

Napa Valley Community College District
THE REGULAR MEETING OF THE BOARD OF TRUSTEES
February 12, 2009
5:30 p.m. Closed Session
6:30 p.m. Return to Public Session
Room 1340 McPherson Administration Building
Napa Valley College, Napa, California

Regular meetings of the Napa Valley Community College District Board of Trustees are held the second 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. In compliance with Government code section 54954.2 (a) Napa Valley College will, on request, make this agenda available in appropriate alternative format or who need a disability-related modification or accommodation in order to participate in the meeting should contact the President's Office, 2277 Napa Vallejo Highway, Napa, California, (707) 253-3365.

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** 5:30 p.m.

2.0 **CLOSED SESSION** (6:30 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, 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, Employee Evaluation: Faculty Members (Annual Evaluation)

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

Reduction in Workload for the 2009 – 2010 academic year

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

Title:

- 1) Instructor, Associate Degree Nursing Program (Temporary, full-time leave replacement)

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

3.1 Roll Call

3.2 Pledge of Allegiance

3.3 Introduction of Visitors, Guests, and New Staff

3.4 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.

3.5 Adoption of Current Agenda

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

February 21, 2009 Special Meeting (NIMS Training)

February 28, 2009 Special Meeting (Board Self-Evaluation)

March 12, 2009

April 9, 2009

4.0 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 five-minute presentation.

5.0 APPROVAL OF MINUTES OF JANUARY 15, 2009 (See backup pages 1 – 7)

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 January, 2008

6.1.1 Approval of Warrants

General Fund	\$1,232,989.14
Child Care Fund	\$3,977.86
Capital Outlay Projects Fund	\$8,001.04
NVC Bldg. Fund/Series B (BOND)	\$2,420,394.04

6.1.2 Approval of Total Gross Payroll \$2,032,701.64

6.2 Approval of Personnel Assignments Dated February 5, 2009

- 6.3 **Proposed Change Orders – Library and Learning Resource Center**
It is recommended that the Board of Trustees ratify acceptance of Edge Development, Inc. proposed change order numbered 39 as given in attached Proposed Change Order Log dated January 30, 2009. The net INCREASE for this proposed change order is \$4,864.00. See backup pages 8 through 11.
- 6.4 **Proposed Change Orders – New Ceramics Building**
It is recommended that the Board of Trustees ratify acceptance of SW Allen Construction, Inc. proposed change orders numbered 1, 6, 7, 8R, 9, 11R, 12R, and 13R as given in attached Proposed Change Order Log dated January 30, 2009. The net INCREASE for these proposed change orders is \$5,054.00. See backup pages 12 and 13.
- 6.5 **Proposed Change Orders – Instructional Center for the Performing Arts**
It is recommended that the Board of Trustees ratify acceptance of Broward Builders, Inc. proposed change orders numbered 11, 13R, 18, and 20 as given in attached Proposed Change Order Log dated January 30, 2009. The net INCREASE for these proposed change orders is \$9,729.47. See backup pages 14 through 16.
- 6.6 **Acceptance of Edge Development, Inc. Request to Substitute Subcontractor**
Pursuant to Public Contract Code Section 4107, Edge Development, Inc. prime contractor on the Library and Learning Resource Center Project, has requested that the District consent to the substitution of Genesis Drywall for the originally listed subcontractor; MLR Drywall Services, Inc. Edge Development, Inc. states that the originally listed contractor has failed to execute a written contract. MLR Drywall Services, Inc. did not object to the request to substitute subcontractors.
- 6.7 **Agreement with Humboldt State University Sponsored Programs Foundation**
It is recommended that the Board of Trustees approve an agreement between the Small Business Development Center and Humboldt State University Sponsored Programs Foundation for a Small Business Administration grant. The term of the agreement will be from January 1, 2009 to December 31, 2009. The total amount of funds available to the SBDC will be \$80,000.
- 6.8 **Agreement with Nuventive LLC for TracDat Software Program License**
It is recommended that the Board of Trustees approve an agreement with Nuventive LLL for a TracDat software program license. The term of this agreement is from the date of approval until terminated by either party. The first-year cost is \$28,202.50 and the ongoing license fee is \$10,901.25. This item received close budget scrutiny by President's Cabinet, but this software is a critical element in the college's ongoing assessment efforts.
- 6.9 **Agreement with the City of Napa Paramedic Training Field Internship**
It is recommended that the Board of Trustees approve an agreement with the City of Napa for Paramedic training field internship experience. The term of the agreement is from February 12, 2009 until terminated or modified. There is no cost to the college.

- 6.10 **Agreement with Sutter Health Sacramento for Clinical Education Experience**
It is recommended that the Board of Trustees approve an agreement with Sutter Health Sacramento to provide clinical experience opportunities for NVC Health Occupations Program students. This is an extension of a previous agreement. The term of this agreement will be from July 1, 2008 to December 31, 2009. There is no cost to either party.
- 6.11 **Agreement with Disability Services and Legal Center for Internships for NVC Students**
It is recommended that the Board of Trustees approve an agreement with Disability Services and Legal Center, Napa, CA to provide internships to eligible students in the Human Services Program. The term of this agreement is from October 20, 2008 until terminated by either party. There is no cost to either party.
- 6.12 **Agreement with Los Rios Community College District for the Development of a Paramedic RN Bridge Program**
The Health Occupations Division, as part of the grant that funded the EMS Program, did a feasibility study regarding the need for a paramedic to RN bridge program. The study showed a strong need for the program. As a result, the Chancellor's Office, through the Los Rios Community College District acting as the fiscal agent, have awarded NVC a grant for \$28,200 to develop the curriculum. The term of the agreement is from February 1, 2009 to October 1, 2010. The maximum reimbursement to NVC is \$28,200.
- 6.13 **Agreement with the California Department of Education for a Child Development Center Facilities Renovation and Repair Grant Project Number 28-6627-00-8**
The term of this agreement is from September 15, 2008 through June 30, 2011. The total amount of the grant cannot exceed \$14,582.
- 6.14 **Approval of 2009 – 2010 Contract/Regular Faculty Salary Step and Status Document**
This is an annual, routine approval of the status document that lists each academic employee by contract status, salary step, and anniversary date. The document recommended for approval is printed on backup page 17 through 20.

7.0 **CONSTITUENT GROUP REPORTS**

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

8.0 **INFORMATION ITEMS**

8.1 **Input for Development of College Property**

At its meeting of October 9, 2008, the board discussed its interest in agendaing an informational item over upcoming months that would allow members of the public to present ideas for development of college property, including land at the corner of Imola and Soscol and the Community Education Center (Armory) on Menlo Avenue.

8.2 **Status Report on the Governor's Budget for 2009 – 2010**

Dr. McCarthy will provide a status report on the governor's budget for 2009 – 2010.

8.3 **Update on Accreditation**

Judie Walter-Burke and Mary Shea will provide an update on the ongoing accreditation self-study process.

9.0 **ACTION ITEMS**

9.1 **Authorization of Acceptance of Proposal – Air Handler Equipment Replacement**

The college began circulating a Request for Proposal for air handlers and related equipment on January 5, 2009. The solicited proposal will allow pre-ordering of HVAC equipment for the Mechanical Equipment Upgrade Project originally scheduled for installation over the summer of 2009. At this time, the Mechanical Equipment Upgrade Project is on hold, pending release of Library funds from the State. Should funds become available, the college ought to be prepared to reactivate the project and, to that end, staff will evaluate proposals received by the deadline of February 3, 2009 and recommend one for acceptance by the Board. Pricing in the proposals is valid for 120 days.

Recommendation: It is recommended that the Board of Trustees authorize acceptance of the proposal from recommended vendor, contingent on available funds, as presented.

9.2 **Approval of Revision of Measure N Independent Citizens' Oversight Committee By-Laws**

The by-laws of the Measure N Independent Citizens' Oversight Committee stated that "no money for administrators' salaries" can come from bond proceeds. At the December, 2008 meeting of the Measure N Independent Citizens Oversight Committee, bond counsel David Casnocha made a presentation to the committee regarding an attorney general opinion addressing that issue. He explained that, in 2004, the opinion suggested that a portion of an administrator's salary could be covered by bond proceeds, consistent with the percentage of the administrator's time that is spent solely on bond projects. He recommended amending the by-laws, consistent with the attorney general ruling. . Such amendment requires a two-thirds vote of the entire Board of Trustees. The revised by-laws as updated by bond counsel David Casnocha will be distributed to board members and will be available at the meeting.

Recommendation: It is recommended that the Board of Trustees approve the amendment to the Measure N Independent Citizens' Oversight Committee, consistent with the 2004 attorney general opinion.

9.3 **Appointment of Representative(s) for Public Hearings – Contested Requests to Substitute Subcontractor**

Pursuant to Public Contract Code Section 4107, if written objections are filed by a subcontractor regarding prime contractor's request to substitute that subcontractor for cause, the awarding authority shall hold a hearing on the prime contractor's request for substitution. In order to avoid delays in construction progress, one or more board members may be appointed to represent the governing board at public hearings held separately from regularly scheduled board meetings.

Recommendation: It is recommended that the Board of Trustees appoint board member or members to represent the board at possible future public hearings on contested subcontractor substitution requests.

9.4 **Approval of Revisions of Parking Regulations**

The Napa Valley College parking regulations have been updated to reflect changes necessitated by SB 1407 that increased State-mandated surcharges on each parking citation written. The changes also included increases in the parking permit fees and some language changes. See backup pages 21 through 26.

9.5 **Approval of Resolution to Lease Real Property for a Period of Five Days to Five Years**

The Viticulture and Winery Technology Program has ceased to use the vines at the Upper Valley Campus for a variety of reasons. The vines on the main part of the Upper Valley Campus have been removed. There is a small parcel at the corner of Pope Street and College Avenue that is still planted in vines. The District would like to lease this property to eliminate the need for the District to maintain the property. This resolution is the first step in the process to lease this property. See backup pages 27 through 29.

Resolution: It is recommended that the Board of Trustees approve the resolution to authorize the District to lease the property per the terms of the resolution.

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

10.1 **Staff Reports**

Dean, Human Resources
Vice President, Business and Finance
Vice President, Student Services
Vice President, Instruction

10.2 **Superintendent/President's Report**

10.3 **Reports from Board Members**

11.0 **FUTURE AGENDA ITEMS**

11.1 **Board Listening Session**

11.2 **Update on Bonding of College Winery and Viticulture and Winery Technology Program**

12.0 **ADJOURNMENT**