REGULAR MEETING OF THE BOARD OF TRUSTEES
February 24, 2005
5:30 p.m. Closed Session
7:00 p.m., Return to Public Session
Room 211, McPherson Administration Building
Napa Valley College, Napa, California

AGENDA

1.0 CALL TO ORDER (5:30 p.m.)

2.0 CLOSED SESSION (5:30 p.m.): Following any public comments regarding closed session items, the board will go 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, Ed Shenk
   Name of organization representing employees: NVCFA/CTA/NEA
   Name of agency negotiators: Scott Miller, Bonnie Thoreen, Judie Walter-Burke
   Name of organization representing employees: NC-ACE/SEIU
   Name of agency representatives: Chris McCarthy

   With respect to every item of business to be discussed in closed session pursuant to Section 54957, PUBLIC EMPLOYMENT, Employee Evaluation
   1) Superintendent/President: Criteria for future evaluations

   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 Titles:
   1) Director of Facilities Services

   With respect to every item of business to be discussed in closed session pursuant to Section 54957, PUBLIC EMPLOYEE EVALUATION: Faculty Members (Annual Evaluation)

3.0 AFRICAN AMERICAN CELEBRATION AND DECKED OUT FASHION SHOW
As part of the celebration for Black History Month, the Associated Student Body and the Diversity Task Force are co-hosting an African American Celebration Dinner and Fashion Show, paying tribute to the contribution to fashion styles that African Americans have made over the years.
4.0 RETURN TO PUBLIC SESSION (7:00 p.m.), Room 211, McPherson Administration Building

4.1 Roll Call

4.2 Pledge of Allegiance

4.3 Introduction of Visitors, Guests, and New Staff

4.4 Announcement of Items from Closed Session

*As required by Government Code Section 54957.1, a roll call vote is required for any personnel decision coming out of closed session to appoint, employ, or dismiss an employee.

4.5 Adoption of Current Agenda

Items will be heard following 5.0 (Public Comments). Other items may be moved, at the discretion of the board president.

4.6 Announcement of Future Meetings (6:30 p.m. closed session, 7:00 p.m. public session)

March 17, 2005
April 28, 2005
May 19, 2005

5.0 PUBLIC COMMENTS — GENERAL

At this time, the board will devote a total of up to fifteen minutes for comments to the Board of Trustees regarding any subject NOT APPEARING AS AN AGENDA ITEM FOR THIS MEETING but over which the board has jurisdiction. The public may ask the board to place an item on a future board agenda. No action or discussion will occur at this time on such items. Individuals will be limited to a three-minute presentation.

6.0 APPROVAL OF MINUTES of January 27, 2005 (See backup pages 1-5).

7.0 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.

7.1 Ratification of Financial Documents for January, 2005

7.1.1 Approval of Warrants

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<td>General Fund</td>
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<td>Capital Outlay Projects</td>
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<tr>
<td>Fund/Series A (BOND)</td>
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7.1.2 Approval of Total Gross Payroll $1,692,287.82

7.2 Approval of Personnel Assignments Dated February 15, 2005

7.3 Approval of Contract with the Commission on Peace Officer Standards and Training (P.O.S.T.)

It is recommended that the Board of Trustees approve contract number 04-011-016 with P.O.S.T. for a total of $162,000. This contract will provide for development services To update Instructor Development Training and to present pilot Facilitation Skills Courses.
7.4 Approval of Contract Amendment with the Napa County Health and Human Services for the Independent Living Skills Program (ILP)

It is recommended that the Board of Trustees approve Amendment 1 to Napa County Agreement 3353 which renews the agreement for the 2004-2005 fiscal year. The total amount of the contract is $77,754.

7.5 Approval of Contract Renewal with Contra Costa Health Services for Unpaid Student Training

It is recommended that the Board of Trustees approved Unpaid Student Training Agreement #26-51 with Contra Costa Health Services for clinical field experience. The contract period is from January 19, 2005 to December 31, 2010. There is no financial requirement for either party.

8.0 CONSTITUENT GROUP REPORTS

- Academic Senate Report
- Faculty Association Report
- Classified Association Report
- Classified Senate Report
- Administrative Senate Report
- Associated Student Body Report

9.0 APPROVAL OF FINANCIAL REPORTS

9.1 Quarterly Financial Status of Income and Expenditures for the Period Ending 12/31/04

(Will be mailed separately to board members and distributed at the meeting)

9.2 Quarterly Financial Statement Report (CCFS311Q)

(Will be mailed separately to board members and distributed at the meeting)

10.0 INFORMATION ITEMS

10.1 Workshop Presentation on Volume III of the Facilities Master Plan

Alan Butler of TLCD Architecture and his staff will present the latest updates to the campus facilities plan and implementation strategies and standards.

10.2 Report from City of Napa and Napa Public Access Cable TV

Dan Monez, Executive Director, Napa Public Access Cable TV (Channel 27/28) and Jed Christensen, City of Napa, will make a brief presentation to the board regarding the possibility of locating the Channel 27/28 studios on the Napa Valley College Campus. See backup pages 6 through 8.

11.0 ACTION ITEMS

11.1 Approval of the Refinance of Series A of 2002 Voter-Approved Tax-Exempt Bonds

District voters approved the sale of $133.8 million dollars of tax-exempt bonds in November, 2002. The District contracted with UBS Pain Webber for investment banking services for the sale of the first series of bonds (Series A) for $25 million dollars. That sale was completed in April of 2003.

Jim Roth, our UBS Paine Webber consultant, has recommended that the District refinance this series of bonds due to favorable market conditions. Benefits of this refinancing proposal include a reduction of seven years off the life of the bonds, a net repayment savings to the taxpayers and an increase in interest earnings that will be available to support bond projects. Both Jim Roth and David Casnocha, our bond attorney, will be present to answer questions.
**Recommendation:** It is recommended that the Board of Trustees approve the refinancing of Series A of the 2002 voter-approved tax-exempt bonds and authorize the superintendent/president to direct UBS Paine Webber to proceed with the refinancing of these bonds as soon as possible.

11.2 **Approval for the Sale of Series B of 2002 Voter-Approved Tax-Exempt Bonds**

District voters approved the sale of $133.8 million dollars of tax-exempt bonds in November of 2002. The District sold the first series of bonds (Series A) in April, 2003 for a total of 25 million dollars.

The District contracted with UBS Paine Webber for investment banking services. Our UBS Paine Webber consultant, Jim Roth, has recommended that we issue the second series of the 2002 voter-approved bonds, Series B, for up to $65 million dollars. This recommendation is based on cash flow needs and current market conditions. UBS Paine Webber would continue to provide services for this sale. Both Jim Roth and David Casnocha, our bond attorney, will be present to answer questions.

**Recommendation:** It is recommended that the Board of Trustees approve the issuance of Series B of the 2002 voter-approved tax-exempt bonds for up to $65 million dollars. It is further recommended that the Board of Trustees authorize the superintendent/president to direct UBS Paine Webber to proceed with the sale of these bonds as soon as possible.

11.3 **Solano College’s Application for Center Status on Columbus Parkway**

As discussed at previous meetings, Solano College is requesting support for a proposed Solano College Educational Center to be located in Vallejo. The board has requested information from Solano College prior to extending support for the center; that information is included on backup pages 9 through 17. Dr. Paulette Perfumo, Superintendent/President, Solano College and consultant Dr. Alan Peterson will attend the meeting to answer questions from the board.

11.4 **Approval of Resolution to Certify the Environmental Impact Report**

The Environmental Impact Report consists of the Draft EIR and appendices published in November, 2005, and the Final EIR, including Statement of Overriding Considerations, Mitigation Monitoring Plan, Responses to Comments, and Corrects/Additions to the document, as published in January, 2005. Copies have been distributed to the Board of Trustees and are available in the President’s Office. The resolution appears on backup pages 18 through 21.

**Recommendation:** It is recommended that the Board of Trustees, as the decision-making body of the lead agency, accept and certify the Environmental Impact Report.

11.5 **Public Hearing to Select Photovoltaic Firm**

11.4.1 **Public Hearing on the Selection of a Photovoltaic Firm**

This public hearing, in compliance with California Government Code 4217.12, is held for the board to consider the selection of a photovoltaic firm. The code states that a public agency may enter into an energy service contract without formally bidding that project, if it is deemed in the best interests of the public agency.

A Request for Qualifications is currently circulating.

11.4.2 **Staff Report on Selection of Photovoltaic Firm**

Dan TerAvest will report on the selection of a photovoltaic firm, contingent upon an Offer Letter and Commitment Agreement from P.G.& E.

**Recommendation:** It is recommended that the Board of Trustees award the contingent contract to the photovoltaic firm presented.
11.6 **Ratification of Architect Selection and Acceptance of Proposal**
A joint committee of the performing arts staff, president’s staff and appointed trustee representatives conducted final interviews for the Performing Arts Center architect. The committee unanimously selected HGA of San Francisco to provide architectural services for the new Performing Arts Center. A proposal for programming that has been distributed to the Board of Trustees will result in establishing scope and budgeting parameters prior to beginning design work.

**Recommendation:** It is recommended that the Board of Trustees ratify the selection of HGA as project architect and accept their initial proposal in the amount of $105,000 for a pre-design programming study.

11.7 **Award of Bid for Gym Floor and Bleacher Replacement**
The upper floor of the gymnasium will be renovated, including the replacement of the failing and unsupported 3M Tartain floor and the aged bleacher system. The project will also include renovation work in the restrooms and some flooring replacement adjacent to the main gym. Bids will be opened on February 15, 2005, at 2:00 p.m.

**Recommendation:** It is recommended that the Board of Trustees award the bid to the lowest qualified bidder, as presented.

11.8 **Consideration of Any Appeal on Determination of a Bidder Non-Responsibility**
The Campus Planning and Construction Office pre-qualified electrical, mechanical, and general contractors prior to bidding the central plant project. Disqualified bidders are entitled to appeal the determination of non-responsibility to the Board of Trustees.

11.9 **Resolution to Delegate Powers to the Superintendent/President**
The board has been informed through workshops and continuing presentations about several contracting issues related to bond projects. One of the concerns presented dealt with the need for timely responses to contracting issues.

District staff, working with legal counsel, developed the attached resolutions (see backup pages 22 and 23) supported by the Education Code and the Public Contracts Code. This resolution provides the Superintendent/President, or his/her designee, clear guidelines for taking various actions on behalf of the governing board.

**Resolution:** It is recommended that the Board of Trustees adopt the resolution that grants the superintendent/president certain specified approval authorities as provided by the Education Code and the Public Contracts Code.

11.10 **Approval of New Member(s) to the Independent Citizens’ Bond Oversight Committee**
Since its initial meeting in March of 2003, the Citizens’ Bond Oversight Committee has lost members and representation of the required groups, as established in the bylaws: students; the business community; a senior citizen’s organization; a bona-fide taxpayers’ association; a support organization for the college; and the community at large.
New members for the oversight committee were solicited through press releases and paid advertisements. Trustees Bruce Ketron, JoAnn Busenbark, and Joan Bennett met with President McCarthy to review applications to select representatives for the required groups.

Because no applications were received to represent students, a seniors’ organization, or a taxpayers’ association, the college will re-advertise for these positions. One applicant is being forwarded for the board’s approval.

**Recommendation:** It is recommended that the Board of Trustees approve Gregory Rodeno as a member of the Citizens’ Bond Oversight Committee.

**11.11 Approval of Academic Calendar**

The proposed academic calendar has been established to coincide with the semester break scheduled by Napa Valley Unified School District, which no longer links its spring break to Easter Sunday. The calendar has been agreed upon in a memo of understanding with the Faculty Association. See backup pages 24 and 25.

**Recommendation:** It is recommended that the Board of Trustees approve the proposed academic calendar, as submitted.

**11.12 Approval of Revised Board Policy 3720: Computer Use (First Reading)**

This revised policy, provided by the California Community College League Policy and Procedures Service, has been through the college’s shared governance process and has received the approval of all constituent groups. See backup packet page 26.

**Recommendation:** It is recommended that the Board of Trustees approve the revised Computer Use Policy.

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

**10.1 Superintendent/President’s Report**

**10.2 Reports from Board Members**