of Agenda Format

On a motion made by Trustee Milchiker and seconded by Trustee Meldau, the Agenda Format was approved on a 5-0 vote.

G. Special Meeting of the Board of Directors, Facilities Corporation

On a motion made by Trustee Lang, seconded by Trustee Milchiker and unanimously carried on a 5-0 vote, the same persons holding membership on the SOCCCD Board of Trustees were elected as directors of the Facilities Corporation 2011 of the South Orange County Community College District to a term of office extending until the next annual organizational meeting.

Trustee Padberg was appointed President, Trustee Prendergast was appointed Vice President, Trustee Milchiker was appointed Secretary, and Trustee Lang was appointed Chief Financial Officer to a term of office

extending until the date of the next annual organizational meeting.

Chancellor, Gary Poertner, was appointed to the office of assistant secretary and the Vice Chancellor of Business Services, Dr. Debra Fitzsimons, was appointed to the office of assistant treasurer.

2.5 Resolutions / Presentations / Introductions

Resolution - Saddleback College Student Winners
College Broadcasters, Inc., National Student
Production Awards, October 26-30, 2011.

2.6 Public Comments

*Members of the public may address the Board on any item on the agenda at this time or during consideration of the item. Items not on the agenda that are within the subject matter jurisdiction of the Board may also be addressed at this time. **Speakers are limited to two minutes each.***

3.0 REPORTS

3.1 Oral Reports: Speakers are limited to two minutes each.

- A. Board Reports
- B. Chancellor's Report
- C. Board Request(s) for Report(s)

4.0 DISCUSSION ITEM

4.1 **SOCCCD: ATEP: Future Program and Educational Use by Colleges**

Each college will present to the Board of Trustees their vision and initial plans for future programs and education uses of the ATEP campus site for Saddleback College and Irvine Valley College.

Saddleback College and Irvine Valley College staff presented to the Board their college's vision and planning for the future use of the ATEP site.

5.0 CONSENT CALENDAR ITEMS

All matters on the consent calendar are routine items and are to be approved in one motion unless a Board member requests separate action on a specific item, and states the compelling reason for separate action.

Trustee Lang requested to remove items 5.1, 5.5, 5.6 from the Consent Calendar for separate discussion/action.

Trustee Padberg requested to remove items 5.12, 5.14, 5.15, 5.16, 5.17, and 5.18 from the Consent Calendar for separate discussion/action.

On a motion made by Trustee Prendergast and seconded by Trustee Milchiker, the balance of the Consent Calendar was approved on a 5-0 vote.

5.1 SOCCCD: Board of Trustees Meeting Minutes

Approve minutes of a regular meeting held on November 16, 2011.

On a motion made by Trustee Lang and seconded by Trustee Prendergast, this item was amended and approved on a 5-0 vote. It was duly noted on the minutes from November 16, 2011 that Trustee Fuentes abstained from voting on items 5.1 and 5.12 correcting the vote to 5-0.

5.2 Saddleback College: Grant Acceptance, Youth Entrepreneurship Project mini-grant

Accept sub-award of \$10,000 from Rancho Santiago Community College District.

5.3 Saddleback College: Study Abroad Program to Santander, Spain

Approve the Saddleback College study abroad program: Spanish Language Studies in Santander, Spain in the summer of 2012 and direct the administration to execute the Educational Tour/Field Study Travel Contractor Agreement with the Travel and Education for coordinating all travel agreements.

5.4 Saddleback College: Community Education Non-Credit Program—Spring 2012 Additions

Approve the additional Saddleback College Community Education courses, presenters, and compensation for Spring 2012.

5.5 SOCCCD: Basic Aid Allocation-FY 2011-2012 for College Scheduled Maintenance Projects at SC and IVC and IT Project Development and Support

Approve \$1,768,000 of basic aid allocation, in which \$768,000 is for IT Development Support through August 31, 2012 for SIS, MAP, and Sherpa and \$1,000,000 for College Scheduled Maintenance projects.

Trustee Lang requested to divide the item as follows:

On a motion made by Trustee Lang and seconded by Trustee Prendergast, the Board voted to approve IT Project Development and Support on a 5-0 vote.

On a motion made by Trustee Prendergast and seconded by Trustee Lang, the Board approved Scheduled College Maintenance Projects at Saddleback and IVC College on a 4-1 vote with Trustee Lang casting a negative vote.

5.6 Saddleback College and Irvine Valley College: Student Health Fee Stabilization

Approve the request of both colleges to implement a student health fee increase of \$1 for the 2012-13 academic year; and implement automatic student health fee adjustments consistent with the State Chancellor's Office advice when an increase occurs in the Implicit Price Deflator for State and Local Government Purchase of Goods and Services.

On a motion made by Trustee Prendergast and seconded by Trustee Milchiker this item was approved on a 5-0 vote with a stipulation to strike the word "automatic" from the recommendation.

5.7 Irvine Valley College: Dance, Associated Students of Irvine Valley College (ASIVC) 2011-12 Out-of-State Travel

Approve the out-of-state travel to Salt Lake City, Utah from March 13-16, 2012 for the Co-Curricular Dance Program. All costs for travel, food, lodging and incidentals will be paid by ASIVC. There is no impact to the general fund.

5.8 Irvine Valley College: Dance Cultural and Educational Exchange Program: New Choreographic Landscapes Out-of-State Travel

Approve the out-of-state travel to Paris, France, and the subsequent welcome of French students to IVC from June – August, 2012. All costs for travel, food, lodging and incidentals will be paid by students. There is no impact to the general fund.

5.9 Irvine Valley College: Landscaping Project; Award of Completion Contract for Bid No. 300

Approve the completion agreement with Diversified Landscape Management, Inc., in the amount of \$1,196,552.00.

5.10 Irvine Valley College: Landscaping Project; Change Order No. 1

Approve change order resulting in an increase of \$4,129 in the project cost. The revised contract total amount is \$1,200,681.00.

5.11 SOCCCD: Authorization of Payment to Trustee Absent from Board Meeting

Adopt resolution 11-37 (Exhibit A) authorizing payment to Trustee Jay who was absent from the November 16, 2011 Meeting of the Board of Trustees.

5.12 SOCCCD: Trustees' Requests for Attending Conferences

Approve/Ratify trustees' requests for attending conferences.

On a motion made by Trustee Lang and seconded by Trustee Prendergast, this item was approved on a 5-0 vote.

- 5.13 **SOCCCD: Education and Facilities Master Plan: CEQA Consultant Services, Amendment No. 1**
Approve amendment to the agreement with RGP Planning & Development Services in the amount of \$26,450.00. The total revised amount is \$291,344.00.

- 5.14 **SOCCCD: Student Information System and My Academic Plan: Software Development Services: Agreement Amendment No. 1 - Crescent Solutions**
Approve Amendment No. 1 and No.2, with Crescent Solutions in the amount of \$122,304 and \$68,544.00 respectively. The total combined agreement amendment(s) amount is \$190,848.00.

On a motion made by Trustee Lang and seconded by Trustee Prendergast items 5.14, 5.15, 5.16, 5.17 and 5.18 were approved on a 5-0 vote.

- 5.15 **SOCCCD: Sherpa Project: Quality Assurance Services: Agreement Amendment No.1 - eNamix**
Approve amendment to agreement with eNamix in the amount of \$94,080.00.

See item 5.14.

- 5.16 **SOCCCD: Database Design Services: Agreement Amendment No. 1 - Nimble Consulting**
Approve amendment to agreement with Nimble Consulting in the amount of \$168,000.00.

See item 5.14.

- 5.17 **SOCCCD: Software Development Services: Agreement Amendment No. 1 - Advance Tek**
Approve amendment to agreement with Advance Tek in the amount of \$134,400.00.

See item 5.14.

- 5.18 **SOCCCD: Business Analysis and Project Management Services: Agreement Amendment No. 1 - Catalyst Consulting**
Approve amendment to agreement with Catalyst Consulting in the amount of \$181,440.00

See item 5.14.

- 5.19 **SOCCCD: Budget Amendment: Adopt Resolution No. 11-36 to Amend 2011-2012 Restricted General Fund**
Adopt resolution to amend the 2011-2012 adopted budget.

- 5.20 **SOCCCD: Gifts to the District and Foundations**
Approve the acceptance of donations.
- 5.21 **SOCCCD: Payment of Bills**
Approve check no. 153353 through 154032 processed through the Orange County Department of Education, totaling \$5,093,443.47; and check no. 010296 through 010308, processed through Saddleback College Community Education, totaling \$9,988.04; and check no. 008936 through 008941, processed through Irvine Valley College Community Education, totaling \$8,576.85.
- 5.22 **SOCCCD: Purchase Order/Confirming Requisitions**
Approve purchase orders processed in accordance with the general priorities of the adopted budget and numbered P12-02179 through P12-02425 amounting to \$984,756.13. Approve confirming requisitions dated October 26, 2011 through November 14, 2011 totaling \$81,254.19.
- 5.23 **SOCCCD: Transfer of Budget Appropriations**
Ratify the transfer of budget appropriations as detailed in the exhibit.
- 5.24 **SOCCCD: November 2011 Contracts**
Ratify contracts as listed.

6.0 **GENERAL ACTION ITEMS**

- 6.1 **ATEP: Conduct a Public Hearing: Agreement for the Exchange of Real Property and Certification of the Addendum to FEIS/EIR**
Conduct a public hearing to provide an opportunity for the public to comment on the subject pertaining to the approval of the Exchange Agreement and certification of the Exchange Agreement Addendum under CEQA.

President Padberg opened the Public Hearing at 6:30 p.m. and seeing that there were no public comments, the hearing was adjourned at 6:30 p.m.

- 6.2 **ATEP: Resolution No. 11-38**
Resolution of the Board of Trustees of the SOCCCD certifying the Addendum dated November 2011 to the Final Joint Program Final Environmental Impact Statement/Environmental Impact Report for the Disposal and Reuse of the MCAS Tustin and the MCAS Tustin Specific Plan/Reuse Plan Pursuant to the California Environmental Quality Act for the Land Exchange Agreement Project.

On a motion made by Trustee Lang and seconded by Trustee Prendergast the resolution was accepted on a 5-0 vote.

- 6.3 **ATEP: Resolution No. 11-39**
Resolution of the Board of Trustees of the South Orange County Community College District Approving the Agreement for the Exchange of Real Property between the County of Orange and the South Orange County Community College District at the Advanced Technology & Education Park Campus and Authorizing the Chancellor to Sign the Agreement.
- On a motion made by Trustee Lang and seconded by Trustee Prendergast the resolution was accepted on a 5-0 vote.
- 6.4 **SOCCCD: District Annual Audit Report: 2010-11**
Accept report for review and study.
- On a motion made by Trustee Meldau and seconded by Trustee Milchiker, this item was approved on a 5-0 vote.
- 6.5 **SOCCCD: Saddleback College Foundation and Irvine Valley College Foundation Annual Audit Reports: 2010-2011**
Accept reports for review and study.
- On a motion made by Trustee Lang and seconded by Trustee Milchiker, this item was approved on a 5-0 vote.
- 6.6 **SOCCCD: Organizational Assessment for Administrators and Classified Managers**
Approve a new integrated District Administrator Manager Salary Schedule.
- On a motion made by Trustee Prendergast and seconded by Trustee Milchiker, this item failed on a 3-2 vote with Trustee Lang and Trustee Meldau casting negative votes.
- 6.7 **SOCCCD: Academic Personnel Actions – Regular Items**
Approve New Personnel Appointments, Reorganization and/or Reclassification of Classified Positions, Additional Compensation: General Fund, Additional Compensation: Categorical/Non-General Fund, Administrator Contract Extension, Resignation/ Retirement/Conclusion of Employment.
- Item B.1 was pulled by administration.
- On a motion made by Trustee Lang and seconded by Trustee Meldau, the balance of this item was approved on a 5-0 vote.
- 6.8 **SOCCCD: Classified Personnel Actions – Regular Items**
Approve New Personnel Appointments, Authorization to Eliminate Classified Position and/or Position Numbers, Authorization to Establish and Announce a Classified Position, Reorganization and/or Reclassification of Classified Positions, Change of Status, Change in Location, Out of Class Assignments, Resignation/Retirement/Conclusion of Employment, Volunteers.

Items A.1.b. and D. were pulled by administration.

On a motion made by Trustee Lang and seconded by Trustee Milchiker, the balance of this item was approved on a 5-0 vote.

7.0 REPORTS

7.1 Irvine Valley College: Student Learning Outcomes Progress Toward Proficiency

Pursuant to the request of Trustee President Padberg in November, IVC reports its progress toward the Accrediting Commission for Community and Junior Colleges 2012 proficiency requirement for student learning outcomes.

7.2 Saddleback College: Student Learning Outcomes Progress Toward Proficiency

At the November 2011 SOCCCD Board of Trustees Meeting, President Padberg requested a report on Saddleback College's progress toward the Accrediting Commission for Community and Junior Colleges 2012 proficiency requirement for student learning outcomes.

7.3 Irvine Valley College and Saddleback College: Speakers

Approve a listing of speakers for events and/or classes at Irvine Valley College.

7.4 SOCCCD: Basic Aid Report

Report on projected receipts and approved projects.

7.5 SOCCCD: Facilities Plan Status Report

Status of current construction projects.

At 8:57 p.m., on a motion made by Trustee Prendergast and seconded by Trustee Padberg, the Board unanimously approved to extend the meeting to 9:15 p.m.

7.6 SOCCCD: Monthly Financial Status Report

The reports display the adopted budget, revised budget and transactions through October 31, 2011.

7.7 SOCCCD: Retiree (OPEB) Trust Fund

This report is for period ending October 31, 2011.

7.8 SOCCCD: Follow-up Information on Redistricting

At the request of Trustee Fuentes, data from the OC Registrar of Voters from March 2011 regarding political party affiliation is being provided.

8.0 WRITTEN REPORTS

Reports by the following individuals and groups should be written and submitted through the docket process prior to distribution of the Board agenda packet.

- A. Saddleback College Academic Senate
- B. Faculty Association
- C. Irvine Valley College Academic Senate
- D. Associate Vice Chancellor, Economic Development
- E. President, Irvine Valley College
- F. President, Saddleback College
- G. Vice Chancellor, Technology & Learning Services
- H. Vice Chancellor, Human Resources
- I. Vice Chancellor, Business Services
- J. Irvine Valley College Classified Senate
- K. California School Employees Association
- L. Saddleback College Classified Senate
- M. Police Officers' Association
- N. Associated Student Government of SC
- O. Associated Student Government of IVC

9.0 ADDITIONAL ITEMS

9.1 **Saddleback College: 2012-2013 Faculty Hiring Request Correction**

Approve the announcement of positions and recruitment of the replacement full-time faculty as shown in Exhibit A, contingent upon funding, at Saddleback College for the 2012-2013 academic year.

On a motion made by Trustee Lang and seconded by Trustee Prendergast, this item was approved on a 5-0 vote.

ADJOURNMENT (or continuation of closed session if required): **9:00 P.M.**

The meeting was adjourned at 9:07 p.m. in memory of Joe Tinervia, former Associate Professor at Saddleback College.



Gary L. Poertner, Secretary