

ADOPTED MINUTES

FOR THE REGULAR MEETING OF THE
IMPERIAL COMMUNITY COLLEGE DISTRICT
BOARD OF TRUSTEES

Wednesday, March 21, 2001

Location: IVC Administration Building Board Room
380 East Ira Aten Road, Imperial, CA 92251

The regular meeting of the Board scheduled for March 14, 2001, was cancelled due to evacuation of the campus as a result of a bomb threat.

On Wednesday, March 21, 2001, Board Clerk Rudy Cardenas Jr., called the regular meeting of the Imperial Community College District Board of Trustees to order at 6:00 P.M.

TRUSTEES PRESENT: Rudy Cardenas, Jr.
Claudine Duff
Marian Long
Louis Wong

TRUSTEE ABSENT: Kelly Keithly
Romualdo Medina
Rebecca Ramirez

REPRESENTATIVES PRESENT: Julie Fernandez, Student Affairs
Eric Jacobson, Academic Senate
Chris Mays, Classified

CONSULTANTS PRESENT:

Dr. Gilbert M. Dominguez, Superintendent/President
John Hunt, Vice President for Academic Services
Carlos Fletes, Vice President for Business Services
Dr. Victor Jaime, Vice President for Student Services
Ruth Montenegro, Interim Director of Human Resources

VISITORS PRESENT:

Gonzalo Huerta; Kathy Berry; Frank Rapp; Sue Gay; Tom Remington;
Harold Richwine; Mary Lofgren; Carolina Zazueta; Trini Arguelles; Ted
Ceasar; Jan Magno; Sandra Standiford; Joel Jacklich; Sergio Lopez;
Laurie Franks.

WRITTEN COMMUNICATIONS

1. CCCT Board of Directors Election - 2001

PUBLIC COMMENTS

1. Harold Richwine thanked the Board for providing assistance in resolving his travel expense issue.
2. Equivalency Committee Chairperson, Frank Rapp, asked the Board if he could save his comments until the Board discusses the Equivalency Process.

PUBLIC HEARING

A public hearing was held for the District Negotiating Proposal for 2000-2001 submitted to IVC CCA/CTA/NEA on February 14, 2001, and no comments were made.

ACADEMIC SENATE UPDATE

Eric Jacobson reported on the following:

1. The Senate recommends that the Board develop a taskforce to determine the feasibility of a bond issue to build a new science building.
2. The Senate recommends the development of policy and procedures for dealing with threats and acts of violence.
3. Thanks was expressed to those that participated in the Accreditation Team Visit. More than 145 interviews were held and at least 30 classes were observed.

ASSOCIATED STUDENTS GOVERNMENT UPDATE

Student Government Representative, Julie Fernandez, reported the following:

1. Representatives of the Associated Student Government met on several occasions with Accreditation Team members. The meetings went very well.

2. The scheduled activities are as follows:

March 16	Last Friday the ASG hosted its annual St. Patrick's Day Celebration with a Gold Hunt and dance.
March 23 Noon to 1:30 P.M.	Hypnotist, Andrew Becker will perform in the College Center
March 26	Disability Awareness Day Dance

March 30 ASG and the Humanities Division will host Cesar Chavez Birthday activities: Latino Trio and poetry readings by Ethriam Brammer and Phil Goldvarg

April 3 U.S. Army Rock Climbing Apparatus will be available for students and prizes will be given for the best competitor.

April 4 National Comedy Theater Troupe will perform

April 12 ASG will host its annual Easter Egg Hunt for the IVC Preschool

April 23-24 ASG Presidential Elections

April 23 Illusion Fusion is a virtual reality roller coaster with 11 different coaster rides

April 25 ASG will be hosting the Secretaries/Support Staff Day Luncheon and fashion show

April 27 ASG brings ALMA - with Augustine Lira and Patricia Wells, which is an all-acoustic ensemble that brings to life the Chicano/Latino experience through music.

PRESIDENT'S UPDATE

Dr. Dominguez reported on the following:

1. The College was prepared for the Accreditation Team on March 6-8, 2001, and thanks was expressed to everyone that participated in the successful visit. The Team Chair, Dr. Edward Hernandez, presented an Exit Report on Thursday, March 8, 2001. He indicated that more than 145 individuals were interviewed, approximately 26 classrooms were observed, and the three Extended Campus sites were visited. It will be several months before the College receives the written draft of the Accreditation Report, which goes to the Accrediting Commission with formal recommendations. IVC has begun working on several areas mentioned in the verbal Exit Report, such as: reviewing the mission statement; revising the committee structures with purposes, and identifying the

governance structures from the operational structures; staff, faculty, and administration working together, with a greater focus on student success; development of a comprehensive technology plan which addresses network security and distance learning; attention directed to completing planning agendas. It was emphasized that the College is *NOT* in jeopardy of losing its accredited status, as implied in the local newspaper story. IVC will continue to be fully accredited and awaits the formal recommendations from the Accreditation Commission to improve the College for the benefit of students.

2. The International Consortium for Education and Economic Development (ICEED) annual conference was held on February 27 through March 2, 2001, in Saltillo, Mexico. Attending the conference were more than 25 member institutions from Mexico, 25 community colleges from the United States, and 6 community colleges from Canada. ICEED shares resources, project ideas, programs and relationships of mutual interest and benefit for students. An example of this sharing is IVC's involvement in a faculty exchange program with CEBATIS, an educational institution in Mexicali, which is interested in learning about community college standards for certification in the United States. This type of exchange has occurred at Texas State Technical College, who has forwarded courses and information to assist us in developing a similar program. These concepts and ideas that are exchanged at these conferences promote international education and globalization, which is an integral part of education in our world today.
3. IVC student, Carolina Zazueta, was introduced to the Board, and was congratulated for her achievement in being nominated by her counselor Trini Arguelles, and as a result, being chosen as an "All-USA Academic Team" member, which is sponsored by USA Today, Phi Theta Kappa Honor Society, and the American Association of Community Colleges. Only sixty students are selected to the All-USA Academic Team, and 1,500 are nominated. The winners will appear in the April 5, 2001, edition of USA Today.
4. An Emergency Plan and Procedure is now being developed for the College. All administration and key staff met with officers from the Imperial County Sheriff's Arson and Bomb Squad to answer questions and begin the process of developing a plan for the College. An interim plan is in place for the evening hours of the College, while a more permanent official plan and procedures is being worked on under the direction of Interim Director of Human Resources, Ruth Montenegro. We expect to have this plan delivered to the Board for approval within the next couple of months.

DISTANCE EDUCATION

Music Professor, Joel Jacklich, reported on IVC's first online course, Music 30: Introduction to Music Literature and Listening. Of the initial 25 students enrolled, 12 students have taken the mid-term and are on schedule with their assignments. Some of the initial concerns about online courses at IVC are: (1) testing security; (2) servers going down and problems with telephone lines; (3) running a pilot class prior to offering the course for credit; (4) compensation for course development; (5) class size and instructor load: quality, quantity time.

Mr. Jacklich was thanked for his leadership and efforts in this new frontier. Mr. Hunt stated that more classes would be going online.

EQUIVALENCY PROCESS

Equivalency Committee Chairperson, Frank Rapp, distributed a letter addressed to Board President Keithly. Mr. Rapp shared the background, rationale, and philosophies relating to the position of the Equivalency Committee in their claim that the Administration violated Board Policy relating to a situation where the Committee's decision was reversed by Administrative directive.

Dr. Dominguez read a statement relating to Title 5 Section 53430, which mandates that *no one may be hired to serve as a community college faculty unless the governing board determined that he or she possesses qualifications that are at least equivalent to the minimum qualifications specified.* Five points were outlined to improve the IVC equivalency policy and process.

1. That the College develop a standardized system for granting equivalency of minimum qualifications to teach college courses at Imperial Valley College.
2. That the College institute training for each equivalency review committee member that includes the requirements of Title V and locally developed criteria and equivalencies.
3. That the equivalency application be revised to include and require specific criteria and justification used in the determination of equivalency. The signature of Human Resources Directors needs to be part of the signatures in order for the process to be complete.
4. That the presence of both faculty and administration are required at all Equivalency Committee meetings. Failure of either representative to attend these meetings invalidates the process and does not constitute an official meeting.

5. In the event a candidate is denied equivalency, an appeal process should be established to ensure equity and fair treatment.

After discussion, the Board agreed to consider taking action on the request made by the Equivalency Committee to uphold their recommendation for equivalency for a specific instructor.

Subcommittee Report on Revision of the Policy for Board Self-Evaluation

Mrs. Duff presented the Subcommittee's recommendations for adoption at the April Board meeting as follows:

1. The Board's self-evaluation forms would be included in the October Board agenda packets
2. Board members would complete and return the self-evaluation forms to the Board Secretary for tabulation in time for the November Board meeting.
3. Using the results of the tabulation, at the November meeting, the Board would decide which of the items should be considered as topics for the Board Retreat.
4. At the December Board meeting the Board would review the items for any changes or additions prior to the Board Retreat. They would also decide whether a facilitator would be used and who would be appropriate, and again considered the topics that were selected.
5. The Board Retreat would be scheduled in January or early February if possible.

M/S/C Duff/Wong to approve the Minutes dated February 14 and 28, 2001

M/S/C Duff/Wong

Resolution No. 12115: **PURCHASE ORDERS**

BE IT RESOLVED that the issuance of current year Purchase Order Nos. 103013 through 103537 inclusive are approved.

BE IT FURTHER RESOLVED that the issuance of Dummy Purchase Order Nos. 101636 through 101864, inclusive are approved.

M/S/C Duff/Wong

Resolution No. 12116: **PAYROLL WARRANT ORDERS**

BE IT RESOLVED that Payroll Warrant Order No. 15 in the amount of \$91,051.89, and No. 16 in the amount of \$1,423,761.33, be ratified.

M/S/C Duff/Wong

VII.4 Resolution No. 12117: **COMMERCIAL WARRANT ORDERS**

BE IT RESOLVED that Commercial Warrant Orders on the General Fund be ratified as follows:

29 in the amount of \$ 79,432.96
30 in the amount of \$601,747.16
31 in the amount of \$330,485.62
32 in the amount of \$168,089.67

M/S/C Duff/Long

Resolution No. 12118: **CCCT BOARD OF DIRECTORS ELECTION - 2001**

BE IT RESOLVED that the Board nominates the following individuals to fill the ten two-year and one one-year vacancies on the CCCT Board of Directors for 2001:

*Don L. Jenkins, Rio Hondo CCD
*Michele Jenkins, Santa Clarita CCD
*Maria Nieto Senour, San Diego CCD
*Mark Takano, Riverside CCD
*Luis Villegas, Santa Barbara CCD
*Charles H. Hayden, Jr., Desert CCD
Walter G. Howald, Coast CCD
*Tom Clark, Long Beach CCD
*Mary Mason, Foothill-DeAnza CCD
*John Moore, Cerritos CCD
*Anthony E. Bugarin, San Joaquin Delta CCD

M/S/C Long/Wong

Resolution No. 12119: **MEDICAL, DENTAL, LIFE AND PRESCRIPTION DRUG INSURANCE**

BE IT RESOLVED that the contracts between Imperial Community College District and Blue Cross of California, Advance PCS, Delta Dental, VSP, Fortis Benefits Insurance Company and U.S. Life, to provide administrative services for the District's self-funded medical, dental, life and prescription drug insurance plan be renewed for the period of April 1, 2001 through March 31, 2002.

BE IT FURTHER RESOLVED that as recommended by the Insurance Committee and Keenan & Associates, the funding for the District's self-insured benefits plan be increased as follows:

	2000-01 Funding	2001-02 Funding	Increase
Medical/Rx	\$584.88	\$579.41	-5.47
Dental	49.00	72.71	23.71
Life insurance	6.96	2.40	-4.56
Vision	18.74	19.76	1.02
Provident Life	10.42	10.42	0
	\$670.00	\$684.70	\$14.70

M/S/C Duff/Wong

Resolution No. 12120: **SURPLUS PROPERTY LIST**

BE IT RESOLVED that approval is given to declaring outdated, nonfunctional property of the Imperial Community College District, as surplus property and is no longer being used for educational purposes;

BE IT FURTHER RESOLVED that the Superintendent/President and/or the Vice President for Business Services, and/or the Director of Purchasing and Warehouse be hereby authorized and instructed to dispose of the equipment in the best interest of the College as referred to on the Surplus Property List, Exhibit A.

M/S/C Long/Duff

Resolution No. 12121: **AUTHORIZING THE ISSUANCE OF A 2001 TAX AND REVENUE ANTICIPATION NOTE AND PARTICIPATION IN THE COMMUNITY COLLEGE LEAGUE OF CALIFORNIA CASH FLOW FINANCING PROGRAM**

WHEREAS, pursuant to Sections 53850 *et seq.* of the Government Code of the State of California (the "Act") contained in Article 7.6 thereof, entitled "Temporary Borrowing," on or after the first day of any fiscal year (being July 1), the Imperial Community College District (the "District") may, pursuant to a resolution of its Board of Trustees (the "Board"), borrow money by issuing notes for any purpose for which the District is authorized to expend moneys, including

but not limited to current expenses, capital expenditures, and the discharge of any obligation or indebtedness of the District;

WHEREAS, the Board hereby determines that an amount (the "Principal Amount") not to exceed \$5,000,000 (the "Maximum Principal Amount"), which Principal Amount is to be confirmed and set forth in the Pricing Confirmation (as defined in Section 4 hereof), is needed for the requirements of the District to satisfy obligations of the District, and that it is necessary that the Principal Amount be borrowed for such purpose by the issuance of a temporary note therefore in anticipation of the receipt of taxes, revenue and other moneys to be received by the District during or attributable to fiscal year 2001-2002;

WHEREAS, it appears, and the Board hereby finds and determines, that the Principal Amount, when added to the interest payable thereon, does not exceed eighty-five percent (85%) of the estimated amount of the uncollected taxes, income, revenue, cash receipts and other moneys of the District attributable to fiscal year 2001-2002, and available for the payment of said note and the interest thereon;

WHEREAS, pursuant to Section 53856 of the Code, certain revenues that will be received by the District during and attributable to fiscal year 2001-2002 can be pledged for the payment of said note and the interest thereon (as hereinafter provided);

WHEREAS, the Board has determined that it is in the best interests of the District to participate in the Community College League of California Cash Flow Financing Program (the "Program"), whereby participating community college districts (collectively, the "Participating Districts") will simultaneously issue tax and revenue anticipation notes;

WHEREAS, the tax and revenue anticipation note authorized hereby (the "Note") will be sold to the Community College League Financing Authority (the "Authority") pursuant to a note purchase agreement, dated as of the date of the Pricing Confirmation, by and between the Authority and the District (the "Note Purchase Agreement"); and

WHEREAS, as part of the Program, the Authority will issue one or more series (each a "Series") of 2001 Tax and Revenue Anticipation Bonds (the "Bonds") pursuant to an Indenture (the "Indenture") between the Authority and Wells Fargo Bank, National Association (the "Trustee"), which Bonds will be secured by the tax and revenue anticipation notes of the Participating Districts, each Series to be distinguished by the type of credit enhancement, if any, that secures such Series, the principal amounts of the notes securing such Series the date of maturity of such Series, or by such other factors as may be determined by the Authority pursuant to the advice of Sutro & Co. Incorporated, as financial advisor for the Program (the "Financial Advisor");

NOW, THEREFORE, the Board of the District hereby resolves as follows:

Section 1. Recitals. All of the above recitals are true and correct and the District so finds, determines, and represents.

Section 2. Authorization of Issuance of Note; Terms. The District hereby determines to borrow, solely for the purpose of anticipating taxes, income, revenue, cash receipts and other moneys to be received by the District during or attributable to fiscal year 2001-2002, an aggregate principal amount not to exceed the Maximum Principal Amount by the issuance, by the District, of a temporary note under Sections 53850 et seq. of the Code designated as the District's "2001 Tax and Revenue Anticipation Note." The Note shall be dated the date of delivery thereof; shall mature (without option of prior redemption) not more than 15 months from said date of delivery on a date indicated on the face of the Note and set forth in the Pricing Confirmation (as defined below), or if such date is not a day on which banks in New York or California are open for business, on the first business day prior to such date; and shall bear interest, payable on the dates set forth in the Note and computed on a 30-day month/360-day year basis, at the rate indicated on the face of the Note and set forth in the Pricing Confirmation (the "Note Rate"), but not in excess of twelve percent (12.0%) per annum. If the Note is not fully paid at maturity, then the unpaid portion thereof shall continue to bear interest thereafter at the Default Rate (to be set forth in the Pricing Confirmation). Both the principal of and interest on the Note shall be payable only upon surrender thereof, in lawful money of the United States of America, at the corporate trust office of the Trustee, which Trustee is hereby designated to be the Paying Agent for the Note (the "Paying Agent").

Section 3. Form of Note. The Note shall be issued in registered form without coupons and shall be substantially in the form and substance set forth in Exhibit A attached hereto and by reference incorporated herein, the blanks in said form to be filled in with appropriate words and figures.

Section 4. Sale of the Note. The Note shall be sold to the Authority pursuant to the Note Purchase Agreement. The form of the Note Purchase Agreement, including the form of the pricing confirmation supplement (the "Pricing Confirmation") set forth as Exhibit B thereto, presented to

this meeting is hereby approved. The Superintendent/President, Vice President of Business Services, Director of Fiscal Services, chief business officer or any other person designated by the Vice President of Business Services of the District (the "Authorized Representatives") are each hereby authorized and directed to execute (which execution shall be accomplished by execution of the Pricing Confirmation) and deliver the Note Purchase Agreement (including the Pricing Confirmation) in substantially said form, with such changes thereto as such Authorized Representative shall approve, such approval to be conclusively evidenced by his or her execution and delivery thereof; provided, however, that the interest rate on the Note shall not exceed twelve percent (12.0%) per annum, the discount on the Note, when added to the District's share of the costs of issuance of the Bonds, shall not exceed one and one-half percent (1.5%), and the Principal Amount shall not exceed the Maximum Principal Amount.

Section 5. Program Approval. The District's participation in the Program is approved; provided, however, that the District's decision to participate in the Program shall not be binding on the District until the execution and delivery of the Pricing Confirmation.

The District acknowledges that the Authority will execute and deliver the Indenture, (currently on file with the District), to the Trustee in substantially said form, with such changes thereto as an Authorized Representative shall approve, such approval to be conclusively evidenced by execution and delivery of the Pricing Confirmation. The District authorizes and requests the Authority to issue Bonds pursuant to and as provided in the Indenture as finally executed.

The District acknowledges that the Authority, acting upon the advice of the Financial Advisor, may seek such credit enhancement for the Note and for the Series of Bonds related thereto as it deems necessary or desirable. The District agrees to be bound by the terms of such credit enhancement, if any, and the agreements related thereto. The District's approval of such credit enhancement, if any, and the agreements related thereto shall be conclusively evidenced by execution and delivery of the Pricing Confirmation. Each Authorized Representative is authorized to execute and deliver, on behalf of the District, all agreements related to credit enhancement for the Note and for the Series of Bonds related thereto that such Authorized Representative shall approve, such approval to be conclusively evidenced by execution and delivery of such agreements.

The Authorized Representatives of the District are hereby authorized and directed to provide the Financial Advisor with such information relating to the District as the Financial Advisor shall reasonably request for inclusion in the Preliminary Official Statement and Official Statement related to the Bonds. Upon inclusion of the information relating to the District therein, the Preliminary Official Statement is, except for certain omissions permitted by Rule 15c2-12 of the Securities Exchange Act of 1934, as amended (the "Rule"), hereby deemed final within the meaning of the Rule with respect to the District. If, at any time prior to the execution of the Pricing Confirmation, any event occurs as a result of which the information contained in the Preliminary Official Statement related to the District might include an untrue statement of a material fact or omit to state any material fact necessary to make the statements therein, in light of the circumstances under which they were made, not misleading, the District shall promptly notify the Financial Advisor.

The District agrees to pay or cause to be paid, in addition to the amounts payable under the Note, its share of any fees or expenses of the Trustee in connection with its participation in the Program, as determined in accordance with the Indenture. Such additional fees and expenses will be paid by the District within twenty-five (25) days of receipt by the District of a bill therefore from the Trustee.

Section 6. Transfer; Exchange. The Note shall initially be registered in the name of the Authority. Thereafter, the Note may not be transferred or exchanged except for a transfer to a provider of credit enhancement for the Note or for the Series of Bonds related thereto as provided by the terms of such credit enhancement and any agreement related thereto.

Section 7. Deposit of Note Proceeds; No Arbitrage. A portion of the proceeds from the sale of the Note, in an amount equal to the District's share of the costs of issuance (including any fees and expenses incurred in connection with credit enhancement) of the Note and of the Series of Bonds related to the Note, shall be deposited in the Costs of Issuance Fund established under the Indenture and expended as directed by the Authority on costs of issuance as provided in the Indenture. The remainder of the proceeds from the sale of the Note shall be deposited in the Proceeds Fund established under the Indenture and, until transferred pursuant to a requisition of the District, be invested in Permitted Investments (as defined in and under the terms of the Indenture) as directed by the Authority. While they are on deposit in the Proceeds Fund, proceeds from the sale of the Note shall constitute additional security for repayment of the Note. Upon requisition submitted to the Trustee in accordance with the Indenture, the Note proceeds deposited in the Proceeds Fund shall be transferred to or on behalf of the District for any purpose for which the District is authorized to use and expend moneys. The District hereby covenants that it will make no use of the proceeds of the Note that would cause the Note to be an

"arbitrage bond" under Section 148 of the Code; and, to that end, so long as the Note is outstanding, the District, and all of its officers having custody or control of such proceeds, shall comply with all requirements of said section, including restrictions on the use and investment of proceeds of the Note and the rebate of a portion of investment earnings on certain amounts, including proceeds of the Note, if required, to the Federal government, and of the Income Tax Regulations of the United States Treasury promulgated thereunder or under any predecessor provisions, to the extent that such regulations are, at the time, applicable and in effect, so that the Note will not be an "arbitrage bond."

Section 8. Payment of Note.

(a) Source of Payment. The principal amount of the Note, together with the interest thereon, shall be payable from taxes, income, revenue, cash receipts and other moneys which are received by the District during fiscal year 2001-2002 and which are available therefore. The Note shall be a general obligation of the District, and to the extent the Note is not paid from the Pledged Revenues defined below, the Note shall be paid with interest thereon from any other moneys of the District lawfully available therefore, as provided herein and by law.

(b) Pledged Revenues. As security for the payment of the principal of and interest on the Note, the District hereby pledges certain unrestricted revenues (as further described in the following paragraph, the "Pledged Revenues"), which are received by the District in the months specified in the Pricing Confirmation as Pledge Months (each a "Pledge Month" and collectively the "Pledge Months"). The term "unrestricted revenues" shall mean taxes, income, revenue, cash receipts, and other money of the District as provided in Section 53856 of the Act, which are intended as receipts for the general fund of the District and which are generally available for the payment of current expenses and other obligations of the District.

With respect to each Pledge Month, the amount of unrestricted revenues which shall constitute Pledged Revenues will be equal to a percentage of the Principal Amount plus a percentage of the interest due on the Note on the applicable interest payment dates, including maturity, such percentages, and dates to be specified in the Pricing Confirmation. Any one of the Authorized Representatives of the District is hereby authorized to approve the determination of the Pledge Months and the amount of Pledged Revenues with respect to each Pledge Month by executing and delivering the Pricing Confirmation, such execution and delivery to be conclusive evidence of approval by this Board and such Authorized Representative.

The principal of the Note and the interest thereon shall be a first lien and charge against and shall be payable from the first moneys received by the District from such Pledged Revenues, as provided by law.

In the event that there are insufficient unrestricted revenues received by the District to permit the deposit into the Repayment Account, as hereinafter defined, of the full amount of Pledged Revenues to be deposited from unrestricted revenues in any Pledge Month, then the amount of any deficiency shall be satisfied and made up from any other moneys of the District lawfully available for the repayment of the Note and the interest thereon.

(c) Deposit of Pledged Revenues in Repayment Account. Pledged Revenues shall be held by the District in a special account within the District's general fund designated as the District's "2001 Tax and Revenue Anticipation Note Repayment Account" (the "Repayment Account") and applied as directed in this resolution. Any moneys placed in the Repayment Account shall be for the benefit of the holder of the Note, and until the Note and all interest thereon are paid or until provision has been made for the payment of the Note at maturity with interest to maturity, the moneys in the Repayment Account shall be applied only for the purposes for which the Repayment Account is created. Upon the written request of the Trustee or any provider of credit enhancement for the Note or the Series of Bonds related thereto, the District shall, within ten (10) Business Days following its receipt of such request, provide written evidence that the deposits to the Repayment Account required by this resolution have been made. In addition, the District shall provide such additional financial information as may be required by any provider of credit enhancement for the Note or the Series of Bonds related thereto.

(d) Disbursement of Moneys in Repayment Account. The District shall, to the extent necessary to pay the principal of and the interest on the Note, cause the moneys in the Repayment Account to be transferred to the Trustee at least five (5) Business Days (as defined in the Indenture) prior to the date that interest on the Note must be paid, as applicable, and prior to the maturity of the Note. Moneys so transferred to the Trustee shall be deposited in the appropriate Bond Payment Fund established under the Indenture and applied to the payment of the principal of and interest on the Note when due and at maturity, as provided in the Indenture. In the event that moneys in the Repayment Account are insufficient to pay the principal of and interest on the Note when due and at maturity, such moneys shall be applied first to pay interest on the Note and second to pay principal of the Note. Any moneys remaining in or accruing to the Repayment

Account after the principal of and the interest on the Note have been paid, or provision for such payment has been made, shall be transferred to the general fund of the District, subject to any other disposition required by the Indenture.

Section 9. Execution and Delivery of Note. The Note shall be executed by the manual or facsimile signature of an Authorized Representative and countersigned by the manual or facsimile signature of the Secretary or the Clerk of the Board. The proper officers of the District are hereby requested to deliver the Note to the Authority.

Section 10. Covenants and Warranties.

(a) It is hereby covenanted and warranted by the District that all representations and recitals contained in this resolution are true and correct.

(b) The District shall not incur any indebtedness secured by a pledge of its unrestricted revenues unless such pledge is subordinate in all respects to the pledge of unrestricted revenues hereunder.

(c) So long as any Bonds issued in connection with the Note are outstanding, the District will not create or suffer to be created any pledge of or lien on the Note other than the pledge and lien of the Indenture.

(d) The District and its appropriate officials have duly taken, or will take, all proceedings necessary to be taken by them for the levy, collection and enforcement of the Pledged Revenues in accordance with the law and for carrying out the provisions of this resolution and the Note.

Section 11. Ratification and Approval of Past and Future Actions. All actions heretofore taken by the officers and agents of the District with respect to the Note, the Bonds, and the Program are hereby approved, confirmed and ratified, and the officers and agents of the District are hereby authorized and directed to do any and all things and take any and all actions, which they, or any of them, may deem necessary or advisable in order to consummate the lawful issuance and delivery of the Note and the District's participation in the Program in accordance with this resolution and resolutions hereafter adopted by the District. The Authorized Representatives are hereby designated as "Authorized District Representatives" under the Indenture.

Section 12. Events of Default and Remedies.

If any of the following events occur, it is hereby defined as and declared to be and to constitute an "Event of Default":

(a) Failure by the District to make or cause to be made the transfers and deposits to the Repayment Account or any other payment required to be paid hereunder on or before the date on which such transfer, deposit or other payment is due and payable;

(b) Failure by the District to observe and perform any covenant, condition or agreement on its part to be observed or performed under this resolution, for a period of fifteen (15) days after written notice, specifying such failure and requesting that it be remedied, is given to the District by the Paying Agent, unless the Paying Agent shall agree in writing to an extension of such time prior to its expiration;

(c) Any warranty, representation or other statement by or on behalf of the District contained in this resolution or the Note Purchase Agreement (including the Pricing Confirmation) or in any requisition or any financial report delivered by the District or in any instrument furnished in compliance with or in reference to this resolution or the Note Purchase Agreement or in connection with the Note, is false or misleading in any material respect;

(d) A petition is filed against the District under any bankruptcy, reorganization, arrangement, insolvency, readjustment of debt, dissolution or liquidation law of any jurisdiction, whether now or hereafter in effect, and is not dismissed within 30 days after such filing, but the Paying Agent shall have the right to intervene in the proceedings prior to the expiration of such 30 days to protect its interests and the interests of the registered owner of the Note;

(e) The District files a petition in voluntary bankruptcy or seeking relief under any provision of any bankruptcy, reorganization, arrangement, insolvency, readjustment of debt, dissolution or liquidation law of any jurisdiction, whether now or hereafter in effect, or consents to the filing of any petition against it under such law; or

(f) The District admits insolvency or bankruptcy or is generally not paying its debts as such debts become due, or becomes insolvent or bankrupt or makes an assignment for the benefit of creditors, or a custodian (including without limitation a receiver, liquidator or trustee) of the District or any of its property is appointed by court order or takes possession thereof and such order remains in effect or such possession continues for more than 30 days, but the Paying Agent shall have the right to intervene in the proceedings prior to the expiration of such 30 days to protect its interests and the interests of the registered owner of the Note.

Whenever any Event of Default referred to in this Section shall have happened and be continuing, the Paying Agent shall, in addition to any other remedies provided herein or by law or under the Indenture, have the right, at its option without any further demand or notice, to take one or any combination of the following remedial steps:

(1) Without declaring the Note to be immediately due and payable, require the District to pay to the Paying Agent an amount equal to the principal of the Note and interest thereon to maturity, plus all other amounts due hereunder, and upon notice to the District the same shall become immediately due and payable by the District without further notice or demand; and

(2) Take whatever other action at law or in equity (except for acceleration of payment on the Note) which may appear necessary or desirable to collect the amounts then due and thereafter to become due hereunder or to enforce any other of its rights hereunder.

Section 13. Proceedings Constitute Contract. The provisions of the Note and of this resolution shall constitute a contract between the District and the registered owner of the Note, and such provisions shall be enforceable by mandamus or any other appropriate suit, action or proceeding at law or in equity in any court of competent jurisdiction, and shall be irrevocable.

Section 14. Request to Borrow; Transmittal of Resolution. The Note shall be issued in conjunction with the note or notes of one or more other community college districts, as described in Section 53853(b) of the Act. Following its adoption by the Board, signed copies of this resolution shall be transmitted by the Secretary of the Board to the treasurer of the county (the "County") in which the District is located, to the County's board of supervisors (the "County Board"), and to the County's superintendent of schools. Transmittal of this resolution to the County Board shall constitute a request by the Board for borrowing and for the issuance of the Note by the County Board. This resolution is based on the assumption that the County Board will fail to authorize, by resolution, the issuance of the Note within 45 calendar days of its receipt hereof or that the County Board will notify the District that it will not authorize the issuance of the Note within such 45-day period. If within such 45-day period the County Board authorizes, by resolution, issuance of the Note, then, notwithstanding this resolution, the Notes shall be issued in the name of the District by the County Board pursuant to such resolution of the County Board.

Section 15. Limited Liability. Notwithstanding anything to the contrary contained herein or in the Note or in any other document mentioned herein or related to the Note or to any Series of Bonds to which the Note may be assigned, the District shall not have any liability hereunder or by reason hereof or in connection with the transactions contemplated hereby except to the extent payable from moneys available therefore as set forth in Section 8 hereof.

Section 16. Amendments. At any time or from time to time, the District may adopt one or more Supplemental Resolutions, without the necessity for consent of the owner of the Note, for any one or more of the following purposes:

(a) to add to the covenants and agreements of the District in this Resolution, other covenants and agreements to be observed by the District which are not contrary to or inconsistent with this Resolution as theretofore in effect;

(b) to add to the limitations and restrictions in this Resolution, other limitations and restrictions to be observed by the District which are not contrary to or inconsistent with this Resolution as theretofore in effect,

(c) to confirm, as further assurance, any pledge under, and the subjection to any lien or pledge created or to be created by, this Resolution, of any monies, securities or funds, or to establish any additional funds or accounts to be held under this Resolution;

(d) to cure any ambiguity, supply any omission, or cure or correct any defect or inconsistent provision in this Resolution; or

(e) to amend or supplement this Resolution in any other respect;

provided, however, that any such Supplemental Resolution does not adversely affect the interests of the owner of the Note.

Any modification or amendment of this Resolution and of the rights and obligations of the District and of the owner of the Note may be made by a Supplemental Resolution, with the written consent of the owner of the Note; provided, however, that if such modification or amendment will, by its terms, not take effect so long as the Note remains outstanding, the consent of the owner of the Note shall not be required. No such modification or amendment shall change or modify any of the rights or obligations of the Paying Agent without its written assent thereto.

In addition to the amendments permitted by the above paragraphs, this Resolution, including the form of the Note, may be amended at any time prior to the execution and delivery of the Note pursuant to the Note Purchase Agreement or the Indenture, the provisions of which are incorporated herein by reference to the extent that they relate to the Note, the District, and the District's participation in the Program. Any amendment of this Resolution pursuant to this paragraph shall not require the execution and delivery of a Supplemental Resolution

Section 17. Severability. In the event any provision of this Resolution shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

Section 18. Appointment of Bond Counsel. The law firm of Stradling Yocca Carlson & Rauth, a Professional Corporation, San Francisco, California is hereby appointed as Bond Counsel for the Note and for the Program. The District acknowledges that Bond Counsel regularly performs legal services for many private and public entities in connection with a wide variety of matters, and that Bond Counsel has represented, is representing or may in the future represent other public entities, underwriters, trustees, rating agencies, insurers, credit enhancement providers, lenders, financial, and other consultants who may have a role or interest in the proposed financing or that may be involved with or adverse to the District in this or some other matter. Given the special, limited role of Bond Counsel described above the District acknowledges that no conflict of interest exists or would exist, waives any conflict of interest that might appear to exist, and consents to any and all such relationships.

Section 19. Effective Date. This Resolution shall take effect from and after its date of adoption.

PASSED AND ADOPTED by the District this 21st day of March 2001, by the following vote:

AYES: Rudy Cardenas Jr., Claudine Duff, Marian Long, Louis Wong

NOES:

ABSENT: Kelly Keithly, Romualdo Medina, Rebecca Ramirez

M/S/C Duff/Wong

Resolution No. 12122: **REPLACEMENT OF ACADEMIC POSITION**

BE IT RESOLVED that the Board approves the recommendation of the Chief Instructional Officer, an Academic Senate Representative, and the area Division Chair in the replacement of a full-time tenure track English Instructor (replacement for the position vacated Ethriam Brammer)

M/S/C Duff/ Wong

Resolution No. 12123: **NEW COURSES/NEW CERTIFICATES/CERTIFICATE DELETIONS/NEW MAJORS/MAJOR DELETIONS**

BE IT RESOLVED that the Board approves the recommendation of the Curriculum and Instruction Committee dated December 15, 1999, March 23, 2000, and February 15, 2001, relating to a new course, new certificates, new majors, certificate deletions, new majors, and major deletions as follows:

Approved December 15, 1999

NEW COURSE: AG 1 Agricultural Literacy Class

Approved March 23, 2000

NEW CERTIFICATES: Early Childhood Assistant
Early Childhood Associate Teacher
Business Financial Services
Business Management

NEW MAJORS: Business Financial Services
Business Management

CERTIFICATE DELETIONS: Banking Administration
Small Business Management
Business Supervision
Banking: General Operations

MAJOR DELETIONS: Banking Administration
Small Business Management
Business Supervision
Banking: General Operations

Approved February 15, 2001

NEW COURSES: SPEC 51 Early Steps to Reading Success
MATH 40 Math Study Skills

M/S/C Wong/Duff

Resolution No. 12124: **STUDY LIST LIMITATIONS CHANGE FOR SUMMER SCHOOL**

BE IT RESOLVED that the Board approves the recommendation of the Curriculum and Instruction Committee dated February 15, 2001, relating to Board Policy No. 5.24: Study List Limitations, which adds the following statement:

The maximum load allowed for students enrolled in Summer School will be nine units.

M/S/C Duff/Wong

Resolution No. 12125: **SUMMER SCHOOL 2001 DROP DATE**

BE IT RESOLVED that the Board approves the recommendation of the Curriculum and Instruction Committee dated February 15, 2001, that for the 2001 Summer School only an exception be made to Board Policy No. 5.27.3: Withdrawal Grade Policy, that the drop date would be July 11, 2001 for all three sessions.

M/S/C Duff/Wong

Resolution No. 12126: **ADMINISTRATIVE RETIREMENT**

BE IT RESOLVED that the Board accepts, with sincere regret, the retirement of Rueben Lopez, Dean of Instruction for Extended Campus, effective June 30, 2001.

BE IT FURTHER RESOLVED that sincere appreciation be expressed for his twenty-seven years of devoted service to Imperial Valley College.

M/S/C Duff/Long

Resolution No. 12127: **REPLACEMENT OF ADMINISTRATIVE POSITION**

BE IT RESOLVED that the Board approves the Superintendent/President's request to replace the administrative vacancy of Dean of Instruction for Extended Campus.

M/S/C Duff/Long

Resolution No. 12128: **EMPLOYMENT OF ACADEMIC PERSONNEL**

BE IT RESOLVED that following full-time, tenure track, academic personnel be employed for the Academic Year 2000-2001 effective March 1, 2001:

<u>NAME</u>	<u>CLASSIFICATION/STEP</u>	<u>ASSIGNMENT</u>
*Zazueta, Cathy	Appropriate Classification and Step Contingent Upon Verification of Records	Reference Librarian

* Partnership for Excellence Funding

M/S/C Duff/Long

Resolution No. 12129: **EMPLOYMENT OF TEMPORARY ACADEMIC PERSONNEL**

BE IT RESOLVED that following classified management personnel be approved for a supplemental, pro-rata hourly, short-term temporary academic appointment for the period of January 16, 2001 through February 1, 2001:

<u>NAME</u>	<u>CLASSIFICATION/STEP</u>	<u>ASSIGNMENT</u>
Green, Rebecca	Appropriate Classification and Step Contingent Upon Verification of Records	ECE Instructor

M/S/C Duff/Long

Resolution No. 12130: **TEMPORARY ACADEMIC PERSONNEL**

BE IT RESOLVED that the following academic personnel be employed temporarily, on a part-time hourly basis, during the 2000 summer, in accordance with the hourly rate provided for in Resolution No. 11354-4. Employment is contingent upon verification of records, credentials, continued funding of the grant indicated, and approval of the program officer:

<u>NAME</u>	<u>PROJECT POSITION</u>	<u>FUNDING SOURCE</u>
Finnell, Lillian	Counselor	State

M/S/C Duff/Long

Resolution No. 12131: **EMPLOYMENT OF TEMPORARY ACADEMIC PERSONNEL**

BE IT RESOLVED that the following academic personnel be employed for the remainder of the Spring Semester 2001, as temporary full-time contract personnel contingent upon continued funding of the grant designated:

<u>NAME</u>	<u>POSITION</u>	<u>FUNDING</u>	<u>ASSIGNMENT</u>	<u>DATES</u>
Esquer, Maria	Counselor	State	CalWORKS	3/5/2001 to 6/30/2001
Ramirez, Arturo	Counselor	State	DSP&S	2/26/2001 to 6/30/2001
Smith, Mel	Instructional Specialist	State	DSP&S	2/20/2001 to 6/30/2001

M/S/C Duff/Long

Resolution No. 12132: **EMPLOYMENT OF TEMPORARY ACADEMIC PERSONNEL**

BE IT RESOLVED that the employment of the following short-term full-time temporary personnel is extended from June 30, 2001 through December 21, 2001, contingent upon continued funding of the grant designated:

<u>NAME</u>	<u>POSITION</u>	<u>FUNDING</u>	<u>ASSIGNMENT</u>	<u>DATES</u>
Arguelles, Trinidad	Counselor	State	EOPS	7/1/2001 to 12/21/2001

M/S/C Duff/Long

Resolution No. 12133: **SUBSTITUTE EMPLOYMENT**

BE IT RESOLVED that the following personnel be employed during the 2000-2001 academic year, as credentialed, at the hourly rate provided for in Resolution No. 11354-4. Employment is contingent upon verification of records, credentials, and sufficient enrollment or whether the class is essential to a full-time instructor's load.

<u>NAME</u>	<u>POSSIBLE ASSIGNMENT</u>
Kelley, Ryan	Fire Technology

M/S/C Duff/Long

Resolution No. 12134: **REEMPLOYMENT OF ACADEMIC PERSONNEL FOR THE 2001-2002 ACADEMIC YEAR**

BE IT RESOLVED that the following academic personnel be reemployed, as credentialed, for the 2001-2002 school year:

FACULTY:

11 month	**Andres, Benny Aragon, Raul Archuleta, Joe	Appropriate Classification and Step Contingent Upon Verification of Records
11 month	Artechi, Olga	"
11 month	**Avila, Beatriz	"
	**Barba, Cecilia	"
	** Beckley, Jeffrey	"
	Bemis, Roberta	"
	Biley, Patti	"
	**Blek, Craig	"
	Borchard, Mary Kay	"
11 month	**Campos, Gilbert	"
11 month	Canez, Said	"
	Carlson, C. Marylynn	"
	Carnes, Dennis	"
	Cerda, Daniel	"
	Cerda, Ernestine	"
11 month	**Cheng, Denis	"
	**Craven, Julie	"
	**Cypher, Jackilyn	"
	**Decker, Van	"

	Deyo, Jeffery	"
	**Dorantes, Kathleen	"
	Drury, David A.	"
11 month	Esqueda, Jesus	"
	Fischer, Fred	"
	Fitzsimmons, Richard	"
11 month	**Gage-Mosher, Ronald	"
	**Garcia, Raquel	"
	**Gehler, Nicolas	"
	**Ghanim, Walid	"
	Giaugue, Gerlad	"
11 month	**Gilbertson, Tom	"
11 month	Greatheart, Frances	"
	Guzman, Cesar	"
	Hann, Carol	"
	Hann, Richard	"
	Hansink, Todd	"
	**Harris, Diane	"
	**Hopper, J. Phillip	"
	Horton, Sidne	"
	Jacklich, Joel	"
	Jacobson, Eric	"
11 month	Kalin, Janeen	"
	Kelly, Nannette	"
	Kelsoe, H. Leon	"
11 month	Lee, Carol	"
	**Lee, James	"
11 month	Lofgren, Mary	"
	Lopez, Jose	"
11 month	Lopez, Sergio	"
	Luoma, Craig	"
11 month	Marcuson, Bruce	"
	Marquez, Ralph	"
	**Martini, Donald	"
	McCormick, Blanca	"
	McCormick, Michael	"
	McNeece, Brian	"
	Mecate, Jim	"
	Meek, Al	"
	**Miller, Fonda	"
	**Miner, Jason	"
11 month	Nadeau, Nancy	"
	Nava, Norma	"

11 month	*Nilson, Barbara Nunez, Norma	"
11 month	Olsen, Amy Orensztein, Armand Orfanos-Woo, Stella Ortega, Alicia	" " " "
11 month	**Paine, Thomas Patterson, James Pendley, Jimmy **Plascencia, Jose Pollock, Diedre Ponce, Gregorio	" " " " " "
	**Ramsey, Tina Rapp, Frank Richards-Croft, Donna Rodgers, Gary Rodgers, Valerie **Ruiz, Angelica	" " " " " "
	**Santistevan, Judy Scheuerell, Edward **Shokoufi, Mardjan *Staton, M. Robin Stroud, Jean Stuart, Barbara Suczek, Peter	" " " " " " "
	**Thibodeaux, Mariaelena **Torres, Gabriel **Tucker, Jill	" " "
	Valentine, Martin	"
11 month	Welch, T. Larry Wendell, Josefina	" "
11 month	**West, June Wilhelm, Robert	" "
11 month	**Zazueta, Cathy Zhao, Lianna Zielinski, David **Zobell, Sherry	" " " "

* - Eligible for tenure during 2001-2002 academic year

** - Probation

All others are tenured

M/S/C Duff/Long

Resolution No. 12135: **REEMPLOYMENT OF ADMINISTRATIVE PERSONNEL FOR THE 2001-2002 ACADEMIC YEAR**

BE IT RESOLVED that the following administrative personnel be reemployed for the 2001-2002 school year:

Berry, Kathy	Director of Nursing/Health Technologies
Cesar, Ted	Director of Disabled Students Programs and Services
Fletes, Carlos	Vice President of Business Services
Ford, Eileen	Dean of Learning Services
Huerta, Gonzalo	Dean of Instruction for Applied Sciences
Hunt, John	Vice President of Academic Services
Jaime, Victor	Vice President of Student Services
Magno, Jan	Dean of Financial Assistance/State Programs
Standiford, Sandra	Dean of Admissions

M/S/C Duff/Long

Resolution No. 12136: **NEW POSITION FOR DSP&S**

BE IT RESOLVED that upon the recommendation of the Director of Disabled Student Programs and Services and the Vice President of Student Services, the following full-time, tenure track academic position be approved for funding through the California Community Colleges Chancellor's Office Disabled Students Programs and Services effective July 1, 2001:

<u>Project Position</u>	<u>Funding Source</u>
High Tech Center Specialist	State

M/S/C Duff/Long

Resolution No. 12137: **CLASSIFIED RESIGNATION**

BE IT RESOLVED that the Board accepts the resignation of the following classified employee at the date indicated:

<u>NAME</u>	<u>POSITION</u>	<u>FUNDING</u>	<u>RANGE</u>	<u>EFFECTIVE</u>
Arteaga, Sandra	Library Technician I	District	21-C	2/24/01
Tapia, Herlinda	Student Services Representative	District	24-A	10/16/00

M/S/C Duff/Long

Resolution No. 12138: **CLASSIFIED RECLASSIFICATION**

BE IT RESOLVED that the Board approves the reclassification of the following classified employees at the dates indicated:

<u>NAME</u>	<u>FROM</u>	<u>TO</u>	<u>FUNDING</u>	<u>EFFECTIVE</u>
Escobar, Mario	Custodian 53% Contract 21 hrs/wk	Custodian 68% Contract 27 hrs/wk	District	3/1/01
Garber, Peggy	Staff Secretary I Range 23-B	Staff Secretary I Range 23-C	District	3/1/01

M/S/C Duff/Long

Resolution No. 12139: **SHORT-TERM EMPLOYMENT**

BE IT RESOLVED that the following individuals be employed on a short-term basis, as needed:

<u>NAME</u>	<u>POSITION</u>	<u>FUNDING</u>	<u>RANGE</u>	<u>EFFECTIVE</u>
Felix, Irma	Library Technician I	District	21-A	2/18/01 to 4/30/01
Flores, Jose	Student Services Representative	District	24-A	2/6/01 to 3/8/01
Rivera, Elsa	Instructional Lab Assistant	District	23-A	2/24/01 to 5/31/01

M/S/C to **ADJOURN** - the next regular meeting of the Board of Trustees is scheduled for Wednesday, April 11, 2001, at 6:00 P.M.

Adopted this _____ day of _____, 2001.

ICCD Board President

ICCD Board Secretary