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SANTA MONICA COMMUNITY COLLEGE DISTRICT
BOARD OF TRUSTEES

REGULAR MEETING
MONDAY, MARCH 1, 2004

Santa Monica College
1900 Pico Boulevard
Santa Monica, California

5:30 p.m. – Closed Session
Business Building Room 111

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/>

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:

Procedure for Addressing the Board of Trustees

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.

Generally, each speaker may be allowed a maximum of five minutes 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. Each speaker is limited to one presentation per specific agenda item before the Board, and to one presentation per meeting on non-agenda matters. A speaker's time may not be transferred to another speaker.

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 may be 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 may be 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: The 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.
3. The Board of Trustees urges that charges and complaints against any District employee be submitted to the Board in writing. This allows the Board to more carefully examine the complaint and initiate an investigation when necessary. However, no one will be prevented from making a charge or complaint to the Board because they decline to do so in writing. If a complaint is made orally, the Board may request that the individual making the complaint provide additional information to facilitate an investigation. The Board may also afford the District employee, about whom a complaint is made, the opportunity to respond either orally or in writing at the same or subsequent meeting.

Reference: Education Code Section 72121.5
Government Code Sections 54954.3, 54957.9

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X. BOARD REPORT AND COMMENTS**XI. INFORMATION ITEMS**

- XII. ADJOURNMENT:** The next regular meeting of the Santa Monica Community College District Board of Trustees will be Monday, April 12, 2004 at 7 p.m. (5:30 p.m. if there is a closed session prior to the regular business meeting) in the Santa Monica College Board Room and Conference Center, Business Building Room 117, 1900 Pico Boulevard, Santa Monica, California.

BOARD OF TRUSTEES**REGULAR MEETING**

SANTA MONICA COMMUNITY COLLEGE DISTRICT

March 1, 2004

I. ORGANIZATIONAL FUNCTIONSA. CALL TO ORDER – 5:30 p.m.B. ROLL CALL

Dr. Margaret Quiñones, Chair
Carole Currey, Vice-Chair
Dr. Dorothy Ehrhart-Morrison
Dr. Nancy Greenstein
Graham Pope
Herbert Roney
Annette Shamey
Melvon George, Student Trustee

II. CLOSED SESSION

- Collective Bargaining, pursuant to Government Code Section 54957.6
- Public Employee: Employment, Discipline, Dismissal, Release pursuant to Government Code Section 54957

III. PUBLIC SESSION - ORGANIZATIONAL FUNCTIONSC. PLEDGE OF ALLEGIANCE**RECOMENDATION NO. 1****APPROVAL OF MINUTES**

It is recommended that the minutes from the following meetings of the Santa Monica Community College District Board of Trustees be approved:

January 30, 2004 (Board Retreat)
February 2, 2004 (Regular Meeting)
February 9, 2004 (Special Meeting/Budget Workshop)

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

BOARD OF TRUSTEES	ACTION
SANTA MONICA COMMUNITY COLLEGE DISTRICT	March 1, 2004

CONSENT AGENDA

It is recommended that the Board of Trustees take the action requested on Consent Agenda Recommendations #2-#19.

Recommendations pulled for separate action:

Action on Consent Agenda

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

BOARD OF TRUSTEES	ACTION
SANTA MONICA COMMUNITY COLLEGE DISTRICT	March 1, 2004

CONSENT AGENDA: ACADEMIC AND STUDENT AFFAIRS

RECOMMENDATION NO. 2 CONTRACTS AND CONSULTANTS

Requested Action: Approval/Ratification

2-A NURSING ASSOCIATE OF ARTS DEGREE

Agreement with Digital Learning Institute (DLI) for conversion of SMC Associate in Arts degree nursing courses for online delivery. DLI will provide a total of \$480,000 to support course conversion and will serve as the online service provider. The three-year contract will begin April 1, 2004.

Funding Source: No additional direct cost to the District.

Comment: DLI, located in Torrance, California, is a private company that offers a complete suite of software products and services and the infrastructure to host and deliver courses, provide connectivity to the Internet, and provide a 24/7/365 help desk for students, faculty, and staff. The SMC courses will reside on servers maintained by DLI.

Online delivery of the lecture and seminar components of the nursing program by SMC instructors will enable expansion to address the nationwide nursing shortage and provide scheduling flexibility for students with work and family commitments. (The clinical component of the nursing curriculum will continue to be delivered "on ground.")

BOARD OF TRUSTEES	ACTION
SANTA MONICA COMMUNITY COLLEGE DISTRICT	March 1, 2004

CONSENT AGENDA: ACADEMIC AND STUDENT AFFAIRS

RECOMMENDATION NO. 3 ACCEPTANCE OF GRANT AUGMENTATION

Requested Action: Approval/Ratification

Title of Grant:	Augmentation to CalWORKs Child Care Allocation for 2003-2004	
Granting Agency:	California Community College Chancellor's Office	
Requested Funding:	\$14,000 augmentation (brings the total from \$170,420 to \$184,420)	
Matching Funds:	N/A	
Performance Period:	2003-2004	
Summary:	<p>The CalWORKS program assists welfare recipient students and those in transition from welfare to achieve long-term self sufficiency through coordinated student services offered at community colleges including: work study, job placement, child care coordination, curriculum development and redesign, and under certain conditions post-employment skills training and instructional services.</p> <p>Funding provides child care vouchers for CalWORKs students enabling them to successfully participate in the CalWORKs educational program and provide their children with quality child care experiences.</p> <p>Currently, approximately 200 students are receiving CalWORKS services as a whole, with 20 students (22 children) receiving childcare through CalWORKs. This funding augmentation in the amount of \$14,000 is specifically earmarked for providing child care for eligible students and will provide childcare reimbursement for approximately 6 more children.</p>	
Budget Augmentation:	Income	\$14,000
	Expenditures	\$14,000

BOARD OF TRUSTEES	ACTION
SANTA MONICA COMMUNITY COLLEGE DISTRICT	March 1, 2004

CONSENT AGENDA: HUMAN RESOURCES

RECOMMENDATION NO. 4 CONTRACTS AND CONSULTANTS

Requested Action: Approval/Ratification

4-A SERVICES FOR PERSONNEL COMMISSION

Deposition Services

Contract with Esquire Deposition Services for an amount of \$230 per day to record and transcribe disciplinary and/or investigative hearings held by the Personnel Commission during fiscal year 2003-04.

Hearing Officer

Contract with Michael Prihar, Esq. for services as a hearing officer for classified employee appeals at the rate of \$900 per day, during fiscal year 2003-04.

Funding Source: 2003-04 Budget/Personnel Commission

Comment: The Director of Classified Personnel has been authorized by the Personnel Commission to utilize the hearing recorder services. Education Code Section 88131 provides for the use of hearing officers by the Personnel Commission to conduct any hearing or investigation which the Commission is authorized to conduct. It is estimated that the total amount for both Esquire Deposition Services and Michael Prihar, Esq. will not exceed \$40,800.

BOARD OF TRUSTEES	ACTION
SANTA MONICA COMMUNITY COLLEGE DISTRICT	March 1, 2004

CONSENT AGENDA: HUMAN RESOURCES

RECOMMENDATION NO. 5 **ACADEMIC PERSONNEL**
ESTABLISH/ABOLISH POSITIONS

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

	<u>EFFECTIVE DATE</u>
<u>ESTABLISH</u>	
Director of Institutional Research	03/02/04

RECOMMENDATION NO. 6 **ACADEMIC PERSONNEL**

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

	<u>EFFECTIVE DATE</u>
<u>ELECTIONS</u>	
<u>ADMINISTRATIVE</u>	
Berman, Diane Acting Director, Institutional Research	03/02/04 - 06/30/04
LeBlanc, Erica Acting Asst. Dean, Continuing Ed.	03/02/04 - 06/30/04

ADJUNCT
(List on file in the Office of Human Resources - Academic)

SEPARATIONS

<u>RESIGNATION</u>	
Baker, Helen Project Manager, Employment Training Panel Santa Ana Health Care (75% assignment)	02/06/04

The Board hereby accepts immediately the resignation of the above listed personnel to be effective as indicated.

BOARD OF TRUSTEES	ACTION
Santa Monica Community College District	March 1, 2004

CONSENT AGENDA: HUMAN RESOURCES

RECOMMENDATION NO. 7 CLASSIFIED PERSONNEL – REGULAR

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

EFFECTIVE DATE

ELECTIONS

REINSTATEMENT

Avitia-Segura, Antonio, Groundskeeper, Grounds	01/13/04
Bando, Gloria, Department Secretary, Academic Senate 11 mos, 15 hrs	01/05/04

CHANGE IN WORKSHIFT/TEMPORARY

Avitia-Segura, Antonio	02/02/04 - 06/30/04
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Fr: Groundskeeper, Grounds, 12mos, 40 hrs	
To: Groundskeeper/NS-1, Grounds, 12 mos, 40 hrs	

Rodriguez, Rogelio	02/03/04 - 06/30/04
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Fr: Groundskeeper/NS-1, Grounds, 12 mos, 40 hrs	
To: Groundskeeper/VH-1, Grounds, 12 mos, 40 hrs	

INCREASE IN HOURS/TEMPORARY

Sallovitz, Linda	03/02/04 - 06/30/04
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Fr: Administrative Asst. I, Workforce/Econ. Dev., 12 mos, 30 hrs	
To: Administrative Asst. I, Workforce/Econ. Dev., 12 mos, 40 hrs	

WORKING OUT OF CLASSIFICATION

Davis, Linda	02/11/04 - 04/26/04
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Fr: Department Secretary II, Counseling, 12 mos, 40 hrs	
To: Acting Articulation Transfer Specialist, Counseling, 12 mos, 40 hrs	

RELEASE FROM PROBATIONARY ASSIGNMENT

Black, Russell, Financial Aid Customer Service Clerk, Financial Aid	02/23/04
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LEAVE OF ABSENCE WITH PAY

MILITARY

Carter, Tom, Events Technician, Campus Events	02/17/04 - 02/20/04
Carter, Tom, Events Technician, Campus Events	02/27/04

LEAVE OF ABSENCE WITHOUT PAY

PERSONAL

Pekerol, Shirstan, Parking Security Officer, Campus Police	11/10/03 - 08/10/04
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SEPARATIONS

39 EMPLOYMENT LIST

Polonsky, Seymour, Parking Security Officer, Campus Police 12/23/03

RESIGNATION

Gerwald, Marion, Administrative Asst. I, Athletics 01/30/04

Mello, Alex, Computer Network Analyst, Network Services 02/18/04

Tellez, Victor, Acct. Mgr-Restricted Funds, Fiscal Services 03/01/04

RETIREMENT

Miller, Cheryl, Assoc. VP-Business Svcs., Business Svcs. Administration 04/01/04

The Board hereby accepts immediately the resignation/retirement of the above listed personnel to be effective as indicated.

BOARD OF TRUSTEES	ACTION
Santa Monica Community College District	March 1, 2004

CONSENT AGENDA: HUMAN RESOURCES

RECOMMENDATION NO. 8 **CLASSIFIED PERSONNEL – LIMITED DURATION**

All personnel assigned to limited term employment (Merit System) will be elected in accordance with District policies and salary schedules. No limited term assignment shall exceed 120 working days per fiscal year.

ELECTIONS

PROVISIONAL

Abdulhafiz, Meymuna, Bookstore Clerk Cashier, Bookstore	02/09/04 - 06/30/04
Bartilet, Frank, Counseling Aide, Trio	01/05/04 - 02/12/04
Bolden, Jennifer, Financial Aid Technician, Financial Aid	01/05/04 - 06/30/04
Casillas, Josh, Financial Aid Customer Serv. Clk., Financial Aid	01/05/04 - 03/02/04
Chappell, Jennifer, Financial Aid Customer Serv. Clk., Financial Aid	01/05/04 - 05/28/04
Coleman, Linda, Financial Aid Technician, Financial Aid	01/05/04 - 06/30/04
Evans, Vernon, Counseling Aide, EOP's	01/05/04 - 02/12/04
Gardner, Deanna, Bookstore Clerk Cashier, Bookstore	02/09/04 - 06/30/04
Gutierrez, Marisol, Bookstore Clerk Cashier, Bookstore	02/09/04 - 06/30/04
Juco, Edralin L., Bookstore Clerk Cashier, Bookstore	02/09/04 - 06/30/04
Lee, Elijah R., Bookstore Clerk Cashier, Bookstore	02/09/04 - 06/30/04
Mahlanza, Paula C., Voc. Instructional Assistant, Cosmetology	01/06/04 - 02/12/04
Nnodi, Benedict C., Bookstore Clerk Cashier, Bookstore	02/09/04 - 06/30/04
Perry, Karen, Bookstore Clerk Cashier, Bookstore	02/09/04 - 06/30/04
Pesantes, Eduardo, Bookstore Clerk Cashier, Bookstore	02/09/04 - 06/30/04
Regello, Rosemary, Bookstore Clerk Cashier, Bookstore	02/09/04 - 06/30/04
Rutledge, Kristie, Costume Design Technician, Theatre Arts	01/05/04 - 02/12/04
Afaq, Syed R., Bookstore Clerk Cashier, Bookstore	02/09/04 - 06/30/04
Smith, Delois, Financial Aid Customer Serv. Clk., Financial Aid	01/05/04 - 04/16/04
Starr, Ellen, Art Gallery Installers, Art	01/05/04 - 02/12/04
Willis, David, Art Gallery Installers, Art	01/05/04 - 02/12/04
Zepeda Maria L., Bookstore Clerk Cashier, Bookstore	02/09/04 - 06/30/04

LIMITED TERM

Berent, Richard, Accompanist Voice, Music,	01/05/04 - 02/12/04
Campagna, Victoria, Bookstore Clerk Cashier, Bookstore	02/09/04 - 06/30/04
Dawson, Rebecca, Bookstore Clerk Cashier, Station C	01/05/04 - 05/24/04
Glasner, Marvin, Financial Aids Clerk, Student Life	01/05/04 - 02/09/04
Harville, La Tanya, Bookstore Clerk Cashier, Bookstore	02/09/04 - 06/30/04
Kangarlou, Monique, Voc. Instructional Assistant, Cosmetology	01/06/04 - 02/12/04
Lange, Mary, Bookstore Clerk Cahier, Station C	01/26/04 - 06/22/04
Lattimer, Adreana, Bookstore Clerk Cahier, Bookstore	02/09/04 - 06/30/04
Luis, Larry, Bookstore Clerk Cashier, Bookstore	02/09/04 - 06/30/04
Maiorano, Susan, Counseling Aide, Counseling	02/14/04 - 06/30/04
Ponder, Dana, Bookstore Clerk Cahier, Station C	01/26/04 - 06/22/04
Quisumbing, Sonsheeray, Bookstore Clerk Cashier, Bookstore	02/09/04 - 06/30/04
Rizzo, Alishia, Bookstore Clerk Cashier, Bookstore	02/09/04 - 06/30/04
Serratos, Monica, Counseling Aide, Student Life	01/05/04 - 02/12/04
Smith, Delois, Registration Information Clerk, A & R	01/05/04 - 01/16/04
Valladolid, Leonardo, Bookstore Clerk Cashier, Bookstore	02/09/04 - 06/30/04

BOARD OF TRUSTEES	ACTION
Santa Monica Community College District	March 1, 2004

CONSENT AGENDA: HUMAN RESOURCES

RECOMMENDATION NO. 9 **CLASSIFIED PERSONNEL - NON MERIT**

All personnel assigned to non-merit employment will be elected on a limited term basis to be used as needed in accordance with District policies and salary schedules.

ELECTIONS

STUDENT EMPLOYEES

CalWORKS \$7.00/hr	1
College Student Assistant \$7.00/hr	22
College Work-Study Student Assistant \$7.00/hr	49
Art Model \$17.00/hr	34
Community Services Specialist I \$27.40/hr	58
Community Services Specialist II \$38.00/hr	8

List(s) available in the Human Resources Office and attached to permanent minutes.

BOARD OF TRUSTEES	ACTION
Santa Monica Community College District	March 1, 2004

CONSENT AGENDA: BUSINESS AND ADMINISTRATION

RECOMMENDATION NO. 10 AUTHORIZED SIGNATURE RESOLUTION

Requested Action: Approval/Ratification

Associate Vice-President, Fiscal Services Reagan Romali shall be authorized to sign warrants, contracts, purchase orders and other documents as directed by the Board of Trustees.

The "Certification of Signatures" shall be completed and filed with the County Superintendent of Schools. The signature shall be considered valid for the period of February 2 through December 20, 2004.

RECOMMENDATION NO. 11 AUTHORIZATION FOR WARRANT APPROVAL

Requested Action: Authorization

The following District employee is authorized to approve warrant requests on behalf of the Santa Monica Community College District:

Reagan Romali, Associate Vice President, Fiscal Services

Comment: Warrant requests must be approved daily by a designated representative of the District. This action adds Reagan Romali to the list of authorized employees for Santa Monica College.

The following names shall be removed from the list of District employees authorized to approve warrant requests on behalf of the Santa Monica Community College District:

Cheryl Miller, Associate Vice President, Business Services
Victor Tellez, Accounting Manager, Restricted Funds

Comment: The employees listed above have either resigned or retired and are no longer employees of the District.

BOARD OF TRUSTEES	ACTION
Santa Monica Community College District	March 1, 2004

CONSENT AGENDA: BUSINESS AND ADMINISTRATION

RECOMMENDATION NO. 12 CLAIM FOR DAMAGES

Requested Action: Approval

Reject the following claims and refer the claims to the District's claims management firm

<u>Claimant</u>	<u>Date Filed</u>	<u>Amount of Claim</u>
Timothy C. Kuzelka for his client Richard Simon who alleges he was injured while repairing the sprinkler system piping of the Santa Monica Municipal Pool while an employee of Cosco Fire Protection, a contractor hired by the City of Santa Monica.	2/23/04	unknown
Timothy C. Kuzelka for his client Cindi Simon who alleges loss of consortium as a result of her husband's injuries.	02/23/04	unknown

Comment: Under the Joint Use of Facilities Agreement with the City of Santa Monica, the City agrees to defend, indemnify and hold harmless the District from any claim related to the City's business, activities, operations, services or work conducted in or about the pool facilities. The District will notify the City of the claim pursuant to that agreement.

BOARD OF TRUSTEES	ACTION
Santa Monica Community College District	March 1, 2004

CONSENT AGENDA: BUSINESS AND ADMINISTRATION

RECOMMENDATION NO. 13 **CONTRACTS AND CONSULTANTS**

Requested Action: Approval

13-A AGREEMENTS FOR RISK MANAGEMENT

1. Chemical Inventory

Agreement with KEENAN AND ASSOCIATIONS to provide a comprehensive chemical inventory as mandated by the federal Superfund Amendments & Reauthorization Act (SARA) Title 313 and the Federal Certified Unified Program Agency (CUPA) for a fee in the amount of \$8,000.00.

2. Chemical Inventory Management

Agreement with 3E COMPANY to provide management, archiving and 24/7 access to Santa Monica College chemical inventory and related Materials Safety Data Sheets (MSDS) required by Federal regulations. Services to include 3E Online (500 products), Online Modules, and MSDS on Demand with chemical spill and poison control hotlines and international language line. Three (3) year multi-contract for \$33,747.00 (\$11,249.00 per year).

Funding Source: 2003-2004 Budget/Risk Management

Comment: Two agreements are necessary because 3E Company does not perform chemical inventories but can provide customized management services that includes an extensive data base of Materials Safety Data Sheets already on file. An annual chemical inventory and on-going management are mandated by the Federal SARA and CUPA programs. CUPA is locally enforced by the City of Santa Monica.

BOARD OF TRUSTEES	Action
Santa Monica Community College District	March 1, 2004

CONSENT AGENDA BUSINESS & ADMINISTRATION

RECOMMENDATION NO. 13 CONTRACTS AND CONSULTANTS (continued)

13-B AGREEMENTS FOR KCRW

Edward Goldman: AMENDMENT #1: Program services, "ARTTALK;" and as Guest Host for "POLITICS OF CULTURE." Payable at \$200 per exclusive original program "ARTTALK;" payable at \$100 per program, "POLITICS OF CULTURE;" payable at \$50 per non-exclusive program, "ARTTALK;" not to exceed \$9,500. This is funded in part by California Arts Council.

Celia Hirschman DBA DOWNTOWN MARKETING: AMENDMENT #1: Program services, ON THE BEAT," weekly commentary on the music industry. Payable at \$200 per program, "ON THE BEAT;" not to exceed \$7,600. This is funded in part by California Arts Council.

Sandra Tsing Loh: AMENDMENT #1: Program services, "THE LOH LIFE" commentaries for KCRW; Guest Host on "POLITICS OF CULTURE;" Guest Host on special programming. Payable at \$200 for each exclusive program, "THE LOH LIFE;" payable at \$100 per program, "POLITICS OF CULTURE;" payable at varying rates for special programming; not to exceed \$9,500. This is funded in part by California Arts Council.

Joe Morgenstern: AMENDMENT #1: Program services, film review commentaries for KCRW; as Guest Host, "POLITICS OF CULTURE." Payable at \$200 per program, film review commentary; payable at \$100 per program, "POLITICS OF CULTURE;" not to exceed \$9,500. This is funded in part by California Arts Council.

James Taylor: AMENDMENT #1: Program services, weekly Theatre review commentary; Guest Host, "POLITICS OF CULTURE." Payable at \$200 per program, Theatre Review commentary; payable at \$100 per program, "POLITICS OF CULTURE;" not to exceed \$9,500. This is funded in part by California Arts Council.

Kathleen Rodgers: For tape/cassette dubbing; compact disc burning services, as needed and authorized by KCRW. Payable at \$5 per tape/cassette/compact disc; not to exceed \$3,000.

Funding Source: KCRW Donations and California Arts Council Grant

Comment: KCRW raises funds for all operating and capital expenses of the station.

BOARD OF TRUSTEES	Action
Santa Monica Community College District	March 1, 2004

CONSENT AGENDA: BUSINESS AND ADMINISTRATION

RECOMMENDATION NO. 13 **FACILITIES**

Requested Action: Approval

14-A CHANGE ORDER NO. 2 – RENOVATION OF LIBRARY VILLAGE FOR MATH

Original Contract Amount	\$1,069,069
Change Order No. 1	12,584
Change Order No. 2	<u>7,969</u>
Revised Contract Amount	\$1,089,622

Funding Source: Measure U

Comment: This change order provides for the relocation of a fire alarm device, replacement of an air conditioning switch, change of a toilet handle to meet ADA requirements, and purchase/installation of additional dry marker boards and chalk boards.

14-B AWARD OF BID – EARTHQUAKE REPLACEMENT OF LIBERAL ARTS

Reject all bids for the Earthquake Replacement of Liberal Arts – Unit 2 North Building and authorize the District to re-bid the project

Funding Source: City of Santa Monica Earthquake Redevelopment, FEMA, Measure U

Comment: All bids were above the budget for the project. The project will be value engineered and re-bid in an effort to bring prospective bids into alignment with the budget for the project.

BOARD OF TRUSTEES	Action
Santa Monica Community College District	March 1, 2004

CONSENT AGENDA: BUSINESS AND ADMINISTRATION

RECOMMENDATION NO. 14 FACILITIES (continued)

14-C ADDITIONAL SECURITY CONSULTING SERVICES – BUNDY CAMPUS, WEST BUILDING RENOVATION PROJECT

Additional services under the engineering consulting agreement with IVA SOLUTIONS to include the planning of security systems for the Bundy Campus, West Building Renovation. Fee for additional services not to exceed \$9,000 plus reimbursable expenses.

Funding Source: Measure U

Comment: The District has a currently agreement with IVA Solutions for the planning of security systems for a variety of buildings. Each new building includes a security system. The Bundy West project has entered the phase where the security system needs to be designed and can be added to the existing agreement.

14-D AWARD OF BID – BUNDY CAMPUS WEST BUILDING PROJECT DEMOLITION RE-BID

Award of bid for Bundy Campus West Building Project Demolition Re-bid project to the lowest responsive bidder:

<u>Bidder</u>	<u>Bid Amount</u>
Tri Span, Inc.	\$1,087,000.00
William L. Olsen	1,133,000.00
DOJA, Inc.	1,170,000.00
U.S. Construction, Inc.	1,385,980.00
Torres Construction	1,400,000.00
CST Environmental	1,778,800.00

Funding Source: Measure U

Comment: This project provides for the demolition of Buildings 1 and 3, the 1950's warehouse and manufacturing buildings adjacent to the 4-story West Building on the Bundy Campus. After careful review by the architects, it was determined that renovating Buildings 1 and 3 was not cost effective due to the high level of asbestos content and other structural issues. This project also includes demolition of interiors of Building 4, the 4-story complex, in preparation of future construction of college classrooms.

The Board previously rejected all bids on this project because the bids exceeded the \$500,000 budget for the project by more than 40%. The project was rebid combining two demolition phases to reduce costs.

BOARD OF TRUSTEES	Action
Santa Monica Community College District	March 1, 2004

CONSENT AGENDA: BUSINESS AND ADMINISTRATION

RECOMMENDATION NO. 15 COMMERCIAL WARRANT REGISTER

Recommended Action: Authorization/Ratification

January 1 - January 31, 2004 915 - 957 \$5,729,473.15

Comment: The detailed commercial warrant documents are on file in the Accounting Department.

RECOMMENDATION NO. 16 PAYROLL WARRANT REGISTER

Recommended Action: Authorization/Ratification

January 1 - January 31, 2004 C1F – C2G \$1,435,188.12

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

RECOMMENDATION NO. 17 AUXILIARY PAYMENTS and PURCHASE ORDERS

Recommended Action: Authorization/Ratification

Payments were authorized upon delivery and acceptance of the items ordered, or performance of the service. All purchases and payments were made in accordance with Education Code requirements and allocated to approved budgets in the Bookstore fund, Trust fund and other Auxiliary funds.

January 1 – January 31, 2004	Payments \$1,547,533	Purchase Orders \$17,871
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Comment: The detailed Auxiliary payment documents are on file in the Auxiliary Operations Office.

RECOMMENDATION NO. 18 DIRECT PAYMENTS

Recommended Action: Authorization/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, 2004 D00612 – D000747 \$842,102.48

BOARD OF TRUSTEES	Action
Santa Monica Community College District	March 1, 2004

CONSENT AGENDA: BUSINESS AND ADMINISTRATION

RECOMMENDATION NO. 19 PURCHASING

Recommended Action: Authorization/Ratification

19-A AWARD OF PURCHASE ORDERS

Payments are authorized upon delivery and acceptance of the items ordered, or performance of the service. All purchases and payments are made in accordance with Education Code requirements and allocated to approved budgets. Lists on file in the Purchasing Department

January 1 – January 31, 2004

\$654,989.59

19-B PARTICIPATION IN PURCHASE AGREEMENT

Authorize the use of the State of California Department of General Services' California Multiple Awards Schedule (CMAS) contract #3-94-70-0012 with Dell Computer for computer equipment for student computer labs.

Authorize the award of purchase orders to Dell Computer for the purchase of computer equipment for student computer labs in the amount of \$125,797.97

Funding Source: 2003-2004 Restricted Fund – VATEA Grant

Comment: Public Contract Code §20652 allows the District to purchase through other public agencies without advertising for bids.

BOARD OF TRUSTEES	ACTION
Santa Monica Community College District	March 1, 2004

MAJOR ITEMS OF BUSINESS

RECOMMENDATION NO. 20

NON-RENEWAL OF ADMINISTRATOR CONTRACTS

It is recommended that the Board of Trustees authorize the Superintendent/President or her designee to send a notice of non-reemployment effective with the beginning of the 2004-05 fiscal year to the individuals in the following administrative assignments:

Assistant Dean, Extension Programs (Continuing Education)
Dean, Human Resources

It is further recommended that the Board of Trustees authorize the following:

The Superintendent/President or her designee is directed to give notice of non-reemployment to the effected administrators pursuant to the requirements of law.

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

BOARD OF TRUSTEES	ACTION
Santa Monica Community College District	March 1, 2004

MAJOR ITEMS OF BUSINESS

RECOMMENDATION NO. 21

RECEIPT OF AUDIT FINDINGS

It is recommended that the Board of Trustees acknowledge receipt of the 2002-2003 Audit Report of the Financial and Related Statements of the Santa Monica Community College District prepared by the District's contracted independent auditor Vicente, Lloyd & Stutzman, LLP.

Comment: The Auditor's opinion is that the basic financial statements present fairly, in all material respects, the financial position of SMCCD as of June 30, 2003.

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

BOARD OF TRUSTEES	ACTION
Santa Monica Community College District	March 1, 2004

MAJOR ITEMS OF BUSINESS

RECOMMENDATION NO. 22

PUBLIC HEARING – BUNDY WEST PROJECT

It is recommended that the Board of Trustees move to hold a public hearing to receive input from the public on the plans for the Renovation of the West Building, Santa Monica College Bundy Campus project and related environmental studies.

Project Description

The proposed project is the renovation of the existing West Building (also know as Building #4) for postsecondary educational use at the Santa Monica College Bundy Campus located at 3171 S. Bundy Drive in the City of Los Angeles. This existing four story, ±64,000 gross square footage building will be remodeled into a community college facility with classrooms, laboratories, offices, and student services functions including admissions, counseling, a bookstore, and food services. Most of the educational functions will be ongoing college programs that will be moved from other College locations in Santa Monica. Some of these programs include Health Sciences (Nursing), Education, Community Services, and general education.

Initial Environmental Study – Mitigated Negative Declaration

Santa Monica Community College District is the Lead Agency for purposes of complying with the California Environmental Quality Act (CEQA) and is the primary public agency responsible for approving this project. Discretionary approvals anticipated at this time may include, but are not limited to, certification of the Mitigated Negative Declaration (MND) and final project approval by the Santa Monica College Board of Trustees. The Initial Study was completed in January 2004 and filed with the state clearinghouse and made available for community review. The District held a community meeting with neighbors bordering the project on February 5, 2004. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact."

Open Public Hearing:

MOTION MADE BY:

SECONDED:

STUDENT ADVISORY:

AYES:

NOES:

Public Comments:

Close Public Hearing:

MOTION MADE BY:

SECONDED:

STUDENT ADVISORY:

AYES:

NOES:

BOARD OF TRUSTEES	Action
Santa Monica Community College District	March 1, 2004

MAJOR ITEMS OF BUSINESS

RECOMMENDATION NO. 23

RESOLUTION OF THE BOARD OF TRUSTEES OF THE SANTA MONICA COMMUNITY COLLEGE DISTRICT ADOPTING MITIGATED NEGATIVE DECLARATION AND APPROVING THE BUNDY CAMPUS WEST BUILDING RENOVATION PROJECT

WHEREAS, pursuant to the California Environmental Quality Act (“CEQA”) and the State and Santa Monica College CEQA Guidelines, an Initial Study and Mitigated Negative Declaration has been prepared in connection with the Bundy Campus West Building Renovation Project; and

WHEREAS, the Board of Trustees of the Santa Monica Community College District (SMCCD), while acting in its capacity as Lead Agency pursuant to State CEQA Guidelines Section 15051(a), has reviewed the Initial Study and Mitigated Negative Declaration, and

WHEREAS, on March 1, 2004, the Board of Trustees at its regularly scheduled meeting considered the Initial Study and Mitigated Negative Declaration and permitted members of the public to provide oral comments prior to the any action being taken.

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE SANTA MONICA COMMUNITY COLLEGE DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Board of Trustees hereby finds and determines that the Initial Study and Mitigated Negative Declaration for the Bundy Campus West Building Renovation Project was prepared in full compliance with CEQA and the State and College CEQA Guidelines, including all public notice and comment period requirements.

SECTION 2. As detailed in the Initial Study and Mitigated Negative Declaration, the Board of Trustees finds and determines that the Bundy Campus West Building Renovation Project will have no impact or less than significant impacts in the areas of Air Quality, Aesthetics, Biological Resources, Cultural Resources, Geology and Soils, Hydrology and Water Quality, Noise, Public Services, Transportation/Traffic, and Utilities/Services.

SECTION 3. As detailed in the Initial Study and Mitigated Negative Declaration, the Board of Trustees finds and determines that potentially significant impacts in the areas of Hazards and Hazardous Materials can be reduced to less than significant with the incorporation of mitigation measures and with the incorporation of the mitigation measures, the Bundy Campus West Building Renovation Project will not have a significant effect on the environment.

SECTION 4. As detailed in the Initial Study and Mitigated Negative Declaration, the Board of Trustees finds and determines that there are no mandatory findings of significance as defined in the State CEQA Guidelines.

SECTION 5. The Bundy Campus West Building Renovation Project is located with two nautical miles of Santa Monica Airport. The Board of Trustees, in accordance with State CEQA Guideline Section 15074(e), finds that the Bundy Campus West Building Renovation Project will not result in a safety hazard or noise problem for persons using the airport or for persons residing or working within the area of the project.

SECTION 6. Based on the whole record of the proceeding, including Initial Study and Mitigated Negative Declaration, and all written and oral comments received pertaining thereto, the Board of Trustees finds and determines that there is no substantial evidence that the Bundy Campus West Building Renovation Project will have a significant effect on the environment and that the Initial Study and Mitigated Negative Declaration reflects the Santa Monica Community College District's independent judgment and analysis. Therefore, the Board of Trustees, acting on behalf of the Santa Monica Community College District:

- a. Adopts the Mitigated Negative Declaration; and
- b. Adopts the Mitigation Monitoring and Reporting Program, which is set forth in Exhibit A attached hereto and incorporated herein by this reference, to mitigate or avoid significant effects of the Bundy Campus West Building Renovation Project on the environment and to ensure compliance during project implementation.

SECTION 7. The documents which constitute the record of proceedings for approving the Bundy Campus West Building Renovation Project are located in the office of Thomas J. Donner, Executive Vice President, Business & Administration of SMCCCD, located at 2714 Pico Blvd., Room 328, Santa Monica, CA 90405. The custodian of these records is Thomas J. Donner, Executive Vice President, Business & Administration of SMCCCD, who may be reached at (310) 434-4201.

SECTION 8. The Bundy Campus West Building Renovation Project is hereby approved. Based upon the record of the proceeding, the Board of Trustees finds that the Bundy Campus West Building Renovation Project advances the mission of Santa Monica College "to create a learning environment that both challenges our students and supports them in achieving their educational goals" and to "prepare our students to contribute to the global community as they develop an understanding of their personal relationship to the world's social, cultural, political, economic, technological, and natural environments." (Adopted Mission Statement.) The Bundy Campus West Building Renovation Project will also further Santa Monica College's adopted goals in the area of promoting student success, advancing academic excellence, developing community partnerships and providing a supportive physical environment.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY:

AYES:

NOES:

BOARD OF TRUSTEES	ACTION
Santa Monica Community College District	March 1, 2004

MAJOR ITEMS OF BUSINESS

RECOMMENDATION NO. 24

RESOLUTION AUTHORIZING ISSUANCE OF NOT TO EXCEED \$25,000,000 OF SANTA MONICA COMMUNITY COLLEGE DISTRICT GENERAL OBLIGATION BONDS, 2002 ELECTION (2004 SERIES B)

WHEREAS, the issuance of not to exceed \$160,000,000 aggregate principal amount of general obligation bonds (the "Authorization") of the Santa Monica Community College District (the "District"), County of Los Angeles (the "County"), State of California, was authorized at an election (the "Election") held in said District on March 5, 2002, the proceeds of which are to be used for the acquisition, construction, improvement, equipping and furnishing of various capital facilities of the District; and

WHEREAS, on August 8, 2002, \$25,000,000 of the Authorization was issued on behalf of the District such that \$135,000,000 of the Authorization remains unsold; and

WHEREAS, Section 15140 of the Education Code of the State of California authorizes the Board of Supervisors of the County (the "County Board") to borrow funds through the issuance of bonds in the name and on behalf of the District, or, as an alternative, as authorized pursuant to Section 53506 *et seq.* of the California Government Code, pursuant to a resolution adopted by the District; and

WHEREAS, it now appears to the Board of Trustees of the District (the "District Board") that financial market conditions are favorable for the issuance and sale of not to exceed \$25,000,000 of the Authorization to be used for the acquisition, construction, improvement, equipping and furnishing of certain capital facilities of the District; and

WHEREAS, the District Board hereby determines that such bonds should be offered at this time, in one or more series, and requests the County Board to offer such bonds for sale; and

WHEREAS, the District Board has previously retained RBC Dain Rauscher Inc. as its Underwriter (the "Underwriter") and Fulbright & Jaworski L.L.P. as its Bond Counsel ("Bond Counsel") in connection with the issuance of such bonds;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Santa Monica Community College District, as follows:

SECTION 1. This District Board hereby determines that general obligation bonds of the District in the aggregate principal or issue amount of not to exceed \$25,000,000 be offered for sale, in one or more series (the "Bonds"), as more particularly described in SECTION 2 below, the proceeds of which are to be used for various capital improvements for the District, as set forth in the Project List approved at the Election.

SECTION 2. For the above purposes, this District Board hereby requests the County Board to issue the Bonds and to order such Bonds to be sold to the Underwriter at a negotiated sale in accordance with a Purchase Contract to be prepared and entered into by and among the District, the County and the Underwriter in connection with the sale of the Bonds (the "Purchase Contract"). The Bonds shall be dated May 1, 2004 (or such other date as may be designated in the Purchase Contract), to bear or accrete interest at rates not to exceed 8.0% per annum, payable with respect to any Bonds bearing current interest on the dates as may be set forth in the Purchase Contract, and accreting with respect to any Bonds which are issued as capital appreciation bonds, payable upon maturity or conversion, shall mature on May 1 of each of the years as set forth in the Purchase Contract, through a date no later than May 1, 2029, or otherwise upon such other terms and conditions as shall be established for the Bonds by the Purchase Contract. The form of Purchase Contract on file with the District Board is hereby approved and the Superintendent/President of the District (the "President"), the Vice President/Business and Administration of the District (the "Vice President"), or any designee thereof (each, an "Authorized Officer"), and each of them is hereby authorized to execute the Purchase Contract, with such changes therein, deletions therefrom and modifications thereto as such Authorized Officer may approve, such approval to be conclusively evidenced by the execution and delivery thereof. The District has instructed the Underwriter to establish the terms, series, interest structure and redemption provisions for the Bonds in order to take advantage of financial market conditions prevailing at the date of sale of the Bonds under the Purchase Contract. Depending upon market conditions, the District may elect to purchase bond insurance to secure the payment of principal of and interest on or accreted value of the Bonds, or one series thereof, following consultation with the Treasurer and Tax Collector of the County (the "Treasurer").

SECTION 3. The District Board hereby approves the form of Preliminary Official Statement relating to the Bonds on file with the Secretary of the District Board, to be used and distributed, together with an Official Statement in connection with the sale of the Bonds, in each case with such changes as are approved by the Authorized Officer, and the Authorized Officer, and such other officers of the District as may be authorized by the District Board are, and each of them acting alone hereby is, authorized to deliver copies of the Preliminary Official Statement and the Official Statement with such changes therein as such officer shall approve, in his or her discretion, as being in the best interests of the District. Upon approval of such changes by such officer, the Preliminary Official Statement shall be "deemed final" as of its date except for the omission of certain information as provided in and pursuant to Rule 15c2-12 promulgated under the Securities Exchange Act of 1934 (the "Rule"). An Authorized Officer is hereby authorized and directed to execute such Official Statement with such changes therein, deletions therefrom and modifications thereto as such Authorized Officer may approve, such approval to be conclusively evidenced by the execution and delivery thereof.

SECTION 4. The Bonds shall be issued in book-entry only form, to be lodged with The Depository Trust Company ("DTC") in New York, New York, which shall be the registered owner of the Bonds issued at the closing in the form of a single certificated Bond for each maturity within a series of the Bonds described in the Purchase Contract. The Underwriter is directed to assist the District and the County in qualifying the Bonds for deposit with DTC.

SECTION 5. Unless the Treasurer shall appoint a commercial bank as paying agent in connection with the closing of the Bonds, the Treasurer shall serve as Paying Agent for the Bonds, the first annual fees for which shall be paid from proceeds of the Bonds; subsequent annual fees shall be paid from the general fund of the District. The District Board hereby authorizes the Authorized Officer to execute a paying agent agreement, if required, for and on behalf of the District.

SECTION 6. The District hereby covenants that it shall not, directly or indirectly, use or permit the use of any proceeds of any of the Bonds, or of any of the property financed or refinanced with the proceeds of the Bonds, or other funds of the District, or take or omit to take any action that would cause the Bonds to be deemed "arbitrage bonds" within the meaning of SECTION 148 of the Internal Revenue Code of 1986, as amended (the "Code"). To that end, the District shall comply with all requirements of SECTION 148 of the Code and all regulations of the United States Department of the Treasury promulgated thereunder to the extent that such requirements are in effect and applicable to the Bonds.

SECTION 7. The District covenants to comply with all the procedures and provisions set forth in the Arbitrage and Use of Proceeds Certificate respecting the Bonds, and will do and perform all acts and things necessary in order to assure that interest paid on the Bonds shall be excluded from gross income of the owners thereof for purposes of federal income taxation.

SECTION 8. The District Board determines that all acts and conditions necessary to be performed by the District Board or to have been met precedent to and in the issuing and sale of the Bonds in order to make them the legal, valid and binding general obligations of the District have been performed and have been met, or will at the time of delivery of the Bonds have been performed and met, in regular and due form as required by law; that the full faith, credit and revenues of the District are hereby pledged for the timely payment of the principal of and interest on the Bonds; and that no statutory or Constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds.

SECTION 9. The form of Continuing Disclosure Undertaking on file with the District Board prepared in connection with the Bonds and to be dated the date of sale of the Bonds, for the benefit of the registered owners from time to time of the Bonds (the "Owners") is hereby approved and the District Board hereby authorizes the Authorized Officer to execute such Continuing Disclosure Undertaking with such changes therein as may be approved by the Authorized Officer. The District hereby covenants and agrees that it will comply with and carry out all of the provisions of such Continuing Disclosure Undertaking in order to assist the Underwriter to comply with the requirements of the Rule. Any registered owner of Bonds may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance by court order, to cause the District to comply with its obligations under this SECTION; however, noncompliance with this SECTION shall not constitute a default under or cause the acceleration of the Bonds.

SECTION 10. Should the Authorized Officer, upon consultation with and advice of the Underwriter, determine it is in the best interests of the District to obtain credit enhancement for the Bonds, including municipal bond insurance, to improve their marketability, the Authorized Officer is hereby authorized and directed to sign documents to secure such credit enhancement on such terms and subject to such conditions as may be established by the Authorized Officer, in agreements relating to such credit enhancement.

SECTION 11. The County Board is hereby requested to assist the District in the issuance and sale of the Bonds; in order to meet the requirements of law and the procedures of the County with respect to such a request, the Clerk of the District Board is hereby directed to lodge a certified copy of this Resolution with the Clerk of the County Board and with the Superintendent of Schools of the County promptly following adoption hereof, and the District represents and warrants to the County that the District shall reimburse the County's costs and expenses incurred in connection with the issuance and sale of the Bonds. The Bonds will be the general obligations of the District and will not constitute an obligation of the County except as set forth in the resolution to be adopted by the County Board authorizing the issuance of the Bonds.

SECTION 12. Officers of the District Board and District officials and staff are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to proceed with the issuance of the Bonds and otherwise carry out, give effect to and comply with the terms and intent of this Resolution. Such actions as may have heretofore been taken by such officers, officials and staff are hereby ratified, confirmed and approved.

SECTION 13. This resolution shall take effect immediately upon its adoption.

MOTION MADE BY:

SECONDED BY:

STUDENT ADVISORY:

AYES:

NOES:

BOARD OF TRUSTEES	ADJOURNMENT
Santa Monica Community College District	March 1, 2004

ADJOURNMENT

The next regular meeting of the Santa Monica Community College District Board of Trustees will be held on Monday, April 12, 2004 at 7 p.m. (5:30 p.m. if there is a closed session prior to the regular business meeting) in the Santa Monica College Board Room and Conference Center, Business Building Room 117, 1900 Pico Boulevard, Santa Monica, California.