

RANCHO SANTIAGO COMMUNITY COLLEGE DISTRICT
2323 North Broadway, #107
Santa Ana, CA 92706

Board of Trustees (Regular meeting)

Monday, March 24, 2014

MINUTES

1.0 PROCEDURAL MATTERS

1.1 Call to Order

The meeting was called to order at 4:32 p.m. by Mr. Jose Solorio. Other members present were Ms. Claudia Alvarez, Ms. Arianna Barrios, Mr. John Hanna, Mr. Larry Labrado, Ms. Nelida Mendoza Yanez, and Mr. Phillip Yarbrough.

Administrators present during the regular meeting were Mr. John Didion, Mr. Peter Hardash, Dr. Erlinda Martinez, Dr. Raúl Rodríguez, and Mr. Juan Vázquez. Ms. Anita Lucarelli was present as record keeper.

1.2 Pledge of Allegiance to the United States Flag

The Pledge of Allegiance was led by Ms. Alvarez, Clerk, Rancho Santiago Community College District (RSCCD) Board of Trustees.

1.3 Approval of Additions or Corrections to Agenda

It was moved by Mr. Labrado and seconded by Mr. Yarbrough to approve an addendum for Item 6.2 (Classified Personnel). The motion carried with the following vote: Aye – Ms. Alvarez, Ms. Barrios, Mr. Hanna, Mr. Labrado, Ms. Mendoza Yanez, Mr. Solorio, and Mr. Yarbrough.

1.4 Public Comment

Since all public comments were related to Item 4.2 (Community and Student Workforce Project Agreement), the public comments were heard when Item 4.2 was considered by board members.

1.5 Approval of Minutes

It was moved by Ms. Alvarez and seconded by Ms. Mendoza Yanez to approve the minutes of the meeting held March 10, 2014. The motion carried with the following vote: Aye – Ms. Alvarez, Ms. Barrios, Mr. Hanna, Mr. Labrado, Ms. Mendoza Yanez, Mr. Solorio, and Mr. Yarbrough.

1.6 Approval of Consent Calendar

It was moved by Ms. Barrios and seconded by Mr. Yarbrough to approve the recommended action on the following items (as indicated by an asterisk on the agenda) on the Consent Calendar. The motion carried with the following vote: Aye – Ms. Alvarez, Ms. Barrios, Mr. Hanna, Mr. Labrado, Ms. Mendoza Yanez, Mr. Solorio, and Mr. Yarbrough.

3.1 Approval of Five Year Extension of License Agreement with the City of Santa Ana to Operate “Centennial Education Center”

The board approved the five year extension to the original license agreement between the City of Santa Ana and the Rancho Santiago Community College District to operate Santa Ana College’s Centennial Education Center.

3.2 Approval of PGINET Consultant Services Agreement

The board approved the PGINET Consultant Services Agreement.

3.3 Approval of Agreement with Orange County Children’s Therapeutic Arts Center

The board approved the agreement between RSCCD on behalf of the Santa Ana College School of Continuing Education and Orange County Children’s Therapeutic Arts Center.

3.4 Approval of Facility Agreement with Our Lady of Pilar Church

The board approved the Facility Agreement on behalf of Santa Ana College School of Continuing Education with Our Lady of Pilar Church in Santa Ana, California.

3.5 Approval of New OTA Agreement – WeeeFun Therapy for Children

The board approved the agreement with WeeeFun Therapy for Children in Arcadia, California.

3.6 Approval of New Pharmacy Technology Agreement – Med-Care Family Pharmacy

The board approved the contract with Med-Care Family Pharmacy in Santa Ana, California.

3.7 Approval of New Pharmacy Technology Agreement – Vital Health Plus Pharmacy

The board approved the contract with Vital Health Plus Pharmacy in Anaheim, California.

3.8 Approval of Pharmacy Technology Agreement Renewal – Saddleback Memorial Medical Center

The board approved the renewal of the contract with Saddleback Memorial Medical Center in Laguna Hills, California.

1.6 Approval of Consent Calendar – (cont.)

4.1 Approval of Payment of Bills

The board approved payment of bills as submitted.

4.3 Approval of Agreement with DPR Construction Company for Lease-Leaseback Services for Dunlap Hall Renovations at Santa Ana College

The board approved the contract with DPR Construction Company for Lease-Leaseback services as presented.

4.4 Ratification of Agreement with Ninyo & Moore for Materials Testing and Inspection Consulting Services for the Planetarium, Parking Lot #11 and Temporary Village at Santa Ana College

The board ratified the agreement with Ninyo & Moore for materials testing and inspection consulting services for the planetarium, parking lot #11 and temporary village project at Santa Ana College as presented.

4.5 Approval of Change Order #8, Bid #1180 – Perimeter Site Improvements

The board approved Change Order #8 for Bid #1180 for WoodCliff Corporation for perimeter site improvements for Santa Ana College.

4.6 Ratification of Award for Informal Bid #1220 – Santiago Canyon College Sports Field Netting Project

The board ratified the award of Bid #1220 to West Coast Netting, Inc. as presented.

4.10 Approval of Hawthorne School District Bid #13-14-1 for Furniture and Accessories

The board approved Hawthorne School District Bid #13-14-1 for furniture and accessories awarded to Concepts School & Office Furnishings and Culver-Newlin, Inc. and all renewals and amendments as presented.

4.11 Approval of Purchase Orders

The board approved the purchase order listing for the period February 2, 2014, through March 8, 2014.

5.1 Approval of Resource Development Items

The board approved budgets, accepted grants, and authorized the chancellor or his designee to enter into related contractual agreements on behalf of the district for the following:

- Basic Skills Initiative (SAC & SCC) - <i>Adjustment</i>	- \$ 41,894
- Board Financial Assistance Program (BFAP) (SAC)	\$737,337
- California Space Grant Consortium (CaSGC) – MESA	\$ 10,000
Community College Laboratory Research Experience (SAC)	

1.6 Approval of Consent Calendar – (cont.)

5.2 Approval of Sub-Agreement between RSCCD and Santa Clarita Community College District for the Information Communications Technology/Digital Media Sector Navigator Grant

The board approved the sub-agreement and authorized the Vice Chancellor, Business Operations/Fiscal Services or his designee to sign and enter into a related contractual agreement on behalf of the district.

1.7 Presentation on Community and Student Workforce Project Agreement

Mr. Thomas W. Kovacich, Partner, Atkinson, Andelson, Loya, Rudd & Romo, gave a presentation on the Community and Student Workforce Project Agreement (CSWPA).

It was moved by Ms. Barrios and seconded by Mr. Yarbrough to consider Item 4.2 (CSWPA) at this time. Mr. Hanna recused himself due to his recent appointment. The motion carried with the following vote: Aye – Ms. Alvarez, Ms. Barrios, Mr. Labrado, Ms. Mendoza Yanez, Mr. Solorio, and Mr. Yarbrough; and a vote of abstention from Mr. Hanna.

4.2 Approval of Community and Student Workforce Project Agreement

Public comments relating to the CSWPA were heard at this time. The following spoke in favor of the CSWPA: Mr. Jim Adams, Mr. Ron Edwards, Mr. David Lawhorn, Mr. Cory Miller, Mr. Ron Miller, Mr. Richard Samaniego, Mr. Ray Vandernat, and Mr. Mark Wolfelt. Mr. Dave Everett spoke in opposition to the CSWPA.

It was moved by Ms. Alvarez and seconded by Ms. Mendoza Yanez to approve the Community and Student Workforce Agreement with the Los Angeles/Orange County Building Trades Council and Carpenters and authorize the chancellor or his designee to execute the agreement on behalf of the district. Discussion ensued. The motion carried with the following vote: Aye – Ms. Alvarez, Mr. Labrado, Ms. Mendoza Yanez, and Mr. Solorio; Nay - Ms. Barrios and Mr. Yarbrough; and a vote of abstention from Mr. Hanna.

Mr. Solorio called a recess at 5:13 p.m.

The board reconvened at 5:20 p.m.

2.0 INFORMATIONAL ITEMS AND ORAL REPORTS

2.1 Report from Chancellor

Dr. Raúl Rodríguez, Chancellor, provided a report to the board which included the announcement of the resignation of Student Trustee Luis Correa.

2.2 Reports from College Presidents

The following college representatives provided reports to the board.

Dr. Erlinda Martinez, President, Santa Ana College
Mr. Juan Vázquez, President, Santiago Canyon College

Dr. Martinez and Mr. Vázquez reported that staff continues to edit and gather new information for a draft of the self-evaluation report. Dr. Martinez indicated on March 21 an open forum was held on campus relating to the accreditation process, and an accreditation team will be visiting the campus on October 6-9, 2014.

2.3 Report from Student Trustee

Since Mr. Luis Correa had recently resigned, there was no report provided.

2.4 Reports from Student Presidents

The following student representatives provided reports to the board on behalf of the Associated Student Government (ASG) organizations:

Mr. Jorge Sandoval, Student President, Santa Ana College
Mr. Yuh Hwan Ko, Student President, Santiago Canyon College

Ms. Barrios left the meeting during Mr. Ko's report due to a prior commitment.

2.5 Reports from Academic Senate Presidents

The following academic senate representatives provided reports to the board:

Ms. Corinna Evett, Academic Senate President, Santiago Canyon College
Mr. John Zarske, Academic Senate President, Santa Ana College

3.0 INSTRUCTION

All items were approved as part of Item 1.6 (Consent Calendar).

4.0 BUSINESS OPERATIONS/FISCAL SERVICES

Items 4.1, 4.3, 4.4, 4.5, 4.6, 4.10 and 4.11 were approved as part of Item 1.6 (Consent Calendar). Item 4.2 was approved after Item 1.7 (Presentation on CSWPA).

It was moved by Mr. Labrado and seconded by Mr. Yarbrough to consider Item 4.7 (Rejection of Claim), 4.8 (Rejection of Claim), and Item 4.9 (Agreement with Seville Construction Services, Inc.) after closed session. The motion carried with the following vote: Aye – Ms. Alvarez, Mr. Hanna, Mr. Labrado, Ms. Mendoza Yanez, Mr. Solorio and Mr. Yarbrough.

5.0 **GENERAL**

Items 5.1 and 5.2 were approved as part of Item 1.6 (Consent Calendar)

5.3 Adoption of Revised Board Policies

It was seconded by Mr. Yarbrough and seconded by Ms. Alvarez to adopt the following revised board policies:

- BP 2015 Student Members
- BP 5501 Student Athletics/Activities Code of Conduct

The motion carried with the following vote: Aye – Ms. Alvarez, Mr. Hanna, Mr. Labrado, Ms. Mendoza Yanez, Mr. Solorio, and Mr. Yarbrough.

5.4 Adoption of Resolution No. 14-09 authorizing payment to Trustee Absent from Board Meetings

It was moved by Mr. Hanna and seconded by Mr. Labrado to authorize payment to Trustee Phillip Yarbrough for his absence from the March 10, 2014, board meeting due to illness. The motion carried with the following vote: Aye – Ms. Alvarez, Mr. Hanna, Mr. Labrado, Ms. Mendoza Yanez, Mr. Solorio, and a vote of abstention from Mr. Yarbrough.

5.5 Reports from Board Committees

Since the items discussed during the March 20, 2014, Board Facilities Committee meeting will be discussed after closed session, Mr. Labrado did not provide a report at this time.

5.6 Board Member Comments

Mr. Yarbrough thanked his colleagues for the discussion during Item 4.2 (CSWPA) and reported he is looking forward to having the district build the structures on campus to serve the community. Mr. Yarbrough asked that the memorandum regarding the answers to his questions be attached to the minutes.

Mr. Yarbrough reported that his son is the only high school freshman with a college identification card.

Ms. Alvarez commended the board on its discussion of Item 4.2 (CSWPA) and encouraged those who may disagree with the board's action on this agreement to contact the board for an explanation of the advantages of this contract for the district.

Mr. Hanna reported he and his son attended Community Services Night on March 14, and thanked Mr. Vázquez and staff for their efforts in making this such an enjoyable event.

5.6 Board Member Comments – (cont.)

Even though Mr. Hanna recused himself from Item 4.2 (CSWPA), he commended his colleagues on the tenor and substance of the discussion and their steadfastness through the 11+ months on working towards obtaining the best possible agreement for the district's community and students.

Mr. Solorio thanked staff, academic senate presidents, and faculty members that regularly attend board meetings for their continued work and attendance at board meetings.

Since Dr. Rodriguez failed to mention the following during Item 2.1 (his report), he reported the following will be discussed in closed session:

Conference with Real Property Negotiators (pursuant to Government Code Section 54956.8)

Agency Negotiator: Dr. Raúl Rodríguez, Chancellor
Property Address: 4540 E. Riverdale Avenue, Anaheim, California
Negotiating Parties: Orange Unified School District
Under Negotiation: Sale of Property

RECESS TO CLOSED SESSION

The board convened into closed session at 6:07 p.m. to consider the following items:

1. Public Employment (pursuant to Government Code Section 54957[b][1])
 - a. Part-time Faculty
 - b. Classified Staff
 - c. Student Workers
2. Conference with Legal Counsel: Anticipated/Potential Litigation (pursuant to Government Code Section 54956.9[b]-[c]) (1 case)
3. Public Employee Discipline/Dismissal/Release (pursuant to Government Code Section 54957[b][1])
4. Conference with Real Property Negotiators (pursuant to Government Code Section 54956.8)

Agency Negotiator: Dr. Raúl Rodríguez, Chancellor
Property Address: 4540 E. Riverdale Avenue, Anaheim, California
Negotiating Parties: Orange Unified School District
Under Negotiation: Sale of Property
5. Liability Claim (pursuant to Government Code Section 54956.95)
 - a. 14-032414GY
 - b. 04-03241DE

RECONVENE

The board reconvened at 7:05 p.m.

Closed Session Report

Ms. Alvarez reported the board discussed the aforementioned items, and the board took action to terminate a Reprographics Technician during closed session with the following vote: Aye – Ms. Alvarez, Mr. Hanna, Mr. Labrado, Ms. Mendoza Yanez, Mr. Solorio and Mr. Yarbrough.

Public Comment

There were no public comments.

4.0 BUSINESS OPERATIONS/FISCAL SERVICES

Items 4.1, 4.3, 4.4, 4.5, 4.6, 4.10 and 4.11 were approved as part of Item 1.6 (Consent Calendar). Item 4.2 was approved after Item 1.7 (Presentation on CSWPA).

4.7 Rejection of Claim

It was moved by Mr. Yarbrough and seconded by Mr. Solorio to reject claim #14-032414GY and authorize the chancellor or his designee to transmit a notice of rejection to the claimant. The motion carried with the following vote: Aye – Ms. Alvarez, Mr. Hanna, Mr. Labrado, Ms. Mendoza Yanez, Mr. Solorio, and Mr. Yarbrough.

4.8 Rejection of Claim

It was moved by Mr. Yarbrough and seconded by Mr. Solorio to reject claim #04-03241DE and authorize the chancellor or his designee to transmit a notice of rejection to the claimant. The motion carried with the following vote: Aye – Ms. Alvarez, Mr. Hanna, Mr. Labrado, Ms. Mendoza Yanez, Mr. Solorio, and Mr. Yarbrough.

4.9 Approval of Agreement with Seville Construction Services, Inc. for Construction Management Services for Various Projects at Santiago Canyon College

It was moved by Mr. Yarbrough and seconded by Mr. Labrado to approve the agreement with Seville Construction Services, Inc. for construction management services for various projects at Santiago Canyon College as presented.

Ms. Alvarez stated that she was one of the trustees that expressed concern at the last board meeting regarding this agreement. As trustees, she indicated, it is their responsibility to assist the district in doing what is necessary to ensure the district is in a good position to defend claims filed against the district; however, she expressed concern over support for this type of agreement in the future and cautioned staff to take all necessary measures to avoid having the district being placed in such a vulnerable position like this instance.

4.9 Approval of Agreement with Seville Construction Services, Inc. for Construction Management Services for Various Projects at Santiago Canyon College – (cont.)

Mr. Hanna indicated he agreed with Ms. Alvarez' comments and asked that her comments be included in the minutes.

The motion carried with the following vote: Aye – Ms. Alvarez, Mr. Hanna, Mr. Labrado, Ms. Mendoza Yanez, Mr. Solorio, and Mr. Yarbrough.

6.0 HUMAN RESOURCES

6.1 Management/Academic Personnel

It was moved by Mr. Yarbrough and seconded by Ms. Mendoza Yanez to approve the following action on the management/academic personnel docket. The motion carried with the following vote: Aye – Ms. Alvarez, Mr. Hanna, Mr. Labrado, Ms. Mendoza Yanez, Mr. Solorio, and Mr. Yarbrough.

- Approve Employment Agreement
- Approve Hiring of Long Term Substitutes
- Approve Stipend
- Approve Part-time Hourly Hires/Rehires

6.2 Classified Personnel

It was moved by Mr. Yarbrough and seconded by Ms. Mendoza Yanez to approve the following action on the classified personnel docket. The motion carried with the following vote: Aye – Ms. Alvarez, Mr. Hanna, Mr. Labrado, Ms. Mendoza Yanez, Mr. Solorio, and Mr. Yarbrough.

- Approve Professional Growth Increments
- Approve Leaves of Absences
- Approve Voluntary Furlough
- Approve New Appointments
- Approve Out of Class Assignment
- Approve Temporary Assignments
- Approve Additional Hours for On Going Assignments
- Approve Substitute Assignments
- Approve Miscellaneous Positions
- Approve Instructional Associates/Associate Assistants
- Approve Community Service Presenters and Stipends
- Approve Student Assistant Lists

6.3 Approval of Non-Credit Instructional Calendar for 2014-2015

It was moved by Mr. Yarbrough and seconded by Ms. Mendoza Yanez to approve the 2014-2015 Non-Credit Instructional Calendar. The motion carried with the following vote: Aye – Ms. Alvarez, Mr. Hanna, Mr. Labrado, Ms. Mendoza Yanez, Mr. Solorio, and Mr. Yarbrough.

7.0 ADJOURNMENT

The next regular meeting of the Board of Trustees will be held on April 14, 2014.

There being no further business, Mr. Solorio declared this meeting adjourned at 7:07 p.m.

Respectfully submitted,

Raúl Rodríguez, Ph.D.
Chancellor

Approved: _____
Clerk of the Board

Minutes approved: April 14, 2014

From: Rodriguez, Raul
Sent: Monday, March 24, 2014 1:42 PM
To: Arianna Barrios; Claudia Alvarez; John Hanna; Jose Solorio; Larry Labrado; Nelida Mendoza Yanez; Phil Yarbrough
Cc: Lucarelli, Anita; Gerard, Debra
Subject: FW: Final CSWPA [AALRR-Cerritos.005706.00005]

Trustee Yarbrough posed the questions listed below. Our legal counsel was unavailable to respond to them today. What follows are my responses in bold/italics. If any of these answers are not satisfactory, then Tom Kovacich can address the particular item at the board meeting.

From: Phillip Yarbrough
Sent: Sunday, March 23, 2014 3:53 PM
To: Gerard, Debra
Subject: RE: Final CSWPA [AALRR-Cerritos.005706.00005]

Here are the questions I have for this PLA:

Q - Page 2 - Who is the Project Labor Coordinator? Will this person remain an RSCCD employee for the term of this contract?

A - We do not yet have a Project Labor Coordinator. This position would be an outside vendor with whom we would contract. We have included the cost of this service in our project budget estimations.

Q - Page 4 Section 2.12 - Send me the list of the names of any labor organization signatory. Their names are not "subscribed hereto."

A - Refer to the attachment included in the heading above, which contains the signatories. (Note: Attachment included in last page of the 03-24-14 minutes).

Q - Page 8 Section 4.6 - Am I correct in saying that "Schedule A's" are individual labor agreements of separate trade union, such as electrical, glazers, steel unions? If so, I want a list of the signatory unions and their schedule A's, unless they have been sent to me and I can't find them. Since they are part of this contract that I am being asked to sign, I need them to fully understand this contract. Schedule A is mentioned 23 times in this contact.

A - We do not have copies of the Schedule A's as those are agreements between the LA/OC Building Trades Council and the separate trade unions. From what I understand, they are fairly uniform agreements that just describe certain operating guidelines and responsibilities. Our legal counsel, Tom, or the reps for the LA/OC Building and Construction Trades Council can address this issue tonight.

Q - Page 12 Section 5.6 (d) - Does this section which mandates Rancho Santiago District and Orange County residency requirements then only apply to those employees who do not work for Schedule A signatory Unions? It states, "The provisions of this section 5.6 shall only apply to employees working for employers *not* signatory to a Schedule A..." (emphasis added). Is this the same Schedule A that I was not sent? If this is the case, then am I correct in stating that the local

employment provisions will only apply those firms who are not signatories of this contract, which will them mean that they can hire employees outside of the zip codes denoted in Attachment B without restriction?

A - No, that is not a correct interpretation. The residency requirements have to be met for union/trades employees and for the “core employees” of a contractor. The language being referred to has to do with the process of determining the “core employees” of a contractor if they are non-union laborers.

Q - Page 17 Section 8.7 (a) - Who is Walter Daugherty, the permanent arbitrator? Who does he work for the AFL-CIO or an affiliate of the AFL-CIO? What is his involvement with the AFL-CIO?

A - Walt Daugherty is the person both sides have agreed to as the principal or permanent arbitrator. He does not have an affiliation with the AFL-CIO and operates his own business as a professional arbitrator, mediator, and fact finder. His business is located in Valley Village, California.

Q - Page 18 Section 9.2 - How is it in our interest, and the interest of the taxpayers that we represent, to allow the Building and Construction Trades Department, which is an AFL-CIO affiliate organization, the sole and binding authority to render all jurisdictional disputes, and to assign their own arbiters?

(a) - Who is John Kagel, Thomas Angelo, Robert Hirsh and Thomas Pagan, the arbitrators of jurisdictional disputes? Who do they work for? What is his involvement with the AFL-CIO or an affiliate of the AFL-CIO? They have final and binding decisions on jurisdictional disputes.

A - This is the section dealing with jurisdictional disputes. We have agreed to a list of arbitrators as noted above. They are all professionals who operate as independent agents. They are not affiliated with the AFL-CIO or other unions. We went through a selection/winnowing process to arrive at these individuals who have been agreed to by the LA/OC Building Trades and by our district.

Q - Page 22 Section 11.1 Step 3 (a) - Who is Michael Prihar, Robert Steinberg, Mike Rappaport, Louis Zigman, Walter Daugherty and Fred Horowitz, the arbitrators of employee grievances? Who do they work for? What is his involvement with the AFL-CIO or an affiliate of the AFL-CIO? They have final and binding decisions on employee grievances. Who does Walter Daugherty position as permanent arbitrator and employee grievance arbitrator conflict with our interests and the interest of the taxpayers we represent?

A - This is the section on employee grievances. The arbitrators listed are all independent contractors and they do not have union affiliations. There is no conflict with Walt Daugherty serving in this capacity as it concerns different elements of the agreement.

Q - Page 23 Section 12.3 - Is reiterating the Prevailing Wage Compliance necessary since it is part of state law?

A - It is not necessary, but it is important to reinforce that item.

Q - Page 28-29 Section 21.3 - Can the statement that if a provision is "less favorable to the Contractor" be construed to extend this agreement indefinitely beyond the three year limit?

A - No.

Q - Page 31 - This is blank. I need the names of the signatories, and their organizations that they represent.

A - Again, the signatory page is included at the top as an attachment to this document.

Phillip E. Yarbrough
Member, Board of Trustees
Rancho Santiago Community College District

LOS ANGELES/ORANGE COUNTIES BUILDING AND CONSTRUCTION TRADES COUNCIL'S
AFFILIATED CRAFT LOCAL UNIONS/COUNCILS:

(Asbestos) Heat & Frost Local #5

Bricklayers & Allied Trades #4

Boilermakers Local #92

I.B.E.W. Local #441

Elevator Constructors Local #18

Operating Engineers Local #12

Operating Engineers Local #12

Operating Engineers Local #12

Gunite Workers #345

Iron Workers Local #416

Iron Workers Local #433

Laborers District Council

Painters District Council & Allied Trades #36

Laborers Local #652

U.A. Steamfitters #250

U.A. Landscape & Irrigation Local #345

U.A. Plumbers & Fitters Local #582

U.A. Sprinkler Fitters Local #709

Plasterers Local #200

Cement Masons #500

Plaster Tenders #1414

Roofers & Waterproofers #220

Sheet Metal Workers Local #105

Teamsters Local #952

Tile Layers Local #18

SouthWest Regional Council of Carpenters