

MONTEREY PENINSULA COMMUNITY COLLEGE DISTRICT GOVERNING BOARD OF TRUSTEES

REGULAR MEETING

1:30pm, Closed Session, Stutzman Room, LTC
3:00pm, Regular Meeting, Sam Karas Room, LTC
980 Fremont Street, Monterey, California 93940
www.mpc.edu/GoverningBoard

TUESDAY, DECEMBER 13, 2011

REVISED AGENDA

The Monterey Peninsula College Governing Board welcomes you to the Governing Board of Trustees Regular Meeting. Documents that are public records and are provided to the Governing Board regarding a Regular Meeting item on this Agenda will be made available for public inspection in the Superintendent/President's Office at Monterey Peninsula College, 980 Fremont Street, Monterey, California, during normal business hours the Thursday preceding the meeting. If you intend to submit documents at this meeting, the Brown Act requires you to bring enough copies for the Trustees and the audience. In compliance with the Americans with Disabilities Act, those requiring special assistance to access the Board meeting room, to access written documents being discussed at the Board meeting, or to otherwise participate at a Board meeting, can contact the Superintendent's Office at (831) 646-4272. Notification at least 72 hours prior to the Board meeting will enable the District to make reasonable arrangements to ensure accessibility to the Board meeting and to provide any required accommodations, auxiliary aids, or translation services.

1. **OPENING BUSINESS**

A. Call To Order

B. Roll Call

C. Public Comments on Closed Session Items

This is an opportunity for visitors to make comments regarding any closed session items. When the Chair recognizes a member of the public for oral comments, such comments shall be limited to three minutes.

D. Closed Session – items under discussion:

The Governing Board will meet in Closed Session (before the Regular Meeting on regular agenda items) to consider matters appropriate for Closed Session as authorized by Sections 3549.1 and 54956.7-54957.7, Government Code and Section 72122, Education Code, and as otherwise provided by law. Required action on these matters will be taken when the Board meets in Regular Meeting or at the next public meeting.

1) Conference with Labor Negotiators (Government Code Section 54957.6)

a) Agency Negotiators: Steve Ma and Barbara Lee

b) Employee Organization: MPCTA and MPCEA

2) Conference with Legal Counsel on Existing Litigation (Government Code Section 54956.9(c)):

a) Name of Case: Keep Fort Ord Wild v. County of Monterey, Monterey County Board of Supervisors, Fort Ord Reuse Authority, Fort Ord Reuse Authority Board of Directors, and Redevelopment Agency of the County of Monterey, California State University Monterey Bay, and Monterey Peninsula Community College District, Real Parties.

b) Case No. M114961

3) Conference with Legal Counsel Regarding Anticipated Litigation (one) (Government Code Section 54956.9(b))

- E. Reconvene to Regular Meeting and Roll Call
- F. Reporting of Any Action Taken During Closed Session

2. **OATH OF OFFICE** – by Honorable Dean Flippo, District Attorney, Monterey County:

- A. Swearing in of Trustee Dr. Loren Steck
- B. Swearing in of Trustee Marilyn Dunn Gustafson
- C. Swearing in of Trustee Rick Johnson

3. **ORGANIZATION:**

- A. BE IT RESOLVED, in accordance with Education Code Section 35143, at the Governing Board’s annual organization meeting in December:
 - 1) Election of Chair of the Governing Board, Monterey Peninsula Community College District: _____.
 - 2) Election of Vice Chair of the Governing Board, Monterey Peninsula Community College District: _____.
 - 3) Election of Secretary to the Governing Board, Monterey Peninsula Community College District: _____.
 - 4) That the (fourth Tuesday) of each month at (3:00pm) in the Sam Karas Room, Library and Technology Center, Monterey Peninsula College, be designated as the day, time and place of the Regular Meetings of the Monterey Peninsula Community College District Governing Board.
 - 5) That the standing Policies and Procedures of the Governing Board of the Monterey Peninsula College District be continued in force for 2012.
 - 6) That _____ and _____ be designated as the Board Subcommittee for Governing Board Policies for 2012.
 - 7) That _____ be designated as the educational liaison to the Monterey County School Boards Association (MCSBA) for 2012.
 - 8) That _____ be designated as the Monterey Peninsula Community College District Governing Board representative to Community Human Services (CHS) for 2012, and that _____ be designated as an alternative.

4. **RECOGNITIONS**

Note to Audience: Anyone wishing to address the Governing Board on matters within the jurisdiction of the Board may do so now. Please state the matter on which you wish to speak. Matters not appearing on the Agenda will not receive action at this meeting, but may be referred to staff for consideration at a future meeting. Presentations will be limited to three minutes, or as established by the Board. Persons are not required to give their name or address, but it is helpful for a person to state their name in order that the Board and others present may identify the speaker.

- A. Recognition of Retiring Trustees Lynn Davis and Charlie Page
- B. Recognition of Visitors
- C. Comments from Visitors

5. **COMMUNICATIONS**

A. Comments from Visitors

Note to Audience: Anyone wishing to address the Governing Board on matters within the jurisdiction of the Board may do so now. Please state the matter on which you wish to speak. Matters not appearing on the Agenda will not receive action at this meeting, but may be referred to staff for consideration at a future meeting. Presentations will be limited to three minutes, or as established by the Board. Persons are not required to give their name or address, but it is helpful for a person to state their name in order that the Board and others present may identify the speaker.

B. Written Communications

- 1) County of Monterey, School District Election Final Official Report / November 21.
- 2) Assemblymember William Monning, thank you letter to Carsbia Anderson, participation in Regional Higher Education Roundtable / November 14.
- 3) Congressman Sam Farr, thank you letter to Dr. Doug Garrison, Fire Academy visit and tour / November 16.
- 4) Chancellor's Office: Public Policy Institute of California's Higher Education Survey; public support for the community college system remains high and virtually unchanged since 2007 / November 17.
- 5) Leadership Monterey Peninsula 'Leadership News' welcomes Class of 2012, listing Charles Brown, MPC Trustee / November 29.
- 6) Chancellor's Office: Chancellor Jack Scott to kick off summit in San Diego on December 1-2, focusing on the needs of Student Veterans / November 29.
- 7) Chancellor's Office: Student Veterans issues to be examined at California Community Colleges Summit; all-day event Friday will provide insight for staff, faculty and administrators into challenges confronting returning soldiers enrolling in college / December 1.
- 8) Gentrain 'Conductor' article by Alan Haffa: How an innocuous sounding document like the Chancellor's Report on "Student Success" could change MPC and affect Gentrain. / December 1.

MPC All User Emails:

- 1) Dr. Garrison: Town Hall on MPC Education Master Plan to be held December 2 / November 22.
- 2) HR: Stanford University Hospital Renewed Contract with Anthem Blue Cross / November 23.
- 3) Student Services: Education Center at Marina Open House and Spring Registration Kick-Off on November 30 / November 28.
- 4) Academic Affairs: 2013-2014 Academic Calendar approved by Board of Trustees / November 29.

- 5) HR: Important Information on Medical Claims; Delta Health Systems new Third Party Administrator, effective January 1, 2012 / December 1.
- 6) HR Employment Opportunity: Art Studio Specialist / December 5.
- 7) Dr. Garrison: Dr. Pinet to be recommended to Board, for Vice President for Academic Affairs / December 5.

Articles published/aired in *The Herald*, *The Californian*, and other media:

- 1) Road Rules: Lawsuit challenges parkway through Fort Ord, and the projects it would serve / November 17-22.
- 2) MPC Foundation: Help us enable all students to find their way / November 17-22.
- 3) MPC Foundation Big Idea: donations for Braille-tactile maps / November 17-22.
- 4) Lawsuit targets Fort Ord roadway: Public forum December 1, Oldemeyer Center, sponsored by League of Women Voters of the Monterey Peninsula / November 20.
- 5) MPC football falls to Yuba in closing seconds, 28-27, in inaugural Sierra Central Credit Union Bowl / November 20.
- 6) Ad: Classified Staff: Instructional Specialist, Supportive Services, and Sciences Laboratory Manager, Life Science / November 20 and 22.
- 7) Hartnell's Alvin Jelks and MPC David Fales share player of year honors / November 22.
- 8) College system's new plan draws heat at MPC, and officials say recommendations could change scope of curriculum (Student Success Report) / November 30.
- 9) Letter to Editor: Community college, emphasis on community / December 4.

D. Reports and Presentations:

Routine status reports and announcements regarding campus activities, meeting schedules, conferences attended and recent developments.

- 1) Institutional Report – no report
- 2) Superintendent/President's Report
- 3) Vice Presidents' Reports
- 4) Academic Senate Report
- 5) MPCEA Report
- 6) MPCTA Report
- 7) ASMPC Report
- 8) College Council Report
- 9) MPC Foundation Report:
- 10) Governing Board Report:
 - a) Community Human Services – CHS Board Meeting minutes, November 17, and Robin McCrae's thank you letter to Dr. Garrison, November 28.
 - b) Trustee Reports
- 11) Legislative Advocacy Report:
 - a) ACCCA Legislative Update / November 22.
 - b) The Community College Update from School Services of California: AB 1344 impacts local executive contracts and Brown Act meeting requirements / November 23.
 - c) Trustee Loren Steck's email to California Community College Board Trustees on MPC Board response to Student Success Task Force Recommendations / November 30.
 - d) Dr. Garrison's letter to Senator Dianne Feinstein, Senator Barbara Boxer, and U.S. House Appropriations Subcommittee on Labor, Health and Human Services to oppose changes to Pell Grant Program / December 2.

- 12) Special Report - Bond Update Reports, Joe Demko:
 - a) Active Bond/Facility Projects Update
 - b) Cost Control Report
 - c) Master Schedule/Construction Phase Only
 - d) Bond Expenditure Report (no report for December meeting)

5. **CONSENT CALENDAR**

Items listed under the Consent Calendar are considered to be routine and are acted on by the Board of Trustees in one motion. There is no discussion of these items prior to the Board vote unless a member of the Board, staff, or public requests that specific item(s) be discussed and/or removed from the Consent Calendar. It is understood that the Administration recommends approval on all Consent items. Each item on the Consent Calendar approved by the Board of Trustees shall be deemed to have been considered in full and adopted as recommended.

A. Routine Business Transactions, Annual Renewal of Programs, Bids, Agreements, Notice of Public Hearings and Proclamations:

BE IT RESOLVED,

- 1) That the Governing Board approve the minutes of the Regular Board Meeting on November 22, 2011.
- 2) That the Governing Board accept gifts donated to the college with appropriate acknowledgement to donors.
- 3) That the November regular payroll in the amount of \$2,171,513.98, for a total payroll of \$2,272,513.98, be approved.
- 4) That Commercial Warrants:

Number 12896499 through Number 12896521	\$197,813.40
Number 12897117 through Number 12897146	\$204,804.58
Number 12898076 through Number 12898154	\$486,767.28
Number 12899601 through Number 12899656	\$229,673.11
Number 12901483 through Number 12901548	\$342,006.93

 in the amount of \$1,461,065.30, be approved.

B. Management Personnel:

- 5) That the Governing Board approve the following items:
 - a) Resignation for the purpose of retirement in lieu of layoff of Steve Morgan, Director of Facilities, effective at the end of the day, December 31, 2011.
 - b) Resignation for the purpose of retirement of Vera Coleman, Admissions and Records Director, effective at the end of the day, May 8, 2012.
 - c) Establish new position and approve attached job description for Custodial/Evening Site Supervisor, Facilities, effective January 1, 2012. Salary Placement will be Range 40 (Exempt).
 - d) Establish new position and approve attached job description for Facilities Operations Supervisor, Facilities, effective January 1, 2012. Salary Placement will be Range 45 (Exempt).
 - e) Eliminate position of Custodial Supervisor, Facilities, effective January 1, 2012 and transfer Shaune Burke, current Custodial Supervisor, to the Custodial/Evening Site Supervisor position at Step E.
 - f) Eliminate position of Grounds Supervisor, Facilities, effective January 1, 2012 and transfer Nils "Pete" Olsen, the current Grounds Supervisor, to the Facilities Operations Supervisor position at Step E.

- C. Faculty Personnel:
- 6) That the Governing Board approve the following item:
 - a) Each month individuals are hired as part-time, substitute, and overload. The attached list includes hires for Fall 2011.
- D. Classified Personnel:
- 7) That the Governing Board approve the following items:
 - a) Employment of Thomas Clifton, Sciences Laboratory Manager, Physical Science, 19 hours per week, 11 months per year, effective December 14, 2011.
 - b) Employment of Sue Kostyshak, Instructional Specialist, Reading Center, 18 hours per week, 8 months and 11 days per year, effective December 14, 2011.
 - c) Employment of _____, Library Systems Technology Coordinator, Library, 40 hours per week, 12 months per year, effective _____, 201_.
 - d) Transfer of Erin Miller, Re-Entry Counseling Services Specialist, 19 hours per week, 12 months per year, to the vacant Re-Entry Counseling Services Specialist, 40 hours per week, 12 months per year position, effective December 14, 2011.
 - e) Reestablish the position of Unit Office Manager, Facilities, 40 hours per week, 12 months per year, effective December 14, 2011.
 - f) Resignation of Steve White, Art Studio Specialist, Creative Arts, 19 hours per week, 11 months per year, effective January 20, 2012.
 - g) Resignation of Stephen Thompson, Library Specialist, Circulation Desk, Library, 21.25 hours per week, 8 months and 7 days per year, effective November 30, 2011.
- E. Short Term and Substitute Personnel:
- 8) That the individuals on the recommended list (Short Term and Substitute Employees) employed for short term and substitute assignments subject to future modifications, be approved.

6. NEW BUSINESS

Public comments on New Business agenda items will be heard at the time the matter is under Board consideration. If you wish to address the Board on an agenda item, please do so when that item is called. Presentations will be limited to a maximum of three minutes, or as established by the Board. Persons are not required to give their name or address, but it is helpful for a person to state their name in order that the Board and others present may identify the speaker.

- A. BE IT RESOLVED, that the agreement to employ Dr. Céline Pinet as the Vice President for Academic Affairs, effective February 6, 2012 and ending June 30, 2014, be ratified.
- B. BE IT RESOLVED, that the Governing Board approve Dr. Douglas Garrison, Superintendent/President, and Mr. Stephen Ma, Vice President for Administrative Services, to be authorized signatories for all expenditure warrants, contracts and other official documents on behalf of Monterey Peninsula Community College District, as requested by the Monterey County Office of Education.
- C. BE IT RESOLVED, that the Governing Board approve Dr. Douglas Garrison, Superintendent/President, Stephen Ma, Vice President for Administrative Services, and Rosemary Barrios, Controller, to be authorized signatories for the bankcard accounts maintained by Monterey Peninsula College at First National Bank of Central California, as requested by the Monterey County Office of Education

- D. BE IT RESOLVED, that the Governing Board ratify the agreement with Dolinka Group, LLC, based on hourly rates for time and materials, to provide assistance in retrieving redevelopment funds owed to the District in Phase III.
- E. BE IT RESOLVED, that the Board authorize the Vice President for Administrative Services to enter into a contract with Kitchell for Program Management Services for the period January 1, 2012 through June 30, 2012.
- F. BE IT RESOLVED, that the Governing Board authorize the District to file a Notice of Completion of Contract with the County of Monterey for the Village of Relocatable Modular Buildings, DSA Application No. 01-111502, File No. 27-C1.
- G. BE IT RESOLVED, that the Governing Board authorize the District to file a Notice of Completion of Contract with the County of Monterey for the Life Science-Swing Space/ Building 16 Interior Modifications, DSA Application No. 01-111867, File No. 27-C1.
- H. BE IT RESOLVED, that the Governing Board ratify the Project Assignment Amendment #34 (PAA) with HGHB Architecture, Planning, Urban Design, at the fixed fee of \$400,000.00 (inclusive of reimbursable expenses other than printing of working drawings for bidding purposes), for architectural and engineering services for the Arts Complex.
- I. New Business Item No. I
BE IT RESOLVED, that the Governing Board adopt the following resolution to appoint a Public Works Hearing Board of Monterey Peninsula Community College District:

RESOLUTION:

APPOINTMENT OF PUBLIC WORKS HEARING BOARD

WHEREAS, from time to time, Monterey Peninsula Community College District (“District”) lets contracts for the construction, alteration, or repair of District facilities;

WHEREAS, pursuant to Public Contract Code §§ 4100 et seq., prime contractors to the District are required to “list” subcontractors at the time of submitting bid proposals to the District;

WHEREAS, from time to time the District receives a request from a prime contractor awarded a construction contract by the District to substitute a “listed” subcontractor with another subcontractor;

WHEREAS, prime contractors to the District are not permitted to substitute another subcontractor in place of a “listed” subcontractor without: a) establishing that a basis established under the Public Contract Code has arisen to justify the substitution of a listed subcontractor; and b) consent of the District;

WHEREAS, Public Contract Code § 4107 provides that, if a “listed” subcontractor objects to a prime contractor’s request for the District’s consent to substitute another subcontractor for a “listed” subcontractor, the District must conduct a hearing prior to the District’s determination to grant or deny a request to substitute another subcontractor for a “listed” subcontractor.

NOW, THEREFORE, the following resolutions are adopted by the Board of Trustees of the Monterey Peninsula Community College District:

RESOLVED, that a Public Works Hearing Board of the District is established for the period June 14, 2011 to June 30, 2012.

FURTHER RESOLVED, the following individuals are hereby appointed members of the District's Public Works Hearing Board: Stephen Ma, Michael Carson, and Joseph Demko.

FURTHER RESOLVED, that the Public Works Hearing Board, acting as a whole, be delegated authority to conduct hearings and issue rulings on behalf of the District under Public Contract Code §4107.

PASSED AND ADOPTED by the Board of Trustees of the Monterey Peninsula Community College District on this thirteenth day of December, 2011, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

J. BE IT RESOLVED, that the following courses be approved:

- ENGR 1A, Introduction to Engineering
- ENGR 4, Engineering Materials

K. INFORMATION: Proposed Monterey Peninsula College Governing Board Goals for 2012.

L. INFORMATION: Proposed Schedule for Governing Board Study Sessions for 2012.

M. INFORMATION: Calendar of Events.

7. ADVANCE PLANNING

A. Proposed January Board Study Session on Education Master Plan, Enrollment Management and Curriculum Development – date to be determined.

B. Regular Meeting Tuesday, January 24, 2011

- Closed Session, 1:30pm, Stutzman Seminar Room, Library and Technology Center
- Regular Meeting, 3:00pm, Sam Karas Room, Library and Technology Center.

C. Regular Board Meeting, Tuesday, February 28, 2011

- Closed Session, 1:30pm, Stutzman Room, Library and Technology Center
- Regular Meeting, 3:00pm, Sam Karas Room, Library and Technology Center

D. Future Topics:

- Board Policy 1435 – Report from Board Subcommittee on Naming Opportunities
- Institutional Report – SB 1440, the Transfer Act

8. ADJOURNMENT

- Regular Meeting adjourned to Retiring Trustees Reception, 4:30pm, at LaMirada Museum.

9. CLOSED SESSION

When required on non-routine matters and/or to continue discussion of items from earlier Closed Session.

Any writings or documents that are public records and are provided to a majority of the Governing Board regarding an open session item on this Agenda will be made available for public inspection in the District Office located at 980 Fremont Street, Monterey, CA, during normal business hours. Governing Board documents are also available on the Monterey Peninsula College website at www.mpc.edu.

Reposted December 9, 2011