

# PALO VERDE COMMUNITY COLLEGE DISTRICT

## REGULAR MEETING

### BOARD OF TRUSTEES

One College Drive in Blythe – CL 101

Tuesday, September 11, 2012

5:00 p.m.

Meeting 12-18

### MINUTES

#### OPENING OF MEETING

The Regular Meeting of the Board of Trustees was called to order by the President of the Board, Mr. Gonzales at 5:00 p.m.

The Salute to the American Flag was led by Mr. Lewis, Clerk of the Board.

#### Roll Call

Present: Ed Gonzales, President  
Millie Rodriguez, Vice President  
Jerry Lewis, Clerk of the Board  
Ted Arneson, Trustee  
Lincoln Edmond, Trustee  
George Thomas, Trustee  
Frannie Gregory, Student Trustee

Administrators Present: Denise Whittaker, Interim Superintendent/President  
Kay Ragan, Interim Vice President, Instructional and Student Services (*arrived at 5:03 p.m.*)

Recorder: Carrie Mullion, Administrative Assistant to Superintendent/President and Board of Trustees

Visitors: On file in the Superintendent/President's Office.

It was moved by Dr. Thomas, seconded by Mr. Edmond, and unanimously carried, that the Minutes of the Special Meeting of August 17, 2012 be approved.

It was moved by Mr. Lewis, seconded by Ms. Rodriguez, and unanimously carried, that the Minutes of the Special Meeting of August 23, 2012 be approved.

Ms. Whittaker requested to amend the Agenda to include reports from constituencies. It was moved by Dr. Thomas, seconded by Ms. Rodriguez, and unanimously carried, that the Agenda for this meeting be approved as amended.

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(These minutes are a concise summary of reports, discussion and actions taken at this meeting. For detailed comments and discussion, a tape is available to the public for 30 days after the date of this meeting.)

### **RECESS TO CLOSED SESSION**

The Board of Trustees and Ms. Whittaker, Interim Superintendent/President, adjourned to Closed Session at 5:03 p.m. to discuss the following:

1. PUBLIC EMPLOYEE APPOINTMENT (Government Code section 54957(b)  
Title: Superintendent/President
2. CONFERENCE WITH LABOR NEGOTIATORS  
Agency designated representatives: Jerry Lewis, Board Member; Warren Kinsler, Counsel  
Unrepresented Employee: Superintendent/President

### **RECONVENE TO OPEN SESSION**

The Board of Trustees and Ms. Whittaker reconvened to Open Session at 5:25 p.m.

### **ANNOUNCEMENT OF SUPERINTENDENT/PRESIDENT**

Mr. Gonzales, President of the Board of Trustees, made the announcement out of Closed Session, that the board has made an offer to Denise Whittaker as Interim Superintendent/President for one year.

Mr. Gonzales and Mr. Lewis stated their appreciation for what Ms. Whittaker has done for the Board of Trustees, the college and the college community.

Ms. Whittaker thanked the Board of Trustees for having confidence in her to continue as Interim Superintendent/President for one more year. Ms. Whittaker also stated that there is no way a single person could have done what has been accomplished at the college. It has been a collaboration of phenomenal effort, and she thanked the college leadership for allowing her the opportunity.

### **HEARING OF CITIZENS (AGENDA ITEMS)**

None.

### **ANNOUNCEMENT OF RECUSAL FROM AGENDA ITEMS (WHITTAKER)**

The Interim 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.

None.

### **PUBLIC NOTICE/HEARING**

None.

### **PRESENTATION/DISCUSSION**

1. Self-Evaluation – Final Review (*shown as Reference D-31*).  
The Trustees commented that they appreciate the way the Self-Evaluation process was done. Ms. Whittaker stated the Self-Evaluation is submitted as an Action Item for approval on this Agenda and will be made available to the public.
2. Members of the Board Finance and Audit Committee and Meeting schedule.  
Mr. Gonzales appointed Mr. Lewis and Mr. Arneson to the Board Finance and Audit Committee. Discussion occurred regarding the meeting schedule. Ms. Whittaker explained that the President of each constituent group, Ms. Whittaker, Ms. Egan, and Dr. Ragan will also serve on this committee. Ms. Whittaker stated that this committee typically meets two times a semester. The agenda will be created by Ms. Whittaker along with Mr. Lewis and Mr. Arneson, and they will inform the committee of the date and time of the meetings.

## **PRESENTATION/DISCUSSION (continued)**

3. Per the Political Reform Act, PVCCD Board of Trustees will review Board Policies for Conflict-of-Interest as required by the 2012 Biennial Notice for Conflict-Of-Interest (*shown as Reference B-67*). Ms. Whittaker provided clarification and there was discussion. Ms. Whittaker stated that Palo Verde College Conflict-of-Interest Policy and Procedures is consistent with what is required from FPPC as well as CCLC. Ms. Whittaker stated that she would not have a recommendation to change this policy.
4. Discussion regarding process for Provisional Appointment of Trustee (*documents shown loose in Board folders*).  
The Trustees were provided a Trustee Provisional Replacement Draft Application Packet. Ms. Whittaker stated that the replacement process is regulated by Ed Code. A Provisional Appointment must be made within 60 days of notice of resignation, and if it is not made within 60 days, the Board would be forced to a public election at the next general election. The cost would be between \$500,000 - \$750,000. Since the District does not have money for this election, Ms. Whittaker urged the Board to attempt to replace Trustee Burton through the provisional conditions. Ms. Whittaker provided explanation and there was discussion of the Draft Provisional Application. Decisions made by the Trustees were:
  - Accept Provisional Application form as submitted.
  - October 9, 2012 at 5:00 pm. will be a Board Meeting for interviews, questions by constituent groups, and public presentations by all applicants. Selection of Provisional Trustee will be made at this meeting and the Oath of Office will be administered.
  - October 16, 2012 will be a Board Meeting for Board Goals, Institutional Goals, and CEO Goals. October 23, 2012 will be a Regular Board Meeting.
  - Interview questions from constituents to the applicants will be given to applicants before the October 9, 2012 Board Meeting. Constituents will provide their interview questions to Ms. Whittaker by September 26, 2012.

## **REPORTS**

### **Associated Student Government**

Ms. Gregory, Student Trustee, provided the following report:

1. There will be a Basketball Tournament October 20, 2012 at 9:00 a.m. Trustees are encouraged to participate.
2. ASG office will be moving to the old Bookstore.

### **Academic Senate**

Mr. Castillo, President of Academic Senate, provided the following report:

1. ML Bettino, Title III Coordinator, provided a presentation regarding the Gates Foundation Grant.
2. Ms. Whittaker provided a presentation regarding a possible permanent position for Vice President of Instructional and Student Services. According to AB 1725, Academic Senate is obligated to provide input to administration and the Board of Trustees of any changes in administration. We must tread softly on this issue; the reason being that in October 2011 the Board passed a resolution for a hiring freeze on all administrative positions until a permanent Superintendent/President had been hired. The announcement made tonight of an Interim Superintendent/President causes a problem in hiring a Vice President of Instructional and Student Services. Academic Senate will meet on September 20, 2012 to discuss this proposal and will inform the Board of Trustees of their decision.

**REPORTS (continued)**

- 3. The President, Vice President, and Secretary resigned today for personal and professional reasons. New officers for the remainder of the term will be Biju Raman, President; Brian Thieboux, Vice President; and Secretary will be elected on October 9, 2012.
- 4. The Board thanked Mr. Castillo for his service and commitment.

**CSEA**

Not present for this meeting.

**CCA/CTA**

Dr. Robertson, Secretary of CCA/CTA, provided the following report:

- 1. Encouraged the Trustees to vote on November 6, 2012.
- 2. Provided a brief explanation of some of the ballot initiatives and the position of CCA/CTA
  - Sales and Income Tax Increase (Proposition 30)
  - Molly Munger Initiative (Proposition 38)
  - Paycheck Protection Initiative (Proposition 32)

**Denise Whittaker, Interim Superintendent/President**

No report.

**Kay Ragan, Interim Vice President of Instructional and Student Services**

No report.

**INFORMATION ITEMS**

- 1. Letter from ACCJC dated August 31, 2012, addressing the Annual Financial Report *(shown loose in Board folders)*.  
Ms. Whittaker provided clarification and indicated that this letter will be posted on the Palo Verde College website.

**CONSENT RESOLUTIONS**

None.

**ACTION ITEMS**

**B. Business**

**Resolution 12-18 B-65 – PALO VERDE COMMUNITY COLLEGE DISTRICT FINAL BUDGET FY 2012-2013**

BE IT RESOLVED, that Palo Verde Community College District Board of Trustees approves and adopts Palo Verde Community College District Final Budget FY 2012-2013, *(shown loose in Board folders)*.

It was moved by Mr. Lewis, and seconded by Mr. Edmond, that Resolution 12-18 B-65 be approved.

Ms. Egan, Fiscal Services Manager, provided clarification.

Student Advisory	<u>Yes</u>	Edmond	<u>Yes</u>	Rodriguez	<u>Yes</u>
Arneson	<u>Yes</u>	Gonzales	<u>Yes</u>	Thomas	<u>Yes</u>
Vacant Trustee	<u>-----</u>	Lewis	<u>Yes</u>		

Motion carried/lost; Aye 6 No 0 Abstain 0 Absent

**ACTION ITEMS (continued)**

**Resolution 12-18 B-66 – APPLICATION FOR EXEMPTION FROM THE FIFTY PERCENT LAW**

BE IT RESOLVED, that Palo Verde Community College District Board of Trustees hereby authorizes the submission of Form CCFS-350A, "Application For Exemption From The Fifty Percent Law", shown as Reference item B-66.

It was moved by Mr. Arneson, and seconded by Dr. Thomas, that Resolution 12-18 B-66 be approved.

Ms. Whittaker stated that Application For Exemption From the Fifty Percent Law is for 2011-2012.

Student Advisory	<u>Yes</u>	Edmond	<u>Yes</u>	Rodriguez	<u>Yes</u>
Arneson	<u>Yes</u>	Gonzales	<u>Yes</u>	Thomas	<u>Yes</u>
Vacant Trustee	-----	Lewis	<u>Yes</u>		

Motion carried/lost; Aye 6 No 0 Abstain 0 Absent     

**Resolution 12-18 B-67 – 2012 BIENNIAL NOTICE FOR CONFLICT-OF-INTEREST CODES**

BE IT RESOLVED, that Palo Verde Community College District Board of Trustees approves to maintain Board Policy 2710 and Administrative Procedure 2710-1, as reviewed for 2012-2013, and required by the Political Reform Act, as shown in Reference B-67.

It was moved by Mr. Edmond, and seconded by Dr. Thomas, that Resolution 12-18 B-67 be approved.

Student Advisory	<u>Yes</u>	Edmond	<u>Yes</u>	Rodriguez	<u>Yes</u>
Arneson	<u>Yes</u>	Gonzales	<u>Yes</u>	Thomas	<u>Yes</u>
Vacant Trustee	-----	Lewis	<u>Yes</u>		

Motion carried/lost; Aye 6 No 0 Abstain 0 Absent     

**D. MISCELLANEOUS**

**Resolution 12-18 D-31 – BOARD OF TRUSTEES SELF EVALUATION 2011-2012**

BE IT RESOLVED, that the Board Self Evaluation 2011-2012, conducted at the August 28, 2012 Board meeting, and as shown in Reference D-31, be approved as submitted and available to the public upon request.

It was moved by Dr. Thomas, and seconded by Mr. Edmond, that Resolution 12-18 D-31 be approved.

Student Advisory	<u>Yes</u>	Edmond	<u>Yes</u>	Rodriguez	<u>Yes</u>
Arneson	<u>Yes</u>	Gonzales	<u>Yes</u>	Thomas	<u>Yes</u>
Vacant Trustee	-----	Lewis	<u>Yes</u>		

Motion carried/lost; Aye 6 No 0 Abstain 0 Absent

**ACTION ITEMS (continued)**

**Resolution 12-18 D-32 – BOARD OF TRUSTEE RESIGNATION (BURTON)**

BE IT RESOLVED, that Palo Verde Community College District Board of Trustees accepts the resignation of Trustee Samuel Burton, due to an unexpected family emergency, effective August 28, 2012.

It was moved by Dr. Thomas, and seconded by Mr. Lewis, that Resolution 12-18 D-32 be approved.

Student Advisory	<u>Yes</u>	Edmond	<u>Yes</u>	Rodriguez	<u>Yes</u>
Arneson	<u>Yes</u>	Gonzales	<u>Yes</u>	Thomas	<u>Yes</u>
Vacant Trustee	-----	Lewis	<u>Yes</u>		

Motion carried/lost; Aye 6 No 0 Abstain 0 Absent     

**Resolution 12-18 D-33 – ACCEPTANCE OF DOCUMENTS AND PROCESS OF PROVISIONAL APPOINTMENT BOARD OF TRUSTEE**

BE IT RESOLVED, that Palo Verde Community College District Board of Trustees accepts and approves the documents and provisional appointment process to fill the Board of Trustee vacancy, as agreed upon and discussed during the Presentation/Discussion portion of this meeting (*shown loose in Board folders*).

It was moved by Ms. Rodriguez, and seconded by Mr. Edmond, that Resolution 12-18 D-33 be approved.

Student Advisory	<u>Yes</u>	Edmond	<u>Yes</u>	Rodriguez	<u>Yes</u>
Arneson	<u>Yes</u>	Gonzales	<u>Yes</u>	Thomas	<u>Yes</u>
Vacant Trustee	-----	Lewis	<u>Yes</u>		

Motion carried/lost; Aye 6 No 0 Abstain 0 Absent     

**Resolution 12-18 D-34 – APPOINTMENT OF BOARD OF TRUSTEE MEMBERS TO BOARD FINANCE AND AUDIT COMMITTEE**

BE IT RESOLVED, that Palo Verde Community College District Board of Trustees appoints Trustee Lewis, and Trustee Arneson to the Board Finance and Audit Committee.

It was moved by Mr. Edmond, and seconded by Ms. Rodriguez, that Resolution 12-18 D-34 be approved.

Student Advisory	<u>Yes</u>	Edmond	<u>Yes</u>	Rodriguez	<u>Yes</u>
Arneson	<u>Yes</u>	Gonzales	<u>Yes</u>	Thomas	<u>Yes</u>
Vacant Trustee	-----	Lewis	<u>Yes</u>		

Motion carried/lost; Aye 6 No 0 Abstain 0 Absent     

**Resolution 12-18 D-35 – APPROVAL OF MEETING SCHEDULE FOR BOARD FINANCE AND AUDIT COMMITTEE**

BE IT RESOLVED, that Palo Verde Community College District Board of Trustees approves the meeting schedule for the Board Finance and Audit Committee.

**ACTION ITEMS (continued)**

It was moved by Dr. Thomas, and seconded by Mr. Edmond, that Resolution 12-18 D-35 be approved.

Ms. Whittaker stated there will be one meeting in fall 2012, and two meetings in spring 2013.

Student Advisory	<u>Yes</u>	Edmond	<u>Yes</u>	Rodriguez	<u>Yes</u>
Arneson	<u>Yes</u>	Gonzales	<u>Yes</u>	Thomas	<u>Yes</u>
Vacant Trustee	-----	Lewis	<u>Yes</u>		

Motion carried/lost; Aye 6 No 0 Abstain 0 Absent     

*(THE FOLLOWING RESOLUTION WAS AMENDED)*

**Resolution 12-18 D-36 – BOARD OF TRUSTEES MEETING SCHEDULE**

BE IT RESOLVED, that Palo Verde Community College District Board of Trustees approves the following meeting schedule for October:

<del>October 2, 2012</del>	<del>Special Board Meeting, if needed, to identify applicants for interviewing of Provisional Trustee Appointment</del>
October 9, 2012	Study Session Special or Regular Meeting for Provisional Applicant Process
October 16 and/or 17, 2012	Special Board Meeting for applicant presentations, Board of Trustees and constituent questions, final selection, and Oath of Office Study Session for Board Goals, Institutional Goals, and CEO Goals

It was moved by Mr. Lewis, and seconded by Mr. Arneson, that Resolution 12-18 D-36 be approved as corrected.

Student Advisory	<u>Yes</u>	Edmond	<u>Yes</u>	Rodriguez	<u>Yes</u>
Arneson	<u>Yes</u>	Gonzales	<u>Yes</u>	Thomas	<u>Yes</u>
Vacant Trustee	-----	Lewis	<u>Yes</u>		

Motion carried/lost; Aye 6 No 0 Abstain 0 Absent     

**HEARING OF CITIZENS (NON-AGENDA ITEMS)**

Ms. Whittaker requested a moment of silence in remembrance of the victims of September 11, 2001.

**ADJOURNMENT**

The meeting was adjourned at 6:35 p.m.

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**Interim Secretary of the Board**