

Board of Trustees

Ventura County Community College District

Robert O. Huber

Chair

Stephen P. Blum, Esq.

Vice Chair

Cheryl Heitmann

Trustee

Arturo D. Hernández

Trustee

Larry O. Miller

Trustee

Donna Valle

Student Trustee



James M. Meznik
Chancellor/Secretary to the Board

**MINUTES
FOR THE ANNUAL
ORGANIZATIONAL MEETING OF
TUESDAY, DECEMBER 9, 2008**

The regular meeting of the Board of Trustees of the Ventura County Community College District was held on Tuesday, December 9, 2008, at the District Administrative Center Multi-Purpose Room, Ventura, California.

ROLL CALL

Board Members Present:

Robert O. Huber, Chair

Stephen P. Blum, Esq., Vice Chair

Cheryl Heitmann, Trustee

Arturo D. Hernández, Trustee

Larry O. Miller, Trustee

Donna Valle, Student Trustee

Management Present:

James Meznik, Chancellor

Robin Calote, President, Ventura College

Richard Durán, President, Oxnard College

Pam Eddinger, President, Moorpark College

Sue Johnson, Vice Chancellor, Business Services

Richard Dawe, Vice Chancellor, Planning and Organizational Development

Ramiro Sanchez, Executive Vice President, Student Learning

Brenda Shubert, Executive Vice President, Student Learning

Eleanor Brown, Interim Vice President

Jaime Casillas, Interim Vice President

Ray Di Guilio, Vice President

David Keebler, Vice President

John al-Amin, Vice President

Michael Arnoldus, Director

Lori Bennett, Dean

Terry Cobos, Director

Kay Faulconer Boger, Dean
Dave Fuhrmann, Director
Dan Brown, Dean
Clare Geisen, Director
Tim Harrison, Dean
Kim Hoffmans, Dean
Brian Hu, Director
Carolyn Inouye, Dean
Gwen Lewis-Huddleston, Dean
Victoria Lugo, Dean
Mary Anne McNeil, Director
Darlene Melby, Business Manager
Lisa Miller, Dean
Jerry Mortensen, Assistant Dean
Inajane Nicklas, Dean
David Oliver, Dean
Rick Shaw, College Technical Services
John Sinutko, Director
Julius Sokenu, Dean
Kathy Scott, Dean
Heather Untalan, Assistant Dean
Rich DeLaO, Chief

Faculty/Staff/Student Representatives:

P. Scott Corbett, Academic Senate President, Oxnard College
Peter Sezzi, Academic Senate President, Ventura College
Margaret Tennant, Academic Senate President, Moorpark College
Donna Santschi, Classified Senate Representative, Moorpark College
Lauren Lewow, Director of External Affairs, ASG, Moorpark College
Nancy Pham, ASG President, Ventura College
Handel Evans, Bond Measure S Program Director
Les Dickey, Heery International
John Wagner, AFT President
Eileen Welser, Executive Assistant to the Chancellor

CALL TO ORDER

Chair Miller called the meeting to order at 5:31 p.m.

RECESS TO CLOSED SESSION

At 5:32 p.m., the meeting was recessed to Closed Session.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

- Chancellor

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

{*Government Code §54956.9(a)*} (One Case)

CONFERENCE WITH REAL PROPERTY NEGOTIATOR {*Government Code § 54956.8*}

Property: Portion of Camarillo Airport Site -- approximately 16 acres located west of Las Posas Road and north of Pleasant Valley Road currently in use by the Ventura County Fire Protection District (VCFPD).

Agency Negotiator: Chancellor James Meznek and/or designee.

Negotiating Parties: VCCCD and VCFPD. Under negotiation will be the amount of lease payments and duration of lease including specific lease requirements as to the use of the property.

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

{*Government Code §54956.9(b)*} (One case)

PUBLIC EMPLOYEE/DISCIPLINE/DISMISSAL/RELEASE {*Government Code § 54957*}

RECONVENE IN OPEN SESSION

Chair Miller called the meeting to order at 7:51 p.m.

PLEDGE TO THE FLAG

Peter Sezzi led the Pledge to the Flag.

CLOSED SESSION REPORT

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

It was moved by Vice Chair Huber, seconded by Chair Miller, and carried on a 5 - 0 vote, that employee #900-00-0703 will not be reemployed in their administrative position at the expiration of their current contract.

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

{*Government Code §54956.9(b)*} (One case)

It was moved by Trustee Blum, seconded by Chair Miller, and carried on a 5 to 0 vote, that the Board reject the Tort Claim in the Matter of Jeffrey Theiler against Ventura County Community College District, James Meznek, Robin Calote, and Walter Johnson & Associates.

CEREMONIAL ADMINISTRATION OF THE OATH OF OFFICE AND SEATING OF TRUSTEES

Chancellor James Meznek administered the Oath of Office to Robert O. Huber and Larry O. Miller. Vice Chair Huber and Chair Miller commented on the progress that has been made on the Board during the past four years.

Board Actions

Trustees/Chancellor

A-1 Election of Chair of the Board of Trustees [Page 1] was moved by Trustee Hernández to elect Robert O. Huber as Chair of the Board of Trustees and carried on a unanimous vote.

Presentation of Plaque. Chair Huber presented a plaque to Larry Miller in recognition of his outstanding service and commitment to the Ventura County Community College District as Chair of Board of Trustees from December 2006 to November 2008. The Board acknowledged Trustee Miller.

A-2 Election of Vice Chair of the Board of Trustees [Page 2] was moved by Trustee Miller to elect Stephen Blum as Vice Chair of the Board of Trustees and carried on a unanimous vote.

A-3 Appointment of Secretary to the Board of Trustees [Page 3] was moved by Trustee Heitmann to appoint James M. Meznek, Ph.D., as Secretary to the Board of Trustees.

A-4 Certification of School Board Representative to Vote in Election for Member of the County Committee on School District Organization [Page 4] was moved by Vice Chair Blum, seconded by Trustee Heitmann, and carried on a unanimous vote to select Art Hernández as the Ventura County Community College District's representative on the Ventura County Committee on School District Organization at its annual meeting.

ACKNOWLEDGEMENT OF GUESTS & SPECIAL RECOGNITIONS

- *Certificate of Recognition* for Dorothy Beaubien, Board President, Conejo Valley School District
- *Certificate of Recognition* for Dolores Didio, Board Member, Conejo Valley School District

Trustee Heitmann acknowledged the exemplary leadership Dorothy Beaubien and Dolores Didio within the community.

At 8:07 p.m., a brief recess was held to recognize re-elected trustees and elected officers.

At 8:20 p.m., the meeting reconvened in Open Session.

PUBLIC COMMENTS

John Wagner, Trina Nagele, and Karen Harrison addressed the Board regarding the budget and the relocation of the ESL Program.

REPORTS

- **Student Representatives**

- Lauren Lewow reported on the Moorpark College Associated Student Government activities.
- Nancy Pham commented on activities on campus, the budget, and Luminis.
- Donna Valle wished everyone a Happy Holiday.

- **Chancellor**

- **Yearly Report on College Foundations.** The Moorpark, Ventura, and Oxnard College Presidents and the following Foundation representatives updated the Board on the status of the Foundations.
 - **Moorpark College.** Dan Peate, Chair of Moorpark College Foundation.
 - **Ventura College.** Dave Bianco, Foundation Chair and Norbert Tan, Executive Director. Mr. Tan will provide the Board with an opinion letter regarding Statement of Auditing Standards 112 (Sas112).

The Board acknowledged the College Presidents and the Foundation Boards.

- **Academic Senates**

- Peter Sezzi commented on activities at Ventura College, participatory governance, Educational Master Plan, professional development events, and the women's basketball coach.
- Margaret Tennant highlighted processes at Moorpark College, faculty prioritization, participatory governance, and budget cuts. Dr. Tennant invited the Board to Arctic Nights at EATM.
- P. Scott Corbett reported on a culinary arts event, the President's Holiday Reception, planning, faculty hiring prioritization, and budget cuts.

- **Trustees**

- **Committees**

Trustee Blum reported on the Capital Planning and Facilities Committee meeting.

Trustee Heitmann provided an overview of the Audit/Budget/Foundation/Relations Committee and recommended approval of the audits. There was discussion regarding requests for proposals for auditors, and it was pointed out that the Audit Committee would make recommendations to the Board.

- **Reports/Announcements/Correspondence**
 - Trustee Hernández mentioned the Foundation dinner and budget concerns.
 - Trustee Miller commented on the GEO Bowl and the foster student dinner.
 - Chair Huber reported on the presentation of the Certificate of Recognition to Moorpark Mayor Patrick Hunter.

The Board asked for an update regarding the proposed prison in Camarillo and the effect it would have on the Ventura County Community College District.

The Board acknowledged students, faculty, administrators, and staff and wished everyone Happy Holidays.

- **Ventura County Homeless and Housing Coalition/United Way** – Cathy Brudnicki, Executive Director, addressed the Board regarding the 2nd Bi-Annual Homeless Person Count on January 27, 2009.

CHANGES TO THE AGENDA

Human Resources

C-2 Employment and Position Management

- C. **Approval of Reclassification of Positions [Page 22]** was revised to remove Item No. 3. This item will be placed on the January 13, 2009, Board agenda

CONSENT CALENDAR ITEMS

It is moved by Trustee Miller, seconded by Trustee Heitmann, and carried on a unanimous vote, to approve the Consent Calendar Items with the exception of Items C2B and Item C11.
(Valle - yes)

Approval of Minutes

C-1 Meeting Minutes

- A. **Action to Approve the Minutes of the Regular Meeting of the Board of Trustees for November 18, 2008 [Page 5]** was granted.

Human Resources

C-2 Employment and Position Management

- A. **Approval of Abolishment and Establishment of Positions [Page 16]** was granted.
- B. **Approval of Establishment of Positions [Page 21]** was pulled for discussion.
- C. **Approval of Reclassification of Positions [Page 22]** was granted.
- D. **Approval to Rescind Action to Abolish and Establish Positions [Page 28]** was granted to rescind an action to abolish and establish a position presented at the September 9, 2008 Board of Trustees meeting.

- C-3 Changes in Personnel/Employment Status**
A. Approval of Changes in Positions & Assignments [Page 30] was granted.
B. Approval of Granting Sick Leave Days from Established Sick Leave Pool for Full and Part-time Academic Employees [Page 32] was granted.

Business Services

- C-4 Ratification of Accounts Payable and Payroll for the Period of October 28, 2008 - November 17, 2008 [Page 33]** was approved.
- C-5 Approval/Ratification of Board Purchase Order Report #7 for FY 2008-09 [Page 34]** was granted from October 27, 2008 to November 18, 2008.
- C-6 Surplus/Disposal of Equipment [Page 46]** was approved to dispose of the following items:
- Hospital beds and a fax machine that is outdated and too costly to be repaired by the District.
 - 1986 Ford Ranger Truck, VIN 1FTBR10A3GUB76914 and a 1979 Chevrolet ½ Ton Truck, VIN CLN1398258285 that are too costly to be repaired by the District.
- C-7 Acceptance of Gifts [Page 47]** was approved to accept the following gifts:
- Cash Donation of \$10,000 to be used by the Moorpark College Baseball Program
Donated by: Kathyne Beynon Foundation Trust
 - Donation of a 5 Ton Condensor to be used by the Oxnard College HVAC Program.
Donated by: Lennox Industries
 - Donation of Sterile Filter Units and Tissue Culture Flasks to be used by the Moorpark College Industrial Biotechnology Program.
Donated by: Amgen, Inc.
- C-8 Acceptance of Completion of Bid 322, Fencing for Oxnard and Moorpark Colleges [Page 48]** was approved.
- C-9 Acceptance of Completion of Bid 335, Moorpark College Energy Retrofit Project, Electrical [Page 49]** was approved.
- C-10 Monthly Budget Transfer Summary [Page 50]** was ratified for the time period of July 2008 through October 2008 for the General Fund-Unrestricted and General Fund-Restricted.
- C-11 Approval of New Contract for Fiscal Year 2008-09 [Page 52]** was pulled for discussion.

*Capital Planning and Facilities***C-12 Capital Planning and Facilities**

- A. Acceptance of Completion of Contract with Western Group, Inc. for Moorpark College P.E. Annex, Project #19210 [Page 54]** was granted to accept the completion and closeout of the construction contract with Western Group, Inc., for the Moorpark College P.E. Annex, project #19210.
- B. Approval of Subcontractor Substitution for Lath, Plaster, Metal Studs and Drywall Work for the Oxnard College Performing Arts and Auditorium, Project #29117. [Page 55]** was granted to approve the substitution of Davcal Inc. for Matrix Wallsystems, Inc., as the listed Lath, Plaster, Metal Stud, and Drywall subcontractor for the Oxnard College Performing Arts and Auditorium, project #29117.
- C. Approval to Issue a Supplement to Paul Murdoch Architects for Increased Scope of Professional Services on the LRC Renovation at Oxnard College, Project #29124 [Page 56]** was granted to approve a contract addendum for increased architectural services in the amount of \$36,520 to Paul Murdoch Architects, for additional services civil engineer, landscaping, electrical engineer, audio/visual systems and coordination for the LRC Renovation at Oxnard College, project #29124.
- D. Approval of Contract with Geotechniques for Geotechnical Construction Testing Services for the New Learning Resource Center (LRC) at Oxnard College, Project #29124 [Page 57]** was granted in the amount of \$33,835, to provide construction testing services for the new Learning Resource Center (LRC) at Oxnard College, project #29124.
- E. Approval of Contract with Golden State Labor Compliance for Labor Compliance Services for the Ventura College AT/GPC & HSC Buildings, Project #39120 [Page 58]** was granted to approve a contract with Golden State Labor compliance in the amount of \$108,000 to provide labor wage compliance services for the Ventura College Advanced Technology/General Purpose Classrooms & Health Science Center, Project #39120.
- F. Approval of Withdrawal of Bid from Emma Corporation for the Regional Fire, Sheriff & Police Education and Training Academy, Project #89106 [Page 59]** was granted to withdraw the bid from Emma Corporation for the Regional Fire, Sheriff & Police Education and Training Academy, Project #89106.
- G. Reject Bid Protest Filed by Viola Constructors Concerning the Bids Submitted for the Fire, Sheriff & Police Education & Training Academy, Project #89106 [Page 63]** was granted to reject a bid protest filed by Viola Constructors against the bids to construct the Fire, Sheriff & Police Education & Training Academy, project #89106.
- H. Approval of Contract for the Regional Fire, Sheriff & Police Education and Training Academy, Project #89106 [Page 71]** was granted to award a contract to Chegini Enterprises Inc. dba SMC Construction Company in the amount of \$15,399,000 for the Regional Fire, Sheriff & Police Education and Training Academy, project #89106.

- I. **Approval of Contract with Golden State Labor Compliance Services for the Regional Fire, Sheriff & Police Education and Training Academy, Project #89106 [Page 73]** was granted to approve a contract with Golden State Labor Compliance in the amount of \$59,234 to provide labor wage compliance services for the Regional Fire, Sheriff & Police Education and Training Academy, Project #89106.
- J. **Notice of Purchase of Douglas E. Barnhart, Inc. by Heery International, Inc. [Page 74].** The Board approved the process identified below established by H.E. Consulting to remove any conflict of interest issues on the construction of the Oxnard College Student Services Center building. Heery International, Inc. (Heery) purchased Douglas E. Barnhart, Inc. (Barnhart). Barnhart is the contractor for the Oxnard College Student Services Center. In order to avoid any conflict of interest issues, all change orders and significant issues that occur during construction of the Oxnard College Student Services Center will be reviewed independently by H. E. Consulting.
- K. **Acceptance of Change Order Summary Report for Capital Projects [Page 75]** was approved.

Student Learning

- C-13 **Fall 2008 Candidates for Graduation and Certificates at Moorpark, Oxnard, and Ventura Colleges. [Page 83]** was approved.

*Action on Items Listed on the
Consent Calendar but Pulled to be Considered Individually*

Human Resources

C-2 **Employment and Position Management**

- B. **Approval of Establishment of Positions [Page 21]** was moved by Chair Huber, seconded by Vice Chair Blum, and carried on a unanimous vote. (Valle – yes)

Chair Huber asked about the cost charged to the General Fund at the end of the grant.

- C-11 **Approval of New Contract for Fiscal Year 2008-09 [Page 52]** was moved by Chair Huber, seconded by Trustee Heitmann, and carried on a unanimous vote, to approve a new contract for FY 2008-09 and authorize amending the General Fund Restricted budgets. (Valle – yes)

First Reading

- **First Reading: Course Approvals: New and Revised Courses at Moorpark, Oxnard, and Ventura Colleges. [Page 111]** was accepted for Second Reading.

ACTION ITEMS/SECOND READING ITEMS

Business Services

- A-5 Approval of Resolution for Employer Pick-up of Public Employees Retirement System Employee Contributions [Page 150]** was moved by Trustee Miller, seconded by Vice Chair Blum, and carried on a unanimous vote, to approve a resolution to designate certain California Public Employees Retirement System (CalPERS) employee contributions as being “picked-up” by the employer and treated as employer contributions for tax purposes per Internal Revenue Code (IRC) Section 414(h) (2). (Valle – yes)
- A-6 Acceptance of the Audited Financial Statements for the Fiscal Year Ending June 30, 2008 [Page 154]** was moved by Trustee Hernández, seconded by Trustee Heitmann, and carried on a unanimous vote, to accept the audited financial statements for the fiscal year ending June 30, 2008. (Valle – yes)
- A-7 Acceptance of the Annual Audited Reports for Fiscal Year Ending June 30, 2008 for the Moorpark, Oxnard, and Ventura College Foundations [Page 155]** was moved by Trustee Heitmann, seconded by Vice Chair Blum, and carried on a unanimous vote, to accept the annual audited reports for Fiscal Year ending June 30, 2008, for the Moorpark, Oxnard, and Ventura College Foundations. (Valle – yes)

OPEN STUDY SESSION

At 9:35 p.m., Chair Huber opened the Study Session.

- **2008-09 Budget – Mid-Year Cuts.** Sue Johnson reported on the proposed mid-year cuts. Robin Calote, Pam Eddinger, and Richard Durán provided a brief overview of the process used to determine budget cuts. There was discussion with the Board regarding the cuts, and the Board acknowledged administrators, faculty, and staff for their efforts in this process. The Board asked for periodic budget updates.

CLOSE STUDY SESSION

At 10:05 p.m., Chair Huber closed the Study Session.

- A-8 FY 2008-09 Budget Amendment General Fund – Unrestricted and Use of Unallocated Reserves (requires 2/3 vote) [Page 156]** was moved by Vice Chair Blum, seconded by Trustee Miller, and carried on a unanimous vote, to amend the General Fund expenditure account and Use of Unallocated Reserves. (Valle – yes)
- A-9 Approval of 403(b) Retirement Plan Adoption Agreement [Page 160]** was moved by Trustee Miller, seconded by Trustee Heitmann, and carried on a unanimous vote, to approve the written plan document for the 403(b) Retirement Plan offered by the District. (Valle – yes)

Trustees/Chancellor

A-11 Appointment of Board of Trustees Committees -- Appointments to Serve for 2009 [Page 163] for 2009 was approved. The Chair made the following appointments.

<u>Committee</u>	<u>Chair</u>	<u>Member</u>
Academic Affairs	Trustee Miller	Vice Chair Blum
Audit/Budget/Foundation Relations	Trustee Heitmann	Trustee Hernández
Capital Planning & Construction	Trustee Hernández	Chair Huber
Legislative Program	Chair Huber	Trustee Heitmann
Rules	Vice Chair Blum	Trustee Miller

A-12 Board of Trustees 2009 Schedule of Meetings [Page 167] was moved by Trustee Heitmann, seconded by Trustee Miller, and carried on a unanimous vote, to approve the following 2009 Schedule of Meetings as amended. (Valle - yes)

2009 BOARD OF TRUSTEES MEETINGS

DATE	LOCATION	TIME	PURPOSE
January 13	District Administrative Center 255 West Stanley Avenue, Suite 150 Ventura, CA 93001	5:30 p.m. 7:00 p.m.	Closed Session General Purpose Meeting
February 10	Oxnard College 4000 South Rose Ave. Oxnard, CA 93030	5:30 p.m. 7:00 p.m.	Closed Session General Purpose Meeting
March 10	District Administrative Center	5:30 p.m. 7:00 p.m.	Closed Session General Purpose Meeting
April 14	District Administrative Center	5:30 p.m. 7:00 p.m.	Closed Session General Purpose Meeting
May 12	District Administrative Center	5:30 p.m. 7:00 p.m.	Closed Session General Purpose Meeting
June 9	District Administrative Center	6:00 p.m.	Board Planning Session
June 23	District Administrative Center	5:30 p.m. 7:00 p.m.	Closed Session General Purpose Meeting
July 14	District Administrative Center	5:30 p.m. 7:00 p.m.	Closed Session General Purpose Meeting
August 4	District Administrative Center	5:30 p.m. 7:00 p.m.	Closed Session General Purpose Meeting
September 8	District Administrative Center	5:30 p.m. 7:00 p.m.	Closed Session General Purpose Meeting
October 13	District Administrative Center	5:30 p.m. 7:00 p.m.	Closed Session General Purpose Meeting
November 10	Moorpark College 7075 Campus Road, Moorpark, CA 93021	5:30 p.m. 7:00 p.m.	Closed Session General Purpose Meeting
December 8	District Administrative Center	5:30 p.m. 7:00 p.m.	Closed Session Annual Organizational Meeting

Vice Chair Blum asked for a yearly schedule for the Board Committees and announced the Construction and Facilities Committee would be held on December 16 at 5:15 p.m.

ADJOURNMENT

At 10:15 p.m. the meeting was adjourned