MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES
May 18, 2010
5:30 p.m. Closed Session
6:30 p.m. Return to Public Session
Room 1340 McPherson Administration Building
Napa Valley College, Napa, California

1.0 CALL TO ORDER 5:30 p.m.

2.0 CLOSED SESSION (5:30 p.m.) As there were no comments regarding closed session items, the board went immediately into closed session to consider and/or take action upon any of the following items:

With respect to every item of business to be discussed in closed session pursuant to Section 54957, PUBLIC EMPLOYMENT, Consideration of Disciplinary Action for Academic Employees

With respect to every item of business to be discussed in closed session pursuant to Section 54957, PUBLIC EMPLOYMENT

Titles:
1) Interim Dean, Library and Learning Resources (one-year, temporary academic administrative position)

With respect to every item of business to be discussed in closed session pursuant to Section 54957.6, CONFERENCE WITH LABOR NEGOTIATORS

Name of agency negotiators: Kevin Luckey, Laura Ecklin, Faye Smyle
Name of organization representing employees: NVCFA/CTA/NEA
Name of agency negotiators: Laura Ecklin, Judie Walter-Burke
Name of organization representing employees: NVC-ACP/SEIU

• Approval of District/NVC-ACP Labor Agreement for 2010-2013
Name of agency representatives: Armond Phillips
Name or organization representing employees: NVC Administrative Senate

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

3.0 RETURN TO PUBLIC SESSION (6:30 p.m.)

3.1 Members Present: Charles Meng, Tom Andrews, Brenda Knight, Bruce Ketron, Michael Baldini, Steve Reinbolt, JoAnn Busenbark, Rob Holst
Staff Present: Armond Phillips, Sue Nelson, Oscar De Haro, John Nahlen, Betty Malmgren, Dan TerAvest, Dianna Chiabotti, Maggie Cole, Michelle Bullhorn, Sue Engle, Linda Simpson, Helen Ortega, Carole Chassereau, Amy LaPan, David Angelovich, Walt Unti, Bonnie Moore, Niles Severy, Lauralyn Bauer, Jerry Somerville, Cathy Gillis, Ken Arnold, Bethany Gray, Maria Villagomez

Guests Present: Natalie Hoffman, Napa Valley Register, Alex Shantz, August Anderson, James Holliday, Mario Fernandez

3.2 Pledge of Allegiance
The audience recited the pledge of allegiance.

3.3 Introduction of Visitors, Guests, and New Staff

3.4 Announcement of Items from Closed Session
Charles Meng announced that, in closed session, the Board of Trustees approved a three-year labor agreement for classified professionals.

3.5 Adoption of Current Agenda
M/S/C (Baldini/Ketron) to adopt current agenda.

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

4.0 END OF YEAR RECOGNITION

4.1 Phi Theta Kappa Awards for 2009 – 2010
Cathy Gillis, advisor for Napa Valley College’s Beta Beta Sigma Chapter of Phi Theta Kappa, reviewed the honors earned by Phi Theta Kappa this year, including: Distinguished Chapter Award; Scholarship Award; Service Award; Yearbook Award; Pinnacle (recruitment) Award; 5-star Chapter Award; Make a Difference Day Certificate; and Chapters United Certificate. She thanked retiring co-advisor Walt Unti for his outstanding work with the chapter. She said Glen Bell would be the new advisor. Student August Anderson reported on the projects Phi Theta Kappa undertook this year and thanked the honor society for the great experiences he had this year. The board congratulated him on his award that was also won by student Tony Ditko. Cathy Gillis thanked the board for its support throughout the years.

4.2 Napa Valley College Student of the Year
Charles Meng reported on the Community Awards Luncheon at which Napa Valley College student Rob Holst was honored as one of seven individuals and a nonprofit organization selected as winners in the fourth annual Napa Valley Community Awards program, “Celebrating Community.” Mr. Meng said Mr. Holst had the respect of all the trustees at the table and reported on the many contributions he has made to the community. Mr. Holst was awarded $2,000 by the Mechanics Bank and ComCast.
4.3 **2009 – 2010 McPherson Distinguished Teaching Awards**
Vice President Sue Nelson introduced the two McPherson Distinguished Teaching Award winners for 2009 – 2010, Shawna Bynum and Dr. Nadine Wade-Gravett. She spoke of their many qualities as teachers. JoAnn Busenbark thanked Dr. Gravett for her work over the years with the disabled population and said she enjoyed working with Shawna Bynum on Presidential Search Advisory Committee. The awards were presented on May 14, 2010 in honor of current and past recipients. The board congratulated the recipients and said the reception at the winery last Friday was wonderful.

4.4 **Resolution Honoring 2009 – 2010 Retiring Faculty Members**
Vice President Sue Nelson introduced the distinguished group of faculty members retiring this year who were in attendance at the meeting, along with their supervisors who talked about the many contributions they made to the college over their long careers: Retirees Walt Unti, Carole Chassereau, Helen Ortega, Jerry Somerville, Linda Simpson, and Niles Severy. David Angelovich, Amy LaPan, Lauralyn Bauer, Bonnie Moore spoke about their respective faculty retirees who had contributed so much to the college and to their programs for so many years. They highlighted the unique qualities each had shared with their students and for which they would be fondly remembered. Retirees Judy Heys, Lauren Coodley, Ron Rhyno, Sable-Howard Hughes, Terry Woodward, and Bill Weddington were not in attendance. Vice President, Instruction Sue Nelson told the retirees that she would miss them very much and thanked them for their lasting contributions to the college.

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

5.0 **PUBLIC COMMENTS — GENERAL**
Alex Shantz, ASVC Senator of Social Sciences, stressed the importance to students of adding courses to the curriculum that focus on diverse cultures. He said it was important to start this conversation that is so important to students.

6.0 **CONSENT CALENDAR**
M/S/C (Busenbark/Baldini) to approve the following items on the consent calendar.

6.1 **Ratification of Financial Documents**

<table>
<thead>
<tr>
<th>6.1.1 Approval of Warrants for April, 2010</th>
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</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$1,138,410.90</td>
</tr>
<tr>
<td>Child Care Fund</td>
<td>$4,107.66</td>
</tr>
<tr>
<td>Capital Outlay Projects Fund</td>
<td>$2,446.88</td>
</tr>
<tr>
<td>NVC Bldg. Fund/Series C (BOND)</td>
<td>$3,941,073.81</td>
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</tbody>
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| 6.1.2 Approval of Total Gross Payroll for April, 2010 | $2,295,228.70 |
6.2 **Approval of Personnel Document of May 11, 2010**

6.3 **Proposed Change Orders for the Library and Learning Resource Center**
The Board of Trustees ratified acceptance of Edge Development, Inc. proposed change orders numbered 230R2 as given in the attached Proposed Changed Order Log dated May 5, 2010. The net INCREASE for those proposed change orders is $9,023.00.
Actual Contingency Used: 3.87%

6.4 **Proposed Change Orders – Instructional Center for the Performing Arts**
The Board of Trustees ratified acceptance of Broward Builders, Inc. proposed change orders 74, 92, 93, 100, 105, 114, 124, 125, 126, 127, and 128 as given in the attached Proposed Change Order Log dated May 5, 2010. The net INCREASE for these proposed change orders is $31,063.18.

6.5 **Proposed Change Orders – Bldg. 3700 Art Center Remodel Phase 1**
The Board of Trustees ratified acceptance of SW Allen Construction, Inc. proposed change orders 8, 9, 11, 12, 13, and 28 as given in the attached Proposed Change Order Log dated May 5, 2010. The net INCREASE for these proposed change orders is $29,529.00.

6.6 **Proposed Change Orders – Mechanical Equipment Enclosures Replacement**
The Board of Trustees ratified acceptance of Bell Products, Inc. proposed change orders 9, 10, 11, and 12 as given in the Attached Proposed Change Order Log dated May 5, 2010. The net INCREASE for these proposed change orders is $25,783.00.

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

6.8 **Approval of Agreement with Credentials, Inc.**
The Board of Trustees approved an addendum to the Service Agreement Terms & Conditions with Credentials, Inc. to provide an automated software interface for the retrieval, logging and production of transcript requests offered by Credentials, Inc. for the institution.

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

6.10 **Approval of an Agreement with the Marin General Hospital for the purpose of**
providing NVC Paramedic Students on-site clinical training opportunities
The Board of Trustees approved an agreement with the Marin General Hospital for the purpose of providing NVC paramedic students training at their facility, as part of the student program requirements. The term of the agreement is from July 1, 2010 through June 30, 2011 or until terminated by either party. There is no cost to the District.

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

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

6.13 Approval of an Agreement with the County of Napa for the purpose of providing individuals participating in the Workforce Investment Act funded programs with vocational and educational classroom training
The Board of Trustees approved an agreement with the County of Napa for the purpose of providing individuals participating in the Workforce Investment Act funded programs with vocational educational classroom training and testing services for Energy Training Certificated Programs. The term of this agreement is June 1, 2010 through March 31, 2011 or until terminated by either party in accordance to the stated stipulations of the agreement. The total maximum amount of funding available from this funded program is up to $39,627 for the services provided.

7.0 CONSTITUENT GROUP REPORTS
• Classified Association Report
  Jan Schardt thanked the Board of Trustees for approving the three-year contract with the Classified Professionals.
• Administrative Senate Report
• Napa Valley College Associated Students Report
  James Holliday reported on the candidate’s forum held for the upcoming student elections. He talked about the possibility of developing a Diversity Institute in the student lounge that could function as a multi-cultural center. He announced the upcoming pottery sale, the PTK car wash and the Annual Transfer Celebration.
• Academic Senate Report
  Shawna Bynum said the faculty was working on writing administrative regulations for the Ethics Policy and the High School/College Articulation Policy. The Senate is also working on committee assignments with fewer faculty to fill the positions, due to retirements.
Faculty Association Report
Diane Van Deusen said she had nothing to report.

8.0 APPROVAL OF FINANCIAL REPORTS

8.1 Quarterly Financial Status of Income and Expenditures for the Period Ending March 31, 2010
Bruce Ketron asked John Nahlen how much the District is spending for prior year expenses for health care. Mr. Nahlen responded that the District currently spends $830,000 per year in retirement medical benefits, which will increase to $1,000,000 per year with this year’s retirees.
M/S/C (Busenbark/Andrews) to approve the following two financial reports.

8.2 California Community College Chancellor’s Office Quarterly Financial Status Report for the Period Ending March 31, 2010 (CCFS-311Q)
M/S/C (Busenbark/Andrews) to approve the CCFS-311Q).

9.0 INFORMATION ITEMS

9.1 Report on Public Property Development – North Corner
At its board meeting of October 9, 2008, the board discussed its interest in agendizing a standing informational item over upcoming months regarding the development of college property, including land at the corner of Imola and Soscol Avenues. No one was present who was interested in making a presentation.

9.2 Update on Presidential Search Process
Armond Phillips said that the presidential search process had been completed, an outstanding selection had been made in Dr. Edna Baehre, and it was a very exciting time for the college. He thanked everyone for their participation in the process, for attending the forums and asking questions. He said Dr. Baehre was very fortunate to have such an excellent staff and outstanding board. No official start date had been established at this point. JoAnn Busenbark, chair of the presidential search committee, said the committee had made a great selection. Brenda Knight, also on the search committee, said she was very pleased with the process, including the participation of the student trustee. She said the final selection was a college-wide decision. Tom Andrews agreed that it had been a great process, and Steve Reinbolt said the new president would take us to a new level. Bruce Ketron thanked the forum participants and said their input had been very helpful. Michael Baldini thanked everyone for the patience and passion for the process. Shawna Bynum thanked board members for their inclusiveness. She asked about the faculty’s role in the evaluation process for the new president, and JoAnn Busenbark clarified that the superintendent/president was sole employee of the Board of Trustees.

9.3 Community College Update
Board members will share information on matters including, but not limited to: accreditation, legislative issues, conference/training information, CCCT and ACCT issues and priorities.
Brenda Knight reported on the community college event that would be held in Washington, D.C.

9.4 **2010 – 2011 Negotiations Proposal from the Napa Valley College Faculty Association**
Laura Ecklin presented the 2010 – 2011 Negotiations Proposal to the board.

9.5 **Napa Valley Community College District Proposal for Negotiations with the Napa Valley College Faculty Association for the Contract Period Beginning July 1, 2010**
Laura Ecklin presented the District Proposal for Negotiations with the Napa Valley College Faculty Association for the contract period between July 1, 2010 and June 30, 2011.

10.0 **ACTION ITEMS**

10.1 **Acceptance of 2010 – 2011 Negotiations Proposal from the Napa Valley College Faculty Association**
M/S/C (Busenbark/Baldini) to accept the 2010 – 2011 Negotiations Proposal from the Napa Valley College Faculty Association.

10.2. **Approval of the Napa Valley Community College District Proposal for Negotiations with the Napa Valley College Faculty Association for the Contract Period Beginning July 1, 2010**
M/S/C (Busenbark/Baldini) to approve the Napa Valley Community College District Proposal for Negotiations with the Napa Valley Faculty Association for the contract period beginning July 1, 2010.

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

M/S/C (Busenbark/Reinbolt) to authorize computer purchases for LLRC, Language Lab, & Digital Design Graphics.

10.4 **Authorization for the Child Development Center to Remain Open During the Summer 2010 Term Under the Summer School Proposal**
Michelle Bullhorn and Catalina Martinez, staff in the Child Development Center, spoke to the board about a proposal to keep the Child Development Center opening during the Summer, 2010 term. At the meeting of March 11, 2010 at which the Board of Trustees approved the recommendation to close the Napa Valley College Child Development Center (CDC) for the Summer 2010 term, the board included a provision that, if State funding and costs savings were more than anticipated, this program could be reviewed for reinstatement. They said that since that meeting, the CDC staff and faculty developed a proposal that may provide up to $11,000 in profit. The savings are based on using temporary staff to replace regular staff who retired and/or resigned, adjusting the CDC days of operation, decreasing the hours of operation, and maximizing the ratio between children and teachers, enrolling families seeking
employment, those on the CDC waiting list and working families from the Central Eligibility List. This model will be successful if 101 children are enrolled. Staff said they are committed to reaching full enrollment. Armond Phillips said he appreciated the effort of the staff in developing the proposal and also the good faith shown by the board.

M/S/C (Ketron/Busenbark) to authorize the Child Development Center to remain open during the Summer 2010 term under the Summer School Proposal.

10.5 Adoption of 2010-2011 Preliminary Budget
John Nahlen explained that this budget is based on the Governor’s January, 2010 budget and is the first “go-round.” By statute, the tentative budget must be approved by July 1. The May revise was status quo. He said he would attend a Chief Business Officer meeting tomorrow. He said he was cautiously optimistic. A fee increase to $40 per unit is currently being considered.

Tom Andrews asked about replacements for people who were retiring, and John Nahlen stated that it had been included in the budget. The cost of the retirement incentive is also reflected in the budget. Bruce Ketron expressed concern over the reserve, noting that the ending balance is close to 5%. Additionally, he said, with the possibility of losing growth funding, the District could lose additional funding in the Fall. Mr. Nahlen explained that there has been a change in focus to “unrestricted funds.” He said that we have a high tax base which contributes to the “three-legged stool” of our funding and said that the that the influence of the drop in property taxes is negligible.

M/S/C (Busenbark/Knight) to approve the 2010-2011 Napa Valley College Preliminary Budget as recommended by the college president and the Budget Committee.

10.6 Approval of Curriculum Packet for Spring, 2010
Many changes to the curriculum have been made during the 2009 – 2010 academic year. These changes have been carefully reviewed and approved by each appropriate division, division chairperson, and the Curriculum Committee. The Academic Senate and District have reached mutual agreement on these changes and recommend them for board approval.

M/S/C (Busenbark/Holst) to approve the changes to the curriculum for the 2009 – 2010 academic year.

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

M/S/C (Busenbark/Baldini) to approve and adopt a resolution to hire PERS retired annuitants on a temporary, limited term basis.
10.8 **Approval and Adoption of Resolution to Lay Off Classified Employees Due to Lack of Funds or Lack of Work**

Measure N projects are nearing completion, which necessitates the lay-off of employees who are bond-funded. Further, as a result of vacancies caused by or as a result of retirements, reorganizations, and budget reductions, there is a need to lay off classified employees due to a lack of work or lack of funds. All employees with rights to other classified positions are being transferred in accordance with Education Code and the collective bargaining agreement for classified staff. These lay-offs will occur between July, 2010 and December, 2011.

M/S/C (Baldini/Busenbark) to approve and adopt this resolution to lay off classified employees due to lack of funds or lack of work.

10.9 **Approval and Adoption of Resolution to Establish a Vesting Period for the Position of Superintendent/President**

In order for Napa Valley College employees to receive district-paid medical benefits upon retirement, a vesting period must be established. The position of superintendent/president is not covered by existing vesting resolutions. This resolution establishes a vesting period of five years of credited service at Napa Valley College for the position of superintendent/president.

M/S/C (Baldini/Busenbark) to approve and adopt the resolution to establish a vesting period for the position of superintendent/president.

10.10 **Approval of Ethics Policy (Second Reading)**

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

Armond Phillips stated that he had the policy reviewed by legal counsel, as was requested by the board at its last meeting, and legal counsel found no problems with the policy. Bruce Ketron stated that he would oppose the policy, as it imposes four legal obligations that could invite lawsuits, thereby exposing people to risk. Mr. Baldini said he would prefer to look at the entire package of policy and regulations rather than approve piecemeal. Mr. Ketron asked that action on this item be postponed to the next meeting. Ms. Knight said she would prefer the policy be reviewed again by legal counsel. Armond Phillips said he would work with Mr. Ketron on revised language that would be re-forwarded to legal counsel for review. He said he was confident that we would reach accord on this item.

M/S/C (Busenbark/Andrews) to approve the proposed Ethics Policy (second reading).

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

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

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

M/S/C (Busenbark/Holst) to approve the following results of the division chair elections:
Denise Rosselli, Language and Developmental Studies; Bonnie Moore, Science, Mathematics and Engineering; John Liscano, Social Sciences.

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

11.1 Staff Reports
- Dean, Human Resources
  Laura Ecklin said she was excited about the new president. She reported limited hiring of new people, with some interim replacements of retirees.
- Vice President, Business and Finance
  John Nahlen reported that at the CBO conference he attended, a slide expressed the following: “Welcome to the State of Emergency.”
- Vice President, Student Services
  Oscar DeHaro reported on the recent tour for Redwood Middle School students and announced the upcoming Transfer Day Celebration. He said that the Scholarship Ceremony would award more money this year than last, with 307 scholarships to be given out.
- Vice President, Instruction
  Sue Nelson reported on MESA, Puente, the McPherson Awards and upcoming graduations. She said we picked a wonderful new president.

11.2 Superintendent/President’s Report

11.3 Reports from Board Members
- Rob Holst said he had had a wonderful year as trustee and expressed the pride he felt in representing students. He thanked the board for nominating him for the Community Award as the Napa Valley College Student of the Year. He said he will be very proud to have graduated from Napa Valley College.
- Steve Reinbolt congratulated Rob Holst on his award. He praised the event celebrating the opening of the library. He announced the Bud Bloom and Wine Release Party set for next Tuesday. He also said he enjoyed participating in the presidential search process.
- Bruce Ketron thanked Armond Phillips for conducting the presidential forums so graciously. He also said the summaries of comments from the forums was extremely helpful and he appreciated seeing the “raw material.” He thought the CCCT information regarding the introduction of a new president to the community would be helpful. He said the High School Breakfast event was wonderful and the library opening spectacular.
• JoAnn Busenbark said she enjoyed the Belle Rhodes celebration and said the video was well done and should become a part of college archives. She attended the MESA graduation.
• Brenda Knight thanked Armond for facilitating the presidential forums. She congratulated Robert Holst on his community award.
• Tom Andrews congratulated Rob Holst and welcomed James Holliday who will be the new student trustee. He thanked the board members who served on the presidential search committee.
• Charles Meng said he would poll the board on which end-or-year events they would attend. He thanked Armond Phillips for the role he played throughout the process to hire a new president. He praised the college for working together and attracting a great candidate pool with our reputation. He said we would give Dr. Baehre all the support possible.

12.0 FUTURE AGENDA ITEMS

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

13.0 ADJOURNMENT