

**PALO VERDE COMMUNITY COLLEGE DISTRICT**  
**REGULAR MEETING**  
**BOARD OF TRUSTEES**  
**One College Drive in Blythe – CL 101**  
**(and Teleconference held at 725 West Broadway in Needles – Classroom #10)**  
**Tuesday, November 15, 2011**  
**4:30 p.m.**

**Meeting 11-14**

**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 4:30 p.m.

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

Present: Ed Gonzales, President  
Millie Rodriguez, Vice President  
Jerry Lewis, Clerk of the Board  
Ted Arneson, Trustee  
Sam Burton, Trustee  
Lincoln Edmond, Trustee  
George Thomas, Trustee  
Jeneane Quist, Student Trustee

Administrators Present: James Hottos, Superintendent/President  
Diana Rodriguez, Vice President of Student Services  
George Walters, Director of fiscal and Human Resources

Recorder: Carrie Mullion

Absent: William Smith, Vice President of Instructional Services,

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

It was moved by Mr. Edmond, seconded by Ms. Rodriguez, and unanimously carried, that the Minutes of the Regular Meeting of October 25, 2011 be approved.

It was moved by Mr. Arneson, seconded by Dr. Thomas, and unanimously carried, that the Minutes of the Special Meeting of November 7, 2011 be approved.

It was moved by Mr. Lewis, seconded by Ms. Rodriguez, and unanimously carried, that the agenda for this meeting be amended with the addition of Resolution 11-14 D-23 – BOARD REGULAR/ANNUAL ORGANIZATIONAL MEETING. This Amendment to the Agenda was provided to Board of Trustee Members during the meeting with supporting documents. Item # II. Presentation – Redistricting Partners (Paul Mitchell) and Community College League Staff (Elaine Reodica). Final decision from Trustees; will be removed from the Agenda. The presentation will be given at the next Regular Board of Trustees Meeting.

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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.)

## **ITEMS FOR DISCUSSION IN CLOSED SESSION (AT END OF MEETING)**

1. Public Employee Interim Appointment: Interim Superintendent/President

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

None.

## **PUBLIC NOTICE/HEARINGS**

Public Notice/Hearing on Exemption from the Fifty Percent Law Exception for 2010-2011  
(shown loose in Board folders).

The Public Notice/Hearing opened at 4:35 p.m.

Mr. C.M. Brahmbhatt (Cambridge West Partnership, LLC) gave a presentation on the Fifty Percent Law Exception for 2010-2011. Mr. Brahmbhatt stated that the time has come to be as transparent as possible. Mr. Brahmbhatt met with Associated Student Government, Academic Senate, the Budget Committee, and staff at the Staff Meeting today; to discuss the Fifty Percent Law. The Fifty Percent Law is being well discussed among all constituents on campus. Mr. Brahmbhatt explained the application process. The Fifty Percent Law is not something that the district takes lightly. In order to protect the classroom, the district strives to meet the Fifty Percent Law requirements at all times. But, there are unusual circumstances that can happen that will cause the district not to be able to mitigate this. With the help of the Budget and Enrollment Management Committee, Palo Verde College needs to figure out what to do to make sure the Fifty Percent Law is mitigated for the future. It has been clearly articulated in all the meetings that Palo Verde College Administration and Board of Trustees take this very seriously in order to protect the classroom.

Mr. Brahmbhatt referred to the Exemption from the Fifty Percent Law for 2010-11 Application that was provided to the Board of Trustees and those in attendance of this meeting. The initial application was for \$795,377, but after closing the books it was amended to \$794,741. An amended copy was included in the application. Mr. Brahmbhatt explained Form CCFS-350-A, and the Annual Financial and Budget Report to the State of California Chancellor's Office. The Chancellor's Office would like to know the findings of the Governing Board, Academic Senate and the faculty union, as part of the Fifty Percent Law. Mr. Brahmbhatt explained that the most important thing to show the Board of Governor's is that Palo Verde College is working together collectively to amend the problem.

Mr. Brahmbhatt explained Findings of the Local Governing Board Regarding the Fifty Percent Law, Form CCFS-350-B. The Basis for Exemption Request: Serious Hardship was checked because increasing expenditures for the Salaries of Classroom Instructors would result in the district being unable to discharge financial liabilities, and unanticipated, unbudgeted, and necessary expenditures resulted in the inability to expend fifty percent for the Salaries of Classroom Instructors. `Serious Hardship` as defined in CCR title 5 section 59204.1 was explained. This has to do with what happened to categorical programs over the last 3 years. There was significant revenue from categorical programs from 2008-2011, and this was used as part of the hardship as to why Palo Verde College needs an exemption. Attachment 2, California Community Colleges 2010-2011 Apportionment Attendance Report was explained. Attachment 3 explains what could have been affected if \$795,000 were spent in the classroom, and it was noted that Palo Verde College spent almost \$400,000 as part of Student Services, over our net. Mr. Brahmbhatt emphasized that this is strictly a scenario to show the Board of Governor's that by spending the dollars in the classroom, it could have significantly impacted Student Services by having to eliminate 5 counselors, 2 librarians, 2 custodial staff and 1 student services clerk. Mr. Brahmbhatt stated again that this is by no means what they are suggesting needs to be done. The district will prepare something in February, working through the Budget and Enrollment Management Committee, to show the Board of Trustees what needs to be done to meet the Fifty Percent Law for 2012-2013. Attachment 4 was explained. This report indicates how much more money was spent in 2010-2011 than in 2008-2009, as indicated by the backup material generated from Galaxy Financial Summary.

## **PUBLIC NOTICE/HEARINGS (continued)**

Mr. Brahmbhatt explained form CCFS-350-C, Supplemental Exemption for "Serious Hardship". This is the report regarding categorical programs. The district contributed \$395,866 over the mandatory match, which created a hardship to mitigate the Fifty Percent Law. Back up material generated from Galaxy Financial Summary is included in the report.

Mr. Brahmbhatt stated that the district wants to make it very clear to the Board of Governor's that Palo Verde College has a hardship of meeting the Fifty Percent Law. Palo Verde College has made choices that have caused problems, but at the same time we were able to serve the students in the best possible way in the Student Services area.

Mr. Brahmbhatt then answered questions.

Mr. Arneson questioned the General Fund matching categorical dollars. Mr. Brahmbhatt explained form CCFS-350-C, Supplemental Exemption for "Serious Hardship". Mr. Brahmbhatt encouraged students to let legislature know that schools need to be funded in categorical services.

Dr. Thomas questioned if the categorical programs still need to be offered. Mr. Brahmbhatt stated the programs have to be provided.

Mr. Castillo, Academic Senate President, spoke regarding the official position of Palo Verde College Academic Senate, in support of the Application for Exemption from the Fifty Percent Law. Mr. Castillo read an official statement. Mr. Castillo stated that Academic Senate will prepare a written statement to send to the Board of Governor's and the Chancellor's Office at a later date.

Mr. Raman, Instructor of Math and Chemistry, asked the Board of Trustees to approve the Application for Exemption from the Fifty Percent Law. Mr. Raman commended management on opening up the process of budgeting for 2012-2013.

Mr. Copple, CTA President, stated that CTA has some concerns about the Application for Exemption from the Fifty Percent Law. CTA will have a response that will be sent in to the Chancellor's Office by December 1, 2011.

Mr. Gonzales called for a voice vote from the Board Trustees, all Trustees were in favor of accepting the Application for Exemption from the Fifty Percent Law as presented.

The Public/Hearing closed at 5:03 p.m.

### **ITEMS FOR DISCUSSION IN CLOSED SESSION (AT END OF MEETING)**

1. Public Employee Interim Appointment: Interim Superintendent/President

## **REPORTS**

### **Associated Student Government**

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

1. The Canned Food Drive is currently underway.
2. Float construction for the Christmas parade has begun.

### **Academic Senate**

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

1. Thanked Mr. Brahmbhatt and Mr. Walters for attending the Academic Senate Special Meeting to explain the Fifty Percent Law Application.
2. Looking forward to other events later in the year.

## **REPORTS (continued)**

3. Faculty is ready to move on in January with a new Interim Superintendent/President.

### **CSEA**

Mr. Soto, President of CSEA, provided the following report:

1. Encouraged the Board of Trustees and Palo Verde College District to shop for a better rate on Health and Welfare benefits that are currently provided to employees, in order to save money.

### **CCA/CTA**

Mr. Copple had no report.

### **Superintendent/President**

Dr. Hottos, Superintendent/President, provided the following report:

1. Thanked Mr. Brahmbhatt for his work.
2. The construction on the Fine and Performing Arts Complex is complete. It will be turned over to Palo Verde College when the key plans and a few other details are finished.
3. Thanked Mr. Soto for bringing up the issue of Health and Welfare in regards to lowering costs. This will be researched very soon.
4. Mr. Wissman suggested at the October meeting, that it might be possible for board members to forego Palo Verde College Health and Welfare benefits. After follow up, it appears that it is possible.

### **Diana Rodriguez, Vice President of Student Services**

Ms. Rodriguez provided the following report:

1. Transfer Center and Counseling Services have been working getting the word out that it is time to fill out applications to transfer to Cal State or UC schools.
2. Admission and Records have completed all MIS data entry to date. They are continuously receiving Fire Science enrollment.
3. Admission and Records have been going through training from the Chancellor's Office on various reporting structures.
4. Admission and Records is caught up on all petitions to graduate for this academic year, and nearly caught up on transcript evaluations.
5. Steve LaVigne conducted a Leadership Presentation to CalWorks and DSPS students.
6. CalWorks has started the Gifts for the Holidays campaign.
7. Financial Aid has been busy sending award letters to students at the main campus and in Needles, conducting meetings, and working with students who are on warning or may be in jeopardy of losing their financial aid.
8. DSPS is still in the process of moving their Assistive Technology Center to the Learning Skills Center.
9. DSPS is sending two students to Maryland University in to attend the National Active Minds Conference. This is being paid for out of the Active Minds Grant.
10. Spring schedule is almost complete, and the Palo Verde College catalog is online.

### **William Smith, Vice President of Instructional Services**

Mr. Smith not present for this meeting.

### **George Walters, Director of Fiscal and Human Resources**

Mr. Walters provided the following report:

1. The auditors have been on campus for two weeks. There will be another 10 days (approximately) of work to be done by telephone and email.
2. Presented at the ACBO Conference with Mr. Brahmbhatt, Ms. Egan and Mr. Harris. Received guidance and support from other CBO's in the state of California.

## REPORTS (continued)

3. The first Budget and Enrollment Management Committee meeting was today. The committee will meet again on December 13, 2011, to set priorities for Palo Verde College District.
4. The Benefits Committee met, and have been asked to research choices and ideas regarding Health and Welfare benefits.
5. Thanked Ms. Attaway for her work in putting together the eCampus bookstore.

### Board of Trustees Comments and Discussion

Mr. Lewis expressed a job well done regarding the eCampus bookstore and the completion of the spring schedule. Mr. Lewis then stated his concerns about how enrollment and eCampus books will work for the Needles Center.

Mr. Gonzales expressed his appreciation, on behalf of the Board of Trustees, to Mr. Brahmhatt.

## CONSENT RESOLUTIONS

### A. Instruction

#### **Resolution 11-14 A-28 – ADVISORY COMMITTEES FOR ACADEMIC YEAR 2011-2012**

BE IT RESOLVED, that the Palo Verde Community College District Board of Trustees approves Advisory Committees and members, as shown in Reference A-28, to serve for the 2011-2012 academic year, for the areas of Instructional Services.

### B. Business

#### **Resolution 11-14 B-99 – CHANGE ORDERS FOR PHASE IV**

BE IT RESOLVED, that the Palo Verde Community College District Board of Trustees ratifies the Superintendent/President's authorization of the following change orders for Phase IV (Fine and Performing Arts Complex) as listed below, as shown in Reference B-99.

##### Change Order#82

(\$2,472.00) Back charges to this Contractor (Western Ins. Co.) for additional construction bond costs incurred by Ceiling Contractor (PAC 10)

##### Change Order#114

\$3,551.00 Repairs to damaged areas caused by mechanical contractor (PAC 23).  
Repairs to damaged areas caused by steel contractor (PAC 05) for relocated railings at stair #1.  
Repairs to furred walls where original mechanical ductwork openings were not used.

##### Change Order#116

(\$687.00) Back charges to this contractor for repair work required by drywall and framing contractor (PAC 09) per change order #114, item #2.

##### Change Order#117

\$11,600.00 Contractor shall provide extended supervision beyond the scheduled contract end date.

##### Change Order#118

(\$11,600.00) Back charges to this contractor for additional supervision required by AEL Construction (PAC 01) beyond the scheduled contract end date.

## **CONSENT RESOLUTIONS (continued)**

### Change Order#119

\$3,659.80 Contractor shall change ADO push plate actuators to wireless type due to unusable conduits to doors T11A, T11B, L114A and L114B (COR#37).

Contractor shall replace aisle lights burnt out during installation by electrical contractor (COR #38).

### **Resolution 11-14 B-100 – QUARTERLY FINANCIAL STATUS REPORT**

BE IT RESOLVED that the Quarterly Financial Status Report (CCFS-311Q), for quarter ended September 30, 2011, as prepared by Administrative Services and shown in Reference B-100, is accepted as submitted to the Chancellor's office.

### **Resolution 11-14 B-101 - CDC 2012-2013 CONTINUED FUNDING APPLICATION**

BE IT RESOLVED, that the Palo Verde Community College District Board of Trustees approves the Continued Funding Application for the Child Development Center, as shown in Reference B-101.

### **Resolution 11-14 B-102 - CONSULTANT AGREEMENT (GALLAN)**

BE IT RESOLVED, that the Palo Verde Community College District Board of Trustees approves the Agreement for Consultant Services for Louise Gallan, of Parker, Arizona, to provide North American Board of Certified Energy Practitioners (NABCEP) services to oversee testing, including collecting and submitting Candidate Eligibility information from all student registered in the course, ordering/obtaining/copying the exam, proctoring the exam, ensuring testing standards and procedures are met, communication with NABCEP regarding the test, shipping the exam and other testing materials after the testing and providing score reports to the Instructor, The testing will be conducted on Wednesday, November 16, 2011. In an amount not to exceed \$560.00, Payment will be funded by the Green Jobs Grant Sub Agreement.

### **Resolution 11-14 B-103 - CONSULTANT AGREEMENT (OCHENREIDER)**

BE IT RESOLVED, that the Palo Verde Community College District Board of Trustees approves the Agreement for Consultant Services for David E. Ochenreider (DEO Enterprises) of Pahrump, Nevada, to provide training services on the Solar Power Generation, covering utility-scale applications of solar photovoltaics (PV) and concentrating solar power (CSP), focusing on CSP system theory, design, operation, maintenance, and construction. The training will be conducted over four days, scheduled on or about November 28 to December 1, 2011, five hours per day from 12:30 to 5:30 p.m., in an amount not to exceed \$4,000. Payment will be funded by the Green Jobs Grant Sub Agreement.

### **Resolution 11-14 B-104 - CONSULTANT AGREEMENT AMENDMENT (BRAHMBHATT-CAMBRIDGE WEST PARTNERSHIP, LLC)**

BE IT RESOLVED, that the Palo Verde Community College District Board of Trustees approves the Amendment of Agreement with Cambridge West Partnership, LLC (C. M. Brahmbhatt) for Consultant Services in support of the Office of Fiscal Services and Human Resources. Per Agreement, a fee of not to exceed \$20,000, \$7,500 per month on a retainer basis. Additional to this monthly compensation will be travel time billed at \$80. per hour and related, reimbursable expenses incurred on behalf of the District. Beginning October 1, 2011, continuing through the term of the agreement.

## **C. Personnel**

### **(Student Personnel)**

**CONSENT RESOLUTIONS (continued)**

**Resolution 11-14 C-74 72 – PART-TIME TEMPORARY STUDENT EMPLOYEES FOR FALL SEMESTER 2011**

BE IT RESOLVED, that part-time temporary student employees (aides, interpreters, tutors, peer coordinator/counselors, and peer counselor/recruiters), as shown in Reference C-74, be approved for the Fall Semester 2011.

It was moved by Ms. Rodriguez, and seconded by Dr. Thomas, that Consent Resolutions be approved.

Dr. Hottos provided clarification and there was discussion on Resolution 11-14 B-99 – CHANGE ORDERS FOR PHASE IV.

Mr. Walters, Dr. Hottos, and Mr. Brahmbhatt provided clarification and there was discussion on Resolution 11-14 B-100 – QUARTERLY FINANCIAL STATUS REPORT.

***(Blanket Motion)***

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>
Burton	<u>Yes</u>	Lewis	<u>Yes</u>		

Motion carried/lost; Aye 7 No 0 Abstain 0 Absent 0

**ACTION ITEMS**

**B. Business**

**Resolution 11-14 B-105 – ELECTRONIC FUND TRANSFER HOLD HARMLESS AGREEMENT BETWEEN SCHOOL DISTRICT AND RIVERSIDE COUNTY SUPERINTENDENT OF SCHOOLS**

BE IT RESOLVED, that the Palo Verde Community College District Board of Trustees approves the Electronic Fund Transfer Hold Harmless Agreement Between School District and Riverside County Superintendent of Schools, as shown in Reference B-105.

It was moved by Mr. Lewis, and seconded by Mr. Edmond, that Resolution 11-14 B-105 be approved.

Mr. Brahmbhatt provided clarification on Resolution 11-14 B-105.

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>
Burton	<u>Yes</u>	Lewis	<u>Yes</u>		

Motion carried/lost; Aye 7 No 0 Abstain 0 Absent 0

**Resolution 11-14 B-106 – AGREEMENT WITH A BOOK COMPANY, LLC (DBA eCAMPUS.COM)**

BE IT RESOLVED, that the Palo Verde Community College District Board of Trustees approves the Agreement with A Book Company, LLC dba eCampus.com, with its principal office located at 2373 Palumbo Drive, Lexington, Kentucky. eCampus shall be the exclusive provider of virtual bookstore services to Palo Verde College, as shown in Reference B-106.

**ACTION ITEMS (continued)**

It was moved by Mr. Edmond, and seconded by Mr. Lewis, that Resolution 11-14 B-106 be approved.

Ms. Attaway and Ms. D. Rodriguez provided clarification and there was discussion on Resolution 11-14 B-106.

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>
Burton	<u>Yes</u>	Lewis	<u>Yes</u>		

Motion carried/lost; Aye 7 No 0 Abstain 0 Absent 0

**Resolution 11-14 B-107 – NURSING AND ALLIED HEALTH CLINICAL AGREEMENT (AMERICAN MEDICAL RESPONSE)**

BE IT RESOLVED, that the Palo Verde Community College District Board of Trustees approves the Nursing and Allied Health Clinical Agreement between Palo Verde Community College District and American Medical Response (for Emergency Medical Technician course), as shown in Reference B-107, effective November 15, 2011, to November 15, 2016.

It was moved by Mr. Arneson, and seconded by Mr. ~~Butler~~ **Burton**, that Resolution 11-14 B-107 be approved.

Dr. Hottois and Mr. Walters provided clarification and there was discussion on Resolution 11-14 B-107.

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>
Burton	<u>Yes</u>	Lewis	<u>Yes</u>		

Motion carried/lost; Aye 7 No 0 Abstain 0 Absent 0

**D. Miscellaneous**

**Resolution 11-14 D-22 – REVISED BP 7145, PERSONNEL FILES**

BE IT RESOLVED, that the Palo Verde Community College District Board of Trustees approves revised Board Policy 7145, (and Administrative Procedures as information only), Personnel Files (*shown loose in Board folders*).

It was moved by Mr. Arneson, and seconded by Mr. ~~Butler~~ **Burton**, that Resolution 11-14 D-22 be approved.

Dr. Hottois provided clarification and there was discussion on Resolution 11-14 D-22.

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>
Burton	<u>Yes</u>	Lewis	<u>Yes</u>		

Motion carried/lost; Aye 7 No 0 Abstain 0 Absent 0

**Resolution 11-14 D-23 – BOARD REGULAR/ANNUAL ORGANIZATIONAL MEETING**

BE IT RESOLVED, that the Regular/Annual Organizational Meeting for election of officers be held on Tuesday, December 13, 2011, in Blythe, in compliance with time frames set by Riverside County



**ACTION ITEMS (continued)**

Office of Education, shown in Reference D-23.

It was moved by Mr. Arneson, and seconded by Dr. Thomas, that Resolution 11-14 D-23 be approved.

Dr. Hottos provided clarification and there was discussion on Resolution 11-14 D-23.

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>
Burton	<u>Yes</u>	Lewis	<u>Yes</u>		

Motion carried/lost; Aye 7 No 0 Abstain 0 Absent 0

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

Ms. Maria Gonzalez, Owner/Operator Wheelies Car Wash and Wheelies Equipment, spoke concerning allegations of improprieties made against Ms. Gonzalez and Mr. Smith.

Ms. Judy Schuster, Palo Verde College student, spoke concerning hiring the new Interim Superintendent/President.

Mr. Refugio Luna Espinoza, Palo Verde College student, concerning hiring the new Interim Superintendent/President. Mr. Espinoza stated there were not enough copies of the Board of Trustees Agendas available for everyone at this meeting.

Ms. Kathy Linares, Palo Verde College student, spoke concerning student enrollment, budget issues, and her concern of not having enough face to face classes for students.

Mr. Dale Wissman, CSEA Labor Relations Representative, spoke concerning the budget, bidding on a new Health and Welfare benefits package, and in opposition of the cost of SERP.

**ADJOURN TO CLOSED SESSION**

The Board of Trustees adjourned to closed session at 5:57 p.m. to discuss Public Employee Interim Appointment: Interim Superintendent/President.

**OPEN SESSION**

The Board of Trustees returned to open session at 6:30 p.m. and announced the appointment of Denise Whittaker as Interim Superintendent/President for the Palo Verde Community College District, effective January 1, 2012, subject to the approval of a mutually acceptable contract to be approved in open session at the next meeting of the Board of Trustees.

**ADJOURNMENT**

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

The next Regular/Organizational Meeting will be held on Tuesday, December 13, 2011, in Blythe.

**Minutes approved at the December 13, 2011  
Regular Meeting of the Board of Trustees**

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**Secretary of the Board**