Napa Valley Community College District
THE REGULAR MEETING OF THE BOARD OF TRUSTEES
May 18, 2010
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 (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, PUBLIC EMPLOYMENT, Consideration of Disciplinary Action for Academic Employees

With respect to every item of business to be discussed in closed session pursuant to Section 54957, PUBLIC EMPLOYMENT
Titles:
1) Interim Dean, Library and Learning Resources (one-year, temporary academic administrative position)

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: Kevin Luckey, Laura Ecklin, Faye Smyle
Name of organization representing employees: NVCF/CTA/NEA
Name of agency negotiators: Laura Ecklin, Judie Walter-Burke
Name of organization representing employees: NVC-ACP/SEIU
  • Approval of District/NVC-ACP Labor Agreement for 2010-2013
Name of agency representatives: Armond Phillips
Name or organization representing employees: NVC Administrative Senate

With respect to every item of business to be discussed in closed session pursuant to Section 54956.9(c) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED INITIATION OF LITIGATION (two cases)

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

3.7 Announcement of Future Meetings (5:30 p.m. closed session, 6:30 p.m. public session)
  June 10, 2010 Regular Meeting
  August 12, 2010 Regular Meeting
  September 9, 2010 Regular Meeting

4.0 END OF YEAR RECOGNITION

4.1 Phi Theta Kappa Awards for 2009 – 2010
  Napa Valley College’s Beta Beta Sigma Chapter of Phi Theta Kappa once again this year earned many honors, including: Distinguished Chapter Award; Scholarship Award; Service Award; Yearbook Award; Pinnacle (recruitment) Award; 5-star Chapter Award; Make a Difference Day Certificate; and Chapters United Certificate. Peter Zitko and August Anderson were selected for the All-California First Academic Team. Representatives from the chapter will attend.

4.2 Napa Valley College Student of the Year
  Napa Valley College student Rob Holst is one of seven individuals and a nonprofit organization selected as winners in the fourth annual Napa Valley Community Awards program, “Celebrating Community.” The event is sponsored by the Napa Chamber Foundation and Mechanics Bank to honor individuals who make a contribution to enhance life in the valley. Mr. Holst, student trustee, will be at the meeting and receive the thanks of the board.
4.3 **2009 – 2010 McPherson Distinguished Teaching Awards**
This award was established by founding college president Dr. Harry McPherson to recognize excellence in teaching. The recipients of the McPherson Distinguished Teaching Award for 2009 – 2010 are Shawna Bynum and Dr. Nadine Wade-Gravett. The awards were presented on May 14, 2010 in honor of current and past recipients.

4.4 **Resolution Honoring 2009 – 2010 Retiring Faculty Members**
The following faculty members retired this year: Agapito de la Garza, Carole Chassereau, Helen Ortega, Jan Molen, Jerry Somerville, Judy Heys, Lauren Coodley, Linda Simpson, Lorraine Segal, Niles Severy, Ron Rhyno, Sable Howard-Hughes, Terry Woodward, and Dr. Bill Weddington. These faculty retirees have been invited to attend the meeting to receive the thanks and recognition from the Board of Trustees, their division chair or vice president over their area.

4.5 **Granting of Emeritus Status**
The Faculty Standards and Practices Committee has granted emeritus status to the following retiring faculty members: Agapito de la Garza, Carole Chassereau, Helen Ortega, Jan Molen, Jerry Somerville, Judy Heys, Lauren Coodley, Linda Simpson, Lorraine Segal, Niles Severy, Ron Rhyno, Sable Howard-Hughes, Terry Woodward, and Dr. Bill Weddington.

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 five-minute presentation.

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**

6.1.1 **Approval of Warrants for April, 2010**
- General Fund $1,138,410.90
- Child Care Fund $4,107.66
- Capital Outlay Projects Fund $2,446.88
- NVC Bldg. Fund/Series C (BOND) $3,941,073.81

6.1.2 **Approval of Total Gross Payroll for April, 2010** $2,295,228.70

6.2 **Approval of Personnel Document of May 11, 2010**
6.3 Proposed Change Orders for the Library and Learning Resource Center
It is recommended that the Board of Trustees ratify acceptance of Edge Development, Inc. proposed change orders numbered 230R2 as given in the attached Proposed Changed Order Log dated May 5, 2010. The net INCREASE for those proposed change orders is $9,023.00. See backup pages 1 through 16.
Construction Percent Complete: 92%
Contingency on Original Contract: 7%
Actual Contingency Used: 3.87%

6.4 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 74, 92, 93, 100, 105, 114, 124, 125, 126, 127, and 128 as given in the attached Proposed Change Order Log dated May 5, 2010. The net INCREASE for these proposed change orders is $31,063.18. See backup pages 17 through 25.
Construction Percent Complete: 92%
Contingency on Original Contract: 5%
Actual Contingency Used: 2.5%

6.5 Proposed Change Orders – Bldg. 3700 Art Center Remodel Phase 1
It is recommended that the Board of Trustees ratify acceptance of SW Allen Construction, Inc. proposed change orders 8, 9, 11, 12, 13, and 28 as given in the attached Proposed Change Order Log dated May 5, 2010. The net INCREASE for these proposed change orders is $29,529.00. See backup pages 26 through 29.
Construction Percent Complete: 60%
Contingency on Original Contract: 6.5%
Actual Contingency Used: 6.5%

6.6 Proposed Change Orders – Mechanical Equipment Enclosures Replacement
It is recommended that the Board of Trustees ratify acceptance of Bell Products, Inc. proposed change orders 9, 10, 11, and 12 as given in the Attached Proposed Change Order Log dated May 5, 2010. The net INCREASE for these proposed change orders is $25,783.00. See backup pages 30 and 31.
Construction Percent Complete: 45%
Contingency on Original Contract: 5%
Actual Contingency Used: 0.6%

6.7 TLCD Architecture Building 1500 Remodel – Construction Document Phase
It is recommended that the Board of Trustees ratify acceptance of TLCD Architecture’s contract for architectural design services related to the Bldg. 1500 Remodel – Construction Document (CD) Phase, including DSA approval. The guaranteed maximum price for these services is $99,595.00, including reimbursable expenses.

6.8 Approval of Agreement with Credentials, Inc.
It is recommended that the Board of Trustees approve an addendum to the Service Agreement Terms & Conditions with Credentials, Inc. to provide an automated software interface for the retrieval, logging and production of transcript requests offered by Credentials, Inc. for the institution. The college currently has an agreement with Credentials, Inc. to provide
transcripts and attendance verification. This agreement will add the automated interface. The term of this agreement is three years from the effective date. The cost of the agreement is the software maintenance fee of $125 per month. Some or all of this cost could be offset by increased system utilization generation increased revenue sharing.

6.9 **Approval of Agreement Amendment with State of California, Department of Rehabilitation**

It is recommended that the Board of Trustees approve a Standard Agreement Amendment with the State of California Department of Rehabilitation in the amount of $964,932.00/Cash Match $266,454.00 for the purpose of adding exhibits A, B, D, E, F service budget and narrative to this agreement as amended and shall supersede the same documents as referred for fiscal year 2010/11 and 2011/12. The amount of this agreement does not change for FY 2010/11 and 2011/12. The term of the agreement is from July 1, 2009 through June 30, 2012.

6.10 **Approval of an Agreement with the Marin General Hospital for the purpose of providing NVC Paramedic Students on-site clinical training opportunities**

It is recommended that the Board of Trustees approve an agreement with the Marin General Hospital for the purpose of providing NVC paramedic students training at their facility, as part of the student program requirements. The term of the agreement is from July 1, 2010 through June 30, 2011 or until terminated by either party. There is no cost to the District.

6.11 **Approval of an Agreement with Queen of the Valley Medical Center for the purpose of providing NVC Paramedic Students on-site clinical training opportunities**

It is recommended that the Board of Trustees approve an agreement with Queen of the Valley Medical Center for the purpose of providing NVC Paramedic Students on-site clinical training at their facility without the presence of School Instructors on Medical Center premises. The term of this agreement is from July 1, 2010 through June 30, 2013 or until terminated by either party. There is no cost to the District.

6.12 **Approval of an Agreement with Queen of the Valley Medical Center for the purpose of providing NVC Health Occupations Students on-site clinical training opportunities**

It is recommended that the Board of Trustees approve an agreement with Queen of the Valley Medical Center for the purpose of providing Health Occupations Students on-site clinical training at their facility under the supervision of NVC School Instructors. The term of this agreement is from July 1, 2010 through June 30, 2012 or until terminated by either party. There is no cost to the District.

6.13 **Approval of an Agreement with the County of Napa for the purpose of providing individuals participating in the Workforce Investment Act funded programs with vocational and educational classroom training**

It is recommended that the Board of Trustees approve an agreement with the County of Napa for the purpose of providing individuals participating in the Workforce Investment Act funded programs with vocational educational classroom training and testing services for Energy Training Certificated Programs. The term of this agreement is June 1, 2010 through March 31, 2011 or until terminated by either party in accordance to the stated stipulations of the agreement. The total maximum amount of funding available from this funded program is up to $39,627 for the services provided.
7.0 CONSTITUENT GROUP REPORTS
- Classified Association Report
- Classified Senate Report
- Administrative Senate Report
- Napa Valley College Associated Students Report
- Academic Senate Report
- Faculty Association Report

8.0 APPROVAL OF FINANCIAL REPORTS
8.1 Quarterly Financial Status of Income and Expenditures for the Period Ending March 31, 2010 (Available in the President’s Office and at the board meeting)
8.2 California Community College Chancellor's Office Quarterly Financial Status Report for the Period Ending March 31, 2010 (CCFS-311Q) See backup packet page 32 through 34.

9.0 INFORMATION ITEMS
9.1 Report on Public Property Development – North Corner
At its board meeting of October 9, 2008, the board discussed its interest in agendizing a standing informational item over upcoming months regarding the development of college property, including land at the corner of Imola and Soscol Avenues.

9.2 Update on Presidential Search Process
The Napa Valley College Board of Trustees is in the process of conducting a search for a new superintendent/president of the college. The board is committed to an open, inclusive process and will take under careful consideration all input/suggestions. To that end, there will be a standing item on the agenda to support the open communication, transparency, and inclusivity that are critical to a successful search. The board will provide an update on the process at this time. Any member of the public or the campus community will be given the opportunity to speak, make comments, suggestions, or ask questions.

9.3 Community College Update
Board members will share information on matters including, but not limited to: accreditation, legislative issues, conference/training information, CCCT and ACCT issues and priorities.

9.4 2010 – 2011 Negotiations Proposal from the Napa Valley College Faculty Association
The 2010 – 2011 Negotiations Proposal appears on backup page 35. Copies are posted in the Administration Building and are available in the Office of Human Resources.

9.5 Napa Valley Community College District Proposal for Negotiations with the Napa Valley College Faculty Association for the Contract Period Beginning July 1, 2010
The District Proposal for Negotiations with the Napa Valley College Faculty Association for the contract period between July 1, 2010 and June 30, 2011 appears on backup page 36.
Copies are posted in the Administration Building and are available in the Office of Human Resources.

10.0 ACTION ITEMS

10.1 Acceptance of 2010 – 2011 Negotiations Proposal from the Napa Valley College Faculty Association
The 2010 – 2011 Negotiations Proposal from the Napa Valley College Faculty Association appears on backup page 35. See agenda item 8.4 above.

Recommendation: It is recommended that the Board of Trustees accept the 2010 – 2011 Negotiations Proposal from the Napa Valley College Faculty Association.

10.2 Approval of the Napa Valley Community College District Proposal for Negotiations with the Napa Valley College Faculty Association for the Contraction Period Beginning July 1, 2010
The District Proposal for Negotiations with the Napa Valley College Faculty Association for the contract period between July 1, 2010 and June 30, 2011 appears on backup page 36. See agenda item 8.5 above.

Recommendation: It is recommended that the Board of Trustees approve the Napa Valley Community College District Proposal for Negotiations with the Napa Valley Faculty Association for the contract period beginning July 1, 2010.

10.3 Authorization of Computer Purchases for LLRC, Language Lab, & Digital Design Graphics
To provision various departments in the new Library Learning Resource Center as well as the remodeled space for the Language Lab in Bldg. 800 and Digital Design Graphics I Bldg. 3900, approximately 281 computers will be purchased. Total estimated cost for these computers, based on group purchasing pricing, is $360,284. See backup page 36.

10.4 Authorization for the Child Development Center to Remain Open During the Summer 2010 Term Under the Summer School Proposal
At its meeting of March 11, 2010, the Board of Trustees approved the recommendation to close the Napa Valley College Child Development Center (CDC) for the Summer 2010 term. The approval included a provision that, if State funding and costs savings were more than anticipated, this program could be reviewed for reinstatement. Since that meeting, the CDC staff and faculty developed a proposal that may provide up to $11,000 in profit. The savings are based on using temporary staff to replace regular staff who retired and/or resigned, adjusting the CDC days of operation, decreasing the hours of operation, and maximizing the ratio between children and teachers, enrolling families seeking employment, those on the CDC waiting list and working families from the Central Eligibility List. This model will be successful if 101 children are enrolled. See backup pages 38 through 40.

Recommendation: It is recommended that the Board of Trustees authorize the Child Development Center to remain open during the Summer 2010 term under the Summer School Proposal.
10.5 Adoption of 2010-2011 Preliminary Budget
The proposed 2010-2011 Preliminary Budget includes budgets for the General Fund, Capital Outlay Projects Funds, Bond Project Funds, Bond Redemption Funds, Child Care Fund, Post-Retirement Employee Benefits Fund, Associated Student Body Account, Student Representation Fee Account, Bookstore Account, Farm Account, and Trust Account. The budget, as developed through the planning and budget process, has been mailed to the Board of Trustees. The college president has reviewed the budget and supports its adoption, as recommended by the Budget Committee. Copies of the Preliminary Budget are available in the Business & Finance Office.

Recommendation: It is recommended that the Board of Trustees approve the 2010-2011 Napa Valley College Preliminary Budget as recommended by the college president and the Budget Committee.

10.6 Approval of Curriculum Packet for Spring, 2010
Many changes to the curriculum have been made during the 2009 – 2010 academic year. 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 these changes and recommend them for board approval. Copies are available in the President’s Office. See backup pages 41 through 48.

Recommendation: It is recommended that the Board of Trustees approve the changes to the curriculum for the 2009 – 2010 academic year.

10.7 Approval of Resolution to Hire PERS Retired Annuitants on a Temporary, Limited Term Basis
As a result of the early retirement incentive, the District will have a significant number of staff vacancies and will lose a great deal of expertise. The PERS retirement system allows the temporary, limited-term employment of retired annuitants who have special skills for assignments of less than 960 hours per fiscal year. Approval and adoption of this resolution authorizes the District to hire annuitants to perform essential college functions as a component of succession planning. See backup pages 49 and 50.

Recommendation: It is recommended that the Board of Trustees approve and adopt a resolution to hire PERS retired annuitants on a temporary, limited term basis.

10.8 Approval and Adoption of Resolution to Lay Off Classified Employees Due to Lack of Funds or Lack of Work
Measure N projects are nearing completion, which necessitates the lay-off of employees who are bond-funded. Further, as a result of vacancies caused by or as a result of retirements, reorganizations, and budget reductions, there is a need to lay off classified employees due to a lack of work or lack of funds. All employees with rights to other classified positions are being transferred in accordance with Education Code and the collective bargaining agreement for classified staff. These lay-offs will occur between July, 2010 and December, 2011. See backup pages 51 and 52.
Recommendation: It is recommended that the Board of Trustees approve and adopt this resolution to lay off classified employees due to lack of funds or lack of work.

10.9 Approval and Adoption of Resolution to Establish a Vesting Period for the Position of Superintendent/President
In order for Napa Valley College employees to receive district-paid medical benefits upon retirement, a vesting period must be established. The position of superintendent/president is not covered by existing vesting resolutions. This resolution establishes a vesting period of five years of credited service at Napa Valley College for the position of superintendent/president. See backup page 53 and 54.

Recommendation: It is recommended that the Board of Trustees approve and adopt the resolution to establish a vesting period for the position of superintendent/president.

10.10 Approval of Ethics Policy (Second Reading)
This new Ethics Policy has been reviewed and approved by three staff constituencies, including faculty, administrative/confidential, and classified groups. The Ethics Policy applies to all of these groups. Currently, each group is developing its own administrative regulations, referencing their professional standards. The board approved this policy on first reading at its meeting of April 28, 2010. See backup page 55.

Recommendation: It is recommended that the Board of Trustees approve the proposed Ethics Policy (second reading).

10.11 Approval of Results of Division Chair Elections
The division chair elections have been completed, with the following results:

- Language and Development Studies: Denise Rosselli
- Science, Mathematics and Engineering: Bonnie Moore
- Social Sciences: John Liscano

As provided in the division chair election guidelines, the candidate securing the majority of votes shall be submitted to the board for its review and forwarded to the superintendent/president for review and recommendation to the Board of Trustees for approval. The term for this position will be July 1, 2010 to June 30, 2013.

Recommendation: It is recommended that the Board of Trustees approve the following results of the division chair elections: Denise Rosselli, Language and Developmental Studies; Bonnie Moore, Science, Mathematics and Engineering; John Liscano, Social Sciences.

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

11.1 Staff Reports
- Dean, Human Resources
11.2 Superintendent/President’s Report

11.3 Reports from Board Members

12.0 FUTURE AGENDA ITEMS

12.1 Board Listening Session
12.2 Development of Corner Property
   a) Excavation of Site to Determine Site Constraints
12.3 Retiree Medical Benefits

12.0 ADJOURNMENT