**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
**April 25, 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
Eve Shieh, Student Member

Administrative Officers:

Gary Poertner, Chancellor
Robert Bramucci, Vice Chancellor, Technology and Learning Services
David Bugay, Vice Chancellor, Human Resources
Tod Burnett, President Saddleback College
Glenn Roquemore, President Irvine Valley 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. Public Employee Appointment, Employment, Evaluation of Performance, Discipline, Dismissal, Release (GC Section 54957)
   1. Public Employee Employment (2)
   2. Public Employee Discipline, Dismissal (1)

B. Conference with Labor Negotiators (GC Section 54957.6)
   1. SOCCCD Faculty Association
      a. Agency Designated Negotiator: David Bugay, Ph. D.

   2. California School Employees Association (CSEA)
      a. Agency Designated Negotiator: David Bugay, Ph. D.

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

C. Conference with Legal Counsel (GC Section 54956.9)
   1. Existing Litigation (GC Section 54956.9[b]) (1 case)
      Westphal v. Wagner'

   2. Anticipated Litigation/Significant Exposure to Litigation (1 case) (GC Section 54956.9[b][1] and [b][3][A])

**RECONVENE OPEN SESSION: 6:30 P.M.**

## 2.0 PROCEDURAL MATTERS

2.1 Actions Taken in Closed Session

2.2 Invocation
Led by Trustee David Lang

2.3 Pledge of Allegiance
Led by Trustee Marcia Milchiker

2.4 Resolutions / Presentations / Introductions
Resolution: Student Trustee: Eve Shieh
Resolution: Anita Bandekar, Saddleback College Outstanding Classified Employee of the Year
Resolution: Jamie Smith, Irvine Valley College Outstanding Classified Employee of the Year
Resolution: Tasha Trankiem, District Outstanding Classified Employee of the Year
Resolution: Irvine Valley College Speech & Debate Team 2011 State and National Champions

2.5 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: Humanitarian Efforts for Japan
Students of Saddleback College and Irvine Valley College will present information on humanitarian efforts for Japan.

Students and faculty from both colleges gave an overview of ongoing charity efforts to assist in disaster relief for the people of Japan.

## 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 Padberg requested item 6.22 be advanced and item 6.23 be pulled from the general action calendar.

On a motion made by Trustee Milchiker and seconded by Trustee Meldau Item 6.22 was approved on a 5-0 vote.

On a motion made by Trustee Milchiker and seconded by Trustee Prendergast the consent calendar was approved on a 5-0 vote with Trustee Fuentes and Trustee Jay absent.

5.1 SOCCCD: Board of Trustees Meeting Minutes
Approve minutes of a regular meeting held on March 28, 2011.

5.2 Irvine Valley College: Sale of Library Surplus Under $5,000 Per Year
Approve the sale of outdated and non-used library books. The proceeds from the sale will be returned to the IVC Library general fund book account in order to purchase new editions of titles in the subject disciplines taught on campus.

5.3 Irvine Valley College: Curriculum Revisions for the 2011-12 Academic Year
Approve curriculum changes for the 2011-12 academic year pursuant to Title 5, Section 53200 et seq.

5.4 Saddleback College: James B. Utt Memorial Learning Resource Center Renovation: Change Order Requests
Approve change order requests resulting in an increase of $240,375 in the project cost. The revised contract total amount is $12,539,375.00.

5.5 Saddleback College: Pool Deck Replacement: Change Order No. 1
Approve change order increasing the contract amount with Condor, Inc. in the amount of $26,734.00. The revised contract total amount is $1,084,734.00

5.6 ATEP: Site Utility Severance and Demolition, Change Order No. 1
Approve change order request resulting in a decrease of $34,426.00 in the total project cost. The revised contract total amount is $1,240,740.00.

5.7 ATEP: Site Utility Severance and Demolition: Notice of Completion
Approve notice of completion and authorize the release of retention.

5.8 SOCCCD: Authorization to Voluntarily Dissolve Nonprofit Corporation
Approve the dissolution of the nonprofit corporation known as the South Orange County Community College District Facilities Corporation.

5.9 SOCCCD: Authorization of Payment to Trustee Absent from Board Meeting
Adopt resolution 11-10 (Exhibit A) authorizing payment to Trustee Fuentes who was absent from the March 31, 2011 Special Meeting of the Board of Trustees.

5.10 SOCCCD: Purchase Order/Confirming Requisitions
Approve purchase orders processed in accordance with the general priorities of the adopted budget and numbered P11-03789 through P11-04335 amounting to $2,889,601.39 and P12-00002 through P12-00031 amounting to $88,747.25. Approve confirming requisitions dated March 2, 2011 through April 5, 2011 totaling $220,007.58.

5.11 SOCCCD: Payment of Bills
Approve check no. 100969 through 102022, processed through the Orange County Department of Education, totaling $6,711,115.45; and check no. 010067 through 010090, processed through Saddleback College Community Education, totaling $63,741.99; and check no. 008837 through 008856, processed through Irvine Valley College Community Education, totaling $125,301.02.

5.12 SOCCCD: Transfer of Budget Appropriations
Ratify transfer of budget appropriations as shown.

5.13 SOCCCD: Budget Amendment: Adopt Resolution No. 11-08 to Amend 2010/2011 Restricted General Fund
Adopt resolution to amend the adopted budget.

5.14 SOCCCD: Gifts to the District and Foundations
Approve acceptance of gifts.

5.15 SOCCCD: March/April 2011 Contracts
Ratify contracts as listed.

## 6.0 GENERAL ACTION ITEMS

6.1 Irvine Valley College: WIA ITA Training Provider Agreement with the Santa Ana Workforce Investment Board
Approve the WIA ITA Training Provider Agreement between IVC and the Santa Ana Workforce Investment Board (SAWIB) that will establish IVC's eligibility to receive WIA funding and authorize SAWIB to disburse vouchers to IVC to pay for the tuition, fees, and books related to approved certificates and/or degrees.

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

6.2 Irvine Valley College: WIA ITA Training Provider Agreement with the City of Anaheim
Approve the WIA ITA Training Provider Agreement between IVC and the City of Anaheim that will establish IVC's eligibility to receive WIA funding and authorize the City of Anaheim to disburse vouchers to IVC to pay for the tuition, fees, and books related to approved certificates and/or degrees.

On a motion made by Trustee Lang and seconded by Trustee Meldau this item was approved on a 5-2 vote.

6.3 Irvine Valley College: Grant Acceptance, Career Development Work-Based Learning Linkages to Professional Organizations, Year Three
Approve the third-year award of $666,667.00 offered from the California Community Colleges Chancellor's Office (CCCCO) for the "Career Development Work-Based Learning Linkages to Professional Organizations" grant, RFA No. 10-034-001. This multi-year granting period is from Dec. 1, 2010 through Feb. 28, 2013.

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

6.4 Irvine Valley College: Award of Bid: Cafeteria Operation Agreement
Approve a one year agreement with four one-year extensions with S&B Foods for cafeteria operations.

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

6.5 Irvine Valley College: Award of Bid: Beverage Supplier/Promotion Agreement
Approve a three year agreement with two one-year extensions with Bottler Group, LLC.

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

6.6 Irvine Valley College: Award of Bid: Life Science Building
Approve award of bid to Edge Development, Inc., and approve agreement in the amount of $11,387,287.00.

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

6.7 Saddleback College: James B. Utt Memorial Learning Resource Center Renovation Project: Amendment to Geotechnical Engineers Scope of Work
Approve agreement amendment with American Geotechnical, changing the scope or work for an amount of $122,592.00. The revised total contract amount is $169,532.00.

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

6.8 Saddleback College: Parking Bail Increase to Offset New State Legislative Surcharge Pursuant to SB 857
Approve an increase of $3.00 to the bail schedule for parking violations at Saddleback College.

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

6.9 ATEP: Award of Bid: Drainage Ditch Maintenance and Repair
Approve agreement with STL Landscape, Inc., in the amount of $25,000.00.

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

6.10 SOCCCD: Appointment of Audit Committee Representatives – 2011
Appoint three Board of Trustee members to serve on the District Audit Committee. One of the three trustees will serve as the chair.

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

6.11 SOCCCD: Invocations at District and College Events Resolution 11-11
Adopt Resolution 11-11 regarding official policies and practices related to invocations at District and College events.

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

6.12 SOCCCD: Agreement for Special Services for ATEP Project: McKenna Long & Aldridge, LLP
Approve the updated agreement with McKenna Long & Aldridge, LLP, for services related to Base Realignment and Closure Act (BRAC) issues for development of ATEP site.

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

6.13 SOCCCD: Commercial, Business, or Agency User Selection Criteria for ATEP
Approve the Chancellor to seek and negotiate lease agreements based upon approved user criteria.

On a motion made by Trustee Milchiker and seconded by Trustee Meldau this item was approved on a 5-0 vote.

6.14 SOCCCD: Education Partner Selection Criteria for ATEP
Approve the Chancellor to seek and negotiate lease agreements based upon approved education partner criteria.

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

6.15 SOCCCD: Demolition of Chapel at ATEP
Approve the demolition of the chapel building and initiation of planning for a memorial.

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

6.16 SOCCCD: Board Policy Revision: BP-4306-Calendar, BP-104-Student Member of the Board of Trustees.
Discussion/Approval.

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

6.17 SOCCCD: Board Policy Revision: BP-4000.4-Equal Employment Opportunity, BP-4000.6-Complaints-Harassment and Discrimination, BP-4002-Job Specification and Authorized Positions, BP-5612-Adding Courses, BP-5613-Transcripts, BP-5614-Withholding of Student Records, BP-110-Code of Ethics-Standards of Practice

Accept for review and study.

On a motion made by Trustee Milchiker and seconded by Trustee Meldau this item was approved on a 5-0 vote.

6.18 SOCCCD: Resolution No. 11-09: Retire (OPEB) Trust Fund
Approve Resolution No. 11-09 to replace the Deputy Chancellor on the Retirement Board of Authority with the Vice Chancellor of Business Services.

On a motion made by Trustee Milchiker and seconded by Trustee Lang this item was approved by a roll call vote.

6.19 SOCCCD: Authorization to Seek Proposals for Lease/Leaseback Services
Approve authorization to seek proposals.

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

6.20 SOCCCD: Academic Personnel Actions – Regular Items
Approve New Personnel Appointments, Authorization to Eliminate an Academic Administrative Position and/or Position Numbers, Authorization to Establish an Academic Administrative Position, Authorization to Change Organization Reporting Structure and Realignment, Change of Status, Additional Compensation: General Fund, Additional Compensation: Categorical/Non-General Fund, Request to Rescind Workload Banking Leave, Resignation/Retirement/Conclusion of Employment.

On a motion made by Trustee Lang and seconded by Trustee Milchiker this item was approved on a 5-0 vote with one change; Item I.1., Administration requested to change effective resignation date from June 15, 2011 to July 1, 2011.

6.21 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, Authorization to Reorganize a Classified Position, Change of Status, Out of Class Assignments, Leave of Absence, Resignation/Retirement/Conclusion of Employment, Volunteers.

Administration requested that item E.1.a be pulled.

On a motion made by Trustee Milchiker and seconded by Trustee Meldau this item was approved on a 5-0 vote.

6.22 SOCCCD: Resolution No. 11-07 Retirement Incentive Program & Public Agency Retirement System (PARS) Agreement: Academic Employee Supplemental Retirement Plan
Adoption of Resolution 11-07, PARS Supplementary Retirement Plan and approval of agreement for administrative services with Phase II Systems.

The Board advanced item and approved on 5-0 vote.

6.23 SOCCCD: Adopt Resolution No. 11-12: Classified Employee Layoff
Adoption of Resolution 11-12 to reduce three categorically funded classified positions through layoff.

This item was pulled by administration.

6.24 SOCCCD: Recess to Public Hearing – California School Employees Association Proposal
Conduct a public hearing to provide an opportunity for the public to comment on the proposal from CSEA.

At 8:26 p.m. the Regular Meeting was recessed to a Public Hearing on the California School Employees Association Proposal. Since there were no public comments, the Public Hearing was adjourned and the Regular meeting was reconvened at 8:27 p.m.

## 7.0 REPORTS

7.1 Saddleback College: Speakers
A listing of speakers for events and/or classes at Saddleback College.

7.2 SOCCCD: Basic Aid Report
Report on projected receipts and approved projects.

7.3 SOCCCD: Retiree (OPEB) Trust Fund
This report is for the period ending March 31, 2011.

7.4 SOCCCD: Facilities Plan Status Report
Status of current construction projects.

7.5 SOCCCD: List of Board Requested Reports
Reports requested by the Board of Trustees.

7.6 SOCCCD: Monthly Financial Status Report
The report displays the adopted budget, revised budget and transactions through February 28, 2011.

7.7 SOCCCD: Quarterly Financial Status Report
This report is as of March 31, 2011

## 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. President, Saddleback College
B. President, Irvine Valley College
C. Associate Vice Chancellor, ATEP
D. Associated Student Governments of SC
E. Associated Students of IVC
F. Saddleback College Academic Senate
G. Irvine Valley College Academic Senate
H. Faculty Association
I. California School Employees Association
J. Saddleback College Classified Senate
K. Irvine Valley College Classified Senate
L. District Services Classified Senate
M. Police Officers' Association

## 9.0 ADDITIONAL ITEMS

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

The meeting was adjourned at 8:43 p.m. in memory of Irvine Valley College student, Cameron Cook.

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Gary L. Poertner, Secretary