UNADOPTED MINUTES

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

Wednesday, December 17, 2008

Location
Administration Building – Board Room
380 East Aten Road
Imperial, CA 92251

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.

BOARD MEMBERS PRESENT:
- Carlos R. Acuña
- Rudy Cardenas, Jr.
- Norma Sierra Galindo
- Jerry D. Hart
- Romualdo Medina
- Rebecca L. Ramirez

BOARD MEMBERS ABSENT:
- Louis Wong

REPRESENTATIVES PRESENT:
- Dr. Michael Heumann, Academic Senate Representative
- Chantilee Mendenhall, Student Representative
- Suzanne Gretz, CTA Representative
- John Abarca, College Council Representative

CONSULTANTS PRESENT:
- Dr. Ed Gould, Superintendent/President
- Kathy Berry, Vice President for Academic Services
- Dr. Victor Jaime, Vice President for Student Services
- John Lau, Vice President for Business Services
- Travis Gregory, Associate Dean of Human Resources
- Frank Oswalt, Legal Counsel

PLEDGE OF ALLEGIANCE

Trustee Hart led the Pledge of Allegiance to the Flag.

CHANGES TO THE AGENDA

Under Consent Agenda - Business

Page 5
Resolution No. 14258: Award of Bid, Science Building Construction – Site Concrete
This resolution was moved ahead of Information Reports at the request of Counsel and the following language was amended to the resolution:

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
Page 18
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 expressed for his 36 years of devoted service to Imperial Valley College.

BUSINESS (MOVED FORWARD)

M/S/C Cardenas/Medina (OPPOSED: Galindo)
Resolution No. 14258: Award of Bid, Science Building Construction – Site Concrete

Discussion
Board President Acuña re-read the amended resolution.

President Gould spoke and stated the staff went through the process and went through the responsible process.

VP for Business Services Lau spoke and stated references were checked. He stated that the issue with the bid was that of responsiveness to the bid request. He stated the issue was with the references provided for in the bid package.

Brent Goodwin, Construction Manager for Nielsen Construction, spoke and stated the company typically goes through the references of the low bids to verify that they have done the projects that a company has listed.

At the request of the Board, Construction Manager Goodwin went over the reference information provided by HAR Construction.

Construction Manager Goodwin stated that they received three different references that HAR Construction provided.

At the request of the Board, Construction Manager Goodwin went over the reference information on the alternate HAR references.

Legal Counsel Oswalt spoke and clarified the due diligence process.

Mike Morrison spoke in favor of HAR Construction.

Beard Hobbs, attorney for DEZ Construction, spoke in favor of DEZ Construction.

President Gould asked for Point of Order stating this was not a hearing and asked that the discussion be closed.

The discussion was closed.

Trustee Medina asked for clarification stated that he understood that HAR provided three references with the original bid and asked what the purpose of the District's letter sent to HAR.

President Gould stated the letter was for clarification of the original three HAR references. He stated HAR provided three different references therefore the original three could not be confirmed.

President Gould stated the question had been raised of whether the item could be tabled and he stated the answer was no as it would slow the construction down. He stated his recommendation was to award the bid to DEZ Construction.

Trustee Galindo wanted the following on record, "There is information here that I am not familiar with. This is not a hearing but I'm very troubled by not being able to hear what counsel has in the back saying and the information that Mr. Romero is saying. So, I am going to have a very difficult time with this decision but my vote is going to be no and I want to go on record for that."

A motion was made by Trustee Cardenas with a second motion by Trustee Medina.

Trustee Galindo wanted the following on record, "Would like to stress that not sufficient information was presented on this issue. This is a serious issue. I understand the dire necessity of moving on with construction, but I also understand the predicament that the college is being put by making a decision in haste."

Motion carried.

Resolution
WHEREAS, the District advertised for bids for various packages relating to the construction of a Science Building, and a bid opening was held on November 6, 2008; and

WHEREAS, the 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; and

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 it has been determined that the low bid was non responsive therefore, a contract be awarded for bid package #4, Site Concrete to: DEZ Construction in the amount of $1,249,000.

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: Contract in the amount of $1,249,000 to be paid from Measure L Bond Funds.

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.

Board President Acuña asked if the degree of difficulty in the exams has changed.

Associate Dean Aguirre stated the exam changed in 2008.

Trustee Galindo questioned whether the IVC nursing program maintained a line of communication open and offered seminars to the students who fail the test.

Associate Dean Aguirre stated the LVN board will not share names; however, IVC has maintained a list and attempts to maintain a line of communication with the students. She stated the RN board does share names with the District. She stated that when a student fails it is often demoralizing to them and the student sometimes withdraws from the faculty. She stated that faculty, counselors, and staff are available to guide and help them at the Nursing Student Learning Center.

Trustee Galindo asked if there was a correlation between the non passing rates and the amount of time the students take in taking the board exams after graduation. Associate Dean Aguirre stated there was a correlation and stated she found that if students wait four months after classes, they have a 50/50 chance in passing. Vice President Berry added that the pattern is true of all nursing program if the students wait four months or longer.

Trustee Galindo asked the cost of the exam. VP for Academic Services Berry stated the exam was $300 and a student can take it four times.

Trustee Hart announced that he attended both nursing ceremonies and both were impressive. He stated the LVN ceremony was emotional as a nursing student passed away. He stated it was a touching event.

President Gould asked for a Point of Personal Privilege to move Resolution No. 14259 forward as Nielsen Construction representatives were in the audience waiting for the resolution and then had to go back to San Diego and the weather had caused the freeway to be closed earlier.

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 for the program; however, stated SDSU had not. He stated that in entering Year 4 of a five-year initiative, the critical issues to consider are sustainability, ultimate impact of the project on the

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 program has been initiated that will train Latino Student Journalists and IVC is the first official partner.
- Thanked Dean Jan Magno and everybody involved in planning the Seasons Celebration.
- Announced IVC Leadership has been accepted at the Institute for Higher Education Policy Symposium on Financial Literacy and College Success at Minority-Serving Institutions. He stated VP for Student Services Dr. Victor Jaime and VP for Academic Services Kathy Berry and he would be attending a symposium in San Antonio, Texas in February. He stated all expenses would be paid by IHEP, not the District.
- Announced Dean Gonzalo Huerta is in contact with Sterling Energy to see if IVC can get one of the Sterling Panels and Engine combinations to do demonstrations for students and the community.
- Announced The Economic Report filmed the video on campus and they took footage as planned.
- Recommended February 7, 2009 as the date for the Board Retreat.

DISCUSSION

Annual Board Self-Evaluation – Dr. Ed Gould

President Gould stated the Trustees received a summary of the responses last month and asked if there were any questions. He stated the evaluation would be used in forming the goals and objectives for the Board and campus. He stated the topics for discussion include the budget, facilities planning, 10-year plan, presentation by a company to discuss bond campaign and recommending some ways of funding the needs of the campus. He stated the time may seem strange; however, the experts are recommending that IVC move forward with a bond campaign.

Annual Board Retreat Date – Dr. Ed Gould

President Gould stated that the recommendation is for February 7, 2009 with an alternate date of January 24, 2009.

Trustee Galindo stated she would not be available at the February 7th date or the January alternate date.

President Gould stated that his office would survey the Board and get a consensus on the date.

CONSENT AGENDA – BUSINESS

Trustee Cardenas pulled Resolution Nos. 14264 and 14265.

Approval of Minutes dated November 19, 2008, Regular Board Meeting
M/S/C Cardenas/Medina and the Board approved the minutes as presented.

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	66,271.16
	645,917.24

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

M/S/C Cardenas/Medina
Resolution No. 14257: Budget Transfers

BE IT RESOLVED that the Board approves the recommendation of the Superintendent/President to approve the following budget transfer(s) between major object codes (within the same cost center budget): J4057729 and J4057733.

M/S/C Cardenas/Medina
Resolution No. 14260: Notice of Completion - Fire Alarm System Improvements

WHEREAS a contract was awarded on October 15, 2008 to Five Star Electric for Fire Alarm System Improvements in the amount of $117,000; and

WHEREAS the work has been completed and has passed inspection.

NOW, THEREFORE, BE IT RESOLVED that the Board directs the Vice President for Business Services to file a Notice of Completion for the Fire Alarm System Improvements project with the County Recorder's Office, with a completion date of December 17, 2008.

M/S/C Cardenas/Medina
Resolution No. 14261: Citizens Oversight Committee for Measure L

BE IT RESOLVED that upon the recommendation of the Superintendent/President, the Board appoints the following member(s) to the Citizens Oversight Committee for Measure L:

Name:	Membership category:	Term:	Replacing:
Timothy E. Kelley	*One member active in a business organization (President/CEO of Imperial Valley Economic Development Corporation)*	December 19, 2008 – December 31, 2010	Cathy Kennerson
Nicole Nicholas Gilles	*Member at large (CEO Brawley Chamber of Commerce/Brawley Economic Development Commission)*	December 19, 2008 – December 31, 2010	Terence Donovan

M/S/C Cardenas/Medina
Resolution No. 14262: Strategic Planning Committee

WHEREAS the function of the Strategic Planning Committee will be to develop the District's Strategic Plan after receiving input from the Educational Master Plan on the prioritized goals of the institution, both short-term and long-term. The committee will assess the stated priorities and the college resources for achieving those priorities. The Strategic Plan will address how the District can best implement the planned improvements based on the institutional resources, required and desired time frames, and final recommendations and strategies of the Educational Master Plan, all in line with the District's mission and vision. The Strategic Plan will be formally submitted every six (6) years to the Superintendent/President, corresponding with the college accreditation cycle. The committee will review and update the Strategic Plan annually.

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 Trustees Cardenas and Acuña as advisory trustees. A second motion was made by Medina

WHEREAS, the IVC Foundation changed its bylaws on September 26, 2006, to have two Board members serve as advisory and one with voting rights;

WHEREAS, the following ICCD Trustees served the IVC Foundation Board of Directors from December 2007 through November 2008:

Voting Trustee – Trustee Wong
Advisory Trustee – Trustee Hart
Advisory Trustee – Trustee Acuña

NOW, THEREFORE, BE IT RESOLVED that the Board designates the following three ICCD Board members to serve on the IVC Foundation Board of Directors for one year beginning December 2008:

1. Voting Trustee – Trustee Hart
2. Advisory Trustee – Trustee Cardenas
3. Advisory Trustee – Trustee Acuña

M/S/C Cardenas/Ramirez
Resolution No. 14265: ICCD Board of Trustees Representation on the SDICCCA Alliance Board

Discussion
Trustee Cardenas asked if Trustee Hart would volunteer. Trustee Hart agreed.

Resolution
WHEREAS, representation for Imperial Community College District is needed on the SDICCCA Alliance Board;

WHEREAS, Trustee Hart served on the SDICCCA Alliance Board for the year 2008;

NOW, THEREFORE, BE IT RESOLVED that the Board designates the following ICCD Board member to serve on the SDICCCA Alliance Board for one year beginning January 2009:

SDICCCA Alliance Member: Jerry Hart

M/S/C Cardenas/Medina
Resolution No. 14266: Smoking Policy

Associated Students Smoking Policy Resolution

WHEREAS, the Imperial Community College District's current smoking policy is widely ignored and ineffective; and

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.

Policy Statement for the Following Fall Semester
Tobacco Free Campus:

1. It is the policy of Imperial Valley College to provide a tobacco free environment for its students, faculty, staff, administrators, visitors and the general public while on this campus. The simple separation of smokers and nonsmokers within the same air space may reduce, but does not eliminate, the exposure of nonsmokers to environmental tobacco smoke, nor does the EPA recognize a safe level of exposure to environmental tobacco smoke.

2. Effective the first day of the Fall Semester 2009, Imperial Valley College shall be a tobacco-free campus. The use of any tobacco products shall be prohibited on any District properties. The sale of tobacco products on campus is prohibited.

3. Appropriate signs shall be posted at all entrances to campus grounds.

4. Smoking shall be prohibited at all times in all vehicle on campus.

5. The smoking prohibition applies to passenger vehicles and all other state-owned mobile equipment to include light and heavy trucks, cargo and passenger vans, buses, and any other mobile equipment with an enclosed or enclosable driver/passenger compartment.

CONSENT AGENDA – EDUCATIONAL SERVICES

M/S/C Medina/Cardenas
Resolution No. 14267: New Distance Education Committee

Resolution for Distance Education Committee	
Date of First Reading: September 17, 2008	Resolution No. 0809-1
Date of Second Reading: October 1, 2008	
Sponsor of Motion	Michael Heumann
Second Sponsor of the Motion	Kevin White

Whereas, the Title V ACCESO grant provided Imperial Valley College with the resources to develop a full-fledged distance education program;

Whereas, the ACCESO grant has succeeded in its goals to train faculty to develop and to teach distance education classes across all disciplines and to provide full support for faculty and students alike;

Whereas, over the course of the grant, the distance education program has been managed and directed by the ACCESO team, which includes the Project Director, the Distance Education Coordinator, the Academic Coordinators, the Instructional Media Designer, the Learning Support Specialist, the Technology Support Technician, and the ACCESO staff secretary;

Whereas, the ACCESO grant will end in September 2009, and the District will assume all costs associated with the distance education program;

Therefore,

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 to work with all relevant faculty and administrators to foster innovation while maintaining and enhancing high standards of academic quality, at a level appropriate to the students for which the content is developed;

3. The Committee should be a sounding board and help the College develop a clear strategy designed to build and sustain an imaginative and effective long-term program for distance education and distributed learning;

4. The Committee should work in collaboration with the Dean of Instruction and the Distance Education Coordinator to further develop and refine IVC's standards and procedures for reviewing, approving and evaluating distance education courses and initiatives;

5. The Committee shall be comprised of the following:
   a. Dean of Instruction or Designee (Co-Chair)
   b. Distance Education Coordinator (Co-Chair)
   c. Five Faculty Representatives (including at least one non-teaching)
   d. Classified Representative
   e. Technology Representative
   f. DSPS Representative
6. All committee members need to have taken or taught an online class using the Etudes course management system;

7. The Academic Senate will approve all faculty positions; the remaining positions will be appointed by the bargaining unit representative or division head in consultation with the Co-Chairs and the Vice President of Academic Services.

M/S/C Medina/Cardenas
Resolution No. 14268: Division Chair Appointment

BE IT RESOLVED that Jose Lopez has been appointed to act as Industrial Technology Division Chairperson for the remainder of the 2008 – 2009 academic year, and this assignment shall be effective October 27, 2008.

CLOSED SESSION
M/S/C Ramirez/Cardenas to go into CLOSED SESSION at 7:43 p.m.

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
   Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (One potential case)

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

M/S/C Galindo/Medina
Resolution No. 14269: Memorandum of Understanding between the Imperial Community College District (District) and the Imperial Valley College Chapter of the Community College Association/California Teachers Association/National Education Association (Association)

WHEREAS, this Memorandum of Understanding is entered into between the Imperial Community College District (District) and the Imperial Valley College Chapter of the Community College Association/California Teachers Association/National Education Association (Association);

THEREFORE, BE IT RESOLVED that the Board approves the following MOU:

Tentative Agreement
Memorandum of Understanding

The following changes to the Agreement between the Imperial Community College District and the Imperial Valley College Chapter of the Community College Association/California Teachers Association/National Education Association for the Academic Years 2008-09 are hereby agreed to by the Association and the District:

1. Workload: Effective beginning with the 2008-09 Academic Year and extending for the remainder of the life of the existing agreement:

   a. The following words [in bold] shall be added to Article 15.1 Primary Workload Function:
      15.1 Primary Workload Function

      The workload for members of the bargaining unit shall include the primary functions of teaching, counseling, or serving as a librarian. In addition, the workload may include, but not be limited to, **a reasonable amount** of these allied professional responsibilities: preparation for classroom activities; evaluating student performance including test and/or paper correcting and grading; **developing, assessing, and evaluating student learning outcomes,** holding office ~~and appointment~~ hours; serving on college standing**, planning, and/**or advisory committees; developing new courses or programs; maintenance and revision of existing course outlines and materials, participating in college, departmental, or division meetings; **participating in program review, accreditation and any assessment and planning activities required for the successful continuing operation of the college;** sponsoring student clubs and activities; helping to plan and approve students' programs; and the timely and accurate submission of all required college registration documentation and final grades.

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.

In the event it is necessary to make long-term or permanent changes in scheduled office ~~or appointment~~ hours at any time during the semester, the instructor shall make corrections on the posted schedule and notify in writing the appropriate division chairperson and the Vice President for Academic Services. The instructor shall post temporary changes of short duration on the posted schedule, and the division secretary shall be notified.

Any other references to appointment hours that exist within the agreement shall also be assumed by this memorandum to be stricken.

M/S/C Galindo/Medina
Resolution No. 14270: Memorandum of Understanding between the Imperial Community College District (District) and the Imperial Valley College Chapter of the Community College Association/California Teachers Association/National Education Association (Association)

WHEREAS, the District and the Association agree that for the 2008-09 Academic Year the Industrial Technology Division will have a unit member designated as Division Chair; and

WHEREAS, the District and the Association agree that the Industrial Technology Division Chair will have the same rights, duties, and obligations as all other faculty members designated as Division Chairs; and

WHEREAS, Article 15.3.3 of the Agreement identifies the workload for Division Chairs; and

WHEREAS, Article 17.13.1 of the Agreement identifies the Lecture Reassigned Time for Division Chairs; and

WHEREAS, as per the above referenced articles, the Division Chair serves as a 199 day faculty member, rather than as a 177 day faculty member;

NOW, THEREFORE, it is agreed as follows:

1. Unit member Jose Lopez shall serve as the Division Chair for the Industrial Technology division commencing on October 27, 2008 and ending on June 30, 2009; and

2. Jose Lopez shall be granted the full 12 hours of contract reassigned time for the above named period, and shall be compensated for overload teaching hours, if any, recalculated based upon the new level of contract reassigned time beginning on October 27, 2008 and as per the above reference articles; and

3. As Jose Lopez will be serving as Division Chair for 8 months rather than for the full 12 months as is standard, he shall be required to provide an additional 15 days of service beyond the fall and spring semesters rather than the full 22 days.

NOW, THEREFORE, BE IT RESOLVED that the Superintendent/President recommends approval of an MOU entered into between CTA and the District reclassifying Jose Lopez as the Industrial Technology Division Chair for the 2008-09 Academic Year.

M/S/C Galindo/Medina
Resolution No. 14271: Academic Winter Intersession Employment

BE IT RESOLVED that the following instructors be employed for the 2009 Winter Intersession at a salary computed in accordance with Resolution No. 13829. Employment is contingent upon sufficient enrollment.

Name	Assignment
Abrams, Robert	English
Agee, John	Sociology

Alvarado, Sotero	Mathematics
Aye, Tyson	Physical Education
Baukholt, Robert	English
Bemis, Roberta	English
Biley, Patti	English
Blek, Craig	Economics
Byrd, Krista	Psychology
Carlson, Marylynn	Nursing
Carnes, Dennis	Biology
Castrapel, Rick	Mathematics
Cozzani, Alejandro	Mathematics
Craven, Julie	English as a Second Language
David, Samuel	Biology
Davis, Hope	Music
Decker, Van	Music
Deyo, Jeffrey	Health Education/Physical Education
Dorantes, Kathleen	English
Drury, David	Health Education/Physical Education
Edwards, Aaron	Philosophy
Finnell, Gaylla	Political Science
Fisher, James	Chemistry
Gage-Mosher, Ronald	Psychology
Garza, Alejandro	English as a Second Language
Gilbertson, Thomas	Art
Gilison, Daniel	Biology
Goldsberry, Rick	Emergency Medical Technologies
Gretz, Suzanne	History
Guzman, Cesar	Spanish
Hansink, Todd	Business/Economics
Harris, Diane	English
Hegarty, Carol	Art
Hernandez, Oscar	Mathematics
Horton, Sidne	Physical Education
Jacobson, Eric	Political Science
Kareva, Kseniya	English as a Second Language
Kelly, Nannette	Art
Knapp, Leslie	Administration of Justice
Lavery, Russell	Astronomy
Lay, Nancy	English
Lehtonen, Eric	Mathematics
Leon, Allyn	Mathematics
Lofgren, Mary	Psychology
Lopez, Jose	Auto Technology
McClain, John	English
McNeece, Brian	English
Marcuson, Bruce	Administration of Justice
Martini, Donald	English as a Second Language
Marty, Kevin	Geology
Mason, Charles	American Sign Language
Mecate, James	Health Education/Physical Education

Meek, Alfred	Nursing
Miller, Fonda	Child, Family & Consumer Science
Miranda, Frank	Air Conditioning & Refrigeration
Morales, Marco	Welding
Morrell, Thomas	Biology
Mosier, Laura	Speech
Moss, Susan	Biology
Page, Bruce	Speech
Pastrana, Leticia	English as a Second Language
Pauley, Patrick	Agriculture
Pfister, Toni	Health Education
Pollock, Diedre	Nursing
Pradis, Ricardo	Auto Technology
Rangel, Javier	Spanish
Rice, Sydney	English as a Second Language
Ruiz, Angelica	Business/Computer Information Systems
Ruiz, Jose	Spanish
Sanchez-Dominguez, Romano	Spanish
Santistevan, Judy	Business
Scheuerell, Edward	English
Seivertson, Bruce	Geography
Sheppard, David	Child, Family & Consumer Science
Shokoufi, Mardjan	Mathematics
Simpson, Scott	English as a Second Language
Staton, Mary	Psychology
Stroud, Vivian	Nursing
Thoresen, Josefina	English as a Second Language
Tucker, Jill	Health Education/Physical Education
Velasquez, Jose	Building Construction
Voldman, Aleksandr	Mathematics
Wainwright, Mary-Jo	History
White, Kevin	Political Science
Wright, Bradford	History
Zhao, Lianna	Biology
Zielinski, David	English

M/S/C Galindo/Medina
Resolution No. 14272: Full-Time Temporary Faculty Employment

BE IT RESOLVED that the following full-time temporary academic personnel (replacement for John "Mike" McCormick) be employed for the Spring 2009 Semester, pending medical and background clearance:

Name	Classification/Step	Assignment
Xochitl Tirado	Appropriate Classification and Step Contingent Upon Verification of Records	English (Reading) Instructor

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:

Name	Possible Assignment
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, Arelys	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.

Name	Position	Department	Funding	Range	Effective
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