

Regular Meeting
Board of Trustees
Coast Community College District

District Board Room

5:00 p.m. Closed Session 6:30 p.m. Regular Meeting

February 18, 2009

MINUTES

A Regular Meeting of the Board of Trustees of the Coast Community College District was held on February 18, 2009 in the Board Room at the District Office.

1. 5:00 p.m. Closed Session Meeting

1.00 Call to Order

Board President Jim Moreno called the meeting to order at 5:01 p.m.

Roll Call

Trustees Present: Walter Howald, Jim Moreno, Jerry Patterson and Lorraine Prinsky.

Trustees Absent: Mary Hornbuckle, Michael Battistone*

Student Trustee Battistone arrived at 6:30 p.m. for the re-convening of the Regular Meeting of the Board of Trustees.

1.01 Public Comment

There were no requests to speak during Public Comment.

1.02 Closed Session

The Board recessed to Closed Session at 5:02 p.m. to discuss the following items:

1. Public Employment (pursuant to Section 54957(b)(1))

- Faculty Special Assignments
- Substitute Faculty
- Full-time Faculty
 - a. Temporary Instructor, Biology
- Part-time Faculty
- Classified – Revision to Previous Board action
 - a. Accounting Technician, Senior
 - b. Instructional Systems Development Programmer
 - c. Receptionist
 - d. Staff Aide
- Classified Temporary Assignments
- Hourly
- Substitute Classified
- Student Employee
- Professional Experts

2. Conference with Legal Counsel: Existing Litigation (pursuant to sub-section “a) of Section 54956.9)2

Morganstern v. Orange Coast College et al., Orange County Superior Court Case No. 30-2008-00109222

Zandieh v. Coast Community College District, Orange County Superior Court Case No. 30-2008-00108991

Orellana v. Coast Community College District, Orange County Superior Court Case No. 30-2008-00114631

Lewis v. Coast Community College District et al., Orange County Superior Court Case No. 30-2008-00114263

Steidinger v. Coast Community College District, Orange County Superior Court Case No. 30-2008-00109197

Nguyen v. Coast Community College District (CFE Arbitration) (Arbitration No. 08-01)

Coast Federation of Educators v. Coast Community College District, PERB Case No. LA-CE-5056-E

Coast Federation of Educators v. Coast Community College District (Arbitration No. 08-02)

Kimball v. Golden West College, DFEH Case No. E-200809-K-1099-00)

3. Public Employee Discipline/Dismissal/Release (pursuant to Section 54957)

1.03 Open Session

The Board reconvened in Open Session at 6:43 p.m. to report on action taken during Closed Session.

The actions taken in Closed Session which were reported by Christian Teeter, Manager of Board Operations/Assistant to the Chancellor:

1. It was moved by Mr. Patterson and seconded by Mr. Howald to approve all Public Employment appointments as listed on Page 1 of the Agenda. Mr. Teeter stated that a copy of the packet was available for public review, corresponding to Closed Session Item 1.

Motion carried with the following vote: Aye – Mr. Howald, Mr. Patterson, Dr. Prinsky and President Moreno.

2. It was also reported by Mr. Teeter that a motion by Mr. Patterson and seconded by Dr. Prinsky that legal counsel be directed to respond to the complaint that has been filed in Kimball v. Golden West College, DFEH Case No. E-200809-K-1099-00, corresponding to Closed Session Item 2.

Motion carried with the following vote: Aye- Mr. Howald, Mr. Patterson, Dr. Prinsky and President Moreno.

1.04 Pledge of Allegiance

Trustee Howald led the Pledge of Allegiance to the United States of America.

1.05 Public Comment

There were no requests to address the Board during Public Comment at this time.

1.06 Approval of Minutes

It was moved by Mr. Patterson and seconded by Dr. Prinsky to approve the Minutes of the Regular Meeting of February 4, 2009. Motion carried with the following vote: Aye – Mr. Howald, Mr. Patterson, Dr. Prinsky and President Moreno.

1.07 Resolution

a) Adoption of Resolution Acknowledging Stephanie Dumont for Being Selected for the Hayward Award for “Excellence in Education”

It was moved by Mr. Patterson and seconded by Mr. Howald to adopt this resolution acknowledging Stephanie Dumont for being selected for the Hayward Award for “Excellence in Education” as presented in the February 18, 2009 Agenda.

Motion carried with the following vote: Aye – Mr. Howald, Mr. Patterson, Dr. Prinsky and President Moreno.

2 GENERAL INFORMATION AND REPORTS

2.00 Reports

a. Report from the Chancellor

Acting Chancellor Ding-Jo Currie provided a report to the Board. C.M. Brahmhatt, Vice Chancellor of Administrative Services, also spoke during this time regarding the State Budget.

b. Reports from the Presidents

The following college presidents provided brief reports to the Board:

Wes Bryan, President, Golden West College (GWC)
Ding-Jo Currie, President, Coastline Community College (CCC)
Bob Dees, President, Orange Coast College (OCC)

c. Reports from the Officers of Student Government Organizations

The following representatives provided reports on behalf of the student government organizations:

Kris Cutting, Student Senate, OCC
Reema Chand, CCC

d. Reports from the Academic Senate Presidents

The following Academic Senate Presidents provided brief reports to the Board:

Diane Restelli, Golden West College (GWC) Academic Senate President
Eduardo Arismendi-Pardi, Orange Coast College (OCC) Academic Senate President
Cheryl Stewart, Coastline Community College (CCC) Academic Senate President

e. Reports from Employee Representative Groups

Reports were presented by:

Barbara Price, President, Coast Community College Association/California Teachers Association-National Education Association (CCA/CTA-NEA)

f. Reports from the Board of Trustees

Board members provided individual reports.

g. Consideration of Association of Community College Trustees (ACCT) and California Community Colleges League (CCLC) Meetings and Conferences

The Board reviewed the meeting dates listed for the ACCT and CCLC.

h. Review of Board Meeting Dates

The Board reviewed the scheduled Board Meeting dates presented in the February 18, 2009 Agenda.

i. Opportunity for the Board to Review the Board Directives Log

The Board reviewed the Board Directives Log.

j. Transfer Center/Articulation Plan for 2008-2009

The Board reviewed the Transfer Center/Articulation Plan for 2008-2009 as presented in the February 18, 2009 Agenda.

k. Review of Scholarship and Awards Ceremonies and Commencement Exercises

The Board reviewed the Scholarship and Awards Ceremonies and Commencement Exercises as presented in the February 18, 2009 Agenda.

l. Opportunity for Board of Trustees' Review and Discussion of Policy 010-2-5, General Rules For Meetings

The Board reviewed and discussed Policy 010-2-5, General Rules for Meetings, and directed staff to bring this item back to the Action Section of the March 4, 2009 Agenda.

m. Opportunity for Review of Proposed Policy 010-2-9, General Counsel

The Board reviewed the Proposed Policy 010-2-9, General Counsel. It was moved by Mr. Patterson and seconded by Dr. Prinsky that this item be advanced to the Action Section of the March 4, 2009 Agenda.

Motion carried with the following vote: Aye – Mr. Patterson, Dr. Prinsky and President Moreno.
Nay – Mr. Howald

n. Opportunity for Board of Trustees' Review of the Colleges' Draft Accreditation Reports

The College Presidents presented oral reports on the draft accreditation.

2.01 Review of Buildings and Grounds Reports

The Board reviewed the Buildings and Grounds Reports as presented in the February 18, 2009 Agenda.

1.07.1 Acceptance of Retirements

The Board expressed appreciation and congratulations to the following retiree with 10 or more years of service to the District.

Kryder, Nancy G., OCC, Instructor, Biological Services, retirement effective 02/05/09.

It was moved by Mr. Patterson and seconded by Dr. Prinsky to accept this retirement. Motion carried with the following vote: Aye – Mr. Howald, Mr. Patterson, Dr. Prinsky and President Moreno.

3.0 CONSENT CALENDAR

At the request of Dr. Prinsky, Section 3.02 Travel Authorizations, was pulled for separate review. Additionally, at the request of Dr. Curry, Items 3.03.08 Approval of Clinical Contracts – Orange Coast College, and Approval of Clinical Contracts – Golden West College, were pulled for review.

It was moved by Dr. Prinsky and seconded by Mr. Battistone that the balance of the consent calendar be approved. Motion carried with the following vote: Aye – Mr. Howald, Mr. Patterson, Dr. Prinsky and President Moreno.

Items Removed from the Consent Calendar:

Section 3.02 Travel Authorizations. It was moved by Dr. Prinsky and seconded by Mr. Howald to approve Section 3.02 Travel Authorizations. Motion carried with the following vote: Aye – Mr. Howald, Mr. Patterson, Dr. Prinsky and President Moreno.

Section 3.03.08 Approval of Clinical Contracts – Orange Coast College and Golden West College. It was moved by Mr. Patterson and seconded by Mr. Howald that Items 3.03.08 Approval of Clinical Contracts – Orange Coast College and Golden West College, be approved, subject to further review and approval of the contract and conditions by Acting Chancellor Ding-Jo Currie and legal counsel. (The Consent Calendar and all background reports were included with the February 18, 2009 Agenda and are available on request.)

Motion carried with the following vote: Aye – Mr. Howald, Mr. Patterson, Dr. Prinsky and President Moreno.

4.0 ACTION ITEMS

4.01 Authorization to Enter Agreements – Coastline Community College

- a. Approve Amended Development Services Agreement with Advance Academy and the Coast Community College District (Coastline Community College) to develop an International Nursing Transitional Training Program**

It was moved by Mr. Howald and seconded by President Moreno to approve the Agreement between Advance Academy and the Coast Community College District (Coastline Community College). The amendment extends the term of the Agreement through December 31, 2010, and modifies the Agreement to provide authorization for the right of assignment by Advance Academy. The Board further authorized the Board President, or designee, be authorized to sign the Agreement.

Motion carried with the following vote: Aye – Mr. Howald, Mr. Patterson, Dr. Prinsky and President Moreno.

Fiscal Impact: None

4.02 Authorization to Enter Agreements – Golden West College

- a. Approve Renew of the Non-Standard Agreement with Sallie Mae, Business Office Solutions for Tuition Pay and eDisbursements**

It was moved by Mr. Patterson and seconded by Mr. Howald to approve the Sallie Mae, Business Office Solutions' contract as is currently drafted for the purpose of disbursing student financial aid funds, EOPS and CARE grants; and, provide a tuition payment for students. The Board further authorized the Board President, or designee, to sign the agreement and any related documents,

Motion carried with the following vote: Aye – Mr. Howald, Mr. Patterson, Dr. Prinsky and President Moreno.

Fiscal Impact: Reduces charges for voided checks from \$15 to \$.50. Costs paid from General and Categorical Funds.

4.03 Authorization to Enter Agreement – Orange Coast College

a. Approval of Independent Contractor Agreement between Coast Community College District (Orange Coast College) and Brailsford & Dunlevey Consultants to Perform a Campus Housing Feasibility Study

It was moved by Mr. Howald and seconded by Mr. Patterson that the Independent Contractor Agreement between the Coast Community College District (Orange Coast College) and Brailsford & Dunlevey for the purpose of performing a campus housing feasibility study beginning February 19, 2009, through July 31, 2009 be referred to the Acting Chancellor for further review and placed to the March 4, 2009 Agenda. It was further requested that the Land Development Committee be copied on future correspondence relating to campus housing at Orange Coast College..

Motion carried with the following vote: Aye – Mr. Howald, Mr. Patterson, Dr. Prinsky and President Moreno.

b. Approval of Non-Standard Agreement between Coast Community College District (Orange Coast College) and SARS Software Products, Inc.

It was moved by Mr. Patterson and seconded by Mr. Howald that the contract with SARS Software Products, Inc. be approved.

The Board further authorized the Board President, or designee, to sign this Agreement and any related documents.

Motion carried with the following vote: Aye – Mr. Howald, Mr. Patterson, Dr. Prinsky and President Moreno.

Fiscal Impact: Orange Coast College to pay a one-time amount of \$9,096.25 and \$1,350 annually thereafter from Title III Grant funding.

4.04 Authorization to Enter Agreement – District

a. Approve Agreement with Milliman Consultants and Actuaries to Provide an Actuarial Attestation in Order for the Coast Community College District to Receive the Medicare Part D Employer Subsidy from the Centers for Medicare and Medicaid Services (CMS)

The Coast Community College District provides retirees and their eligible dependents with medical and prescription coverage. The Centers for Medicare and Medicaid Services (CMS) provides a subsidy to employers who provide retirees over age 65 with creditable prescription coverage. Creditable coverage is coverage that is equal to or better than the Medicare D prescription plan offered through Medicare. In order to verify that the prescription plan through the District is creditable, an actuary has to attest to the fact that the coverage is creditable.

It was moved by President Moreno and seconded by Mr. Howald that the Board of Trustees approve the Agreement with Milliman Consultants and Actuaries to provide an actuarial attestation that the Coast Community College District provides creditable coverage and qualifies for the plan sponsor subsidy available under Medicare Part D.

The Board further authorized the Board President, or designee, to sign the Agreement and any related documents.

Motion carried with the following vote: Aye – Mr. Howald, Mr. Patterson, Dr. Prinsky and President Moreno.

Fiscal Impact: \$4500/per year

b. Approve Agreement with Townsend Public Affairs (TPA) for District Legislative Advocacy and Public Relations Services

It was moved by Mr. Patterson and seconded by Mr. Howald that the Board approve the Agreement with Townsend Public Affairs (TPA, to perform legislative advocacy consulting services in Sacramento, California and Washington, DC. The scope of work for these legislative advocacy services shall be as specified in the TPA proposal (including but not limited to the acquisition of funding for career and technology and green educational programs), including other services as directed by the Board of Trustees or Chancellor. The Board further authorized the Board President, or designee, to sign the Agreement and any related documents, indicating approval by the Board of Trustees.

Motion carried with the following vote: Aye – Mr. Howald, Mr. Patterson, Dr. Prinsky and President Moreno.

Fiscal Impact: \$5,000 per month

4.05 General Items of Business – Coastline Community College

a. Approval of Exemption for District from Local City Zoning Requirements and Designation of District as “Lead Agency” for CEQA Purposes pertaining to Real Property at 1505-1515, 1527-1533 Monrovia Avenue, Newport Beach, CA.

It was moved by President Moreno and seconded by Mr. Howald that the Board of Trustees approve an exemption for the Coast Community College District from local zoning requirements of the City of Newport Beach, CA. The Board further authorized the Board of Trustees to designate the Coast Community College District as Lead Agency for CEQA requirements and potential environmental impact reports.

Motion carried with the following vote: Aye – Mr. Howald, Mr. Patterson, Dr. Prinsky and President Moreno.

4.06 General Items of Business - District

a. Authorization to Employ the Services of John Breihan, to Serve as Interim Associate Vice Chancellor

It was moved by Mr. Howald and seconded by Mr. Patterson that the Coast Community College District employ the services of John Breihan, to serve as Interim Associate Vice Chancellor. In his capacity as Interim Associate Vice Chancellor, Mr. Breihan will serve the District three days per week at the rate of \$650 per day, effective February 20, 2009 through June 30, 2009.

The Board further authorized the Vice Chancellor of Administrative Services to prepare the Independent Contractor Agreement, and for the Board President to sign the Agreement and any related documents

Motion carried with the following vote: Aye – Mr. Howald, Mr. Patterson, Dr. Prinsky and President Moreno.

Fiscal Impact: \$1,950 per week, not to exceed \$32,500

4.07 Buildings and Grounds

a. Approve Agreement with Southland Industries; Golden West College Energy Upgrade

It was moved by Mr. Patterson and seconded by Mr. Howald that this item be pulled and returned to the March 4, 2009 Agenda, with a copy of the Agreement.

Motion carried with the following vote: Aye - Mr. Howald, Mr. Patterson, Dr. Prinsky and President Moreno.

4.08 Coast Community College District Board of Trustees Resolution #09-12 Adoption of Resolution Authorizing Payment to Trustee Absent from Board Meeting

It was moved by Mr. Patterson and seconded by Mr. Howald to adopt Resolution #09-12 authorizing payment to Trustee Hornbuckle for absence from the February 18, 2009 Board Meeting due to hardship, as presented in the February 18, 2009 Agenda

Motion carried with the following vote: Aye – Mr. Howald, Mr. Patterson, Dr. Prinsky and President Moreno.

4.09 Policy Implementation

a. Adoption of Student Representative, Board of Trustees Policy 010-2-14

It was moved by Mr. Battistone and seconded by Mr. Patterson to adopt the proposed policy 010-2-14, Adoption of Student Representative, Board of Trustees, as presented in the February 18, 2009 Agenda.

Motion carried with the following vote: Aye – Mr. Howald, Dr. Prinsky, Mr. Patterson and President Moreno.

b. Adoption of Student Representative Selection Process

It was moved by Mr. Battistone and seconded by Mr. Patterson to adopt the proposed policy 010-2-14.1, Adoption of Student Representative Selection Process, as presented in the February 18, 2009 Agenda.

Motion carried with the following vote: Aye – Mr. Howald, Dr. Prinsky, Mr. Patterson and President Moreno.

5.0 PUBLIC COMMENT

There were no requests from the public to address the Board.

6.0 ADJOURNMENT

There being no further business, it was moved by Mr. Howald and seconded by Mr. Patterson that the meeting be adjourned.

Motion carried with the following vote: Aye - Mr. Howald, Mr. Patterson, Dr. Prinsky and President Moreno.

The meeting was adjourned at 9:04 p.m.

Secretary of the Board