Napa Valley Community College District

THE REGULAR MEETING OF THE BOARD OF TRUSTEES
May 10, 2007
5:30 p.m. Public Session
6:15 p.m. Closed Session
7:15 p.m. Public Session
Room 1340 McPherson Administration Building
Napa Valley College, Napa, California

AGENDA

1.0 CALL TO ORDER 5:30 p.m.

2.0 END-OF-YEAR RECOGNITION 5:30 p.m.

2.1 Napa Valley College Softball Team Honored
The Women’s Softball Team earned the co-championship title for the Bay Valley Conference tying with Solano; both teams ended the season with identical 20 – 4 records. The women will compete in the Northern California Regional playoffs. The women of this year’s championship team are: Adina Cordellos, Lisa Daugherty, Stephanie Davis, Jaime Faga (Segura), Carolyn Knudson, Misty Lee, Kendra Mason, Ginny Miller, Ashley Pennel, Kathryn Reardon, and Elizabeth Saldana.

2.2 Women’s Softball Coach Bay Valley Conference Coach of the Year
Michelle Hobbs, coach of the women’s softball team, has been named the Bay Valley Conference Softball Coach of the Year. She was selected by her fellow coaches. Athletic Director Kevin Luckey, along with her team, will be present to honor Coach Hobbs.

2.3 Phi Theta Kappa Awards for 2006 – 2007
Napa Valley College’s Beta Beta Sigma Chapter of Phi Theta Kappa once again this year earned well-deserved recognition. The chapter received 5-star status (the highest level of overall achievement), a Pinnacle achievement (higher percentage of recruitment). It also won the Service Hallmark Award for service projects, out of 80 chapters in the California/Nevada Region. The chapter also won the International Service Award and placed in the top 100 chapters in the organization. Two students, Jason Johnson and Griselda Vargas, were named to the All-California Academic Team. Representatives from Phi Theta Kappa will be present.
Respiratory Therapy Students Win Statewide and National Recognition
Three students from the graduating class of 2006 participated in a statewide competition for respiratory therapy students and placed first. They also went to the national competition and placed second. Kate Benscoter, program coordinator of respiratory therapy program, and her students will be present.

Welcome to New Tenured Faculty
Four Napa Valley College faculty, having completed their probationary period, are advancing to tenured status, including: Shawna Bynam, Steve Goze, Stephanie Grohs, Bonnie Moore. They will be welcomed by the Board of Trustees and Academic Senate President Dianna Chiabotti.

2006 – 2007 Distinguished Teaching Awards
This award was established by founding college president Harry McPherson to recognize excellence in teaching. The recipients of the McPherson Distinguished Teaching Awards for 2006 – 2007 are Dianna Chiabotti and Rebecca Scott. The awards will be presented at a luncheon held on Friday, May 11 in honor of past and current recipients.

Resolution in Honor of Retiring Faculty Member Ron Rogers
Photography instructor Ron Rogers is retiring after 25 years of service. He will be honored by the Board of Trustees for his outstanding service.

CLOSED SESSION (6:15 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, 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
Titles:
1) Mathematics Instructor (Tenure Track—two positions)
2) English Instructor (Tenure Track)
3) MESA Program Director (Grant-funded)

With respect to every item of business to be discussed in closed session pursuant to Section 54957, PUBLIC EMPLOYMENT
Titles:
1) Custodian I (1.0 FTE)
2) Instructional Assistant III, Nursing Lab (1.0 FTE)
3) Secretary II, Academic Senate (.5 FTE)
4) Instructional Assistant III, Winemaking (.5 FTE)

With respect to every item of business to be discussed in closed session pursuant to Section 54957, CONSIDERATION OF RECOMMENDATION TO TERMINATE CLASSIFIED EMPLOYEES

With respect to every item of business to be discussed in closed session pursuant to Ed. Code Section 72122, Consideration of Student Appeal

4.0 RETURN TO PUBLIC SESSION (7:15 p.m.)

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 (5:30 p.m. closed session, 6:30 p.m. public session)
   May 25, 2007, Commencement Ceremony

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
   6.1 Approval of Minutes of April 12, 2007 (See backup pages 1 through 8)
   6.2 Approval of Minutes of April 14, 2007 (will be mailed to board members and available on college website)

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 April, 2007
   7.1.1 Approval of Warrants
   General Fund $1,201,537.48
   Child Care Fund $2,696.84
   Capital Outlay Projects Fund
7.1.2 Approval of Total Gross Payroll

7.2 Approval of Personnel Assignments Dated May 3, 2007

7.3 Proposed Change Orders – Central Chiller Plant
It is recommended that the Board of Trustees ratify the acceptance of Bell Products, Inc. proposed change orders numbered 1R, 15, 16.1, and 17.1, as given in attached Proposed Change Order Log dated April 23, 2007. The net increase for these proposed change orders is $16,884. See backup pages 9 through 10.

7.4 Proposed Change Orders – Life Science Building
It is recommended that the Board of Trustees ratify the acceptance of McCrary Construction Company, Inc. proposed change orders numbered 8$, 22, 24, 25, 27, and 29 as given in attached Proposed Change Order Log dated April 23, 2007. The net increase for these proposed change orders is $7,264.00. See backup pages 11 through 14.

7.5 Proposed Change Orders – Softball Field Parking Lot Extension
It is recommended that the Board of Trustees ratify acceptance of John Benward Company proposed change orders number 8 as given in attached Proposed Change Order Log dated April 23, 2007. The net decrease for this proposed change order is ($750.00.) See backup page 15.

7.6 Little Theater Seat Replacement – Approve CMAS Quote from American Seating
It is recommended that the Board of Trustees ratify acceptance of American Seating quote for demolition, installation and all materials to replace the seats in the Little Theater. The quote, based on existing public bids managed through the Department of General Services California Multiple Award Schedule (CMAS) Division is $70,709.76. Staff have applied for funding for this project through the Scheduled Maintenance program, which is a 50/50 split with the state ($35,354.88 net cost to the District).

7.7 Approval of Agreement with the City of Napa for In-Service Training
It is recommended that the Board of Trustees approve two agreements with the City of Napa for in-service training classes for the Napa Police Department. Under each agreement, the District will pay the City $2.00 per student per hour of credit instruction, with a not-to-exceed limit of $5,800. The District will collect all the FTES funding for the students. The term of the first agreement will be from March 1, 2007 through June 30, 2007. The term of the second agreement will be from July 2, 2007 to June 30, 2008.

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 INFORMATION ITEMS

9.1 Campus Safety
The tragic events at Virginia Tech have underscored the need for all colleges to ensure that their campuses are safe and protected environments. Ken Arnold, College Police Chief, will make a presentation to the Board of Trustees regarding the status of campus safety.

9.2 Core Group Report
Board Member Charles Meng regularly attends meetings of the Core Group, consisting of the President, Vice Presidents, Director, Campus Planning and Construction, and Dean, Research, Planning, and Development. This group oversees the progress of the facilities projects funded by the Measure N bond passed by voters in 2002. Mr. Meng will provide an update on the work of the committee.

10.0 ACTION ITEMS

10.1 Performing Arts Center Phase I – North Site Development, Including Magnolia Drive, Project Bid Award
This project is a sitework and infrastructure improvement package to support circulation improvements and the future Performing Arts Center. Utilities will be extended to the PAC building site as well as the future fieldhouse building site. The pad will be prepared for the Performing Arts Center as well. Roadwork will include realignment of James Diemer Drive, primarily to add parking, but this will also improve the college’s visibility from the highway. The Exit Road from campus will be converted to two-way traffic, both entrance and exit, and the hook ramp entry will be eliminated. Bids will be opened in public on May 8, 2007.

Recommendation: It is recommended that the PAC Phase I – North Site Development, including Magnolia Drive, Project be awarded to the lowest responsible bidder as presented.

10.2 Five-Year Capital Outlay Construction Plan
The Chancellor’s Office required an annual review of the Five Year Capital Outlay Construction Plan by the trustees. Enclosed is the District’s Order of Priority, based on the Bond Implementation Plan and evolving Master Construction Schedule. Approval of the plan does not constitute a commitment to spend or a constraint on project development. (The plan has been distributed to board members).

Recommendation: It is recommended that the Board of Trustees approve the Five-Year Capital Outlay Construction Plan as submitted.

10.3 Adoption of 2007 – 2008 Preliminary Budget
The proposed 2007 – 2008 Tentative Budget includes budgets for the General Fund, Capital Outlay Projects Funds, Bond Projects, Bond Redemption, Child Care Fund, Post-Retirement Fund, Bookstore Account Trust, Associated Student Body Account, and Farm Account. The budget, as developed through the planning and budget process, has been mailed separately to the trustees. The college president has reviewed the budget and supports its adoption, as proposed by the Budget Committee. Copies are available in the Business and Finance Office.
10.4 **Curriculum Approval for Spring, 2007**

Many changes to the curriculum have been made during the Spring, 2007 semester. These changes have been carefully reviewed and approved by each appropriate division, division chairperson, and the Curriculum Committee. The Academic Senate and District have reached mutual agreement on the changes and recommend them for board approval. Copies are available in the President’s Office.

**Recommendation:** It is recommended that the Board of Trustees approve the curriculum changes for Spring, 2007.

10.5 **Approval of Joint Use Agreement with the Napa Valley Community College Viticulture and Winery Technology Foundation**

The Board of Trustees approved a lease proposal for the Teaching Winery and related property at the March 8, 2007 board meeting. At that time, the board was informed that two options existed for an agreement for the joint use of the winery, but the easier option might not be accepted by the bonding agencies.

The easier option was reviewed by the bonding agencies and is acceptable. Therefore, staff have been working with faculty and legal counsel to develop an agreement. The agreement is still not complete but will be ready for the May 10 meeting.

**Recommendation:** It is recommended that the Board of Trustees approve an agreement with the Napa Valley College Viticulture and Winery Technology Foundation for the joint use of the teaching winery, the wine storage facility, the vineyard, and other related facilities as described in the agreement.

10.6 **Adoption of a Resolution Authorizing the Issuance of NVCCD General Obligation Bonds, Election of 2002, Series C**

The Board of Trustees approved a resolution for the refunding of the Series B Bonds and the sale of the Series C Bonds. The Series B bonds were refunded in November, 2006. Due to the issuance of the Series C bonds, it was determined that a portion of the Series C bonds need to be issued as tax exempt bonds and a portion need to be issued as taxable bonds. This is a relatively new procedure and required coordination with the County Treasurer, who has been very supportive. This added to the length of time it took to fully prepare these two series.

While these two series were being prepared, a new law became effective January 1, 2007 that required that more information be included in the Bond resolutions. Bond counsel has recommended that the Board adopt new resolutions based on the need to issue a Series C and a Series D and based on the law change.

**Recommendation:** It is recommended that the Board of Trustees approve a resolution for the issuance of Napa Valley Community College District general obligation bonds Series C in an aggregate principal amount not to exceed $43,812,277.05 and authorize the superintendent/president to direct UBS Paine Webber to proceed with the sale of the bonds.

10.7 **Adoption of a Resolution Authorizing the Issuance of NVCCD General Obligation Bonds,**
Election of 2002, Series D
Please refer to the previous agenda item for the background on this item. As stated therein, bond counsel has recommended that the Board adopt a resolution for the issuance of Series D of the District general obligation bonds.

**Recommendation:** It is recommended that the Board of Trustees approve a resolution for the issuance of NV CCD general obligation bonds Series D in an aggregate principal amount not to exceed $43,812,277.05 and authorize the superintendent/president to direct UBS Paine Webber to proceed with the sale of the bonds.

10.8 Approval of Contract for Independent Pollster for Bond Campaign
A pollster plays a critical role in the process of a bond campaign to accurately determine the overall feasibility of conducting a successful bond campaign. Fairbank, Maslin, Maullin & Associates has worked with a variety of community colleges on many pre-bond polls, and he is very experienced in defining key issues related to individual bond campaigns.

**Recommendation:** It is recommended that the Napa Valley College Board of Trustees approve hiring Fairbank, Maslin, Maullin & Associates as an independent pollster for the bond campaign. The costs associated with his contract are $29,750.

10.9 Approval of Proposal for a Joint Occupancy Lease Agreement for the Teaching Winery and Related Property
The District has been working towards bonding the teaching winery for several years. As part of that process, the District must lease the property to be bonded to the newly created Foundation, since the District cannot hold the bonds. Staff is working with legal counsel to develop the best method for moving forward with developing a lease. At the time board items were due, the best option appeared to require that the Board adopt a resolution setting forth the basic terms and conditions for the basic lease. Once the Board adopts a resolution, it must wait for a minimum of 90 days before holding an open meeting to review any proposals received. Since time is critical for the bonding process, this agenda item was prepared to address a resolution, or whatever method was deemed best for moving forward to develop a lease. District staff will provide a recommendation at the meeting.

10.10 Approval of New Members of the Independent Citizens’ Oversight Committee
Six members of the Measure N Independent Citizens Oversight Committee reached the limit for their service on the committee. The college has advertised for new members and will continue to do so until replacements for the six retiring members have been found. A recommendation on applications that have been received will be made at the meeting.

10.11 Approval of Memorandum of Understanding between Sonoma State University and Napa Valley College
Napa Valley College staff has been working with Sonoma State University to develop an agreement that allows Sonoma State to deliver a degree program to local residents. The program will lead to a Bachelor’s degree in liberal arts. See backup pages 16.

**Recommendation:** It is recommended that the Board of Trustees approve a memorandum of understanding between Sonoma State University and Napa Valley College.

10.12 **Approval of Revision to Board Ethics Policy**
The new accreditation standards developed by the Accrediting Commission for Community and Junior colleges state that the “governing board shall have a code of ethics that includes a clearly defined policy for dealing with behavior that violates its codes. The board reviewed sample statements at its board retreat on April 14, 2007, and developed its own statement for Napa Valley College. See backup page 17.

**Recommendation:** It is recommended that the Board of Trustees approve the revision to the Napa Valley College Board Ethics Policy.

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**