



# MT. SAN ANTONIO COLLEGE

## REGULAR MEETING OF THE BOARD OF TRUSTEES

Wednesday, May 23, 2012

### MINUTES

#### CALL TO ORDER

The regular meeting of the Board of Trustees of Mt. San Antonio College was called to order at 5:31 p.m. on Wednesday, May 23, 2012. Trustees Baca, Bader, Chen Haggerty, Chyr, and Hall were present.

#### STAFF PRESENT

Bill Scroggins, President/CEO; Virginia Burley, Vice President, Instruction; Mike Gregoryk, Vice President, Administrative Services; and Annette Loria, Vice President, Human Resources. Audrey Yamagata-Noji, Vice President, Student Services was absent.

#### 1. PUBLIC COMMUNICATION

None.

#### 2. CLOSED SESSION

The Board adjourned to Closed Session to discuss the following items:

- **Public Employee Appointment, Employment, Performance Evaluation, Discipline, Dismissal or Release, per Government Code Section 54957(b)**  
Recommendation to Uphold the Arbitrator's Findings in the Appeal of Employee's Dismissal
- **Anticipated Litigation – Conference with Legal Counsel Pursuant to Government Code Section 54956.9(b) (1) – Upon Advice of Legal Counsel** (one case)
- **Conference with Legal Counsel - Anticipated Litigation pursuant to Government Code Section 54956.9** (one case)
- **Conference with Labor Negotiator Annette Loria, Vice President, Human Resources, per California Government Code Section 54957.6.**  
Faculty Association and CSEA, Chapter 651

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*The Board reserves the right to modify the order of business in the manner it deems appropriate.*

*Closed session shall not extend past the designated time, but should the business considered in closed session require additional time, the Board shall reserve time after the public meeting to continue discussion.*

### 3. PUBLIC SESSION

The public meeting reconvened at 6:38 p.m. The Pledge of Allegiance was led by Renee Andrade.

### 4. INTRODUCTIONS AND RECOGNITION

- **Introductions**

- The following newly appointed classified staff members were introduced to the Board:

Classified Employees

Ruben Flores, Horticulture Production Assistant (Agricultural Sciences)  
Ruben Trujillo, ESL Instructional Support Assistant (ESL)

Confidential Employees (Promotions)

Erika Aparicio, Human Resources Technician (Human Resources)  
Kerry Martinez, Executive Assistant II (Administrative Services)

Management Employee (Promotion)

Aida Cuenza-Uvas, Director, AANAPISI Grant (Student Services)

- **Recognition**

- Trustee Bader presented Certificates of Service to the following retiring faculty staff members:
  - Renee Andrade, Professor, Foreign Languages, 28 years of service (present)
  - Lane Braver, Professor, Emergency Medical Services, 25 years of service (absent)
  - Cathy Gagnon, Professor, Emergency Medical Services, 25 years of service (absent)
  - Sushma Hall, Professor, Humanities, 22 years of service (absent)
  - Americo Marano, Professor, Foreign Languages, 26 years of service (absent)
  - Ralph Spaulding, Professor, History, Art History, 42 years of service (present)
- Trustee Bader congratulated Irene Shiao for being invited to perform in the Royal Orchestra at a concert commemorating Her Royal Majesty Queen Elizabeth II at her Diamond Jubilee in London, England. A Music Department adjunct faculty member, Professor Shiao is the College's violin instructor, and she coaches the Mt. SAC String Ensemble.
- Trustee Bader congratulated the following 2012 Presidential Award winners:
  - Evelyn Hill-Enriquez, Outstanding Curriculum Efforts (\$2,000), American Language (absent)
  - Stacy Bacigalupi, Outstanding Personal Innovation (\$1,000) (present)
- Trustee Bader congratulated the following 2012 Educators of Distinction:
  - Jennifer MacDonald, Biological Sciences (absent)
  - Betsy McCormick, English (absent)
  - Elmer Rodriguez, Student Services (absent)

- Edwin Romero, Student Life (absent)
- Susie Rubenstein, Arts (present)
- Trustee Bader congratulated the Athletics Department for being named the 2011-12 South Coast Conference Supremacy (SCC) Award Winner at the SCC Athletic Directors Meeting in Palm Springs.

## **5. APPROVAL OF MINUTES**

It was moved by Trustee Chen Haggerty, seconded by Trustee Baca, and passed unanimously to approve the minutes of the regular meeting of April 25, 2012. Student Trustee concurred.

## **6. REPORTING OF ACTION TAKEN IN CLOSED SESSION**

- Regarding item No. 1: The Board, in closed session, by a vote of 5-0, accepted the recommendation of an Administrative Law Judge to terminate a permanent classified employee, Employee No. 2443
- Regarding item No. 2: None.
- Regarding item No. 3: The Board, in closed session, by a vote of 5-0, voted to uphold the administrative determination regarding a discrimination complaint by Student No. A02451598.
- Regarding item No. 4: None.

## **7. PUBLIC COMMUNICATION**

- Jose DeLuna spoke about a proposal to lower tuition costs by students performing community service hours in exchange for tuition.
- The following persons spoke in favor of keeping the fee-based Wellness Center open:
  - Martha Richards
  - Johanna Delyon
  - Audrey Wei
  - Gloria Jernigan
  - Jennifer Woodcock
  - Ruben Baeza
  - Colleen Rose
  - K. C. Kranz
  - Sandra Weatherilt

## **8. REPORTS**

A. Alex Mendoza, Associated Students President, reported the following:

- Introduced Ahmad Azzawi, Associated Students President; Ujala Batool, Associated Students Vice President of Activities; and Chinwe Mbisike, ICC Chair.

- New Associated Students Executive Board Officers are:
  - Ahmad Azzawi – President
  - Alvaro Barboza – Vice President of Business
  - Ujala Batool – Vice President of Activities
  - Sofia Haq – Senate Chairwoman
  - Amar Elashi – Senate Chair
  - Chinwe Mbisike – ICC Chair
  - Yomari Castuera – ICC Vice Chair
  - Ebony Sanders – ICC Secretary
  - Elisa Marin – Student Trustee
- Student Day of Action: On May 16, 2012, Mt. SAC students came together to increase awareness about the anticipated fee hikes taking place this summer. Matt Foresta, Senate Chair of the Associated Students, led the protest and marched towards Senator Bob Huff's office to advocate against budget cuts for higher education. Additionally, Mt. SAC professors Ralph Spaulding, April Tellez, and James Stone encouraged students to demand support for State colleges and universities from their State legislators. The rally was successful in gaining media coverage and made it on the front page of the San Gabriel Valley Tribune and the Walnut Patch.
- Athletics Fair: The Associated Students will be hosting the annual athletics fair on June 5, 2012. The event is dedicated to celebrating the accomplishments of Mt. SAC sports teams. Elizabeth Lora, Athletics Senator of the Associated Students, along with the participation of the Activities Committee and the Athletics Department, will be contributing to the success of this event. Additionally, more than 500 students are expected to attend, and In-N-Out burgers will be served.
- Thanked the Board of Trustees and said it's been a pleasure to serve as the Associated Students President for the past year.

B. Eric Kaljumagi, Academic Senate President, reported the following:

- Dan Smith will be representing him at the next two meetings.
- Congratulated the new employees and retirees.
- The full Senate met on April 26 and voted to recommend:
  - BP 4260 – Prerequisites, Corequisites, and Advisories
  - AP 4225 – Course Repetition and Withdrawals
  - Prerequisite Task Force Board of Trustees Plan
  - Resolution 12-02 – Establishing Requisites
  - Resolution 12-03 – Introduction of Education Policy and Planning Models
  - Resolution 12-04 – Support for the Academic Senates in the Central Valley C-6 Consortium (regarding 13.21 F11 The California Educational Policy Grant: Michele Hester-Reyes, College of the Sequoias)
  - Resolution 12-06 – Expansion of the International Students Program
- Voting for Senators-at-large concluded on May 4. Professor Chris McDonald won election, and Professor Barbara Gonzales won re-election. They will join Vicki Greco, Liesel Reinhart, and Michael Sanetrick as next year's Senators-at large.

- The full Senate also met on May 10 and voted to recommend:
  - BP 5140 – Students with Disabilities
  - AP 5140 – Students with Disabilities
  - AP 5141 – Students with Disabilities – Accessibility of Instructional Print Media
  - Resolution 12-05 – Senate Facilitation of Student Task Force Issues
  - Advanced Placement and International Baccalaureate Scores
  - Approve a degree and three certificates in Industrial Design Engineering and what will be Mt. SAC's third AA-T degree (in Art History). Three more transfer degrees (in English, Mathematics, and History) are expected to be approved by the Senate in June. Additional AA-T degrees are being worked on for next year.

C. Marchelle Nairne-Proulx, Classified Senate President, reported the following:

- Congratulated all new hires.
- During today's Classy Awards, 108 classified employee retirees, totaling 1,150 years of service, were recognized.
- 2012 Classified Excellence award winners were:
  - Rookie of the Year – Hawk Yao
  - College Leadership – Bill Ito
  - Creativity & Innovation – Duneen Duffin
  - Best Attitude – Cliff Saunders
  - College Excellence – Sue Hothi
  - Campus Improvement – Jose Briceno
  - Outstanding Achievement – Margaret Palumbo
  - College Appreciation – Ron Titus
  - Commitment to Student Service – Maria Iniguez
  - Citizenship – DeeJay Santiago
  - Joe Mountie Lifetime Achievement – Larry Redinger
- Classified Week is still not over – tomorrow, 3:00-4:00 p.m., Bingo in Building 6, Room 160, and Friday is the bar-b-que.

D. Jennifer Galbraith, Faculty Association President, reported the following:

- Retirement/Tenure Tea, which will be held on May 29, 12:00 p.m., in the Faculty Association office, honoring Faculty Association members who have announced their retirement this year as well as the members that were granted tenure this year.
- Faculty Association Scholarship Ceremony will be held on June 2, 3:00 p.m., at Founders Hall. This year, the Faculty Association will give scholarships in Academic Achievement, Extracurricular, and the new category of Career and Technical Education. The Faculty Association is awarding 15 students with scholarships totaling over \$12,000.
- Facilities Use Fee Structure – The District has decided to start charging a Facilities Usage Fee to campus and non-campus groups for the use of facilities for fund-raising events. The fee structure was discussed in President's Cabinet; but, has not been discussed with any other shared governance committee, and the user groups were not asked about what this would do to their events. When asked what future charges would be for Puttin' on the Hits, the answer was somewhere between \$4,100 and \$4,700, which would make putting on the show prohibitive. The Faculty Association asked the Board to direct Administration to re-evaluate this decision and

to have the District get input from user groups through a shared governance process prior to imposing the fee structure.

- Faculty Sick Leave – This District has recently presented the Faculty Association with a draft to change the way the sick leave is accrued in terms of defining a day differently than it has been defined. This is a condition of work and affects Articles in the Faculty Agreement; so, the Faculty Association has made a demand to bargain this issue. The Faculty Association has been made aware that faculty have not had sick leave posted for this year due to the District's misunderstanding in this area. The Faculty Association is requesting that faculty be made aware of the amount of sick leave they currently have, and that the District maintains practices that have been used and have not been changed through a negotiations process. If the District implements this proposed change prior to negotiations, it will force the Faculty Association to file an unfair labor practice.

E. Laura Martinez, CSEA Chapter 262 President, reported the following:

- The celebration of Classified School Employees' Week began with a wonderful lunch provided and served by the College's management staff. She extended a thank-you to the Management Steering Group for honoring the Classified employees in this special way.
- Today, the Classified Senate "produced" the Classys, which honored Classified employees with their service awards and a variety of Classified Excellence Awards. This year's ceremony was exceptionally well done. On behalf of CSEA 262, she gave a very warm thank-you to Marchelle Nairne-Proulx and the Senate for planning this event.
- Classified School Employees' Week will end on Friday with a bar-b-que at the pond area of the Horticulture Unit.

F. Johnny Jauregui, CSEA Chapter 651 President, reported the following:

- On behalf of CSEA 651, thanked the management team for providing lunch on Monday.
- Thanked Dr. Hall for attending the CSEA 651 Recognition Banquet at the Pomona Valley Mining Company.
- He and Justin Ott will be attending the Annual Conference in July. The Board is invited to attend, as well.
- Regarding negotiations, they completed a lot and moved forward on some items.
- Regarding the 4/10 work schedule, they're looking forward to participating this summer.
- The Facility Summit was very positive and productive, and they will be finalizing some of the items within the next six months. The Board is invited to attend the next summit.
- Regarding the buildings that will be opening in the summer, he wants to know how they are going to be covered, staff-wise.

## 9. BOARD COMMUNICATION

A. All Board members shared the following comments:

- Congratulated and welcomed all new employees.
- Congratulated all faculty retirees.
- Thanked the Classified staff for all they do.
- Congratulated the Classified Excellence Award winners.
- Congratulated the 2012 Educators of Distinction Award winners.
- Congratulated the 2012 Presidential Award winners.
- Congratulated the Athletics Department for being honored with the South Coast Supremacy Award.

B. Trustee Hernandez reported the following:

- The new Associated Students Executive Board is such a diverse group, and he has complete confidence in them for their decision-making skills and abilities. They will lead by example.
- He has complete confidence in the new Student Trustee.
- Attended the Annual Trustees' Conference, in San Diego, and found the two sessions he attended very worthwhile, once he was able to check in to the hotel.
- Board members were invited to the upcoming Athletics Fair.

C. Trustee Baca reported the following:

- The retirees are an outstanding group, and he thanked them and wished them well.
- Congratulated the Physical Education Department for receiving the South Coast Supremacy Award, which is a great tribute to all the hard work of that department.
- Attended the Educators of Distinction Awards ceremony, which he looks forward to attending every year.
- Attended the Phi Theta Kappa Honors Awards ceremony. The keynote speaker was Vice President Burley, who did an excellent job of conveying some very important information to keep in mind for the students.
- Attended the Chinese Delegation events and thanked everyone for their hard work during their visit. He especially thanked Audrey Yamagata-Noji.

D. Trustee Chyr reported the following:

- Commented on the public speakers regarding the Wellness Center and was touched by their passion. He mentioned how it's a place where cultures come together. There should be a process that's established that includes input from all concerned. He asked Administration to take a look at having a forum to discuss how the financial gap can be breached.
- Regarding the International Students Program, it's one that needs to be reviewed thoroughly as to the financial impact on the College and impact to services and students. In the end, it needs to be a benefit to the Mt. SAC community.
- It was a surprise that fund-raising events are being charged a facilities use fee, and he wants Administration to review this action.

- Not familiar with the Faculty Sick Leave issue; but, if it impacts the Agreement, then it needs to be reviewed to make sure the College is in compliance with the Faculty Association Agreement.
- Regarding Redistricting, he believes there is a process where the collective bargaining units are involved before it's brought before the Board of Governors.

E. Trustee Chen Haggerty reported the following:

- She sympathized with Student Trustee Hernandez that he had such an unpleasant experience at the Annual Trustees' Conference. Along with Dr. Scroggins, she serves on the ACES Committee which plans and organizes the trustees' workshops. Workshops on Legislature Update, College Partnerships with K-12 Districts, Trustee/Foundation Relationship, What Trustees Should Know About Prop. 39 Oversight, and How to Survive Accreditation are a few that were offered this year.
- The Chinese delegates were from four colleges selected by the Ministry of Education in China, and the American colleges are selected by AACC to train them. The official interpreter commented that being at Mt. SAC was the best experience he has ever had.
- Last weekend, along with Trustee Bader and President and Mrs. Scroggins, attended the Rowland Heights Chinese Association's annual event that was set up by her 22 years ago.
- Attended the Student Research Showcase event on April 26, and was very impressed by Mt. SAC students' work. It was sponsored by the Humanities & Social Sciences Division. She thanked the 25 faculty mentors that helped these students.

F. Trustee Hall reported the following:

- Congratulated the new Associated Students Executive Board of officers.
- Attended the Phi Theta Kappa ceremony; it was a great event.
- Attended the Students and Educators of Distinction Awards ceremony.
- Looking forward to all of the awards ceremonies before commencement on June 15.
- Has concern over discontinuing the fee-based Wellness Center Program, and he would like to explore all the options seriously this summer before the final decision is made.

G. Trustee Bader reported the following:

- Attended two Chinese Delegate events on Tuesday and one on Monday, and she thought their visit went very well. Their translator did a great job of communicating.
- Attended the EOPS/CalWorks CARE dinner, and it was an inspiration since this effort is for students who need it the most.
- Attended the Phi Theta Kappa ceremony.
- Attended the Students and Educators of Distinction Awards ceremony.
- Eric Kaljumagi was captured in the San Gabriel Valley Tribune at the eclipse party, on Sunday.



## 10. PRESIDENT SCROGGINS' REPORT INCLUDED THE FOLLOWING:

- Today was the first time attending the Classys, and he thought it was very well done, organized, and upbeat. He presented the Rookie of the Year award.
- Was the keynote speaker today at the Pomona Chamber of Commerce Student Scholarship luncheon, where students from high schools in Pomona were receiving scholarships.
- Attended a research project in Baltimore that was privately funded by the Carnegie Foundation studying the role of Contingent Faculty, which is non-tenured track faculty. Out of a committee of 35, only three had any community college experience, and he was the only one located on a college campus. Most of the 35 attendees represented organizations such as the American Association of Governing Boards and American Association of Colleges and Universities, which are national organizations based in Washington, DC.
- Attended the Annual Trustees' Conference in San Diego, which was the best attended Trustees' Conference in five years.
- Serving on the Chancellor's Office Task Force on Enrollment Priorities. There are two more meetings to look at all the issues that have been brought up.
- Wherever he goes out in the community, he is approached by people who give many kudos to Mt. SAC.
- Dr. Scroggins asked Vice President Gregoryk to report on the completion of the Temple Avenue repaving project. Mr. Gregoryk said that the project is due to be complete on June 1, which is great news to the college community since commencement is scheduled for June 15. A potential cost-sharing project of putting additional parking on the south side of Temple is being discussed with the City of Walnut, which would add 44 more parking spaces for students.
- Vice President Gregoryk also talked about an asbestos-related lawsuit that was put together about five years ago by Karen Saldana, Director, Risk Management; Roger Sneed, Project Manager; and Margaret Young, former Purchasing Director. This was part of a class-action lawsuit by just three colleges: Foothill-De Anza CCD, Kern CCD, and Mt. SAC, regarding asbestos-containing products identified at the three schools. In 2009, Mt. SAC received a check in the amount of \$41,000, and the second check for \$18,394 was received yesterday. One more small check will be received in the future, for a total of approximately \$60,000. Mr. Gregoryk thanked all three participants for their efforts in this endeavor.
- Vice President Gregoryk gave a brief presentation on the 2012-13 May Revise budget. He outlined two scenarios that community colleges could be facing, depending on if the November ballot initiative passes, or not. If the ballot initiative passes, Scenario A would mean \$313.1 million in "deferral buy-back" and mandates block grant of \$28 per FTES, which would fund \$800-\$900K on an ongoing basis. If the ballot initiative doesn't pass, Scenario B would mean a \$300 million triggered cut, 6.4% workload reduction (-61,700 FTES), and mandates block grant of \$28 per FTES. The underlying assumptions would be: 2012-13 Base Revenue (before reductions) of \$124,393,226; Number and Percent Credit FTES would be 23,277 (84.89%); Number and Percent Noncredit FTES would be 4,145 (17.71%); and Number and Percent CDCP FTES would be 2,521 (9.20%). Among the concerns if it fails, Mt. SAC would lose \$7.5 million, and credit FTES would be reduced by more than 1,700. Yesterday, the College was notified that the May apportionment payment of \$6,353,473 will be deferred to June, which means that payroll

may not be met. Mr. Gregoryk told the Board that, for the first time in three years, the College will be facing a negative variance and will have to draw approximately \$2.1 million from its reserves to backfill the budget. Finally, it was discussed that nine districts' cuts are being covered by the larger districts. It was also mentioned that there is talk of consolidating smaller districts.

## **11. CONSENT AGENDA**

Trustee Bader noted that, on Page 34 – Consent Item #6 – “Classified Conference 2012: A Day of T.R.E.A.T.S.”: Under Recommendation, it should read, “It is recommended that the Board of Trustees approves the expenditures, as noted above.”

Trustee Bader noted that, on Page 49 – Consent Item #17 – “Continuing Education Division”: Under Analysis and Fiscal Impact, last line of No. 3, the dangling “comma and Michelle” should be deleted.

Trustee Bader asked that items #s 1, 4, 5, and 8 be pulled from the Consent Agenda for discussion.

It was moved by Trustee Baca, seconded by Trustee Hall, and passed unanimously to approve or ratify the following items:

### **PRESIDENT’S OFFICE**

1. This item was pulled from the Consent Agenda and acted on separately by the Board. See paragraph 12.

### **HUMAN RESOURCES**

2. Approval of Personnel Transactions, dated May 23, 2012.
3. Approval of a contract with Shaw HR Consulting, Inc. for Fair Employment Housing Act/Americans with Disabilities Act (FEHA/ADA) Reasonable Accommodation Services, for the period July 1, 2012, through June 30, 2013.
4. This item was pulled from the Consent Agenda and acted on separately by the Board. See paragraph 13.
5. This item was pulled from the Consent Agenda and acted on separately by the Board. See paragraph 14.

### **INSTRUCTION and STUDENT SERVICES**

6. Approval of a classified conference “A Day of T.R.E.A.T.S. (Togetherness, Rejuvenation, Energy, Appreciation, Team-Building, Success,” scheduled for June 20, 2012.
7. Approval for Electronics and Aviation Maintenance students and faculty to participate in the SkillsUSA National Competition at the National Leadership and Skills Conference in Kansas City, MO.
8. This item was pulled from the Consent Agenda and acted on separately by the Board. See paragraph 15.

9. Approval of new courses for the 2012-13 academic year.
10. Approval of activities for the LA84 Foundation/Mt. SAC Relays Youth Days Grant for 2012-13.
11. Approval of a contract amendment for the Family and Consumer Sciences Discipline/Industry Collaborative Grant.
12. Acceptance of funds and approval of purchases for the Health Careers Training Program – Health Professions Conference Grant.
13. Acceptance of funds and approval of purchases for the Workforce Innovation Partnerships Grant.
14. Approval of a contract with eXist Designs for the Center of Excellence CTE Hub Grant.
15. Approval of affiliation agreements with various facilities for Health Careers students.
16. Approval of Community Services Programs/Courses for Summer 2012.
17. Approval of additions and changes in the Continuing Education Division.

#### **ADMINISTRATIVE SERVICES**

18. Approval of the Appropriation Transfers and Budget Revisions Summary.
19. Approval to hire various Independent Contractors in order to acquire the expertise needed to accomplish College goals and to meet deadlines.
20. Approval of the Quarterly Investment Report ending March 31, 2012.
21. Approval of the Quarterly Financial Status Report ending March 31, 2012.
22. Approval to establish Corporate Procurement Card accounts.
23. Approval to extend the current agreement with The Vinewood Company to provide continuing construction inspection services, on an hourly fee basis, commencing July 1, 2012, through December 31, 2012.
24. Approval of a two-year contract with up to three mutually acceptable one-year renewal options with Dunbar Armored, Inc. for armored car transportation and ATM restocking services.
25. Approval to extend the current agreement with Stradling Yocca Carlson & Rauth for Redevelopment services.
26. Approval to use the piggyback provision in the Foundation for California Community Colleges RFP for Captioning services to the campus.
27. Approval to reduce from 10% to 5% the retention for Brewster Electric, Inc. on their contract for the Design Technology Center – Electrical package (Bid No. 2853).
28. Approval of Resolution No. 11-09 - Temporary Inter-fund Cash Borrowing.

29. Approval to reject a Claim Against the District by Shantelle Fall and that Administrative Services be instructed to notify the claimant and her legal counsel of the rejection in accordance with Government Code Sections 910 through 915.4.
30. Approval to reject a Claim Against the District by Krystal Brown and that Administrative Services be instructed to notify the claimant and her legal counsel of the rejection in accordance with Government Code Sections 910 through 915.4.
31. Approval to reject a Claim Against the District by Devin Thompson and that Administrative Services be instructed to notify the claimant and her legal counsel of the rejection in accordance with Government Code Sections 910 through 915.4.
32. Approval to reject a Claim Against the District by Destinee Lewis-Davis and that Administrative Services be instructed to notify the claimant and her legal counsel of the rejection in accordance with Government Code Sections 910 through 915.4.
33. Approval to reject a Claim Against the District by Sheryl Kelly and that Administrative Services be instructed to notify the claimant and her legal counsel of the rejection in accordance with Government Code Sections 910 through 915.4.
34. Approval of agreements to provide Professional Design and Consulting Services with P2S Engineering, Inc. for the San Jose Road Expansion project; with TOMIT Consulting, Inc. for the Child Development Center project; with ASM Affiliates for the Subsequent Environmental Impact Report project; with RKA Consulting Group for the Wildlife Sanctuary Storm Drain Repair project; and with the City of Walnut for the Temple Avenue Resurfacing project.
35. Approval or ratification of the following Change Orders:
  - Bid No. 2850      Design Technology Center – J. G. Tate Fire Protection Systems, Inc. (Fire Sprinkler Contractor) – Change Order No. 1.
  - Bid No. 2848      Design Technology Center – Lozano Caseworks (Casework Contractor) – Change Order No. 4.
  - Bid No. 2853      Design Technology Center – Brewster Electric (Electrical Contractor) – Change Order No. 15.
  - Bid No. 2860      Administration Building Remodel – JPI Development (Fire Sprinkler Contractor) – Change Order No. 1.
  - Bid No. 2854      Administration Building Remodel – Janus Corporation (Hazardous Materials Abatement Contractor) – Change Order No. 6.
  - Bid No. 2856      Administration Building Remodel – Hoover Flooring Co. (Flooring Contractor) – Change Order 5.
  - Bid No. 2857      Administration Building Remodel – Emphyrean Plumbing, Inc. (Plumbing Contractor) – Change Order No. 4.

- Bid No. 2863 Physical Education Program Building Renovation – JPI Development (Fire Sprinkler Contractor) – Change Order No. 1.
  - Bid No. 2864 Physical Education Program Building Renovation – ACH Mechanical Contractors (Mechanical Contractor) – Change Order No. 1.
  - Bid No. 2865 Physical Education Program Building Renovation – Construction Electric (Electrical Contractor) – Change Order No. 5.
36. Ratification of the following Contract Amendment:
- Contract Design Technology Center – HMC Architects (Architectural Services Contractor) – Contract Amendment No. 9. (See backup packet Page 94.)
37. Consideration of the following Completion Notices:
- Bid No. 2850 Design Technology Center – Fire Sprinklers, J .G. Tate Fire Protection Systems, Inc. (Fire Sprinkler Contractor)
  - Bid No. 2856 Administration Building Remodel – Floor Coverings, Donald M. Hoover Co. (Flooring Contractor)
  - Bid No. 2859 Administration Building Remodel – Electrical, Rancho Pacific Electric, Inc. (Electrical Contractor)
  - Bid No. 2860 Administration Building Remodel – Fire Sprinklers, JPI Development Group, Inc. (Fire Sprinkler Contractor)
  - Bid No. 2863 Physical Education Building Renovation – Fire Sprinklers, JPI Development Group, Inc. (Fire Sprinkler Contractor)

Motion unanimously carried. Student Trustee concurred.

**12. APPROVAL OF AGREEMENT FOR LEGAL AND CONSULTING SERVICES WITH LIEBERT CASSITY WHITMORE**

Trustee Bader asked if the hourly rates increased from last year. Dr. Scroggins responded that attorney fees have increased by \$15 per hour, and paraprofessional staff fees have increased by \$5 per hour.

Motion was made by Trustee Hall and seconded by Trustee Chen Haggerty. Motion carried 4-1. Trustee Chyr opposed. Student Trustee abstained.

**13. APPROVAL OF CONTRACT FOR INVESTIGATIVE SERVICES WITH NORM TRAUB & ASSOCIATES**

Trustee Bader asked why two investigative services are being used. President Scroggins responded that these services are used extensively, and there may times when one of the agencies doesn't have anyone available. The two agencies have different areas of

expertise. If a particular area of expertise is required, one of the agencies may not have someone available when the College needs them. There's also a timeliness factor that is involved.

Motion was made by Trustee Baca, seconded by Student Trustee Hernandez, and passed unanimously. Student Trustee concurred.

**14. APPROVAL OF CONTRACT FOR INVESTIGATIVE SERVICES WITH TITAN GROUP**

Motion was made by Trustee Baca, seconded by Student Trustee Hernandez, and passed unanimously. Student Trustee concurred.

**15. RATIFICATION FOR STUDENT LAURIE COVARRUBIAS TO ATTEND THE ALL-USA AWARDS BREAKFAST AT THE AMERICAN ASSOCIATION OF COMMUNITY COLLEGES CONFERENCE IN ORLANDO, FL**

Trustee Bader reiterated that the Board does not like to see ratifications. Dr. Scroggins said that this award carried with it a considerable scholarship and, as a condition of accepting the award and scholarship, the College was required to agree not to announce the name of the recipient. There is an arrangement with the USA Today newspaper that they publish the pictures and bios of all the recipients on the day of the award; so, they don't want the news out before they have a chance to publish it.

Motion was made by Trustee Hall, seconded by Trustee Baca, and passed unanimously. Student Trustee concurred.

**16. APPROVAL OF RESOLUTION NO. 11-10 – ESTABLISHING TRUSTEE AREAS FROM WHICH DISTRICT GOVERNING BOARD MEMBERS WILL BE ELECTED AND APPROVING THE ELECTION OF SUCH BOARD MEMBERS IN A BY-TRUSTEE AREA ELECTION PROCESS**

Trustee Bader reported that Mt. SAC sought legal analysis on whether this resolution complies with the California Voting Rights Act, and the legal opinion is that it does comply.

Trustee Chyr indicated that, as he mentioned in the past, he does not support this issue. He mentioned that the redistricting was being based on two things, primarily, which is "Trustee Residences" and "Packing." He does not oppose the redistricting process, but believes the College is violating the law, and that, because the District used their own legal counsel, he thinks the issues were not fully vetted. He was surprised that independent counsel was not sought. He would like to have seen a legal firm be used that is well versed in this area. He believes that the College will be subject to litigation.

Trustee Baca said that he supports the redistricting plan that was voted on by the Board because it was the one that is most compliant of all those reviewed.

Motion was made by Trustee Baca and seconded by Trustee Chen Haggerty. Motion passed by a vote of 4-1. Trustee Chyr voted no. Student Trustee concurred.

**17. APPROVAL OF RESOLUTION NO. 11-08 – AUTHORIZATION TO ISSUE CURRENT REFUNDING BONDS**

Vice President Mike Gregoryk and Rod Carter, from RBC Dain, explained the process of refunding the bonds in order to bring the cost to or below \$25 per \$100,000 assessed value, as promised to the voters. This was previously presented to the Board. The rating agencies gave Mt. SAC a AA2 and AA, which is the highest rating possible without being basic aid or having a partial tax. The refunding will occur and close within a month.

It was moved by Trustee Baca, seconded by Trustee Hall, to approve Resolution No. 11-08 – Authorization to Issue Current Refunding Bonds. Motion unanimously carried. Student Trustee concurred.

**18. BID NO. 2909 (STREET AND TRAFFIC IMPROVEMENTS FOR BONITA AND TEMPLE AVENUES AND BONITA AVENUE AND WALNUT DRIVE)**

Gary Nellesen, Director of Facilities Planning and Management, discussed the two parts of this project. The first part was adding a left-turn lane to the already existing one that turns north on to Bonita Avenue from Temple Avenue, which was part of the June 1 completion. The second part of the project is the infrastructure work which will be done during the summer. The signal devices will be received and installed the first part of October. It was asked if the City of Walnut is sharing in any of these costs, and the answer was no.

It was moved by Trustee Chyr, seconded by Trustee Hall, to approve awarding of Bid No. 2909 – Street and Traffic Improvements for Bonita and Temple Avenues and Bonita Avenue and Walnut Drive project to PALP, INC. dba Excel Paving Company, in the amount of \$489,775. Motion unanimously carried. Student Trustee concurred.

**19. PROPOSED REVISIONS TO BOARD POLICY 3565 – SMOKING ON CAMPUS**

President Scroggins said that this was initiated by the Associated Students, who passed a resolution before he arrived at Mt. SAC. Dr. Scroggins formed a task force to put together the proposed revisions. This will create a smoke-free campus, with the exception of designated smoking areas. Vice President Mike Gregoryk indicated that a number of community colleges are thinking along the same lines of making their campuses smoke-free.

**20. PROPOSED REVISIONS TO ADMINISTRATIVE PROCEDURE 3565 – SMOKING ON CAMPUS**

The Board received proposed Administrative Procedure 3565 – Smoking on Campus, for information only.

**21. PROPOSED REVISIONS TO ADMINISTRATIVE PROCEDURE 2410 – PROCESS FOR REVISION OF ADMINISTRATIVE PROCEDURES OR BOARD POLICIES**

The Board received proposed Administrative Procedure 2410 – Process for Revision of Administrative Procedures or Board Policies, for information only.

**22. CLOSED SESSION**

The Board adjourned to Closed Session at 9:17 p.m.

**23. PUBLIC SESSION**

The public meeting reconvened at 9:40 p.m.

**24. REPORTING OF ACTION TAKEN IN CLOSED SESSION**

None.

**25. ADJOURNMENT**

The meeting adjourned at 9:41 p.m.

WTS:dl