

PALO VERDE COMMUNITY COLLEGE DISTRICT
SPECIAL MEETING/STUDY SESSION
BOARD OF TRUSTEES
Tuesday, July 8, 2014
4:30 p.m.
One College Drive, Blythe, CA – CL 101

Palo Verde Community College District, in compliance with the Americans with Disabilities Act (ADA), requests individuals who may need special accommodation to access, attend, and/or participate in Board meetings to contact Carrie Mullion at 760-921-5440 at least forty-eight hours in advance of the meeting for information on such accommodation.

Persons wishing to address the Governing Board under Hearing of Citizens need to complete a Speaker Request Form (available at the reception table).

In compliance with Government Code Section 54957.5, non-exempt writings that are distributed to a majority or all of the Board in advance of a meeting, may be viewed at Palo Verde Community College District, Office of the Superintendent/President, One College Drive, Blythe, CA 92225; at the College website www.paloverde.edu; or at the scheduled meeting.

Meeting 14-10

AGENDA

I. OPENING OF MEETING

1. Call to Order
2. Flag Salute
3. Roll Call

Millie Rodriguez, President	_____
George Thomas, Vice President	_____
Ned Hydeke, Clerk	_____
Ted Arneson, Trustee	_____
Lincoln Edmond, Trustee	_____
Ed Gonzales, Trustee	_____
Jerry Lewis, Trustee	_____
Alex Munoz, Student Trustee	_____
Don Wallace, Superintendent/President	_____
Sean Hancock, Vice President Instruction and Student Services	_____
Russi Egan, Chief Business Officer	_____

4. Approval of the Agenda for this meeting.

II. HEARING OF CITIZENS (AGENDA ITEMS)

Members of the public have this opportunity to directly address the Board on agenda items, subject to a five (5) minute time limitation per individual. Pursuant to the Brown Act Government Code Section 54954.2(a): "No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3."

III. ANNOUNCEMENT OF RECUSAL FROM AGENDA ITEMS

The Superintendent/President respectfully asks if any of the Governing Board members need to recuse themselves from any item where there might be a potential conflict of interest.

IV. CONSENT RESOLUTIONS

(All consent resolutions will be voted on in one motion with 15 minutes allocated for questions by Board members. After the question period, any Board member may request that any item(s) be moved to the Action Agenda.)

B. BUSINESS

Resolution 14-10 B-30 – CONSULTANT AGREEMENT WITH LUZ VALENZUELA (RATIFICATION)

BE IT RESOLVED that Palo Verde Community College District Board of Trustees approves the ratification of the Agreement for Consultant Services for Luz Valenzuela, to provide the maintenance annual set-up within Datatel as required for Palo Verde College to maintain compliance with Federal Regulations, and to assist with the writing of reports that are necessary to ensure processes that are required to stay in compliance with Title IV regulations. This Agreement will become effective July 1, 2014, and shall continue in effect through June 30, 2015. Compensation for services shall be \$90.00 per hour plus expenses as needed, as shown in Reference B-30.

Resolution 14-10 B-31 – GANN LIMIT WORK SHEET 2014-2015

BE IT RESOLVED that Palo Verde Community College District Board of Trustees approves the Gann Limit Worksheet for 2014-15 for submission to the Chancellor's Office, as prepared by the Fiscal Services Office, as shown in Reference B-31.

C. PERSONNEL

Resolution 14-10 C-51 – END OF LEAVE OF ABSENCE/RETURN TO WORK (DAGNINO)

BE IT RESOLVED that the Superintendent/President has accepted a request from Irma Dagnino to end her unpaid leave of absence effective July 31, 2014 with a return to work date of August 11, 2014, and is recommending approval. In accordance with the CTA collective bargaining agreement, "the employee shall be reinstated in the position held by him/her prior to the leave or in a position comparable in responsibility, there being no assurance implied herein of return to the exact assignment held prior to the leave."

Resolution 14-10 C-52 - EMPLOYMENT OF TEMPORARY MUSIC INSTRUCTOR (DANSON)

BE IT RESOLVED that Palo Verde Community College Board of Trustees approves the employment of Alexander Danson as Music Instructor, a full-time temporary academic faculty position, 177 day contract, at a classification of Row ___ Step ___, on the Academic Salary Schedule pending verification of employment and receipt of transcripts, effective August 18, 2014 to June 6, 2014. Human Resources has verified that the applicant meets the required minimum qualifications.

Resolution 14-10 C-53 – REVISED JOB DESCRIPTION, DIRECTOR OF FACILITIES AND OPERATIONS

BE IT RESOLVED that Palo Verde Community College District Board of Trustees approves the revised job description for Director of Facilities and Operations, (exempt), a Classified Manager, 12 month position, shown in Reference C-53.

IV. CONSENT RESOLUTIONS (continued)

Resolution 14-10 C-54 – PROFESSIONAL EXPERT CONTRACT (JONES)

BE IT RESOLVED that Palo Verde Community College District Board of Trustees approves the Professional Expert Contract for Sharon Jones, commencing July 1, 2014 through August 10, 2014, to provide consultation and assistance as needed to the Vice President of Instruction and Student Services. Salary placement to be at Row 7, Column 11, to be paid on an hourly basis only for hours worked as scheduled, shown as Reference C-54.

(Blanket Motion)

It was moved by _____, and seconded by _____, that
Consent Resolutions be: (approved) (tabled until _____) (denied).

Student Advisory	_____	Gonzales	_____	Rodriguez	_____
Arneson	_____	Hyduke	_____	Thomas	_____
Edmond	_____	Lewis	_____		

Motion carried/failed; Aye _____ No _____ Abstain _____ Absent _____

V. ACTION ITEMS

D. MISCELLANEOUS

Resolution 14-10 D-21 – RESOLUTION OF THE BOARD OF TRUSTEES OF THE PALO VERDE COMMUNITY COLLEGE DISTRICT ORDERING AN ELECTION, AND ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER

WHEREAS, the Board of Trustees (the “Board”) of the Palo Verde Community College District (the “District”) has determined that certain educational facilities, infrastructure and equipment need to be constructed, renovated, and acquired in a fiscally prudent manner, to enable Palo Verde College to remain a valuable community resource that provides an affordable, local education, and increases the educational opportunities of all local students who desire to learn in-demand job skills or transfer to four-year universities; and

WHEREAS, since the costs of attending a U.C. and State college are becoming so expensive, more than six times that of attending a community college, more students are relying on community colleges, such as Palo Verde College, and the high quality, affordable college options they provide; and

WHEREAS, in today’s economic times and competitive job environment, the District must continue providing important training and education for local residents entering the workforce for new professions and income opportunities, as well as for local students to earn college credits, certifications and job skills all at a reasonable price; and

WHEREAS, the District has supported our military veterans, many of whom have recently returned from war zones and face post-traumatic stress disorder and permanent disabilities and need better access to academic tutoring, job placement programs and counseling services, and need to be trained or retrained as they re-enter the civilian workforce; and

WHEREAS, notwithstanding ongoing efforts to obtain sufficient facility money from the State of California (the "State"), the State has been unable to provide the District with

V. ACTION ITEMS (continued)

enough money for the District to adequately improve Palo Verde College for all their students; and

WHEREAS, the District has an outstanding facilities construction loan, which, if paid down, would free up money for additional educational programs and courses; and

WHEREAS, the Board has received information regarding the feasibility of a local bond measure and the District's bonding capacity; and

WHEREAS, a local measure will help provide funds that cannot be taken away by the State to support local college transfer and job training efforts and help increase enrollment and offset State budget cuts; and

WHEREAS, such local measure will include mandatory taxpayer protections, including an independent citizens' oversight of all funds and mandatory annual financial audits to ensure funds are spent only as authorized; and

WHEREAS, the Board and District has solicited stakeholder and community input on priorities from students, faculty, staff, and the community; and

WHEREAS, in the judgment of the Board, it is advisable to provide additional funding to prepare local students for transfer to four-year colleges and universities, and/or successful jobs and careers, by means of a general obligation bond, issued in a financially prudent manner; and

WHEREAS, Proposition 46, approved by the voters of the State of California on June 3, 1986 ("Proposition 46"), amended Section 1(b) of Article XIII A of the California Constitution by adding a provision which exempts from the 1% of full cash value limitation, those *ad valorem* taxes used to pay for debt service on any bonded indebtedness for the acquisition or improvement of real property approved on or after July 1, 1978, by two-thirds of the votes cast by voters voting on the proposition; and

WHEREAS, on November 7, 2000, the voters of California approved the Smaller Classes, Safer Schools and Financial Accountability Act ("Proposition 39") which reduced the voter threshold for *ad valorem* tax levies used to pay for debt service or bonded indebtedness to 55% of the votes cast on a community college district general obligation bond; and

WHEREAS, concurrent with the passage of Proposition 39, Chapter 1.5, Part 10, Division 1, Title 1 (commencing with Section 15264) of the Education Code (the "Act") became operative and established requirements associated with the implementation of Proposition 39; and

WHEREAS, the Board desires to make certain findings herein to be applicable to this election order and to establish certain annual financial audit requirements standards of financial accountability and citizen oversight which are contained in Proposition 39 and the Act; and

WHEREAS, the Board determines that, in accordance with Opinion No. 04-110 of the Attorney General of the State of California, the restrictions in Proposition 39, which

prohibit any bond money from being wasted or used for inappropriate administrator salaries and other operating expenses of the District shall be strictly enforced by the District's Citizens' Oversight Committee; and

V. ACTION ITEMS (continued)

WHEREAS, pursuant to Education Code Section 15270, based upon a projection of assessed property valuation, the Board has determined that, if approved by voters, the tax rate levied to meet the debt service requirements of the bonds proposed to be issued will not exceed the Proposition 39 limits per year per \$100,000 of assessed valuation of taxable property; and

WHEREAS, Section 9400 *et seq.* of the Elections Code of the State of California (the "Elections Code") requires that a tax rate statement be contained in all official materials, including any ballot pamphlet prepared, sponsored or distributed by the District, relating to the election; and

WHEREAS, the Board now desires to authorize the filing of a ballot argument in favor of the proposition to be submitted to the voters at the election; and

WHEREAS, pursuant to the California Elections Code, it is appropriate for the Board to request consolidation of the election with any and all other elections to be held on Tuesday, November 4, 2014, and to request each of the Riverside County and San Bernardino County Registrars of Voters to perform certain election services for the District; and

WHEREAS, in the judgment of the Board, it is advisable to request each of the Riverside County and San Bernardino County Registrars of Voters to call an election pursuant to Proposition 39 on the question of whether general obligation bonds shall be issued and sold on behalf of the District for purposes set forth below.

NOW THEREFORE, THE BOARD OF TRUSTEES OF THE PALO VERDE COMMUNITY COLLEGE DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. That the Board, pursuant to Education Code Sections 15100 *et seq.*, Sections 15264 *et seq.* and Government Code Section 53506, hereby requests each of the Riverside County Registrar of Voters and the San Bernardino County Registrar of Voters to call an election under the provisions of Proposition 39 and the Act and submit to the electors of the District the question of whether bonds of the District in the aggregate principal amount of \$12,500,000 (the "Bonds") shall be issued and sold to raise money for the purposes described in Exhibits "A" and "B" hereto. Both exhibits are directed to be printed in the voter sample ballot pamphlet.

Section 2. That the date of the election shall be November 4, 2014.

Section 3. That the purpose of the election shall be for the voters in the District to vote on a proposition, a copy of which is attached hereto and marked Exhibit "A" and incorporated by reference herein, containing the question of whether the District shall issue the Bonds to pay for improvements to the extent permitted by such proposition. In compliance with Proposition 39 and the Act, the ballot proposition in Exhibit "A" is subject to the following requirements and determinations:

(a) the proceeds of the sale of the Bonds shall only be used for the purposes set forth in the ballot measure and not for any other purpose, including faculty and administrator salaries and other college operating expenses;

(b) that the Board, in compliance with Proposition 39, and in establishing the projects set forth in Exhibit "B", evaluated the need to improve the local economy by

V. ACTION ITEMS (continued)

providing a better educated and trained work force, as well the student safety, class size, class availability, information technology and the job training needs of the District;

(c) that the Board will cause to be conducted an annual, independent performance audit to ensure that the Bond moneys get expended for the projects identified in Exhibits "A" and "B" hereto;

(d) that the Board will cause an annual, independent financial audit of the proceeds from the sale of Bonds to be conducted until all of the Bond proceeds have been expended and accounted for;

(e) that the Board will cause the appointment of a Citizens' Oversight Committee in compliance with Education Code Section 15278 no later than 60 days after the Board enters the election results in its minutes pursuant to Education Code Section 15274. The Citizens' Oversight Committee shall initially consist of at least seven (7) members and at no time consist of less than seven (7) members, with the possible exception of brief periods to fill any unexpected vacancies. The Citizens' Oversight Committee may not include any employee or official of the District or any vendor, contractor or consultant of the District. The Citizens' Oversight Committee shall include, among others, the following: One (1) member who is active in a business organization representing the business community located within the District; One (1) member who is active in a senior citizens' organization; One (1) member who is active in a bona fide taxpayer association. In furtherance of its specifically enumerated purposes, the Citizens' Oversight Committee may engage in any of the following activities relating solely and exclusively to the expenditure of the Proposition 39 bond proceeds:

(i) Receive and review copies of the annual, independent financial and performance audits performed by independent consultant(s);

(ii) Inspect District facilities and grounds to ensure that Proposition 39 bond revenues are expended in compliance with applicable law;

(iii) Receive and review copies of all scheduled maintenance proposals or plans developed by the District;

(iv) Review efforts of the District to maximize Proposition 39 bond revenues by implementing cost-saving programs;

(f) that the tax levy authorized to secure the bonds of this election shall not exceed the Proposition 39 limits per \$100,000 of taxable property in the District when assessed valuation is projected by the District to increase in accordance with Article XIII A of the California Constitution; and

(g) that prior to the issuance of any bonds for projects authorized by the measure, the Board shall determine that no bonds were being issued with a term longer than the useful life of the projects or equipment financed.

Section 4. That the authority for ordering the election is contained in Education Code Sections 15100 *et seq.*, 15340 *et seq.* and 15264 *et seq.* and Government Code Section 53506.

Section 5. That the authority for the specifications of this election order is contained in Section 5322 of the Education Code.

V. ACTION ITEMS (continued)

Section 6. That each of the Riverside County Registrar of Voters, the Riverside County Board of Supervisors, the San Bernardino County Registrar of Voters and the San Bernardino County Board of Supervisors are each hereby requested to consolidate the election ordered hereby with any and all other elections to be held on November 4, 2014 within the District.

Section 7. That this Resolution shall stand as the "order of election" to each of the Riverside County Registrar of Voters and the San Bernardino County Registrar of Voters to call an election within the boundaries of the District on November 4, 2014.

Section 8. That the Secretary of the Board is hereby directed to send a certified copy of this Resolution to each of the Riverside County Registrar of Voters and the San Bernardino County Registrar of Voters no later than August 8, 2014.

Section 9. That the Bonds may be issued pursuant to Section 15300 *et seq.* of the Education Code and pursuant to Section 53506 of the Government Code. The maximum rate of interest on any Bond shall not exceed the maximum rate allowed by Education Code Sections 15140 to 15143, as modified by Government Code Section 53531. The Board approves the filing with the Riverside County Registrar of Voters and the San Bernardino County Registrar of Voters of a Tax Rate Statement and primary and rebuttal arguments, as appropriate, and directs their publication in accordance with the requirements of the Elections Code.

Section 10. That the Board requests the governing body of any such other political subdivision, or any officer otherwise authorized by law, to partially or completely consolidate such election and to further provide that the canvass be made by any body or official authorized by law to canvass the returns of the election, and that the Board consents to such consolidation.

Section 11. Pursuant to Section 5303 of the Education Code and Section 10002 of the Elections Code, the Boards of Supervisors of each of Riverside County and San Bernardino County is requested to permit the Registrar of Voters to render all services specified by Section 10418 of the Elections Code relating to the election, for which services the District agrees to reimburse Riverside and San Bernardino Counties, such services to include the publication of a Formal Notice of School Bond Election and the mailing of the sample ballot and tax rate statement (described in Section 9401 of the Elections Code) pursuant to the terms of Section 5363 of the Education Code and Section 12112 of the Elections Code.

Background information and Exhibits A and B are shown as Reference D-21.

It was moved by _____, and seconded by _____, that Resolution 14-10 D-21 be: (approved) (tabled until _____) (denied)

Student Advisory	_____	Gonzales	_____	Rodriguez	_____
Arneson	_____	Hyduke	_____	Thomas	_____

Edmond _____ Lewis _____

Motion carried/failed; Aye _____ No _____ Abstain _____ Absent _____

VI. HEARING OF CITIZENS (NON-AGENDA ITEMS)

Members of the public have this opportunity to directly address the Governing Board on items of interest to the public, subject to a five (5) minute time limitation per individual.

VII. ADJOURN TO CLOSED SESSION

Members of the public may be present to hear the Closed Session announcements and/or action and will be given an opportunity to speak on any Closed Session items at this time. Persons wishing to address the Governing Board under this item should fill out a Speaker Request Form available at the reception table.

1. Public Employee/Discipline/Dismissal/Release pursuant to Government Code Section 54957.
2. Existing litigation pursuant to Government Code Section 54956.9(a) Gilmore v. PVCCD.