

SAN BERNARDINO COMMUNITY COLLEGE DISTRICT
114 S. Del Rosa Drive, San Bernardino, California 92408

Minutes of the Regular Meeting of the Board of Trustees
Thursday, July 9, 2009 - 4:00 p.m. – Assembly Room

1. CALL TO ORDER - PLEDGE OF ALLEGIANCE

Mr. Ramos called the meeting to order at 4:04 p.m.

Members Present:

James C. Ramos, President
Dr. Donald L. Singer, Clerk
John M. Futch
John Longville
Dr. Charles S. Terrell, Jr.
Jess C. Vizcaino, Jr.
Jason P. Buckner, Student Trustee, SBVC (left the meeting at 8:15 p.m.)
Kaylee Hrisoulas, Student Trustee, CHC

Members Absent:

Carleton W. Lockwood, Jr., Vice President

Administrators Present:

Dr. Noelia Vela, Chancellor
Dr. Debra Daniels, SBVC President
Larry Ciecalone, President, KVCR-TV-FM
Bruce Baron, Vice Chancellor Fiscal Services
Renee Brunelle, Vice Chancellor Human Resources

Administrators Absent:

Gloria M. Harrison, CHC President

Pledge of Allegiance

Dr. Daniels led the Pledge of Allegiance.

2. ANNOUNCEMENT OF CLOSED SESSION ITEMS

- CONFERENCE WITH LABOR NEGOTIATORS
Agency Negotiators: Renee Brunelle and Bruce Baron
CTA
CSEA
Management/Supervisors
Confidentials
- CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Government Code 54956.9(a)
Name of Case: Claim #1654-07-0007
- CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Government code 54956.9(b)
Number of Potential Cases: 2
- CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Government Code 54956.8
Property: Located South of Rialto Avenue
North of Enterprise Drive
West of Current District Property
Agency Negotiator: Robert J. Temple
Under Negotiation: Price and Terms of Payment

3. PUBLIC COMMENT ON CLOSED SESSION AGENDA ITEMS

Denise Evans, CSEA #291 Labor Representative, expressed concerns regarding the appointment of the Human Resources Director and urged the Board to consider the union's concerns regarding the selection process and the candidate being recommended for the position.

4. CONVENE CLOSED SESSION

The Board convened to closed session at 4:10 p.m.

5. RECONVENE PUBLIC MEETING

Mr. Ramos reconvened the public meeting at 5:15 p.m.

6. REPORT OF ACTION IN CLOSED SESSION

Dr. Terrell moved, Mr. Longville seconded, and the Board members present voted as follows to approve a settlement authority of Claim Number 1654-07-0007 by way of Compromise and Release in the total amount of \$15,000.00, of which \$1,380.00 has been advanced:

AYES: Futch, Longville, Ramos, Singer, Terrell Vizcaino
NOES: None
ABSTENTIONS: None
ABSENT: Lockwood

Mr. Longville moved, Mr. Futch seconded, and the Board members present voted as follows to approve a settlement of \$10,887.37 to Advanced Ambulatory Surgery Center for their claim for surgery performed but not covered by the District's insurance subject to appropriate legal agreements:

AYES: Futch, Longville, Ramos, Singer, Terrell, Vizcaino
NOES: None
ABSTENTIONS: None
ABSENT: Lockwood

7. APPROVAL OF MINUTES

Dr. Singer moved, Dr. Terrell seconded, and the Board members voted as follows to approve the minutes of June 11, 2009:

AYES: Futch, Longville, Ramos, Singer, Terrell, Vizcaino
Buckner (advisory), Hrisoulas (advisory)
NOES: None
ABSTENTIONS: Lockwood
ABSENT: None

Mr. Longville moved, Mr. Futch seconded, and the Board members voted as follows to approve the minutes of June 18, 2009:

AYES: Futch, Longville, Ramos, Singer, Vizcaino
NOES: None
ABSTENTIONS: Terrell
Buckner (advisory), Hrisoulas (advisory)
ABSENT: Lockwood

8. PUBLIC COMMENT

Classified custodial employees Albert Gutierrez and Armando Camareno expressed their concern regarding a seniority list issue. They questioned how another classified employee who left the district and was later hired back could retain the same position on the seniority list. The Board directed the Chancellor to investigate and report on this issue.

Mary Valdemar, SBVC classified employee, spoke at the July 9 Board meeting on the closure of the Parent Education Center at SBVC. She stated she did not receive any official communication from anyone but she did receive information indicating that Board members had received a letter explaining why the PEC was

being closed. She stated that although she did not know the details of the letter she did know some of the overall issues and distributed a document to the Board responding to that letter. Ms. Valdemar responded to concerns of safety, staff supervision and cost effectiveness on the move to North Hall. Dr. Daniels explained the college's position. Mr. Longville encouraged staff that in making decisions that we involve people as much as possible in the decisions so they don't feel like they need to come to the Board.

John Napolitano, CSEA President, addressed the Board in opposition to the hiring of the recommended candidate for Human Resources Director.

Zelma Russ, who served on the screening panel for the search for the Human Resources Director, informed the Board that the process was followed and spoke in support of the recommended candidate for the position of Human Resources Director.

9. REPORTS

A. Board Members

- Dr. Singer expressed regrets because Erin O'Toole, Senior Producer, is leaving KVCR to assume another position. He also encouraged everyone to attend a performance at the Redlands Theatre Festival.
- Dr. Terrell stated the district is fortunate that Dr. Kay Ragan has agreed to remain as Interim Vice President of Instruction at SBVC until such time as that position is filled with a permanent candidate.
- Mr. Vizcaino attended the retirement reception for Bob Temple and Frank Reyes, which was also attended by local legislators. He asked that the Board meeting be adjourned in memory of Trustee Lockwood's mother.
- Mr. Futch also attended the farewell for Mr. Temple and Mr. Reyes, adding that "it was good to see Congressmen Baca and Jerry Lewis there."
- Mr. Longville noted that Erin O'Toole will be "a real loss to KVCR radio" and asked Mr. Ciecalone to pass on the Board's comments.
- Mr. Ramos will be attending the Redlands Emergency Services Agency dinner on Wednesday, July 15.

B. Student Trustees

- Mr. Buckner thanked Dr. Vela for the opportunity to meet with her. A Region 9 meeting will be held at SBVC in August, and the SBVC Associated Students will be setting its 2009-10 goals. Dr. Nikki Schaper, Student Life Advisor, has accepted a position in another district. "She has been a great leader and mentor to the students."

- Ms. Hrisoulas reported students will be meeting with CSEA to establish a relationship and work on some common goals. Students will also be meeting with the CHC Foundation to explore other alternatives regarding textbooks. She will be attending her first Region 9 meeting at College of the Desert. Ms. Hrisoulas also thanked Dr. Vela for the opportunity to meet with her.

C. Chancellor

- Dr. Vela introduced Bruce Baron, Vice Chancellor of Fiscal Services, who comes to the district with 30 years of experience in finance work and bond measures at institutions of higher education.
- Dr. Vela stated she is looking forward to the student trustees' contributions. She met with both of the new student trustees and reported that the students are reading the agenda and know the issues. They are informed and are asking good questions.
- To the degree that we can, until we know more details of the state budget, administrators are making contingency plans regarding the budget.
- Regarding the custodians' concerns on the classified seniority list, Dr. Vela said she would ask Ms. Brunelle to investigate the issue.
- The CSU system is proposing an additional increase in student fees following an already approved 10% increase. Because of this increase, community colleges could experience a greater influx of students who would normally attend CSU.
- Dr. Isaac is working to develop a grant through the Department of Energy. We will collaborate nationally with other community colleges. The focus of the grant is to promote the deployment of a Green Technology called Meta-Lax which is a new metal stress relieving technology that helps reduce the thermal stress within metal components.

10. CONSENT AGENDA

The following changes were made in the Consent Agenda:

Item 10.B.12. – Consideration of Approval of Management Appointments:

- Dio Shipp went through the regular recruitment process and is being recommended for appointment as Director, Human Resources, effective July 13, 2009, with placement on the Management Salary Schedule, Range 19, Step C, \$110,628 per year. Replacement for Mary Nemnich.
- The appointment for the Director of Computing Services is being pulled since the selection process failed to bring a candidate forward.
- Rick Hogrefe's start date has been confirmed to be August 3, 2009.

Item 10.C.5. – Consideration of Approval of Individual Memberships. This membership should be listed as a District membership.

Item 10.B.12 Consideration of Approval of Management Appointments – Director of Human Resources, District – Pulled for discussion.

Dr. Terrell moved, Dr. Singer seconded, and the Board members voted as follows to approve the Consent Agenda, including Item 10.B.12 (Consideration of Approval of Management Appointments – Vice President Administrative Services and Dean positions):

AYES: Futch, Longville, Ramos, Singer, Terrell, Vizcaino
Buckner (advisory), Hrisoulas (advisory)

NOES: None

ABSTENTIONS: None

ABSENT: Lockwood

11. ACTION AGENDA

Approve Management Appointment – Director of Human Resources

Mr. Longville asked what would happen if this item were to be tabled because he had some concerns about the issues expressed regarding this appointment. Mr. Longville questioned the fact that the name was not submitted to the Board until the meeting. Dr. Vela explained this is a regular process necessary to bring an item to the Board without a name, and it has been done in the past. Since the Board meets once a month, we want to move the process forward to reduce delays in filling vacant positions. She explained it is not in violation of the Brown Act if we actually list the item and added that it would help staff to know for what purpose the item is being pulled so the Vice Chancellor of Human Resources could discuss the process. She cautioned the Board to not talk about personnel or violate confidentiality. Mr. Longville stated again that he only wanted to know what would happen if the item were to be tabled to allow the Board to acquire additional information.

Dr. Singer stated that the recommendations made to the Board come from two-tiered committees, and this item went through the regular process and he recommended the item be approved. Mr. Vizcaino stated the Board does not want to micro-manage the decisions and when the names come to the Board for approval, we rely on the Chancellor and other administrators to ensure that the processes were followed. Mr. Ramos stated this is a shared governance process and the Board heard from CSEA and a committee member. CSEA did participate on the committee. Not everyone is going to be happy with all the decisions, and the process got us where we are now. He stated he was not sure tabling the item was the answer.

Dr. Terrell was impressed that the Vice Chancellor of Human Resources has worked with this person and wants him back. Mr. Longville decided not to move to table the item but rather abstain from the vote.

Dr. Singer moved, Dr. Terrell seconded, and the Board members voted as follows to appoint Dio Shipp as Director, Human Resources, effective July 13, 2009, with placement on the Management Salary Schedule, Range 19, Step C, \$110,628.00 per year:

AYES: Ramos, Singer, Terrell, Vizcaino
Buckner (advisory), Hrisoulas (advisory)
NOES: None
ABSTENTIONS: Futch, Longville
ABSENT: Lockwood

Approve Interim Management Appointment – Director of Bookstore

Dr. Singer moved, Dr. Terrell seconded, and the Board members voted as follows to approve the appointment of Gloriann Chavez, Interim Director of Bookstore, effective July 13, 2009 with placement on the Management Salary Schedule, Range 14, Step A, \$78,624:

AYES: Futch, Longville, Ramos, Singer, Terrell, Vizcaino
Buckner (advisory), Hrisoulas (advisory)
NOES: None
ABSTENTIONS: None
ABSENT: Lockwood

Dr. Terrell asked if this was a new position. Dr. Vela responded that the presidents suggested we use a model to manage the bookstores and evaluate the model after a year. Staff will review whether or not the joint director position for both college bookstores is an effective model to continue.

Award Informal Bid and Approve Contract for Talk-A-Phone Project - SBVC

Dr. Terrell moved, Mr. Longville seconded, and the Board members voted as follows to award the informal bid and approve the contract with Daniels Electric for the Talk-A-Phones Project, SBVC, in the amount of \$96,650.00:

AYES: Futch, Longville, Ramos, Singer, Terrell, Vizcaino
Buckner (advisory), Hrisoulas (advisory)
NOES: None
ABSTENTIONS: None
ABSENT: Lockwood

Award RFP and Approve Contract – Loss Control and Emergency Plan Compliance Services

Dr. Terrell moved, Dr. Singer seconded, and the Board members voted as follows to award RFP for Loss Control and Emergency Plan Compliance Services and approve contract with Keenan and Associates, in the amount of \$352,880.00:

AYES: Futch, Longville, Ramos, Singer, Terrell, Vizcaino
Buckner (advisory), Hrisoulas (advisory)
NOES: None
ABSTENTIONS: None
ABSENT: Lockwood

Approve Contract Amendment 004 for Winzler & Kelly Consulting Engineers – Infrastructure Package 2/3/4 Site Area - CHC

Dr. Terrell moved, Dr. Singer seconded, and the Board members voted as follows to approve Contract Amendment 004 for Winzler & Kelly Consulting Engineers for additional work, Infrastructure Package 2/3/4 Site Area, CHC, in the amount of \$97,408.05:

AYES: Futch, Longville, Ramos, Singer, Terrell, Vizcaino
Buckner (advisory), Hrisoulas (advisory)
NOES: None
ABSTENTIONS: None
ABSENT: Lockwood

Approve Contract Amendment 005 for Winzler & Kelly Consulting Engineers – Community Recreation Facility/Infrastructure Package 5 Site Area - CHC

Dr. Terrell moved, Dr. Singer seconded, and the Board members voted as follows to approve Contract Amendment 005 for Winzler & Kelly Consulting Engineers for additional work, Community Recreation Facility Infrastructure Package 5 Site Area, CHC, in the amount of \$85,650.00:

AYES: Futch, Longville, Ramos, Singer, Terrell, Vizcaino
Buckner (advisory), Hrisoulas (advisory)
NOES: None
ABSTENTIONS: None
ABSENT: Lockwood

Approve Contract Amendments MO-BC1-CA1 and MO-BC1-CA2 and Change Orders MO-BC1-CO-3, MO-BC1-CO-4, MO-BC1-CO-5 for Oakview Constructors, Inc. Contract, Maintenance and Operations Site Improvements - SBVC

Dr. Terrell moved, Dr. Singer seconded, and the Board members voted as follows to approve Change Order MO-BC1-CO-3 for a reduction in the amount of \$154,970.00, Contract Amendments MO-BC1-CA1 and MO-BC1-CA2 in the amount of \$22,570.00 and \$223,314.00 and Change Orders MO-BC1-CO-4 and MO-BC1-CO-5 in the amount of \$24,326.00 and \$1,727.00 for Oakview Constructors, Inc., Contract, Maintenance and Operations Building Bid Category One, Site and Off-Site Improvements, SBVC:

AYES: Futch, Longville, Ramos, Singer, Terrell, Vizcaino
Buckner (advisory), Hrisoulas (advisory)
NOES: None
ABSTENTIONS: None
ABSENT: Lockwood

Approve Contract Amendments MO-BC2-CA1 and Change Orders MO-BC2-CO-2 and MO-BC2-CO-3 for Oakview Constructors, Inc. Contract, Maintenance and Operations Building - SBVC

Dr. Terrell moved, Dr. Singer seconded, and the Board members voted as follows to approve Change Order MO-BC2-CO-2 for a reduction in the amount of \$177,804.00, Contract Amendment MO-BC2-CA1 in the amount of \$198,575.00, and Change Order MO-BC2-CO-3 in the amount of \$7,376.00 for Oakview Constructors, Inc., Maintenance and Operations Building Bid Category Two, General Building Construction Contract, Maintenance and Building Project, SBVC:

AYES: Futch, Longville, Ramos, Singer, Terrell, Vizcaino
Buckner (advisory), Hrisoulas (advisory)
NOES: None
ABSTENTIONS: None
ABSENT: Lockwood

Approve Amendment CS-01A-CA1 for Environmental Construction Group, Inc., Contract - SBVC

Dr. Terrell moved, Dr. Singer seconded, and the Board members voted as follows to approve Amendment CS-01A-CA1 for Environmental Construction Group, Inc., Chemistry/Physical Science and Partial North Hall Demolition, Bid Category O1A, Hazardous Materials Abatement contract, SBVC, in the amount of \$28,740.00:

AYES: Futch, Longville, Ramos, Singer, Terrell, Vizcaino
Buckner (advisory), Hrisoulas (advisory)
NOES: None
ABSTENTIONS: None
ABSENT: Lockwood

Approve Infrastructure Contract Amendment 005 for Steinberg Architects for Additional Work - CHC

Dr. Terrell moved, Dr. Singer seconded, and the Board members voted as follows to approve Infrastructure Contract Amendment 005 for Steinberg Architects for additional work at CHC, in the amount of \$7,245.00:

AYES: Futch, Longville, Ramos, Singer, Terrell, Vizcaino
Buckner (advisory), Hrisoulas (advisory)
NOES: None
ABSTENTIONS: None
ABSENT: Lockwood

Approve Infrastructure Contract Amendment 006 for Steinberg Architects for Additional Work - CHC

Dr. Terrell moved, Dr. Singer seconded, and the Board members voted as follows to approve Infrastructure Contract Amendment 006 for Steinberg Architects for additional work at CHC, in the amount of \$4,000.00:

AYES: Futch, Longville, Ramos, Singer, Terrell, Vizcaino
Buckner (advisory), Hrisoulas (advisory)
NOES: None
ABSTENTIONS: None
ABSENT: Lockwood

Approve Infrastructure Contract Amendment 005 for Steinberg Architects – Community Recreation Facility Contract - CHC

Dr. Terrell moved, Dr. Singer seconded, and the Board members voted as follows to approve Infrastructure Contract Amendment 005 for Steinberg Architects for additional work at CHC, in the amount of \$9,700.00:

AYES: Futch, Longville, Ramos, Singer, Terrell, Vizcaino
Buckner (advisory), Hrisoulas (advisory)
NOES: None
ABSTENTIONS: None
ABSENT: Lockwood

Approve General Conditions Contract Amendment 004 for Tilden-Coil Constructors, Inc. for Additional Work - CHC

Dr. Terrell moved, Dr. Singer seconded, and the Board members voted as follows to approve General Conditions Contract Amendment 004 for Tilden-Coil Constructors, Inc., for additional work, CHC, in the amount of \$43,771.00:

AYES: Futch, Longville, Ramos, Singer, Terrell, Vizcaino
Buckner (advisory), Hrisoulas (advisory)

NOES: None

ABSTENTIONS: None

ABSENT: Lockwood

Approve Contract Amendment 001 for L. D. Anderson, Inc. Infrastructure Package 2/3/4 Contract – CHC

Dr. Terrell moved, Dr. Singer seconded, and the Board members voted as follows to approve Contract Amendment 001 for L. D. Anderson, Inc. Infrastructure Package 2/3/4 Bid Category 1, Grading and Paving Contract, CHC, in the amount of \$43,847.00:

AYES: Futch, Longville, Ramos, Singer, Terrell, Vizcaino
Buckner (advisory), Hrisoulas (advisory)

NOES: None

ABSTENTIONS: None

ABSENT: Lockwood

Approve Uniform Construction Cost Accounting Procedures Agreements

Dr. Terrell moved, Dr. Singer seconded, and the Board members voted as follows to approve Uniform Construction Cost Accounting Procedures Agreements:

AYES: Futch, Longville, Ramos, Singer, Terrell, Vizcaino
Buckner (advisory), Hrisoulas (advisory)

NOES: None

ABSTENTIONS: None

ABSENT: Lockwood

Adopt Resolutions – State Department of Education

Dr. Terrell moved, Dr. Singer seconded, and the Board members voted as follows to adopt resolutions for the California Department of Education:

AYES: Futch, Longville, Ramos, Singer, Terrell, Vizcaino
Buckner (advisory), Hrisoulas (advisory)

NOES: None

ABSTENTIONS: None

ABSENT: Lockwood

12. INFORMATION ITEMS

- A. Summary of Change Orders for Measure "P" Projects
- B. Budget Report
- C. Summary of Purchase Order Report
- D. Summary of Uniform Construction Cost Accounting Program
- E. Applause Cards

13. STAFF REPORTS

- A. CHC President
 - A written report was submitted to the Board.
- B. CHC Academic Senate
 - Scott Rippey stated he is looking forward to representing the CHC faculty and working with the Board.
- C. CHC Classified Senate
 - Absent.
- D. CHC ASB
 - Students will be preparing food and serving the homeless at *Mary's Kitchen* in August. New AS officers have met with campus administrators to discuss goals, and the students are looking forward to more involvement in Region 9. The AS summer retreat will be held on the campus to contain costs.
- E. SBVC President
 - A written report was submitted to the Board.
- F. SBVC Academic Senate
 - John Stankas reported the campus earned in excess of 10,000 FTES during the 2008-2009 academic year. Faculty is looking at and tracking SLO's.
- G. SBVC Classified Senate
 - Absent.
- H. SBVC ASB
 - Absent.

- I. KVCR
 - A written report was submitted to the Board.
- J. CTA
 - Absent.
- K. CSEA
 - None.
- L. Chancellor
 - No further report.

The Board took a 10-minute break at 7:15 p.m.

14. WORKSHOP ON BOND PROGRAM

Larry Klumas, Program Bond Director, and Steve Lohr, Planning and Development Director, presented a workshop on the district's Capital Improvement Program, its organization and processes, as the Board considers and authorizes actions relating to the program. Also included in the presentation was an explanation of the Measure P and Measure M programs.

Mr. Buckner left the meeting at 8:15 p.m.

Mr. Klumas explained the selection process used to recommend architects and contractors to the Board, adding that the process is a competitive process. The district is trying to be more transparent in an attempt to reach minority and women-owned businesses. He also explained the difference between a change order and an amendment, noting that amendments are not subject to the 10% rule.

Several trustees were concerned that by the time a recommendation to approve an architect or contractor comes to the Board for approval, the selection process has been completed and only one firm or name is submitted to the Board for approval.

Dr. Daniels stated that both presidents were on the committee to select the architect. They used check sheets and rating sheets, and the committee needed to have concurrence before the selection could be made.

Mr. Futch had several questions which he will pass on to Dr. Vela.

Dr. Vela concluded that the Board is interested in understanding the processes better. It is our communities' money for the communities' colleges. There are committees that include presidents and faculty members. The presidents are charged with representing their colleges to be sure that they get the best talent for their projects. The district will look at everything, taking the Board's comments into consideration, and possibly entertain increasing the number of stakeholders in the process. Dr. Vela invited the trustees to meet informally with the administrative leaders to ask their questions regarding the implementation of the bond measures.

15. ADJOURN

After a moment of silence for Mrs. Jeane M. Lockwood, mother of Trustee Carleton W. Lockwood, Mr. Ramos adjourned the meeting at 8:30 p.m. in her memory.

Donald L. Singer, Clerk
San Bernardino Community College District
Board of Trustees