

ADOPTED MINUTES

**FOR THE REGULAR MEETING OF THE
IMPERIAL COMMUNITY COLLEGE DISTRICT
BOARD OF TRUSTEES**

Tuesday, November 16, 2004

On Tuesday, November 16, 2004, Board President Rebecca Ramirez called the regular meeting of the Imperial Community College District Board of Trustees to order at 5:00 P.M., in the Administration Building Board Room.

BOARD MEMBERS PRESENT: Carlos R. Acuña, Rudy Cardenas Jr.,
Kelly Keithly, Marian Long, Romualdo
Medina, Rebecca Ramirez, Louis Wong

REPRESENTATIVES PRESENT: Dr. James Patterson, Academic Senate
Irene Garcia, Students
John Abarca, Classified

CONSULTANTS PRESENT:

Dr. Paul Pai, Superintendent/President
Tom Hudson, Dean for Business Services
Dr. Victor Jaime, Vice President for Student Services
Dr. Kendra Jeffcoat, Vice President for Academic Services
Dr. Marion Boenheim, Director of Human Resources
Frank Oswalt, Legal Counsel

VISITORS PRESENT:

Kathy Berry; Heather Bremner; Eileen Buckel; Ted Ceasar; Dawn Chun;
Maria Coronel; Luz Enriquez; Lenny Fabian; Carlos Fletes; Bill and Sue
Gay; Becky Green; Abel Guillen; Cesar Guzman; Gonzalo Huerta; Chris
Leppien-Christensen; Gene Hill; Carol Lee; Barbara Macci-Tethewey;
Brian McNeece; Jan Magno; Kevin Marty; Sal Pacheco; Gail Parish; Gary
Rodgers; Efrain Silva; Rick Webster.

WRITTEN COMMUNICATIONS

1. Carolina Cortes-Ramirez (RE: Extended Sick Leave Request)
2. Dr. Kendra Jeffcoat (RE: Recommendation for Sabbatical Leave)
3. Classified Confidential Employees (RE: Proposal)

PUBLIC HEARING

A public hearing was held on the District Negotiations Proposal for 2004-2005 to CSEA Chapter 472. No comments were made.

PUBLIC COMMENTS

1. Gail Parish asked the Board to consider approving the request from Carolina Cortes-Ramirez for Extended Sick Leave with medical benefits.
2. Kathy Berry extended a special invitation to the Board to attend the fourth semester nursing students pinning ceremony on December 16, at 7:00 P.M., in Room 2131. There will be nine graduates.

RECOGNITION OF FRIENDS OF IVC BOND CAMPAIGN COMMITTEE

Dr. Pai presented silver stars awards in recognition of their contribution as the Friends of IVC Bond Campaign Committee to the following:

Carlos Acuna	Tom Hudson
Brooks Anderholt	Kelly Keithly
Frances Beope	Marian Long
Rudy Cardenas, Jr.	Sergio Lopez
Laurie Franks	Barbara Macci-Trethewey
Irene Garcia	Brian McNeece
Bill and Sue Gay	Romualdo J. Medina
Abel Guillen	Sal Pacheco
Cesar Guzman	Gail Parish
Jim Hanks	Rebecca Ramirez
Gene Hill	Allan Tyler
Christy Hisel	Louis Wong

EMPLOYEE OF THE MONTH

Dr. Kendra Jeffcoat extended congratulations to Gary Rodgers, Professor of Anthropology and Sociology, for being chosen as Employee of the Month for November. Mr. Rodgers nomination stated the following:

This teacher voluntarily travels to remote villages around the world to provide free eye exams and eye glasses. He collects both used and new glasses, evaluates the strength and prescription, and packages them for transport. He speaks to community service clubs upon request.

This individual chooses places to travel that seem to have the greatest need. He has been to Vietnam, India, Brazil,

New Guinea, and Mexico. He sometimes enlists the help of friends and family and takes day trips to villages in Mexico to help underprivileged people. He takes photos and slides of the people and village life, and brings them home to share with the students and staff of IVC.

As an instructor Gary Rodgers is of the highest caliber, and is dedicated to his students. Gary Rodgers should be recognized for his contribution to IVC, the community, and the many lives he has touched worldwide. He says that the biggest reward he gets is when he helps people see clearly for the first time in their lives.

INTRODUCTION OF TWO NEW FACULTY

Dr. Kendra Jeffcoat introduced two new faculty members as follows:

- Maria Coronel is a Spanish Instructor, who received her A.A. Degree from Imperial Valley College, and B.A. and M.A. Degrees from San Diego State University. Ms. Coronel stated that she is looking forward to working with technology to integrate it into her instructional program.
- Kevin Marty is a Geology Instructor, who received his B.S. Degree from Central Washington University, and M.S. Degree from the University of New Orleans. Mr. Marty stated that he has had a great time with his IVC students and has especially enjoyed taking them on fieldtrips. He worked for the Bureau of Land Management for seven years and is a part-time photographer for the Imperial Valley Press.

INTRODUCTION OF TWO NEW CLASSIFIED STAFF MEMBERS

Tom Hudson introduced the following new classified staff members:

- Maria (Soley) Soledad Ramirez Curiel works in the Financial Aid Department as a Financial Aid Technician. Soley is 23 years old and was born and raised in Imperial. She received her A.S. Degree in Administration of Justice from IVC. She is married to a law enforcement officer, and has an eight month old daughter. She plans on staying with the IVC family, continuing her education in the Administration of Justice field, and would like to become a counselor.
- Marissa Herrera works for the Student Services Department as an Assessment Center Technician. She came into her position with seven years of higher education and academic/student services experience. Her previous position was with SDSU-Imperial Valley Campus as Testing/Health Services Coordinator, and she coordinated

their commencement. She has been married for 21 years and has four children.

SDICCCA ALLIANCE

Marian Long and Dr. Pai attended the SDICCCA Alliance meeting held on November 1, at the San Diego County Office of Education. The following issues were addressed:

- A report was given on the Workgroup on Community College Finance by Vice Chancellor for Business Services from the Grossmont-Cuyamaca Community College District, Jim Austin, who is serving on the statewide group with 12 other chief business officers to review the new equalization funding formula. IVC will receive \$511,764 for the first year.
- The California Community College Trustees took the lead in challenging the California Performance Review (CPR) recommendation to eliminate the Board of Governors. The majority of community college districts adopted resolutions in opposition to the CPR recommendation.
- The Under Funded Caucus will be meeting at the CCLC Conference in Anaheim on November 19.
- The Annual CCLC Legislative Conference will take place in Sacramento on January 30-31.
- Dr. Pai and Marion Long attended a dinner reception for the Board of Governors hosted by Southwestern Community College District on November 8.

ASSOCIATED STUDENT GOVERNMENT UPDATE

ASG President, Irene Garcia, reported the following:

- The Associated Student Senators attended the CCSAA Student Leadership Conference in Burbank on November 5-7, 2004.
- The Associated Student Government honored Veteran's Day on November 11, by showing war movies. Two IVC staff members, Carey Fristrup and Dr. Benny Andres were the Veteran guest speakers.
- A Talent Show will be held on December 3 in the College Center.

ACADEMIC SENATE UPDATE

Academic Senate President, Dr. James Patterson, stated the following:

- He asked the Board to approve of Resolution No. 13144, changes to the Graduation Requirements.
- A special election will be held on November 23, to fill a vacant senator position and pass several amendments to the Senate Bylaws. Included in the proposed amendments is a change to the voting membership of the Academic Senate, allowing the two representatives of the adjunct faculty to be voting members of the Senate.

PRESIDENT'S UPDATE

Dr. Pai reported the following:

- IVC will be presenting a workshop titled "Vision Driven Strategic Planning" at the CCLC Conference on November 19. The presenters will be Marian Long, Bill Gay and Dr. Pai
- IVC is involved in the community through the following goodwill and charity activities: Shoebox Program provides Christmas gifts to children in the poverty stricken area of northern Imperial County, and is coordinated by Cindi Peterson; Wish List Program provides two Christmas gifts to needy children in the Niland and the Bombay Beach area, which is being coordinated by Gaylla Finnell; Fall Food Drive coordinator is Mary Ann Smith.
- The Council on American Islamic Relations (CAIR) issued an official apology to IVC and the faculty member involved in the classroom incident. Academic pursuits have been protected.
- The Memorandum of Understanding has been signed between IVC, IVROP, Neighborhood House, and the Workforce Investment Board (WIB) to form a Customer Service and Retail Skills Center. The next step will be to get the National Retail Federation to join in for contract training of retail workers. Thanks was expressed to Gonzo Huerta, Lenny Fabian, Val Rodgers, and Angie Ruiz.
- The Workforce Investment Board (WIB) has funded \$325,000 for training 20 LVN students.
- The Banner Software Conversion Project is moving along with the WebStar online registration scheduled to start on December 1.

- Congratulations to the Ag Club and Katrena Carter for winning the Mayor's Trophy at the Cattle Call Parade.

MONTHLY FINANCIAL REPORT

Tom Hudson called attention to the monthly budget report for the month ending October 31, 2004, and that 34% of the major budget categories has been spent, which is on target.

BOND PROJECTS

Tom Hudson reported on the following timeline for implementation of the Bond projects:

- Imperial County Board of Supervisors will officially certify the Election Results. (November)
- The Imperial Community College District Board of Trustees will officially act on the Certification of Election which declares the intent to reimburse capital expenses from bond proceeds, and the appointment of a Citizens Oversight Committee. (December 14, 2004)
- Develop an official statement, prospectus for the sale of bonds. (December/January)
- Begin the process of implementation of the Long Range Facilities Plan Maintenance and Modernization Projects. The first five years of the Projects will be implemented. (Winter 2004)
- The Citizens Oversight Committee will be convened for the purpose of developing requests for proposals for a Bond projects architect, developing job descriptions for construction project management, interview and selecting an architect and construction project management. (November/December 2004)
- Schedule New York City, San Francisco, and Los Angeles presentations to credit rating agencies, bond insurance, and underwriter presentations. (December/January)
- Sell Bonds (December/January)
- Develop a five-year monthly construction payment draw schedule.
- Reinvest Bond proceeds to match draw schedule. (December/January)
- Hire approximately 10 to 15 individuals for bond maintenance and modernization crew. (Winter 2005)

- Set-up the Construction Project Management Office with one Project Manager, two Construction managers, and a Construction Secretary. (Spring 2005)
- Architect begins design development planning with Science/Math Engineering Division and the Applied Sciences Departments using the Long Range Facilities Plan. (Winter 2005)
- Architect begins schematic design of Science and Technology Center and Career Technical Building. (Summer 2005)
- Architect begins specifications and construction documents. (Fall 2005)
- Board approves plans, specifications and authorizes release of bid documents. (Winter 2006)
- Capital Projects Purchasing Agent/Contract Administrator advertises for construction bids. (Winter 2006)
- Bids opened and accepted by Board of Trustees. (Winter 2006)
- Construction Contracts awarded. (Winter 2006)
- Projects completed by Spring 2007.
- Occupancy and classes begin Summer/Fall 2007.

Tom Hudson stated that \$16.6 million will be designated to modernization of campus facilities, \$24 million is designated to a 72,000 square foot Science/Math facility, and \$18 million is designated to a 150,000 square foot Career/Occupational facility. The capacity of the college will be doubled.

Abel Guillen, representing Caldwell Flores Winters, Inc., congratulated IVC for passing the Bond, and distributed an "Overview of the General Obligation Bond Issuance Process."

ANNUAL BOARD SELF EVALUATION

Dr. Pai asked the Board to review their 2004 Composite Annual Board Self-Evaluation Report.

ELECTION OF BOARD OFFICERS FOR 2004-2005

M/S/C Cardenas/Medina to nominate Marion A. Long as, Board President for 2004-2005. M/S/C Cardenas/Acuña to close nominations.

M/S/C Cardenas/Wong to nominate Carlos Acuña as Board Clerk for 2004-2005. M/S/C Medina/Wong to close nominations.

M/S/C Cardenas/Keithly to approve the appointment of Dr. Paul Pai as Board Secretary and Tom Hudson as Board Treasurer.

M/S/C Cardenas/Acuña to approve the Minutes dated October 12, 2004

M/S/C Cardenas/Acuña
Resolution No. 13132: **PURCHASE ORDERS**

BE IT RESOLVED that the issuance of current year Purchase Order Nos. P5000011 through P5001628 in the amount of \$389,003.05, and Direct Payment Nos. I0005535 through I0006292 in the amount of \$73,273.38 are approved.

M/S/C Cardenas/Acuña
Resolution No. 13133: **PAYROLL WARRANT ORDERS**

BE IT RESOLVED that Payroll Warrant Order No. 7 in the amount of \$140,656.45 and Warrant Order No. 8 in the amount of \$1,722,708.09 be ratified.

M/S/C Cardenas/Acuña
Resolution No. 13134: **COMMERCIAL WARRANT ORDERS**

BE IT RESOLVED that Commercial Warrant Orders on the General Fund be ratified as follows:

- 14 in the amount of \$186,164.66
- 15 in the amount of \$717,627.83
- 16 in the amount of \$53,325.24
- 17 in the amount of \$136,312.91

M/S/C Cardenas/Acuña

Resolution No. 13135: **BUDGET CHANGES**

WHEREAS, the California Code of Regulations, Title V, Sections 58307 and 58308, and the Community College Budget and Accounting Manual require the Board of Trustees to adopt the annual District budget by resolution, and to approve any changes to that budget by resolution.

BE IT NOW RESOLVED that budget changes 4051351, 4051356, 4051357, 4051359, 4051362, 4051368, 4051387, 4051429 and 4051488 be approved.

M/S/C Cardenas/Acuña

Resolution No. 13136: **QUARTERLY INVESTMENT REPORT**

WHEREAS effective January 1, 1996, Government Code section 53646 requires that the chief business officer submit a quarterly report to the governing board including the type of investment, issuer, date of maturity, par and dollar amount invested in all securities, and investments and monies held by the district, and

WHEREAS all investments for the Imperial Community College District are on deposit with the Treasurer of the County of Imperial.

NOW, THEREFORE, BE IT RESOLVED that the Board accepts the quarterly report dated September 30, 2004, for funds invested with the Imperial County Treasurer.

M/S/C Cardenas/Acuña

Resolution No. 13137: **CALIFORNIA COMMUNITY COLLEGE QUARTERLY FINANCIAL STATUS REPORT**

BE IT RESOLVED that the Board of Trustees accepts the financial statements prepared pursuant to Education Code 84043, for the quarters ending June 30, 2004 and September 30, 2004, and directs the copies be forwarded to the Chancellor's Office of the California Community Colleges and to the Office of the Imperial County Superintendent of Schools as required by law.

M/S/C Cardenas/Acuña

Resolution No. 13138: **CONTRACT FOR MANDATED COST CLAIM SERVICES**

WHEREAS the District has the authority to seek reimbursement for certain costs from the State of California pursuant to California Government Code Section 17550 et seq.; and

WHEREAS the District has the authority to contract for the preparation of said claims through a designated individual or entity.

THEREFORE, BE IT RESOLVED that the District enter into a contract with Nichols Consulting to prepare all mandated cost claims for reimbursement whose State-imposed timely and late deadlines for reimbursement fall between the time of execution of the contract and June 30, 2005.

BE IT FURTHER RESOLVED that the term of the contract will be November 17, 2004 through June 30, 2005, and the annual fee will be \$4,800.

BE IT FURTHER RESOLVED that the Superintendent/President and/or the Dean of Business Services be authorized to sign the contract on behalf of the District.

NO ACTION TAKEN

Resolution No. 13139: **CERTIFYING TO THE BOARD OF SUPERVISORS OF IMPERIAL COUNTY ALL PROCEEDINGS IN THE NOVEMBER 2, 2004 GENERAL OBLIGATION BOND ELECTION**

WHEREAS, the Board of Trustees of the Imperial Community College District of the County of Imperial, State of California, previously adopted its Resolution (the "Resolution") ordering an election for general obligation bonds (the "Bond Election") to be held on November 2, 2004; and

WHEREAS, the Resolution was duly delivered to the Registrar of Voters for the County of Imperial; and

WHEREAS, the Resolution was duly delivered to the Clerk of the Board of Supervisors of Imperial County; and

WHEREAS, notice of the Bond Election was duly given; and

WHEREAS, on November 2, 2004, the Bond Election was duly held and conducted for the purpose of voting on the proposition of issuing bonds of the Imperial Community College District in the amount of \$58,600,000 (the "Bond Measure"); and

WHEREAS, the Board of Trustees of the Imperial Community College District has received the Canvass and Statement of results of the election ("Certificate of Election Results"); and

WHEREAS, it appears from the Certificate of Election Results that more than fifty-five percent of the votes cast on the proposition were in favor of issuing the aforementioned bonds.

NOW, THEREFORE, the Board of Trustees of the Imperial Community College District does hereby find, determine and certify as follows:

Section 1. That entry be made upon the minutes of this meeting that the Bond Measure has been approved by more than fifty-five percent of the votes cast at the Bond Election.

Section 2. That it is hereby certified to the Board of Supervisors of Imperial County that all proceedings of the Imperial Community College District in connection with the November 2, 2004 Bond Election have been accomplished according to law.

Section 3. That the Clerk of the Board is hereby requested to deliver a copy of this Resolution to the County Superintendent of Schools with a request that, pursuant to Education Code Section 15274, the County Superintendent deliver a copy of the Resolution and Certificate of Election Results attached hereto as Exhibit A to the Clerk of the Board Supervisors of Imperial County.

M/S/C Keithly/Medina

Resolution No. 13140: **INTENT TO REIMBURSE CAPITAL EXPENSES FROM BOND PROCEEDS**

RESOLVED, by the Board of Trustees of the Imperial Community College District.

WHEREAS, the District proposes to undertake the Project referenced below, to issue debt for such Project and to use a portion of the proceeds of such debt to reimburse expenditures made for the Project prior to the issuance of the debt;

WHEREAS, United States Income Tax Regulations section 1.150-2 provides generally that proceeds of tax-exempt debt are not deemed to be expended when such proceeds are used for reimbursement of expenditures made prior to the date of issuance of such debt unless certain procedures are followed, one of which is a requirement that (with certain exceptions), prior to the payment of any such expenditures, the issuer declares an intention to reimburse such expenditure; and

WHEREAS, it is in the public interest and for the public benefit that the District declares its official intent to reimburse the expenditures referenced herein.

NOW THEREFORE, it is hereby DECLARED and ORDERED, as follows:

1. The District intends to issue obligations (the "Obligations") for the purpose of paying the costs of construction, acquisition, repair, equipping and upgrading of classrooms and other school facilities (the "Project").

2. The District hereby declares that it reasonably expects (i) to pay certain costs of the Project prior to the date of issuance of the Obligations and (ii) to use a portion of the proceeds of the Obligations for reimbursement of expenditures for the Project that are paid before the date of issuance of the Obligations.
3. The maximum principal amount of the Obligations is \$58,600,000.

ROLL CALL VOTE:

- Mr. Acuña
- Mr. Cardenas
- Mr. Keithly
- Mrs. Long
- Mr. Medina
- Ms. Ramirez
- Mr. Wong

M/S/C Cardenas/Wong

Resolution No. 13141: **APPOINTMENT OF CITIZENS BOND OVERSIGHT COMMITTEE FOR MEASURE "L"**

BE IT RESOLVED that the Board directs that a Citizens Bond Oversight Committee for Measure L be activated, and that the following functions be established for the Citizens' Oversight Committee as required to perform in connection with the general obligation bond issue of the District, the timing of its creation, and the make-up of the Committee:

Constitutional Reporting Requirements. In order to understand the role of the Committee, it is helpful to start with a discussion of Proposition 39, which amended Article XIII of the California Constitution to permit school districts and community college districts to issue general obligation bonds with a 55% vote. Proposition 39 contains two specific reporting requirements applicable to the District's general obligation program, as follows:

1. "A requirement that the school district board conduct an annual, independent **performance audit** to ensure that the funds have been expended only on the specific projects listed."
2. "A requirement that the school district board conduct an annual, independent **financial audit** of the proceeds from the sale of the bonds until all of those proceeds have been expended for the school facilities projects."

These audit functions are not specifically made the responsibility of the Committee, although it is clear that they must be prepared by an organization which is "independent" of the district. The purpose of the first audit is to review what facilities the bond

proceeds have been spent on, relative to the description of authorized facilities contained in the ballot measure. The purpose of the second audit is a bit murkier, although we believe it is to review how the bond proceeds have been spent, i.e. the manner in which the expenditure program has been undertaken, including a review of the amount and purpose of individual expenditures.

Timing of Creation of Committee. The Citizens Oversight Committee must be created within 60 days of the date that the governing board enters the election results on its minutes (Education Code Section 15278).

Make-up of the Committee. The Committee must consist of at least 7 members, 5 of whom must meet the following criteria: 1 member must be an active member of the business community, 1 member shall be active in a senior citizens' organization, 1 member shall be active in a bona fide taxpayers' organization, 1 member shall be the parent or guardian of a child enrolled in the district, and 1 member shall be both a parent or guardian of a child enrolled in the district and active in a parent-teacher organization. No employee or officer of the District may serve on the Committee, nor may any vendor, contractor or consultant of the District serve on the Committee. (Section 15282 of the Education Code.)

Statutory Duties of the Committee. The implementing legislation (Sections 15278 through 15282 of the Ed. Code) states that the purpose of the Committee is "to inform the public concerning the expenditure of bond revenues." The specific mandatory functions of the Committee are set forth in the Ed. Code as follows:

1. Actively review and report on the proper expenditure of taxpayers' money for school construction.
2. Advise the public as to whether the District is in compliance with Section 1(b)(3) of Article XIII A.
3. Provide oversight for both of the following:
 - (a) ensuring that bond revenues are expended only for the purposes described in Article XIII A, Section 1(b)(3), and
 - (b) ensuring that no funds are used for any teacher or administrative salaries or other school operating expenses.
4. Issue regular reports on the results of activities, at least once a year.

Discussion. In order to discharge its duties, it is clear that the Committee must review the annual performance audit and the

annual financial audit which the District is required to provide under Article XIII A as cited above. This review is specifically required in order for the Committee to perform its duties under category 2 above.

Presumably, the annual performance audit and the annual financial audit will provide sufficient information for the Committee to discharge its remaining functions as well, since the audits should contain all of the information which the Committee needs to discharge its duties under categories 1 and 3 above. We would recommend that the independent party(ies) undertaking the annual performance audit and the annual financial audit be instructed by the District to ensure that sufficient detail is contained in these reports to enable the Committee to perform its functions described above.

BE IT FURTHER RESOLVED that the Board appoints the following individuals to the Citizens Bond Oversight Committee:

Terence Donovan
Norma Galindo
James Hanks
Cathy Kennerson
Tina Lee
Barbara Macci-Trethewey
Henry Monroy
Bill Thornburg
Janet Thornburg

M/S/C Cardenas/Acuña

Resolution No. 13142: **CITIZENS BOND OVERSIGHT COMMITTEE BYLAWS**

BE IT RESOLVED that the Board adopts the following Citizens Bond Oversight Committee Bylaws as follows:

Section 1. Committee Established. The Imperial Community College District (the "District") was successful at the election conducted on November 2, 2004 (the "Election"), in obtaining authorization from the District's voters to issue up to \$58,600,000. aggregate principal amount of the District's general obligation bonds, pursuant to a 55% vote. The election was conducted under Proposition 39, being chaptered as the Strict Accountability in Local School Construction Bonds Act of 2000, at Section 15264 *et seq.* of the Education Code of the State ("Prop 39"). Pursuant to Section 15278 of the Education Code, the District is now obligated to establish the Oversight Committee to satisfy the accountability requirements of

Prop 39. The Board of **Trustees** of the Imperial Community College District (the "Board") hereby establishes the Citizens' Bond Oversight Committee (the "Committee") which shall have the duties and rights set forth in these Bylaws. The Committee does not have independent legal capacity from the District.

Section 2. Purposes. The purposes of the Committee are set forth in Prop 39, and these Bylaws are specifically made subject to the applicable provisions of Prop 39 as to the duties and rights of the Committee. The Committee shall be deemed to be subject to the *Ralph M. Brown Public Meetings Act* of the State of California and shall conduct its meetings in accordance with the provisions thereof. The District shall provide necessary administrative support at District expense to the Committee as consistent with the Committee's purposes as set forth in Prop 39.

The proceeds of general obligation bonds issued pursuant to the Election are hereinafter referred to as "bond proceeds." The Committee shall confine itself specifically to bond proceeds generated under the ballot measure. Regular and deferred maintenance projects and all monies generated under other sources shall fall outside the scope of the Committee review.

Section 3. Duties. To carry out its stated purposes, the Committee shall perform the following duties:

- 3.1 Inform the Public. The Committee shall inform the public concerning the District's expenditures of bond proceeds.
- 3.2 Review Expenditures. The Committee may review quarterly expenditure reports produced by the District to ensure that (a) bond proceeds are expended only for the purposes set forth in the ballot measure; (b) no bond proceeds are used for any teacher or administrative salaries or other operating expenses.
- 3.3 Annual Report. The Committee shall present to the Board, in public session, an annual written report which shall include the following:
 - (a) A statement indicating whether the District is in compliance with the requirements of Article XIII A, Section 1(b)(3) of the California Constitution; and
 - (b) A summary of the Committee's proceedings and activities for the preceding year.

- 3.4 Duties of the Board/Superintendent. Either the Board or the Superintendent, as the Board shall determine, shall have the following powers reserved to it, and the Committee shall have no jurisdiction over the following types of activities:
- (i) Approval of construction contracts,
 - (ii) Approval of construction change orders,
 - (iii) Appropriation of construction funds,
 - (iv) Handling of all legal matters,
 - (v) Approval of construction plans and schedules,
 - (vi) Approval of Deferred Maintenance Plan, and
 - (vii) Approval of the sale of bonds.
- 3.5 Voter-Approved Projects Only. In recognition of the fact that the Committee is charged with overseeing the expenditure of bond proceeds, the District has not charged the Committee with responsibility for:
- (a) Projects financed through the State of California, developer fees, redevelopment tax increment, certificates of participation, lease/revenue bonds, the general fund or the sale of surplus property without bond proceeds shall be outside the authority of the Committee.
 - (b) The establishment of priorities and order of construction for the bond projects shall be made by the Board in its sole discretion.
 - (c) The selection of architects, engineers, soil engineers, construction managers, project managers, CEQA consultants and such other professional service firms as are required to complete the project based on District criteria established by the Board in its sole discretion.
 - (d) The approval of the design for each project including exterior materials, paint color, interior finishes, site plan and construction methods (modular vs. permanent) by the Board in its sole discretion and shall report to the Committee on any cost saving techniques considered or adopted by the Board.
 - (e) The selection of independent audit firm(s), performance audit consultants and such other

consultants as are necessary to support the activities of the Committee.

- (f) The approval of an annual budget for the Committee that is sufficient to carry activities set forth in Prop 39 and included herein.
- (g) The adoption of a plan for publicizing the activities of the Committee and the determination as to whether a mailer, a newspaper notice or website materials would best suit the distribution of the Committee's findings and recommendations.
- (h) The amendment or modification of the Bylaws for the Committee as provided herein, subject to the legal requirements of Prop 39.
- (i) The appointment or reappointment of qualified applicants to serve on the Committee, subject to legal limitations, and based on criteria adopted in the Board's sole discretion as part of carrying out its functions under Prop 39.

Section 4. Authorized Activities.

- 4.1 In order to perform the duties set forth in Section 3.0, the Committee may engage in the following authorized activities:
 - (a) Receive and review copies of the District's annual independent performance audit and annual independent financial audit, required by Article XIIA of the California Constitution.
 - (b) Inspect school facilities and grounds for which bond proceeds have been or will be expended, in accordance with any access procedure established by the District's Superintendent.
 - (c) Review copies of deferred maintenance proposal or plans developed by the District.
 - (d) Review efforts by the District to maximize bond proceeds by implementing various cost-saving measures.

Section 5. Membership.

- 5.1 Number. The Committee shall consist of a minimum of seven (7) members appointed by the Board of **Trustees** from a list of candidates submitting written applications, and based on criteria established by Prop 39, to wit:

- One (1) member active in a business organization representing the business community located in the District.
- One (1) member active in a senior citizen's organization.
- One (1) member active in a bona-fide taxpayers association.
- One (1) member shall be a parent or guardian of a child enrolled in the District.
- One (1) member shall be both a parent or guardian of a child enrolled in the district and active in a parent-teacher organization or school site council.
- Two (2) members of the community at-large appointed by the Board.

5.2 Qualification Standards.

- (a) To be a qualified person, he or she must be at least 18 years of age and reside within the District's geographic boundary, in accordance with Government Code Section 1020.
- (b) The Committee may not include any employee, official of the District or any vendor, contractor or consultant of the District.

5.3 Ethics: Conflicts of Interest. By accepting appointment to the Committee, each member agrees to comply with Articles 4 (commencing with Section 1090) and 4.7 (commencing with Section 1125) of Division 4 of Title 1 of the Government Code and the Political Reform Act (Gov. Code §§ 81000 *et seq.*), and to complete the Form 700 as required by all "designated employees" of the District. Additionally, each member shall comply with the Committee Ethics Policy attached as "Attachment A" to these Bylaws.

5.4 Term. Except as otherwise provided herein, each member shall serve a term of two (2) years, beginning November 16, 2004. No member may serve more than two (2) consecutive terms. At the Committee's first meeting, members will draw lots to select a minimum of two (2) members to serve for an initial one (1) year term and the remaining members for an initial two (2) year term.

- 5.5 Appointment. Members of the Committee shall be appointed by the Board through the following process: (a) appropriate local groups will be solicited for applications; (b) the Superintendent or designee will review the applications; (c) the Superintendent or designee will make recommendations to the Board.
- 5.6 Removal; Vacancy. The Board may remove any Committee member for any reason, including failure to attend two (2) consecutive Committee meetings without reasonable excuse or for failure to comply with the Committee Ethics Policy. Upon a member's removal, his or her seat shall be declared vacant. The Board, in accordance with the established appointment process shall fill any vacancies on the Committee.
- 5.7 Compensation. The Committee members shall not be compensated for their services.
- 5.8 Authority of Members. (a) Committee members shall not have the authority to direct staff of the District. (b) Individual members of the Committee retain the right to address the Board as an individual.

Section 6. Meetings of the Committee.

- 6.1 Regular Meetings. The Committee is required to meet at least once a year including an annual organizational meeting to be held in November.
- 6.2 Location. All meetings shall be held within the District.
- 6.3 Procedures. All meetings shall be open to the public in accordance with the *Ralph M. Brown Act*, Government Code Section 54950 *et seq.* Meetings shall be conducted according to such additional procedural rules as the Committee may adopt. A majority of the number of Committee members shall constitute a quorum for the transaction of any business except adjournment.

Section 7. District Support.

- 7.1 The District shall provide to the Committee necessary technical and administrative assistance as follows:
- (a) preparation of and posting of public notices as required by the *Ralph M. Brown Act*, ensuring that all notices to the public are provided in the same manner as notices regarding meetings of the District Board;

- (b) provision of a meeting room, including any necessary audio/visual equipment;
 - (c) preparation and copies of any documentary meeting materials, such as agendas and reports; and
 - (d) retention of all Committee records, and providing public access to such records on an Internet website maintained by the District.
- 7.2 District staff and/or District consultants shall attend all Committee proceedings in order to report on the status of projects and the expenditures of bond proceeds.
- 7.3 No bond proceeds shall be used to provide District support to the Committee.

Section 8. Reports. In addition to the Annual Report required in Section 3.2, the Committee may report to the Board at least semi-annually in order to advise the Board on the activities of the Committee. Such report shall be in writing and shall summarize the proceedings and activities conducted by the Committee.

Section 9. Officers. The Superintendent shall appoint the initial Chair. Thereafter, the Committee shall elect a Chair and a Vice-Chair who shall act as Chair only when the Chair is absent, which positions shall continue for two (2) year terms. No person shall serve as Chair for more than two (2) consecutive terms.

Section 10. Amendment of Bylaws. Any amendment to these Bylaws shall be approved by a two-thirds vote of the entire Board.

Section 11. Termination. The Committee shall automatically terminate and disband at the earlier of the date when (a) all bond proceeds are spent, or (b) all projects funded by bond proceeds are completed.

**CITIZENS' BOND OVERSIGHT COMMITTEE
ETHICS POLICY STATEMENT**

This following Ethics Policy Statement provides general guidelines for Committee members to perform their roles. Not all ethical issues that Committee members face are covered in this Statement. However, this Statement captures some of the critical areas that help define ethical and professional conduct for Committee members. The provisions of this Statement were developed from

existing laws, rules, policies and procedures as well as from concepts that define generally accepted good business practices. Committee members are expected to strictly adhere to the provisions of this Ethics Policy.

POLICY

- **CONFLICT OF INTEREST.** A Committee member shall not make or influence a District decision related to: (1) any contract funded by bond proceeds or (2) any construction project which will benefit the committee member's outside employment, business, or a personal finance or benefit an immediate family member, such as a spouse, child or parent.
- **OUTSIDE EMPLOYMENT.** A Committee member shall not use his or her authority over a particular matter to negotiate future employment with any person or organization that relates to: (1) any contract funded by bond proceeds, or (2) any construction project. A Committee member shall not make or influence a District decision related to any construction project involving the interest of a person with whom the member has an agreement concerning current or future employment, or remuneration of any kind. For a period of two (2) years after leaving the Committee, a former Committee member may not represent any person or organization for compensation in connection with any matter pending before the District that, as a Committee member, he or she participated in personally and substantially. Specifically, for a period of two (2) years after leaving the Committee, a former Committee member and the companies and businesses for which the member works shall be prohibited from contracting with the District with respect to: (1) bidding on projects funded by the bond proceeds; and (2) any construction project.
- **COMMITMENT TO UPHOLD LAW.** A Committee member shall uphold the federal and California Constitutions, the laws and regulations of the United States and the State of California (particularly the Education Code) and all other applicable government entities, and the policies, procedures, rules and regulations of the Imperial Community College District;
- **COMMITMENT TO DISTRICT.** A Committee member shall place the interest of the District above any personal or business interest of the member.

M/S/C Cardenas/Acuña

Resolution No. 13143: **BOND PROJECT STAFF**

BE IT RESOLVED that the Board approves the hiring of Bond Project Staff for the purpose of renovation and modernization of the campus as designated in the Ten Year Facilities Plan

BE IT FURTHER RESOLVED that initially, six full-time maintenance workers will be hired who are Semiskilled Maintenance I and Maintenance II Workers.

M/S/C Keithly/Cardenas

Resolution No. 13144: **GRADUATION REQUIREMENTS**

WHEREAS, the IVC Academic Senate has conducted a campus-wide discussion relating to requiring ENGL 101, Reading and Composition, and MATH 090, Intermediate Algebra, for all associate degrees granted by the institution; and

WHEREAS, this graduation requirement would affect all matriculating students entering Imperial Valley College under the 2005-2006 General Catalog and later;

NOW, BE IT RESOLVED that the Board approves the recommendation of the IVC Academic Senate (10/20/04), the Associated Student Government (10/18/04) and the College Council (10/25/04), and endorsed by the Superintendent/President to require all students completing an associate degrees to complete ENGL 101, Reading and Composition, effective the fall semester 2005 and thereafter.

BE IT FURTHER RESOLVED that the Board approves the recommendation of the IVC Academic Senate (10/20/04), the Associated Student Government (10/18/04) and the College Council (10/25/04), and endorsed by the Superintendent/President to require all students completing an associate degrees to complete MATH 090, Intermediate Algebra, effective the fall semester 2005 and thereafter.

M/S/C Keithly/Cardenas

Resolution No. 13145: **CHILD DEVELOPMENT PROGRAM**

BE IT RESOLVED that the Governing Board of the Imperial Community College District authorizes entering into local agreement number FIMS-4128, Project #13-6315-00-4 for fiscal year 2004-05 in the amount of \$1,849.00 with the California State Department of Education, for instructional materials, and that Dr. Paul Pai, Superintendent/President, and Dr. Kendra Jeffcoat, Vice President for Academic Services, are authorized to sign the transaction for the Governing Board.

M/S/C Keithly/Cardenas

Resolution No. 13146: **ACCESO (TITLE V) PROJECT PERSONNEL**

WHEREAS the District received official notification on October 4, 2004, from the United States Department of Education, that the Title V Grant Project ACCESO (Accessing Community College Education by Strengthening Outreach) was funded in the amount of \$2,602,756.00 over a five-year period; and

WHEREAS Project ACCESO will assist Imperial Valley College in:

Improving Access and Strengthening Student Learning through Curriculum and Faculty Development

Improving Access and Strengthening Student Learning through Student Support Development

Improving Access and Strengthening Student Learning through Institutional Management Development

BE IT NOW RESOLVED that the Board approves the hiring of the following ACCESO (Title V) Project Personnel:

CATEGORICAL CLASSIFIED MANAGER POSITION:

Project Director (50% for 1st and 5th years, and 25% for 2nd through 4th years; part of the time of the current Instructional Research Analyst who will be assigned to this project)

CATEGORICAL CLASSIFIED POSITIONS:

Technology Support Technician
Staff Secretary III (Half-Time)

CATEGORICAL CERTIFICATED POSITIONS:

Distance Education Coordinator
Learning Support Specialist

TENURE TRACK/DISTRICT FUNDED POSITION AFTER 5TH YEAR:

Instructional Media Designer

BE IT FURTHER RESOLVED that the District will fund the positions of Distance Education Coordinator, Instructional Media Designer, Learning Support Specialist, Technology Support Technician, and Staff Secretary III, as follows:

25% Year Three - 50% Year Four - 75% Year Five

FISCAL IMPACT STATEMENT: Year One and Two \$0; Year Three \$67,516; Year Four \$139,083; Year Five \$214,884
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M/S/C Keithly/Cardenas to go into **CLOSED SESSION**

1. NEGOTIATIONS UNDER THE EDUCATIONAL EMPLOYMENT RELATIONS ACT
Conference with District Negotiators
RE: Direction for Negotiations
2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Subdivision (a) of section §54956.9
Name of case: Amalia Ortiz
U.S. District Court 03CV2451IEG{NLS}
3. Public Employment/Request for Extended Medical Leave
Title: Staff Secretary II, Science/Math and Engineering Division

M/S/C Keithly/Cardenas to go back to **OPEN SESSION**

Board President Long announced that in Item #1 direction was given to District negotiators; in Item #2 direction was given to legal counsel; in Item #3 the request was considered.

M/S/C Ramirez/Wong NO VOTE: Acuña
Resolution No. 13147: **CLASSIFIED EXTENDED MEDICAL LEAVE**

WHEREAS Carolina Cortes-Ramirez, Staff Secretary II for the Science/Math/Engineering Division, is requesting continued District paid medical and prescription benefits for herself, excluding benefits for her husband through the extended leave period.

NOW BE IT RESOLVED that the Board disapproves the request of Carolina Cortes-Ramirez, for Extended Medical Leave beginning November 22, 2004 through April 4, 2005.

M/S/C Keithly/Medina
Resolution No. 13148: **SABBATICAL LEAVE**

BE IT RESOLVED that the Board grant a Sabbatical Leave to Dr. Dennis Carnes, Associate Professor/Science, for the Spring 2005 Semester.

M/S/C Cardenas/Wong
Resolution No. 13149: **DEAN OF INSTRUCTION FOR EXTENDED CAMPUS**

BE IT RESOLVED that the Board approves the recommendation of the Superintendent/President that Mr. Efrain Silva be employed as Dean of Instruction for Extended Campus, a full-time administrative position, effective December 1, 2004.

M/S/C Keithly/Medina
Resolution No. 13150: **EMPLOYMENT OF PER-SESSION INSTRUCTORS**

BE IT RESOLVED that the following personnel be employed during the 2004 Fall Semester, as credentialed, at the hourly rate provided for in Resolution No. 12564. Employment is contingent upon verification of records, credentials, finger print clearance and sufficient enrollment, or whether the class is essential to a full-time instructor's load:

<u>NAME</u>	<u>POSSIBLE ASSIGNMENT</u>
Boas, Tom	Administration of Justice
Flores, Cynthia	Clinical Assistant/Nursing
Mendoza, Sonda	Business
Ruiz, Emilio	American Citizenship

M/S/C Keithly/Medina

Resolution No. 13151: **ACADEMIC EMPLOYMENT**

BE IT RESOLVED that the following personnel be employed temporarily, on a part-time hourly basis, for the 2004-2005 academic year, in accordance with the hourly rate provided for in Resolution No. 12564. Employment is contingent upon verification of records, credentials, finger print clearance, and continued funding of the grant indicated, and approval of the program officer:

<u>NAME</u>	<u>PROJECT POSITION</u>	<u>FUNDING</u>
Romero, Alfonso	Instructional Specialist	Federal

M/S/C Keithly/Medina

Resolution No. 13152: **CLASSIFIED SERVICE EMPLOYMENT**

BE IT RESOLVED that the following individuals be employed in the classified service as indicated:

<u>NAME</u>	<u>POSITION</u>	<u>DEPARTMENT</u>	<u>FUNDING</u>	<u>RANGE</u>	<u>EFFECTIVE</u>
Cross, Lisa	Student Services Specialist Evaluator	Admissions	Categorical/ State	32-G	11/1/04
Fimbres, Patricia	Student Services Representatives	Extended Campus	50% District/ 50% Extended Campus	24-A	10/18/04
Izarraraz, Marisa	Financial Aid Technician	Financial Aid	State	27-A	10/18/04
Lucas, Lency	Staff Secretary I	Preschool	State	23-E	10/18/04
Mentroe, Angela	Science Lab Technician	Science	District	29-A	10/18/04
Pinuelas, Maria	Preschool/Infant Toddler Teacher	Preschool	Categorical/ State	26-C	11/1/04
Salcedo, Jesus Antonio	Student Services Technician	Admissions	District	26-E	11/1/04

M/S/C Keithly/Medina

Resolution No. 13153: **SHORT-TERM EMPLOYEE**

BE IT RESOLVED that the following individuals be employed on a short-term basis, as needed:

<u>NAME</u>	<u>POSITION</u>	<u>FUNDING</u>	<u>RANGE</u>	<u>EFFECTIVE</u>
Romandia, Bertha	College Nurse	District	37-A	10/4/04

M/S/C Keithly/Medina

Resolution No. 13154: **CLASSIFIED CONFIDENTIAL SALARY SCALE**

WHEREAS, the District Board of Trustees adopted a new Classified Confidential Salary Scale of 14 steps including longevities through the 26th year of service effective July 1, 2004; and

WHEREAS, the Classified Confidential staff met on October 14, 2004, and agreed to the following changes relating to the Classified Confidential Salary Scale:

- The Classified Confidential employees understand that anyone hired July 2004 or after will not receive longevities. Also, those hired after July 2004 will advance annually on the salary scale until they reach the 14th step.
- Current Classified Confidential employees will continue to receive longevity and step increases until they reach the 14th step. No further longevities will occur after the 14th step.
- All Classified Confidential employees will receive salary increases which are comparable to salary increases provided to all Imperial Valley College employees and/or any future revisions to the salary scale.

NOW BE IT RESOLVED that the Board agrees to these changes in the Classified Confidential Salary Scale.

M/S/C Cardenas/Medina to **ADJOURN** - The next regular meeting of the Board of Trustees is scheduled for Tuesday, December 14, 2004, at 6:00 P.M.

Adopted this _____ day of _____, 2004.

ICCD Board President

ICCD Board Secretary