

Board of Trustees

Ventura County Community College District

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Robert O. Huber

Vice Chair

Stephen P. Blum, Esq.

Trustee

Cheryl Heitmann

Trustee

Arturo D. Hernández

Trustee

Donna Valle

Student Trustee



James M. Meznik
Chancellor/Secretary to the Board

<p>MINUTES FOR THE MEETING OF TUESDAY, OCTOBER 14, 2008</p>
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The regular meeting of the Board of Trustees of the Ventura County Community College District was held on Tuesday, October 14, 2008, at the District Administrative Center, Ventura, California.

ROLL CALL

Board Members Present:

Larry O. Miller, Chair

Robert O. Huber, Vice Chair

Stephen P. Blum, Esq., Trustee

Cheryl Heitmann, Trustee

Arturo D. Hernández, 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

Patricia Parham, Associate Vice Chancellor, Human Resources

Eleanor Brown, Interim Vice President

Jaime Casillas, Interim Vice President

Ray Di Giulio, Vice President

David Keebler, Vice President

John al-Amin, Vice President

Michael Arnoldus, Director

Lori Bennett, Dean

Terry Cobos, Director
Pat Ewins, Dean
Kay Faulconer Boger, Dean
Dan Brown, Dean
Clare Geisen, Director
Carmen Guerrero, Dean
Glenn Hisayasu, Assistant Dean
Kim Hoffmans, Dean
Brian Hu, Director
Karen Gorback, Assistant Dean
Carolyn Inouye, Dean
Victoria Lugo, Dean
Floyd Martin, Dean
Mary Anne McNeil, Director
Darlene Melby, Business Manager
Lisa Miller, Dean
Jerry Mortensen, Assistant Dean
Inajane Nicklas, Dean
David Oliver, Dean
Kathy Scott, Dean
John Sinutko, Director
Julius Sokenu, 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
Dan Casey, Classified Senate Representative, Oxnard College
Barbara Cogert, Classified Senate Representative, Ventura College
Johnny Garcia Vasquez, Vice President, Associated Student Government, Oxnard College
Lauren Lewow, Director of External Affairs, ASG, Moorpark College
Nancy Pham, Associated Student Government 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.

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
{*Government Code § 54956.9(b)(1) and (b)(3)(A)*}(2 Cases)

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

RECONVENE IN OPEN SESSION

Chair Miller called the meeting to order at 6:50 p.m.

PLEDGE TO THE FLAG

P. Scott Corbett led the Pledge to the Flag.

CLOSED SESSION REPORT

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

1. It was moved by Trustee Blum, seconded by Vice Chair Huber, and carried on a 5-0 vote, that the Board terminate the employment of employee #900-26-6267 effective October 15, 2008.
2. It was moved by Vice Chair Huber, seconded by Trustee Blum, and carried on a 5-0 vote, that the Board suspend employee #900-02-5929, without pay, for a period of ten (10) working days, effective Friday, October 17, 2008 through October 30, 2008.

PUBLIC COMMENTS

Diana Alvarado, Karen Harrison, Samuel Martinez, Joe Mendoza, Trina Nagele, John Wagner, and Gabriella Gonzales addressed the Board regarding the ESL Program.

David Gonzales, Personnel Commission Chair, addressed the Board in support of James King as Personnel Commissioner.

REPORTS

• **Student Representatives**

- Lauren Lewow, Director of External Affairs, Associated Student Government, Moorpark College, reported on student participation at the recent Moorpark College Fall Planning Retreat, commented on the upcoming California Community College Student Affairs Association Conference and Student Senate General Assembly, and invited the Board to attend Club Day.
- Nancy Pham, President, Associated Student Government, Ventura College, reported on the “Every Vote Counts” campaign, Club Rush Kickoff, the upcoming Clothesline Project, and invited everyone to visit the galleries on campus. Miss Pham then expressed concerns regarding the relocation of ESL offices.
- Johnny Garcia Vasquez, Vice President, Associated Student Government, Oxnard College, commented on campus activities, including the ASG vote initiative, Speakers Series, and Multicultural Arts Day.

- Student Trustee Donna Valle reported on student participation at the Moorpark College Fall Planning Retreat and announced she planned to attend the upcoming California Community College Student Affairs Association Conference and Student Senate General Assembly.
- **Chancellor**
 - **Productivity Update**
 - Richard Dawe, Vice Chancellor, Planning & Organizational Development, reviewed the following historical productivity information:
 - Fall Semester Target Completion Numbers
 - Fall Semester Target Completion Percentage
 - Spring Semester Target Completion Numbers
 - Spring Semester Target Completion Percentage

Dr. Dawe responded to questions from the Board. Chancellor Meznec said an update on districtwide retention would be provided to the Board.
 - **Department Chair Training Manual**
 - Dr. Richard Durán, President, Oxnard College, distributed the *Department Chairs and Coordinators Handbook* and provided a brief history of its development. Carmen Guerrero, Dean, Career and Technical Education, provided an overview of the handbook. President Durán and the Board acknowledged the Task Force for their work on developing the handbook.
 - **Community College Summit: Building Gateways to Green Economy**
 - Terry Cobos, Director of General Services, and Les Dickey, Heery International, reported on the *Community College Summit: Building Gateways to a Green Economy*. Vice Chair Huber requested plans for implementation of energy saving items be sent to the Construction and Facilities Committee for discussion. Trustee Heitmann acknowledged staff for attending the conference. Trustee Hernández recognized Trustee Heitmann for her involvement with the VCREA and energy conservation.
 - **Energy Conservation Project/ Emergency Preparedness and Technology Projects Update**
 - Dave Fuhrmann, Associate Vice Chancellor, Information Technology, provided an overview of the Energy Conservation Project, reported on Emergency Preparedness Technology Projects, and responded to Board questions. Trustee Hernández and Chair Miller acknowledged Mr. Fuhrmann for his efforts in developing the projects, and Chair Miller acknowledged Vice Chair Huber for his efforts related to emergency preparedness.
 - **Debrief – September 5, 2008 Incident**
 - Richard DeLaO, Chief of Police, provided a brief overview of events that occurred on September 5 at Ventura College. Dr. Robin Calote, President, Ventura College, commented on communication concerns and indicated VCCCD technology projects would help to address the issues. Trustee Blum acknowledged Chief DeLaO and Ventura College for their efforts.

- **Academic Senates**
 - Margaret Tennant, Academic Senate President, Moorpark College, provided an update on accreditation activities and the recent successful Moorpark College Fall Planning Retreat.
 - Peter Sezzi, Academic Senate President, Ventura College, reported on activities at Ventura College, including *One Book One Campus One Community* based on the novel *1984* by George Orwell, and then commented on current film showings, literary discussions, the upcoming October 29 Clothesline Project, and a recent District-wide accreditation training.
 - P. Scott Corbett, Academic Senate President, Oxnard College, commented on the First Annual Oxnard College Foundation *Tardeada* event held on October 5, the success of Multicultural Arts Day, and acknowledged Dr. Carolyn Inouye for her work related the STEM Grant.
- **Classified Senates**
 - Dan Casey, Classified Senate Treasurer, Oxnard College, commented on the success of Multicultural Arts Day and acknowledged Citicorp for donations.
 - Barbara Cogert, Classified Senate President, Ventura College, provided an update on Classified Senate activities, including customer service meetings and the scholarship fund project. Ms. Cogert also commented on release time for Classified Senate meetings.
- **Trustees**
 - **Committees**
 - Trustee Heitmann reported on the Rules Committee meeting and announced numerous policies were reviewed and placed on the agenda for approval by the Board.
 - Trustee Blum reported on the Capital and Facilities Planning Committee meeting and recommended approval for all Capital Planning and Facilities agenda items.
 - Trustee Hernández acknowledged students for their participation in the Moorpark College Planning Retreat and commended President Durán and the Oxnard College Foundation for the Tardeada event. Trustee Hernández also expressed concerns regarding the ESL Program relocation at Ventura College.
 - Trustee Heitmann acknowledged Oxnard College and Carolyn Inouye for efforts related to the STEM Grant. Trustee Heitmann also commented on the Ventura County Educators Hall of Fame event and suggested providing a way for employees to share energy saving ideas.

DISCUSSION

- **Appointment of James L. King as a Personnel Commissioner.** Chancellor Meznik explained the process used for appointment and stated the Board would make the Personnel Commissioner appointment at the November Board meeting.

CHANGES TO THE AGENDA

Trustees/Chancellor

C-1 Meeting Minutes

- A. Action to Approve the Minutes of the Regular Meeting of the Board of Trustees for September 9, 2008** was revised on page 8 - **Reconsideration of Item A-2 Resolution: Authorization of the Issuance of Election of 2002 (Measure S) General Obligation Bonds, Series C** to delete the following sentence:
Trustee Heitmann expressed her concerns regarding this item and asked staff to look seriously at bonds to determine the District's options.

Capital Planning & Facilities

- C-11F Approval of a Contract with Staples Construction Company, Inc., for Site Grading, Storm Drain and Electrical Infrastructure Work at the Oxnard College Learning Resource Center (LRC), Project #29124** This item went to bid on October 10, 2008, and was revised to add the name of the lowest and most responsible bidder, "Staples Construction Company, Inc." The amount of the lowest bid by Staples Construction Company, Inc, was for \$480,728.

Trustees/Chancellor

- A-10 Revisions to Governing Board Policy Manual Chapter 2 and 3 [p. 91]** was revised on page 2 to delete BP 2220 – Committees to the Board.

CONSENT CALENDAR ITEMS

It was moved by Vice Chair Huber, seconded by Trustee Blum, and carried on a unanimous vote, to approve the Consent Calendar items. (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 September 9, 2008 [p. 1]** was approved.
- B. Action to Approve the Revised Minutes of the Regular Meeting of the Board of Trustees for August 12, 2008 [p. 12]** was approved.

Human Resources

C-2 Employment and Position Management

- A. Approval of Abolishment and Establishment of Positions [p. 22]** was granted as listed.

Business Services

C-4 Ratification of Accounts Payable and Payroll for the Period of August 19 through September 22, 2008 [p. 23] was approved for the period of August 19, 2008 through September 22, 2008.

C-5 Approval/Ratification of Board Purchase Order Report #5 for FY 2008-09 [p. 24] was granted from August 12, 2008 to September 22, 2008.

C-6 Surplus/Disposal of Equipment [p. 43] was approved to dispose a Fujitsu Laptop computer and a Canon Copier that are outdated and too costly to be repaired by the District.

C-7 Acceptance of Gifts [p. 44] was approved to accept the donation of air conditioning parts and supplies to be used by the Oxnard College Air Conditioning Instructional Department, donated by Johnston Supply.

C-8 Approval of Microsoft Campus Agreement Renewal [p. 45] was granted to approve the renewal of a new three-year contract with Computerland of Silicon Valley for a Microsoft Campus Agreement offered through the Foundation for Community Colleges (FCCC).

C-9 Award of Bid 342, Moorpark College Shade Structure Project [p. 47] was approved to award Bid 342, Moorpark College Shade Structure Project to J. Evans Construction, Inc. with the low bid of \$57,375

C-10 Award of Bid 343, Moorpark College Gymnasium Basketball Backstop Project [p. 48] was approved to award Bid 343, Moorpark College Gymnasium Basketball Backstop to Tomark Sports with a bid of \$54,572.

Capital Planning and Facilities

C-11 Capital Planning and Facilities [p. 49.]

- A. Acceptance of Completion of Contract with C&S Pipeline, Inc. for the Moorpark College Electrical Infrastructure Phase 2 Project #19115** was approved to accept the completion and closeout of construction contract with C&S Pipeline, Inc., for the Moorpark College Electrical Infrastructure Upgrade Phase 2 Project #19115.

- B. Approval of Subcontractor Substitution for the Moorpark College Health Science Complex Project #19117 [p. 50]** was granted to substitute J&S Excavating, Inc. as the listed Earthwork subcontractor with Lee Construction Company for the Earth portion of the work on the Moorpark College Health Science Complex Project #19117.
- C. Approval of Measure S Budget Transfers at Oxnard College [p. 52]** was granted to approve budget transfers to the Measure S funded projects at Oxnard College.
- D. Approval of Subcontractor Substitution for Structural Steel Work for the Oxnard College Performing Arts Classroom and Auditorium, Project #29117 [p. 53]** was granted to approve the substitution of CraneVeyor Corp. for Wide Flange Steel as the listed Structural Steel and Metal Fabrication subcontractor for the Oxnard College Performing Arts Classroom and Auditorium, project #29117.
- E. Approval to Issue a Supplement to Nadel Public Sector Architects, LLP for Increased Scope of Professional Services at Oxnard College Student Services Center, Project #29120 [p. 54]** was granted to approve a contract addendum for increased architectural services in the amount of \$50,000 to Nadel Public Sector Architects, LLP for additional construction administration services due to extended construction period at the Oxnard College Student Services Center, project #29120.
- F. Approval of a Contract with Lowest and Most Responsible Bidder for Site Grading, Storm Drain and Electrical Infrastructure Work at the Oxnard College Learning Resource Center (LRC), Project #29124 [p. 55]** was granted to approve a contract with Staples Construction Company, Inc. in the amount of \$480,728 for site grading, partial storm drain relocation, and installing certain electrical infrastructure work in preparation for construction of the Oxnard College LRC, project #29124.
- G. Approval of Supplement to Contract with Bureau Veritas to Provide Inspector of Record Services to Complete the Ventura College Construction of the Exterior Bleachers, Project #39105 [p. 57]** was granted to approve a supplement to the contract with Bureau Veritas for Inspector of Record Services in the amount of \$40,000 to complete the Ventura College construction of the exteriors bleachers, project #39105.
- H. Approval of Contract with Taft Electric for the Security Lights for the Exterior Bleachers at Ventura College, Project #39105 [p. 58]** was granted to approve a contract with Taft Electric in the amount of \$16,535 to provide and install Security Light for the Ventura College Exterior Bleachers, project #39105.
- I. Acceptance of Completion of Contract with Oilfield Electric for the Ventura College Q Vault Switchgear, Project #39456 [p. 59]** was approved to accept completion of the contract with Oilfield Electric for the Ventura College Q Vault Switchgear, project #39456.
- J. Acceptance of Change Order Summary Report for Capital Projects [p. 60]** was approved.

FIRST READING ITEMS

- **First Reading: Course Approvals: New and Revised Courses at Moorpark and Ventura Colleges [p. 69]** was accepted for Second Reading.

ACTION ITEMS/SECOND READING ITEMS

OPEN STUDY SESSION

At 9:19 a.m., Chair Miller opened the Study Session.

- **Update on Contract Renewal or Issuance of Request for Proposal for Legal Services.** Richard Dawe, Vice Chancellor, Planning and Organizational Development, provided an update on contract renewal or issuance of request for proposal for legal services. Dr. Brian Hu, Director, Institutional Research, explained the VCCCD Legal Services Survey Report. The Board then discussed legal services for VCCCD.

CLOSE STUDY SESSION

At 9:37 p.m., the Study Session was closed.

Business Services

- A-1 Approval to Issue Request for Proposal (RFP) for Legal Services [p. 76]** was moved by Trustee Heitmann, seconded by Trustee Hernández, and denied on a 2-3 vote, with Chair Miller, Vice Chair Huber, and Trustee Blum voting no, to issue a Request for Proposal for legal services, effective July 1, 2009. (Valle–no)

There was a brief discussion regarding this item.

- A-2 Approval of Extension of Contract for General Legal Services with Fagen, Friedman & Fulfroost [p. 77]** was moved by Trustee Hernández, seconded by Vice Chair Huber, and carried on a 4-1 vote, with Trustee Heitmann voting no, to approve the extension of a professional services contract with the law firm of Fagen, Friedman, & Fulfroost, effective January 1 through June 30, 2009. (Valle – yes)
- A-3 Approval of Extension of Contract for General Legal Services with Atkinson, Andelson, Loya, Ruud & Romo [p. 79]** was moved by Vice Chair Huber, seconded by Trustee Blum, and carried on a 3-2 vote, with Trustees Blum and Heitmann voting no, to approve the extension of a professional services contract with the law firm of Atkinson, Andelson, Loya, Ruud & Romo, effective January 1 through June 30, 2009. (Valle – yes)
- A-4 Approval of Extension of Contract for General Legal Services with Orbach, Huff & Suarez, LLP [p. 81]** was moved by Trustee Blum, seconded by Vice Chair Huber, and carried on a 4-1 vote, with Trustee Heitmann voting no, to approve the extension of a

professional services contract with the law firm of Orbach, Huff & Suarez, LLP, January 1 through June 30, 2009. (Valle – yes)

- A-5 Approval to Direct District Staff to Develop Board Policy/Procedure for Issuance of Requests for Proposals for Professional Services [p. 83]** was moved by Trustee Heitmann, seconded by Trustee Blum, and carried on a unanimous vote, to direct District staff to develop a Board Policy and related Administrative Procedures for the issuance of a Request for Proposal (RFP) for Professional Services (including District General Audit services, Legal Services, and Health Insurance Administration services). This item will be reviewed by the Rules Committee prior to Board approval. (Valle – yes)

Trustee Blum asked about a regular cycle for requests for proposals. Chancellor Meznek indicated that staff would review the current cycles and make recommendations.

OPEN STUDY SESSION

At 10:00 p.m., Chair Miller opened the Study Session.

- **Proposed Budget for the Ventura County Community College District for Fiscal Year 2008-09.** Sue Johnson, Vice Chancellor, Business and Administrative Services, reviewed the VCCCD 2008-09 Adoption Budget and responded to questions from the Board.

CLOSE STUDY SESSION

At 10:37 p.m., the Study Session was closed.

- A-6 Adoption of 2008-09 Adoption Budget [p. 85]** was moved by Trustee Blum, seconded by Vice Chair Huber, and carried on a unanimous vote, to adopt the 2008-09 Adoption Budget for all funds of the Ventura County Community College District. (Valle – yes)

Capital Planning & Facilities

- A-7 Reject or Accept Bid Protest Filed by EMMA Corporation Concerning the Bid Submitted by Howard S. Wright for the Construction of the Ventura College ATC/GPC/HSC Buildings, Project #39120 [p. 87]** was moved by Trustee Blum, seconded by Vice Chair Huber, and carried on a unanimous vote, to reject a bid protest filed by EMMA Corporation against Howard S. Wright for the bid to construct the Ventura College ATC/GPC/HSC buildings, project #39120. (Valle – yes)
- A-8 Approval of Contract for the Ventura College ATC/GPC & HSC, Project #39120 [p. 88]** was moved by Vice Chair Huber seconded by Trustee Blum, and carried on a unanimous vote, to approve the contract with Howard S. Wright Constructors for the Ventura College Advanced Technology Center/General Purpose Classrooms and Health Science Center, project #39120 in the amount of \$29,900,000. (Valle – yes)

Trustees/Chancellor

A-10 Revisions to Governing Board Policy Manual Chapter 2 and 3 [p. 91] was moved by Trustee Blum, seconded by Trustee Heitmann, and carried on a unanimous vote, to approve the following revisions to the Board Policy Manual: Chapters 2 and 3. (Valle – yes)

BP 2015 - Student Member

BP 2105 - Election of Student Members

BP 2200 - Board Duties and Responsibilities

BP 2710 - Conflict of Interest

BP 2725 - Board Member Compensation

BP 3250 - Institutional Planning

BP 3310 - Records Retention and Destruction

BP 3410 - Nondiscrimination

BP 3518 - Child Abuse Reporting

BP 3540 - Sexual and Other Assaults on Campus

BP 3550 - Drug Free Environment and Drug Prevention Program

BP 3720 - Computer and Network Use

A-11 Revisions to the Board of Trustees 2008 Schedule of Meetings [p. 105] was moved by Trustee Heitmann, seconded by Trustee Hernández, and carried on a unanimous vote, to revise the 2008 Schedule of Meetings to add the October 18, 2008, Board Planning Session. (Valle – yes)

ADJOURNMENT

At 10:40 p.m., the meeting was adjourned.