

**BOARD OF TRUSTEES
LONG BEACH COMMUNITY COLLEGE DISTRICT**

**Minutes of Meeting of
March 9, 2010**

The meeting of the Board of Trustees of the Long Beach Community College District, County of Los Angeles, California, was held in Building I, Liberal Arts Campus, 4901 E. Carson Street, Long Beach, on March 9, 2010.

CALL TO ORDER

The meeting was called to order at 4:00 p.m., the items to be discussed in closed session were announced and the meeting was adjourned to closed session.

The meeting was reconvened in open session at 5:00 p.m., in the Board Room, Building I, Liberal Arts Campus. President Bowen reported that, in closed session, no action was taken.

PLEDGE OF ALLEGIANCE

Roberto Uranga led the Pledge of Allegiance.

ROLL CALL

Present: President Bowen, Vice President Clark, Member Kellogg,
Member Uranga, Student Trustee Green
Absent: Member Otto

WELCOME AND INTRODUCTIONS

There were no special introductions.

APPROVAL OF MINUTES

It was moved by Member Clark, seconded by Member Uranga, that the minutes of the meeting of, February 23, 2010, be approved as distributed. The motion carried, all voting aye.

ORDERING OF THE AGENDA

President Bowen announced that a probationary faculty member, Dr. Donald Batstone, requested that he be able to address the Board of Trustees in open session regarding his

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proposed denial of tenure. The order of business was the Superintendent-President to speak to his decision. Then the Board of Trustees would hear from Dr. Batstone and/or his representatives. Lastly, the Vice President of Human Resources, Rose DelGaudio would introduce the District's case. Following the presentations, the Board of Trustees will adjourn to closed session to deliberate.

Board President Bowen then called on Superintendent-President Oakley to speak to his decision. President Oakley made a recommendation to the Board of Trustees that they issue a March 15 notice of non-renewal of employment to Counselor, Dr. Donald Batstone; his recommendation is to deny Dr. Batstone his tenure.

Attorney, Robert Dohrmann introduced the public speakers to address the Board of Trustees on behalf of Dr. Batstone as follows: DeWayne Sheaffer, Mike MacCallum, and Gene Carbonaro. Lastly, Mr. Dohrmann addressed the Board of Trustees after the other speakers.

Ms. Rose DelGaudio, Vice President of Human Resources asked Dr. Cindy Vyskocil, Associate Vice President of Human Resources to present the District's case to the Board. Dr. Vyskocil presented the District's case.

To conclude, Mr. Dohrmann addressed the Board of Trustees with his final comments.

President Bowen announced at 5:41 p.m. that the Board would adjourn to a second closed session to deliberate.

The meeting was reconvened in open session at 6:13 p.m., in the Board room, Building I, Liberal Arts Campus. President Bowen reported that, in the second closed session that no legally reportable action was taken.

President Bowen announced that items 5.1 and 5.2 would be moved to the non-consent agenda for discussion.

REPORT OF BOARD OF TRUSTEES

Resolution, Employee Free Choice Act

It was moved by Member Uranga, seconded by Member Bowen, that the Board adopt Resolution No. 031010A. The motion did not carry with Members Clark and Kellogg voting nay, and Member Otto being absent.

It was moved by Member Uranga, seconded by Member Bowen, that the item be brought back when all members are present at the March 23, 2010 meeting. The motion carried, all voting aye.

Committee Reports

There were no committee reports.

STUDENT TRUSTEE

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Student Trustee Green announced that on Tuesday, March 23, from 12-2pm, ASB and the Political Science Student Association will hold a question and answer forum for the candidates for the Board of Trustees and invitations have been sent out. Spring Sing was an overwhelming success earning over \$4,000. Mini-Grand Prix will be March 27 and the ASB approved a motion to request that LBCC enforce the current smoking policies as stated in the administrative regulations on Smoking in District Facilities.

PUBLIC COMMENTS ON AGENDA ITEMS

At their request, members of the public may address the Board of Trustees on any item prior to or during the Board's consideration of that item. A five (5) minute time limit will be allotted to each speaker, with a maximum of twenty minutes for each subject, unless extended by the Board President. There were no further comments.

The following items were part of the Consent Agenda

FISCAL SERVICES

Approve the following actions:

FINANCE

Budget Transfers

Budget Transfer numbers 132727, 132753, 132784, and 132789 for the Unrestricted General Fund 01 in the amount of \$54,770 as listed:

From: Supplies	\$	21,063	
Services and Operating Expenses		16,707	
Equipment		<u>17,000</u>	\$ <u>54,770</u>
To: Academic Salaries	\$	5,683	
Classified Salaries		8,192	
Employee Benefits		1,779	
Supplies		14,846	
Services and Operating Expenses		21,380	
Equipment		<u>2,890</u>	\$ <u>54,770</u>

There are no budget transfers greater than \$25,000 for the Unrestricted General Fund 01.

Budget Transfer numbers 132678, 132732, 132781, and 132783 for the Restricted General Fund 12 in the amount of \$52,533 as listed:

From: Academic Salaries	\$	7,286	
Classified Salaries		8,451	
Employee Benefits		2,020	
Supplies		5,648	
Services and Operating Expenses		23,410	
Equipment		4,218	
Reserves/Student Payments		<u>1,500</u>	\$ <u>52,533</u>

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To:	Academic Salaries	\$	4,320	
	Classified Salaries		13,310	
	Employee Benefits		1,770	
	Supplies		11,818	
	Services and Operating Expenses		<u>21,315</u>	\$ <u>52,533</u>

There are no budget transfers greater than \$25,000 for the Restricted General Fund 12.

Budget Transfer numbers 132728 and 132729 for the General Obligation Bond Funds 43, 44, 45, 46 in the amount of \$252,745 as listed:

From:	Services and Operating Expenses	\$	1,370	
	Constructions/Additions		31,375	
	Reserves		<u>220,000</u>	\$ <u>252,745</u>
To:	Supplies	\$	1,370	
	Services and Operating Expenses		31,375	
	Constructions/Additions		<u>220,000</u>	\$ <u>252,745</u>

Included in the budget transfers of \$252,745 for the General Obligation Bond Funds 43, 44, 45, 46 are the following transfers greater than \$25,000:

<u>AT</u>	<u>From:</u>		<u>Amount</u>
132728	790100-46-710600-5606 Reserves	\$	200,000
	<u>To:</u>		
	622000-46-710600-5606 Architect Fess	\$	200,000

To cover expenses for architect fees for the Pacific Coast Campus Multi-Disciplinary Complex.

Salary Warrants

Ratify issuance of salary warrants listed on Register Nos. 4592 through 4594 for the period of February 1, 2010 through February 12, 2010 in the amount of \$1,304,617.12, as listed:

Register No. 4592	Warrant No's. 92807– 92958	\$	850,468.94
Issue Date 02/10/10			
Register No. 4593	Warrant No's. 92959– 92981	\$	195,019.61
Issue Date 02/10/10			
Register No. 4594	Warrant No's. 92982-93320	\$	259,128.57
Issue Date 02/10/10			
	Total Salary Warrants Issued:	\$	<u>1,304,617.12</u>

Commercial Warrants

Ratify issuance of commercial warrants for the period of February 1, 2010 through February 12, 2010 in the amount of \$5,943,989.58 are as listed:

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February 1, 2010 through February 12, 2010	
Unrestricted General Fund 01	\$ 1,693,649.76
Restricted General Fund 12	104,727.41
Child and Adult Development Fund 33	262.40
Capital Outlay Projects Fund 41	29,646.08
General Obligation Bond Funds 43, 45, 46	3,743,053.60
Veterans' Stadium Operations Fund 58	1,637.28
Self Insurance Fund 61	6,782.06
Payroll Clearing Fund 76	359,548.81
Retiree Benefits Fund 79	<u>4,682.18</u>
Commercial Total Warrants:	\$ <u>5,943,989.58</u>

Included in the total warrant expenditure of \$5,943,989.58 are the following payments greater than \$25,000, excluding employee benefits and utilities:

Unrestricted General Fund 01

1. \$ 111,550 to *Protected Insurance Program for Schools* for workers' compensation coverage for employees and volunteers from July 1, 2009 through June 30, 2010 (ninth installment).
2. \$ 63,079 to *Oracle Corporation* for PeopleSoft license update and support for October 1, 2009 through December 31, 2009.
3. \$ 25,487 to *Simplex Grinnell LLP* for district-wide testing and inspection of fire alarms from January 1, 2010 through June 30, 2010.

Restricted General Fund 12

1. \$ 25,125 to *Long Beach Unified School District* for reimbursement of facilitator services, construction supplies and materials for the Neighborhood Improvement and Construction Project through the SB70/Career Technical Education Grant.

Capital Outlay Projects Fund 41

1. \$ 11,890 to *Bear Data Systems* for Cisco telephones and network equipment to be installed throughout the district. (This warrant is jointly funded with the General Obligation Bond Funds.)

General Obligation Bond Funds 43/45/46

1. \$ 2,362,953 to *Siemens Industry, Inc.* for installation of the Long Beach Phase IIB Energy Improvement Project at the Liberal Arts Campus.
2. \$ 330,903 to *Hammel, Green & Abrahamson, Inc.* architectural services for renovations of Building O at the Liberal Arts Campus.
3. \$ 321,311 to *Cavecche Engineering & Construction Co., Inc.* for the Liberal Arts Campus Infrastructure North Loop Project.

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4. \$ 152,811 to *Taisei Construction Corporation* for construction of the South Quad Complex.
5. \$ 77,271 to *Siemens Industry, Inc.* for building automation service agreement from January 1, 2010 through March 31, 2010.
6. \$ 64,710 to *Solpac Construction, Inc.* for construction on the Pacific Coast Campus Industrial Technology Complex (Tech 1).
7. \$ 47,037 to *Rachlin Architect, Inc.* for architectural and engineering services at the Pacific Coast Campus Industrial Technology Complex (Tech 1).
8. \$ 34,927 to *Bear Data Systems* for Cisco telephones and network equipment to be installed throughout the district. (This warrant is jointly funded with the Capital Outlay Projects Fund.)

Budget Increase (Decrease)

Restricted General Fund 12

2009-2010 New Budget:

Nursing Expansion Grant, Program 8088	\$	169,178
Youth Entrepreneurs Project – Center for International Trade Development Program	\$	33,654
Youth Entrepreneurs Project – Small Business Development Center Program	\$	33,654
College Promise Tours Program	\$	25,000

2009-2010 Budget Revisions:

Nursing Expansion Grant Program 8086	\$	10,908
Tech Prep Program	\$	11,918

Capital Outlay Projects Fund 41

2009-2010 Budget Revisions:

Industrial Technology Center Project	\$	(47,616)
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ACADEMIC AFFAIRS, STUDENT SUPPORT AND ADMINISTRATIVE SERVICES

Authorize the Vice President, Administrative Services, or designee to enter into and execute the following agreements:

Grant/Revenue Agreements

CN 93148.6 – Ratify – With *Board of Governors, California Community Colleges, Chancellor’s Office* effective December 1, 2009 through June 30, 2010. Total amount of funding is \$35,000.

Bond Contract Awards

CN 22040.2 – With *Marina Landscape, Inc.*, for Tech 1 Exterior Lighting & Landscape at the Pacific Coast Campus for a total contract amount not to exceed \$153,918, paid from General Obligation Bond Fund. Per Public Contract Code §20651, the District is awarding to the lowest responsible bidder and rejecting all others.

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Bond Contract Amendments

CN 22008.4 – With *Leighton Consulting, Inc.*, Amendment #4, to change the termination date from December 31, 2009 to June 30, 2010, at no additional cost.

CN 22030.3 – With *Hill Partnership, Inc.*, Amendment #4, to increase the contract amount by \$2,175 for a total contract amount not to exceed \$530,428.49, paid from General Obligation Bond Fund.

Contract Awards

CN 99664.4 – With *Boston Reed College* effective February 10, 2010 through July 15, 2010 for a total contract amount not to exceed \$83,070, paid from Restricted General Fund.

CN 99664.5 – With *Links Sign Language Interpreting Services* effective March 10, 2010 through May 30, 2010 for a total contract amount not to exceed \$34,000, paid from Restricted General Fund.

Change Order Ratifications

CN 22032.7 – With *Miller Environmental, Inc.*, Change Order #4 for Demolition Projects at the Liberal Arts Campus in the amount of \$4,571.05 for a total contract amount not to exceed \$243,106.05, paid from General Obligation Bond Fund. Total approved change order represents 6.16% of the contract amount.

CN 22037.3 – With *TBC Contractors Corporation*, Change Order #1 for Building Z Warehouse Alterations at the Liberal Arts Campus in the amount of \$34,609 for a total contract amount not to exceed \$707,309, paid from General Obligation Bond Fund. Total approved change order represents 5.14% of the contract amount.

CN 22037.7 – With *Newman Midland Corporation*, Change Order #2 and #3 for Welding Booths for Tech 1 at the Pacific Coast Campus in the amount of \$4,593.17 and a credit of \$13,608.34 respectively, for a total contract amount not to exceed \$505,016.98, paid from General Obligation Bond Fund. Total approved change orders represent 6.05% of the contract amount.

Use of Other Agencies' Bids

County of Los Angeles Master Agreement #42663 – Ratify with *Xerox Corporation*, for the purchase, lease and maintenance of photocopy, facsimile, and micrographics equipment and supplies, effective January 1, 2006 through December 31, 2010.

CMAS Contract #4-10-71-0105A – With *Maispace Inc.*, and *New Tangram LLC* as an authorized dealer/distributor, for the purchase of furniture systems and workstation clusters, filing and storage cabinets, bookshelves, tables, reconfiguration and relocation services for systems furniture, design/layout and installation services effective January 21, 2010 through July 31, 2010.

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Rejection of Bids

Bid C1094F – MDAB Swing Space Tenant Improvements at the Pacific Coast Campus, to reject all bids.

Completion of Contract

CN 22037.7 – With *Newman Midland Corporation*, for Welding Booths for Tech 1 at the Pacific Coast Campus for a total fee of \$505,016.98. Project was completed on January 15, 2010.

Ratification of Contracts Under \$25,000

Ratify contracts under \$25,000 for the period of February 1, 2010 through February 12, 2010 as listed:

CN #99664.6 \$ 19,161

Settlement

Ratify – Agreement No. DSPS #10.19.2009 - Payment to be made in accordance with the terms of the settlement agreement in the amount of \$1,608.04.

PURCHASING

Purchase Order Approvals/Ratifications

Authorize the issuance of purchase orders for the period of February 1, 2010 through February 12, 2010 in the amount of \$306,860.21 as listed:

PO #64387 – PO #64460 \$ 306,860.21

Total Amount \$ 306,860.21

Included in the total amount of purchase orders of \$306,860.21, the following items are greater than \$25,000:

Unrestricted General Fund - 01

PO #64442 *KLOS FM Radio* \$ 26,625.00
Radio advertising for May and June, 2010

PO #64449 *Schools Excess Liability Fund* \$ 44,371.00
District assessment outstanding adjustment
for Workers' Compensation contributions

PO #64450 *Protected Insurance Program for Schools* \$ 42,823.00
Additional Workers' Compensation contribution
for program years 2008 – 2009 based on actual
payroll

PO #64451 *Enterprise Fleet Services* \$ 29,869.54
Lease of eight 12 passenger vans

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It was moved by Member Clark, seconded by Member Uranga, that the items on the Consent Agenda be approved and authorized.

The motion carried, all voting aye.

HUMAN RESOURCES

President Bowen announced that 5.1 and 5.2 be reordered to non-consent for discussion. Member Uranga congratulated and acknowledged the retirees listed on these items for their service.

HUMAN RESOURCES (Academic)

It was moved by Member Uranga, seconded by Member Clark, that the Board of Trustees approve/ratify the following actions:

APPOINTMENTS

Probationary Faculty – Second Year Contract	2
Probationary Faculty – Third Year Contract	7
Probationary Faculty – Permanent Employees	12
Stipends	9

IN-SERVICE CHANGES

Change of Assignment	1
Change of Title – Contract	2

SEPARATION FROM THE DISTRICT

Retirement	1
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The motion carried, all voting aye.

HUMAN RESOURCES (Classified)

It was moved by Member Uranga, seconded by Member Clark, that the Board of Trustees approve/ratify the following actions:

APPOINTMENTS

Probationary	4
Temporary	5
Exempt from the Merit System	64

SEPARATION FROM THE DISTRICT

Layoff Due to Lack of Work/Funds	1
Resignation	1
Retirement	2

The motion carried, all voting aye.

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Resolution, Board Member Compensation

It was moved by Member Uranga, seconded by Member Clark, that the Board of Trustees adopt Resolution 030910B authorizing compensation to Board Member Doug Otto for the meeting of March 9, 2010 from which he is absent due to the rescheduled ACCT National Legislative Summit.

The motion carried, all voting aye.

ACADEMIC SENATE (Title 5, Section 53203)

No Items, No Report

SUPERINTENDENT-PRESIDENT

Superintendent-President Oakley reported to the Board that the college has formed a task force made up of representatives throughout the college, including students to look at fixed-cost reduction strategies and he wanted to publicly thank the members who are participating in this exercise because it is a difficult topic to tackle. We continue to work with the class schedule and continue to work with our students and everyone involved on how we can fall within the budget constraints over the next couple of years and at the same time remain a comprehensive college to provide every opportunity possible for students to complete the courses they need in basic skills, completion of certificate degree or to become a transfer ready. He thanked the Academic Senate President Ryan and the Senate's executive team for their efforts to resolve these issues despite the impact that the State budget is having on our ability to serve our students.

ACADEMIC AFFAIRS

Sabbatical Report

This item was pulled and will be reported at the March 23 meeting.

STUDENT SERVICES

Revised Administrative Regulation: 5017

Regulation 5017 (Matriculation for Student Services) was presented for informational purposes only and does not require Board action.

ADMINISTRATIVE SERVICES

No Items, No Report.

PACIFIC COAST CAMPUS

No Items, No Report

ECONOMIC AND RESOURCE DEVELOPMENT

No Items, No Report

ACADEMIC SENATE

No Report

TRUSTEES COMMUNICATIONS

Member Uranga reminded everyone that the 2010 Census would be coming out and encouraged everyone to fill it out as it can result in much needed funding in our cities and schools.

NEW BUSINESS

There was no new business.

FUTURE REPORTS

Future Reports or Discussion Items Requested by Board Members:

California Leadership Alliance for Student Success (CLASS) Initiative

- Monthly Reports/Discussions on the Initiative Projects

Next report for Board of Trustees will be on March 23, 2010. Subsequent dates will be determined based on calendar of Board Meetings adopted for 2010.

- **BOARD OF TRUSTEES GOALS 2009-2011 will be reported on as follows:**

March 23, 2010

1. **MEASURE AND IMPROVE STUDENT SUCCESS**

- B. By March 2010, review and assess the LBCC transfer success programs including timelines and goals for improving transfer readiness. Reviews shall occur annually thereafter.

April 27, 2010

3. **IMPROVE ORGANIZATIONAL FUNCTION, CREATE A GREATER SENSE OF COMMUNITY AND CONTINUE COMMUNITY OUTREACH EFFORTS**

- A. By April 2010, review and assess the college planning process focusing on accomplishments and progress toward the Educational Master Plan goals and objectives.

May 25, 2010

3. **IMPROVE ORGANIZATIONAL FUNCTION CREATE A GREATER SENSE OF COMMUNITY AND CONTINUE COMMUNITY OUTREACH EFFORTS**

- E. By May 2010, review and assess the outreach of the LBCCD to the greater Long Beach community to educate the public of the importance of education to the wellbeing of the community. Review the outreach annually.

PUBLIC COMMENTS (NON-AGENDA ITEMS)

At their request, members of the public will be given the opportunity to address the Board of Trustees on matters of general District business. This is the time for members of the public to speak and be heard and share their comments with the Board and for the Board to listen. Therefore, the public should not expect the Board to comment or respond to public comments. A particular position should not be inferred if there are no Board member comments during this time.

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A total of five (5) minutes will be allotted to each subject, unless extended by the Board President. After receiving testimony, the Board may recommend placing such item or item(s) on the agenda of a future meeting or referring the item(s) to staff for a report.

Hurtie Chukwudire, President of AFT, and DeWayne Sheaffer, President of CCA, shared with the Board and the audience about their recent participation on March 4 in Bakersfield– Marching for California’s Future and rallies took place here at LBCC and other districts, and even across the nation, to protest the ongoing funding reductions for educational institutions proposed by Sacramento.

ADJOURNMENT

President Bowen adjourned the meeting at 6:38 p.m. The next regular meeting of the Board of Trustees will be held on March 23, 2010. The first order of business will be adjournment to a closed session, as needed. The Board will reconvene in open session at 5:00 p.m. in Building I, Liberal Arts Campus.

Assistant Secretary