

CALL TO ORDER/ROLL CALL

On Wednesday, December 17, 2008, at 6:02 p.m., Board President Acuña called the regular meeting of the Imperial Community College District Board of Trustees to order in the Administration Building Board Room.

NOW, THEREFORE, BE IT RESOLVED, that it has been determined that the low bid was non responsive therefore ~~after the resolution of a bid protest~~, a contract be awarded for bid package #4, Site Concrete to: DEZ Construction in the amount of \$1,249,000 ~~or Har Construction in the amount of \$1,120,000.~~

Under Consent Agenda – Human Resources

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Resolution No. 14275: Faculty Retirement

The resolution announcing the retirement of Mike McCormick was moved to Presentations.

PUBLIC COMMENT

Andrew Berman, attorney for HAR Construction, spoke and addressed his concerns regarding Resolution No. 14258: Award of Bid, Science Building Construction – Site Concrete.

Ralph Hernandez, owner of DEZ Construction, spoke and addressed his concerns regarding Resolution No. 14258: Award of Bid, Science Building Construction – Site Concrete.

Hector Romero, owner of HAR Construction, spoke and addressed his concerns regarding Resolution No. 14258: Award of Bid, Science Building Construction – Site Concrete.

Lincoln Davis, faculty member, spoke against the smoking policy.

Mike McCormick, faculty professor, spoke in favor of the smoking policy.

PRESENTATION TO REBECCA L. RAMIREZ

Carlos thanked Becky for her service as Board President during the past year. She was given a plant as a token of appreciation.

PRESENTATION TO MIKE MCCORMICK

M/S/C Cardenas/Ramirez

Resolution No. 14275: Faculty Retirement

Discussion

Dr. Gould presented Mike with a Rose Walk picture and thanked him for his service. He stated his dedication to students and impact on lives is immeasurable and wishes him the best.

Professor McCormick spoke and stated he was humbled and stated he found the right fit, right faculty, and the right Board at IVC. He stated his tenure has been more than just a job. He stated he always enjoyed being at work and says he is under the illusion of being a 19-year old. He stated that the hardest thing he has had to do is to say that he is done. He thanked the Board for their time, administrators, faculty, staff, counselors, students, study body officers, and community members stating IVC was a great place to work and he is a fan of the college. He ended with “God Bless.”

Dean of Instruction Rapp spoke and thanked Professor McCormick for his work and has been a colleague of Mike’s for three decades. He stated that Mike has done a lot for IVC and taught over 70 semesters. He stated Mike most likely graded 12,600 student papers over his career.

Board President Acuña wished him the best of luck on behalf of the Board.

Resolution

BE IT RESOLVED that the Board accepts, with sincere regret, the retirement of John "Mike" McCormick, Professor of English, effective December 31, 2008.

BE IT RESOLVED that sincere appreciation be ex

WRITTEN COMMUNICATION

Board President Acuña announced that the Board received four written communications.

INFORMATION REPORTS

RN Presentation – Tina Aguirre

Associate Dean of Nursing Aguirre started with a YouTube Presentation titled *IVC Nursing Class of 2008*.

Associate Dean Aguirre stated there were 13 licensed vocational nurses that graduated this semester and over 30 registered nurses that passed. She stated she is aware of 'pass rates' dipping in the recent past and has met with the instructors. She stated the department has contacted a consultant that has begun a review of the curriculum and is helping to find reasons for the dip. She stated the department will be looking at all the factors involved.

BUSINESS (MOVED FORWARD)

M/S/C Cardenas/Hart

Resolution No. 14259: Award of Bid, Science Building – Communications

WHEREAS, the District has advertised for bids for various packages relating to the construction of a Science Building, and a bid opening was held on December 4, 2008 for Science Building Phase 4A Communications; and

WHEREAS, the Science Building project is a multiple-prime contract with Nielsen Construction acting as the construction manager on behalf of the District; and

WHEREAS, in accordance with the provisions of California Business and Professions Code Section 7028.15 and Public Contract Code Section 3300, the District requires that the bidder possess applicable classification(s) of contractor's license(s) at the time the bid is submitted. Any bidder not so licensed at the time of the bid opening will be rejected as non-responsive; and

WHEREAS, there will be one base bid on each bid package and all work in the base bid must be completed within the time specified on the Notice to Proceed issued by the District. Failure to complete the work within the time specified will result in the imposition of liquidated damages for each day of delay, in the amount set forth in the bid documents.

WHEREAS, the District reserves the right to reject any or all bids or to waive any irregularities or informalities in any bids or in the bidding process.

NOW, THEREFORE, BE IT RESOLVED, that a contract be awarded to **Teldata Enterprise Networks** in the amount of **\$778,000**.

BE IT FURTHER RESOLVED, that the Superintendent/President and/or the Vice President for Business Services be authorized to sign all notices, contracts, change-orders, and other necessary documents related to these contracts on behalf of the District.

Fiscal Impact: \$778,000 to be paid from Measure L Bond Funds

Board Member Reports

Trustee Hart reported the following:

- Attended the SDICCCA meeting and stated the SDICCCA Board would like very much for all Trustees to attend the legislative conference. He stated SDICCCA has set up a meeting with leaders of the senate and local representatives and would like to present a united platform. He stated so far, Trustee Cardenas, President Gould, and he would attend and encouraged the others to attend.

President Gould noted that Public Relations Officer Bill Gay would be attending and would be going at his own expense.

Trustee Ramirez reported the following:

- Announced the first non credit ESL class was completed at San Pasqual. She stated it was an ESL class of Hispanic students. She stated the students are looking for an ESL computer class and she hopes it will happen. She stated she was proud of the students.

Trustee Galindo reported the following:

- Commented that she is coming from a high school perspective as she is looking at the budget with lack of funds occurring in February 2009. She stated they are looking at laying off teachers because the government is looking at doing away with class reduction issues. She commented that if there is a disruption in services there will be a class of seniors that will not be moving on to college. She stated it was important to stay abreast of what is going on.

Associated Student Government Senate Update – Chantilee Mendenhall

ASG President Mendenhall reported the following:

- Reported ASG would not be meeting during the winter break.
- Announced the College Center's furniture is in terrible condition and ASG is spending \$11,000 from their reserves for chairs and tables and organizational carts to better reflect IVC and for the purchase of two display cases.
- Passed out brownies to all the Trustees and the President and stated she hopes they enjoy them.

Board President Acuña stated it was embarrassing that the students are paying for furniture.

Academic Senate Update – Dr. Bruce Seivertson

Academic Senate Secretary Dr. Michael Heumann reported on behalf of Dr. Bruce Seivertson. He reported the following:

- Announced the Senate has approved changes to bylaws.
- Announced various new appointments have been made to represented committees.
- Announced the Senate approved the smoking policy.
- Wished everyone happy holidays on behalf of the faculty.

President Gould asked that Dr. Heumann pass on to the Academic Senate that he appreciates and thanks the faculty for their work.

College Council – John Abarca

College Council Chair Abarca reported the following:

- Thanked the Board and President Gould for the opportunity to have a seat at the Board.
- Reported the shared governance structure has been realigned and is a more formal way of communicating to the committees. He stated the information sharing has also improved.
- Announced he would be doing a report on College Council activities and stated that some of the items on the agenda have gone through College Council: Alert U, Smoking Policy. He stated it was important to note that ASG met all the requirements of the shared governance process with the smoking policy and College Council approved the recommendation.

Monthly Financial Report – John Lau

Vice President for Business Service Lau reported the following:

- Announced that January, he would be back to discuss selling the last phase of the construction bonds and would be asking for authorization of sale for the remaining \$7.5 million.
- Announced the Business Office had included an unrestricted summary to the unrestricted funds.

President's Update – Dr. Ed Gould

President Gould presented a PowerPoint presentation and reported the following:

- Announced and reviewed the WASC/ACCJC visit of December 1, 2008. He discussed the recommendations and responses from the progress report. Thanked Kathy Berry for her leadership and all those who have participated in the process. Thanked Dr. Victor Jaime and Bill Gay and everyone involved on the publication which satisfied one of the recommendations. Thanked Dr. Robin Ying and David Zielinski for putting the Technology Plan together.
- Announced he would be attending the WASC/ACCJC on January 8th to testify to two things: to receive clarification on the original accreditation recommendation, stating the document is written to hold IVC to complete all the recommendations by October 2009 which is holding IVC to a different standard than other institutions; and secondly, to thank them as this process is a result of positive communication.

Trustee Medina asked that the WASC report be forwarded to the Board.

- Announced the enrollment numbers for Winter Session at 491 FTES and for Spring Semester at 2,286 FTES. He stated the growth is approximately 4% growth for winter and 5% growth for spring.
- Discussed the Budget Update and went over several versions of the proposed budget and impact scenarios for IVC. He stated if the Governor's budget reductions are approved, IVC would need to reduce its budget by approximately \$1.835 million to \$2.235 million (6-7%) depending on whether local area tax contributions are counted in the reductions. He stated if the Legislative Analyst proposal is approved, IVC would face approximately \$1 million in reductions (3%). He stated if the Democrats budget is adopted our reduction is approximately \$503,800 (1.5%). He stated if the Republican budget recommendation is adopted IVC will need to reduce its budget approximately \$5.4 mil in the next 18 months or 14%.
- Thanked everyone who sent letters to the legislators.
- Reported on the Innovative Technology. He stated that the IT Department, under Dr. Robin Ying has developed a way of saving 75% per laboratory work station through N Computing stating they were virtual desktops, uses PC to serve from 10 to 30 stations in a laboratory, and cuts cost to about \$70 per station or about 75%. He stated this technology has significant impact on our budget. He praised IVC's IT department and the Technology Council.
- Discussed a proposal of a staff member to raise revenue where vendors would use IVC's website to shop and IVC would receive a percentage. He stated IVC would go through an auxiliary organization and would generate approximately \$50,000 for every \$1 million sold through the website. He stated IVC would work with organizations such as Costco, Amazon.com, and others. He stated it is a unique way to generate revenue.

Trustee Galindo stated that a 501(c) she works with has implemented this program and sees the revenue rising.

- Reported the Title 5 2+2 Evaluation was on target. He stated that IVC has absorbed and hired staff

partners, and the degree to which each institution has become a stronger, more effective HIS. Praised Dr. Lianna Zhao for her work and stated IVC will continue to work with SDSU.

- Announced a newsworthy note. He stated Counselor Frances Beope brought to his attention that English Professor Dave Zielinski will be working with the University of Texas at El Paso, where a

**M/S/C Cardenas/Medina
Resolution No. 14254: Purchase Orders**

BE IT RESOLVED that upon the recommendation of the Superintendent/President the following Purchase Orders and Direct payments for the month of November 2008 are hereby approved:

Purchase Orders	579,646.08
Direct Payments	<u>66,271.16</u>
	<u>645,917.24</u>

**M/S/C Cardenas/Medina
Resolution No. 14255: Payroll Warrant Orders**

BE IT RESOLVED that the Board approves the recommendation of the Superintendent/President to approve the issuance of the following Payroll Warrants for the month of November 2008.

2008-09 Payroll Warrant	#	Fund 10 General Fund	Fund 45 Child Dev.	Fund 80 Bond Fund	Warrant Total
10/10/08	7	280,256.15	124.00		280,380.15
10/31/08	8	2,787,103.41	40,639.79	10,390.44	2,827,743.20
		3,067,359.56	40,763.79	10,390.44	3,108,123.35

**M/S/C Cardenas/Medina
Resolution No. 14256: Commercial Warrant Orders**

BE IT RESOLVED that the Board approves the recommendation of the Superintendent/President to approve the issuance of the following Commercial Warrants for the month of November 2008.

2008-09 Commercial Warrant	#	Fund 10 General Fund	Financial Aid	Fund 45 Child Dev.	Fund 50 Cert. of Part.	Fund 80 Bond Fund	Warrant Total
11/6/08	18	93,218.08			23,613.93	920,829.66	1,037,661.67
11/13/08	19	535,622.55	291,826.10	2,825.05	31,447.49	81,649.29	943,370.48
11/20/08	20	104,344.56	157,324.47			19,789.33	281,458.36
11/26/08	21	351,679.45			14,153.70	21,597.60	387,430.75
		1,084,864.64	449,150.57	2,825.05	69,215.12	1,043,865.88	2,649,921.26

THEREFORE, BE IT RESOLVED that the Board approves the formation of a Strategic Planning Committee.

BE IT FURTHER RESOLVED that the committee be composed of the following members:

Vice-President for Business Services, co-chair
Elected co-chair

Academic Senate representative
Academic Senate/C&I Representative
Administrative representative
Admissions/Registration representative
Campus Operations Committee representative
College Council representative
Environmental Health & Safety Committee representative
Executive Council representative
Extended Campus representative
Staff Development Committee representative
Planning and Budget Committee representative
Student representative
Student Affairs Committee representative
Technology Planning Committee representative

BE IT FURTHER RESOLVED that the Strategic Planning Committee be added to the Board Policy Manual as BP 3255 and to the Administrative Procedures Manual as AP 3255.

**M/S/C Cardenas/Medina
Resolution No. 14263: AlertU Contract**

BE IT RESOLVED that the Superintendent/President recommends approval with recommendations from College Council (12-8-08) and the Environmental Health and Safety Committee (09-15-08) to contract the services of Waterfall "AlertU" Services. Waterfall delivers text message alerts to registered users via mobile SMS (text) messaging.

NOW, THEREFORE, BE IT RESOLVED that Imperial Valley College participates in the Foundation for California Community Colleges system-wide contract with Waterfall for the use of AlertU.

BE IT FURTHER RESOLVED AlertU has been offered to Imperial Valley College at no cost through a California Community College System-wide corporate sponsorship for CCC Member College's use of AlertU.

**M/S/C Ramirez/Medina
Resolution No. 14264: ICCD Board of Trustees Representation and Voting Rights on the IVC
Foundation Board of Directors**

Discussion

Trustee Hart volunteered to be a voting trustee.

Trustee Cardenas volunteered to be an advisory trustee.

Trustee Acuña volunteered to remain as an advisory trustee.

Trustee Ramirez amended her motion to include Trustee Hart as the voting Trustee with

WHEREAS, thousands of Imperial Valley College stakeholders including students, staff, faculty, administrators, campus visitors, and the children enrolled in the on campus preschool and infant toddler center are involuntarily exposed to second hand smoke while on IVC's main campus; and

WHEREAS, cigarette litter has become an increasing presence affecting the cleanliness of IVC, and there have been documented reports of fires at IVC because of improper handling of cigarettes thereby creating a serious concern for the well being of all people and property; and

WHEREAS, on June 27, 2006, Richard H. Carmona, Surgeon General of the United States of America stated, "The scientific evidence is now indisputable: secondhand smoke is not a mere annoyance. It is a serious health hazard that can lead to disease and premature death in children and nonsmoking adults;" and

WHEREAS, during November of 2006 an IVC student suffered a serious allergic reaction to the second-hand smoke she was exposed to at IVC; and

WHEREAS, we have a responsibility as members of a community associated with an institution of higher learning to promote education and behavior that serves the personal responsibility and global awareness of each individual at IVC; and

THEREFORE, BE IT RESOLVED, that it is the recommendation of the Associated Students of IVC that the District address the serious health risks that the District's current smoking policy allows; and

BE IT FURTHER RESOLVED that it is the recommendation of the Associated Students of IVC that the appropriate IVC shared governance groups along with the Governing Board of the Imperial Community College District begin an immediate transition towards becoming a tobacco-free district as outlined in the policies below:

The success of this policy will depend on the thoughtfulness, consideration and cooperation of smokers and nonsmokers.

**Policy Statement for the Spring Semester
Designated Smoking Areas:**

Effective February 17, 2009, Imperial Valley College shall designate smoking areas and phase into a smoke-free campus. Smoking shall be designated to all parking lots excluding parking lot A & the Pre-school lot. This prohibition shall apply to all campus-owned building or leased space. The sale of tobacco products on campus is prohibited.

A. The IVC Campus Operations Committee will ensure that clear signs are displayed at all entrances to the campus, as well as other conspicuous locations, to notify the public that smoking is permitted only in the officially designated areas (all parking lots with the exclusion of lot A & the Pre-school lot) and is otherwise prohibited on the campus grounds or in campus buildings.

B. Questions and problems regarding this policy should be handled through existing administrative processes, including Human Resources and the Associate Dean of Student Affairs.

1. The Academic Senate shall establish the Distance Education Committee, which will be a standing committee of Imperial Valley College and a sub-committee of the Academic Senate;
2. The goal of the Distance Education Committee will be to advise the Senate on designs, implementation strategies, and policies for distance education; to provide a faculty overview of all distance education and distributed activities conducted at Imperial Valley College; and

2. PUBLIC EMPLOYEE(S) DISCIPLINE/DISMISSAL/RELEASE

OPEN SESSION

M/S/C Ramirez/Hart to go into OPEN SESSION at 8:03 p.m.

1. Information given no action taken.
2. Information given no action taken.

CONSENT AGENDA – HUMAN RESOURCES

- b. The following paragraphs [in bold] are to be added to Article 15.3 Normal Work Load – Teaching Faculty:
- 15.3.1 Contract Load**
- The normal contract load of a teaching faculty member shall be fifteen (15) lecture units, or the equivalent, per semester, which may be spread over a four (4) or five (5) day per week schedule.
- All schedules must meet the educational needs of the students of Imperial Valley College, and are subject to the approval of the Superintendent/President. The District and unit members agree that they shall work collegially, using policies and procedures established within their departments and divisions, to establish schedules which best meet the needs of the District, the students, and the unit members and in accordance with the provisions of section 15.5 below.
- Teaching faculty members are expected to complete the allied professional duties as expressed in article 15.1 during the times when they are not teaching. As professional employees the expectation is that these duties will be completed in a timely manner using the amount of time required for their successful completion rather than by following a strict hourly work schedule, and at times and locations necessary for or conducive to the duties' successful completion.**
- During the Fall and Spring semesters of the academic year, allied professional duties may be completed at any time during the calendar week without expectation of additional compensation, with the exception that no faculty member shall be required by the District to work more than five days in any given calendar week without additional compensation for a required sixth workday. This does not preclude any faculty member from voluntarily participating in activities, or working independently on allied professional duties, during the sixth or seventh day of the calendar week with no expectation of additional compensation.**
- c. Article 15.4 Office and Appointment Hours is modified as follows, deleting the requirement for office by appointment hours:
- During the fall and spring semesters, members of the unit who are teaching faculty are required to establish five (5) hours per week, where each hour consists of sixty (60) minutes, that shall be set aside as scheduled, maintained, office hours at which times the instructor is available to students for consultation on a walk-in basis. Scheduled office hours must be spread over at least four (4) days per week.
- ~~Teaching faculty are required to establish an additional ten (10) hours per week as office by appointment hours, where each hour consists of 60 minutes, that will be made available for student appointments. Students should be informed that appointments must be scheduled with a minimum of twenty-four (24) hours notice, exclusive of weekends and holidays. Scheduled appointment hours must be spread over at least four (4) days per week. Faculty members are not required to be on campus or in their offices for appointment hours during which no appointments have been scheduled. Unit members may utilize appointment hours during which no student meetings are scheduled to complete allied professional duties.~~
- The unit member should establish office and appointment hours no later than the start of the second week of instruction during the fall and spring semesters. A copy of the teaching faculty member's schedule, including course times and locations and office ~~and appointment~~ hours should be posted on or near his/her office door. In addition, a copy of the schedule should be forwarded to the appropriate dean or division chairperson, and to the office of the Vice President of Academic Services.

M/S/C Galindo/Medina
Resolution No. 14273: Adjunct Instructor Employment

BE IT RESOLVED that the Board approves the recommendation of the Superintendent/President to employ the following personnel during the Winter 2009 Session, at the hourly rate provided for in Resolution No. 14166 Employment is contingent upon verification of records, credentials, finger printing clearance and sufficient enrollment, or whether the class is essential to a full-time instructor's load:

<u>Name</u>	<u>Possible Assignment</u>
Agundez, Rebecca	Nursing
Benton, Michael	Health Education
Berker, Enola	Allied Health Profession
Canez, Carlos	Math
Castaneda, Nicole	Nursing
Castillo, Kelly	Math
Cervantes, Carole	Nursing
Duarte, Carlos	Math
Fisher, Raenelle	History
Gaddis, David	Building/Construction
Garay, Jeronimo	Math
Hansink, Pamela	Nursing
Hernandez, Jesus	Electrical Wiring
Hernandez, Porfirio	Math
Jimenez, Javier	Electronics
Jimenez, Ricardo	Electronics
Juarez, Arturo	Electrical Wiring
Lerno, Jill	Physical Education
Lewenstein, Jay	English
Moran, Santos	Math
Palacio, John	Physical Education
Perez, Jose	Automotive
Rivera, Alfred	Welding
Robinson, Andrew	Health Education
Rodriguez, Kathy	Admin of Justice
Scott, Robert	Fire Science
Sullivan, Terrie	Allied Health Profession
Thompson, Arellys	Theatre
Tirado, Xochitl	English/Reading
Varela, Ruben	Math
Viloria, Vicki	Computer Information Systems

M/S/C Galindo/Medina
Resolution No. 14274: Classified Short-Term Employment

BE IT RESOLVED that the Board approves the recommendation of the Superintendent/President to employ the following personnel.

<u>Name</u>	<u>Position</u>	<u>Department</u>	<u>Funding</u>	<u>Range</u>	<u>Effective</u>
Agatep,	Staff	ACCESO/			12/02/2008 -

Virginia

Secretary III

Title V

Federal

16-1

12/18/2008

M/S/C Galindo/Medina

Resolution No. 14276: Revision of Sexual Harassment Policy

WHEREAS, the District's policy regarding *Handling Complaints of Unlawful Discrimination under Title 5, Section 59300 et seq.* was revised to incorporate changes recommended by the Chancellor's Office.

WHEREAS, the revised policy incorporates revisions to the legal principles contained in nondiscrimination provisions of the California Code of Regulations, Title 5, Sections 59300 et seq. as well as other state and federal procedural requirements.

WHEREAS, the District's revised policy outlines a consistent procedure for the handling of sexual and discrimination complaints. The policy also encourages an educational and employment environment free discrimination and sexual harassment.

NOW, THEREFORE, BE IT RESOLVED that the Board approves the recommendation of the Policy and Procedures Committee October 8, 2008 with the consent of the Superintendent/President, to revise the *District Policy and Procedures for Handling Complaints of Unlawful Discrimination Under Title 5 Sections 59300 et seq.* effective December 17, 2008, as follows in Exhibit A.

ADJOURNMENT

M/S/C Hart/Ramirez to ADJOURN the meeting at 8:04 p.m.

The next regular meeting of the Imperial Community College District Board of Trustees is scheduled for the **THIRD WEDNESDAY, JANUARY 21, 2009, AT 6 P.M.** in the Administration Building Board Room.

Adopted this _____ day of _____, 2009.

ICCD Board President

ICCD Board Secretary