

Regular Meeting
Board of Trustees
Coast Community College District

District Board Room

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

November 18, 2009

MINUTES

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

1.00 Procedural Matters

1.01 Call to Order

Board President Jim Moreno called the meeting to order at 5:02 p.m.

1.02 Roll Call

Trustees Present: Jim Moreno, Mary Hornbuckle, Walter Howald, Jerry Patterson,
Lorraine Prinsky and Student Trustee Robert Lane

Trustees Absent: None

1.03 Public Comment (Closed Session – Items on Agenda)

Dean Mancina, President, Coast Federation of Educators (CFE), Barbara Price, President Coast Community College Association/California Teachers Association-National Education Association (CCCA/CTA-NEA), and Rick Boone, Faculty, Orange Coast College addressed the Board regarding Agenda Item 1.04.02 Public Employment.

1.04 Recess to Closed Session

The Board recessed to Closed Session at 5:09 p.m. to discuss the following items:

1.04.01 Public Employment (Pursuant to Government Code 54957(b)(1))

Position: Chancellor, Coast Community College District

1.04.02 Public Employment (Pursuant to Government Code 54957(b)(1))

(See Appendix A, pages 18-25)

Public employment materials are available upon request from the Board of Trustees' Office

1. Faculty Special Assignments
2. Substitute Faculty
3. Full-time Faculty
4. Part-time Faculty
5. Classified Staff
 - a. Typist Clerk, Sr.
 - b. Division Area Office Coordinator
 - c. Workforce Specialist
 - d. Cosmetology Dispensary Tech
 - e. Staff Aide
 - f. Special Assignment
 - g. Student Financial Aid Acct. Fiscal Specialist
 - h. Matriculation Office Assistant
 - i. Warehouse Coordinator
6. Classified Temporary Assignments
7. Hourly Staff
8. Substitute Classified
9. Educational Administrators
 - a. President
 - b. Vice Chancellor
 - c. Interim President
 - d. Vice President
 - e. Dean
 - f. Interim Dean
 - g. Administrative Dean
 - h. Associate Dean
 - i. Executive Dean
 - j. Director
 - k. Coordinator
 - l. Interim Associate Vice Chancellor
10. Classified Managers
 - a. Special Assignment
11. Student Workers
12. Clinical Advisor/Summer

1.04.03 Conference with Legal Counsel: Anticipated Litigation (Pursuant to sub-section "b" of Government Code Section 54956.9)

Threatened litigation by Vicki Williams

**1.04.04 Conference with Legal Counsel: Anticipated Litigation
(Pursuant to sub-section "c" of Government Code Section 54956.9)**

Potential initiation of litigation – 1 Case

**1.04.05 Conference with Legal Counsel: Existing Litigation
(Pursuant to sub-section "a" of Government Code Section 54956.9)**

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

Coast Federation of Educators v. Coast Community College District (CFE Arbitration)

Faber v. Coast Community College District et al., Orange County Superior Court Case
No. 30-2009-00126090

Jacobson v. Coast Community College District (Arbitration)

1.04.06 Public Employee Discipline/Dismissal/Release (Pursuant to Section 54957)

1.04.07 Public Employee Performance Evaluation (Pursuant to Section 54957)

Position:

- a. President
- b. Vice Chancellor
- c. Interim President
- d. Vice President
- e. Dean
- f. Interim Dean
- g. Administrative Dean
- h. Associate Dean
- i. Executive Dean
- j. Director
- k. Coordinator
- l. Interim Associate Vice Chancellor

1.04.08 Conference with Labor Negotiator (Pursuant to Government Code 54957.6)

Agency Negotiator: Joseph Quarles Ed.D., Vice Chancellor, Human Resources

Employee Organizations: Coast Federation of Classified Employees (CFCE),

Coast Community College Association - California Teachers Association/

National Education Association (CCCA-CTA/NEA),

Coast Federation of Educators/American Federation of Teachers (CFE/AFT),

Unrepresented Employees: Association of Confidential Employees (ACE),

Unrepresented Employees: Educational Administrators

1.05 Reconvene Regular Meeting

The Board reconvened to Open Session at 6:30 p.m.

1.06 Pledge of Allegiance

Mr. Howald led the Pledge of Allegiance to the United States.

1.07 Report of Action in Closed Session

Board President Jim Moreno reported that on a motion by Mr. Patterson and seconded by Ms. Hornbuckle the Board of Trustees unanimously voted to approve Agenda Item 1.04.01 Public Employment, and appoint Ding-Jo H. Currie as Chancellor of the Coast Community College District

Motion carried with the following vote:

Aye:	Mr. Moreno, Mr. Howald, Mr. Patterson, Dr. Prinsky, and Ms. Hornbuckle
No:	None
Absent:	None

1.08 Public Comment (Open Session - Items on Agenda)

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

1.09 Approval of Employment Agreement for Chancellor, Coast Community College District

It was moved by Mr. Patterson and seconded by Mr. Lane to approve Employment Agreement for Chancellor, Coast Community College District.

Motion carried with the following vote:

Aye:	Mr. Moreno, Mr. Howald, Mr. Patterson, Dr. Prinsky, and Ms. Hornbuckle
No:	None
Absent:	None

Trustee Moreno recessed the meeting at 6:49 p.m. for a brief reception to welcome Dr. Currie.

The meeting reconvened at 7:12 p.m.

1.10 Presentations, Ceremonial Resolutions and Public Hearings

1.10.01 Resolution to Honor and Accept the Retirement of Helen Dorosh

It was moved by Mr. Howald and seconded by Ms. Hornbuckle to accept the retirement of Helen Dorosh.

Motion carried with the following vote:

Aye:	Mr. Moreno, Mr. Howald, Mr. Patterson, Dr. Prinsky, and Ms. Hornbuckle
No:	None
Absent:	None

2.00 General Information and Reports

2.01 Informative Reports

(Oral reports shall be limited to a maximum of three minutes. If requested and provided to the Board during the oral report, a written report shall be included as part of the public record. These reports generally will cover issues such as past and upcoming activities, student enrollment, budgetary issues, student concerns, and employee concerns)

2.01.01 Report from the Chancellor

Chancellor Dr. Currie provided a report to the Board.

2.01.02 Reports from the Presidents

The following college presidents or designee provided reports to the Board:

Kevin McElroy, Coastline Community College
Denise Whittaker, Orange Coast College
Wes Bryan, Golden West College

2.01.03 Reports from the Officers of Student Government

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

Tonya Anderson, Coastline Community College
Kris Cutting, Orange Coast College

2.01.04 Reports from the Academic Senate Presidents

The following Academic Senate Presidents or designee provided reports to the Board:

Nancy Jones, Coastline Community College Academic Senate President
Diane Restelli, Golden West College Academic Senate President
Eduardo Arismendi-Pardi, Orange Coast College Academic Senate President

2.01.05 Reports from Employee Representative Groups

Reports were provided by the following Employee Representative Groups:

Barbara Price, President, Coast Community College Association/California Teachers Association-National Education Association (CCCA/CTA-NEA)
Dean Mancina, President, Coast Federation of Educators (CFE)
Neal Kelsey, Executive Director, Coast Federation of Classified Employees (CFCE)
Michael Mandelkern, President, Coast District Management Association

2.01.06 Reports from the Board of Trustees

Board members provided individual reports.

2.01.07 Reports from the Board Committees

Board President Moreno and Trustee Hornbuckle provided a report of the Audit Committee. Ms. Hornbuckle stated there was nothing new to report on the Accreditation Committee and the next meeting is scheduled for December 7, 2009 at 3:00 p.m. Board President Moreno and Trustee Howald provided a report of the Career Technical Education Committee. Mr. Howald also provided a report of the Land Development Committee.

2.02 Matters for Review, Discussion and/or Action

2.02.01 Review of Board Meeting Dates

The Board reviewed the scheduled Board Meeting dates for FY 2009/2010 as presented in the November 18, 2009 Agenda.

2.02.02 Review of Board Committees' Meeting Dates

The Board reviewed the Board Committees' Meeting dates.

2.02.03 Consideration of Meetings and Conferences of the American Association of Community College (AACC) Association of Community College Trustees (ACCT) & California Community Colleges League (CCLC)

The Board reviewed the meeting dates and conferences for the AACC, ACCT, and CCLC as listed in the November 18, 2009 Agenda.

2.02.04 Opportunity for the Board to Review the Board Directives Log

The Board reviewed and discussed the items on the Board Log. Following discussion it was moved by Mr. Lane and seconded by Mr. Howald to accept the following changes to the Board Log:

Item # 4 – Progress report of Management, Faculty and Classified Hiring Policies, be moved to the December 9, 2009 Board Meeting.

Item # 6 – Participatory Governance Policies and Procedures, be moved to the March 3, 2010 Board Meeting.

Item # 7 – Status report on progress of President Obama's American Graduation Initiative, be moved to the February 3, 2010 Board Meeting.

Item # 8 – Development of Board Policy relating to Academic Senate Presidents, be moved to the January 20, 2010 Board Meeting.

Item # 10 – Progress report of District Vision 2020 Plan, be moved to the February 17, 2010 Board Meeting.

Item # 12 – Preparation of a succession plan for faculty, staff and administration, be moved to the April 21, 2010 Board Meeting.

Motion carried with the following vote:

Aye:	Mr. Moreno, Mr. Howald, Mr. Patterson, Dr. Prinsky, and Ms. Hornbuckle
No:	None
Absent:	None

2.02.05 Financial Investigative Report Regarding ASOCC Bookstore and Food Service Revenues

Richard Kudlik, Director of Internal Audit Services provided the Board with a report of revenue generating operations at Orange Coast College. (See appendix B, pages 26-36)

2.02.06 Golden West College Bookstore Independent Study Report and Recommendations from Holthouse, Carlin, and Van Trigt, LLP

Mr. Mike Thielman of Holthouse, Carlin & Van Trigt, LLP, provided the Board with an assessment and evaluation report of the Golden West College Bookstore.

Board President Moreno called for a brief recess at 9:54 p.m.

The meeting reconvened to Open Session at 10:03 p.m.

2.02.07 Opportunity for the Board of Trustees to discuss State Assembly Bill 656, Higher Education Oil and Natural Gas Extraction Tax

This item will come back before the Board in Resolution form at a future Board Meeting.

2.03 Review of Buildings and Grounds Reports

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

3.00 Consent Calendar

Upon review, the following items were removed from the Consent Calendar for further review and discussion.

1. Agenda Item 3.04.04 Authorization for Professional Experts – Wordes, Nash
2. Agenda Item 3.04.04 Authorization for Professional Experts – Carpenter, William
3. Agenda Item 3.04.05 Approval of Classified Staff Longevity Payments
4. Agenda Item 3.05 Additional Personnel Items – Mendoza, Robert H.
5. Agenda Item 3.05.02 Authorization for Independent Contractors – Golden West College – Kain, Bette

It was moved by Ms. Hornbuckle and seconded by Mr. Howald to approve the Consent Calendar with the exception of the items removed as indicated above.

Motion carried with the following vote:

Aye:	Mr. Moreno, Mr. Howald, Mr. Patterson, Dr. Prinsky, and Ms. Hornbuckle
No:	None
Absent:	None

Following discussion, Board President Moreno asked that Agenda Items 3.04.04, Authorization for Professional Experts for Mr. Nash and Mr. Carpenter be brought back to the December 9, 2009 Board Meeting so that more information could be obtained and provided to the Board of Trustees regarding these assignments.

Trustee Prinsky asked for an explanation of Agenda Item 3.04.05 and following such, it was moved by Mr. Howald and seconded by Dr. Prinsky that the Board approve the Classified Staff Longevity Payments.

Motion carried with the following vote:

Aye: Mr. Moreno, Mr. Howald, Mr. Patterson, Dr. Prinsky, and Ms. Hornbuckle
No: None
Absent: None

It was moved by Mr. Howald and seconded by Dr. Prinsky to approve Agenda Item 3.05.02, Authorization for Independent Contractor for Ms. Kain.

Motion carried with the following vote:

Aye: Mr. Moreno, Mr. Howald, Mr. Patterson, Dr. Prinsky, and Ms. Hornbuckle
No: None
Absent: None

Board President Moreno indicated that Agenda Item 3.05 Additional Personnel Items – Mendoza, Robert H., will be discussed in Closed Session.

4.00 Action Items

4.01 Approval of Agreements – Coastline Community College

4.01.01 Approve Agreement between the Coast Community College District and Old Dominion University to Provide Services in Support of the Subcontract Agreement between Central Texas College and the Coast Community College District for the Navy College Program for Afloat Education (NCPACE)

It was moved by Dr. Prinsky and seconded by Mr. Lane to approve the Agreement between the Coast Community College District and Old Dominion University who shall serve as subcontractor to CCCD in support of the DL-NCPACE program designed for Sailors assigned full-time to Navy sea-duty. The initial term of the Agreement shall be from October 1, 2009 through September 30, 2010. The Board President, or designee, is authorized to sign the Agreement and any related documents, indicating approval by the Board of Trustees.

Fiscal Impact: All operational and subcontractor costs incurred by Coastline as the primary contractor for the delivery of the NCPACE distance learning program are covered by contract income, with a net revenue of approximately \$200,000 per year.

Motion carried with the following vote:

Aye: Mr. Moreno, Mr. Howald, Mr. Patterson, Dr. Prinsky, and Ms. Hornbuckle
No: None
Absent: None

4.02 Approval of Agreements – Golden West College (None)

4.03 Approval of Agreements – Orange Coast College

4.03.01 Approve Non-Standard Agreement between the EMC Corporation and the Coast Community College District for the purpose of offering instruction in the EMC Academic Alliance Program for Students Enrolled in the Convergence Technology and Network Administration Programs.

It was moved by Mr. Howald and seconded by Mr. Lane to approve the Agreement between the EMC Corporation and the Coast Community College District for the purpose of offering instruction in the EMC Academic Alliance program for students enrolled in the Convergence Technology and Network Administration programs as requested by the company for three (3) years from the date of signing. The Board President, or designee, is authorized to sign the Agreement and any related documents, indicating approval by the Board of Trustees.

Fiscal Impact: None. Membership in the program is free to eligible colleges.

Motion carried with the following vote:

Aye:	Mr. Moreno, Mr. Howald, Mr. Patterson, Dr. Prinsky, and Ms. Hornbuckle
No:	None
Absent:	None

4.03.02 Approve Non-Standard Agreement between Hurley International, LLC and the Coast Community College District to authorize Orange Coast College to sell Hurley Merchandise in the OCC Frank M. Doyle Gallery Store.

After review by the Interim College President and District General Counsel, it is recommended by the Interim Chancellor that the Board approve the Agreement between Hurley International, LLC and the Coast Community College District for the purpose of authorizing Orange Coast College to sell Hurley merchandise in the OCC Frank M. Doyle gallery store commencing on November 14, 2009, and ending on January 30, 2011. The Board President, or designee, is authorized to sign the Agreement and any related documents, indicating approval by the Board of Trustees.

Fiscal Impact: All merchandise will be on consignment. Hurley will be paid a specified wholesale value for each item sold (ranging between 45% to 55% of the retail sale price).

Motion carried with the following vote:

Aye:	Mr. Moreno, Mr. Howald, Mr. Patterson, Dr. Prinsky, and Ms. Hornbuckle
No:	None
Absent:	None

4.04 Approval of Agreements – District

4.04.01 Approval of New District Standard Agreement for Use of Weapons Firing Facility for Use by the Golden West College Criminal Justice Training Center

It was moved by Mr. Moreno and seconded by Mr. Patterson to approve the Standard Agreement for Use of Weapons Firing Facility by the Golden West College Criminal

Justice Training Center (CJTC). This Standard Agreement will enable the Golden West College CJTC to establish vital business relationships with local and regional weapons firing facilities so that CJTC students and staff can comply with the California Peace Officer Standards for Training (POST) requirements. The Board President, or designee, is authorized to sign the Agreement and any related documents, indicating approval by the Board of Trustees.

Fiscal Impact: No fiscal impact to approve this as a District Standard Agreement for future use.

Motion carried with the following vote:

Aye:	Mr. Moreno, Mr. Howald, Mr. Patterson, Dr. Prinsky, and Ms. Hornbuckle
No:	None
Absent:	None

4.05 Buildings and Grounds Approvals

4.05.01 Authorization to File Notice of Completion

It was moved by Mr. Patterson and seconded by Mr. Howald that authorization be given to file a Notice of Completion on the following projects in compliance with Public Contract Code 7107 allowing for substantial completion by the public agency, or its agent (architect) of the work of improvement. Upon acceptance by the Interim Chancellor or Vice Chancellor of Administrative Services, a Notice of Completion will be filed with the County of Orange Clerk Recorder's Office. Thirty-five (35) days after filing of the Notice of Completion and public notification to all subcontractors, the District is authorized to pay fees due, accepting all work and/or materials as satisfactorily completed by the contractors. In the event of a dispute between the District and the Contractor, the District may withhold from the retention an amount not to exceed 150 percent of the disputed amount.

OCC Softball Field; Bid No. 1964

Category A – Demolition/Earthwork/Grading

Contractor: GCI Construction Inc.

Category B – Site Utilities

Contractor: Engineering/Remediation Resources Group, Inc.

Category C – Concrete/Masonry

Contractor: MJ Contractors, Inc.

Category D – Landscaping/Irrigation

Contractor: American Landscape, Inc.

Category E – Carpentry/Steel

Contractor: MJ Contractors, Inc.

Category F – Electrical

Contractor: Ace Electric

Category G – Plumbing

Contractor: Verne's Plumbing Inc.

Category H – Specialties

Contractor: USS Cal Builders Inc.

Motion carried with the following vote:

Aye: Mr. Moreno, Mr. Howald, Mr. Patterson, Dr. Prinsky, and Ms. Hornbuckle
 No: None
 Absent: None

4.05.02 Approve Independent Contractor Agreement with Bundy Finkel Architects; Orange Coast College Student Center Temporary Swing Space

It was moved by Mr. Howald and seconded by Ms. Hornbuckle that authorization be given to employ Bundy Finkel Architects for consulting services for the Orange Coast College Student Center Temporary Swing Space pursuant to the District's Standard Independent Contractor Agreement. The Board President, or designee, is authorized to sign the Agreement and any related documents, indicating approval by the Board of Trustees.

The scope of services is to include the following tasks:

1.	Research site information	\$ 1,100
2.	Field survey for spot elevation	\$ 2,000
	Concept Design Services:	
3.	Site design, meetings	\$ 2,100
4.	Concept grading and utility site plan – 2,000 x 1.05	\$ 2,100
5.	Concept dry utility plan – 1,000	\$ 1,000
	Construction Documents Services:	
6.	Site design, specifications, meetings	\$ 3,400
7.	Grading plans, wet utility plan – 4,100 x 1.05	\$ 4,300
8.	Electrical site plan	\$ 2,000
9.	Reimbursable expenses	\$ 800

Total for above services: \$18,800

Fiscal Impact: \$18,800 (Measure C – General Obligation Bond Funds)
 Master Plan Approved Project
 OCC Upgrade Student Services
 OCC Student Center

Motion carried with the following vote:

Aye: Mr. Moreno, Mr. Howald, Mr. Patterson, Dr. Prinsky, and Ms. Hornbuckle
 No: None
 Absent: None

4.05.03 Approve Independent Contractor Agreement with IDS Group, Inc.; Orange Coast College Seismic Assessment of Book Store Building

It was moved by Ms. Hornbuckle and seconded by Mr. Howald that authorization be given to employ IDS Group, Inc. for structural engineering services for the Orange Coast College Seismic Assessment of Book Store Building pursuant to the District's Standard Independent Contractor Agreement. The Board President, or designee, is authorized to

sign the Agreement and any related documents, indicating approval by the Board of Trustees.

The scope of service is to include the following tasks:

1. Conduct a site visit to review the building's existing condition
2. Review existing drawings
3. Perform structural seismic assessment
4. Provide opinion of cost estimate to mitigate seismic deficiencies
5. Include the findings of the building assessment in the overall report of the project

The fee to perform the above service is \$9,750

Fiscal Impact: \$9,750 (District Capital Funds)

Motion carried with the following vote:

Aye:	Mr. Moreno, Mr. Howald, Mr. Patterson, Dr. Prinsky, and Ms. Hornbuckle
No:	None
Absent:	None

4.05.04 Approve Addendum No. 1 for C.W. Driver; Orange Coast College Softball Field

After review by the Orange Coast College Vice President of Administrative Services, Assistant Director of Facilities Planning and Construction and the Vice Chancellor of Administrative Services, it is recommended by the Interim Chancellor that authorization be given to accept Addendum No. 1 for additional construction management services for the Orange Coast College Softball Field. The Board President, or designee, is authorized to sign the Agreement and any related documents, indicating approval by the Board of Trustees.

The scope of services is to include the following:

- | | | |
|----|----------------------------------|---------|
| 1. | Additional Reimbursable Expenses | \$3,300 |
|----|----------------------------------|---------|

Fiscal Impact: \$3,300 (General Obligation Bond Fund/Measure C)

Master Plan Approved Project
OCC Upgrade Health/Wellness Facilities
OCC Upgrade Softball Field

Motion carried with the following vote:

Aye:	Mr. Moreno, Mr. Howald, Mr. Patterson, Dr. Prinsky, and Ms. Hornbuckle
No:	None
Absent:	None

4.05.05 Approve Addendum No. 4 for AEPC Group LLC; Orange Coast College Student Center Remodel

It was moved by Ms. Hornbuckle and seconded by Dr. Prinsky that authorization be given to accept Addendum No. 4 for AEPC Group, LLC for architectural and engineering

services for the Orange Coast College Student Center Remodel. The Board President, or designee, is authorized to sign the Agreement and any related documents, indicating approval by the Board of Trustees.

The scope of service is to include the following tasks:

1. Additional Reimbursable Expenses \$3,000

Fiscal Impact: \$3,000 (Measure C - General Obligation Bond Fund)
Master Plan Approved Project
OCC Upgrade Student Services
OCC Student Center

Motion carried with the following vote:

Aye: Mr. Moreno, Mr. Howald, Mr. Patterson, Dr. Prinsky, and Ms. Hornbuckle
No: None
Absent: None

4.06 General Items of Business – Coastline Community College

4.06.01 Substantive Change Proposal

It was moved by Mr. Lane and seconded by Mr. Howald that approval be given to submit a Substantive Change Proposal to the Accrediting Commission for Community and Junior Colleges titled, "Change in Geographical Area Served: A Contract Education Early College High School Program for Non - U.S. Nationals at a Private High School in China". Proposal Fee: \$500

Motion carried with the following vote:

Aye: Mr. Moreno, Mr. Howald, Mr. Patterson, Dr. Prinsky, and Ms. Hornbuckle
No: None
Absent: None

4.07 General Items of Business – Golden West College (None)

4.08 General Items of Business – Orange Coast College (None)

4.09 General Items of Business – District

4.09.01 Authorization for Systems Technology Associates (STA) to Replace District Office Storage Area Network (SAN) Utilizing WSCA contract B27164

It was moved by Ms. Hornbuckle and seconded by Dr. Prinsky to authorize the purchase of a Storage Area Network (SAN) from Systems Technology Associates. The Board President or designee is authorized to sign the agreement and any related documents, indicating approval by the Board of Trustees.

Fiscal Impact: \$95,342 from General Funds

Motion carried with the following vote:

Aye:	Mr. Moreno, Mr. Howald, Mr. Patterson, Dr. Prinsky, and Ms. Hornbuckle
No:	None
Absent:	None

4.09.02 Authorization to Amend the Agreement with Townsend Public Affairs for District Legislative Advocacy and Public Relations Services

It was moved by Mr. Lane and seconded by Mr. Patterson to amend the Agreement with Townsend Public Affairs to perform legislative advocacy consulting services in Sacramento, California, and Washington, D.C.

The contract amendment shall be month to month, with a term beginning January 1, 2010 through December 31, 2010, subject to termination by either party upon giving 30 days written notice. The monthly retainer for these services shall be \$5,000 per month, plus actual, reasonable and necessary costs approved by the District.

The District General Counsel is directed to prepare the contract amendment and the Board President, or designee, is authorized to sign the amendment and any related documents on behalf of the Board of Trustees.

Fiscal Impact: \$5,000 per month

Motion carried with the following vote:

Aye:	Mr. Moreno, Mr. Howald, Mr. Patterson, and Dr. Prinsky
No:	Ms. Hornbuckle
Absent:	None

4.10 Policy Implementation

4.10.01 Adoption of Policy 010-2-5, Board Meetings, Public Participation and Decorum Guidelines

It was moved by Mr. Moreno and seconded by Dr. Prinsky to adopt Policy 010-2-5, Board Meetings, Public Participation and Decorum Guidelines with the following change:

In section B, # 3e, delete the sentence, "The Board shall consider only matters appearing on the Board Meeting Agenda."

Motion carried with the following vote:

Aye:	Mr. Moreno, Mr. Howald, Mr. Patterson, Dr. Prinsky, and Ms. Hornbuckle
No:	None
Absent:	None

4.11 Resolutions

4.11.01 Coast Community College District Board of Trustees Resolution # 09-47 Resolution Authorizing Payment to Trustee Absent from Board Meeting

It was moved by Mr. Howald and seconded by Dr. Prinsky to adopt Resolution # 09-47 Authorizing Payment to Trustee Absent from Board Meeting.

Motion carried with the following vote:

Aye:	Mr. Moreno, Mr. Howald, Dr. Prinsky, and Ms. Hornbuckle
No:	None
Abstain:	Mr. Patterson
Absent:	None

4.12 Approval of Minutes

It was moved by Mr. Lane and seconded by Mr. Howald to approve the minutes of the Regular Board Meeting of November 4, 2009.

Motion carried with the following vote:

Aye:	Mr. Moreno, Mr. Howald, Dr. Prinsky, and Ms. Hornbuckle
No:	None
Abstain:	Mr. Patterson
Absent:	None

It was moved by Ms. Hornbuckle and seconded by Dr. Prinsky to approve the minutes of the Special Board Meeting of November 9, 2009.

Motion carried with the following vote:

Aye:	Mr. Moreno, Mr. Howald, Mr. Patterson, Dr. Prinsky, and Ms. Hornbuckle
No:	None
Absent:	None

5.00 Public Comment (Items not on the Agenda)

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

The Board recessed to Closed Session at 10:59 p.m.

The Board reconvened to Open Session at 12:49 a.m.

The Board discussed Agenda Item 3.05 Additional Personnel Items – Mendoza, Robert H in Closed Session, however, the following motion and vote took place in Open Session.

It was moved by Ms. Hornbuckle and seconded by Mr. Howald to approve Agenda Item 3.05 Additional Personnel Items – Mendoza, Robert H.

Motion carried with the following vote:

Aye:	Mr. Moreno, Mr. Howald, Mr. Patterson, Dr. Prinsky, and Ms. Hornbuckle
No:	None
Absent:	None

Reporting on action from Closed Session, Secretary of the Board of Trustees Christian Teeter reported that on a motion by Mr. Howald and seconded by Mr. Patterson the Board of Trustees approved the Public Employment items as listed in Agenda Item 1.04.02, with the deletion of the column "End Date" in Section 6, removal of the asterisk in the column "Vacancy," and removal of the language, "This position may be extended, modified or eliminated based on changes from the funding source." (See appendix A, pages 18-25)

Motion carried with the following vote:

Aye: Mr. Moreno, Mr. Howald, Mr. Patterson, Dr. Prinsky, and Ms. Hornbuckle
No: None
Absent: None

Mr. Teeter further reported that on a motion by Mr. Patterson and seconded by Mr. Howald, the Board voted to cease all hiring for any positions other than Executive Management until a reorganization plan is considered by the Board of Trustees, on or before December 9, 2009.

Motion carried with the following vote:

Aye: Mr. Moreno, Mr. Howald, Mr. Patterson, Dr. Prinsky, and Ms. Hornbuckle
No: None
Absent: None

Regarding Agenda Item 1.04.06 Public Employee Discipline Dismissal Release, Mr. Teeter reported that on a Motion by Mr. Patterson and seconded by Mr. Howald the Board voted not to re-employ a Dean in his or her position upon the expiration of his or her contract on June 30, 2010.

Motion carried with the following vote:

Aye: Mr. Moreno, Mr. Howald, Mr. Patterson, Dr. Prinsky, and Ms. Hornbuckle
No: None
Absent: None

6.00 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. Moreno, Mr. Howald, Mr. Patterson, Dr. Prinsky, and Ms. Hornbuckle
No: None
Absent: None

The meeting was adjourned at 12:51 a.m.

Secretary of the Board of Trustees

Appendices

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A. Public Employment Report..... 18-25

B. Financial Investigative Report of ASOCC Bookstore and Food Service Revenues.....26-36

Appendix A

1. Faculty Special Assignments

It is recommended that authorization be given for the following special assignments grouped by operation cost center. Board approved, contractual special pay rates listed below by pay type as follows: LOV = Librarian Overload, OVR = Overload, MTM = Full Time Certificated Instructional Misc. Teaching Rate, MTA = Part Time Misc. Teaching Rate, IUM = Full Time Certificated Instructional Unit Assistant, IUH = Part Time Certificated Instructional Unit Assistant, EXM = Full Time Certificated Extra Pay, EXH = Part Time Certificated Extra Pay, UNT = Part Time Certificated Unit Regular, PDM = Full Time Certificated Per Diem, PDH = Part Time Certificated Per Diem, INT = Intersession, SMM = Full Time Certificated Summer, SMH = Part Time Certificated Summer, ACS = Academic Senate.

COASTLINE COLLEGE

INDUSTRY COLLABORATIVE FOR BUSINESS EDUCATION (BIC) GRANT

<u>Name</u>	<u>Start Date</u>	<u>End Date</u>	<u>Pay Type</u>	<u>Pay Rate</u>
Aubry, Michael	11/19/09	06/30/10	EXH	\$29.46

To develop AA Degree in Sustainable Business for BIC Grant.

ABI PROGRAM

<u>Name</u>	<u>Start Date</u>	<u>End Date</u>	<u>Pay Type</u>	<u>Pay Rate</u>
Crowley, Erin	08/02/09	12/31/09	EXH	\$29.46

Working with ABI students on future planning, conducting intake interviews and participating in team meetings.

COURSE DEVELOPMENT

<u>Name</u>	<u>Start Date</u>	<u>End Date</u>	<u>Pay Type</u>	<u>Pay Rate</u>
Mathias, Richard	11/19/09	06/30/10	EXH	\$29.46

To develop Introducing and Marketing New Products course.

CURRICULUM DEVELOPMENT

<u>Name</u>	<u>Start Date</u>	<u>End Date</u>	<u>Pay Type</u>	<u>Pay Rate</u>
Sampson, Kevin	11/19/09	12/20/09	EXH	\$29.46

To develop new Emergency Management curriculum.

SPECIAL ASSIGNMENTS

<u>Name</u>	<u>Start Date</u>	<u>End Date</u>	<u>Pay Type</u>	<u>Pay Rate</u>
Hobbs, Eric	11/19/09	06/30/10	EXH	\$29.46

To provide hosting of Business Education Statewide Advisory Committee (BESAC) website.

Leighton, Kenneth	11/19/09	06/30/10	EXM	\$43.23
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Proofing Coast Learning Systems materials.

Terry, Brenda	11/19/09	06/30/10	EXH	\$29.46
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To conduct not-for-credit Computer Literacy Training series for Contract Education department.

ACADEMIC SENATE MEMBER

<u>Name</u>	<u>Start Date</u>	<u>End Date</u>	<u>Pay Type</u>	<u>Pay Rate</u>
Kabaji, Noha	10/20/09	05/30/10	ACS	\$27.50

Schilling, James	09/01/09	05/29/10	ACS	\$27.50
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SB70 CAREER AND TECHNICAL EDUC GRANT

<u>Name</u>	<u>Start Date</u>	<u>End Date</u>	<u>Pay Type</u>	<u>Pay Rate</u>
Chapman, Cheryl	12/01/09	12/31/09	EXH	\$29.46

GOLDEN WEST COLLEGESPECIAL ASSIGNMENT

<u>Name</u>	<u>Start Date</u>	<u>End Date</u>	<u>Pay Type</u>	<u>Pay Rate</u>
Tran, Dung	11/19/09	11/30/09	EXH	\$29.46

Prepared a workshop and address international students from Vietnam and Faculty Members.

SPANISH CHALLENGE TESTING

<u>Name</u>	<u>Start Date</u>	<u>End Date</u>	<u>Pay Type</u>	<u>Pay Rate</u>
Lopez-Rodriguez, A.	07/25/09	07/26/09	PDM	\$43.10
Pham, Khanhvan	06/05/09	08/06/09	PDH	\$30.34
Pizano, Veronica	07/09/09	07/10/09	PDM	\$43.10

INDIVIDUALIZED STUDY

<u>Name</u>	<u>Start Date</u>	<u>End Date</u>	<u>Pay Type</u>	<u>Pay Rate</u>	<u>Discipline</u>
Baker, Frank	09/21/09	11/06/09	EXM	\$34.58	Biology
Cast, Steven	09/21/09	11/06/09	EXH	\$10.00	Biology
Gomez-Holbrook, A.	09/21/09	11/06/09	EXH	\$10.00	Digital Art
Jones, Barbara	09/21/09	11/06/09	EXM	\$34.58	Comp Bus Appli
Kalisky, Lucy	09/21/09	11/06/09	EXH	\$10.00	Biology
Kelly, Darla	09/21/09	11/06/09	EXM	\$34.58	Biology
Miller, Stephen	09/21/09	11/06/09	EXM	\$34.58	Biology
Rehmat, Shehnaz	09/21/09	11/06/09	EXH	\$10.00	Biology
Tortolano, James	09/21/09	11/06/09	EXM	\$34.58	Journalism
Tsai, Mike	09/21/09	11/06/09	EXH	\$10.00	Photo
Vail, Travis	09/21/09	11/06/09	EXM	\$34.58	Biology

SPECIAL TOPICS COURSE

<u>Name</u>	<u>Start Date</u>	<u>End Date</u>	<u>Pay Type</u>	<u>Pay Rate</u>	<u>Discipline</u>
Conley, Brian	09/21/09	11/06/09	EXM	\$34.58	Art
Ebert, Darrell	09/21/09	11/06/09	EXM	\$34.58	Art

THE NORTH AMERICAN RENEWABLE ENERGY TRAINING PROJECT

<u>Name</u>	<u>Start Date</u>	<u>End Date</u>	<u>Pay Type</u>	<u>Pay Rate</u>
Curcurny, Marius	11/19/09	12/20/09	PDM	\$43.23
Herst, Thomas	11/19/09	12/20/09	PDM	\$43.23

ORANGE COAST COLLEGEINTERNSHIP ACADEMY

<u>Name</u>	<u>Start Date</u>	<u>End Date</u>	<u>Pay Type</u>	<u>Pay Rate</u>
Bayes, Chauncey	12/01/09	12/20/09	EXH	\$73.94
Lee, Robert	12/01/09	12/20/09	EXH	\$73.94
Lindquist, Robert	12/01/09	12/20/09	EXH	\$65.55
Sabori, Sibley	12/01/09	12/20/09	EXH	\$73.94

SPECIAL ASSIGNMENT

<u>Name</u>	<u>Start Date</u>	<u>End Date</u>	<u>Pay Type</u>	<u>Pay Rate</u>
Hansen, Beth	11/19/09	11/20/09	PDH	\$29.46

Provide auditioning, scripts, program, rehearsing schedule for "A Casual Evening Music Theater."

Means, Leland	11/19/09	11/23/09	PDH	\$29.46
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Evaluate, repair and calibrate equipment in the sculpture studios.

Ridnor, Rachel	11/19/09	12/20/09	PDH	\$29.46
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Develop, organize, and redesign the Student Success Center portal page and Title III Project Page.

Overload assignments for the following instructors, payment to be a maximum of \$72,000/hr based on 1/1000th of their placement on the CFE/AFT Local 1911 Faculty Unit Contract, for the period **08/31/09 to 12/20/09** for CCC, GWC and OCC assignments. Multiple statements indicate two or more separate assignments. LGF indicates Large Group Factor. This employment is subject to the general instructional needs of the college and/or the specific division. Assignments are not to exceed LHE stated:

GWC

<u>Name</u>	<u>LHE</u>
Hausey, Collette	5.33

2. Substitute Faculty

It is recommended that the following individuals be appointed as substitutes, as defined by California Ed Code 87480, appointments not to exceed 20 working days, and subject to Board policies governing such appointments, to be paid \$44.36/hr based on the part-time faculty daily miscellaneous teaching rate for services rendered the 2009-10 academic year.

Golden West College

Taylor, Lisa

Orange Coast College

Balding, Diane
 Eutimio, Alfredo
 Petit, Adam
 Pile, Randy
 Taylor, Daniel
 Wolf, Scott
 Zachwieja, Thomas

3. Full time Faculty

In accordance with Board policies and procedures, the following academic staff are recommended for appointment for service during the period shown below. Employment and payment for services will follow upon notification that all required documents have been completed and filed. Assignments are only for the time period specified or the hours per week as stated (multiple statements indicate two or more separate assignments). Salary placement may be revised upon presentation of evidence of additional education and/or experience:

Faculty

Temporary Faculty – Special Funding

<u>Name</u>	<u>Loc</u>	<u>Title</u>	<u>Start Date</u>	<u>End Date</u>	<u>Plcmt</u>
Boswell, Glenn	GWC	Temp Instructor, Automotive Technology*	08/31/09	12/20/09	A-V-07

*Funded by Workforce Investment Act/American Recovery and Reinvestment Act High-Demand Training Services.

4. Part time FacultyFall

Assignments during the period **08/31/09-12/20/09** for CCC, GWC and OCC unless otherwise noted and not to exceed 9 LHE. LHE = Lecture Hour Equivalency.

Golden West College

<u>Name</u>	<u>LHE</u>
Edwards, John	6.250

Orange Coast College

<u>Name</u>	<u>LHE</u>
Kerins, John	3.250
Manuck, Richard	2.000
McMorrow, Patrick	3.000
Prioleau, Karen	0.562
Pullman, Lori	3.215
Sage, Sharon	3.000

5. Educational Administrators

After review by the Vice Chancellor for Human Resources, it is recommended by the Chancellor that the following Education Administrators shall be re-employed through the dates indicated below.

Ames, Steven	Coordinator, CJTC	GWC	July 1, 2012
Asim, Paul	Dean	OCC	July 1, 2012
Baird, David	Dean	GWC	July 1, 2012
Ballinger, Kevin	Dean	OCC	July 1, 2012
Benoit, Douglas	Dean	OCC	July 1, 2012
Boehler, Ted	Dean	CCC	July 1, 2012
Bond, Barbara	Dean	OCC	July 1, 2012
Bryan, Johns W.	President	GWC	July 1, 2012
Duke, Shalamon	Dean	CCC	July 1, 2012
Groot, Joycelyn	Dean Mil/Cont Ed Pro	CCC	July 1, 2011
Lopez, Vinicio	Dean	CCC	July 1, 2011
Lowenberg, Ron	Dean/Director	GWC	July 1, 2012
Mandelkern, Michael	Dean	OCC	July 1, 2012
McGowan, Joumana	Dean	CCC	July 1, 2012
Tamanaha, Stephen	Director of EOPS	OCC	July 1, 2012
Wilkerson, Lois	Admin Dir. Wkfc Econ Dev.	CCC	July 1, 2011

Worden, Sylvia

Associate Dean/Director

OCC

July 1, 2012

6. Classified Staff

In accordance with Board policies and procedures, the following Classified Staff are recommended for appointment to advertised positions; these include promotions, new hires, and rehires:

Classified Promotions, New Hires and Rehires

<u>Name</u>	<u>Loc</u>	<u>Title</u>	<u>Start Dt</u>	<u>Plcmt</u>	<u>Vacancy #</u>
Barylski, Tamara	GWC	Typist Clerk, Sr.	11/19/09	E-40-01	G-003-10
Higgins, Minnie	GWC	Division/Area Office Coord	11/09/09	E-49-02	G-001-10

Classified Temporary

<u>Name</u>	<u>Loc</u>	<u>Title</u>	<u>Start Dt</u>	<u>End Dt</u>	<u>Plcmt</u>	<u>Vacancy #</u>
Drake, Rena	CCC	Workforce Specialist	11/30/09	06/30/10	E-46-01	C-035-09
Giordano, Trudie	CCC	Workforce Specialist	12/01/09	06/30/10	E-46-01	C-035-09

*This position may be extended, modified or eliminated based on changes from the funding source.

7. Reclassification and Reorganization/Reassignment

It is recommended that authorization be given for the following changes:

Permanent Reassignment

<u>Name</u>	<u>Loc</u>	<u>From</u>	<u>To</u>	<u>Effective</u>
Chung, Cidney	GWC	Typist Clerk, Sr E-40	Cosmetology Dispensary Tech E-40*	11/19/09
Mendoza, Robert	OCC	Dean, D-32-15	Instructor*	07/01/10

*Voluntary transfer.

Revision to Previous Board Action

<u>Name</u>	<u>Loc</u>	<u>From</u>	<u>To</u>	<u>Effective</u>
Nguyen, Julie	GWC	Computer Services Rep E-48	Staff Aide E-48*	08/31/09

*Title changed.

8. Classified Temporary Assignments

It is recommended that authorization be given for the following changes for Classified Staff working temporarily Out of Class (minimum of 7.5% differential):

<u>Name</u>	<u>Loc</u>	<u>From</u>	<u>To</u>	<u>Start Dt</u>	<u>End Dt</u>	<u>Plcmt</u>
Burton, Adrienne	GWC	Student Financial Aid Supervisor	Special Assignment	11/19/09	02/19/09	G-15-05*

*7.5% diff.

Revisions to Previous Board actionClassified Management

11/18/09 Bd

5

Name	Loc	From	To	Action	Pcmt
Tornow, John	GWC	Bookstore Asst Manager	Special Assignment	Extend end date from 10/01/09 to 12/31/09	G-09-09*

*7.5% diff.

Classified

Name	Loc	From	To	Action	Pcmt
Campbell, Rosalind	OCC	Acct Asst 3	Student Fin Aid Acct Fiscal Specialist	Extend end date from 11/30/09 to 12/31/09	E-52-05
Crumsey, Marie	OCC	Bookstore Oper Asst	Special Assignment	Extend end date from 11/30/09 to 02/28/10	E-45-05*
Phan, Phuong B.	OCC	Receptionist	Matriculation Office Assistant	Extend end date from 11/30/09 to 02/28/10	E-42-05
Quiroz, Elias	OCC	Bookstore Shp/Rcv Clerk	Warehouse Coordinator	Extend end date from 11/30/09 to 02/28/10	E-44-04

* 7.5% diff

9. Hourly Staff

It is recommended that authorization be given for the following hourly personnel appointments in the performance of noncertificated duties which directly support administrative, classified, or student services and special projects, or are fulfilling noncertificated substitute services for classified employees temporarily absent, no assignment to exceed 160 working days pursuant to provisions of AB500 and the Agreement between the Coast Community College District and the Coast Federation of Classified Employees. (Please note: Budget numbers 100+ are General Fund; all others are Categorical Funds.)

EXTEND is noted when an already approved assignment has an extended end date.

Hourly/Temporary/Clerical/Secretarial, to provide clerical support including handling correspondence, maintaining files, answering phones, preparing reports and responding to public inquiries in one or more of the following campus and/or division offices: Instruction, Student Services or Campus Operations for the time frame noted below.

Name	LOC	Start Date	End Date	Funding Source	Days to Work
Abella, Dori	GWC	11/19/09	06/30/10	110001-307201	M,T,W,TH,F
Alquitrán, John	GWC	11/19/09	06/30/10	813005-381202	M,T,W,TH,F
Block, Jeremy	CCC	11/23/09	06/30/10	120010-850101	M,T,W,TH,F
Cooper, Paz	GWC	11/19/09	06/30/10	110001-307201	M,T,W,TH,F
Cordiero, Judy	GWC	11/19/09	06/30/10	110001-307201	M,T,W,TH,F
Espiritu Jr., Delfin	GWC	11/19/09	06/30/10	813005-381202	M,T,W,TH,F
Graves, Buchansha	GWC	11/19/09	06/30/10	110001-307201	M,T,W,TH,F
Hoang, Toan	GWC	11/19/09	06/30/10	813005-381202	M,T,W,TH,F
Jimmons, Charlotte	GWC	11/19/09	06/30/10	110001-307201	M,T,W,TH,F
Oppenheim, Marcia	GWC	11/30/09	12/18/09	110001-347001	M,T,W,TH
		11/19/09	02/28/10	110001-324001	M,T,W,TH,F
Vong, Arianne	GWC	11/19/09	06/30/10	813005-381202	M,T,W,TH,F
Vong, Phan	GWC	11/19/09	06/30/10	813005-381202	M,T,W,TH,F

Hourly/Temporary/Instructional/Research Assistant, to provide instructional support services to faculty and instructional divisions by assisting with pre-class preparations, maintaining various school records, scoring tests, tutoring, and coordinating instructional materials or equipment in one or more of the following campus and/or division offices: Instruction, Student Services, or Campus Operations for the time frame noted below.

Name	LOC	Start Date	End Date	Funding Source	Days to Work
Flores Carrera, Lucia	GWC	11/19/09	06/30/10	110001-347101	M,T,W,TH,F

Nguyen, Kathleen	OCC	11/19/09	06/30/10	812001-201592	M,T,W,TH,F
	OCC	11/19/09	06/30/10	110001-201591	M,T,W,TH,F
	OCC	11/19/09	06/30/10	124033-256041	M,T,W,TH,F
	OCC	11/19/09	06/30/10	124034-256041	M,T,W,TH,F
Pham, Tung	OCC	11/19/09	06/30/10	812001-201592	M,T,W,TH,F
	OCC	11/19/09	06/30/10	110001-201591	M,T,W,TH,F
	OCC	11/19/09	06/30/10	124033-256041	M,T,W,TH,F
	OCC	11/19/09	06/30/10	124034-256041	M,T,W,TH,F
Walker, Kimberly	OCC	11/19/09	06/30/10	120176-251030	M,T,W,TH,F
	CCC	11/19/09	06/30/10	110001-847406	M,W,F

Hourly/Temporary/Service/Maintenance, to perform a variety of semi-skilled maintenance, janitorial and repair work on campus buildings, equipment and facilities in one or more of the following campus and/or division offices: Instruction, Student Services, or Campus Operations for the time frame noted below.

<u>Name</u>	<u>LOC</u>	<u>Start Date</u>	<u>End Date</u>	<u>Funding Source</u>	<u>Days to Work</u>
Moseley, Andrew	OCC	11/19/09	06/30/10	127005-258900	M,TH,F
Rabiola, Anthony	OCC	11/19/09	06/30/10	127005-258900	M,T,W,TH,F
	OCC	11/19/09	06/30/10	812015-263750	M,T,W,TH,F

Hourly/Temporary/Skilled Crafts, to perform highly specialized, detailed tasks such as transporting, segregating and storing hazardous materials, constructing and rigging stage equipment, or design event lighting for stage productions supporting one or more campus departments and/or divisions: Instruction, Student Services, or Campus Operations for the time frame noted below.

<u>Name</u>	<u>LOC</u>	<u>Start Date</u>	<u>End Date</u>	<u>Funding Source</u>	<u>Days to Work</u>
Zang, Caitlyn	OCC	11/19/09	06/30/10	812001-261057	M,T,W,TH,F

Hourly/Temporary/Technical/Paraprofessional, to provide specialized and/or skilled technical support in such areas as classroom interpretation, computer operations, on-line editing, proctoring or special program research in one or more of the following campus and/or division offices: Instruction, Student Services, or Campus Operations for the time frame noted below.

<u>Name</u>	<u>LOC</u>	<u>Start Date</u>	<u>End Date</u>	<u>Funding Source</u>	<u>Days to Work</u>
Abella, Dori	GWC	11/19/09	06/30/10	110001-307201	M,T,W,TH,F
Atherton, Anthony	GWC	11/19/09	06/30/10	110001-347151	M,T,W,TH,F
Basnett, Patrick	GWC	11/19/09	06/30/10	813005-347502	M,T,W,TH,F
Cooper, Paz	GWC	11/19/09	06/30/10	110001-307201	M,T,W,TH,F
Cordiero, Judy	GWC	11/19/09	06/30/10	110001-307201	M,T,W,TH,F
Cumper, Cathleen	GWC	11/19/09	06/30/10	813001-321407	M,T,W,TH,F
Graves, Buchansha	GWC	11/19/09	06/30/10	110001-307201	M,T,W,TH,F
Huynh, Minh-Tri	CCC	11/19/09	06/30/10	110001-803102	M,T,W,TH,F
Jimmons, Charlotte	GWC	11/19/09	06/30/10	110001-307201	M,T,W,TH,F

10. Medical Professional Hourly Personnel

Kardously, Jill OCC

11. Student Workers

It is recommended that authorization be given for the following hourly employment of either full time students enrolled in 12 or more units per semester, or part time students enrolled in less than 12 units per semester in any college work-study program, or in a work experience education program, with duties performed not to result in the displacement of any classified personnel, or impair existing services.

Coastline College

Bliss, Dominique

Golden West College

Abe, Tomoko
Amundson, Stephen
Aparicio, Arturo
Belcher, Christopher
Bo, Tai
Dang, Tra
Do, Khanh
Garcia, Carlos
Huyhn, Kimberly
Nguyen, Chinh
Nguyen, Hang
Nguyen, Michelle
Omote, Atsuko
Salamat, Roya
Shimizu, Kazuko
Tran, Uyen
Truong, Ngu
Truong, Nguyen

Orange Coast College

Franco, Gabriela
Haywood, Deborah
Kagan, Michael
Ngo, Thien-Kien
Nguyen, Duy
Nguyen, Hien
Nguyen, Kimanh
Place, Jessica
Quiroz, Angelica
Tran, Lien

Appendix B



Internal Audit Services

MEMORANDUM

Date: November 9, 2009

To: Denise Whittaker, President
Dr. Ding-Jo Currie, Interim Chancellor

From: Richard Kudlik, Director, Internal Audit Services

Re: Associated Students of OCC Audits

1 Internal Audit Services was asked by Denise Whittaker, Interim President of Orange
2 Coast College (OCC) and Dr. Ding-Jo Currie, Interim Chancellor, to review the
3 establishment and accounting for various aspects of all revenue generating operations
4 based on concerns voiced by the Associated Students of Orange Coast College (ASOCC).
5 Per a meeting with Helen Hawthorne and Lynne Riddle on September 21, 2009, several
6 issues were discussed related to the operations of revenue generating processes on behalf
7 of the ASOCC.

8 9 **Bookstore Operations**

10 Per review of the ASOCC financial statements generated by the Bursar's Office and the
11 executed contract between ASOCC and Barnes and Noble (B&N), the bookstore
12 operations were taken over by B&N on July 1, 2003 for a period of five (5) years. Prior
13 to the execution of this contract, the bookstore (while being operated by the college) had
14 been experiencing significant losses on an annual basis of \$195,276 and \$228,062 for the
15 years ended June 30, 2003 and 2002, respectively. The contract with B&N provided for
16 an annual guaranteed base commission of \$500,000, with additional commissions coming
17 to the college if higher gross sales targets were met. In addition, the contract stated that
18 B&N would spend up to \$355,000 to "design, construct, equip (including MBS, AS400
19 System, software and terminals) and install fixtures in the Bookstore. B&N will have
20 sole responsibility for renovations associated with the Bookstore." Also stated in the
21 contract was that, "B&N will make an unrestricted \$25,000 donation to ASOCC upon
22 execution of this agreement."

23
24 On July 14, 2004, an addendum to the B&N contract was executed which stated that as of
25 May 1, 2004; B&N had spent \$92,602 to date on capital improvements, leaving a balance
26 of \$257,398 of the original \$355,000. The addendum stated, "It is agreed that upon
27 completion of the new student union/bookstore facility (scheduled for approximately Fall
28 of 2006), B&N will contribute up to \$200,000 to the new facility. It is further agreed that
29 the remaining balance of \$57,398 of the original capital commitment of \$355,000 will be

waived.” An amendment to the B&N contract was unanimously approved by the Board of Trustees on July 18, 2007 to address the \$200,000 of additional renovations per the July 14, 2004 addendum.

Per Education Code requirements, the District is required to solicit bids for work performed by others every five (5) years. As a result, the District issued Request for Proposal (RFP) #1946 in February of 2008, prior to the end of the B&N contract. A committee including various constituency groups was formed to review the proposals received and subsequently selected Follett Higher Education Group, Inc. as the vendor for the five (5) year period commencing on July 2, 2008.

The contract with Follett provided for an annual guaranteed base commission of \$750,000, with additional commissions coming to the college if higher gross sales targets were met. In addition, the contract stated that Follett would spend \$300,000 to “upgrade and/or enhance the current Bookstore or any new or remodeled facility that will include a college Bookstore.” The use of these funds is at the sole discretion of OCC, and all remaining unspent portions of the \$300,000 at the conclusion of the term of the agreement shall be immediately donated to OCC. Since the use of these funds is at the discretion of OCC, any capital improvements made that exceed \$300,000 will be the responsibility of OCC. In addition to capital improvements, Follett is required to provide \$15,000 in bookstore gift cards annually to be used for student scholarships or other activities that directly support students, such as student government events, or other events and/or activities as determined by OCC. Follett will also provide an annual \$5,000 cash donation to OCC.

No amendments to the contract with Follett have been entered into and approved by the Board of Trustees as of the date of this memo.

Bookstore Testing Performed

Upon review of the contracts with B&N, and subsequently with Follett Higher Education, a change occurred between the parties identified. In the contract with B&N, the contract was between Coast Community College District on behalf of the ASOCC, whereas in the contract with Follett Higher Education the contract was between Coast Community College District on behalf of OCC. The ASOCC is no longer separately identified in the Follett contract. Per discussion with Bill Kerwin, Risk Services Manager, the changes in the contract with Follett were suggested by Jess Craig, Vice President of Student Services. Although the ASOCC is no longer specifically mentioned in the contract, it appears that the past practice of allocating the revenues from the commissions earned from Follett’s operation of the bookstore to the ASOCC is still intact.

Per District General Counsel, Dr. Jack Lipton, in the case of both agreements, the contracting party is the District itself and the designation in the Follett agreement should have no legal bearing on the rights of the Associated Students. Per Dr. Lipton’s review of the B&N contract and subsequent amendments, he reached the conclusion that B&N was contractually obligated to spend “up to” \$200,000 on renovations and that no portion of the unused amount would be payable to the District from a legal perspective. The

76 Follett contract, on the other hand, legally requires Follett to remit any unused funds back
 77 to the District at the conclusion of the term (June 30, 2013).
 78
 79 Per the B&N contract, B&N was responsible for providing a \$25,000 donation to the
 80 ASOCC upon execution of the contract, which occurred in July of 2003. The check was
 81 properly remitted to the college and deposited into the ASOCC account in July of 2003.
 82 Subsequently, Jess Craig, VP of Student Services, approved a transfer of \$15,000 from
 83 the ASOCC account to the OCC Tutorial Center. Although this money was used to pay
 84 for salaries of tutors that benefit students directly, there is no supporting documentation
 85 for any approval made by the ASOCC to authorize this transfer in neither their budgeting
 86 process nor the minutes of the ASOCC Board of Trustees meetings during the period in
 87 question. The remaining \$10,000 is still in the ASOCC trust account. Per discussion
 88 with Jess Craig, VP of Student Services, his understanding was that the college was
 89 responsible for the operations of the bookstore with the ASOCC being the beneficiary of
 90 the profits. This distinction is what Craig interprets as giving him the authority to utilize
 91 the funds outside of the bookstore commissions for other items that ultimately benefit the
 92 students.
 93
 94 Per the Follett contract, Follett is required to make an annual \$5,000 donation to OCC.
 95 The first of these payments was remitted to the college in May of 2009. Per the Student
 96 Services Council, headed by Jess Craig, VP of Student Services, the money was allocated
 97 to the International Center for scholarships. Although the money was allocated to an area
 98 of the college that will benefit students, this donation is from the bookstore proprietor,
 99 and, per past practices, all bookstore revenues have historically been the responsibility of
 100 the ASOCC. As a result, it appears that the allocation of this money should have been
 101 approved by the ASOCC Board of Trustees. While Craig contends that administration is
 102 responsible for the operational aspects of the bookstore, these donations appear to be
 103 outside of the operational side of the bookstore. These repeated attempts to circumvent
 104 the approval of the ASOCC for the proper allocation of revenues that appear to clearly
 105 belong to them significantly diminishes the credibility of administration as the advisors to
 106 student government.
 107
 108 In reviewing the expenditures made by Follett thus far under the contract, the invoices
 109 provided show that \$243,778 of the \$300,000 contractual commitment to upgrade the
 110 facility has been spent to date. The renovations completed by Follett included new
 111 fixtures, a new security system, and new carpeting/flooring. The Bookstore Committee
 112 met on June 29, 2009 to discuss various items, including bookstore renovations and a
 113 proposed Board of Trustees item related to the re-allocation of \$75,000 of the capital
 114 improvement money from the ASOCC to the Veteran's Center. Although there was one
 115 student present, the ASOCC had not reviewed or authorized any changes to the contract
 116 with Follett or any improvements to be made. Further, the minutes from the Bookstore
 117 Committee on June 29, 2009 do not denote any votes being made for either the re-
 118 allocation of the funds or the renovation to take place. As the ASOCC is the benefactor
 119 of all revenues related to the bookstore, both of these items should have been approved
 120 by the ASOCC Board of Trustees prior to moving forward. Attempting to circumvent the
 121 process and make changes to the contract when the students were clearly not available

(during the summer break) significantly diminishes student services' credibility in its responsibility to advise the students and help them to understand the participatory governance process.

Food Service Operations

Per review of the financial statements of the ASOCC, it was noted that the snack bar and vending machine operations were removed from the responsibility of the ASOCC on July 1, 2005. The rationale for the removal of the responsibility appears to be the significant drop in revenues from year-to-year beginning in FY 2002/2003, as follows:

	FY 02/03	FY 03/04	FY 04/05
Gross Sales	\$ 437,702	\$ 411,901	\$ 369,371
PY Gross Sales	\$ 519,211	\$ 437,702	\$ 411,901
Decrease in Sales	\$ (81,509)	\$ (25,801)	\$ (42,530)
% Decline in Sales	15.7%	5.9%	10.3%

This decrease in gross sales was a leading cause of the snack bar operations losing money on an annual basis beginning in FY 02/03. In addition to the decline in sales, the cost of benefits also increased during the years leading up to FY 05/06. From FY 00/01 through FY 04/05, the cost of benefits increased from \$8,536 to \$10,671 per full-time employee. These two factors contributed to annual Net Losses of \$23,961, \$91,977 and \$147,506 for FY 02/03, FY 03/04 and FY 04/05, respectively. The ASOCC was responsible for making up these losses from other revenues that they had generated leading up to FY 05/06, when the snack bar operations were taken over by the college's instructional wing upon the retirement of Dee Pritchard, ASOCC Auxiliary Manager from 1992 to 2005. (See attached spreadsheet for additional details of snack bar and Starbucks revenues and profits from FY 99/00 through FY 08/09).

In reviewing the minutes of the ASOCC Board of Trustees from as far back as July 1, 2000 through June 30, 2006, there appears to be no documented communication between the student services or any other administrative wing and the ASOCC seeking approval to remove the responsibility of the ASOCC from the snack bar and vending machine operations. Given their direct involvement in these operations, it appears that the administrators responsible for working with the ASOCC should have discussed options with them prior to unilaterally making decisions on their behalf. Per discussion with Jess Craig, VP of Student Services, college administration at the time decided to make the change in order to benefit the students by relieving them of unprofitable operations as well as to effectively reorganize the food service area due to the retirement of the snack bar director. By reorganizing the snack bar operations into the instructional wing, the previously filled director position was no longer required and the savings from that position could be used for other college activities.

Café/Starbucks Operations

In the September 2, 1998 ASOCC Board of Trustees meeting minutes, Doug Bennett, Foundation Director, made a statement that the profits from the café/Starbucks (once

163 completed) would go to the ASOCC based on their funding of the project. While the
 164 statement was consistent with the college's policies and procedures at the time that all
 165 non-instructional food service activities would be under the supervision of the ASOCC
 166 Auxiliary Manager with the profits or losses going to the ASOCC, the Foundation
 167 Director has no authority to individually assert where the profits from the café would go,
 168 and it should have been made clear to the ASOCC by their advisor of his lack of
 169 authority to direct college funds. While the ASOCC at the time were receiving the net
 170 profits from the snack bar and vending machine operations and they did contribute
 171 \$640,000 (\$300,000 of which was dedicated to the café) to the construction of the Arts
 172 Pavilion and Café project between 1999 and 2001 with the intention of administration in
 173 1998 that ASOCC would continue to operate all of the non-cafeteria food service
 174 programs, there does not appear to be any binding written agreement for the profits from
 175 the café operations to currently go to the ASOCC.

176
 177 Further, per the May 5, 2006 ASOCC Budget Committee meeting minutes, Sylvia Impert
 178 informed the students that the profits from the Starbucks being built would go to OCC.
 179 In the May 6, 2006 ASOCC Budget Committee meeting minutes, Kate Mueller clarified
 180 that the profits from the Starbucks operation would go to instructional food service, not to
 181 ASOCC. This same clarification was provided to the ASOCC at their Executive Board
 182 Planning Meeting on July 21, 2006. Based on review of the minutes from these
 183 meetings, it appears that the issue related to the allocation of the profits from the
 184 Starbucks operation was discussed with the ASOCC prior to its opening in January of
 185 2007. Given the ASOCC prior involvement and multiple inquiries regarding food
 186 operations, it appears that the administrators responsible for working with the ASOCC
 187 should have discussed the operational structure including allocation of Starbucks' profits
 188 with the ASOCC Board.

189 190 **College Service Charge**

191 The College Service Charges paid by the students at OCC are remitted to the ASOCC
 192 account for distribution per their budget allocation. Up until Spring of 2008, the OCC
 193 Admissions and Records (A&R) office would charge a 3% administration fee to the
 194 ASOCC for the work that they did to collect the College Service Charge on behalf of the
 195 students. Prior to the Spring of 2008, the District utilized DSK as its student accounting
 196 software which did not allow for online payments. Thus, all transactions were either
 197 handled over the phone or in person at the A&R office. The A&R office was also
 198 responsible for mailing out the stickers to place on student ID cards.

199
 200 Beginning in Spring of 2008, the Banner software had been implemented and allowed for
 201 online payments. In addition, students were no longer mailed stickers for their ID card as
 202 the bar code on the card held all of the pertinent information related to the College
 203 Service Charge. As a result, no administration fee has been charged to or withheld from
 204 the College Service Charges earned by the students since the implementation of the
 205 Banner student software. As the College Service Charge is currently set at \$15 per
 206 primary semester, \$9 for the Summer semester and \$7.50 for Intersession, the amounts
 207 remitted to the students (net of any outstanding receivables from students that have not
 208 fully paid) since Banner was implemented totals \$1,608,052.50. Payments are made by

209 the District to the ASOCC throughout the year based on requests made by the Bursar's
 210 Office. These amounts may not always be in exact multiples of the charge as some
 211 students only pay partial balances due, while others may have established a payment plan
 212 which provides portions of each charge over the course of the year. However, since the
 213 implementation of the Banner student software there are no longer any administration
 214 fees withheld by either the District or the college as it relates to the College Service
 215 Charge. All fees collected by the District are subsequently remitted to the ASOCC
 216 account through the Bursar's Office upon request.

217
 218 In reviewing the College Service Charge fees from Spring of 2008 through the date of
 219 this memo, it was noted that all fees collected (which excludes amounts charged but that
 220 have yet to be paid by students) have been remitted to the OCC Bursar's Office as
 221 requested, without any amounts withheld.

222 223 **Tutorial Center Operations**

224 As it relates to the "above the line" allocations made by Jess Craig, VP of Student
 225 Services, on behalf of the Math and Tutorial Centers, please refer to the testing
 226 previously performed and documented in a memo from Internal Audit Services to Bob
 227 Dees, OCC President, dated December 4, 2007. A review of the ASOCC Adopted
 228 Budgets for FY 2007/2008, FY 2008/2009 and FY 2009/2010 revealed that the "above
 229 the line" allocations have been eliminated (per previous recommendations by Internal
 230 Audit Services) and that the Math and Tutorial Centers properly submitted Budget
 231 Request forms in accordance with ASOCC procedures for periods beginning in FY
 232 2008/2009.

233
 234 In reviewing the Title III and Basic Skills Initiative grants, there appear to be no
 235 requirements that obligate the ASOCC to provide funding to the Math and Tutorial
 236 Centers. Although the Basic Skills Initiative grant clearly states that the funds are, "to be
 237 expended for the following purposes: research, curriculum development, professional
 238 development, articulation, assessment, counseling, tutoring, instructional materials, and
 239 other one-time purposes directly related to the enhancement of basic skills and immigrant
 240 education programs. These funds are allocated to **augment, not supplant**, current
 241 expenditures by districts in basic skills and immigrant education programs." Based on
 242 this language, it is apparent that the funding is meant to supplement current spending, not
 243 to replace it. Funds from this grant must be spent within a three (3) year period of being
 244 allocated. The allocation to OCC for Basic Skills was \$57,913, \$53,304, \$100,000 and
 245 \$90,000 for FY 2006/2007, FY 2007/2008, FY 2008/2009 and FY 2009/2010,
 246 respectively.

247
 248 The Title III grant is for \$1,999,842 spread over a five year period beginning in FY
 249 2007/2008. Again, there is no language obligating the ASOCC to provide funding to the
 250 Math and Tutorial Centers. Further, it does not appear that supplanting funds is
 251 prohibited in the language of the grant. So, there does not appear to be a formal
 252 obligation on the part of ASOCC to contribute to the Math and Tutorial Centers related to
 253 these grants.

254

Recommendations

Based on the testing performed, following are the recommendations for improvements to the processes related to bookstore and food service operations:

1. Consider clearly defining the responsibilities of the ASOCC versus those of the campus. There is a severe lack of written documentation confirming the parties who are responsible for bookstore operations. Administration should work with ASOCC to clearly identify their fiduciary responsibilities so that future issues can be resolved in a timely manner.
2. Consider clearly defining the responsibilities of the ASOCC versus those of the campus. There is a severe lack of written documentation confirming the parties who are responsible for food service operations. Administration should work with ASOCC to clearly identify their fiduciary responsibilities so that future issues can be resolved in a timely manner.
3. Consider implementing procedures to adequately track the contractual requirements of Follett Higher Education as it relates to bookstore operations as follows:
 - a. Expenditures on capital improvements should be communicated through and approved by the ASOCC and subsequently the Facilities Committee with invoices for work done being provided to the Bursar's Office for tracking against contractual requirements.
 - b. Develop and implement a procedure with the ASOCC whereby emergency expenditures for items that could affect the health and safety of students and/or staff can be approved even when the students may not be available (e.g. during Winter Break and Summer).
 - c. The \$15,000 in annual gift cards should be provided to the Bursar's Office to securely store and distribute in accordance with established procedures.
 - d. The \$5,000 required annual donation should be documented and tracked upon receipt by the Bursar's Office on behalf of OCC, and the allocation of those funds should be in accordance with established procedures.
4. Consider reviewing any potential amendments to the Follett contract with the ASOCC prior to seeking review by District General Counsel and/or Board approval.
5. Consider having the appropriate advisor to the ASOCC explain when people are making claims that are unfounded or to which they have no authority, as was the case with the claim that the profits from the café would go to the ASOCC based on their funding of the project.
6. Consider creating a formal written Request for Information Form that denotes the person/party initiating the request and the date requested, along with the date the requested materials were provided (or the reason that they could not be provided). This will allow for better tracking of information requests by the ASOCC.

Implementation of these recommendations will improve the communication between the ASOCC and other departments on campus, and will allow for a more thorough budgeting process.

301 Should you have any questions regarding the testing or recommendations, please feel free
302 to contact me directly at x. 84602.

303

304

305

306

307 Richard Kudlik

308 Director of Internal Audit Services

A handwritten signature in blue ink, reading "Richard Kudlik". The signature is written in a cursive style with a large initial "R" and "K".

309 **Board Item Questions:**

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A. OCC Student Bookstore. The District's contract with Follett requires that Follett provide a \$300,000 capital investment in the OCC Student Bookstore, that the District have responsibility to direct the renovations, and that any unused funds be retained by the District. In other words, the District was to have the authority and discretion to direct the renovations and to keep any unused funds.

1. What was the planning and approval process for the renovations? Did this ever come to the Board of Trustees? If so, what action did the Board take?

- The renovations to the bookstore were discussed at the June 29, 2009 Bookstore Committee, and subsequently at the August 6, 2009 Facilities Committee, however no vote for approval was documented in either set of minutes.
- The Board of Trustees only approved the Follett contract, which included the \$300,000 of capital improvements. The renovations per the contract were not brought to the Board of Trustees for approval.
- Reference: Lines 108-124

2. What renovations were done, who made the decisions, and what were the costs of renovations/remodel?

- The total cost of renovations to date is \$243,778. The renovations done include new fixtures (approx. \$100k), a new security system (approx. \$73k), carpeting/flooring (approx. \$22k), and other miscellaneous renovations (approx. \$48k).
- Reference: Lines 108-111

3. Were there any unused funds remaining from the original \$300,000? If so, how were the remaining and unused funds allocated or distributed?

- Of the original \$300,000 of approved contractual capital improvements, \$56,222 still remains for future improvements.
- These remaining funds are still available to Follett through the end of their contract (June 30, 2013). Thus, none of these funds have been remitted back to the college at this point. Any remaining unspent at June 30, 2013 will be remitted back to the college.
- Reference: Lines 75-77

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- B. Food Services/Starbucks building. Records indicate that in 1999, the ASOCC provided a significant contribution of student funds to the construction of this building, and also, provided start-up operation funds. In return, the ASOCC was to receive profits from the operation.**
- 1. What was the total amount of funds from the ASOCC that was allocated to this project?**
 - ASOCC contributed a total of \$640,000 to the Arts Pavilion and Café project between 1999 and 2001. \$300,000 of this contribution was specifically earmarked for the café/Starbucks.
 - Reference: Lines 169-175
 - 2. What is the amount of the profits, gross or net receipts, or other measure of income which was received from 1999 to present time?**
 - Upon opening in January of 2007, Starbucks has earned \$12,180, \$126,420 and \$146,184 in net income for fiscal year 2006/2007, 2007/2008 and 2008/2009, respectively.
 - Reference: Lines 143-144 (Attached spreadsheet)
 - 3. How were/are the profits allocated or distributed?**
 - All profits from the Starbucks operation are and have been allocated to the instructional food services on campus since its opening in January of 2007.
 - Reference: Lines 169-175

Snack Bar & Starbucks Profits - OCC

	ASOCC Responsible								Instruction Program Responsible			
	99-00	00-01	01-02	02-03	03-04	04-05	05-06	06-07	07-08	08-09		
Snack Bar:												
Gross Receipts	655,698	525,620	518,863	437,461	411,785	369,295	415,010	415,148	233,256	264,125		
% Change from PY		-19.8%	-1.3%	-15.7%	-5.9%	-10.3%	12.4%	0.0%	-43.8%	13.2%		
Net Income/(Loss)	5,576	(1,636)	11,870	(23,961)	(91,977)	(147,506)	55,204	125,748	(95,210)	(76,393)		
Starbucks:												
Gross Receipts	-	-	-	-	-	-	-	184,874	459,384	565,131		
% Change from PY										23.0%		
Net Income	-	-	-	-	-	-	-	12,180	126,420	146,184		