

Napa Valley Community College District

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES
September 11, 2008**

1.0 **CALL TO ORDER** 5:30 p.m.

Bruce Ketron called the meeting to order at 5:30 p.m.

2.0 **CLOSED SESSION** (5:30 p.m.): As there were no public comments regarding closed session items, the board went immediately into closed session to consider and/or take action upon any of the following items:

With respect to every item of business to be discussed in closed session pursuant to Section 54957.6, CONFERENCE WITH LABOR NEGOTIATORS

Name of agency negotiators: Scott Miller, Kevin Luckey, Laura Ecklin

Name of organization representing employees: NVCFA/CTA/NEA

Name of agency negotiators: Scott Miller, Laura Ecklin, Judie Walter-Burke

Name of organization representing employees: NVC-ACP/SEIU

Name of agency representatives: Chris McCarthy

Name or organization representing employees: NVC Administrative Senate

With respect to every item of business to be discussed in closed session pursuant to Section 54957, PUBLIC EMPLOYMENT, Approval/Ratification of Full-Time Employment

- 1) Child Care Specialist I (1.0 FTE)
- 2) Instructional Assistant III, DLS (.875 FTE)
- 3) Instructional Assistant III, DDGT (.50 FTE)
- 4) Secretary IV, Counseling (1.0 FTE)
- 5) Child Care Specialist I (1.0 FTE)

With respect to every item of business to be discussed in closed session pursuant to Section 54957, PUBLIC EMPLOYMENT, Employee Evaluation

- 1) Evaluation of Superintendent/President

3.0 **RETURN TO PUBLIC SESSION** (6:30 p.m.)

3.1 **Members Present:** Bruce Ketron, Michael Baldini, JoAnn Busenbark, Charles Meng, Tom Andrews, Brenda Knight, Steve Reinbolt, Chris Hagerman

Staff Present: Chris McCarthy, Sue Nelson, Oscar DeHaro, Laura Ecklin, Jill Schartz, Michael Henry, Beth Hauscarriague, Erik Shearer, Amanda Budget, Victoria Worch, Matt Christensen, Sonia Wright, Ken Arnold, Bob Lortz, Betty Malmgren, Dan TerAvest, Dan TerAvest, Diane Van Deusen, Dianna Chiabotti, Greg Miraglia, Kevin Luckey, Judie Walter-Burke,

Students Present: Chris Adams, Ryan Sarna, Mario Fernandez,

Guests Present: Leon Brauning; Natalie Hoffman, *Napa Valley Register*

3.2 Pledge of Allegiance

Student Ryan Sarna led the audience in the pledge of allegiance.

3.3 Introduction of Visitors, Guests, and New Staff

Board president Bruce Ketron called upon the audience to introduce themselves.

3.4 Announcement of Items from Closed Session

With respect to every item of business to be discussed in closed session pursuant to Section 54957, PUBLIC EMPLOYMENT, Approval/Ratification of Full-Time Employment

Dean, Human Resources Laura Ecklin announced the hire of the following classified staff members:

Mayra Estrada, Child Care Specialist (1.0 FTE)

Eva Toral, Child Care Specialist (1.0 FTE)

Rose Elswick, Instructional Assistant III (.875 FTE)

Gary Strommen (Instructional Assistant III (.50 FTE)

Fannie Novak Secretary IV, Counseling Division (1.0 FTE)

Board president Bruce Ketron announced the extension of the contract for the superintendent/president, based on an exemplary evaluation.

3.5 Adoption of Current Agenda

M/S/C (Busenbark/Baldini) to adopt the current agenda, reordering the agenda items as follows: 8.4, 9.2, 8.7, 8.0, followed by the remainder of the agenda in the original order.

3.6 Announcement of Future Meetings (5:30 p.m. closed session, 6:30 p.m. public session)

Bruce Ketron announced the following upcoming meetings: October 9, 2008; November 13, 2008; December 11, 2008. The October 9 meeting had originally been scheduled in American Canyon. However, due to the unavailability of meeting room space, the December meeting will be held in American Canyon instead.

4.0 PUBLIC COMMENTS – GENERAL

Steve Reinbolt said he was pleased to announced the Napa Valley College Winery has been awarded an operating permit for the sale of college wine, which means that this year's harvest can be sold.

Napa resident Leon Brauning stated that he had supported the passage of the Measure N bond to renovate and improve college facilities. He voiced concern over cost overruns which caused the college to seek a second bond to complete the original projects. He asserted that lack of oversight and direct involvement of the taxpayer community were at issue. He stated that no member of a bona fide taxpayer's organization is a member of Measure N Independent Citizens' Oversight Committed and also asserted that one member has served for an uninterrupted period that exceeds the legal limit and asked that these problems should be corrected. Mr. Brauning also stated that the Ceramics Building was not on the original projects lists approved by voters and should not be built.

Board president Bruce Ketron stated that Mr. Brauning's comments were taken seriously. He said he understood that Mr. Brauning was against any tax and noted that Mr. Brauning, after a tour of completed bond facilities, had stated he saw nothing of value in the improvements. Mr. Ketron reported that a community member who is a member of an appropriate taxpayer's organization has

been approved by the Board of Trustees for membership on the Measure N Independent Citizens' Oversight Committee.

Dr. McCarthy reported that no member of the Oversight Committee has served beyond legal limits. Dr. Denys Michaud had removed himself from the committee after his original appointment for health reasons, and so his continued membership is consistent with the committee's bylaws on membership. Further, Dr. McCarthy refuted Mr. Brauning's assertion that the Ceramics Building was not on the original projects list. Dr. McCarthy said that legal counsel has advised the college, citing a California Appellate Court decision related to Foothill DeAnza College's ballot language, that as long as projects were listed by type within the ballot language, a district can modify design and approach of projects based upon discoveries made during the process. Dr. McCarthy stated that bond counsel will confirm that in writing and Mr. Brauning will be provided with a copy of the legal explanation.

5.0 APPROVAL OF MINUTES

M/S/C (Busenbark/Andrews) to approve the minutes:

5.1 Minutes of July 17, 2008

Correction: Michael Baldini was present at this meeting and should be added to the list.

5.2 Minutes of August 14, 2008

6.0 CONSENT CALENDAR

The following items listed on the consent calendar are considered to be routine matters requiring approval or ratification by the board. They are accepted or approved by a single motion without discussion. Any item(s) may be removed from the consent calendar for discussion or other reasons at the request of a board member.

6.1 Ratification of Financial Documents for August, 2008

6.1.1 Approval of Warrants

General Fund	\$1,302,427.25
Child Care Fund	\$1,086.96
Capital Outlay Projects Fund	\$53,036.57
NVC Bldg. Fund/Series B (BOND)	\$2,662,266.45

6.1.2 Approval of Total Gross Payroll \$2,345,718.19

6.2 Approval of Personnel Assignments Dated September 3, 2008

6.3 Approval of Agreement with Redwood Regional Medical Group for Clinical Experience

The Board of Trustees approved an agreement with Redwood Regional Medical Group for Napa Valley College Health Occupations students to receive experience in clinical settings available through Redwood Regional Medical Group. The agreement would start September 1, 2008 and would continue until terminated by either party. There is no cost to either party as a result of this agreement.

6.4 Proposed Change Orders – Library and Learning Resource Center

The Board of Trustees ratified acceptance of Edge Development, Inc. proposed change orders numbered 2R, 3R, 6R1 and 7 as given in attached Proposed Change Order Log dated August 29, 2008. The net increase for these proposed change orders is \$77,316.00.

6.5 Proposed Change Orders – Instructional Center for the Performing Arts

The Board of Trustees ratified acceptance of Broward Brothers, Inc. Proposed Change Order Log dated August 29, 2008. The net increase for these proposed change orders is \$10,350.00.

6.6 Proposed Change Orders – Transit Mall Parking Lot B Improvements

The Board of Trustees ratified acceptance of O.C. Jones and Sons, Inc. Proposed Change Order Log dated August 29, 2008. The net increase for these proposed change orders is \$8,599.53.

6.7 Approval of Contract with Lozano Smith (from agenda addendum)

The board approved a contract with Lozano Smith, a legal firm with its principal office in Principal office in Monterey, CA. The college's long-time legal counsel Robert Henry, formerly of School and Colleges Legal Services, has joined this firm. The initial agreement is for 120 hours at \$225/hour for a total of \$27,000. Lozano Smith is opening a new office in the North Bay Area.

7.0 CONSTITUENT GROUP REPORTS

- Academic Senate Report
Dianna Chiabotti announced that Erik Shearer was the single candidate for position of first vice-president of the Academic Senate.
- Faculty Association Report
Diane Van Deusen said the Faculty Association held its first general membership meeting.
- Classified Association Report
- Classified Senate Report
- Administrative Senate Report
- Ryan Sarna announced five new students elected to ASB positions. He reported on the leadership retreat and announced a voter registration drive on campus for both parties.
- Vanessa Mullally reported on the first Senate Executive meeting at which potential activities. A meeting was held to discuss salary and benefits changes. Dr. Robyn Wornall is working on committee assignments.
- Associated Student Body Report

8.0 INFORMATION ITEMS

8.1 Update on Mitigation Efforts for Softball and Baseball Fields

Steve Reinbolt brought to the board's attention its prior interest in results of the mitigation efforts to address problems with the fields in wet weather. Matt Christensen reported on the aeration and top dressing that has been undertaken in the last three years. The condition of the ballfields has been significantly improved, but since recent winters have been lower than average rainfall, it is difficult to determine the success of the mitigation efforts. Mr. Christensen reported that an engineer had recommended a French drain system, but it would be very expensive. It was agreed that the item would be revisited in April, after the winter rains.

8.2 Student Right to Know Report

The Student Right to Know Report is an annual report required by the Department of Education. It outlines specific security policies and procedures and the occurrence of specified crimes. Chief Ken Arnold reported on the emergency notification system.

8.3 **Napa Valley Police Department Annual Report**

The Napa Valley Police Department Annual Report provides a summary of its activity, accomplishments, and challenges. Chief Arnold reported that the majority of crime on campus is petty theft, primarily in instances when students are leaving their property unattended. Trustee Brenda Knight suggested that safety tips be distributed campus-wide to raise the level of awareness on the protection of personal property. Student trustee Hagerman said that the Associated Student Body would assist in this effort. Ken Arnold thanked the board for its ongoing support, particularly in its support of increasing force options for campus police. He said Napa Valley College has good police statistics and praised his staff for their problem-solving, positive attitude. He stressed the importance of mobile computing, an issue that was raised by the Grand Jury.

8.4 **Accreditation Self-Study Update**

Mary Shea and Judie Walter-Burke provided an update on the Accreditation Self Study Process. They explained that there are four standards, 11 sections, and 11 writing team. Each team will have a representative from faculty, administration, classified staff, and students. they announced an orientation meeting for Friday. Mary Shea said she was impressed with the board's willingness to participate. Judie Walter-Burke said much work has already been done. Brenda Knight suggested a board retreat to prepared for the accreditation visit.

8.5 **California Uniform Cost Construction Act**

Scott Miller presented information regarding the California Uniform Cost Construction Act. Many districts that have bonds have found this act to be very helpful in maintaining steady work on bond projects. There are three major benefits to the Act:

- 1) The bid limit for construction when issuing a contract or purchase order goes from \$15,000 to \$30,000.
- 2) Informal bidding up to \$125,000 is allowed without the normal posting in a newspaper and waiting for formal board approval.
- 3) If the District does not receive any responses to a bid using these procedures, the District can negotiate a contract with these guidelines without additional bidding. The board saw the benefit of the Uniform Cost Construction Act, and Dan TerAvest said it would be helpful in moving building projects forward. He said the board would ratify in the consent calendar projects that met the guidelines. He also said it would be advantageous to use a contractors list that has been pre-approved and noted that there would be a reduction in architectural fees. Scott Miller said the quality and quantity of the bids would be improved. Bruce Ketron stressed the importance of the Core Group's input. This agenda item will be placed on the next agenda as an action item.

8.6 **Student Participation in Division Chair Meetings**

Associated Student Body Senators have asked that they be allowed to attend division chair meetings in order to fully participate in the shared governance process. In response, Academic Senate President Dianna Chiabotti outlined a process for student attendance at specified meetings to discuss appropriate topics. Student Body President Chris Adams and

ASB Senator Alex Pader presented their perspective that students should have input into policies and procedures that affect students. Because many decisions that affect students are made at division meetings, they asserted that students should be allowed to attend those meetings. Academic Senate President Dianna Chiabotti said that division meetings are staff meetings, and no policies are developed there. She said students can participate on every academic committee. Curriculum Committee Co-Chair Erik Shearer emphasized that all curriculum decisions are made at Curriculum Committee meetings—not at division meetings. Students have representation on the Curriculum Committee, and anyone can attend a curriculum meeting to provide input. Additionally, if students want to make a presentation at a division meeting, they can make arrangements with the division chairperson or contact the Academic Senate President. Chris Adams stressed that students are dedicated to contributing to the quality of decision-making on campus. All agreed on the importance of information-sharing and to cooperating to facilitate that goal.

8.7 **Outreach Master Plan**

Vice President, Student Services Oscar De Haro introduced college staff who have participated in outreach efforts over as many as the last 30 years. Beth Hauscarriague, co-chair of the Outreach Committee, made a PowerPoint presentation outlining the activities of the Outreach Committee during the 2007 – 2008 academic year. They also shared a copy of the current Outreach Master Plan. The three major outreach events are: a) the high school breakfast; b) American Canyon Awareness Night; and c) NVC Day. She noted that the high school breakfast has been moved to November, and NVC Day has been moved to May (it has been the weekend before the Fall semester). She said there is a new student ambassador program in which students provide tours to other students.

8.8 **Fall Advertising**

Community Relations Officer Betty Malmgren gave a short report on Fall advertising, including new college brochure revision, and show the cable TV ad and the new college DVD. It included a brief overview of past ads and free publicity efforts, online registration, the college website, advertising in the *Napa Valley Register* website, Spanish print and radio media; cable TV ads. She showed the new college DVD that will be very effective in outreach. The video was produced by TV 27 by one of our Telecon grads. Trustee Brenda Knight congratulated Betty Malmgren for wonderful job she is doing.

9.0 **ACTION ITEMS**

9.1 **Approval of Agreement with Stop the Hate, Campus Pride, Inc.**

This agreement names Greg Miraglia as the national program coordinator for the Stop the Hate Program, an educational program for bias and hate crime prevention efforts at colleges and universities. The term of the agreement will be from September 1, 2008 to June 30, 2010. Stop the Hate will pay \$1,000 per 3-day workshop and \$250 per one-day seminar. The board congratulated Mr. Miraglia on his national leadership in this critical area.

M/S/C (Busenbark/Hagerman) to approve an agreement with Stop the Hate, Campus Pride, Inc. regarding national program coordination for the program.

9.2 **Adoption of 2008 – 2009 Final Budget**

9.2.1 **Public Hearing on the 2008 – 2009 Final Budget**

This hearing was called to order at 7:20 p.m. to allow for public comment on the proposed budget, as required by California Title 5 Administrative Regulations, Section 58191.

9.2.2 **Adoption of the 2008 - 2009 Final Budget**

The proposed 2008 – 2009 Final Budget was distributed to trustees, budget center managers, and constituent group presidents. The plan and budget were developed by the Planning and Budget Committee and were reviewed in various drafts at several forums on campus.

Walt Unti, Co-Chair of the Budget Committee, noted that this budget was not prepared in the past as a rollover budget. He said there was more involvement in the process by managers, and he hoped that would be reflected in a more realistic budget to which everyone could adhere.

Scott Miller gave a brief overview of the status of the State budget which includes no COLA, but does include funding for growth. He noted that we have increased funds in the retiree benefit fund, but did note that the reserve is now at 5.01 %. Tom Andrews voiced concern over the reduction in the reserve. Mr. Miller said there was a possibility that there could be growth that would bring in an additional \$400,000 - \$500,000 in additional revenues. He noted that property taxes could come in low, and upcoming budgets could be challenging for the next two to three years. Due to the critical role the community colleges play in difficult economic times, he hoped that the system would get reasonable support.

M/S/C (Busenbark/Andrews) to adopt the 2008 – 2009 Final Budget.

9.3 **Substantive Change Proposal for Community Colleges**

Sue Nelson and Erik Shearer presented this agenda item, explaining that the Accrediting Commission for Community and Junior Colleges requires that changes to a member institution that are substantive be evaluated and approved to ensure that they meet accreditation standards. A Substantive Change Proposal is required where there is a change in the mode of delivery of courses that represents a significant departure from current practice. Last year, NVC added online courses so that the courses constituting 50% or more of a program are offered at a distance or through electronic delivery. The Board of Trustees has already approved each of these individual courses. However, before the substantive Change Proposal can be submitted, the Board of Trustees must approve the establishment of online degrees. The A.S. degree programs included in the Substantive Change Proposal are Administration of Justice, Business, and Hospitality and Tourism Management.

All agreed that online education is providing opportunities for a growing population of students who cannot attend classes on campus and that Napa Valley College is striving to address the needs of those students.

M/S/C (Baldini/Busenbark) to approve the establishment of online degrees, including Administration of Justice, Business, and Hospitality and Tourism Management.

9.4 **Ceramics Building Project Bid Award**

Dan TerAvest explained that bids were opened in public on September 4, 2008 for this project to construct a new Ceramics Building adjacent to the existing Art Center, Building 3700. He reported that the bids were very close to each other, suggesting there is no need to re-bid the project. However, due to increase DSA requirements, bids came in higher than hoped. The Fine and Performing Arts Division is working to find savings. Dan TerAvest noted that the project also includes an extension of chilled water and other infrastructure to the south campus and Art Center.

M/S/C (Busbenbark/Knight) to award the bid to for the Ceramics Building to S. W. Allen Construction of Sacramento.

9.5 **College Computer Network Upgrades**

Scott Miller explained that the current computer network was installed almost ten years ago. The network has received all necessary maintenance but very little of the equipment has been replaced or upgraded over that time. The equipment has exceeded its normal service life, and much of the equipment has reached a lifecycle point where the manufacturer will no longer support it. The network platform is currently based on Cisco equipment, and in order for the system to continue operating correctly the current equipment must be replaced with Cisco equipment. The District has received a legal opinion designating Cisco as a sole source vendor for this equipment. The best pricing for this equipment is through a state bid (CALNET) for equipment. AT&T was the low bid provider on this bid so the college can actually purchase the equipment more economically through this bid than by purchasing from Cisco directly. The total cost of this purchase is \$1,187,141, based on a five-year lease purchase agreement through AT&T. The board has approved using \$500,000 of bond funds designated for network upgrades for this purpose. The balance will come from the general fund. The actual cost may be less because the bond funds may be used to make a larger initial payment so the interest payments will be less.

M/S/C (Busenbark/Andrews) to approve a purchase order with AT & T Capital Services, Inc. for Cisco networking equipment for \$1,187,141.

9.6 **Compensation for Board Members**

At a previous board meeting, trustees discussed the level of compensation they receive for attendance at board meetings. At its last meeting, board members agreed that the topic should be placed on a future agenda for action.

M/S/C (Busenbark/Knight) to increase trustee compensation to the level allowable by law. Michael Baldini voted against the motion.

9.7 **Approval of Diversity/Inclusivity Priorities**

At a special meeting held on September 5, 2008, the board discussed progress towards implementation of diversity and inclusivity goals at Napa Valley College. One of the goals of that meeting was to discuss and prioritize the next steps the college should take to further its diversity and inclusivity goals. Board members stated their interest in moving forward in this regard and agreed on the following recommendations.

- a) Reaffirm Napa Valley College's commitment to diversity and inclusivity at Napa Valley College.

- b) Establish a new committee, replacing the Diversity Task Force, to focus on inclusivity. Board members discussed not deciding on the make-up of the new committee, but agreed with Dr. McCarthy's recommendation that the committee be chaired by the Vice President, Instruction and the Vice President, Student Services.
- c) Prepare and implement a campus climate survey that focus on students. The survey will include an opportunity for comments. The board discussed a number of recommendations that emerged from that discussion.

9.8 Approval of Authorization to Advertise for Positions

This is a request for authorization to advertise the following positions:

- a) Director, Career Technical Education Programs
- b) Academy Director, Criminal Justice Training Center

This authorization allows the Office of Human Resources to finalize the job announcements and begin advertising the positions.

M/S/C (Knight/Baldini) to authorize the Office of Human Resources to finalize the job announcements and begin advertising for two positions: a) Director, Career Technical Education Programs and b) Academy Director, Criminal Justice Training Center.

10.0 OTHER REPORTS: Note that no action can be taken regarding any report item.

10.1 Staff Reports

- Dean, Human Resources
Laura Ecklin reported on new employee orientation, work on the EEO Plan, and hiring committee training.
- Vice President, Student Services
Oscar De Haro said Transfer Day was very successful successful and reported enrollments are up 3%.
- Vice President, Business and Finance
Scott Miller said the Business Office is working on closing the books for the fiscal year.

10.2 Superintendent/President's Report

Dr. Chris McCarthy reported on the upcoming Annual Foundation Dinner at the Meritage Restaurant. He congratulated everyone who worked on the bonding of the Napa Valley College Winery. He acknowledged Sue Fiorni and Scott Miller for their efforts in laying the groundwork. He announced the Hispanic Network Annual Dinner, Police Academy Graduation, the Vineyard Symposium, and his attendance at the Council for Higher Education in Washington; Salon event at Rutherford Grove on September 29; October 19 Laramie Project reading at the Opera House. He announced the sad news that Laura Brookman in the Office lost her husband.

10.3 Reports from Board Members

- Chris Hagerman reported on club Rush; ASB Retreat; CISA meeting; and Statewide Student Assembly.
- Brenda Knight announced her appointment to the Advisory Committee on Education for CCCT. She appreciated the board policy on informal bidding. She announced the happy news that her son has returned from Afghanistan.

- Charles Meng reported on a CCCT meeting. He will be working on Standard IV writing team dealing with governance for accreditation.
- Steve Reinbolt said he was pleased by the successful winery bonding.
- Michael Baldini said he was able to listen to an hour of the board meeting on diversity and expressed his regret for not being able to attend the meeting. He said he is pleased that we are moving forward with our diversity efforts.
- Tom Andrews complimented Oscar DeHaro for all the work he has done on outreach efforts. He said he would like to hear from Steve Krebs and Bryan Avila on the subject at a future meeting.
- JoAnn Busenbark said she would be working at Monterey Peninsula College on an outreach project to increase enrollment.
- Bruce Ketron reported on a recent multicultural event at the Methodist Church and said how important it was to learn about other cultures.

11.0 FUTURE AGENDA ITEMS

11.1 Development of College Property on Corner of Soscol and Imola

11.2 Update on Solar Energy Savings

11.3 Development of Armory Project

12.0 ADJOURNMENT

Board president Bruce Ketron adjourned the meeting in memory of Laura Brookman's husband, Jack Brookman.