

SOLANO COMMUNITY COLLEGE DISTRICT
GOVERNING BOARD

UNADOPTED MINUTES

July 16, 2008

1. CALL TO ORDER

A meeting of the Solano Community College District Governing Board was called to order at 7:00 p.m., on Wednesday, July 16, 2008, in the Administration Building, Room 626, Solano Community College, 4000 Suisun Valley Road, Fairfield, California 94534-3197, by Phil McCaffrey.

2. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

At the request of Board President McCaffrey, Trustee Murphy led those present in the pledge of allegiance to the flag of the United States of America.

3. ROLL CALL

Members Present:

Phil McCaffrey, President
A. C. "Tony" Ubalde, Jr., Rel.D., Vice President
James M. Claffey
Denis Honeychurch, J.D.
Pam Keith
Stephen Murphy, J.D.
David R. Brannen, Student Trustee
Gerald F. Fisher, Secretary

Members Absent:

A. Marie Young

Others Present:

Ross Beck, Director of Public Relations, Marketing and Communications
Mazie L. Brewington, Vice President, Administrative and Business Services
Richard Christensen, Ed.D., Director, Human Resources
Jay Field, Vice President, Technology and Learning Resources
Robin L. Steinback, Ph.D., Vice President, Academic Affairs
Lisa J. Waits, Ed.D., Vice President, Student Services
Judy Spencer, Executive Coordinator, Superintendent/President and Governing Board

4. APPROVAL OF AGENDA

Moved by Trustee Keith and seconded by Vice President Ubalde for approval of the agenda. The motion carried unanimously.

5. COMMENTS FROM MEMBERS OF THE PUBLIC

Board President McCaffrey recognized Ms. Sheryl Scott, Administrative Assistant to Dean Robert Johnson in the Career Technical Education Division, and a member of CSEA, who requested to speak on consultants and attorney fees.

Ms. Scott distributed to the Board a recap of expenditures (spreadsheet) to Zampi & Associates from June 1, 2004 to June 19, 2008, and read her comments to the Board as follows:

“What I am commenting on tonight is something you've heard before, and that is the amount of money this District continues to pay for consultants and attorneys. I'm sure you've seen the numbers for Zampi and Associates. The recap I prepared shows fees paid since June 2004, which are included in this spreadsheet.

You get the voucher list with each Board agenda, so it isn't hard to track expenditures, which as Board members is part of the fiduciary responsibility you have to the citizens of this county who elected you. I realize these charges are for a number of different items. Some are Bond-related, which I have separated from the other amounts. Some are for negotiations, investigations, grievances, etc., all legitimate issues for legal counsel.

I will remind you, once again, that this is the first year Solano Community College has hired an attorney to facilitate the negotiations process. I am an alternate on the CSEA negotiating team and can tell you that on two different occasions the attorney presented proposals to us that had ‘Lassen Community College’ in the footer. I don't think that is getting the best value for my tax dollars. By the way, Lassen College no longer uses Zampi's legal services.

As these legal expenses continue to climb, reaching over \$500,000 this year alone, I would suggest you direct staff to create a District Legal Counsel position. I am sure you can hire full-time legal counsel for considerably less than Zampi's \$500,000+ fees. The District seems to need ongoing legal counsel, given the substantial increase in this year's fees over the last three.

There is another option--search locally for a law firm to replace our long-distance attorneys. I am sure with networking that the District could find a reputable firm locally to take care of our legal needs.

Please look closely at this issue and do the right thing. Don't continue to pay huge fees for attorneys who see us as an endless revenue source for their bottom line.”

Board President McCaffrey thanked Ms. Scott for her comments.

6. REPORTS (NO ACTION REQUIRED):

(a) Superintendent

Superintendent Gerald F. Fisher reported that:

--he was pleased to report a very successful Vacaville Center Groundbreaking event held June 24, 2008, at the construction site in Vacaville. Honored guests included the Mayor of Vacaville, The Honorable Len Augustine, and our past Governing Board Trustee Barbara J. Jones. It was well attended by members of the community, Board members, as well as the Executive Council team, and campus community. Superintendent/President Fisher congratulated Ross Beck, Director of Public Relations, Marketing and Communications, for his hard work and attention to detail, and the staff of the Vacaville Center for arrangements in hosting the event.

--attached to his report was a copy of the recent 2008-09 organizational chart for the Solano County Office of Education. Superintendent/President Fisher also provided the updated organizational chart for Solano Community College, noting that many of the vacant positions from the past have been filled. The District is moving ahead to fill the Director of Facilities, Dean of Admissions and Records, and Director of Fiscal Services positions.

--the Board Accreditation Leadership Workshop is scheduled Saturday, July 26, 2008, beginning at 8:30 a.m., with a continental breakfast, in the Administration Building Board Room (626). Our guest facilitator will be Mr. Bill McGinnis who is a Trustee at Butte-Glenn Community College District. He recently retired from CSU Chico, where he was a senior administrator in administrative services. His experience also includes time as city manager. He now consults with governing boards and leadership teams. His areas of expertise include board effectiveness, planning, and institutional effectiveness.

Board President McCaffrey stated he will be unable to attend the Board workshop due to an unforeseen commitment.

- *Bond Update*

Ron Richards, Kitchell CEM, reported that:

Vallejo Center Landscape

--a meeting was held at the Vallejo Center today with representation from Kitchell CEM, representation from the architect, the landscape architect, the District facilities and maintenance staff, and Ralph Larsen and Sons (the general contractor) to discuss the action plan for restoring the seeded grass areas to the proper and completed design condition. From our discussions, the general contractor acknowledged their lack of maintenance of the hydroseed areas during their contractual maintenance period and committed to correcting the weed issue and to re-hydroseed the areas per the contract requirements. The general contractor is commencing right away with first steps, which are weed abatement and control, and maintaining the site in preparation for the hydroseeding process. The next step will be to re-hydroseed the areas, with the intent to have further discussion and coordination with the contractor and architect to ensure the specifications are followed very closely. Mr. Richards stated that the reasons surrounding the unsightly weed issue that arose at the Vallejo Center (in summary) stemmed from a hydroseeding process where the seeds did not germinate and grow properly, a landscape subcontractor who went bankrupt and performed inadequate maintenance and control of weeds at the site during the contractual maintenance period, a general contractor who did not adequately oversee and react to the subcontractor who was not performing adequately, and a management team that did not oversee

and respond quickly to the general contractor for corrective active action when the site was going awry. These shortcomings have been addressed and corrected, and Mr. Richards commented he did not anticipate a similar situation arising from future landscape installations under Measure G. Mr. Richards personally apologized to the Board for his involvement in not properly overseeing the problem in a timely manner.

Building 400 Landscape

--it would be prudent to discuss with the Board the hydroseed areas around Building 400. Mr. Richards stated that hydroseeding is not an instant gratification process, but rather a cost effective process for establishing a grass turf area with a downside of a grow-in period that can be a bit unsightly. You have to allow the grass to grow and establish itself before you can spray a broad leaf weed remover to kill the weeds. Kitchell CEM is watching, very closely, the 400 Building hydroseed and have communicated with the contractor regarding adequate maintenance.

Vacaville Center

--the bid walk for the re-bid of the project was held on Wednesday, July 9. There were 21 contractors that attended. Of the 21 contractors, 17 were general contractors, and six of the eight previous bidders returned to bid again. The bid opening date is set for Wednesday, July 30, 2008. By addendum, the bid date was changed from the 23rd to the 30th to allow more time for the pool of new bidders.

Building 1700B

--that the DSA approval was obtained July 15, and that construction is scheduled to commence on Monday, July 21, 2008.

Building 1800

--the waxing of the floors is scheduled to take place next week. District equipment move in is scheduled the week of July 28. The furniture move in is scheduled the week of August 4, and faculty and staff should be moved on approximately August 7.

--the Measure G Quarterly Report will be available for the CBOC meeting scheduled August 4 and at the August 6, 2008, Board meeting.

Trustee Keith stated that she appreciated Mr. Richards' comments regarding the weed issues at the Vallejo Center indicating they have been taken to heart by Kitchell CEM and that they will be addressed. She, however, expressed how annoyed and irritated she has been with the condition of the landscaping and expects the problem will never happen again. Vice President Ubalde echoed Trustee Keith's concerns.

Superintendent Fisher stated everyone concerned is aware of the problems with the landscaping and trusts no one will drive by and see the campus in the unsatisfactory condition again. Mr. Fisher commented that he is pleased we are able to move forward with resolutions in place.

Trustees Honeychurch and Murphy asked for clarification regarding the new bidders for the Vacaville Center. Mr. Richards indicated 17 are eligible to bid because they attended the

mandatory bid walk. Six of the original eight bidders attended. Mascon, one of the original bidders, is not eligible. Mr. Richards stated he believes all six will re-bid the project. Trustee Murphy encouraged Kitchell CEM to explain very carefully what happened the first time around so there are no errors this time.

7. CONSENT AGENDA – ACTION ITEMS

Superintendent/President

- (a) Minutes for the Meeting of June 18, 2008 and Special Meeting of June 25, 2008

Human Resources

- (b) Employment 2007-2008; Employment 2008-2009; Gratuitous Service; Resignation

Administrative and Business Services

- (c) Warrant Listings
- (d) Resolution Authorizing Year-End Transfers, Resolution No. 08/09-01
- (e) Approval to Seek Replacement Members to the Citizens' Bond Oversight Committee
- (f) Construction Change Order No. 4 Approval for J.W. and Sons, Inc. – Bid No. 08-002

Academic Affairs

- (g) Small Business Development Center (SBDC) Subcontract with Humboldt State University Sponsored Programs Foundation
- (h) Mathematics Engineering Science Achievement (MESA) Fund for Student Success (FSS) Grant Agreement
- (i) Agreement Between Bay Area Clean Water Agencies (BACWA) and Solano Community College District for Special Educational Services Pursuant to Contract Education
- (j) Local Agreement for 2008-2009 Child Development Contract CFDP-8075
- (k) Local Agreement for 2008-2009 Child Development Contract CPRE-8400
- (l) Local Agreement for 2008-2009 Child Development Contract CCTR-8433
- (m) Amendment to University of California, San Francisco Department of Anatomy Willed Body Program

Trustee Murphy requested that the following sentence be added to the end of paragraph 1 on page 7 of the June 25, 2008, special meeting minutes, which should read as follows: ***I strongly disagree with the motion to re-bid the project believing the eight bids we initially received were good bids in terms of the price.***

Moved by Vice President Ubalde and seconded by Trustee Keith for approval of the Consent Agenda as corrected. The motion carried unanimously.

8. ITEMS REMOVED FROM CONSENT AGENDA

There were no items removed from the Consent Agenda.

9. NON-CONSENT AGENDA ITEMS – ACTION ITEMS

Superintendent/President

(a) Approval of Position Announcement for Superintendent/President

Board President McCaffrey, and Chair of the Board Presidential Search Subcommittee, presented the proposed position announcement for the Superintendent/President for 2008-09.

Moved by Trustee Keith to approve the position announcement for Superintendent/President.

Trustee Honeychurch expressed his concern with both Item 9.(a) and 9.(b) relative to the first step not being to select a search firm and then make the announcement with a different timeline. Trustee Honeychurch indicated he felt candidates were not selected during the last Presidential Search because there were not enough acceptable candidates. It was Trustee Honeychurch's opinion that selecting a search firm after the approval of the timeline was not efficient or prudent. Approving a deadline date of September 10, 2008, for receipt of applications does not give a search firm sufficient amount of time to solicit an adequate pool of candidates. The announcement appears to be satisfactory; however, selecting a search firm first seems like a better option.

Trustee Murphy expressed concern over spending money for a search firm last time and then not using them. We want to be sure if we hire someone, that we use them. Trustee Honeychurch indicated that we used the law firm of Zampi and Associates last time, who provided a consultant that advised the Board, with Dr. Christensen's office doing the majority of the work. Trustee Murphy inquired as to how much a search firm generally costs, and Superintendent Fisher responded by saying that \$25,000 has been budgeted in 2008-09, and that fee services be commensurate with the scope of work we ask them to do.

Trustee Keith asked how the proposed timeline was developed. Superintendent Fisher responded by saying it was the intent of the subcommittee to use the same information gathered from the previous search and only change the dates because the work was done only eighteen months ago. The announcement was acceptable from before to the subcommittee, with the date adjustments. The error appears to be in the continuity of the calendar, not the material. Item number 10. (The Board approves selection of S/P Search Firm) belongs higher on the list.

Superintendent Fisher stated if the Board desires to hire a search firm that it makes sense to do that first and then have them participate in the other documents that were approved from the prior search.

Board President McCaffrey stated the subcommittee considered looking in house first, thus saving money. Trustee Murphy questioned the rush and agreed that considering an in-house candidate who knows the area, College, and is attached to us, might be something to consider. Trustee Honeychurch stated that while there may be very qualified persons in house, we need to get the very best person we can from a nationwide perspective. When you say you are going in house, outside applicants don't apply.

Trustee Claffey stated if the Board hires a search firm he would want them to conduct a salary survey from comparable Districts for this position.

Trustee Keith requested to withdraw the motion to approve the position announcement for Superintendent/President.

Trustee Honeychurch moved to table Item 9.(a) and charged the Presidential Search Subcommittee to meet again and restructure the timeline to discuss the selection of search firm proposals at the August 20, 2008, Board meeting. The motion carried unanimously.

(b) Approval of Selection Procedure Timeline for Superintendent/President

Due to lack of motion, Item 9.(b), Approval of Selection Procedure Timeline for Superintendent/President, failed. The item was tabled for further discussion at the August 20, 2008, meeting.

Administrative and Business Services

(c) Resolution Establishing Ad Valorem Tax Rates for the 2008-09 Fiscal Year, Resolution No. 08/09-02

Mazie L. Brewington, Vice President of Administrative and Business Services, presented Resolution No. 08/09-02, establishing the annual ad valorem tax rates and debt service for the 2008-09 fiscal year. Each year, pursuant to Revenue & Taxation Code Section 93, the Board established the rates to be levied on the voter-approved bonded indebtedness for Fiscal Year 2008-09. The District is required to furnish the Solano County Auditor-Controller's Office with this information, as well as the 2008-09 debt service required, by August 1, 2008.

The bonds are general obligations of the District payable solely from the proceeds of ad valorem taxes. The resolution certifies the tax rate and authorizes the county to place an ad valorem tax against the taxable property in the District's service region to pay for the 2005 General Obligation Refunding Bonds (\$5,496,500) and 2006 Series B Bonds (\$1,145,967) for the 2008-09 Debt Service.

Moved by Vice President Ubalde and seconded by Trustee Murphy to approve Resolution No. 08/09-02, establishing the ad valorem tax rates and debt service for the 2008-09 Fiscal Year. The motion carried unanimously.

STUDENT TRUSTEE ADVISORY VOTE – David R. Brannen concurred.

AYES – Vice President Ubalde, Trustee Claffey, Trustee Honeychurch, Trustee Keith, Trustee Murphy, and Board President McCaffrey

NOES – None

ABSENT – Trustee Young

(d) Approval of the Building 100 Final Project Proposal (FPP), Resolution No. 08/09-03

Lester Young, Kitchell CEM, presented for approval the Building 100 Final Project Proposal (FPP), Resolution No. 08/09-03. The District contracted with tBP Architecture to prepare the FPP for submission to the System Office. tBP Architecture conducted all the necessary architectural, engineering and construction studies in preparing the FPP. Constructed in 1971, the building has outlived its effective usefulness, and although it has received some matching fund allocation from the District's Measure G Bond Program, the District plans to maximize state capital outlay dollars available from the Community College Construction Act of 1980. The District seeks funding consideration of \$23.8 million, with the expectation that funds will be available for Fiscal Year 2010-11. The objective is to consolidate the Library and Learning Resource Center functions.

Moved by Trustee Keith and seconded by Vice President Ubalde to approve Resolution No. 08/09-03, the Building 100 Final Project Proposal. The motion carried unanimously.

STUDENT TRUSTEE ADVISORY VOTE – David R. Brannen concurred.

AYES – Trustee Honeychurch, Trustee Keith, Trustee Murphy, Vice President Ubalde, Trustee Claffey, and Board President McCaffrey

NOES – None

ABSENT – Trustee Young

(e) Proposed Architectural Agreement with tBP Architecture for the Building 1200 Renovation

Lester Young, Kitchell CEM, presented the proposed architectural agreement with tBP Architecture for the Building 1200 (Theatre) renovation, to provide programming, schematic design and cost estimating services. The total value of this agreement is \$209,500, including reimbursable expenses.

Moved by Trustee Keith and seconded by Trustee Claffey to approve the proposed architectural agreement with tBP Architecture for the Building 1200 (Theater) renovation for \$209,500, including reimbursable expenses. The motion carried unanimously.

(f) Amendment to Agreement with tBP Architecture for Additional Design Services for the Building 100 Interim Remodel

Lester Young, Kitchell CEM, presented an amendment to the agreement with tBP Architecture for additional design services for the Building 100 Interim Remodel, which include an adjustment of \$7,900 to the existing original contract. The services require design changes requested from the Department of State Architect (DSA) that will include the design of the fire alarm system and additional electrical and data design.

Moved by Vice President Ubalde and seconded by Trustee Keith to approve the amendment to the agreement with tBP Architecture of additional design services for the Building 100 Interim Remodel for \$7,900. The motion carried unanimously.

(g) Amendment to Agreement with Kaplan McLaughlin Diaz (KMD) Architecture for the Vacaville Center

Lester Young, Kitchell CEM, presented for approval an amendment to the agreement with Kaplan McLaughlin Diaz (KMD) Architecture for the Vacaville Center for additional services that are owner and agency requested changes. These services include adjustments to the current agreement. The cost of the additional services total \$33,435.

Moved by Trustee Murphy and seconded by Vice President Ubalde to approve an amendment to the agreement with Kaplan McLaughlin Diaz (KMD) Architecture for the Vacaville Center, which include project renderings used during the June 24, 2008, groundbreaking ceremony, city of Vacaville plan check review comments that impact the main vehicle entry drive to the Phase I project, and the structural engineering services for an additional stairway, totaling \$33,435. The motion carried unanimously.

(h) Amendment to Agreement with TLCD Architecture for Additional Design Services for the Building 600 Remodel

Lester Young, Kitchell CEM, presented for approval an amendment to the agreement with TLCD Architecture for additional design services for the Building 600 Remodel project. These services include an adjustment of \$8,970 to the existing original contract. The District-requested changes require additional meetings, design and cost estimating services.

Moved by Trustee Keith and seconded by Vice President Ubalde to approve an amendment to the agreement with TLCD Architecture for additional design services for the Building 600 Remodel for \$8,970. The motion carried unanimously.

(i) Amendment to Agreement with TLCD Architecture for Additional Design Services for the Building 1700B Adaptive P.E. Annex

Lester Young, Kitchell CEM, presented an amendment to the agreement with TLCD Architecture for additional design services for the Building 1700B Adaptive P.E. Annex. These services include an adjustment of \$1,580 to the existing original contract.

Moved by Vice President Ubalde and seconded by Trustee Keith for approval of the amendment to the agreement with TLCD Architecture for additional design services for the Building 1700B Adaptive P.E. Annex for the sewer station and proposed sewer line in the amount of \$1,580. The motion carried unanimously.

(j) Renew Agreement with Solano County Fleet Management for Rental of Vehicles

Mazie L. Brewington, Vice President of Administrative and Business Services, presented for approval the request to renew the agreement with Solano County Fleet Management for vehicle rentals that include student transportation vans and police vehicles. The term of the agreement is from July 1, 2008 through June 30, 2011, and includes all standard maintenance and most repair work, daily and short-term rental vehicles from the county motor pool as needed and upon request. The total cost to the District per fiscal year shall not exceed \$90,000.

Vice President Ubalde inquired if this was indeed the least expensive way to support our transportation needs. Vice President Brewington responded in the affirmative because if we have something that goes wrong, we get repairs and replacements done right away. The county understands the priorities of the District.

Moved by Vice President Ubalde and seconded by Trustee Honeychurch to renew the agreement with Solano County Fleet Management for vehicle rentals that include student transportation vans and police vehicles for \$90,000 per fiscal year. The motion carried unanimously.

10. INFORMATION ITEMS – NO ACTION REQUIRED

(a) Solano Community College District Governing Board How Do We Rate Checklist Summary

Superintendent/President Fisher presented the How Do We Rate Checklist Summary for the April, May, and June 2008 quarter. The results were highlighted on the summary and included the Board's grade for leadership during the quarter as follows:

- Five (5) Trustees rated the Board as Effective (90 or above)
- Zero (0) Trustees rated the Board as Good (78-87)
- One (1) Trustee rated the Board as Average (66-75)
- One (1) Trustee rated the Board as Below Average (Under 66)

Mr. Fisher stated the idea was to survey the Board to see where their responses were, if they clustered around any particular questions, and to have discussions if needed. This is the first time the Board has used this form. The July, August, and September 2008 quarter will be discussed at the September 17, 2008, Board meeting.

(b) Proposed Revised Classified Job Description – Bookstore Operations Coordinator

Dr. Richard Christensen presented the proposed revised classified job description for the Bookstore Operations Coordinator, which was developed with input and concurrence from the Classified School Employees Association, Chapter #211, to meet the needs of the District.

This job description will be presented for Board action at the August 6, 2008, meeting under the Consent Calendar for Human Resources.

11. ANNOUNCEMENTS

President Fisher introduced Mr. Stan Dobbs, the Independent Contractor approved earlier on the agenda, who will be providing consulting services due to the vacancy of the Director of Facilities, with a focus on the Measure G Program. Mr. Fisher stated how fortunate we are to have someone of Mr. Dobbs' caliber on such short notice. We are in the middle of many projects, with a lot of money involved, and we needed someone with experience to help us with the decisions that need to be made in order to keep the Bond Program on track.

Mr. Dobbs greeted the Board and audience advising he retired two years ago as the Director of Facilities Planning and Management for the Chabot-Las Positas CCD and now occasionally does consulting work to help school districts on a short-term basis. His most recent position was with the West Valley-Mission CCD as the Interim District Facilities Director, and has also done work for K-12 districts. Mr. Dobbs has over 35 years of management and oversight experience in facilities projects, bid and contract documents, construction, maintenance and operations, and state-required reports. Mr. Dobbs stated the vice presidents and deans have been very welcoming, and that he is looking forward to assisting at Solano College on a part-time basis. Mr. Dobbs complimented the Board and staff on the Bond Program. A lot of good things are happening for Solano.

Board President McCaffrey, on behalf of the Board, welcomed Mr. Dobbs to Solano College.

12. ITEMS FROM THE BOARD

Vice President Ubalde reported that he attended the Vallejo County Fair held at the fairgrounds from July 9-13, 2008.

Trustee Murphy reported that a recent alumna from Solano Community College and a resident of Vacaville was recently crowned Miss California--Ms. Jackie Geist.

Board President McCaffrey recessed the regular meeting at 8:07 p.m.

13. CLOSED SESSION

- (a) Conference with Legal Counsel-Anticipated Litigation
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9
1 potential case
- (b) Conference with Labor Negotiator
Agency Negotiator: Richard Christensen, Ed.D.

Employee Organization: CCA/CTA/NEA, CSEA, Operating Engineers—Local 39

- (c) Public Employee Discipline/Dismissal/Release
(No additional information required.)
- (d) Public Employee Performance Evaluation
(Gerald F. Fisher, Superintendent/President)

Board President McCaffrey called the Closed Session to order at 8:20 p.m., and adjourned the Closed Session at 9:21 p.m.

14. RECONVENE REGULAR MEETING

Board President McCaffrey reconvened the regular meeting at 9:22 p.m.

15. REPORT OF ACTION TAKEN IN CLOSED SESSION

Board President McCaffrey reported that the Board discussed one potential anticipated litigation case in Closed Session, and on advice of our insurance carrier, it was moved by Trustee Murphy and seconded by Trustee Honeychurch to reject the claim. The motion carried unanimously.

AYES – 5
NOES – None
ABSTAINED - 1
ABSENT – Trustee Young

Board President McCaffrey reported that the Board held conference with the Labor Negotiator on CCA/CTA/NEA, CSEA, Operating Engineers-Local 39, and discussed public employee discipline/dismissal/release in Closed Session, and no action was taken.

Board President McCaffrey reported that the Board tabled the public employee performance evaluation until the August 20, 2008, Board meeting. No action was taken.

16. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:24 p.m.

GFF:js

BOARD.MINUTES.07.16.08.FINAL

PHIL McCAFFREY, PRESIDENT

APPROVED
GERALD F. FISHER, SECRETARY

