

**ADOPTED MINUTES**

**FOR THE REGULAR MEETING OF THE  
IMPERIAL COMMUNITY COLLEGE DISTRICT  
BOARD OF TRUSTEES**

**Wednesday, March 15, 2000**

Board President Rebecca Ramirez called the regular meeting of the Imperial Community College District Board of Trustees to order at 6:10 P.M., on Wednesday, March 15, 2000.

TRUSTEES PRESENT: Rudy Cardenas, Jr.  
Claudine Duff  
Kelly Keithly  
Marian Long  
Rebecca Ramirez  
Louis Wong

TRUSTEE ABSENT: Romualdo Medina

REPRESENTATIVES PRESENT: Armando Ayala, Associated Students  
Eric Jacobson, Academic Senate  
Richard Hann, Faculty  
Gail Parish, Classified Staff

CONSULTANTS PRESENT:

Dr. Gilbert M. Dominguez, Superintendent/President  
John Hunt, Vice President for Academic Services  
Carlos Fletes, Interim Vice President for Business Services  
Dr. Jon Tyler, Director of Human Resources  
Sandra Standiford, Dean of Admissions  
Gonzalo Huerta, Dean of Vocational Education  
Jan Magno, Dean of Financial Assistance  
Frank Oswalt, Legal Counsel

VISITORS PRESENT:

Olga Artechí; Hector Banda; David Drury; Jack Duff; Bill Gay;  
Gerry Giauque; Becky Green; Janell Hodgkin; Joel Jacklich; Carol  
Lee; Access Reporters Alex Malcomb and Rosalio Ahumada; Linda  
McMullin; Norma Nava; Jim Pendley; Greg Ponce; Tiffany Register;  
Tom Remington; Harold Richwine.

WRITTEN COMMUNICATIONS

1. Linda McMullin, English Professor (RE: Resignation)
2. Jean Montenegro, English Professor (RE: Retirement)
3. IVC Chapter CCA/CTA (RE: Negotiation Proposal 1999-2000)
4. CCCT Board of Directors Election - 2000
5. Eric Jacobson, Academic Senate (RE: Harold Richwine)

## PUBLIC COMMENTS

The Board President invited members of the public to comments on any agenda item, or any item not on the agenda. The following comments were made:

1. Harold Richwine asked why his name was left off the summer and fall class schedules for a swimming and water safety course? He questioned whether he being punished for speaking out against the administration?
2. Eric Jacobson read a letter relating to Mr. Richwine's name being removed from the fall class schedule.
3. Carlos Fletes wanted to publicly acknowledge and thank the El Centro Chamber of Commerce for sending letters of support, for IVC's Capital Projects Grant to build a new library, to Senator Dave Kelly, Assemblyman Jim Battin, and to Lt. Governor Cruz Bustamante. Seventy proposals are being considered for funding.
4. Dave Drury stated that he is looking forward to working with Mr. Richwine and the Administration in resolving swimming course teaching issue.

Mr. Drury also requested clarification on several points outlined in the recommendations presented for Board approval by the Investigative Panel on Athletics.

## ACADEMIC SENATE UPDATE

Eric Jacobson, Academic Senate President, reported on the following:

1. Mr. Jacobson recognized Jim Pendley for developing a website for the Human Anatomy and Physiology Society.
2. Three at-large Academic Senators were recently elected, Dennis Carnes, Jim Pendley, and Janeen Kalin.
3. Dr. Dominguez, Gregorio Ponce and Eric Jacobson are continuing their work on the development of Administrative Hiring Procedures.
4. The Senate is developing a policy for the evaluation of per-session instructors.

#### ASSOCIATED STUDENT GOVERNMENT UPDATE

Armando Ayala, Vice President of the Associated Students' reported on the following:

1. The Associated Students' hosted guest speaker, Dr. Michael Mathes, a noted historian on the history of Baja California and Colonial Mexico. The students enjoyed his program.
2. On March 7, 2000, three shows of "Poetry Alive" were held.
3. There will be a St. Patrick's Day celebration and dance held for the students.
4. Applications for Associated Students' President are being accepted with a deadline of March 31, 2000.
5. The Spring Awards Dinner will take place on May 19, 2000, at the Barbara Worth Golf Resort.

#### PRESIDENT'S UPDATE

Dr. Dominguez reported on the following:

1. The IVC's Men's Basketball Team reached final Conference standings with a three-way tie for first place with Mira Costa College and Palomar College. IVC players Omar Lopez and Glen Warren were named to the All Conference first team, and Ricky Henderson was named to the All Conference second team. Congratulations were extended to Coach Jeff Deyo and all the members of the Men's Basketball Team.
2. The following faculty members were honored for their noteworthy contribution, and for honoring the name of Imperial Valley College:  
(1) Carol Hann organized speakers and assisted in coordinating the 35th Annual Conference of the Congress of History for San Diego/Imperial Counties last March 4, 2000, and she also presented a paper to the Palm Springs Desert Museum Society. (2) Gabriel Torres made a presentation on the "Role of the Magonistas in Imperial Valley," at the Congress of History Conference. (3) Benny Andres made a presentation on the "Filipino Cultural identity in the Imperial Valley from 1910 to 1945," at the Congress of History Conference. (4) Jim Pendley received a significant number of letters of appreciation from across the country for his contribution to developing a Web Site for the Human Anatomy and Physiology Society.
3. Dr. Dominguez, along with several faculty members, attended the TechEd 2000/CEO Institute on Technology in Palm Springs on March 7, 2000. There were many noteworthy keynote speakers and workshops.

4. Dr. Dominguez attended the CEO Institute on Technology at CalPoly, Pomona, from March 8 to 10, 2000. Twenty-five California Community College CEOs were presented with some pragmatic presentations and discussions on telecommunications, instructional technology, strategic planning, and national trends in distance education. The information received was shared members of the Administrative Council.
5. An invitation has been extended to the IVC Board members to participate in a Hispanic Border Leadership Institute for Trustees on March 30, 31, and April 1, 2000, in San Marcos, Texas. The Institute will pay all travel, hotel, and meal expenses.

#### ENROLLMENT REPORT

Dean of Admissions, Sandra Standiford, reported the highlights of the Spring 2000 census as follows:

- Full-time enrollment decreased by 5%
- Part-time enrollment increased by 5%
- 66.4% of enrollment is part-time
- 62.4% of enrollment is female
- 84.5% of students are Hispanic
- 56.4% of students are under 25 years of age
- Weekly student contact hours and FTES decreased by 1.5%  
Day FTES decreased by .7% and night FTES decreased by 3%
- 66% of students attend the Main Campus only
- 20.4% of students attend only Off Campus Classes
- 13.6% of students attend both on and off campus classes
- Main campus evening only students decreased by 11.9%
- 11 students are participating in the Colorado River Educational Compact

#### SUMMER SCHOOL UPDATE

John Hunt reported that 180 courses would be offered this summer. Classes will begin on June 5 and end on July 28. Two four-week sessions will be offered June 5 through June 30, and July 3 through July 28. The six-week offering will have 134 classes and will begin on June 19 through July 27. The eight-week session will have three intensive courses and will begin June 5 through July 28.

### MATH LAB UPDATE

Math and Science Division Chair, Gregorio Ponce, presented a report on the Mathematics Learning Center - In Search for Solutions to Better Serve Our Students. Those contributing to the development of the Center were Joe Archuleta, Olga Artech, Laurie Korner, Jason Miner, Norma Nava, Barbara Nilson, Jim Pendley, Mardjan Shokoufi, Sherry Zobell, and Consultant Patricia Marin. This new facility, equipped with multimedia reinforcement, tutorial services, a self-paced education, and on-line studies, will affect the high attrition rate and low retention (51% students dropped or failed Math 1A, and 47% dropped or failed Math X). Partnership for Excellence funding made this new Learning Center possible. The estimated to cost \$185,000, but \$205,000 was expended.

### IVC FESTIVALS

Transfer Center Director, Carol Lee, updated the Board on the various festivals, or outreach activities for high school students, taking place at IVC. The winners from the various competitions will receive scholarship awards. The purpose of these festivals is to create awareness to IVC's offerings, and to help students achieve academic and career goals. The IVC sponsored academic festivals are as follows:

Law Enforcement Festival - March 20, 2000  
Disability Awareness Day - March 27, 2000  
Business Festival - March 23, 2000  
Allied Health Festival - March 23, 2000  
English Challenge 2000 - March 29, 2000  
Math Festival - May 4, 2000

### SECURITY SURVEY RESULTS

Carlos Fletes distributed results of a Campus Security Survey distributed to 71 California Community College Districts, and 29 colleges responded with the following results:

- All have some type of security (100%)
- 7 have contract security services (25%)
- 24 have security officers employed by the district (83%)
- 4 contract with local law enforcement (14%)
- 25 have armed security (49%)
- Budgets range from \$20,000 to \$2.3 million
- West Kern CCD contracts one security guard for evening hours only. Their total budget is around \$20,000. All others have as many as 20 security officers.

Conclusions:

- A high percentage (83% utilize security officers employed by the district. Most all of them started with contract security services.
- A quick fix for IVC would be to contract out security services.
- To provide an all around security program, at least two security guards would be required.
- IVC should consider training, placing and employing its own.

More information will be presented at the next Board meeting. The Planning and Budget Committee will consider costs involved.

PUBLIC HEARING

A public hearing was held on the Imperial Community College District's 1999-2000 Negotiations Proposal submitted to CSEA Chapter 472 on February 9, 2000. No comments were made.

M/S/C Cardenas/Keithly  
Approval of **Minutes** dated February 9 and 19, 2000.

M/S/C Cardenas/Keithly  
Resolution No. 11850: **PURCHASE ORDERS**

BE IT RESOLVED that the issuance of Purchase Order Nos. 0011254 through 0013284 inclusive be approved.

BE IT FURTHER RESOLVED that the issuance of Dummy Purchase Order Nos. 0001290 through 0001462, inclusive be approved.

M/S/C Cardenas/Keithly  
Resolution No. 11851: **PAYROLL WARRANT ORDERS**

BE IT RESOLVED that Payroll Warrant Order No. 16 in the amount of \$103,561.60, and No. 17 in the amount of \$1,379,182.05, be ratified.

M/S/C Cardenas/Keithly  
Resolution No. 11852: **COMMERCIAL WARRANT ORDERS**

BE IT RESOLVED that Commercial Warrant Orders on the General Fund be ratified as follows:

28	in the amount of	\$330,429.95
29	in the amount of	87,489.63
30	in the amount of	787,871.31
31	in the amount of	96,824.43

M/S/C Duff/Keithly  
Resolution No. 11853: **MEDICAL, DENTAL, LIFE AND PRESCRIPTION DRUG INSURANCE**

BE IT RESOLVED that the Superintendent/President and/or the Vice President for Business services be authorized to negotiate and execute a contract with Blue Cross of California, Advance Rx, Delta Dental, VSP, Fortis Benefits Insurance Company and U.S. Life, to provide administrative services for the District's self-funded medical, dental, life and prescription drug insurance plan for the period of April 1, 2000 through March 31, 2001.

M/S/C Duff/Keithly  
Resolution No. 11854: **INSURANCE BROKER**

BE IT RESOLVED that Keenan and Associates be recognized as Broker of Record for Health and Welfare Benefits effective April 1, 2000.

BE IT FURTHER RESOLVED that the District extends its appreciation to the Peter H. Cobo Insurance Agency for its services over the past seven years.

M/S/C Keithly/Cardenas  
Resolution No. 11855: **DISTRICT AUDIT SERVICES**

WHEREAS, Education Code Sections 41020/84040 authorizes school and community college districts to contract for an audit of their books and accounts by April 1; and

WHEREAS, the Imperial County Office of Education has received proposals from various certified public accountants.

NOW, THEREFORE, BE IT RESOLVED that the firm of Harlan & Boettger, LLP, Certified Public Accountants, be awarded one year contract to perform the District Audit in the amount of \$9,700.00 for fiscal year 1999-2000; and

BE IT FURTHER RESOLVED that the Superintendent/President be authorized to execute said contract.

M/S/C Cardenas/Keithly  
Resolution No. 11856: **SURPLUS PROPERTY**

BE IT RESOLVED that approval is given to declaring outdated nonfunctional property of the Imperial Community College District as surplus property as referred to in Exhibit 1.

BE IT FURTHER RESOLVED that the Vice President for Business Services, and/or the Director of Purchasing and Warehouse, be hereby authorized to dispose of the equipment in the best interest of the College.

M/S/C Keithly/Long

Resolution No. 11857: **TAX & REVENUE ANTICIPATION NOTES AUTHORIZING THE ISSUANCE OF A 2000 TAX AND REVENUE ANTICIPATION NOTE AND PARTICIPATION IN THE COMMUNITY COLLEGE LEAGUE OF CALIFORNIA CASH FLOW FINANCING PROGRAM**

WHEREAS, pursuant to Sections 53850 et seq. of the Government Code of the State of California (the "Act") contained in Article 7.6 thereof, entitled "Temporary Borrowing," on or after the first day of any fiscal year (being, July 1), the Imperial Community College District (the "District") may, pursuant to a resolution of its Board of Trustees (the "Board"), borrow money by issuing notes for any purpose for which the District is authorized to expend moneys, including but not limited to current expenses, capital expenditures, and the discharge of any obligation or indebtedness of the District;

WHEREAS, the Board hereby determines that an amount (the "Principal Amount") not to exceed \$5,000,000 (the "Maximum Principal Amount"), which Principal Amount is to be confirmed and set forth in the Pricing Confirmation (as defined in Section 4 hereof), is needed for the requirements of the District to satisfy obligations of the District, and that it is necessary that the Principal Amount be borrowed for such purpose by the issuance of a temporary note therefore in anticipation of the receipt of taxes, revenue and other moneys to be received by the District during or attributable to fiscal year 2000-2001;

WHEREAS, it appears, and the Board hereby finds and determines, that the Principal Amount, when added to the interest payable thereon, does not exceed eighty-five percent (85%) of the estimated amount of the uncollected taxes, income, revenue, cash receipts and other moneys of the District attributable to fiscal year 2000-2001, and available for the payment of said note and the interest thereon;

WHEREAS, pursuant to Section 53856 of the Code, certain revenues that will be received by the District during and attributable to fiscal year 2000-2001 can be pledged for the payment of said note and the interest thereon (as hereinafter provided);

WHEREAS, the Board has determined that it is in the best interests of the District to participate in the Community College League of California Cash Flow Financing Program (the "Program"), whereby participating community college districts (collectively, the "Participating Districts") will simultaneously issue tax and revenue anticipation notes;

WHEREAS, the tax and revenue anticipation note authorized hereby (the "Note") will be sold to the Community College League Financing Authority. (the "Authority") pursuant to a note purchase agreement, dated as of the date of the Pricing Confirmation, by and between the Authority and the District (the "Note Purchase Agreement"); and

WHEREAS, as part of the Program, the Authority will issue one or more series (each a "Series") of 2000 Tax and Revenue Anticipation Bonds (the "Bonds") pursuant to an Indenture (the "Indenture") between the Authority and Norwest Bank Minnesota, N.A. (the "Trustee"), which Bonds will be secured by the tax and revenue anticipation notes of the Participating Districts, each Series to be distinguished by the type of credit enhancement, if any, that secures such Series, the principal amounts of the notes securing such Series the date of maturity of such Series, or by such other factors as may be determined by the Authority pursuant to the advice of Sutro & Co. Incorporated, as financial advisor for the Program (the "Financial Advisor");

NOW, THEREFORE, the Board of the District hereby resolves as follows:

Section 1. Recitals. All of the above recitals are true and correct and the District so finds, determines, and represents.

Section 2. Authorization of Issuance of Note; Terms. The District hereby determines to borrow, solely for the purpose of anticipating taxes, income, revenue, cash receipts and other moneys to be received by the District during or attributable to fiscal year 2000-2001, an aggregate principal amount not to exceed the Maximum Principal Amount by the issuance, by the District, of a temporary note under Sections 53850 et seq. of the Code designated as the District's "2000 Tax and Revenue Anticipation Note." The Note shall be dated the date of delivery thereof; shall mature (without option of prior redemption) not more than 15 months from said date of delivery on a date indicated on the face of the Note and set forth in the Pricing Confirmation (as defined below), or if such date is not a day on which banks in New York or California are open for business, on the first business day prior to such date; and shall bear interest, payable on the dates set forth in the Note and computed on a 30-day month/360-day year basis, at the rate indicated on the face of the Note and set forth in the Pricing Confirmation (the "Note Rate"), but not in excess of twelve percent (12.0%) per annum. If the Note is not fully paid at maturity, then the unpaid portion thereof shall continue to bear interest thereafter at the Default Rate (to be set forth in the Pricing Confirmation). Both the principal of and interest on the Note shall be payable only upon surrender thereof, in lawful money of the United States of America, at the corporate trust office of the Trustee, which Trustee is hereby designated to be the Paying Agent for the Note (the "Paying Agent").

Section 3. Form of Note. The Note shall be issued in registered form without coupons and shall be substantially in the form and substance set forth in Exhibit A attached hereto and by reference incorporated herein, the blanks in said form to be filled in with appropriate words and figures.

Section 4. Sale of the Note. The Note shall be sold to the Authority pursuant to the Note Purchase Agreement. The form of the Note Purchase Agreement, including the form of the pricing confirmation supplement (the "Pricing Confirmation") set forth as Exhibit B thereto, presented to this meeting is hereby approved. The Superintendent/President, the Controller, the Vice President of Business Services or any other person designated by the Superintendent/President of the District (the "Authorized Representatives") are each hereby authorized and directed to execute (which execution shall be accomplished by execution of the Pricing Confirmation) and deliver the Note Purchase Agreement (including the Pricing Confirmation) in substantially said form, with such changes thereto as such Authorized Representative shall approve, such approval to be conclusively evidenced by his or her execution and delivery thereof; provided, however, that the interest rate on the Note shall not exceed twelve percent (12.0%) per annum, the discount on the Note, when added to the District's share of the costs of issuance of the Bonds, shall not exceed one and one-half percent (1.5%), and the Principal Amount shall not exceed the Maximum Principal Amount.

Section 5. Program Approval. The District's participation in the Program is approved; provided, however, that the District's decision to participate in the Program shall not be binding on the District until the execution and delivery of the Pricing Confirmation.

The District acknowledges that the Authority will execute and deliver the Indenture, (currently on file with the District), to the Trustee in substantially said form, with such changes thereto as an Authorized Representative shall approve, such approval to be conclusively evidenced by execution and delivery of the Pricing Confirmation. The District authorizes and requests the Authority to issue Bonds pursuant to and as provided in the Indenture as finally executed.

The District acknowledges that the Authority, acting upon the advice of the Financial Advisor, may seek such credit enhancement for the Note and for the Series of Bonds related thereto as it deems necessary or desirable. The District agrees to be bound by the terms of such credit enhancement, if any, and the agreements related thereto. The District's approval of such credit enhancement, if any, and the agreements related thereto shall be conclusively evidenced by execution and delivery of the Pricing Confirmation. Each Authorized Representative is authorized to execute and deliver, on

behalf of the District, all agreements related to credit enhancement for the Note and for the Series of Bonds related thereto that such Authorized Representative shall approve, such approval to be conclusively evidenced by execution and delivery of such agreements.

The Authorized Representatives of the District are hereby authorized and directed to provide the Financial Advisor with such information relating to the District as the Financial Advisor shall reasonably request for inclusion in the Preliminary Official Statement and Official Statement related to the Bonds. Upon inclusion of the information relating to the District therein, the Preliminary Official Statement is, except for certain omissions permitted by Rule 15c2-12 of the Securities Exchange Act of 1934, as amended (the "Rule"), hereby deemed final within the meaning of the Rule with respect to the District. If, at any time prior to the execution of the Pricing Confirmation, any event occurs as a result of which the information contained in the Preliminary Official Statement related to the District might include an untrue statement of a material fact or omit to state any material fact necessary to make the statements therein, in light of the circumstances under which they were made, not misleading, the District shall promptly notify the Financial Advisor.

The District agrees to pay or cause to be paid, in addition to the amounts payable under the Note, its share of any fees or expenses of the Trustee in connection with its participation in the Program, as determined in accordance with the Indenture. Such additional fees and expenses will be paid by the District within twenty-five (25) days of receipt by the District of a bill therefore from the Trustee.

Section 6. Transfer; Exchange. The Note shall initially be registered in the name of the Authority. Thereafter, the Note may not be transferred or exchanged except for a transfer to a provider of credit enhancement for the Note or for the Series of Bonds related thereto as provided by the terms of such credit enhancement and any agreement related thereto.

Section 7. Deposit of Note Proceeds; No Arbitrage. A portion of the proceeds from the sale of the Note, in an amount equal to the District's share of the costs of issuance (including any fees and expenses incurred in connection with credit enhancement) of the Note and of the Series of Bonds related to the Note, shall be deposited in the Costs of Issuance Fund established under the Indenture and expended as directed by the Authority on costs of issuance as provided in the Indenture. The remainder of the proceeds from the sale of the Note shall be deposited in the Proceeds Fund established under the Indenture and, until transferred pursuant to a requisition of the District, be invested in Permitted Investments (as defined in and under the terms of the Indenture) as directed by the Authority. While they are on deposit in the Proceeds Fund, proceeds from the sale of the Note shall constitute additional security for repayment of the Note. Upon requisition submitted to the Trustee in accordance with the Indenture, the Note proceeds deposited in the Proceeds Fund shall be transferred to or on behalf of the District for any purpose for which the District is authorized to use and expend moneys. The District hereby covenants that it will make no use of the proceeds of the Note that would cause the Note to be an "arbitrage bond" under Section 148 of the Code; and, to that end, so long as the Note is outstanding, the District, and all of its officers having custody or control of such proceeds, shall comply with all requirements of said section, including restrictions on the use and investment of proceeds of the Note and the rebate of a portion of investment earnings on certain amounts, including proceeds of the Note, if required, to the Federal government, and of the Income Tax Regulations of the United States Treasury promulgated there under or under any predecessor provisions, to the extent that such regulations are, at the time, applicable and in effect, so that the Note will not be an "arbitrage bond."

Section 8. Payment of Note.

- (a) Source of Payment. The principal amount of the Note, together with the interest thereon, shall be payable from taxes, income, revenue, cash receipts and other moneys which are received by the District during fiscal year 2000-2001 and

- (b) which are available therefore. The Note shall be a general obligation of the District, and to the extent the Note is not paid from the Pledged Revenues defined below, the Note shall be paid with interest thereon from any other moneys of the District lawfully available therefore, as provided herein and by law.
- (c) Pledged Revenues. As security for the payment of the principal of and interest on the Note, the District hereby pledges certain unrestricted revenues (as further described in the following paragraph, the "Pledged Revenues") which are received by the District in the months specified in the Pricing Confirmation as Pledge Months (each a "Pledge Month" and collectively the "Pledge Months"). The term "unrestricted revenues" shall mean taxes, income, revenue, cash receipts, and other money of the District as provided in Section 53856 of the Act, which are intended as receipts for the general fund of the District and which are generally available for the payment of current expenses and other obligations of the District.

With respect to each Pledge Month, the amount of unrestricted revenues which shall constitute Pledged Revenues will be equal to a percentage of the Principal Amount plus a percentage of the interest due on the Note on the applicable interest payment dates, including maturity, such percentages, and dates to be specified in the Pricing Confirmation. Any one of the Authorized Representatives of the District is hereby authorized to approve the determination of the Pledge Months and the amount of Pledged Revenues with respect to each Pledge Month by executing and delivering the Pricing Confirmation, such execution and delivery to be conclusive evidence of approval by this Board and such Authorized Representative.

The principal of the Note and the interest thereon shall be a first lien and charge against and shall be payable from the first moneys received by the District from such Pledged Revenues, as provided by law.

In the event that there are insufficient unrestricted revenues received by the District to pen-nit the deposit into the Repayment Account, as hereinafter defined, of the full amount of Pledged Revenues to be deposited from unrestricted revenues in any Pledge Month, then the amount of any deficiency shall be satisfied and made up from any other moneys of the District lawfully available for the repayment of the Note and the interest thereon.

- (d) Deposit of Pledged Revenues in Repayment Account. Pledged Revenues shall be held by the District in a special account within the District's general fund designated as the District's "2000 Tax and Revenue Anticipation Note Repayment Account" (the "Repayment Account") and applied as directed in this resolution. Any moneys placed in the Repayment Account shall be for the benefit of the holder of the Note, and until the Note and all interest thereon are paid or until provision has been made for the payment of the Note at maturity with interest to maturity, the moneys in the Repayment Account shall be applied only for the purposes for which the Repayment Account is created. Upon the written request of the Trustee or any provider of credit enhancement for the Note or the Series of Bonds related thereto, the District shall, within ten (10) Business Days following its receipt of such request, provide written evidence that the deposits to the Repayment Account required by this resolution have been made. In addition, the District shall provide such additional financial information as may be required by any provider of credit enhancement for the Note or the Series of Bonds related thereto.
- (e) Disbursement of Moneys in Repayment Account. The District shall, to the extent necessary to pay the principal of and the interest on the Note, cause the moneys in the Repayment Account to be transferred to the Trustee at least five (5) Business Days (as defined in the Indenture) prior to the date that interest on the Note must be paid, as applicable, and prior to the maturity of the Note. Moneys so transferred to the Trustee shall be deposited in the appropriate Bond Payment Fund established under the Indenture and applied to the payment of the

- (f) principal of and interest on the Note when due and at maturity, as provided in the Indenture. In the event that moneys in the Repayment Account are insufficient to pay the principal of and interest on the Note when due and at maturity, such moneys shall be applied first to pay interest on the Note and second to pay principal of the Note. Any moneys remaining in or accruing to the Repayment Account after the principal of and the interest on the Note have been paid, or provision for such payment has been made, shall be transferred to the general fund of the District, subject to any other disposition required by the Indenture.

Section 9. Execution and Delivery of Note. The Note shall be executed by the manual or facsimile signature of an Authorized Representative and countersigned by the manual or facsimile signature of the Secretary or the Clerk of the Board. The proper officers of the District are hereby requested to deliver the Note to the Authority.

Section 10. Covenants and Warranties.

- (a) It is hereby covenanted and warranted by the District that all representations and recitals contained in this resolution are true and correct.
- (b) The District shall not incur any indebtedness secured by a pledge of its unrestricted revenues unless such pledge is subordinate in all respects to the pledge of unrestricted revenues hereunder.
- (c) So long as any Bonds issued in connection with the Note are outstanding, the District will not create or suffer to be created any pledge of or lien on the Note other than the pledge and lien of the Indenture.
- (d) The District and its appropriate officials have duly taken, or will take, all proceedings necessary to be taken by them for the levy, collection and enforcement of the Pledged Revenues in accordance with the law and for carrying out the provisions of this resolution and the Note.

Section 11. Ratification and Approval of Past and Future Actions. All actions heretofore taken by the officers and agents of the District with respect to the Note, the Bonds, and the Program are hereby approved, confirmed and ratified, and the officers and agents of the District are hereby authorized and directed to do any and all things and take any and all actions, which they, or any of them, may deem necessary or advisable in order to consummate the lawful issuance and delivery of the Note and the District's participation in the Program in accordance with this resolution and resolutions hereafter adopted by the District. The Authorized Representatives are hereby designated as "Authorized District Representatives" under the Indenture.

Section 12. Events of Default and Remedies.

If any of the following events occur, it is hereby defined as and declared to be and to constitute an "Event of Default":

- (a) Failure by the District to make or cause to be made the transfers and deposits to the Repayment Account or any other payment required to be paid hereunder on or before the date on which such transfer, deposit or other payment is due and payable;
- (b) Failure by the District to observe and perform any covenant, condition or agreement on its part to be observed or performed under this resolution, for a period of fifteen (15) days after written notice, specifying such failure and requesting that it be remedied, is given to the District by the Paying Agent, unless the Paying Agent shall agree in writing to an extension of such time prior to its expiration;
- (c) Any warranty, representation or other statement by or on behalf of the District contained in this resolution or the Note Purchase Agreement (including the Pricing Confirmation) or in any requisition or any financial report delivered

by the District or in any instrument furnished in compliance with or in reference to this resolution or the Note Purchase Agreement or in connection with the Note, is false or misleading in any material respect;

- (d) A petition is filed against the District under any bankruptcy, reorganization, arrangement, insolvency, readjustment of debt, dissolution or liquidation law of any jurisdiction, whether now or hereafter in effect, and is not dismissed within 30 days after such filing, but the Paying Agent shall have the right to intervene in the proceedings prior to the expiration of such 30 days to protect its interests and the interests of the registered owner of the Note;
- (e) The District files a petition in voluntary bankruptcy or seeking relief under any provision of any bankruptcy, reorganization, arrangement, insolvency, readjustment of debt, dissolution or liquidation law of any jurisdiction, whether now or hereafter in effect, or consents to the filing of any petition against it under such law; or
- (f) The District admits insolvency or bankruptcy or is generally not paying its debts as such debts become due, or becomes insolvent or bankrupt or makes an assignment for the benefit of creditors, or a custodian (including without limitation a receiver, liquidator or trustee) of the District or any of its property is appointed by court order or takes possession thereof and such order remains in effect or such possession continues for more than 30 days, but the Paying Agent shall have the right to intervene in the proceedings prior to the expiration of such 30 days to protect its interests and the interests of the registered owner of the Note.

Whenever any Event of Default referred to in this Section shall have happened and be continuing, the Paying Agent shall, in addition to any other remedies provided herein or by law or under the Indenture, have the right, at its option without any further demand or notice, to take one or any combination of the following remedial steps:

- (1) Without declaring the Note to be immediately due and payable, require the District to pay to the Paying Agent an amount equal to the principal of the Note and interest thereon to maturity, plus all other amounts due hereunder, and upon notice to the District the same shall become immediately due and payable by the District without further notice or demand; and
- (2) Take whatever other action at law or in equity (except for acceleration of payment on the Note) which may appear necessary or desirable to collect the amounts then due and thereafter to become due hereunder or to enforce any other of its rights hereunder.

Section 13. Proceedings Constitute Contract. The provisions of the Note and of this resolution shall constitute a contract between the District and the registered owner of the Note, and such provisions shall be enforceable by mandamus or any other appropriate suit, action or proceeding at law or in equity in any court of competent jurisdiction, and shall be irrevocable.

Section 14. Request to Borrow; Transmittal of Resolution. The Note shall be issued in conjunction with the note or notes of one or more other community college districts, as described in Section 53853(b) of the Act. Following its adoption by the Board, signed copies of this resolution shall be transmitted by the Secretary of the Board to the treasurer of the county (the "County") in which the District is located, to the County's board of supervisors (the "County Board"), and to the County's superintendent of schools. Transmittal of this resolution to the County Board shall constitute a request by the Board for borrowing and for the issuance of the Note by the County Board. This resolution is based on the assumption that the County Board will fail to authorize, by resolution, the issuance of the Note within 45 calendar days of its receipt hereof or that the County Board will notify the District that it will not authorize the issuance of the Note within such 45-day period. If within such 45-day

period the County Board authorizes, by resolution, issuance of the Note, then, notwithstanding this resolution, the Notes shall be issued in the name of the District by the County Board pursuant to such resolution of the County Board.

Section 15. Limited Liability. Notwithstanding anything to the contrary contained herein or in the Note or in any other document mentioned herein or related to the Note or to any Series of Bonds to which the Note may be assigned, the District shall not have any liability hereunder or by reason hereof or in connection with the transactions contemplated hereby except to the extent payable from moneys available therefore as set forth in Section 8 hereof.

Section 16. Amendments. At any time or from time to time, the District may adopt one or more Supplemental Resolutions, without the necessity for consent of the owner of the Note, for any one or more of the following purposes:

- (a) to add to the covenants and agreements of the District in this Resolution, other covenants and agreements to be observed by the District which are not contrary to or inconsistent with this Resolution as theretofore in effect;
- (b) to add to the limitations and restrictions in this Resolution, other limitations and restrictions to be observed by the District which are not contrary to or inconsistent with this Resolution as theretofore in effect,
- (c) to confirm, as further assurance, any pledge under, and the subjection to any lien or pledge created or to be created by, this Resolution, of any monies, securities or funds, or to establish any additional funds or accounts to be held under this Resolution;
- (d) to cure any ambiguity, supply any omission, or cure or correct any defect or inconsistent provision in this Resolution; or
- (e) to amend or supplement this Resolution in any other respect; provided, however, that any such Supplemental Resolution does not adversely affect the interests of the owner of the Note.

Any modification or amendment of this Resolution and of the rights and obligations of the District and of the owner of the Note may be made by a Supplemental Resolution, with the written consent of the owner of the Note; provided, however, that if such modification or amendment will, by its terms, not take effect so long as the Note remains outstanding, the consent of the owner of the Note shall not be required. No such modification or amendment shall change or modify any of the rights or obligations of the Paying Agent without its written assent thereto.

In addition to the amendments permitted by the above paragraphs, this Resolution, including the form of the Note, may be amended at any time prior to the execution and delivery of the Note pursuant to the Note Purchase Agreement or the Indenture, the provisions of which are incorporated herein by reference to the extent that they relate to the Note, the District, and the District's participation in the Program. Any amendment of this Resolution pursuant to this paragraph shall not require the execution and delivery of a Supplemental Resolution.

Section 17. Severability. In the event any provision of this Resolution shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

Section 18. Appointment of Bond Counsel. The law firm of Stradling Yocca Carlson & Rauth, a Professional Corporation, San Francisco, California is hereby appointed as Bond Counsel for the Note and for the Program. The District acknowledges that Bond Counsel regularly performs legal services for many private and public entities in connection with a wide variety of matters, and that Bond Counsel has represented, is representing or may in the future represent other public entities, underwriters, trustees, rating agencies, insurers, credit enhancement providers, lenders, financial, and other consultants who may have a role or interest in the proposed financing or that may be involved with or adverse to the District in this or some other matter.

Given the special, limited role of Bond Counsel described above the District acknowledges that no conflict of interest exists or would exist, waives any conflict of interest that might appear to exist, and consents to any and all such relationships.

Section 19. Effective Date. This Resolution shall take effect from and after its date of its adoption.

M/S/C Cardenas/Duff

Resolution No. 11858: **CCCT BOARD OF DIRECTORS ELECTION - 2000**

BE IT RESOLVED that the Board nominates the following individuals to fill the ten two-year vacancies on the CCCT Board of Directors for 2000: Maxine Moore, William McGinnis, Rebecca J. Garcia, Fredrick Wenck, Jr., Lynn Baranco, Carolyn Batiste, Lewis S. Braxton, Jr., Richard K. Tanaka, Pete E. Tafoya, Carole Currey.

M/S/C Duff/Keithly

ABSTAIN: Ramirez

Resolution No. 11859: **FINAL REPORT OF INVESTIGATIVE PANEL ON ATHLETICS**

BE IT RESOLVED that the Board adopts the final report of the Investigative Panel on Athletics dated February 25, 2000.

BE IT FURTHER RESOLVED that the Board approves the following recommendations:

1. That the Board of Trustees discontinue any relationship with the Imperial Valley Sports Association and the Association be advised that it is not to provide any support or aid to any student-athlete or athletic program. Included in this recommendation is
2. a prohibition on recruitment efforts by IVSA which might be intended to recruit student-athletes to IVC.
2. That the Board of Trustees direct the IVC Foundation to not renew the IVSA's lease of the advertising wall in the Gymnasium after school year 1999-2000.
3. That the administration be ordered to immediately report future violations of conference rules as required by conference regulations.
4. That administration is directed to meet with all coaches in the inter-collegiate athletic programs to discuss and advise them as to IVC policies, conference regulations and the state code concerning the rules governing aid and/or financial support to student-athletes.

M/S/C Cardenas/Keithly to go into **CLOSED SESSION**

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
Name of Case: Leon and Galindo vs. IVC
2. NEGOTIATIONS UNDER THE EDUCATIONAL EMPLOYMENT RELATIONS ACT  
Conference with District Negotiators  
RE: Direction for Negotiations

M/S/C Duff/Keithly to go back into **OPEN SESSION**

Board President Rebecca Ramirez stated that the Board gave direction on how to proceed on both issues to Legal Counsel and Administration.

M/S/C Keithly/Cardenas

Resolution No. 11860: **RETIREMENT OF INSTRUCTOR**

BE IT RESOLVED that the Board accepts, with sincere regret, the retirement of Jean Montenegro, English Professor, effective May 31, 2000.

BE IT FURTHER RESOLVED that sincere appreciation be expressed for her thirty-four years of devoted service to Imperial Valley College.

M/S/C Keithly/Duff

Resolution No. 11861: **RESIGNATION OF INSTRUCTOR**

BE IT RESOLVED that the Board accepts, with sincere regret, the resignation of Linda McMullin, English Professor, effective May 27, 2000.

BE IT FURTHER RESOLVED that sincere appreciation be expressed for her sixteen years of devoted service to Imperial Valley College.

M/S/C Cardenas/Duff

Resolution No. 11862: **REPLACEMENT OF ADMINISTRATIVE POSITION**

BE IT RESOLVED that the Board approves the Superintendent/President's request to replace the administrative vacancy of Director of Nursing Education and Health Technologies.

M/S/C Cardenas/Duff

Resolution No. 11863: **INSTRUCTOR REPLACEMENT**

BE IT RESOLVED that the Board approves the recommendation of the Chief Instructional Officer, an Academic Senate Representative, and the English Division Chair, to replace the positions of two ESL Instructors.

M/S/C Cardenas/Duff

Resolution No. 11864: **DOCTORAL STIPEND FOR CERTIFICATED STAFF MEMBERS**

WHEREAS, the District has offered a doctoral stipend for those certificated staff members who have an earned Doctorate from an accredited institution; and

WHEREAS, the intent of the Board was and continues to be the recognition of this accomplishment; and

WHEREAS, it is not now or ever has been the intent of the Board or the District to circumvent or replace negotiated salary placement rules for new hires;

BE IT NOW RESOLVED that the doctoral stipend shall be applicable to the range and step corresponding to each certificated staff member's education and experience as determined by the currently negotiated and agreed upon placement.

M/S/C Cardenas/Duff

Resolution No. 11865: **REEMPLOYMENT OF ACADEMIC PERSONNEL FOR THE 2000-2001 ACADEMIC YEAR**

BE IT RESOLVED that the following academic personnel be reemployed, as credentialed, for the 2000-2001 school year:

FACULTY:

(11 Mo)	**ANDRES, Benny	Appropriate Classification
	ARAGON, Raul	and Step Contingent Upon
	ARCHULETA, Joe	Verification of Records
(11 Mo)	ARTECHI, Olga	
	**BECKLEY, Jeffrey	"
	BEMIS, Roberta	"
(11 Mo)	BEOPE, Frances	"
	BERRY, Kathy	"
	BILEY, Patti	"
	**BLEK, Craig	"

	BORCHARD, Mary Kay	"
	**BRAMMER, Ethriam	"
	**BRASHEAR, Edward	"
	CARLSON, C. Marylynn	"
	CARNES, Dennis	"
	CERDA, Daniel	"
	CERDA, Ernestine	"
	**CYPHER, Jackilyn	"
	DEYO, Jeffrey	"
	DRURY, Dave	"
(11 Mo)	ESQUEDA, Jesus	"
	FISCHER, Fred	"
	FITZSIMMONS, Richard	"
	**GAGE-MOSHER, Ronald	"
	**GHANIM, Walid	"
	GIAUQUE, Gerald	"
	**GILBERTSON, Tom	"
(11 Mo)	GUZMAN, Cesar	"
	HANN, Carol	"
	HANN, Richard	"
	HANSINK, Todd	"
	**HARRIS, Diane	"
	**HOPPER, J. Philip	"
	HORTON, Sidne	"
	JACKLICH, Joel	"
	JACOBSON, Eric	"
(11 Mo)	KALIN, Janeen	"
	KELLY, Nannette	"
	KELSOE, H. Leon	"
	**KLAU, Belinda	"
(11 Mo)	LEE, Carol	"
	LOPEZ, Jose	"
(11 Mo)	LOPEZ, Sergio	"
	LUOMA, Craig	"
	McCORMICK, Blanca	"
	McCORMICK, Michael	"
	McNEECE, Brian	"
	MARCUSON, Bruce	"
(11 Mo)	MARQUEZ, Ralph	"
	MECATE, Jim	"
	MEEK, Al	"

	**MILLER, Fonda	"
	**MINER, Jason	"
	NADEAU, Nancy	"
(11 Mo)	NAVA, Norma	"
	**NILSON, Barbara	"
(11 Mo)	NUNEZ, Norma	"
	OLSEN, Amy	"
	ORENSZTEIN, Armand	"
(11 Mo)	ORFANOS-WOO, Stella	"
	ORTEGA, Alicia	"
	**PAINE, Thomas	"
	PATTERSON, James	"
	PENDLEY, Jimmy	"
	POLLOCK, Diedre	"
	PONCE, Gregorio	"
	RAPP, Frank	"
	**REMSBURG, Elizabeth	"
	RICHARDS-CROFT, Donna	"
	RODGERS, Gary	"
	RODGERS, Valerie	"
	ROSENQUIST, Karl	"
	**RUIZ, Angie	"
	**SANTISTEVAN, Judy	"
	SCHEUERELL, Edward	"
	**SHOKOUFI, Mardjan	"
	**STATON, M. Robin	"
	STROUD, V. Jean	"
	STUART, Barbara	"
	SUCZEK, Peter	"
	**THIBODEAUX, Mariaelena	"
	**TORRES, Gabriel	"
	**TUCKER, Jill	"
	VALENTINE, Martin	"
(11 Mo)	WELCH, T. Larry	"
	WENDELL, Josefina	"
	WILHELM, Robert	"
	ZHAO, Lianna	"
	ZIELINSKI, David	"
	**ZOBELL, Sherry	"

\* = Eligible for tenure during the 1999-2000 school year

\*\* = Probation

All others are tenured

M/S/C Cardenas/Duff

Resolution No. 11866: **REEMPLOYMENT OF ADMINISTRATIVE PERSONNEL FOR THE 2000-2001 ACADEMIC YEAR**

BE IT RESOLVED that the following academic personnel be reemployed, as credentialed, for the 2000-2001 school year:

FLETES, Carlos	Vice President, Business Services
FORD, Eileen	Dean, Learning Services
HUERTA, Gonzalo	Dean, Vocational Education
HUNT, John	Vice President, Academic Services
JAIME, Victor	Vice President, Student Services
LOPEZ, Ruben	Dean, External Campus
MAGNO, Jan	Dean, Financial Assistant/State Programs
STANDIFORD, Sandra	Dean, Admissions
TYLER, Jon	Director of Human Resources/Affirmative Action Officer

M/S/C Cardenas/Duff

Resolution No. 11867: **NEW ACADEMIC POSITIONS**

BE IT RESOLVED that the Board approves the following new tenured positions, as recommended by the Vice President for Student Services and the Planning and Budget Committee, and as documented in the approved Partnership for Excellence Plan dated January 25, 1999:

Funding Source: Partnership for Excellence

One Evening/Weekend Counselor  
One Callexico External Campus Counselor

BE IT FURTHER RESOLVED that the Board approves the following non-tenured positions through special funding sources:

One CARE/Special Populations Counselor  
One CalWORKS Assessment Counselor

M/S/C Cardenas/Duff

Resolution No. 11868: **EMPLOYMENT OF TEMPORARY ACADEMIC PERSONNEL**

BE IT RESOLVED that the following short-term, full-time, temporary academic personnel be employed for the period of March 1, 2000 through June 30, 2000:

<u>NAME</u>	<u>CLASSIFICATION/STEP</u>	<u>ASSIGNMENT</u>
WALKER, W. Robert	Appropriate Classification and Step Contingent Upon Verification of Records	External Campus Instructional Coordinator

M/S/C Cardenas/Duff

Resolution No. 11869: **TRANSFER REASSIGNMENT OF TEMPORARY ACADEMIC PERSONNEL**

BE IT RESOLVED that the transfer/reassignment be implemented for the following employees effective July 1, 2000:

<u>NAME</u>	<u>CLASSIFICATION/STEP</u>	<u>ASSIGNMENT</u>
CANEZ-SAVALA, Said	Appropriate Classification and Step Contingent Upon Verification of Records	EOPS Vocational Counselor
NAVA, Norma	"	EOPS Transfer Counselor

M/S/C Cardenas/Duff

Resolution No. 11870: **TEMPORARY ACADEMIC EMPLOYMENT**

BE IT RESOLVED that the following academic personnel be employed temporarily, on a part-time hourly basis, during the 1999-2000 academic year, in accordance with the hourly rate provided for in Resolution No. 11354-4. Employment is contingent upon verification of records, credentials, continued funding of the grant indicated, and approval of the program officer:

<u>NAME</u>	<u>PROJECT POSITION</u>	<u>FUNDING SOURCE</u>
Herrera, Ismael	Instructional Specialist	State

M/S/C Cardenas/Duff  
Resolution No. 11871: **VOLUNTEER EMPLOYMENT**

BE IT RESOLVED that Ramona Campos, a Counseling Intern Volunteer, be approved for coverage under the District's Workman's Compensation Insurance Policy with the start date of February 2, 2000.

BE IT FURTHER RESOLVED that sincere appreciation be expressed to this individual for her contribution to Imperial Valley College.

M/S/C Cardenas/Duff  
Resolution No. 11872: **GOLDEN HANDSHAKE FOR CLASSIFIED STAFF**

BE IT RESOLVED that Resolution No. 11824, dated January 19, 2000, be amended as follows:

NOW, THEREFORE, BE IT RESOLVED, that the Imperial Community College District does seek to add a designated period and does hereby authorize this Resolution indicating a desire to add a designated period from February 23, 2000 through June 30, 2000, for miscellaneous members eligible to retire in the Imperial Community College District.

M/S/C Cardenas/Duff  
Resolution No. 11873: **CLASSIFIED RESIGNATION**

BE IT RESOLVED that the resignation of the following classified employees be accepted at the dates indicated:

<u>NAME</u>	<u>POSITION</u>	<u>FUNDING</u>	<u>RANGE</u>	<u>EFFECTIVE</u>
IBARRA, Noe	Audiovisual Assistant II	District	25-H	3/2/2000
VALENZUELA, Jesus	Audiovisual Assistant I	District	21-B	3/2/2000

M/S/C Cardenas/Duff

Resolution No. 11874: **CLASSIFIED RESIGNATION**

BE IT RESOLVED that the resignation of the following classified employee be accepted at the date indicated:

<u>NAME</u>	<u>POSITION</u>	<u>FUNDING</u>	<u>RANGE</u>	<u>EFFECTIVE</u>
BAKER, Larry	Interim Director Small Business Development Center	State	8-A	2/29/2000

M/S/C Cardenas/Duff

Resolution No. 11875: **CLASSIFIED SERVICE REEMPLOYMENT**

BE IT RESOLVED that the following individual be re-employed in the classified service as indicated:

<u>NAME</u>	<u>POSITION</u>	<u>FUNDING</u>	<u>RANGE</u>	<u>EFFECTIVE</u>
IBARRA, Noe	Audiovisual Assistant I	District	21-H (50% Contract)	3/3/2000

M/S/C Cardenas/Duff

Resolution No. 11876: **CLASSIFIED SERVICE EMPLOYMENT**

BE IT RESOLVED that the following individual be employed in the classified service as indicated:

<u>NAME</u>	<u>POSITION</u>	<u>FUNDING</u>	<u>RANGE</u>	<u>EFFECTIVE</u>
TAPIA, Herlinda	Student Services Representative External Campus	District	24-A (50% Contract)	2/22/2000

M/S/C Cardenas/Duff  
Resolution No. 11877: **SHORT-TERM EMPLOYMENT**

BE IT RESOLVED that the following individuals be employed on a short-term basis, as needed:

<u>NAME</u>	<u>POSITION</u>	<u>FUNDING</u>	<u>RANGE</u>	<u>EFFECTIVE</u>
SANTIAGO, Annel	Office Assistant I Small Business Development Center	State	19-A	2/8/2000 to 6/30/2000
VALENZUELA, Jesus	Audiovisual Assistant II	District	25-A	3/3/2000 to 6/30/2000

M/S/C Cardenas/Duff  
Resolution No. 11878: **DISMISSAL/RELEASE OF CLASSIFIED EMPLOYEE**

BE IT RESOLVED that Ramona Salazar, Infant/Toddler Caregiver be dismissed effective December 9, 1999.

M/S/C Keithly/Cardenas to ADJOURN the meeting at 7:55 P.M. - The next regular meeting of the Imperial Community College District Board of Trustees is scheduled for April 12, 2000.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

\_\_\_\_\_  
ICCD Board President

\_\_\_\_\_  
ICCD Board Secretary