

APPROVED

MINUTES OF THE
REGULAR MEETING OF THE BOARD OF TRUSTEES
NORTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT

June 25, 2002

1. The Board of Trustees of the North Orange County Community College District met for the Regular Meeting on Tuesday, June 25, 2002, at 5:30 p.m. at the District Education Center Board Room.

Board President Manny Ontiveros called the meeting to order at 5:32 p.m. Fred Williams led the Pledge of Allegiance to the Flag.

2. **Trustee Roll Call** - Present: Jeff Brown, Leonard Lahtinen, Molly McClanahan, Donna Miller, Manny Ontiveros, Nancy Rice, and Student Trustee Briana Padilla. Trustee Otto Lacayo arrived at 5:40 p.m. Student Trustee Druhvin Shaw arrived at 5:53 p.m. Absent: None.
3. **Resource Personnel Present:** Jerome Hunter, Chancellor; Michael Viera, President, Fullerton College; Mike Kasler, Executive Vice President, Cypress College; Gary McGuire, Provost, School of Continuing Education; Rod Fleeman, Vice Chancellor, Finance & Facilities; Jeff Horsley, Vice Chancellor, Human Resources; Andrea Hanstein, Public Information Officer, Fullerton College; Jack Raubolt, District Director, Information Services; Ann-Marie Gabel, representing the District Management Association; Andrea Sibley-Smith, representing the School of Continuing Education Academic Senate; Darlene Fishman, representing United Faculty; Regina Ford, representing CSEA; Tony Papavero, representing Adjunct Faculty United; Chapter #167; Violet Ayon, Recording Secretary.
4. **Other Administrators and Employees Present:** Adam O'Connor, Janet Portolan, Pat Spencer, and Vincent White from Fullerton College; Jim Arbogast, Nancy Byrnes, Lidia Coman, Tom Enders, Regina Ford, Betty Germanero, Mike Kasler, Susie Simmons, and Linda Wettmarshausen from Cypress College; Carole Bonnie, Shannon Ellis, Susan Hauge, Greg Schulz, Glenn Struckman, Helen Struckman, and Peter Teipe from the School of Continuing Education; Ron Beeler, Vickie McPherson, Beth Mooney, Dorothy Owens-Whitehurst, Steve Rodriguez, and Fred Williams from the District Education Center; Tom Wallace from Information Services.
5. **Visitors Present:** Fred Ghahramani, Terrie Ahmed, Chris Patton, Loran Whitehorn, and Vance Williams from NORESKO.

6. **Comments: Members of the Audience:** Jim Arbogast addressed the Board with his concerns regarding classified negotiations. He encouraged the Board and management staff to consider the needs of the classified staff and urged their support for prompt resolution to negotiations.
7. **Block Vote Approval:** It was moved by Trustee Leonard Lahtinen and seconded by Trustee Nancy Rice to approve by block vote the following items:

Finance and Facilities: 3.a, 3.d, 3.e, 3.g, 3.h, 3.i, 3.m, 3.n,
 Instructional Services: 4.a, 4.b
 Human Resources: 5.a, 5.b

Motion carried unanimously, including the Student Trustees' advisory votes.

8. **Reports:**

- A. As a part of the **Chancellor's Report**, Mark Capel of Caldwell Flores Winters, Inc. and Jim Roth of Solomon Smith Barney conducted a presentation on the sale of the District's bonds. Highlights of the presentation include the following: 1) the projected bond sales program will yield the District \$239 million over the next three years; 2) the District secured bond insurance and sold the bonds with a final assigned rating of "AAA"; 3) the bonds were sold on May 21, 2002, at an average interest rate of 4.94%; 4) the tax rate for 2002-03 is estimated at \$17; 5) \$139 million has been deposited into the District's Improvement Fund.

(See Supplemental Minutes #877 for a copy of the bond sales presentation.)

- B. Also as a part of the **Chancellor's Report**, Dr. Hunter reported the following: 1) the need to finalize the topic(s) of discussion for the Board Retreat; 2) the recent Attorney General ruling regarding the allowance of District's paying for college board trustees' campaign statements; 3) the Educational Master Plan forum which will be held in Costa Mesa at the Orange County Department of Education; 4) the request from the *Orange County Register* for public records related to the District's high school outreach program.

Upon conclusion of discussion, it was agreed to 1) have Cindra Smith of the Community College League of California facilitate the Board retreat with discussion on the role of the board and policy development, to be followed by a discussion on the recent ACCT survey; and 2) that a communication be sent from the Board expressing its support for revising the Education Code and opposing the permissive language of college districts paying for trustees' campaign statements.

- C. **Gary McGuire**, Provost of the School of Continuing Education (SCE), **Mike Kasler**, Cypress College Executive Vice President, and **Michael Viera**, Fullerton College President, reported on activities in their respective areas.

9. **Comments:**

- A. **Andrea Sibley-Smith** noted "The High-Quality Learning Conditions Needed to Support Students of Color and Immigrants at California Community Colleges," document which she provided to the members of the Board and Resource Table.
- B. **Regina Ford** extended her gratitude to those trustees and administrators who attended the Classified Appreciation Luncheon and announced that Chapter 167 was selected as the recipient of the "Golden Mouse Award" for its web site. She expressed the CSEA membership's support of the CSEA negotiating team and its desire for resolution of negotiations.
- C. **Trustee Leonard Lahtinen** inquired on the Cypress Aquatics Team's concern regarding the increased facilities rate fee, which was adopted by the Board during the spring semester. Mike Kasler noted that although the new rate fee is being enforced, other accommodations are being made for the Team.

10. **Minutes:** It was moved by Trustee Molly McClanahan and seconded by Trustee Nancy Rice to accept as submitted the minutes of the Regular Board meeting held on June 11, 2002. **Motion carried unanimously, including the Student Trustees' advisory votes.**

FINANCE AND FACILITIES

11. **Item 3.a:** By the block vote, authorization was granted to adopt the resolution authorizing the County Superintendent of Schools to make any necessary transfers between contingencies and expenditure classifications.

Resolution adopted (See Supplemental Minutes #673).

12. **Item 3.b:** Upon a presentation by Fred Williams on the 2002-03 Tentative Budget, which is based on the May Revise, it was moved by Trustee Nancy Rice and seconded by Trustee Molly McClanahan that the Board:
- 1) Approve the Tentative Budget for Fiscal Year 2002-03 for all funds of the District.
 - 2) Forward a copy of the Tentative Budget to the appropriate County officer.

- 3) Set a public hearing for September 10, 2002, at the District Education Center Board Room at or about 6:00 p.m. pursuant to Section 58301 of Title 5, California Code of Regulations, to provide the public with an opportunity to comment on the budget prior to the adoption of the Proposed Budget.

Motion carried unanimously, including the Student Trustees' advisory votes.

(See Supplemental Minutes #877 for a copy of the 2002-03 Tentative Budget presentation.)

13. **Item 3.c:** Upon clarification on the energy conservation measures, it was moved by Trustee Nancy Rice and seconded by Trustee Leonard Lahtinen to enter into an agreement with NORESKO, a Department of General Services (DGS) pre-approved energy conservation contractor, for Phase II, Construction of the Energy Conservation Projects District Wide. The agreement is in compliance with the Energy Management Division (EMD) of DGS Contracts #3041067 for Cypress College and #3041065 for Fullerton College pursuant to Government Code Sections 4240 and 4217 et. seq., based upon the justifications contained in the aforementioned contracts. The two DGS contracts will be executed as one public works project to cover the approved energy conservation measures (ECMs). The period of coverage for the construction project agreement will be from June 26, 2002 through December 31, 2003 to include additional ECMs and project closeout. **Motion carried unanimously, including the Student Trustees' advisory votes.**

SCOPE of WORK:

To provide engineering, packaging, procurement, installation, maintenance, construction monitoring, and required licenses and permits to facilitate the energy conservation measures as listed below:

Cypress College - (3) ECMs:

State Funds	\$1,653,369
Lighting & Occupancy Sensors	
Energy Management Systems	
Hot Water Boiler Stack Reclaim System	

Fullerton College/Wilshire - (10) ECMs:

State Funds	\$2,136,431
Campus Resources	\$1,029,903
Lighting & Occupancy Sensors	
Energy Management Systems	
Chilled Water Isolation Valves	
Remove & Replace Boilers	

Premium Efficiency Motors
 Chilled Water Pump Motor VFD
 HVAC Fan Motor VFD
 Cooling Tower Fan VFD
 Heat Pump Packaged Units
 New Multi-Zone Packaged Units

Anaheim Campus - (1) ECM:	
Campus Resources	\$ 841,959
Exterior Lighting	
TOTAL	<u>\$5,661,662</u>

Further authorization was granted for the Vice Chancellor, Finance and Facilities, to execute the agreement for the District and approve any further specification changes up to 10% of the contract amount for the District.

14. **Item 3.d:** By the block vote, authorization was granted to award Bid 2003-1, Athletic/Physical Education and Training Supplies, to the following vendors as the lowest responsive, responsible bidders meeting the specifications:

Alva's Dance & Theatrical Supply	\$ 510.95
Boege's Sporting Goods	30,417.08
Gunthers Athletic Services	7,378.70
M-F Athletic Company	336.85
Medco Supply Company, Inc.	13,703.60
Micro Bio-Medics, Inc.	5,674.77
S & R Sport	951.14
Soccer Central	1,332.00
Springco Athletics	376.00
TruWest, Inc.	<u>1,561.00</u>
	\$62,242.09

(Plus appropriate tax and shipping)

Further authorization was granted for the District Director of Purchasing to execute the contracts on behalf of the District.

15. **Item 3.e:** By the block vote, authorization was granted for a one-year contract with an option to renew for four additional years, which provides for annual price adjustments upward or downward as indicated in the Consumer Price Index for the Los Angeles/Long Beach area, be awarded to Transportation Charter Services, Inc., in accordance with Bid 2003-2, Student Transportation, and the following fee schedule:

Transportation Charter Services, Inc.

<u>Bus Capacity</u>	<u>Minimum Rate (for 5 hrs of service)</u>	<u>Hourly Rate After 5 hours of service)</u>	<u>Flat Daily Rate (for 10-24 hrs.</u>
32-50 seat school bus	\$345.00	\$50.00	\$675.00
51-60 seat school bus	\$425.00	\$60.00	\$800.00

All Recliner Buses (air conditioned, deluxe coach with microphone)

32-50 seat Recliner bus	\$425.00	\$67.00	\$850.00
51-60 seat Recliner bus	\$550.00	\$87.00	\$1,100.00

Cost for extra driver, if required: \$175.00

If overnight service is required, the additional cost will be \$100.00 per bus.

School bus cancellations with less than three (3) hours notice before the scheduled departure time will result in a charge of \$345.00 per bus.

Recliner bus cancellations with less than (3) hours notice before the scheduled departure time will result in a charge of \$425.00 per bus.

Further authorization was granted for the District Director of Purchasing to execute the agreement on behalf of the District.

16. **Item 3.f:** It was moved by Trustee Nancy Rice and seconded by Trustee Jeff Brown to amend the recommendation to award the proposal 2003-05, Cypress College Theatre to ASMG.

Motion carried unanimously, including the Student Trustees' advisory votes.

It was then moved by Trustee Nancy Rice and seconded by Trustee Jeff Brown to award proposal 2003-5, Cypress College Theatre Seating to ASMG, at a cost not to exceed \$57,483.50 for labor and materials.

Further authorization was granted for the District Director of Purchasing to execute the agreement on behalf of the District.

Motion carried unanimously, including the Student Trustees' advisory votes.

17. **Item 3.g:** By the block vote, authorization was granted to participate in the cooperative bid with Santa Ana Unified School District Bid #3-98 with McMahan Desk, Inc., for the purchase of classroom and office furniture for various sites throughout the North Orange County Community College District. The contract expires June 30, 2003.

Further authorization was granted for the Director of Purchasing to execute the agreement on behalf of the District.

18. **Item 3.h:** By the block vote, authorization was granted to award proposal 2002-3, Refinishing North Gymnasium Floor at Fullerton College to Clough Flooring, Inc., as the lowest responsive, responsible bidder, as follows:

Base Bid #1	\$21,560.00
To provide labor and materials in accordance to the specifications in the proposal document	

Total	<u>\$21,560.00</u>
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Further authorization was granted for the District Director of Purchasing to execute the agreement and approve any further specification changes up to 10% of the contract amount for the District.

19. **Item 3.i:** By the block vote, authorization was granted to participate in the cooperative bid with the County of Orange Pricing Agreement #N001593 with Haworth, Inc., c/o Totalplan, Inc., for the purchase of modular furniture and file products for various sites throughout the North Orange County Community College District. The contract expires June 30, 2004.

Further authorization was granted for the Director of Purchasing to execute the agreement on behalf of the District.

20. **Item 3.j:** By the block vote, authorization was granted to utilize the Santa Ana Unified School District's cooperative bid numbers #22-97 and #14-00, to purchase the Child Care Center relocatable building for Fullerton College with Mobile Modular Management Corporation. The child care building is 84' x 60' and includes the foundation and delivery at a cost of \$375,550.

Further authorization was granted for the Director of Purchasing to execute the agreement and approve any further specification changes up to 10% of the contract amount for the District.

21. **Item 3.k:** Upon clarification on the timeline for completion of the projects, it was moved by Trustee Leonard Lahtinen and seconded by Trustee Donna Miller to participate in the California Multiple Award Schedule (CMAS), Contract #3-01-58-0013D, with Media Consultants Systems Integrators (MCSi) for an amount not to exceed \$308,000, to purchase and install the audio/visual equipment for the Anaheim campus. The contract for services commences June 26, 2002, through June 30, 2003. **Motion carried unanimously, including the Student Trustees' advisory votes.**

Further authorization was granted to utilize CMAS for the future purchase of all audio/visual equipment/peripherals and related services.

Further authorization was granted for the Director of Purchasing to execute the contract on behalf of the District.

22. **Item 3.l:** Upon clarification on the recertification of equipment, it was moved by Trustee Jeff Brown and seconded by Trustee Molly McClanahan to participate in the California Multiple Award Schedule (CMAS), Contract #3-94-70-0011, with Hewlett Packard (HP) for an amount not to exceed \$77,000, to relocate the data center and IS offices and to certify a fully functional system. The contract for services commences June 26, 2002, through October 31, 2002. **Motion carried unanimously, including the Student Trustees' advisory votes.**

Further authorization was granted to utilize CMAS for the future purchase of all relocation services and related services.

Further authorization was granted for the Director of Purchasing to execute the contract on behalf of the District.

23. **Item 3.m:** By the block vote, authorization was granted to award a one-year contract with the option to renew four additional years for Bid 2003-4, Fire Protection Equipment Services, Repair and Installation throughout the District to Pro-Tech Fire Protection Company in an amount not to exceed \$35,000 per year.

Further authorization was granted for the District Director of Purchasing to execute the agreement on behalf of the District.

24. **Item 3.n:** By the block vote, authorization was granted for Change Order Number One for Bid PW0102-209, Bid Package #27 North Orange County Community College

District Anaheim Campus - Interior Renovations awarded to Sheldon Mechanical Corporation as follows:

Change Order Number One

Item Number One To expedite the delivery of the boilers and VAV boxes at a cost not to exceed \$8,840.

Item Number Two To field mount the controls for the air handling units at a cost not to exceed \$24,414.

Item Number Three To increase the contract by \$32,954 from \$2,610,000 to \$2,642,954.

Further authorization was granted for the District Director of Purchasing to execute the agreement on behalf of the District.

25. **Item 3.o:** Upon discussion on the need for an Excel grid for change orders that shows the history of change orders for any given project and one for the identification of who is involved with each project, it was moved by Trustee Nancy Rice and seconded by Trustee Leonard Lahtinen to grant authorization for Change Order Number Two for Bid PW 0102-209, Bid Package #12, North Orange County Community College District Anaheim Campus - Interior Renovations awarded to Performance Contracting, Inc. as follows:

Change Order Number Two

Item Number One A credit to revise the lath and plaster to green board in Rooms #816, 907, and 924 at a cost of <\$645>.

Item Number Two To fur existing concrete walls in Rooms #810, 811, 821, 830 and 834 at a cost not to exceed \$3,756.

Item Number Three To add soffits and revise the soffit heights on floors #2, 3, 8 and 9 at a cost not to exceed \$17,065.

Item Number Four To fur existing concrete walls in Rooms #911, 912, 917, 928 and 933 at a cost not to exceed \$2,803.

Item Number Five To fur walls in electrical Rooms on floors #2-10 at a cost not to exceed \$5,768.

Item Number Six To revise the walls and replace existing ceiling tile in Building A at a cost not to exceed \$11,925.

- Item Number Seven For new wall framing at Room #177 at a cost not to exceed \$3,145.
- Item Number Eight To add framing to infill deleted roll-up door #181 at a cost not to exceed \$592.
- Item Number Nine To add a furred wall for the revised lavatories in the Men's Toilets on floors 2-10 at a cost not to exceed \$4,899.
- Item Number Ten To revise ceiling framing/light coves in Toilet Rooms on floors 2-10 at a cost not to exceed \$7,521.
- Item Number Eleven To fur the existing concrete beam in Room #171 at a cost not to exceed \$984.
- Item Number Twelve To revise the configuration of the walls in Rooms #170, 171, and 172 at a cost not to exceed \$2,737.
- Item Number Thirteen To revise soffit heights in Lobby #168 at a cost not to exceed \$1,176.
- Item Number Fourteen To increase the contract by \$61,726 from \$1,460,231 to \$1,521,957.

Motion carried unanimously, including the Student Trustees' advisory votes.

Further authorization was granted for the District Director of Purchasing to execute the agreement on behalf of the District.

26. **Item 3.p:** It was moved by Trustee Leonard Lahtinen and seconded by Trustee Molly McClanahan to file the Notice of Completion for PW 0102-203, with Accent Builders, Inc., as contractor, for the Seismic Strengthening of the North Orange County Community College District Anaheim Campus, and release the final retention payment when due.
Motion carried unanimously, including the Student Trustees' advisory votes.

INSTRUCTIONAL SERVICES

27. **Item 4.a:** By the block vote, authorization was granted to accept grant funds, transfer funds and/or enter into agreements, adopt resolutions to accept new income, establish budgets, and authorize expenditures within the General Fund, pursuant to the California Code of Regulations, Title 5, Section 58308, as follows:

SITE	PROJECT NAME	LENGTH OF CONTRACT	TOTAL CONTRACT	AUTHORIZED SIGNATORIES ON BEHALF OF DISTRICT
FC/ CC	Request to Accept Redistribution of Unused, 2001/02 Matriculation Funds and Adjust Budgets for Fullerton and Cypress Colleges	7/01/01 to 6/30/02	\$3,840 (FC) and \$2,832 (CC)	For the <u>agreements and any amendments to modify the agreement, and any related documents:</u> Chancellor or Vice Chancellor, Finance and Facilities For any related <u>documents:</u> District Director, Fiscal Affairs
FC	Child Development Center, General Center Child Care Contract Increase	7/1/01 to 6/30/02	\$30,267 (Cost of Living Increase) for a total budget of \$727,537	For the <u>agreements and any amendments to modify the agreement, and any related documents:</u> Chancellor or Vice Chancellor, Finance and Facilities For any related <u>documents:</u> District Director, Fiscal Affairs

28. **Item 4.b:** By the block vote, authorization was granted for the School of Continuing Education to conduct the following out-of-state field trip:

Destination: Northern Nevada

Course Title: Rock Hounding Nevada Wood

Course Number: #50164

Date of Field Trip: June 29 – July 7, 2002

Faculty: Connie Van Kampen

Transportation: Students drive their own vehicle.

Cost: Students pay for their own expenses on field trip.

HUMAN RESOURCES

29. **Item 5.a:** By the block vote, authorization was given for the following academic personnel matters, which are within budget.

RESIGNATION

Hill, Christi A. FC Earth Science Instructor
Eff. 07/08/2002

Luo, Xiao FC Business Instructor
Eff 06/13/2002

REHIRE

Berggren, Gail CC Cal/WORKS Counselor
Tempoary Contract (100%)
Specially-funded pursuant to E.C. 87470
Class B, Step 11+Stipend in lieu of benefits
Eff. 07/01/2002-12/312002

LONG-TERM SUBSTITUTE

Falker, Matt FC Music Instructor
One Year Sabbatical Replacement
Class B, Step 1 (100%)
Eff. 08/15/2002-05/30/2002

TEMPORARY REASSIGNMENT

McRoberts, Gary FC Music Instructor
Class F, Step 32

To: FC Interim Dean
Business and Computer Information Systems
Range 25, Step H plus Doc.
Eff. 07/01/2002-12/31/2002

30. **Item 5.b:** By the block vote, authorization was given for the following classified personnel matters, which are within budget:

RESIGNATION

Ezzo, George CC Custodian (100%)
Eff. 6/13/2002

TERMINATION DURING PROBATIONARY PERIOD

Mills, Abeo FC Child Care Center Attendance (100%)

Eff. 6/21/2002

GENERAL

31. **Item 6.a:** It was moved by Trustee Nancy Rice and seconded by Trustee Molly McClanahan that the Board adopt Resolution 01-02/16, which strongly encourages the California State Legislature and Governor Davis to adopt a state budget by the constitutional deadline of June 30, 2002, and that the budget provide, at a minimum, the level of K-14 funding proposed in the May Revise. **Motion carried unanimously, including the Student Trustee advisory votes.**

(See Supplemental Minutes #877 for a copy of the resolution.)

32. **Closed Session:** At 7:45 p.m., Board President Manny Ontiveros adjourned the meeting to closed session per the following sections of the Government Code:

Per Section 54957.6: CONFERENCE WITH LABOR NEGOTIATOR JEFF HORSLEY, VICE CHANCELLOR, HUMAN RESOURCES, - Employee Organization: United Faculty/CCA/CTA/NEA, Adjunct Faculty United Local 6106, CSEA Chapter #167, and Unrepresented Employees.

Per Section 54957: PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE.

Per Section 54956.9(b)(1): ANTICIPATED LITIGATION

Two Possible Cases

33. At 9:00 p.m. Board President Manny Ontiveros reconvened the meeting in open session.
34. At 9:05 p.m., it was moved by Trustee Molly McClanahan and seconded by Trustee Nancy Rice to adjourn the meeting. **Motion carried unanimously.**

Nancy Rice, Secretary
Board of Trustees