Regular meetings of the Napa Valley Community College District Board of Trustees are held the fourth Thursday of each month. Special meetings may be called by the president of the board, by the board at a regular meeting or by the president of the board at the request of a majority of the board members. The agenda is mailed to trustees, the news media, legal counsel, college administration, and heads of college constituent groups; it is also posted on campus and at the Upper Valley Campus. All regular and special meetings are open to the public, whose interest is encouraged and appreciated. The district adheres to the Americans with Disabilities Act. Should a member of the public require special accommodations or more information about accessibility, please contact the Office of Special Services, 253-3080, no later than 24 hours before the meeting. All efforts will be made for reasonable accommodation.

In addition to time provided for public comments under Roll Call, any member of the audience wishing to address the board regarding an agenda item should go to the podium when the item is under consideration and, after being recognized by the Board President, give his/her name and address and state any comments or questions. To give all interested parties an opportunity to speak, comments should be brief and be limited to the specific subject under discussion. Time shall be limited at the discretion of the President of the Board of Trustees. Items marked with an asterisk (*) require a roll call vote. Any member of the board may request a roll call vote on any item.

1.0 CALL TO ORDER (4:30 p.m.)

2.0 CLOSED SESSION (4:30 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 CONSIDERATION OF CLAIM OF UNLAWFUL DISCRIMINATION

3.0 TENNIS COURT DEDICATION: (5:00 p.m.) The board will attend the formal dedication of the recently completed tennis courts. The new, lighted tennis courts were funded by Measure N bond funds.
4.0  RETURN TO CLOSED SESSION:  (6:00 p.m.)

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, Sue Nelson, 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

Title:
1)  EOPS Counselor (Tenure Track Faculty)
2)  EOPS Counselor (Tenure Track Faculty)
3)  Mathematics Instructor (Full-time, Temporary Leave Replacement)

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

Title:
1)  Media Services Technician I (1.0 FTE)

5.0  RETURN TO PUBLIC SESSION (7:00 p.m.)

5.1  Roll Call

5.2  Pledge of Allegiance

5.3  Introduction of Visitors, Guests, and New Staff

5.4  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.

5.5  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.

5.6  Announcement of Future Meetings (5:30 p.m. closed session, 6:30 p.m. public session)
October 12, 2006 — Regular Meeting
October 26 2006 — Regular Meeting
November 9, 2006 — Regular Meeting (Upper Valley Campus)
December 14, 2006 — Regular Meeting

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 APPROPRIATION OF MINUTES
6.1 Approval of Minutes of August 5, 2006 (backup pages 1 through 3)
6.2 Approval of Minutes of August 10, 2006 (backup pages 4 through 8)

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 August, 2006
7.1.1 Approval of Warrants
General Fund $1,628,553.04
Child Care Fund $2,556.22
Capital Outlay Projects Fund
NVC Bldg. Fund/Series A (BOND) $8,756.01
NVC Bldg. Fund/Series B (BOND) $1,156.11

7.1.2 Approval of Total Gross Payroll
$1,870,317.59

7.2 Approval of Personnel Assignments Dated September 7, 2006

7.3 Agreement with the California Department of Education – Resolution
It is recommended that the Board of Trustees approve an agreement with the California Department of Education for the provision of Full-Day Preschool in the Child Development Center project number 28-6627-00-6. The term of this agreement is from July 1, 2006 to June 30, 2007. The maximum amount is $143,661.

7.4 Agreement with the State of California for an Apprenticeship Program
It is recommended that the Board of Trustees approve an agreement with the State of California Psychiatric Technical Unit 18 Joint Apprenticeship Committee for the provision of instruction and other services to apprentices. This continues a previously established program. This agreement is from January 1, 2006 to December 31, 2010. The annual cost is estimated at $55,000.

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 DISCUSSION ITEMS
9.1 **Discussion of Available Options for the Refinance of Series B and the Issuance of Series Bonds**

At its special meeting of August 5, 2005, the Board of Trustees reviewed the reasons for the budget shortfall for the facilities projects included in the Measure N Bond. The primary factor is that construction inflation has exceeded 10% in the last few years, well over the 3% estimated in the Bond Implementation Plan. The Board of Trustees reviewed options for leveraging bond funds, including refinancing, and it was agreed that our bond counsel and a UBS representative would be invited to the September board meeting to review options and answer questions. Specific concerns reportedly voiced by the County Treasurer will also be addressed.

9.2 **Memorandum of Understanding Between Napa Valley Community College District and Solano Community College District**

This Memorandum of Understanding between Napa Valley Community College and Solano Community College Districts was drafted in response to Solano’s planned new Vallejo Educational Center. Its purpose is to ensure cooperation in the development of educational programs and services in the respective services areas in Napa and Solano Counties to enhance the success of both institutions. See attached backup pages 9 through 10.

10.0 **ACTION ITEMS**

10.1 **Approval of Project Funding List**

Following the board’s August 5, 2006 review of the bond project list and current cost projections, the following list of projects to be approved for implementation is included for adoption. Staff shall investigate additional funding sources, including a second general obligation bond measure, for those projects not able to be funded in the current budget. See Project Implementation Plan on pages 11 and 12.

**Recommendation:** It is recommended that the Board of Trustees approve the Project Implementation List.

10.2 **Adoption of 2006 – 2007 Final Budget**

10.2.1 **Public Hearing on the 2006 – 2007 Final Budget**

This hearing is held to allow for public comment on the proposed budget, as required by California Title 5 Administrative Regulations, Section 58191. The proposed budget is available for public inspect in the President’s Office during normal business hours after September 1, 2005.

10.2.2 **Adoption of the 2006 – 2007 Final Budget**

The proposed 2005-2006 budget will be distributed to trustees, budget center managers, and constituent group presidents. The plan and budget were developed by the Planning and Budget committees and were reviewed in various drafts at several forums on campus.

**Recommendation:** It is recommended that the Board of Trustees adopt the 2006 – 2007
Final Budget.

10.3 **Initial Study/Mitigated Negative Declaration – Magnolia Drive/SR 221 Intersection Improvement Project**
Napa Valley College, in keeping with the requirements of the California Environmental Quality Act (CEQA), has prepared an initial Study and Mitigated Negative Declaration for the intersection improvements at Magnolia Drive and State Route 221 (Napa-Vallejo Highway). This environmental document is supplementary to the NVC Master Plan Environmental Impact Report and was publicly circulated for comments for 30 days commencing on July 7, 2006. Please note that no significant environmental impacts were indicated in the IS/MND. After the 30 day comment period, four comment letters were received by the college. A Response to Comments document was prepared to respond to comments on the IS/MND that were raised during the public review period. The Response to Comments document contains revisions intended to correct, clarify, and amplify the IS/MND. The Response to Comments document contains the Mitigated Negative Declaration and Mitigation Monitoring Program, together with the previously released IS/MND, constitutes the Final Initial Study/Mitigated Negative Declaration (Final IS/MND). As the lead agency, the college must adopt the Final IS/MND before action can be taken on the proposed project. Adoption requires that the lead agency make findings that the Final IS/MND complies with CEQA.

Staff recommends the following actions to be taken by the District now that the 30-day CEQA review period is complete and the response to comment document has been issued:

1. Adopt, by resolution, the IS/MND (see backup page x through x);
2. Adopt as conditions of approval all of the mitigation measures identified in the IS/MND that are within the responsibility and jurisdiction of the District;
3. Adopt the Mitigation Monitoring Program;
4. Approve the Magnolia Drive/State Route 221 Intersection Improvement Project.

**Recommendation:** It is recommended that the Board of Trustees, as the decision making body of the lead agency, accept and certify the Mitigated Negative Declaration for the Magnolia Drive/Highway 221 Intersection Improvements and approve the Resolution Making Findings Pursuant to the California Environmental Quality Act, Approving the Mitigation Monitoring Program, Adopting as Adequate the Initial Study/Mitigated Negative Declaration for the Magnolia Drive/State Route 221 Intersection Improvement Project.

10.4 **Campus Signal Cabling Upgrade Project Bid Award**
This project upgrades infrastructure for fire alarm, energy management and other facilities related systems. Bids were opened in public on Tuesday, August 10, 2006. One bid was received from Bell Products, Inc. for $1,226,287. Through negotiation, the price has been reduced by $296,185.

**Recommendation:** It is recommended that the Board of Trustees award the Campus Signal Cabling Upgrade Project to Bell Products for $1,226,287 and accept the proposed change order for $296,185.

10.5 **Central Chiller Plant Project Bid Award**
This project includes the construction of a new, two-story building to house a thermal energy storage plant for campus-wide cooling. Bids were opened in public on September 12, 2006.

**Recommendation:** It is recommended that the Board of Trustees Award the Central Chiller Plant project to the lowest qualified bidder as presented.

### 10.6 Approval of Agreement with TLCD Architecture for New Fieldhouse Design Services

It is recommended that the Board of Trustees approve an agreement with TLCD Architecture for architectural design services related to a planned new Fieldhouse building. The contract will include design services from schematic design to construction documents, including construction administration services. The not-to-exceed fee for these services is $835,304.00, including reimbursable expenses.

**Recommendation:** It is recommended that the Board of Trustees approve an agreement with TLCD Architecture for $835,304.00

### 10.7 Approval of HGA Contract Amendments 2 through 5 for Architectural Services for the Fine and Performing Arts Center

#### 10.7.1 Contract Amendment No. 2

It is recommended that the Board of Trustees ratify acceptance of HGA Contract Amendment No. 2 for additional architectural services, including value engineering, cost estimating, constructability review, and models/renderings for fundraising. The cost associated with this amendment is $89,500.

#### 10.7.2 Contract Amendment No. 3

It is recommended that the Board of Trustees ratify acceptance of HGA Contract Amendment No. 3 for additional architectural services, including group II equipment services for theater equipment such as draperies, lighting, sound, scene shop, costume shop, general furniture, etc. The cost associated with this amendment is $56,960.

#### 10.7.3 Contract Amendment No. 4

It is recommended that the Board of Trustees ratify acceptance of HGA Contract Amendment No. 4 for additional architectural services, including additional consultants for north campus sitework package and Project Management services. The cost associated with this amendment is $55,000.

#### 10.7.4 Contract Amendment No. 5

It is recommended that the Board of Trustees ratify the acceptance of HGA Contract Amendment No. 5 for additional services from civil, mechanical, and landscape consultants for the design of the theater site and north campus site development. The cost associated with this amendment is $70,852.

**Recommendation:** It is recommended that the Board of Trustees approve HGA Contract Amendments 2 through 5 for architectural services totaling $272,312.00 for the Fine and Performing Arts Center.
10.8 **Notice of Completion and Project Acceptance – UVC Recladding**
The project to replace or reseal the failing exterior finish on both buildings at the Upper Valley Campus is complete. A Notice of Completion was filed with the County Recorder on August 21, 2006.

**Recommendation:** It is recommended that the Board of Trustees ratify the Notice of Completion for the UVC Recladding Project and accept the project as complete.

10.9 **Notice of Completion and Project Acceptance – Emergency Phone Installation**
The project to install exterior emergency phones (blue phones) is complete. A Notice of Completion was filed with the County Recorder on August 29, 2006.

**Recommendation:** It is recommended that the Board of Trustees ratify the Notice of Completion for the Emergency Phone Installation Project and accept the project as complete.

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

11.1 **Reports from Vice Presidents**

11.2 **Superintendent/President’s Report**

11.3 **Reports from Board Members**

12.0 **ADJOURNMENT**