

**MONTEREY PENINSULA COMMUNITY COLLEGE DISTRICT
GOVERNING BOARD OF TRUSTEES
REGULAR MEETING**

Stutzman Seminar Room – Library & Technology Center - Open Session
1:30 p.m. – 1:35 p.m.
Closed Session –1:35 p.m. – 2:55 p.m.

Open Session – 3:00 p.m. – Karas Room, Library and Technology Center

Monterey Peninsula College
980 Fremont Street, Monterey, California 93940-4799

TUESDAY

December 9, 2008

AGENDA

The Monterey Peninsula College Governing Board welcomes you to its meetings. 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 Superintendent/President's office, Monterey Peninsula College, 980 Fremont Street, Monterey, California during normal business hours the Wednesday 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.

I. OPENING BUSINESS

- A. Call Public Session to Order
- B. Roll Call
- C. Take Action to Add Items (if any) That Arose Since Posting of Agenda (2/3 vote required)
- D. Closed Session Topic/s of Discussion:

The Governing Board will meet in Closed Session (before the Open Session on regular agenda items) to consider matters appropriate for Closed Session as authorized by Sections 3549.1 and 54956.7 through 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 Open Session (or at the next public meeting). Item/s under discussion this date:

a. Public Employee Discipline/Dismissal/Release/Complaint.

E. Roll Call

F. Reporting of any action taken during Closed Session

II. ORGANIZATION

1. Election of Chair of the Governing Board, Monterey Peninsula Community College District:

2. Election of the 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. In accordance with Education Code Section 72403:

BE IT RESOLVED, That _____ be designated the Monterey Peninsula Community College District Governing Board representative to the Community Human Services for 2009 and that _____ and _____ be designated as an alternates.

5. BE IT RESOLVED, That _____ be designated the Monterey Peninsula Community College District Governing Board liaison to the Monterey Peninsula College Foundation.

6. BE IT RESOLVED, That _____ and _____ be designated as the Board Sub-Committee for the Governing Board Policies.

7. BE IT RESOLVED, That _____ (name of Board member) as our representative to the Executive Council of the Monterey County School Boards Association. *This representative understands that the Executive Council will meet twice a year, once in February and once in May. The Executive Council will be responsible for nominating and electing the officers and alternates of MCSBA, adopting and/or amending the MCSBA bylaws, giving*

direction on the agenda for the Annual Organizational Dinner Meeting, and planning the calendar of events for MCSBA for each school year.

The President, Vice President, Treasurer, and alternates of MCSCBA shall be selected from members of the Executive Council.

8. In accordance with Education Code Section 72120:

BE IT RESOLVED, That the (fourth Tuesday) of each month at (3:00 p.m.), in the Sam Karas Room, Library and Technology Center, be designated as the day, time, and place of the regular meetings of the Monterey Peninsula Community College District Governing Board.

9. BE IT RESOLVED, That the Standing Policies and Procedures of the Governing Board of the Monterey Peninsula Community College District be continued in force for 2009.

III. RECOGNITION

- A. Acknowledgment of Visitors
- B. Shirrel Rhoades – Donation of Collection of Photographs

IV. COMMUNICATIONS

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. Comments from Visitors
- B. Written Communication:
- a) The Monterey County Herald, Wednesday, November 19, 2008, Edith Karas' indelible imprint, written by Anna C. Panetta, Pebble Beach.
 - b) The Monterey County Herald, Wednesday, November 19, 2008, Free Gentrain lecture on "Monterey's History through Early Art."
 - c) GO! The Monterey County Herald, Thursday, November 20 – 26, 2008, MPC's 'Binge' is irreverent, lighthearted and diverting, by Nathalie Plotkin.

- d) The Monterey County Herald, Thursday, November 20, 2008, I Cantori di Carmel's 2008 Winter Concert "Noel!"
- e) The Monterey County Herald, Thursday, November 20, 2008, Local Roundup...MPC rallies late to beat Las Positas.
- f) GO! The Monterey County Herald, Thursday, November 20, 2008, Messiah Singalong...I Cantori di Carmel.
- g) The Monterey County Herald, Friday, November 21, 2008, Undefeated MPC football team deserves applause, written by David Armanasco, Monterey.
- h) The Monterey County Herald, Saturday, November 22, 2008, Lobos look to finish off perfect season, by John Devine.
- i) The Monterey County Herald, November 23, 2008, MPC's Magic Ends...Perfect Season Slips Away in Final Minute of Bulldog Bowl, by Herald Staff Reports.
- *j) A letter addressed to Jamie Dagdigian, Graphic Design Department, from Susan Bein and Cara Weston, Beyond Tradition, Creative Immersion Workshop for Photographers, thanking MPC for its generosity in letting them use the MPC computer lab to teach Photoshop in a "beautiful, quiet, well-equipped glitch-free lab."
- k) The Monterey County Herald, Wednesday, November 26, 2008, Women's Basketball, MPC 50/Cuesta 37.
- l) Monterey County Weekly, November 26 – December 3, 2008, assorted articles...World Aids Day; MPC Metal Arts Club Sale and Fundraiser; Winter Concert at MPC Music Hall.

C. Reports and Presentations:

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

- INSTITUTIONAL REPORT: Technology Refreshment
- SUPERINTENDENT
- VICE PRESIDENTS'
- ACADEMIC SENATE
- MPCEA
- MPCTA
- ASMPC
- COLLEGE COUNCIL
- MPC FOUNDATION
- GOVERNING BOARD
 - Community Human Services Report: Dr. Loren Steck
 - MPC Foundation Report: Dr. Loren Steck
- Special Report
 - Bond Update – Joe Bissell

V. 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, notices of public hearings, proclamations, etc.:

BE IT RESOLVED,

1. That the Governing Board minutes for the Special meeting held Thursday, November 13, 2008, are approved.
2. That the Governing Board accept \$4,095.00 and other gifts donated to the college with appropriate thanks to the donors.
3. That the November 26th Regular Payroll in the amount of \$2,313,051.32 be approved.
4. That the Governing Board approve Dr. Douglas Garrison, Superintendent/ President, Joseph Bissell, 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.
5. That the Governing Board approve Dr. Douglas Garrison, Superintendent/President, and Joseph Bissell, 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.
6. That the following course(s) and program changes be approved:

COOP 91.3, Astronomy Work Experience
COOP 91.4, Automotive Technology Work Experience
COOP 91.31, Physical Fitness Work Experience
ENSL 444, High-Intermediate Reading and Grammar
FIRE 128, Building Construction for Fire Protection

- FIRE 129, Fire Prevention
- LETP 146, Basic Police Requalification Course
- ORNH 210.5, Current Topics in Ornamental Horticulture Shade Gardening
- ORNH 210.6, Current Topics in Ornamental Horticulture Gardening with Low-Maintenance, Drought-Tolerant Deer-Tolerant Plants
- ORNH 210.7, Current Topics in Ornamental Horticulture Gardening with Colorful and Fragrant Plants
- ORNH 210.8, Current Topics in Ornamental Horticulture Gardening with Australian, New Zealand and South African Plants
- ORNH 210.9, Current Topics in Ornamental Horticulture Creative Gardening with Children
- ORNH 210.10, Current Topics in Ornamental Horticulture Garden Tours of the Monterey Peninsula
- ORNH 210.11, Current Topics in Ornamental Horticulture Gardening with Herbs
- ORNH 210.12, Current Topics in Ornamental Horticulture Small Space and Container Gardening.

B. Academic Personnel

- 7. That the Governing Board approve the following academic item:
 - a) Authorize the full-time, tenure-track replacement for Graphic Arts Instructor, Creative Arts.
 - b) Grant Equivalency to Minimum Qualifications to Sonia S. Banks, Esq. to teach Political Science, effective Spring 2009.
 - c) Each month individuals are hired as part-time, substitute, and overload. The list includes hires for Fall 2008.

C. Classified Personnel

- 8. That the individuals on the recommended list (Short Term and Substitute Classified Employees) employed for short term and substitute assignments subject to future modifications, be approved.

VI. NEW BUSINESS

- A. BE IT RESOLVED, That the Quarterly Financial Status Report for the quarter ending September 30, 2008 as presented on form CCFS 311Q, be accepted and made part of the minutes of this meeting.
- B. COUNTY OF MONTEREY INVESTMENT REPORT FOR THE QUARTER ENDING SEPTEMBER 30, 2008 INFORMATION

- C. That the Governing Board approve the awarding of the Outside Plant Data Cabling Project to _____ in the amount of \$_____.
- D. That the Governing Board ratify the Project Assignment Amendment 04 (PAA) with C2G/Civil Consultants Group, Inc. at the fixed fee of \$84,200 to perform design services in conjunction with Parking Lots B and C expansion and repair.
- E. BE IT RESOLVED, That the Governing Board approve the signing of the 2008/2009 contract with the California Department of Education for the purchase of instructional materials and supplies for the Child Development Program.
- F. BE IT RESOLVED, That the Governing Board adopt the following resolution designating employer pick-up for CalPERS member contributions.

**MONTEREY PENINSULA COMMUNITY COLLEGE DISTRICT
EMPLOYER PICK-UP OF CALPERS MEMBER CONTRIBUTIONS**

WHEREAS, the governing body of the Monterey Peninsula Community College District has the authority to implement the provisions of section 414(h)(2) of the Internal Revenue Code (IRC); and;

WHEREAS, the Board of Administration of the Public Employees' Retirement System adopted its resolution regarding section 414(h)(2) IRC on September 18, 1985; and

WHEREAS, the Internal Revenue Service has stated in December 1985, that the implementation of the provision of section 414(h)(2) IRC pursuant to the Resolution of the Board of Administration would satisfy the legal requirements of section 414(h)(2) IRC; and,

WHEREAS, the governing body of the Monterey Peninsula Community College District has determined that even though the implementation of the provisions of section 414(h)(2) IRC should be provided to its employees who are members of the Public Employees' Retirement System;

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Monterey Peninsula Community College District will implement the provisions of section 414(h)(2) Internal Revenue Code by making employee contributions pursuant to California Government Code section 20691 to the Public Employees' Retirement System on behalf of its employees who are members of the Public Employees' Retirement System. "Employee contributions" shall mean those contributions to the Public Employees' Retirement System which are deducted from the salary of employees and are credited to individual employee's accounts pursuant to California Government Code section 20691; and,

BE IT FURTHER RESOLVED, that the contributions made by the Monterey Peninsula Community College District to the Public Employees' Retirement System, although designated as employee contributions, are being paid by the Monterey Peninsula Community College District in lieu of contributions by the employees who are members of the Public Employees' Retirement System; and,

BE IT FURTHER RESOLVED, that employees shall not have the option of choosing to receive the contributed amounts directly instead of having them paid by the Monterey Peninsula Community College District to the Public Employees' Retirement System; and,

BE IT FURTHER RESOLVED, that the Monterey Peninsula Community College District shall pay to the Public Employees' Retirement System the contributions designated as employee contributions from the same source of funds as used in paying salary; and,

BE IT FURTHER RESOLVED, that the amount of the contributions designated as employee contributions and paid by the Monterey Peninsula Community College District to the Public Employees' Retirement System on behalf of an employee shall be the entire contribution required of the employee by the Public Employees' Retirement Law (Government Code section 20000, et. Seq.); and,

BE IT FURTHER RESOLVED, that the contributions designated as employee contributions made by Monterey Peninsula Community College District to the Public Employees' Retirement System shall be treated for all purposes, other than taxation, in the same way that member contributions are treated by the Public Employees' Retirement System.

Passed and Adopted by the Monterey Peninsula Community College District on December 9, 2008 by the following vote:

Ayes:

Noes:

Abstain:

Absent:

- G. BE IT RESOLVED, That the Governing Board adopt the following resolution designating the payment of employee CalPERS contributions for management, confidential and supervisory personnel; and classified employees.

**MONTEREY PENINSULA COMMUNITY COLLEGE DISTRICT
EMPLOYER PAID MEMBER CONTRIBUTIONS TO CALPERS**

WHEREAS, the governing body of the Monterey Peninsula Community College District has the authority to implement Government Code Section 20691; and,

WHEREAS, the governing body of the Monterey Peninsula Community College District has an agreement which specifically provides for the normal member contributions to be paid by the employer; and,

WHEREAS, one of the steps in the procedures to implement Sections 20691 is the adoption by the governing body of the Monterey Peninsula Community College District of a Resolution to commence said Employer Paid Member Contributions (EPMC); and,

WHEREAS, the governing body of the Monterey Peninsula Community College District has identified the following conditions for the purpose of its election to pay EPMC:

- This benefit shall apply to classified employees covered by the *Agreement between Monterey Peninsula Community College District and California School Employees Association Chapter #245-MPCEA/CSEA*; and classified managers, supervisors, and confidential employees of Monterey Peninsula Community College District.
- This benefit shall consist of paying 100% of the normal member contributions as EPMC.
- The effective date of this resolution shall be 12/1/2008.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Monterey Peninsula Community College District elects to pay EPMC, as set forth above.

Passed and Adopted by the Monterey Peninsula Community College District on December 9, 2008 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

H. BE IT RESOLVED, That the Governing Board adopt the following resolution:

WHEREAS, Monterey Peninsula Community College District desires to provide workers' compensation coverage for persons authorized to perform volunteer services for the Monterey Peninsula Community College District; and,

WHEREAS, The Legislature of the State of California has provided authorization for inclusion of such coverage in the Monterey Peninsula Community College District's workers' compensation program;

NOW, THEREFORE, BE IT RESOLVED, The Monterey Peninsula Community College District hereby adopts the policy for purposes of workers' compensation benefits that unsalaried persons properly authorized by the Superintendent/President or designee to perform volunteer service for the Monterey Peninsula Community College District shall be deemed to be employees of the Monterey Peninsula Community College District should they sustain an injury while engaged in the services of the Monterey Peninsula Community College District under the direction and control of the Monterey Peninsula Community College District's Superintendent/President or designee.

- I. BE IT RESOLVED, That the Governing Board adopt the following resolution establishing Monterey Peninsula Community College's 403(b) plan.

MONTEREY PENINSULA COMMUNITY COLLEGE DISTRICT
ESTABLISHMENT OF MONTEREY PENINSULA COLLEGE'S 403(b) PLAN

WHEREAS, The Monterey Peninsula Community College District believes that the availability of a 403(b) plan to its employees will provide valuable options for augmenting retirement plans; and

WHEREAS, The Monterey Peninsula Community College District desires to establish a 403(b) deferred compensation plan for the benefit of its employees; and

WHEREAS, The Internal Revenue Service requires that employers establish a 403(b) plan; and,

WHEREAS, The Board designated National Benefit Services to provide administrative services for the District's 403(b) plan; and,

WHEREAS, The District's 403(b) plan shall incorporate the provisions of the attached adoption agreement, as well as standard complaint provisions and language as recommended by National Benefit Services;

NOW, THEREFORE, BE IT RESOLVED, That Monterey Peninsula Community College District establishes a 403(b) plan for the benefit of its employees and authorizes the Vice President for Administrative Services to execute the attached adoption agreement on behalf of Monterey Peninsula Community College District.

Passed and Adopted by the Monterey Peninsula Community College District on December 9, 2008 by the following vote:

AYES:

NOES:
ABSTAIN:
ABSENT:

- J. CITIZENS' BOND OVERSIGHT COMMITTEE ANNUAL REPORT FOR 2007-2008 INFORMATION
- K. CALENDAR OF EVENTS INFORMATION

VII. ADVANCE PLANNING

A. Meeting Date:

Regular Meeting: To be decided at this meeting.

B. Suggested Future Agenda Item/s:

1.

VIII. CLOSED SESSION

(When Required on Non-Routine Matters and/or to Continue Discussion of Items from Earlier Closed Session)

Posted: December 3, 2008

Agenda December 9, 2008
December 2008