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SANTA MONICA COMMUNITY COLLEGE DISTRICT  
BOARD OF TRUSTEES

REGULAR MEETING

MONDAY,  
MARCH 2, 2009

Santa Monica College  
1900 Pico Boulevard  
Santa Monica, California

5:30 p.m. – Closed Session  
7:00 p.m. – Public Meeting  
Board Room (Business Building Room 117)

*The complete agenda may be accessed on the  
Santa Monica College website:*

<http://www.smc.edu/admin/trustees/meetings/>

*Written requests for disability-related modifications or accommodations,  
including for auxiliary aids or services that are needed in order to participate in  
the Board meeting are to be directed to the Office of the  
Superintendent/President as soon in advance of the meeting as possible.*

**PUBLIC PARTICIPATION**  
**ADDRESSING THE BOARD OF TRUSTEES**

Members of the public may address the Board of Trustees by oral presentation **concerning any subject that lies within the jurisdiction of the Board of Trustees** provided the requirements and procedures herein set forth are observed:

1. Individuals wishing to speak to the Board at a Board of Trustees meeting during Public Comments or regarding item(s) on the agenda must complete an information card with name, address, name of organization (if applicable) and the topic or item on which comment is to be made.

Five minutes is allotted to each speaker per topic. If there are more than four speakers on any topic or item, the Board reserves the option of limiting the time for each speaker. A speaker's time may not be transferred to another speaker.

Each speaker is limited to one presentation per specific agenda item before the Board, and to one presentation per Board meeting on non-agenda items.

General Public Comments and Consent Agenda

- The card to speak during Public Comments or on a Consent Agenda item must be submitted to the recording secretary at the meeting **before** the Board reaches the Public Comments section in the agenda.
- Five minutes is allotted to each speaker per topic for general public comments or per item in the Consent Agenda. The speaker must adhere to the topic. Individuals wishing to speak during Public Comments or on a specific item on the Consent Agenda will be called upon during Public Comments.

Major Items of Business

- The card to speak during Major Items of Business must be submitted to the recording secretary at the meeting **before** the Board reaches that specific item in the Major Items of Business in the agenda.
- Five minutes is allotted to each speaker per item in Major Items of Business. The speaker must adhere to the topic. Individuals wishing to speak on a specific item in Major Items of Business will be called upon at the time that the Board reaches that item in the agenda.

Exceptions: This time allotment does not apply to individuals who address the Board at the invitation or request of the Board or the Superintendent

2. Any person who disrupts, disturbs, or otherwise impedes the orderly conduct of any meeting of the Board of Trustees by uttering loud, threatening, or abusive language or engaging in disorderly conduct shall, at the discretion of the presiding officer or majority of the Board, be requested to be orderly and silent and/or removed from the meeting.

No action may be taken on items of business not appearing on the agenda

Reference: *Board Policy Section 1570*  
*Education Code Section 72121.5*  
*Government Code Sections 54954.2, 54954.3, 54957.9*

**A G E N D A**

A meeting of the Board of Trustees of the Santa Monica Community College District will be held in the Santa Monica College Board Room (Business Building Room 117), 1900 Pico Boulevard, Santa Monica, California, on Monday, March 2, 2009.

5:30 p.m. – Closed Session

7:00 p.m. – Public Meeting

The agenda includes the following items: (Items for action - recommendations - are listed numerically; items for information are listed alphabetically).

**I. ORGANIZATIONAL FUNCTIONS**Page No.

A Call to Order – 5:30 p.m.

6

B Roll Call

C Public Comments on Closed Session Items

**II. CLOSED SESSION**

- Conference with Labor Negotiators (Government Code Section 54957.6)  
Agency designated representatives: *Marcia Wade, Vice-President, Human Resources*  
*Robert Myers, District Counsel*  
Employee Organization: *CSEA, Chapter 36*
- Conference with Legal Counsel – Existing Litigation  
(Subdivision (a) of Government Code Section 54956.9)  
Name of case: *Jimenez v. Santa Monica Community College District, Los Angeles Superior Court, Case Number BC390540*
- Public Employee Discipline/Dismissal/Release (Government Code Section 54957)
- Real Property (Government Code Section 54956.8)  
Property Address: *2909 Exposition Blvd., Santa Monica, CA 90404*  
Under Negotiation: *90 days of Due Diligence Period, 30 days escrow from the end of the Due Diligence Period.*  
Owner of Record: *Verizon California Inc., a California corporation.*

**III. PUBLIC SESSION - ORGANIZATIONAL FUNCTIONS** (Scheduled for 7:00 p.m.)

D Pledge of Allegiance

E Closed Session Report (if any)

F Public Comments

IV. **SUPERINTENDENT'S REPORT**

- Management Association Update
- Updates:
  - Accreditation/Statewide Issues
  - Budget
  - Spring Semester
  - Expo Line

V. **ACADEMIC SENATE REPORT**

VI. **MAJOR ITEMS OF BUSINESS**

G	Information: Government and Community Relations	7
H	Information: Actuarial Study of Retiree Health Liabilities	7
#1	First Reading – Board Policy Sections 2100, 2621, 6223, and 6230	8
#2	Second Reading – Board Policy Sections 1230 and 2470	12

VII. **CONSENT AGENDA**

*Any recommendation pulled from the Consent Agenda will be held and discussed in Section VIII, Consent Agenda – Pulled Recommendations*

**Approval of Minutes**

#3	Approval of Minutes: February 2, 2009 (Regular Meeting) February 28, 2009 (Study Session)	15
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**Grants and Contracts**

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#5	Ratification of Contracts and Consultants	17

**Human Resources**

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**Facilities and Fiscal**

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11-B	Change Order No. 1 – Student Services and Administration Building Phase I – Site Preparation	25
11-C	Substitution of Subcontractor – Students Services and Administration Building Phase I, Site Preparation	25
11-D	Substitution of Subcontractor – Students Services and Administration Building Phase I, Site Preparation	25

**Facilities and Fiscal** (continued)

#11	Facilities (continued)	
11-E	Change Order No. 3 – John Adams Middle School Field Renovation and Lighting	26
11-F	Change Order No. 1 – Energy Services Contract	26
11-G	Change Order No. 1 – Revised Bundy Northeast Driveway	27
11-H	Amendment to Agreement for Architectural Services – Bundy Traffic Signal and NE Driveway	27
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#18	Purchasing	
18-A	Award of Purchase Orders	33
18-B	Award of Purchase Order – Theater Lighting Equipment for the Broad Stage at the SMC Performing Arts Center	33

VIII. **CONSENT AGENDA – Pulled Recommendations**

*Recommendations pulled from the Section VII. Consent Agenda to be discussed and voted on separately. Depending on time constraints, these items might be carried over to another meeting.*

IX. **BOARD COMMENTS AND REQUESTS**

X. **ADJOURNMENT**

The next regular meeting of the Santa Monica Community College District Board of Trustees will be **Monday, April 6, 2009** at 7 p.m. (5:30 p.m. if there is a closed session) Santa Monica College Board Room and Conference Center, Business Building Room 117, 1900 Pico Boulevard, Santa Monica, California.

**BOARD OF TRUSTEES**

SANTA MONICA COMMUNITY COLLEGE DISTRICT

**REGULAR MEETING**

March 2, 2009

**I. ORGANIZATIONAL FUNCTIONS**A CALL TO ORDERB ROLL CALL

Louise Jaffe, Chair

David Finkel, Superior Court Judge (Ret.), Vice-Chair

Dr. Susan Aminoff

Dr. Nancy Greenstein

Dr. Margaret Quiñones-Perez

Rob Rader

Dr. Andrew Walzer

Cameron Henton, Student Trustee

C PUBLIC COMMENTS ON CLOSED SESSION ITEMS**II. CLOSED SESSION**

- Conference with Labor Negotiators (Government Code Section 54957.6)  
Agency designated representatives: *Marcia Wade, Vice-President, Human Resources*  
*Robert Myers, District Counsel*  
Employee Organization: *CSEA, Chapter 36*
- Conference with Legal Counsel – Existing Litigation  
(Subdivision (a) of Government Code Section 54956.9)  
Name of case: *Jimenez v. Santa Monica Community College District, Los Angeles*  
Superior Court, Case Number *BC390540*
- Public Employee Discipline/Dismissal/Release (Government Code Section 54957)
- Real Property (Government Code Section 54956.8)  
Property Address: *2909 Exposition Blvd., Santa Monica, CA 90404*  
Under Negotiation: *90 days of Due Diligence Period, 30 days escrow from the end of*  
*the Due Diligence Period.*  
Owner of Record: *Verizon California Inc., a California corporation.*

**III. PUBLIC SESSION - ORGANIZATIONAL FUNCTIONS**D PLEDGE OF ALLEGIANCEE CLOSED SESSION REPORT (if any)F PUBLIC COMMENTS

<b>BOARD OF TRUSTEES</b>	<b>ACTION</b>
Santa Monica Community College District	March 2, 2009

MAJOR ITEMS OF BUSINESS

**INFORMATION ITEM G**

**SUBJECT:**                    **COMMUNITY AND GOVERNMENT RELATIONS**

SUBMITTED BY:            Superintendent/President

SUMMARY:                    Don Girard, Senior Director of Government Relations and Institutional Communication will lead a presentation on activities in the area of community and government relations.

**INFORMATION ITEM H**

**SUBJECT:**                    **ACTUARIAL STUDY OF RETIREE HEALTH LIABILITIES**

SUBMITTED BY:            Superintendent/President

SUMMARY:                    Jeanine Hawk, Vice-President, Business/Administration, will present the actuarial study of retiree health liabilities and facilitate a discussion on the direction the District will take on funding its liabilities.

<b>BOARD OF TRUSTEES</b>	<b>ACTION</b>
Santa Monica Community College District	March 2, 2009

MAJOR ITEMS OF BUSINESS

**RECOMMENDATION NO. I**

**SUBJECT:** **FIRST READING – BOARD POLICY SECTIONS**

**SUBMITTED BY:** Superintendent/President

**REQUESTED ACTION:** It is recommended that the Board of Trustees conduct a first reading of the following Board Policy Sections:

- A. BP 2100 Santa Monica Community College District  
*New policy, legally advised*
- B. BP 2621 Alcoholic Beverages at Public Events  
*Revision of existing policy to reflect change in legislation*
- C. BP 6223 Personal Use of District Property  
*New policy, legally advised*
- D. BP 6230 Claims Against the District  
*Revision of existing policy, legally advised*

MOTION MADE BY:  
 SECONDED BY:  
 STUDENT ADVISORY:  
 AYES:  
 NOES:



**#1-A**

**BP 2100 Santa Monica Community College District** (new)

The District has been named the Santa Monica Community College District and uses the name "Santa Monica College."

These names are the property of the District. No person shall, without the permission of the Board, use these names or the names or other facilities of the District, or any abbreviation of them, to imply, indicate or otherwise suggest that an organization, product or service is connected or affiliated with, or is endorsed, favored, supported, or opposed by, the District.

Reference: *Education Code Section 72000(b)*

**#1-B**

**BP 2621 Alcoholic Beverages at Fundraisers Public Events**

~~Alcoholic beverages may be served at non-student events on the Santa Monica College campus or on District-owned property, provided that the event is to benefit a non-profit entity, such as the SMC Foundation. (Event "specifically excludes all athletic contests or games sponsored by the college.)"~~

Alcoholic beverages may be served pursuant to a license or permit obtained for special events held at the facilities of the Santa Monica Community College District. Special events include festivals, shows, private parties, concerts, theatrical productions and other events held on the premise of Santa Monica College, pursuant to a license or permit, and for which the principal attendees are members of the general public or invited guests and not students of the College.

Reference: Business and Professions Code Section 25608  
*Reviewed and Adopted: 5/11/2000*

## **#I-C**

### **BP 6223      Personal Use of District Property** (new)

District property, including vehicles, tools, equipment, materials, supplies and recyclable/discardable items, may not be used for personal use.

- No District employee shall use the District or College names, facilities, property or staff position in selling a commercial product or in promoting service to gain financial or material advantage.
- The use of District facilities or property for the sale of any publications or merchandise, or for the conduct of business ventures of any kind to the benefit of any individual, group, or organization not under direct control of the College, shall be prohibited unless specifically authorized by the Board of Trustees.
- Incidental personal use of telephones, copiers, fax machines and related equipment shall be kept to a minimum.
- District property shall not be loaned to persons not employed by or enrolled in the District.
- District property shall only be removed from District premises with proper authorization.

Reference: Education Code Section 70902

## #1-D

### **BP 6230      Claims Against the District (revised)**

~~Any and all claims for money or damages against the District must be presented to and acted upon in accordance with the procedures set forth in administrative regulations. Compliance with these procedures is a prerequisite to any court action, unless the claim is governed by statutes or regulations which expressly free the claimant from the obligation to comply with this policy and the claims procedure set forth in Government Code Section 900, et seq. This policy is intended to apply retroactively to any existing causes of action and/or claims for money and/or damages.~~

Any claims against the District for money or damages, which are not governed by any other statutes or regulations expressly relating thereto, shall be presented and acted upon in accordance with Title I, Division 3.6, Part 3, Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of the California Government Code.

Claims must be presented according to this policy as a prerequisite to filing suit against the District.

Claims that are subject to the requirements of this policy include, but are not limited to, the following:

1.    Claims for money or damages relating to a cause of action for death or for injury to person, personal property or growing crops shall be presented to the Governing Board not later than six (6) months after the accrual of the cause of action. (Government Code Sections 905, 911.2)
2.    Claims for money or damages as authorized in Government Code Section 905 and not included in paragraph 1 above shall be filed not later than one year from the date the cause of action accrues. (Government Code Sections 905, 911.2)
3.    Claims for money or damages specifically excepted from Government Code Section 905, including, but not limited to, claims by public employees for fees, salaries, wage, mileage or other expenses and allowances, shall be filed not later than six months after the accrual of the cause of action. (Government Code Sections 905, 911.2, 935)

The designated place for service of claims, lawsuits or other types of legal process upon the District is: Recording Secretary to the Board of Trustees, 2714 Pico Boulevard, Suite 320, Santa Monica, California 90405.

The Vice-President of Business and Administration is authorized to settle claims for an amount not to exceed \$10,000.

Reference: Education Code Section 72502; Government Code Sections 900 et seq.



## **#2-A**

### **BP 1230 Code of Ethics**

Santa Monica College is committed to the principle that higher education should be available to every person who can benefit. Given this basic condition, the activities and deliberations of the Board of Trustees will be guided by this code of ethics.

#### The Board of Trustees:

- has as its basic function the establishment of the policies by which the District is to be administered.
- holds the Superintendent/President accountable for the administration of the educational program and the conduct of District business.
- is made up of individuals who will strive to work with fellow Board members in a spirit of harmony and cooperation even when values and beliefs are divergent.
- is a unit of authority; Board members have no individual authority outside of official meetings.
- assures the orderly operation of the District by encouraging employees to make use of appropriate procedures before bringing their concerns to the Board.
- has the authority and responsibility to encourage the administration, faculty and staff to be original and creative in responding to the needs of the college community.

#### A Member of the Board of Trustees:

- supports and assists in fostering the most effective relations between the college and the community.
- never uses his/her position for material gain.
- shall not use District funds, services, supplies or equipment to urge the passage or defeat of any ballot measure or candidate, including, but not limited to, any candidate for election to the Board of Trustees. Initiative or referendum measures may be drafted on an area of legitimate interest to the District. The Board may by resolution express the Board's position on ballot measures. Public resources may be used only for informational efforts regarding ballot measures.
- shall not use or permit others to use public resources for personal purposes or any other purpose not authorized by law.
- devotes time, thought, and study for effective participation and contribution in the decision-making process of the Board.
- complies with pertinent laws and regulations that deliberations in closed session are confidential and not for public discussion or disclosure.
- makes decisions only after all facts have been presented and discussed. Statements or promises as to how one will vote prior to regular meetings are inappropriate.
- abides by majority decisions of the Board.
- participates in state and national community college trustees' associations and in educational conferences, workshops, and training sessions offered by local, state, and national organizations to enhance his/her potential as a Board member.

The Superintendent/President and Board Chair are authorized to consult with legal counsel when they become aware of or are informed about actual or perceived violations of pertinent laws and regulations, including but not limited to conflict of interest, open and public meetings, confidentiality of closed session information, and use of public resources. Violations of law may be referred to the District Attorney or Attorney General as provided for in law.

Violations of the Board's Code of Ethics will be addressed by the Chair of the Board, who will first discuss the violation with the trustee to reach a resolution. If resolution is not achieved and further action is deemed necessary, the Chair may appoint an ad hoc committee to examine the matter and recommend further courses of action to the Board. Sanctions may include a recommendation to the Board for censure of the trustee. If the Chair of the Board is perceived to have violated the code, the Board Vice-Chair is authorized to pursue resolution.

Reference: Education Code Sections 7054, 7056; Government Code Sections 8314, 54963;  
Penal Code Section 424

**#2-B**

**BP 2470 Political Activity** (New)

No community college district funds, services, supplies, or equipment shall be used for the purpose of urging the support or defeat of any ballot measure or candidate, including, but not limited to, any candidate for election to the governing board of the district.

Reference: Education Code Sections 7054, 7056; Government Code Sections 8314, 54963;  
Penal Code Section 424

<b>BOARD OF TRUSTEES</b>	<b>ACTION</b>
SANTA MONICA COMMUNITY COLLEGE DISTRICT	March 2, 2009

**VII. CONSENT AGENDA**

*Any recommendation pulled from the Consent Agenda will be held and discussed in Section VIII, Consent Agenda – Pulled Recommendations*

**RECOMMENDATION:**

The Board of Trustees take the action requested on Consent Agenda Recommendations #3-#18.

Recommendations pulled for separate action and discussed in Section VIII, Consent Agenda – Pulled Recommendations:

MOTION MADE BY:  
 SECONDED BY:  
 STUDENT ADVISORY:  
 AYES:  
 NOES:

**VIII. CONSENT AGENDA – Pulled Recommendations**

*Recommendations pulled from the Section VII, Consent Agenda to be discussed and voted on separately. Depending on time constraints, these items might be carried over to another meeting.*

**RECOMMENDATION NO. 3      APPROVAL OF MINUTES**

Approval of the minutes of the following meetings of the Santa Monica Community College District Board of Trustees:

February 2, 2009 (Regular Board of Trustees Meeting)  
 February 28, 2009 (Board Study Session)

<b>BOARD OF TRUSTEES</b>	<b>ACTION</b>
Santa Monica Community College District	March 2, 2009

CONSENT AGENDA: GRANTS AND CONTRACTS

**RECOMMENDATION NO. 4**      **ACCEPTANCE OF GRANTS AND BUDGET AUGMENTATION**

Reviewed by:      *Laurie McQuay-Peninger, Director of Grants*  
 Approved by:      *Jeff Shimizu, Vice-President, Academic Affairs*  
 Requested Action: *Approval/Ratification*

**Title of Grant:**                      **Community College – Opportunities for Education Abroad (CC-OEA)**

Granting Agency:                      College of the Canyons/California Colleges for International Education/U.S. Department of State

Award Amount:                        \$6,500

Matching Funds:                        \$0

Performance Period:                    March 15 – September 15, 2009

Summary:                                As outlined in the Request for Proposals, the purpose of the CC-OEA institutional planning grant is to develop or augment an education study abroad program in Central or South America that will include at least one class in agriculture, eco-tourism, hospitality, hotel management, or public health. In response, SMC has proposed to pair the college’s Health Sciences Department with its Cultural Anthropology Program to develop a study abroad experience for students in “traditional” career/technical education programs, while helping to expand SMC’s presence in Merida, Mexico. Specifically, SMC will pair “Global Health and Healing Practices” (taught by Eve Adler) with either “Peoples and Power in Latin America” or “Sex, Gender, and Culture” (taught by Eric Minzenberg). This experience will also include service learning. A tentative travel date of Winter Session 2010 is set.

Budget Augmentation:                    Restricted fund 01.3

Income		
8189	Other Federal Revenue	\$ 6,500
	(through a local pass-through)	
Expenditures		
1000	Academic	\$ 1,000
4000	Supplies/Materials	1,500
5000	Other Operating Expenses	4,000



<b>BOARD OF TRUSTEES</b>	<b>ACTION</b>
Santa Monica Community College District	March 2, 2009

CONSENT AGENDA: GRANTS AND CONTRACTS

**RECOMMENDATION NO. 5      RATIFICATION OF CONTRACTS AND CONSULTANTS**

Approved by:      *Chui L. Tsang, Superintendent/President*

Requested Action:      *Ratification*

The following contracts for goods, services, equipment and rental of facilities, and acceptance of grants in the amount of \$50,000 or less have been entered into by the Superintendent/President and are presented to the Board of Trustees for ratification.

*Authorization: Board Policy Section 6255, Delegation to Enter Into and Amend Contracts*

*Approved by Board of Trustees: 9/8/08*

*Reference: Education Code Sections 81655, 81656*

Provider/Contract	Term/Amount	Service	Funding Source
Mamak Khadem	March 12, 2009  Not to exceed \$1,700	To provide a musical program during the Iranian Heritage project event.	Global Citizenship Fund
Parvin Abyaneh	March 12, 2009  Not to exceed \$300	To provide a lecture at the Iranian Heritage project event.	Global Citizenship Fund
May Ellen Schubel	March 2 – April 30, 2009  \$2,000	To provide assessment training to Personnel Commission staff.	Personnel Commission
Hawaii Association for College Admission Counseling	2008-09  \$30	Organizational Membership	District Funds/ Outreach and Recruitment
Jim Gamble Puppets	April 25, 2009  \$500	Perform “The Wonderful World of Puppets” during <i>Picnic at the Quad, a Family Event</i>	Sponsorship
The Animal Guys (Paul Hahn and David Riherd)	April 25, 2009  \$520	Presentation of Wildlife Education during <i>Picnic at the Quad, a Family Event</i>	Sponsorship

<b>BOARD OF TRUSTEES</b> Santa Monica Community College District	<b>ACTION</b> March 2, 2009
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CONSENT AGENDA: HUMAN RESOURCES

**RECOMMENDATION NO. 6    ACADEMIC PERSONNEL**

Reviewed by:        *Sherrí Lee-Lewis, Dean, Human Resources*  
 Approved by:        *Marcia Wade, Vice-President, Human Resources*  
 Requested Action:   *Approval/Ratification*

All personnel will be properly elected in accordance with District policies, salary schedules, and appropriate account numbers.

**REIMBURSEMENT OF EXPENSES**

Hawk, Jeanine  
 Relocation expenses, not to exceed \$3,000

<b>BOARD OF TRUSTEES</b>	<b>ACTION</b>
Santa Monica Community College District	March 2, 2009

CONSENT AGENDA: HUMAN RESOURCES

**RECOMMENDATION NO. 7 CLASSIFIED PERSONNEL – REGULAR**

Reviewed by: *Sherrri Lee-Lewis, Dean, Human Resources*  
 Approved by: *Marcia Wade, Vice-President, Human Resources*  
 Requested Action: *Approval/Ratification*

Approval/ratification of the establishment of classified positions, and other actions involving classified personnel including hiring, promoting, changing work shifts, working out of classification, and advanced step placements. All personnel assigned into authorized positions will be elected to employment (Merit System) in accordance with District policies and salary schedules.

The following positions will be established/abolished in accordance with district policies and salary schedules.

ELECTIONS

PROBATIONARY

Keil Jr., John J., Registered Nurse- Health Services, Health Services	03/02/09
Monique, Zaviaire, Administrative Assistant II, SMC Performing Arts	02/17/09
Nematollahi, Ramin, Administrative Assistant II, ISC	02/17/09
Pedone, Linda, Disabled Student Services Asst., DSC	02/09/09
Robillard, Sandra L., Administrative Assistant II, Facilities	02/17/09
Westlund, Joan, Disabled Student Services Asst., DSC	02/17/09

PROMOTION

Abel, Andrew, Lead Custodian, Operations	03/01/09
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ADVANCE STEP PLACEMENT

Robillard, Sandra L., Administrative Assistant II, Facilities	Step C	02/17/09
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SEPARATIONS

RESIGNATION

Bravo, Lissette, Administrative Clerk, Personnel Commission	02/20/09
Ikkanda, Travis, Lab. Technician – Life Science, Life Science	02/24/09

**RECOMMENDATION NO. 8 APPROVAL OF MOU WITH CSEA**

Agreement was reached between the Santa Monica Community College District and CSEA Chapter 36 on January 26, 2009 on the following Memorandum of Understanding regarding parking on campus during the construction of the Students Services/Administration complex.

## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("MOU") is entered into by and between the Santa Monica Community College District (the "District") and California School Employees Association Chapter 36 ("CSEA") as of this 26<sup>th</sup> day of January, 2009.

WHEREAS, the District will be undertaking construction of a new student services/administration complex, which will include approximately 500 parking spaces available to District employees (the "Construction");

WHEREAS, to accommodate the Construction, the District will temporarily close portions of the parking lot commonly known as "lot #1";

WHEREAS, CSEA has requested to bargain over the District's decision to close portions of lot #1; and

WHEREAS, the District and CSEA disagree as to whether the District has a duty to bargain, but in order to resolve this dispute the parties have reached agreement regarding the availability of parking for unit members while the Construction is underway.


NOW THEREFORE in consideration of the mutual covenants and promises set forth herein, the parties agree as follows:

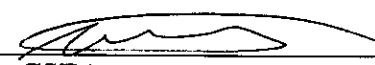
1. While Construction is underway:
  - a. Limited term employees of the District may park in the lot commonly known as "lot # 6" but not elsewhere on the main campus.
  - b. The District shall not issue staff parking permits for student workers.
  - c. The District may maintain "Special" parking spaces for the President, Senior Staff, Board of Trustees, City of Santa Monica Swim Complex staff, District vehicles, and vendors.
  - d. Contractors and employees of the District's construction management who work in the construction management trailers may use the three existing parking spaces reserved for them only. Once those spaces are taken, such contractors and employees must use lot # 6 and shall not park elsewhere on the main campus other than the Construction area.
  - e. If the District makes additional parking available behind Drescher Hall, such parking shall either be unrestricted staff parking, or the District will make an equivalent number of unrestricted staff parking spaces available in lot #'s 3, 4, or 5 or elsewhere on the contiguous portion of the main campus.

- f. The District will add ten full-size parking spaces to lot # 6.
- g. The District shall assign a parking enforcement officer ("PEO") to lot # 6, whose normal working hours through the Spring 2009 semester shall be 7:00 a.m. to 10 p.m., Monday through Thursday, and 7:00 a.m. to 5 p.m. on Friday (the "Hours of Operation"). The parties may revisit the Hours of Operation at the conclusion of the Spring 2009 semester. The District shall provide the PEO with a kiosk, and shall provide notice to unit members of the hours during which a PEO shall be assigned to lot # 6.
- h. Lot # 6 shall be illuminated after dark until one hour following the conclusion of the Hours of Operation.
- i. The District's student/staff escort service shall be available for lot # 6.

2. This MOU shall not establish or be deemed to establish any precedent with respect to parking, and notwithstanding the provisions of Article 10.2.7 of the collective bargaining agreement between the parties, this MOU may not be presented or considered as evidence of past practice or considered as relevant evidence in interpreting or applying the terms of the collective bargaining agreement. Except as set forth in this paragraph, this MOU shall not be deemed to modify or waive any of the parties' existing rights under the collective bargaining agreement or under applicable law with respect to parking. The parties expressly agree that this section 2 is a material provision of the MOU, and that the parties would not have entered into this MOU without this section 2.

3. This Memorandum of Understanding shall be effective upon full ratification by both parties.

 1/26/09  
\_\_\_\_\_  
For the District

  
\_\_\_\_\_  
For CSEA

<b>BOARD OF TRUSTEES</b>	<b>ACTION</b>
Santa Monica Community College District	March 2, 2009

CONSENT AGENDA: HUMAN RESOURCES

**RECOMMENDATION NO. 9 CLASSIFIED PERSONNEL – LIMITED DURATION**

Reviewed by: *Sherrri Lee-Lewis, Dean, Human Resources*  
 Approved by: *Marcia Wade, Vice-President, Human Resources*  
 Requested Action: *Approval/Ratification*

All personnel assigned to limited term employment (Merit System) will be elected in accordance with District policies and salary schedules.

PROVISIONAL: Temporary personnel who meet minimum qualifications and are assigned to work 90 working days; who have not come from an eligibility list.

Brown, Ashley, Counseling Aide, Psychological Services	02/17/09-06/16/09
Ferguson, Eric, Theatre Technical Specialist, SMC Performing Arts	02/05/09-06/16/09
Hunter, Nadia, Registration/Info Clerk, Matriculation	02/02/09-06/30/09
Kinn, Danielle, Theatre Technical Specialist, SMC Performing Arts	02/05/09-06/16/09
Reed, Thadeus, Theatre Technical Specialist, SMC Performing Arts	01/30/09-06/09/09
Smith, Ferman, Theatre Technical Specialist, SMC Performing Arts	02/05/09-06/16/09
Spencer, Gemini, Counseling Aide, Welcome Center	02/02/09-06/12/09
Tittle, Toby, Theatre Technical Specialist, SMC Performing Arts	02/05/09-06/16/09

LIMITED TERM: Positions established to perform duties not expected to exceed 6 months in one Fiscal Year or positions established to replace temporarily absent employees; all appointments are made from eligibility lists or former employees in good standing.

Benone, Jordana, Instructional Assistant-English, English	02/17/09-06/30/09
Capri, Lynn, Instructional Assistant-English, English	02/17/09-06/30/09
Cho, Yoona, Instructional Assistant-English, English	02/17/09-06/30/09
Colton, Patricia, Instructional Assistant-English, English	02/17/09-06/30/09
Flaherty, Lanny M, Lab Tech-Biological Science, Life Science	02/17/09-06/30/09
Fletcher, Gerald, Registration/Info Clerk, Program Development	01/05/09-06/30/09
Garcia, Irene, Registration/Info Clerk, Program Development	01/05/09-06/30/09
Hayduk, Cheryl, Instructional Assistant-English, English	02/24/09-06/30/09
Holmblad, Kristi, Instructional Assistant-English, English	02/17/09-06/30/09
Ibarra, Charleen, Administrative Assistant I, Latino Center	02/02/09-06/30/09
Jackson, Sheralynn, Registration/Info Clerk, Program Development	01/05/09-06/30/09
Knight, Wendy, Instructional Assistant-English, English	02/17/09-06/30/09
Malden, Carla, Instructional Assistant-English, English	02/17/09-06/30/09
Nason, Nancy, Instructional Assistant-English, English	02/17/09-06/30/09
Rhoads, Margaret, Instructional Assistant, Learning Disabilities	02/17/09-06/30/09
Schwarz, Virginia, Instructional Assistant-English, English	02/17/09-06/30/09
Stenthouse, Brent, Instructional Assistant-English, English	02/19/09-06/30/09
Szklarek, Dina, Instructional Assistant-English, English	02/17/09-06/30/09
Velaquez, Victor, Instructional Assistant-English, English	02/17/09-06/30/09
Woldt, Lisa, Instructional Assistant-English, English	02/17/09-06/30/09

<b>BOARD OF TRUSTEES</b>	<b>ACTION</b>
Santa Monica Community College District	March 2, 2009

CONSENT AGENDA: HUMAN RESOURCES

**RECOMMENDATION NO. 10 CLASSIFIED PERSONNEL - NON MERIT**

Reviewed by: *Sherry Lee-Lewis, Dean, Human Resources*  
 Approved by: *Marcia Wade, Vice-President, Human Resources*  
 Requested Action: *Approval/Ratification*

All personnel assigned will be elected on a temporary basis to be used as needed in accordance with District policies and salary schedules.

ELECTIONS

STUDENT EMPLOYEES

CalWORKS \$8.00/hr	00
College Student Assistant \$8.00/hr (STHP)	34
College Work-Study Student Assistant \$8.00/hr (FWS)	27
<u>Community Services Specialist I</u> \$35.00/hr	04
<u>Community Services Specialist II</u> \$50.00/hr	04

<b>BOARD OF TRUSTEES</b>	<b>ACTION</b>
Santa Monica Community College District	March 2, 2009

CONSENT AGENDA: FACILITIES AND FISCAL

**RECOMMENDATION NO. 11 FACILITIES**

Requested by: Greg Brown, Director of Facilities and Planning  
 Approved by: Jeanine Hawk, Vice-President, Business and Administration  
 Requested Action: Approval/Ratification

11-A CHANGE ORDER NO. 10 – RE- BID CAMPUS QUAD

Change Order No. 10 - TRIMAX CONSTRUCTION CORP. on the Re-Bid Campus Quad project in the amount of \$111,763:

Original Contract Amount	\$8,709,500
Previously approved Change Orders 1-9	967,146
Change Order No. 10	<u>111,763</u>
Revised Contract Amount	\$9,788,409
Original Contract Time	360 days
Previous Time Extensions	<u>0 days</u>
Revised Contract Time	360 days
Time Extension this Change Order	<u>0 days</u>
Current Revised Contract Time	360 days

Funding Source: Measure U

Comment: Change Order No. 10 provides for revised planting at the Theater Arts building, costs associated with discovery of an existing buried concrete slab and abandoned piping, cost to provide a wave suppressor at the north fountain, revise finish grade at Sunken Plaza, relocate one (1) emergency phone, additional landscaping and irrigation at the north fountain, re-design of loading dock gate, rescheduled underground utility work at loading dock.



<b>BOARD OF TRUSTEES</b>	<b>ACTION</b>
Santa Monica Community College District	March 2, 2009

CONSENT AGENDA: FACILITIES AND FISCAL

**RECOMMENDATION NO. 11 FACILITIES**

**11-B CHANGE ORDER NO. 1 – STUDENT SERVICES AND ADMINISTRATION BUILDING PHASE I - SITE PREPARATION**

Change Order No. 1 – MINCO CONSTRUCTION on the Student Services and Administration Building Phase I – Site Preparation project in the amount of \$4,961:

Original Contract Amount	\$7,977,000
Previously Approved Change Orders	0
Change Order No. 1	<u>4,961</u>
Revised Contract Amount	\$7,981,961
Original Contract Time	406 days
Previous Time Extensions	<u>0 days</u>
Revised Contract Time	406 days
Time Extension this Change Order	<u>0 days</u>
Current Revised Contract Time	406 days

Funding Source: Measure U

Comment: Change Order No. 1 provides for raising the height of the east construction fence to ten feet on the east side that borders residential housing.

**11-C SUBSTITUTION OF SUBCONTRACTOR – STUDENT SERVICES AND ADMINISTRATION BUILDING PHASE I - SITE PREPARATION**

MINCO CONSTRUCTION, general contractor for the STUDENT SERVICES AND ADMINISTRATION BUILDING PHASE I – SITE PREPARATION project requests the following subcontractor substitution:

ASBESTOS ABATEMENT: From listed sub-contractor CST ENVIRONMENTAL, INC, Brea, CA to J & J ENVIRONMENTAL CONSTRUCTION CORP, Whittier, CA.

Comment: The listed sub-contractor could not enter into a contract.

**11-D SUBSTITUTION OF SUBCONTRACTOR – STUDENT SERVICES AND ADMINISTRATION BUILDING PHASE I - SITE PREPARATION**

MINCO CONSTRUCTION, general contractor for the STUDENT SERVICES AND ADMINISTRATION BUILDING PHASE I – SITE PREPARATION project requests the following subcontractor substitution:

DEMOLITION: From listed sub-contractor CST ENVIRONMENTAL, INC, Brea, CA to MINCO CONSTRUCTION, Gardena, CA.

Comment: The listed sub-contractor could not enter into a contract

<b>BOARD OF TRUSTEES</b>	<b>ACTION</b>
Santa Monica Community College District	March 2, 2009

CONSENT AGENDA: FACILITIES AND FISCAL

**RECOMMENDATION NO. 11 FACILITIES**

**11-E CHANGE ORDER NO. 3 – JOHN ADAMS MIDDLE SCHOOL FIELD RENOVATION AND LIGHTING**

Change Order No. 3 – BYROM-DAVEY, INC. on the John Adams Middle School Field Renovation and Lighting project in the amount of \$1,911:

Original Contract Amount	\$1,307,243
Previously Approved Change Orders 1-2	102,468
Change Order No. 3	<u>1,911</u>
Revised Contract Amount	\$1,411,622
Original Contract Time	120 days
Previous Time Extensions	<u>0 days</u>
Revised Contract Time	120 days
Time Extension this Change Order	<u>0 days</u>
Current Revised Contract Time	120 days

Funding Source: Measure S

Comment: Change Order No. 3 provides for the addition of steel security plates at gate hardware, the addition of a drywell at the pitcher’s warm-up area, and credit for work not performed at the direction of the College.

**11-F CHANGE ORDER NO. 1 – ENERGY SERVICES CONTRACT**

Change Order No. 1 – CHEVRON ENERGY SOLUTIONS on the Energy Services project in the amount of \$420,209:

Original Contract Amount	\$7,044,300
Previously Approved Change Orders	0
Change Order No. 1	<u>420,209</u>
Revised Contract Amount	\$7,464,509
Original Contract Completion Date	September 11, 2009
Revised Contract Completion Date	October 31, 2009

Funding Source: State Schedule Maintenance Grant and District Capital Funds

Comment: Change Order No. 1 provides for the replacement of old air conditioning units on the Math Complex with new energy efficient units. At the time of the original contract the state had not yet released the schedule maintenance funds.

<b>BOARD OF TRUSTEES</b>	<b>ACTION</b>
Santa Monica Community College District	March 2, 2009

CONSENT AGENDA: FACILITIES AND FISCAL

**RECOMMENDATION NO. 112 FACILITIES**

11-G CHANGE ORDER NO. 1 – REVISED BUNDY NORTHEAST DRIVEWAY

Change Order No. 1 – PIMA CORPORATION on the Revised Bundy Northeast Driveway project in the amount of \$46,524:

Original Contract Amount	\$2,464,600
Previously approved Change Orders	0
Change Order No. 1	<u>46,524</u>
Revised Contract Amount	\$2,511,124
Original Contract Time	300 days
Previous Time Extensions	<u>0 days</u>
Revised Contract Time	300 days
Time Extension this Change Order	<u>0 days</u>
Current Revised Contract Time	300 days

Funding Source: Measure S

Comment: Change Order No. 1 provides for removal and replacement of existing asphalt, removal of asbestos pipe discovered during grading operations, and addition of eight car charger pedestals, signs and posts, and transformer.

11-H AMENDMENT TO AGREEMENT FOR ARCHITECTURAL SERVICES – BUNDY TRAFFIC SIGNAL AND NE DRIVEWAY

Amend the agreement with tBP ARCHITECTS for the Bundy Traffic Signal and NE Driveway project for \$3,000 plus reimbursable expenses.

Original Contract	\$ 279,331
Amendment #1	166,235
Amendment #2	28,500
Amendment #3	95,039
Amendment #4	18,750
Amendment #4	<u>3,000</u>
Total to Date	\$ 590,885

Funding Source: Measure S

Comment: Due to the required widening of Bundy Drive a small portion of this project is within the City of Santa Monica. The college has completed the expected review process with the Santa Monica Civil Engineering Department. At the end of the process we were then directed for further review to the Building & Safety Department. This department has different submittal requirements and the architect and consultants must prepare a new set of documents for submittal.

<b>BOARD OF TRUSTEES</b>	<b>ACTION</b>
Santa Monica Community College District	March 2, 2009

CONSENT AGENDA: FACILITIES AND FISCAL

**RECOMMENDATION NO. 12 BUDGET TRANSFERS**

12-A FUND 01.0 – GENERAL FUND – UNRESTRICTED

Period: January 21, 2009 through February 11, 2009

Object Code	Description	Net Amount of Transfer
1000	Academic Salaries	0
2000	Classified/Student Salaries	-3,326
3000	Benefits	0
4000	Supplies	6,895
5000	Contract Services/Operating Exp	-25,230
6000	Sites/Buildings/Equipment	70,114
7000	Other Outgo/Student Payments	-48,453
Net Total:		0

12-B FUND 01.3 – GENERAL FUND - RESTRICTED

Period: January 21, 2009 through February 11, 2009

:

Object Code	Description	Net Amount of Transfer
1000	Academic Salaries	-9,152
2000	Classified/Student Salaries	28,947
3000	Benefits	-11,719
4000	Supplies	5,512
5000	Contract Services/Operating Exp	-1,671
6000	Sites/Buildings/Equipment	-12,965
7000	Other Outgo/Student Payments	1,048
Net Total:		0

Comment: The Adopted Budget needs to be amended to reflect the totals of the departmental budgets. The current system of the Los Angeles County Office of Education requires Board approvals each month for budget adjustments. Only the net amount of the transfers in or out of the object codes is shown. In addition to the budget adjustments, transfers result from requests by managers to adjust budgets to meet changing needs during the course of the year.

<b>BOARD OF TRUSTEES</b>	<b>ACTION</b>
Santa Monica Community College District	March 2, 2009

CONSENT AGENDA: FACILITIES AND FISCAL

**RECOMMENDATION NO. 13 BUDGET AUGMENTATION/REDUCTION**

13-A ASSOCIATE DEGREE IN NURSING TO BSN/MSN

Granting Agency:	California Community Colleges Chancellor's Office	
Appropriated Funding:	\$50,000 Augmentation	
Matching Funds:	\$0	
Performance Period:	July 1, 2008 – June 30, 2009	
Summary	The Chancellor's Office approved an augmentation by \$50,000 to the Associate Degree in Nursing to BSN/MSN grant to develop a comprehensive, fully accessible ADN to MSN program with a concentration on Nurse Education.	
Budget Augmentation:	Revenue:	
	8000 Revenue	\$ 50,000
	Expenditures:	
	1000 Academic Salaries	37,800
	3000 Benefits	10,200
	7000 Indirect Costs	2,000

13-B COOPERATIVE AGENCIES RESOURCES FOR EDUCATION (CARE)

Granting Agency:	State of California	
Appropriated Funding:	\$2,370	
Matching Funds:	\$0	
Performance Period:	July 1, 2008 – June 30, 2009	
Summary	The District qualifies for an additional \$2,370 in CARE funding, the source of these fund is a reallocation by the Chancellor's office of unused CARE funds from Districts statewide.	
Budget Augmentation:	Revenue:	
	8000 State Revenue	\$ 2,370
	Expenditures:	
	7000 Student Aid	\$ 2,370

<b>BOARD OF TRUSTEES</b>	<b>ACTION</b>
Santa Monica Community College District	March 2, 2009

CONSENT AGENDA: FACILITIES AND FISCAL

**RECOMMENDATION NO. 13 BUDGET AUGMENTATION/REDUCTION**

13-C COMMUNITY COLLEGE CalWORKS

Granting Agency:	Los Angeles County Department of Public Social Services (DPSS)
Appropriated Funding:	(\$8,694) Reduction
Performance Period:	July 1, 2008 – June 30, 2009
Summary	The District has been informed by the Department of Public Social Services, that due to budget constraints at the County level, our County CalWORKS program contract would be reduced mid-year effective December 31, 2008 by 10.71%.
Budget Augmentation:	Revenue:
	8000 Revenue \$ (8,694)
	Expenditures:
	1000 Academic Salaries (7,128)
	3000 Benefits (1,932)
	4000 Supplies 652
	7000 Indirect Costs (286)

13-D CAREERS IN CHILD CARE PROGRAM

Granting Agency:	Los Angeles County Department of Public Social Services (DPSS)
Appropriated Funding:	(\$79,890) Reduction
Performance Period:	July 1, 2008 – December 31, 2008
Summary	The District has been informed by the Department of Public Social Services, that due to budget constraints at the County level, our Careers in Child Care Training Program contract would be terminated mid-year effective December 31, 2008. This was the third year of a three year contract that offered supplemental funding to our CalWORKs program for CalWORKs students who were interested in pursuing careers in the child care field. The contract provided \$160,000 to SMC on an annual basis and funded critical support services including counseling and tutoring. Similar contracts at approximately ten other Los Angeles area community colleges were also terminated mid-year.
Budget Reduction:	Revenue:
	8000 Revenue \$ (79,890)
	Expenditures:
	1000 Academic Salaries (47,080)
	2000 Clerical/Classified (19,082)
	3000 Benefits (9,033)
	5240 Field Trips (2,051)
	7000 Indirect Costs (2,647)

<b>BOARD OF TRUSTEES</b>	<b>ACTION</b>
Santa Monica Community College District	March 2, 2009

CONSENT AGENDA: FACILITIES AND FISCAL

**RECOMMENDATION NO. 14    COMMERCIAL WARRANT REGISTER**

Requested by:        *Robin Quaile, Accounts Payable Supervisor*  
 Approved by:        *Jeanine Hawk, Vice-President, Business and Administration*  
 Requested Action:    *Approval/Ratification*

January 1 – January 31, 2009                      3388 – 3422        \$ 8,953,278.24

Comment:        The detailed Commercial Warrant documents are on file in the Accounting Department.

**RECOMMENDATION NO. 15    PAYROLL WARRANT REGISTER**

Requested by:        *Ian Fraser, Payroll Manager*  
 Approved by:        *Jeanine Hawk, Vice-President, Business and Administration*  
 Requested Action:    *Approval/Ratification*

January 1 – January 31, 2009                      CIF – C2G        \$6,384,223.50

Comment:        The detailed payroll register documents are on file in the Accounting Department.

**RECOMMENDATION NO. 16    AUXILIARY PAYMENTS & PURCHASE ORDERS**

Requested by:        *George Prather, Director of Auxiliary Services*  
 Approved by:        *Jeanine Hawk, Vice-President, Business and Administration*  
 Requested Action:    *Approval/Ratification*

It is recommended that the following Auxiliary Operations payments and Purchase Orders be ratified. All purchases and payments were made in accordance with Education Code requirements and allocated to approved budgets in the Bookstore, Trust and Other Auxiliary Funds.

January 1 – January 31, 2009	Payments \$1,646,480.52	Purchase Orders \$28,317.44
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Comment:        The detailed Auxiliary payment documents are on file in the Auxiliary Operations Office.

<b>BOARD OF TRUSTEES</b>	<b>ACTION</b>
Santa Monica Community College District	March 2, 2009

CONSENT AGENDA: FACILITIES AND FISCAL

**RECOMMENDATION NO. 17 DIRECT, BENEFIT & STUDENT GRANT PAYMENTS**

Requested by: Robin Quail, Accounts Payable Supervisor  
 Approved by: Jeanine Hawk, Vice President, Business/Administration  
 Requested Action: Approval/Ratification

Payments were authorized upon delivery and acceptance of the items ordered, or performance of the service. All payments were made in accordance with Education Code requirements and allocated to approved budgets. List on file in Business Office.

January 1 – January 31, 2009	
D001150 – D001305	\$ 776,556.74
B000331 – B000398	2,404,891.93
ST00110 – ST00111	92.00

D – Direct Payments  
 B – Benefit Payments (health insurance, retirement, etc.)  
 ST – Student Grant Payments



<b>BOARD OF TRUSTEES</b>	<b>ACTION</b>
Santa Monica Community College District	March 2, 2009

CONSENT AGENDA: FACILITIES AND FISCAL

**RECOMMENDATION NO. 18 PURCHASING**

Requested by: Keith Webster, Director, Purchasing  
 Approved by: Jeanine Hawk, Vice-President, Business and Administration  
 Requested Action: Approval/Ratification

18-A AWARD OF PURCHASE ORDERS

Establish purchase orders and authorize payments to all vendors upon delivery and acceptance of services or goods ordered. All purchases and payments are made in accordance with Education Code requirements and allocated to approved budgets. Lists of vendors on file in the Purchasing Department

December 1 – December 31, 2008	\$1,011,401.65
January 1 – January 31, 2009	\$590,926.59

18-B AWARD OF PURCHASE ORDERS-THEATER LIGHTING EQUIPMENT FOR THE BROAD STAGE AND THE SMC PERFORMING ARTS CENTER

Award of Purchase Orders for Theater Lighting Equipment for the Broad Stage at the SMC Performing Arts Center to the three (3) vendors listed below, which are the lowest responsive bidders, for specific items requested.

<u>Bidder</u>	<u>Amount</u>
Angstrom Stage Lighting	\$135,577.53
Production Resource Group	48,900.45
SECOA, Inc	8,322.58

Funding Source: Madison Site; Measure S Funds

Comment: Bids were solicited by newspaper advertising in compliance with Ed Code 81641 and the Bid was conducted in accordance with Public Contracts Code 20651.

<b>BOARD OF TRUSTEES</b>	<b>REGULAR MEETING</b>
SANTA MONICA COMMUNITY COLLEGE DISTRICT	March 2, 2009

X. **BOARD COMMENTS AND REQUESTS**

XI. **ADJOURNMENT**

The meeting will be adjourned in memory of **Gloria Mae Williams Brown**, mother of Eric Williams, faculty member in Health Sciences; **Reva Greenstein**, mother of trustee Nancy Greenstein; **Richard Smith**, father of Carole McCaskill, faculty member in Health Sciences; and **Salvatore Veas**, father of Sal Veas, faculty member in Business.

The next regular meeting of the Santa Monica Community College District Board of Trustees will be held on **Monday, April 6, 2009** at 7 p.m. (5:30 p.m. if there is a closed session) in the Santa Monica College Board Room and Conference Center, Business Building Room 117, 1900 Pico Boulevard, Santa Monica, California.

The agenda for the next meeting will include the following:

- Ballot for CCCT Board of Directors
- Resolution for Community College Month
- Report: Enrollment and Enrollment Development
- Report: District Investments