

**SAN BERNARDINO COMMUNITY COLLEGE DISTRICT
114 South Del Rosa Drive, San Bernardino, CA 92408**

**Minutes of the Regular Meeting of the Board of Trustees
Thursday, September 12, 2013 – 4:00 p.m. – Board Room**

1. CALL TO ORDER – PLEDGE OF ALLEGIANCE
Dr. Singer called the meeting to order at 4:07 p.m.

Members Present:

Dr. Donald L. Singer, President
John Longville, Vice President
Donna Ferracone, Clerk
Gloria Macias Harrison
Dr. Kathleen Henry
Joseph Williams
Nickolas W. Zoumbos
Yasmeen Flores, Student Trustee, CHC
Rosalinda Sosa-Sanchez, Student Trustee, SBVC

Members Absent:

None.

Administrators Present:

Bruce Baron, Chancellor
Timothy L. Oliver, Interim Vice Chancellor Fiscal Services
Jack Miyamoto, Human Resources Consultant
Dr. Cheryl Marshall, President, CHC
Dr. Gloria Fisher, Interim President, SBVC

Administrators Absent:

None.

PLEDGE OF ALLEGIANCE

Trustee Zoumbos led the Pledge of Allegiance.

2. ANNOUNCEMENT OF CLOSED SESSION ITEMS

CONFERENCE WITH LABOR NEGOTIATORS

Government Code 54957.6

Agency Negotiators: Bruce Baron and Jack Miyamoto
CTA
CSEA
Management/Supervisors
Confidential Employees

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Government Code 54957

Title: Chancellor

CONFERENCE WITH LEGAL COUNSEL

ANTICIPATED LITIGATION

Conference with Legal Counsel Pursuant to Government Code section 54956.9(d)2:
California Government Tort Claim against District, dated August 12, 2013, by current
and former District employees.

CONFERENCE WITH LEGAL COUNSEL

Existing Litigation

Pursuant to Government Code section 54956.9(d)(1) – Bell v. SBCCD, San Bernardino
Superior Court Case number CIVDS1208425

3. PUBLIC COMMENT ON CLOSED SESSION AGENDA ITEMS

None.

4. CONVENE CLOSED SESSION

The Board convened to closed session at 4:08 p.m.

5. RECONVENE PUBLIC MEETING

The public meeting was reconvened at 5:04 p.m.

6. REPORT OF ACTION IN CLOSED SESSION

Trustee Henry moved, Trustee Harrison seconded, and the Board members voted as follows to direct the Human Resources Consultant to reject the tort claim dated August 12, 2013 pursuant to Government Code Section 912.6:

AYES:Ferracone, Harrison, Henry, Longville, Singer, Williams, Zoumbos
Flores (advisory), Sosa-Sanchez (advisory)
NOES: None
ABSENT: None
ABSTENTIONS: None

7. INSTITUTIONAL PRESENTATIONS

**Special Recognition of Colleen Gamboa, CSEA Employee of the Year,
from County Board of Supervisors James Ramos**

Postponed to October 10, 2013 Board meeting.

**Omnitrans “Go Smart” Program Update
Wendy Williams, Director of Marketing for Omnitrans**

Trustee Singer opened the public hearing on the Omnitrans “Go Smart” Program Update.

Wendy Williams gave a presentation. Omnitrans is a discount program offered free to students with ID. Program benefits students and air quality. Program is instrumental in connecting students to the campuses of the San Bernardino community college schools. Omnitrans has a five year program with the district. At Valley College, 30% of the total enrollment participated in the program at least one time. At Crafton Hills College, 18% participated. Currently the program is active with CHC, SBVC, Chaffey, Cal State San Bernardino, Art Institute of Inland Empire and other Charter High Schools.

Hearing no further comments, Trustee Singer closed the public hearing.

**Overview of Legal Issues Pertaining to “Local Hires” for Bond Projects
Ruben A. Smith, Esq., Alvarado Smith Law Firm
Thierry R. Montoya, Esq., Alvarado Smith Law Firm**

Trustee Singer opened the public hearing on the Overview of Legal Issues pertaining to “Local Hires” for bond projects.

Ruben Smith and Thierry Montoya of Alvarado Smith Law Firm discussed strategies to establish a community economic development program. One is to establish a goal for local residents to get hired to work on construction projects that are funded by the bond program. Number two is to increase vendors who are hired for goods to be used in the construction bond program. Of three levels, the first is what can we do to the public contract code for bid packages to encourage the use of local hires and funnel acquisitions to local vendors; developing a more skilled workforce from the community that can work on community projects; and procurement language. Chancellor Baron was directed by the board to bring back first reading for local hires at the next board meeting.

Hearing no further comments, Trustee Singer closed the public hearing.

Public Hearing – Conduct the second public hearing on the proposed San Bernardino Community College District Redistricting area maps.

Trustee Singer opened the public hearing on the second public hearing of the proposed SBCCD redistricting area maps.

John Wurm, Mountain resident and attorney, indicated a preference on behalf of those he spoke with for plan number three. Advantages to the plan there would be at least one trustee that comes from the area, representation from the mountain area, smoother transition to the board composition, more likely to achieve the goals that are required by the California Williams rights act which is to facilitate an election of representatives who share similar geographic interests and ensure population is represented.

Ryan Bergson engineer resident of Crestline is for redistricting and will run for the area.

Dr. Hawkins retired from Cal State San Bernardino and active in the Westside Action Group commended the District for setting up single-member districts, but suggests the plans require minor adjustments. The concern is the way the population is distributed within the district does not serve protected groups. Option number one is a more viable option. Dr. Hawkins also suggested a methodology be noted of how the districts were divided.

Hearing no further comments, Trustee Singer closed the public hearing.

8. APPROVAL OF MINUTES

A. July 25, 2013

Trustee Ferracone moved, Trustee Longville seconded, and the Board members voted as follows to approve the Minutes of July 25, 2013:

AYES: Ferracone, Harrison, Henry, Longville, Singer, Williams, Zoumbos
Flores (advisory), Sosa-Sanchez (advisory)

NOES: None

ABSENT: None

ABSTENTIONS: None

B. August 8, 2013

Trustee Ferracone moved, Trustee Harrison seconded, and the Board members voted as follows to approve the Minutes of August 8, 2013:

AYES: Ferracone, Harrison, Henry, Longville, Singer, Williams, Zoumbos
Flores (advisory), Sosa-Sanchez (advisory)

NOES: None

ABSENT: None

ABSTENTIONS: None

Approval of minutes 8/8/13 with correction to page 9, shall reflect Trustee Harrison, Trustee Williams, and Trustee Henry who were approved to serve on the EDCT Foundation (Williams replaces Longville).

C. August 22, 2013

Trustee Henry moved, Trustee Williams seconded, and the Board members voted as follows to approve the Minutes of August 22, 2013:

AYES:Ferracone, Harrison, Henry, Longville, Singer, Williams, Zoumbos
Flores (advisory), Sosa-Sanchez (advisory)

NOES: None

ABSENT: None

ABSTENTIONS: None

9. REPORTS

A. Board Members

- Trustee Williams attended the Police Academy Basic Graduation at Crafton.
- California Workforce Investment Board has \$250 million available through the Career Pathways Trust that targets community colleges, charter schools, and K-12 districts.
- State Workforce Board's Policy Committee passed a measure where community colleges are required to maintain 70% certification and attainment rate on programs listed on ETPL (Employment Training Panel). Trustee Williams would like to see follow up on whether the listing will this increase enrollment and what the impact will be.
- Trustee Harrison reported three successful meetings of the Construction Collaborative that Matthew Isaac has chaired. We are in full support of developing a policy for local hire. If we can put together a good policy we will be able to do pre-apprenticeships for our local workforce.

B. Student Trustees

- Student Trustee Rosalinda Sosa-Sanchez reported she has received complaints from students on AB 955. Handout was distributed comparing impact on low income students with and without AB 955.
- Student Trustee Yasmeen Flores met with Wendy Williams to address concerns that were presented. Lack of follow up from the school was identified as an issue. Solution was to include the college name on the complaint form and all complaints will be shared with the college. Students also experienced issues with bus cards. Recommendation is to upgrade technology in order to better provide a service to the students.
- Yasmeen made calls and sent letters to Senators against AB 955.

C. Chancellor

- Chancellor Baron reported on the new Adjunct Professor, Lindsay Wagner teaching acting and writing for television in our Radio, TV and Film program.
- Chancellor's column appeared in the SB Sun on being a Hispanic-serving institution. The grant received for being a Hispanic-serving institution benefits all students.
- Enrollment is up and thanks to Prop 30 we can offer additional classes. Valley represents 800 additional students and Crafton represents 500 additional individual students over this time last year. We will discuss an aggressive growth strategy so we can better meet the community needs and regain students seats lost over the last few years.
- The Chancellor responded to a public comment from a prior meeting regarding a student not having access to ergonomic chairs in classrooms. The expectation is that we meet all reasonable accommodations. College administration has made sure a thorough investigation was conducted and all classes have the appropriate furniture to meet the needs of this student. The door remains open to this student through the Disabled Student program.
- Mr. Baron highlighted the 1st of a six module program of the Entrepreneurship Institute of San Bernardino took place last week. 22 students who are budding small business owners were able to participate thanks to a grant from the Wal-Mart Foundation.
- The Chancellor read a statement regarding AB 955:
 "Our colleges lost approximately 2,500 FTES district-wide or about 7,000 individual classroom seats over the last few years due to the unprecedented budget cuts handed down from the state. The State Chancellor's Office estimates that we have lost about 600,000 students system-wide during that time. Statewide we are on track to replace only about 10% of those lost this year – and that is with the assistance of Prop 30, which has a limited term. It is unlikely we will ever be able to fully fund the level of enrollment we should to serve those lost students plus new ones. Meanwhile students continue not to have the enrollment opportunities they should have to complete their certificates, degrees and transfer decisions.

Crafton Hills College has proposed an aggressive plan for growth to reach 4,800 FTES by 2016-2017 and increase of about 700 FTES. This growth cannot be achieved through the general fund and is unlikely to be achieved through the general fund in this decade. Crafton has new facilities coming online over the next few years that were planned based on enrollment projections made prior to the severe budget cutbacks of the past several years. It is important that Crafton achieve full use of those facilities which were provided by our community to educate our residents as soon as reasonably possible.

AB 955 has been amended to be a voluntary pilot program and only those schools on the original short list will have the opportunity to participate in the program but are not compelled to do so. Neither the

Chancellor not the Board of Trustees have made a commitment to implement the pilot program at Crafton Hills College, but being on the list allows us to have the opportunity to examine the law carefully, to better understand the requirements and the impact on our community, and to assess whether it is a good option for us. Among other concerns, the law requires a thorough analysis of how financial aid can be utilized to meet the costs of the extension program classes and what the responsibilities are of the institution for funding the classes.

We will analyze the details of this bill, look at all aspects pro and con, listen to our communities, and determine if any future action should be taken.

10. PUBLIC COMMENT ON AGENDA ITEMS

The public voiced their concerns and opposition for AB 955:

Paula Venegas
Rachel Kanakaole
Mary Valdemar
Sabrina Aguirre
Vanessa Plata
Patrick Dorsey
Annaly Medrano
Jason Martinez
Hector Guzman
Rebecca Jaensch
Diana Coffey
Norma Wise
Jacqueline Siefferman
Kathleen Gibson
Ian Zander
Bobby Manning
Chris Robles

President Singer thanked everyone for their concerns and heartfelt statements.
Joseph Williams proposed the Board agendaize AB 955.

11. CONSENT AGENDA

The following changes were made in the Consent Agenda:

Item 11.B.12. Consideration of Approval of Management Appointments to remove Kenneth Couch from consideration.

Item 11.B.17 Consideration of Approval of Salary Step Advancement for Management Employees to change Cheryl Marshall as President of CHC and remove Rebeccah Warren-Marlatt from salary step advancement.

Item 11.C.1 Consideration of Approval of Routine Contracts and Agreements with the following changes:

EXPENSES

General Expense	43 contracts	\$949,619.28
Program Rights	2 contracts	\$45,041.00
Rescinded		\$0
Total Expenses		\$1,383,915.19

INCOME

Income – Grant	\$322,500.00
Total Income	\$683,136.37

Item 11.C.4 Consideration of Approval of District/College Expenses to reflect Fall Club Rush as a CHC event.

Trustee Harrison moved, Trustee Zoumbos seconded, and the Board members voted as follows to approve the Consent Agenda:

AYES: Ferracone, Harrison, Henry, Longville, Singer, Williams, Zoumbos
Flores (advisory), Sosa-Sanchez (advisory)
NOES: None
ABSENT: None
ABSTENTIONS: None

Item 11.B.16. Consideration of Approval of Salary Amendment for Management Employees

Trustee Harrison moved, Trustee Zoumbos seconded, and the Board members voted as follows to approve the Consent Agenda:

AYES: Ferracone, Harrison, Henry, Longville, Singer, Williams, Zoumbos
Flores (advisory), Sosa-Sanchez (advisory)
NOES: None
ABSENT: None
ABSTENTIONS: None

Item 11.B.17. Consideration of Approval of Salary Step Advancement for Management Employees

Trustee Ferracone moved, Trustee Harrison seconded, and the Board members voted as follows to approve the Consent Agenda:

AYES: Ferracone, Harrison, Henry, Longville, Singer, Williams, Zoumbos
Flores (advisory), Sosa-Sanchez (advisory)
NOES: None
ABSENT: None
ABSTENTIONS: None

Item 11.C.2. Consideration of Approval of Professional Services Contracts and Agreements

Trustee Harrison moved, Trustee Henry seconded, and the Board members voted as follows to approve the Consent Agenda:

AYES: Ferracone, Harrison, Henry, Longville, Singer, Williams, Zoumbos
Flores (advisory), Sosa-Sanchez (advisory)

NOES: None

ABSENT: None

ABSTENTIONS: None

Item 11.C.7. Consideration of Approval of Facility Use Fee Waiver

Trustee Henry moved, Trustee Williams seconded, and the Board members voted as follows to approve the Consent Agenda:

AYES: Ferracone, Harrison, Henry, Longville, Singer, Williams, Zoumbos
Flores (advisory), Sosa-Sanchez (advisory)

NOES: None

ABSENT: None

ABSTENTIONS: None

12. ACTION AGENDA

Acceptance of Management Employee Retirement

Trustee Harrison moved, Trustee Henry seconded, and the Board members voted as follows to approve the Action Agenda Item:

AYES: Ferracone, Harrison, Henry, Longville, Singer, Williams, Zoumbos
Flores (advisory), Sosa-Sanchez (advisory)

NOES: None

ABSENT: None

ABSTENTIONS: None

Approval of Bond Measure M Construction Change Orders and Contract Amendments

Trustee Ferracone moved, Trustee Harrison seconded, and the Board members voted as follows to approve the Action Agenda Item:

AYES: Ferracone, Harrison, Henry, Longville, Singer, Williams, Zoumbos
Flores (advisory), Sosa-Sanchez (advisory)

NOES: None

ABSENT: None

ABSTENTIONS: None

Approval of Contract with Three Peaks Corporation – SBVC

Approval of Contract with Arup North America Limited

Approval of Amendment 002 to the HMC Architects Contract

Approval of Amendment 002 to the NTD Architecture Contract

Approval of Amendment 004 to the Steinberg Architects Contract

Approval of Amendment 006 to the Steinberg Architects Contract

Approval of Amendment 008 to the DLR Group WWCOT Contract

Trustee Harrison moved, Trustee Williams seconded, and the Board members voted as follows to approve the Consent Agenda:

AYES:Ferracone, Harrison, Henry, Longville, Singer, Williams, Zoumbos
Flores (advisory), Sosa-Sanchez (advisory)

NOES: None

ABSENT: None

ABSTENTIONS: None

Approval of Proprietary Items – CHC

Trustee Harrison moved, Trustee Ferracone seconded, and the Board members voted as follows to approve the Consent Agenda:

AYES:Ferracone, Harrison, Henry, Longville, Singer, Williams, Zoumbos
Flores (advisory), Sosa-Sanchez (advisory)

NOES: None

ABSENT: None

ABSTENTIONS: None

The Board convened to break at 7:12 p.m

The Board reconvened at 7:22 p.m

Approval to Reaffirm Board Imperatives and Approve 2013-14 Board Goals

Trustee Harrison moved, Trustee Zoumbos seconded, and the Board members voted as follows to approve the Consent Agenda:

AYES:Ferracone, Harrison, Henry, Longville, Singer, Williams, Zoumbos
Flores (advisory), Sosa-Sanchez (advisory)

NOES: None

ABSENT: None

ABSTENTIONS: None

Approval to Adopt Resolution Authorizing National Hispanic Serving Institutions Week

Trustee Harrison moved, Trustee Henry seconded, and the Board members voted as follows to approve the Consent Agenda:

AYES:Ferracone, Harrison, Henry, Longville, Singer, Williams, Zoumbos
Flores (advisory), Sosa-Sanchez (advisory)
NOES: None
ABSENT: None
ABSTENTIONS: None

Approval to Conduct a Public Hearing on the 2013-2014 Final Budget

Trustee Longville moved, Trustee Zoumbos seconded, and the Board members voted as follows to approve the Consent Agenda:

AYES:Ferracone, Harrison, Henry, Longville, Singer, Williams, Zoumbos
Flores (advisory), Sosa-Sanchez (advisory)
NOES: None
ABSENT: None
ABSTENTIONS: None

President Singer Opened Hearing to the Public

Public Comments on the Budget

None.

Approval to Adopt the 2013-2014 Final Budget

Trustee Harrison moved, Trustee Henry seconded, and the Board members voted as follows to approve the Consent Agenda:

AYES:Ferracone, Harrison, Henry, Longville, Singer, Williams, Zoumbos
Flores (advisory), Sosa-Sanchez (advisory)
NOES: None
ABSENT: None
ABSTENTIONS: None

Budget presentation by Tim Oliver and Jose Torres. There was discussion of how FTES is assessed. The District has to grow as projected to 3.9% as the state's funding is use-it or lose-it. Projected reserves of 34% is a soft number, which includes RDA funds that have not been released.

Approval of One-Time Budget Adjustment to Fund 2013-2014 Credit Course Offerings

Trustee Harrison moved, Trustee Longville seconded, and the Board members voted as follows to approve the Consent Agenda:

AYES: Ferracone, Harrison, Henry, Longville, Singer, Williams, Zoumbos
Flores (advisory), Sosa-Sanchez (advisory)

NOES: None

ABSENT: None

ABSTENTIONS: None

Approval of Commercial Lease with MSWP Redlands, LLC.

Trustee Harrison moved, Trustee Henry seconded, and the Board members voted as follows to approve the Consent Agenda:

AYES: Ferracone, Harrison, Henry, Longville, Singer, Williams, Zoumbos
Flores (advisory), Sosa-Sanchez (advisory)

NOES: None

ABSENT: None

ABSTENTIONS: None

13. INFORMATION ITEMS

- A.** Summary of Bond Measure M Capital Improvement Program Change Orders and Amendments for Construction Contracts

None.

- B.** Budget Report

Trustee Williams asked about the large differences between Revenues and Expenses. Jose Torres explained the revenues being a timing issue. Contract is still in process for the Child Development Fund. Revenue expenses are borrowed and reimbursed upon receipt of revenue. Expenses include encumbrances. Cashflow is a forecast of what is projected.

- C.** Purchase Order Report

None.

- D.** Quarterly Financial Status Report

None.

- E.** General Fund Cash Flow Analysis
None.
- F.** Clery Act Compliance Report
None.
- G.** MOU: Out-of-Classification Assignments for Classified Employees
None.
- H.** Applause Cards
None.

14. STAFF REPORTS

- A.** SBVC President
- Written report provided.
 - Opening Day was district-wide event held at SBVC. Proud of staff and stepped up to accommodate 600+ people in the gym.
 - Held Extended format academy graduation at CHC and thanked CHC.
 - SBVC is looking at a 2% enrollment growth. Thanked all Instructional Deans for hard work.
- B.** Academic Senate
- Jeremiah Gilbert, on behalf of the Executive Senate, restated the importance of the collegial consultation resolution and read the resolves.
 - Resolution in the works for K16.
 - Senate approved 2-year plan to get SLO's back for accreditation.
- C.** Classified Senate
- Constitution hoping to be adopted at the next senate meeting.
 - Working on Delineation of Duties Statement.
 - New fundraiser - Classified Senate Scholarship Fundraiser Concession Stand.
- D.** Associated Students
- Brandon Brown reported on the organization's stance on AB 955. Any increased cost to students is a concern to the students.
 - Mayoral Candidate Forum - October 1, 2013 from 11am-2pm.
 - Open Mic Night to give students an opportunity to express themselves artistically.
 - Green Week - October 21-24, 2013.

E. CHC President

- Written report provided.
- CHC will provide periodic updates for Accreditation.
- Both campuses hosting a preview of Latino Americans on KVCR – Panel discussion at CHC on September 23; Valley on September 24.
- Hosted 20 delegates from Africa at Solar Plant.
- Commended students for speaking their mind.

F. Academic Senate

- Denise Allen Hoyt reported productive CHC academic senate retreat on August 15.
- Implementing waitlist for Spring Term.
- New VPI Brian Reese.
- Resolution of SP 13.01 was read to the board.
- CHC Academic Senate urges the board to add the 2013-2014 budget deficit to the agenda to engage in discussion to develop a funding plan that will support CHC's anticipated growth.
- Second resolve presented to the board - Collegial Consultation was a reaffirmation of our collaborative decision making process.
- Remove CHC from all language of the law with respect to AB 955.

G. Classified Senate

- None

H. Associated Students

- Cameron Lyons VP External Affairs at CHC. Reported recruited 16 new members. Had summer retreat, revised budget, appointed executive board, and hosted the Roadrunner Rally.
- September 20 - fundraising event 3-9:30pm.
- September 25 - Etiquette Potluck
- October 27 – Club Rush
- September 27 - Presidential Inauguration
- Called Senators against AB 955
- September 17 - Constitution Day

I. CTA

- Ed Gomez thanked everyone for announcing the Latino Heritage Week.
- Passed MOU's thanks to Tanya and Bruce.
- DSPS MOU was moved.
- Urged the board to vote against AB 955.

J. CSEA

- None

15. ADJOURN

Dr. Singer adjourned the meeting at 9:00 p.m.



Donna Ferracone, Clerk
San Bernardino Community College District Board of Trustees