ADOPTED MINUTES

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

Wednesday, April 21, 2010

Location
Administration Board Room, Building 10
380 East Aten Road
Imperial, CA 92251

CALL TO ORDER/ROLL CALL

On Wednesday, April 21, 2010, at 6:01 p.m., Board President Hart called the regular meeting of the Imperial Community College District Board of Trustees to order in the Administration Board Room, Building 10.

BOARD MEMBERS PRESENT:
- Rudy Cardenas, Jr.
- Norma Sierra Galindo
- Jerry D. Hart
- Romualdo Medina
- Rebecca L. Ramirez

BOARD MEMBERS ABSENT:
- Carlos R. Acuña
- Louis Wong

REPRESENTATIVES PRESENT:
- Steven Sciaky, Associated Student Representative
- Dr. Michael Heumann, College Council Representative
- Gaylla Finnell, CTA Representative
- Kevin White, Academic Senate Representative [arrived at 6:15 p.m.]

CONSULTANTS PRESENT:
- Dr. Ed Gould, Superintendent/President
- Kathy Berry, Vice President for Academic Services
- John Lau
- Travis Gregory
- Bill Gay, Public Relations Officer
- Frank Oswalt, Legal Counsel

PLEDGE OF ALLEGIANCE

Trustee Galindo led the Pledge of Allegiance to the Flag.

PUBLIC COMMENT

CTA President Gaylla Finnell spoke and stated it has been a challenging month with the earthquake. She shared activities from faculty members and shared accomplishments of faculty and stated that faculty commitment to IVC is remarkable.

WRITTEN COMMUNICATIONS
Board President Hart announced that the Board received two written communications.

INFORMATION REPORTS

Employee of the Month (April)
There was no announcement for the Employee of the Month.

Board Member Reports
Trustee Galindo reported the following:

- Stated that all Valley schools are operating except for Calexico Unified School District after the April 4th earthquake. She asked Dr. Gould to call Dr. Luna to offer IVC's support.

- Asked if President Gould had spoken with City Manager Victor Carrillo regarding the Calexico extended campus. President Gould stated that due to the earthquake they had not.

- She stated that Calexico had a lot of need due to the earthquake and she would provide contact information and help establish communication. She stated there has been no looting in Mexicali and Calexico. She stated diapers, formula, and bottled water is needed.

Board President Hart reported the following:

- Attended SDICCCA and the Alliance group is in the process of doing a legislative packet to promote legislative agendas. He stated he wanted everyone to be aware of what the group is doing to promote community colleges.

- Attended the Foundation meeting and stated Foundation Member Robertta Burns announced there would be a BBQ on May 16th for the 110 mobile homes that have been set off their foundations during the April 4th earthquake. He stated the goal is to help with the cost by raising $100,000 for the cause. He stated the BBQ location has not been set; however, he wanted to note that Jiggs Johnson would be donating over 4,000 pounds of meat.

Trustee Ramirez reported the following:

- The Mexican Consulate in Yuma has been promoting drives for the San Luis, Baja California, Mexico area.

President Hart stated that he would like everyone to be as generous as they can.

Associated Student Government Senate Update – Steven Sciaky
ASG President Sciaky reported the following:

- Attended the ASAC last month and met with Congressman Bob Filner, two senators, and legislative assistants. He stated there is a request to lower the age of dependents for Financial Aid which is currently at 24 years of age explaining that some students are on their own at 18 years of age and would like to see that change because they cannot be declared as

independent. He stated there were discussions to attempt to decrease the age to 21 years of age.

- Reported that the March in March held on March 22nd had a great turnout with 13,000 students marching at the state capitol with student testimony.

- Cesar Chavez Day was celebrated with a documentary titled *Fight in the Fields* and stated there was a good turnout from students.

- Reported an ASG senator dressed up as the Easter Bunny for the preschool kids and stated the kids had a great time.

- Reported ASG has a team that would participate in the Relay for Life.

- Reported student elections would be taking place soon and stated there are ten students that applied for the senate presidency and of those, he stated nine were eligible. He wished them all the best of luck.

Academic Senate Update – Kevin White
Academic Senate President Kevin White reported the following:

- Held elections for officers and he was re-elected as president for another term.

- Announced he and Frances Beope were guests of the U.S.S. John Stennis as distinguished guests. He stated the experience was amazing.

- Reported he has attending three important meetings for the Academic Senate at a state level and attended the plenary session in San Francisco last weekend.

College Council Update – Dr. Michael Heumann
College Council Chair Dr. Michael Heumann reported the following:

- The plans for the new signs on campus were approved. He stated the new signs would replace the existing signs that are about to fall off. He stated a LED sign would be near the old Highway 111 entrance to display important information.

- Elevator in the 2700 building has had a few wrinkles. He discussed the potential problems and having a class on the second floor. He stated the Environmental Health & Safety Committee and DSP&S Dean Ted Ceasar is looking at the potential options.

- Announced that before the accreditation visit, the Council wanted to get all the committee websites looking nice. He stated that Vice Chair Jessica Waddell worked with Webmaster Omar Ramos on a brand new template. He stated it is very nice and impressive looking.

President's Update – Dr. Ed Gould
President Gould congratulated Kevin White on his reelection. He stated they are continuing efforts on how shared governance is used. He thanked CTA President Gaylla Finnell for the report stating it was a great report and hoped to have it on a monthly basis.

He announced that CTA has formally asked for a chair at the Resource Table.

He presented a PowerPoint and highlighted the following:

Earthquake Follow-up
He stated that damage to the campus was minimal and discussed the minor damage that occurred. He stated that the earthquake did not affect classes. He reported that the library was in operation by noon on Monday after spring recess. He stated that the facilities crew did a great job and referred to them as the IVC Heroes. He stated they went out of their way to ensure that the campus was operational. He stated he has made a suggestion that the Employee of the Month be awarded to the Facilities Crew. He extended his appreciation for the facilities crew.

He reported the gym became a shelter on April 17th for people displaced after the April 4th earthquake. He reported the Red Cross notified IVC that the gym would need to be used as a secondary shelter for the earthquake victims. He reported the displaced gym classes would continue in other locations for the next two weeks.

Bomb Scare
He stated that a bomb scare occurred on Thursday, April 15th and stated the caller knew what he was doing. He reviewed the timeline of events. He thanked everyone involved and announced there would be a formal briefing with the Emergency Response groups on Thursday, April 22nd. He complimented the Communications Department and Vice Presidents for the work they did during the bomb scare.

Trustee Ramirez asked how the needs of the preschool children were met during the bomb scare. President Gould reported that they were moved across to the Pioneers Museum and then were accommodated at the gym.

Southern California Association of Governments (SCAG) Award
Reported that IVC has been selected to receive the SCAG Compass Blueprint Award in the category of Visionary Planning for Prosperity for the new science building. He thanked Jimmy Sanders and Nielsen Construction for the work they have done on the science building. He stated that the award would be given to IVC at the May 5, 2010 SCAG dinner. He stated IVC would be receiving the 2010 Award for the work IVC has done towards sustainability, modernization, economic impact, and programs for students. He thanked former city of El Centro Mayor Roseanna Moore and Public Relations Officer Bill Gay.

Progress on Language Institute
He reported that Congressman Filner has sent a $1.6 million request proposal to the House Appropriations for Fund for the Improvement of Postsecondary Education (FIPSE) Committee stating, “This project deserves federal funding because it is critical that we educate our students for jobs in the 21st Century Economy.”

He reported that he learned today that Senator Boxer has also submitted the language institute project to the Senate Appropriations Committee as a Workforce Skills Preparation Program for $800,000 stating, “Funds will be used to create an intensive, one year workforce and language skills preparation program to ensure residents of the Imperial Valley are prepared for the workforce.”

Legislative Update
He reviewed the legislation and funding with the Department of Labor, Financial Aid, Institutional Aid, Title III, National Science Foundation (NSF), Workforce Investment Act Reauthorization, DREAM Act Development Relief and Education of Alien Minors, Community College Sustainability, Temporary Assistance for Needy Families (TANF), Elementary and Secondary Act Reauthorization and the National Endowment for the Humanities Challenge Grant Initiative for 2-Year Colleges.

He discussed the following legislation:

- SB 656 (Torrico) which reinstates the oil severance tax proposal which would generate $1.1 billion for Higher Ed
- SB 969 for fee stabilization has been heard
- SB 1460 DREAM Act /AB 540 Eligibility discussed
- AB 2682 Community College Centralized Assessment
- Mary Block becomes Assembly Higher Education Subcommittee Chair
- Transfer and Accountability discussion as it pertains to the AA and AS degrees becoming the transfer degree is gaining momentum.

Budget Update
He stated that the State coffers improving but nobody is talking. He reported that the first three months of the year's income in State revenue was $2.3 billion over projection. He reported that 60% may be needed to fund Prop 98 and he would be fighting to avoid a Prop 98 suspension.

Accreditation Visit
Announced that the Accreditation visit was scheduled for Thursday, April 22nd and Friday, April 23rd and stated he felt that it was helpful to that the past chair for the last accreditation visit would be the chair of this visit.

American Association of Community Colleges (AACC) Convention Report
He reported he attended the AACC convention and there was discussion regarding funding possibilities, book rental programs, and the impact of online education.

He reported that the vendor world is changing and online education is changing landscape and is receiving attention at the federal level which has escalated over the last few years.

Enrollment
He reported on IVC Enrollment stating there has been controlled growth at 7,311.39 FTES.

CONSENT AGENDA – BUSINESS

Trustee Galindo pulled the Minutes of the March 27, 2010 Board Retreat meeting and Resolution No. 14650.

M/S/C Medina/Cardenas
Approval of Minutes dated March 8, 2010, Regular Board Meeting

M/S/C Medina/Cardenas
Approval of Minutes dated March 17, 2010, Regular Board Meeting

M/S/C Cardenas/Ramirez (ABSTAIN: Galindo)
Approval of Minutes dated March 27, 2010, Board Retreat Meeting

M/S/C Medina/Cardenas
Resolution No. 14645: Purchase Orders

BE IT RESOLVED that the Board approves the issuance of purchase orders and direct payments for the month of March 2010 in the amount of $3,455,000.37.

March 2010	
Direct Pay	315,986.88
Purchase Orders	3,139,013.49
	3,455,000.37

M/S/C Medina/Cardenas
Resolution No. 14646: Payroll Warrant Orders

BE IT RESOLVED that the Board approves the issuance of the following Payroll Warrants for the month of March 2010:

Date Paid	#	Fund 10 General Fund	Fund 45 Child Dev.	Fund 80 Bond Fund	Warrant Total
3/10/10	16	444,900.67			444,900.67
3/31/10	17	2,676,613.92	41,387.89	11,023.18	2,729,024.99
		3,121,514.59	41,387.89	11,023.18	3,173,925.66

M/S/C Medina/Cardenas
Resolution No. 14647: Commercial Warrant Orders

BE IT RESOLVED that the Board approves the issuance of the following commercial warrant orders for the month of March 2010:

Date Paid	#	Fund 10 General Fund	Financial Aid	Fund 20 Building Fund	Fund 45 Child Dev.	Fund 80 Bond Fund	Warrant Total
3/4/10	34	144,339.98				790,656.93	934,996.91
3/11/10	35	589,281.25		700.00		1,062,534.05	1,652,515.30
3/18/10	36	296,369.51	3,612,244.07		220.00	15,167.40	3,924,000.98
3/25/10	37	209,733.49		32,007.00		108,498.69	350,239.18
		1,239,724.23	3,612,244.07	32,707.00	220.00	1,976,857.07	6,861,752.37

M/S/C Medina/Cardenas
Resolution No. 14648: Change Orders, 2700 Building Construction

WHEREAS the board authorized contracts for construction of the 2700 Building in the original amount of $25,935,129; and

WHEREAS construction on the 2700 Building is now complete, and

WHERAS the final revised contract amount for the construction of the 2700 Building is $25,933,774.24.

NOW, THEREFORE, BE IT RESOLVED that the Board accept the following change orders for a total net change to the original contracts of -$1,354.76:

Contractor	Bid Pkg#	Original Contract	Change Order	Revised Contract
Challenger Sheet Metal	9	749,883.00	-11,036.56	738,846.44
Continental Marble & Tile Co	15	532,125.00	0.00	532,125.00
DEZ Construction	3	1,590,000.00	0.00	1,590,000.00
DEZ Construction	4	1,249,000.00	-39,201.22	1,209,798.78
Executive Landscape, Inc.	2	557,712.00	-16,481.67	541,230.33
Gordon's Carpet One	14	305,000.00	-7,514.62	297,485.38
Haxton Masonry	5	2,388,000.00	0.00	2,388,000.00
Interpipe Contracting, Inc.	20	1,672,970.00	2,155.34	1,675,125.34
ISEC, Inc.	7	1,332,948.00	-5,791.00	1,327,157.00
ISEC, Inc.	18	177,864.00	-10,206.00	167,658.00
Johnson, Finch & McClure	10	423,000.00	14,232.00	437,232.00
Masters Construction	1A	554,350.00	0.00	554,350.00
Neal Electric Corporation	22	2,433,000.00	56,518.00	2,489,518.00
R&K Air Conditioning	21	2,621,007.00	8,894.13	2,629,901.13
Roof Construction	8	313,500.00	-22,500.00	291,000.00
Roy E. Whitehead, Inc.	11	450,000.00	0.00	450,000.00
Shelburne Services, Inc.	17	557,477.00	-6,293.52	551,183.48
Shelburne Services, Inc.	19	147,477.00	-9,811.52	137,665.48
Shelburne Services, Inc.	26	84,477.00	-5,000.00	79,477.00
Simmons & Wood, Inc.	16	133,547.00	0.00	133,547.00
Spitz, Inc.	25	418,863.00	-4,145.50	414,717.50
Standard Drywall, Inc.	13	771,000.00	-1,184.06	769,815.94
Teldata Enterprise Networks	23	766,128.00	19,805.00	785,933.00
Trade Mark Construction, Inc.	6	1,909,062.00	64,521.40	1,973,583.40
Trade Mark Construction, Inc.	12	3,506,239.00	1,153.74	3,507,392.74
UA Sprinklers, Inc.	24	290,500.00	-29,468.70	261,031.30
		25,935,129.00	-1,354.76	25,933,774.24

M/S/C Medina/Cardenas
Resolution No. 14649: Surplus Items

BE IT RESOLVED that the Board approves declaring the following outdated non-functional property which is no longer being used for educational purposes, as surplus property;

BE IT FURTHER RESOLVED that the Superintendent/President, Vice President for Business Services, Director of Purchasing/Accounting and/or the Purchasing/Receiving Coordinator are hereby authorized and instructed to dispose of said surplus property in the best interest of the College.

Equipment Description	IVC property number
CPU (18)	001065, 001106, 001336, 001350, 001366, 001403, 001412, 002456, 0013333, 14089, 14221, 14412, 15637, 15958, 16129, 16134, SN# BDYCDD1, SN# IDYCCD1,
Four drawer cabinets (10)	177, 179, 195, 522, 1074, 4307, 4366, 5679, 7708, 08339
Keyboard	3671
LCD Projectors (4)	000205, 000247, 000495. 001173
Monitors (2)	12001, 12135
Office Desk (2)	7373, 14492
Printer	9747
Scanner	SN# TABA79617
TV (5)	7561, 15788, SN# 22287827, SN# 445412114, SN# E9AA11294
VCR (2)	09655, 10077
Computer desks (16)	
Four drawer cabinets (4)	
Hospital beds (2)	
Office desks (5)	
Student chairs (9)	
Student desks (31)	
Wooden tables (12)	
1947 International Truck	VIN M3143627
1992 Chevy Lumina	VIN 2G1WL54T7N9187343
1951 GMC truck	VIN A270786144
1961 Willy Jeep	VIN 57548126419

M/S/C Medina/Ramirez (OPPOSED: Galindo)
Resolution No. 14650: Amendment to the Master Agreement Between Imperial Valley College Foundation and the Imperial Community College District

WHEREAS, the Board approved a master agreement between Imperial Valley College Foundation and the Imperial Community College District on September 15, 2009 with Resolution No. 14477; and

WHEREAS, the Imperial Valley College Foundation at its March 16, 2010 Board meeting approved the amendment of the agreement to include the following:

- A member of the Board of Trustees and the Superintendent/President of the District shall serve as full voting members of the Foundation Board and both shall assume prominent roles in fund-raising activities.
- It is understood that the Board of Trustees representative and the Superintendent/President will abstain from voting when there is a potential for conflict of interest between the College and the Foundation.

NOW, THEREFORE, BE IT RESOLVED that the Board approves the following agreement with the amendments as presented.

Master Agreement Between
Imperial Valley College Foundation and the
Imperial Community College District

THIS AGREEMENT is entered into as of this 2nd day of September 2009, by and between the Imperial Community College District ("District") and the Imperial Valley College Foundation ("Foundation"), a nonprofit organization operated for the benefit of the College (but not an auxiliary described in Education Code §§ 72670 *et seq.*). This agreement completely supersedes all previous written and verbal agreements existing between the parties.

The Foundation is an independent nonprofit corporation existing to serve the District. The Foundation has developed a track record of generating financial support for the programs and facilities of the College. Administration by the Foundation of its fundraising, development, and funds management functions, which by charter may only serve to benefit the District, is most efficiently performed by a private sector, nonprofit entity. So long as the Foundation is performing these functions for the benefit of the District, it is in the interests of the District and the College that the operations of the Foundation be supported by provision of facilities, dedicated personnel and certain administrative services defined in this agreement.

The mission of the Imperial Valley College Foundation is to develop philanthropic support to assist Imperial Valley College in providing accessible educational programs, services and facilities that assure academic and vocational excellence for the students at Imperial Valley College, and that enrich the cultural, economic and civic life of the Imperial Valley.
The Foundation exists to raise and manage private resources supporting the mission and educational and facilities priorities of the District, and provide opportunities for students and a margin of institutional excellence unavailable with state funds.

The Foundation is dedicated to assisting the college in the building of the endowment and in addressing, through financial support and other resources, the long-term academic and other priorities of the college.
The Foundation is a separately incorporated 501 c (3) public organization and is subject to the Brown Act.

The Foundation is responsible for identifying and nurturing relationships with potential donors and other friends of the District, and acknowledging and stewarding philanthropic gifts in accordance with donor intent and its fiduciary responsibilities.

Furthermore, in connection with its fund-raising and asset-management activities, the Foundation and the District cooperate to retain personnel experienced in planning for and managing private contributions and works with the District to advise and assist in such activities.

In consideration of the mutual commitments herein contained, and other good and valuable consideration, receipt of which is hereby acknowledged, the parties agree as follows:

Imperial Community College District

- The Board of Trustees of the Imperial Community College District is responsible for overseeing the mission, leadership, and operations of the college
- The Board of Trustees is responsible for setting priorities and long-term plans for the Imperial Community College District.
- The Board of Trustees is legally responsible for the performance and oversight of all aspects of Imperial Community College District operations
- The Board of Trustees is legally responsible for prudent fiscal management of District finances and facilities

The Foundation's Relationship to the District

- The Foundation is a separately incorporated 501 (c) (3) non-profit organization created to raise, manage, distribute and steward resources to support the various missions of the District.
- The Foundation Board of Directors is responsible for the control and management of all assets of the Foundation, including the prudent management of all gifts consistent with donor intent.
- The Foundation is responsible for the performance and oversight of all aspects of its operations based on a comprehensive set of bylaws that clearly address the Board's Fiduciary responsibilities, including expectations of individual Board Members based upon ethical guidelines and policies.
- The Foundation is responsible to have mutual responsibility to evaluate the District personnel provided to run the Imperial Valley College Foundation.
- The Foundation agrees to continue to adequately perform endowment fundraising, scholarship development and management, and development and funds management of donations and funds raised by campus organizations, departments, and funds raised by the Foundation.
- The Foundation agrees to provide other functions in the legal purview of a 501 C3 Charitable Foundation, and will make every effort to assure that the services and funds provided by the Foundation to the District have a fair market value far surpassing the value of the funds and benefits provided by the District to the Foundation.

The District's Relationship to the Foundation

- The Superintendent/President is responsible for communicating District priorities and long-term plans, as approved by the Board of Trustees, to the Foundation.
- The District recognizes that the Foundation is a private corporation with the authority to keep all records and data confidential consistent with the law.
- The District is responsible to pay the salary and the accompanying benefits for two positions: the Executive Director, Foundation, and a support position, the Advancement Office and College Foundation Coordinator.
- The District believes that the aforementioned arrangement will be beneficial to the District. Accordingly, in order to ensure that the various functions performed by the District's Executive Director, Foundation and the Advancement Office and College Foundation Coordinator be successfully performed, the District shall provide the salary for these positions and the accompanying benefits, at the District's sole cost.
- As long as the Foundation continues to adequately perform endowment fundraising, scholarship development and management, and development and funds management of private donations and funds raised by campus organizations and departments, and other functions in the legal

purview of a 501 C3 Charitable Foundation, and the services and funds provided by the Foundation to the District have a fair market value far surpassing the value of the funds and benefits provided by the District to the Foundation the district will be responsible for the employment, provision of salary and benefits and share in the evaluation of the Executive Director of the Imperial Valley College Foundation.

- The Parties agree that the individuals hired into the two (2) proceeding positions shall be considered District employees and that their employment shall be governed by the District and the District's applicable policies and procedures regarding hiring, supervision, evaluation, termination and other human resources matters. The District shall set the salary and benefit amounts for the preceding positions in its sole discretion. The District shall, where appropriate and legally permissible, take into account the views of the Foundation Board in regard to the management of the proceeding employees.
- The Executive Director shall provide institutional advancement, grants development and coordination and community relations services on behalf of the District and develop funding opportunities with community, alumni, public granting entities, private foundations and corporate donors as well as manage administrative functions on behalf of the Foundation and for the benefit of the District. The Advancement Office and College Foundation Coordinator shall act in a support position, performing functions related to accomplishing the goals of both the Advancement Office and the Foundation, including institutional advancement, grants development and management and community relations, on behalf of the District and fundraising, donor relations and administrative functions on behalf of the Foundation.
- The Executive Director of the Foundation shall be included as a member of the Superintendent/President's cabinet and senior administrative team.
- The District shall include the Foundation as an active and prominent participant in the strategic planning for the District.
- A member of the Board of Trustees and the Superintendent/President of the District shall serve as full voting members of the Foundation Board and both shall assume prominent roles in fund-raising activities.
- It is understood that the Board of Trustees representative and the Superintendent/President will abstain from voting when there is a potential for conflict of interest between the College and the Foundation.
- The District shall establish and enforce policies that support the Foundation's ability to respect the privacy and confidentiality of donor records.
- The District will provide office space, computer and telephone systems, utilities, office supplies, and other such services that may be necessary or required to fulfill its responsibilities and obligations.
- The District will provide marketing materials as mutually agreed upon by the District representatives and Foundation board.
- The District will provide alumni information at the request of the Foundation in accordance with applicable laws.

Foundation Responsibilities
Fund-Raising

- The Foundation shall create an environment conducive to increasing levels of private support for the mission and priorities of the District.
- The Foundation, in consultation with the Superintendent/President, is responsible for planning and executing comprehensive fund-raising and donor-acquisition programs in support of the District's mission. These programs include annual giving, major gifts, planned gifts, special projects, and campaigns as appropriate.

- The Foundation will establish, adhere to, and periodically assess its gift-management and acceptance policies. It will promptly acknowledge and issue receipts for all gifts on behalf of the Foundation and the District and provide appropriate recognition and stewardship of such gifts.
- The District recognizes that the Foundation bears major responsibility for fund-raising. District representatives will coordinate fund-raising initiatives including major gifts solicitations with the Foundation.
- The Superintendent/President will work in conjunction with the leadership of the Foundation Board and the Foundation Executive Director to identify, cultivate and solicit prospects for private gifts.
- The Foundation shall not accept grants from state or federal agencies, except in special circumstances that are approved by the Foundation Board of Directors, the Board of Trustees and the governmental agency.
- The Foundation shall establish and enforce policies to protect donor confidentiality and rights.

Asset Management

- The Foundation will establish asset-allocation, disbursement, and spending policies that adhere to applicable federal and state laws including the Uniform Prudent Investor Act (UPIA) and the Uniform Management of Institutional Funds Act (UMIFA).
- The Foundation will receive, hold, manage, invest, and disperse contributions of cash, securities, patents, copyrights, and other forms of property, including immediately vesting gifts and deferred gifts that are contributed in the form of planned and deferred-gift instruments.
- The Foundation will engage an independent accounting firm annually to conduct an audit of the Foundation's financial and operational records and will provide the District with a copy of the annual audited financial statement, including management letter.

District Flexibility

- The Foundation will explore current opportunities, including acquisition and management of real estate on behalf of the District for future allocation, transfer, or use.
- When distributing gifted funds to the District, the Foundation will disclose any terms, conditions, or limitations imposed by donor or legal determination of the gift. The District will abide by such restrictions as long as they do not violate applicable laws and provide appropriate documentation.

Transfer of Funds

- The Foundation is the primary depository of private gifts and will transfer funds to the designated entity within the District in compliance with applicable laws, District policies and gift agreements.
- The Foundation's disbursements on behalf of the District must be reasonable business expenses that support the District, are consistent with donor intent and do not conflict with the law.

Foundation Funding and Administration

- The Foundation is responsible for establishing a financial plan to underwrite the cost of Foundation Programs, operations and services.
- The Foundation has the right to use a reasonable percentage of the annual unrestricted funds, assess fees for services, or impose gift taxes, to support its operations.
- The Foundation and District shall amend this MA if other individuals must be employed and mutually agree on the responsibility for payment of salary and benefits of said personnel.

Construction
In the event of dispute, both Parties shall be deemed to have drafted this Agreement. No portion of this Agreement shall be construed for or against either party based on the drafter of the Agreement.

Terms of the Master Agreement (MA)
This Master Agreement, made this 15th day of September, 2009, by and between the Board of the Imperial Community College District and the Imperial Valley College Foundation (an Internal Revenue Code 501 (c) (3) nonprofit corporation), is intended to set forth policies and procedures that will contribute to the coordination of their mutual activities.
To ensure effective achievement of the items of the agreement, the District and Foundation officers and board of representatives shall hold periodic meetings to foster and maintain productive relationships and to ensure open and continuing communications and alignment of priorities.
Either party may, upon 90 day prior written notice to the other, terminate this agreement.
Notwithstanding the foregoing, either party may terminate this MA in the event the other party defaults in the performance of its obligations and fails to cure the default within a reasonable time after receiving written show cause notice.
Should the District choose to terminate this agreement the Foundation may require the District to pay, within 180 days of written notice, all debt incurred by the Foundation on the District's behalf including, but not limited to, lease payments, advanced funds, and funds borrowed for specific initiatives. Should the Foundation choose to terminate this agreement the District may require the Foundation to pay debt it holds on behalf of the Foundation in like manner.
Consistent with provisions appearing in the Foundation's bylaws and its articles of incorporation, should the Foundation cease to exist or cease to be an Internal Revenue Code 501 c (3) organization, the Foundation will transfer its assets and property to the District or to a reincorporated successor Foundation in accordance with the law and donor intent.
The Foundation will conduct an annual review of the Master Agreement.

IN WITNESS WHEREOF, the parties have caused this Master Agreement to be executed by their duly authorized officers as of the day and date first above written.

_____	_____
Jerry Hart, Board President	Charles Hosken, Board President
Imperial Community College District	Imperial Valley College Foundation

CONSENT AGENDA – EDUCATIONAL SERVICES

M/S/C Cardenas/Medina
Resolution No. 14651: Major, Certificate, Course Additions and Deletions

WHEREAS, new programs, deleted programs, and new courses within the programs have been approved by the Curriculum and Instruction Committee and instructional administration, and satisfy all applicable requirements of Title 5 regulations. All factors, taken as a whole, support the establishment and maintenance of the proposed instructional programs and courses.

BE IT RESOLVED that the Board approves the recommendation of the Curriculum and Instruction Committee (02/04/10) and the Academic Senate (03/03/10), with the consent of the Superintendent/President, as follows:

<u>Inactive Certificate and Major</u>
Library Technician Certificate and Major

M/S/C Cardenas/Medina
Resolution No. 14652: Day of the Teacher: May 12, 2010

WHEREAS America's greatest strength has always been an educated citizenry; and

WHEREAS that educated citizenry is directly attributable to our system of universal public education that provides an educational opportunity for all students; and

WHEREAS community colleges and their teachers are a vital part of the system of universal public education; and

WHEREAS community college teachers are challenged daily to reach out to every student--regardless of ability, interest in learning, social or economic background, physical, mental, or emotional handicap, race, religion, creed, or ethnic origin--to provide the assistance and guidance necessary for full intellectual development; and

WHEREAS community college teachers hold the key to the intellectual and occupational preparation of individual citizens who, collectively, determine the quality of life in the United States, in California, and in this community; and

WHEREAS community college teachers deserve the deepest respect and admiration of this community for their vital contribution to the well-being of our students;

WHEREAS the official day recognized as the California Day of the Teacher is May 12, 2010;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees publicly commends and thanks the teachers of Imperial Valley College for their dedication and hard work.

M/S/C Cardenas/Medina
Resolution No. 14653: Classified School Employee Week: May 16-22, 2010

WHEREAS, since 1986, California has taken the third week in May to honor the invaluable contributions of classified school employees; and

WHEREAS, Classified School Employee Week began as a resolution at CSEA's Annual Conference in 1984, and two years later, it was adopted as California Senate Bill 1552 and decreed to be an official recognition of classified school employees; and

WHEREAS, classified professionals provide valuable services to the school and students of the Imperial Community College District; and

WHEREAS, classified professionals contribute to the establishment and promotions of a positive instructional environment; and

WHEREAS, classified professionals serve a vital role in providing for the welfare and safety of Imperial Community College District's students; and

WHEREAS, classified professionals employed by the Imperial Community College District strive for excellence in all areas relative to the educational community;

THEREFORE, BE IT RESOLVED, that the Imperial Community College District hereby recognizes and wishes to honor the contribution of the classified professionals to quality education in the state of California and in the Imperial Community College District and declares the week of May 16-22, 2010, as Classified School Employee Week in the Imperial Community College District.

M/S/C Cardenas/Medina
Resolution No. 14654: Agreement between Imperial Valley College and Imperial Valley Regional Occupational Program

BE IT RESOLVED that the Board approves the following agreement with Imperial Valley Regional Occupational Program and authorizes the Superintendent/President to sign on behalf of the District:

UPON EXECUTION, this PROPOSAL shall constitute an AGREEMENT, entered into by and between Imperial Valley College (IVC), and the Imperial Valley Regional Occupational Program for educational and training services to be delivered through the IVC Contract Education Program.

WITNESSETH

WHEREAS, Imperial Valley College has been a long standing provider of contract educational services in the Imperial Valley.

WHEREAS Imperial Valley Regional Occupational Program has requested training and educational services consisting of Customer Service Academy.

NOW THEREFORE the following PROPOSAL FOR EDUCATION and TRAINING SERVICES is submitted to Imperial Valley Regional Occupational Program for consideration:

SCOPE OF SERVICES

Imperial Valley College will contract with Imperial Valley Regional Occupational Program to provide the following training course(s):

Course	Date(s)	Time	Location	Max. Enrollment	Total Hours
Customer Service Academy	March 15-30, 2010	6:00-9:00PM	One Stop El Centro	25	40 hrs

This course will be offered as not-for-credit for individuals referred by Imperial Valley Regional Occupational Program up to identified class maximum.

IVC will oversee all services for instruction, workshop development and delivery.

IVC shall provide required class material.

Imperial Valley Regional Occupational Program agrees to submit a participant roster(s), (first name, last name) no later than five (5) working days prior to the onset of training.

CANCELLATION AND NOTICES

In the event that the instructor is unavailable to meet with a group as scheduled, IVC may substitute a similarly qualified instructor. If a substitute cannot be provided, the training session will be rescheduled.

Either party, with or without cause, may terminate this agreement by the tendering of written thirty (30) day notice of intent to terminate services. Notices shall be mailed to the addresses earlier noted.

Upon cancellation, all contract services and fees shall be pro-rated for actual delivery through termination date, and may include training development activities conducted prior to the commencement of the program. Such fees will be due and payable upon termination.
IVC expressly prohibits client videotaping or reproduction of instruction in any other media or format.

TERM OF AGREEMENT

All terms specified in this agreement are valid up to 30 days from the date of issuance, Once executed, this agreement shall remain in effect from the date of execution below through the completion of all agreements as specified by both parties, and may be modified at any time by the mutual written consent of both parties.

CONSIDERATION

The program fee proposed shall be one hundred and twenty-five dollars ($125.00) per hour of instruction. Total fee owed at the completion of the training program is $5000.00

Certificates of Completion will be issued upon receipt of payment.

EQUAL OPPORTUNITY

Neither Imperial Valley College, nor Imperial Valley Regional Occupational Program shall discriminate against any trainee referred by Imperial Valley Regional Occupational Program or any trainee requesting participation in this program on the basis of age, race, color, religion, national origin, sex or mental/physical disability.

INSURANCE AND INDEMNITY

Imperial Valley Regional Occupational Program shall carry comprehensive general liability and Worker's Compensation Insurance ($1,000,000 aggregate) sufficient to indemnify the trainees for the duration of this agreement.

Imperial Valley College shall carry public liability and its usual Worker's Compensation coverage for employees and all other representatives of IVC who are performing services under this contract to be in effect for the duration of this agreement.

Imperial Valley Regional Occupational Program agrees to indemnify and hold harmless Imperial Valley College, its representatives, officers, directors, and employees from and against all liability, loss or claim of injury to persons or damage to property (including reasonable attorney's fees) arising out of the performance of this agreement, providing the injury to persons or damage to property is due to the negligence of Imperial Valley Regional Occupational Program or its respective associates or agents.

ENTIRE AGREEMENT

This PROPOSAL FOR EDUCATION and TRAINING SERVICES, when executed below shall constitute the entire agreement between the parties. Both parties must agree to changes to any of the terms or conditions noted in above sections in writing.

This agreement and subsequent agreements shall be governed and construed pursuant to the Laws of the State of California.

IN WITNESS WHEREOF, Imperial Valley College and Imperial Valley Regional Occupational Program have caused this PROPOSAL for Professional Services to become an AGREEMENT for Professional Services:

Imperial Valley College	IVROP
By: _____	By: _____
Title: *President Superintendent*	Title: _____
Name: *Dr. Ed Gould*	Name: _____
Date: _____	Date: _____

CLOSED SESSION
M/S/C Ramirez/Cardenas to go into CLOSED SESSION at 7:12 p.m.

1. NEGOTIATIONS UNDER THE EDUCATIONAL EMPLOYMENT RELATIONS ACT
   Conference with District Negotiators: John Lau and Travis Gregory
   Employee Organization: CSEA Chapter 472
   RE: Negotiations

2. NEGOTIATIONS UNDER THE EDUCATIONAL EMPLOYMENT RELATIONS ACT
   Conference with District Negotiators: John Lau and Travis Gregory
   Employee Organization: IVC Chapter of CCA/CTA/NEA
   RE: Negotiations

3. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

4. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
   Title: Superintendent/President

OPEN SESSION
M/S/C Medina/Cardenas to go into OPEN SESSION at 8:02 p.m.

1. Information was received and instructions given.
2. Information was received and instructions given.
3. Information was received.
4. Information was received and direction was given.

CONSENT AGENDA – HUMAN RESOURCES

Trustee Galindo pulled Resolutions Nos. 14659 and 14660.

M/S/C Galindo/Medina
Resolution No. 14655: Classified Management Service Employment

WHEREAS, after initiating and completing an external recruitment process, a current District employee was selected to fill an open vacancy;

NOW THEREFORE BE IT RESOLVED, that the Board approves the recommendation of the Superintendent/President to employ Bertha Kakiuchi in the capacity of Director of Purchasing/Accounting:

Name	Position	Department	Funding	Range	Effective
Kakiuchi, Bertha	Director of Purchasing/Accounting	Business Services	District	02-02	4/01/2010

FISCAL IMPACT: No additional cost to General Fund. This position is part of the total re-organization of the Business Services area which produced a net savings of $72,348.

M/S/C Galindo/Medina
Resolution No. 14656: Classified Confidential Service Employment

WHEREAS, after initiating and completing an external recruitment process, a current District employee was selected to fill an open vacancy;

NOW THEREFORE BE IT RESOLVED that the Board approves the following individual to be employed in the classified/confidential service as indicated:

Name	Position	Department	Funding	Range	Effective
Waddell, Jessica	Administrative Assistant	Human Resources	District	5-2	4/01/2010

FISCAL IMPACT: $10,308 annually (difference from Staff Secretary II salary)

M/S/C Galindo/Medina
Resolution No. 14657: Classified Services Employment

WHEREAS, the 2700 Building was completed in January 2010; and

WHEREAS, the 70,000 square foot facility requires additional support;

NOW, THEREFORE, BE IT RESOLVED that the Board approves the recommendation of the Superintendent/President to employ two additional custodians and replace one vacant custodial position.

Name	Position	Department	Funding	Range	Effective
Mokay, Ruben	Custodian	Maintenance	District	8-1	4/22/2010
Ruiz, Ricardo	Custodian	Maintenance	District	8-1	4/22/2010
Sandoval, Juan	Custodian	Maintenance	District	8-1	4/22/2010

**Contingent upon passing background clearance*
FISCAL IMPACT: $53,040 (two additional custodian positions at $26,520 annually plus 10% night differential pay and benefits). One position already budgeted.

M/S/C Galindo/Medina
Resolution No. 14658: Classified Services Employment
WHEREAS, after initiating and completing an external recruitment process, a current District employee was selected to fill an open vacancy.

NOW THEREFORE IT BE RESOLVED, that the Board approves the recommendation of the Superintendent/President to employ Karina Lopez in the capacity of Financial Aid Technician.

Name	Position	Department	Funding	Range	Effective
Lopez, Karina	Financial Aid Technician	Financial Aid Office	Categorical (State) 100%	14-10	4/12/2010

FISCAL IMPACT: $ 49,116 annually

M/S/C Cardenas/Medina
Resolution No. 14659: Classified Service Employee Reclassifications

Discussion
Trustee Galindo stated that she understood there would not be any more reclassifications. She asked if the budget allowed these reclassifications.

President Gould stated that the reclassifications are part of the reorganization and have been budgeted. He stated that in the case of the particular office, there is one less employee and those responsibilities have been reassigned to two additional people. He stated the reclassifications have been underway for several months. He stated that duties changed for the extended campus employee and changed once again when she arrived.

Trustee Galindo asked if there would be more reclassifications or if the Board would be revisiting them on a case-by-case basis.

President Gould stated there is likely to be some minor shifts in salaries after July 1st.

President Gould stated that an area that the Board will see is that of the Chief Technology Officer. He stated those positions that are necessary would be brought to the Board and stated that the District would not be able to function if there were no replacements.

Resolution
BE IT RESOLVED that the Board approves the recommendation of the Superintendent/President to reclassify the following classified positions effective July 1, 2010:

Name	Present Classification	New Classification
Nicholas, Mike	Graphs Arts/Reprographic Coordinator Communications Range 21, 12 Month, Full-time 100% District Funded	Publications Design Coordinator Communications Range 25, 12 Month, Full-time 100% District Funded

FISCAL IMPACT: $5,652 annually

Name	Present Classification	New Classification
Sandoval, Rosanna	Student Services Tech Communications Range 14, 12 Month, Full-time 100% District Funded	Public Relations Specialist Communications Range 16, 12 Month, Full-time 100% District Funded

FISCAL IMPACT: $4,212 annually

M/S/C Cardenas/Medina
Resolution No. 14660: Classified Service Employee Reclassification

Discussion
Trustee Galindo asked for the effective date of the reclassification.

President Gould stated that the CSEA and he would discuss it in the future.

Trustee Galindo stated for the record that she would like to acknowledge John Abarca for his noble request not to receive monies at this time.

Resolution
BE IT RESOLVED that the Board approves the recommendation of the Superintendent/President to reclassify the following classified position effective July 1, 2010.

Name	Present Classification	New Classification
Abarca, John	Reprographics Specialist Communications Range 18, 12 Month, Full-time100% District Funded	Printing Specialist Communications Range 19, 12 Month, Full-Time 100% District Funded

FISCAL IMPACT: $1,644 annually
**effective date of salary range to be determined by the Board at a future meeting.*

M/S/C Galindo/Medina
Resolution No. 14661: Classified Short-Term Employment

WHEREAS, Ed Code Section 88003 and Board Resolution 12673, short-term employees may be employed for period not to exceed 75% of a college year (195 working days);

WHEREAS, to meet the temporary staffing needs of the Maintenance department;

THEREFORE BE IT RESOLVED the Board approves the recommendation of the Superintendent/President to extend the short term contract for the following employees:

Name	Position	Department	Funding	Range	Effective
Sandoval, Juan	Custodian	Maintenance	District	08-01	3/11/10-4/2/10
Rico, David	Custodian	Maintenance	District	08-01	3/11/10-4/2/10
Garcia, Javier	Custodian	Maintenance	District	08-01	3/11/10-4/2/10

M/S/C Galindo/Medina
Resolution No. 14662: Reduction of Classified Service (Specially Funded Programs)

WHEREAS, as a result of expiration of specially funded programs, categorical classified positions ending June 30th must be eliminated due to a lack of funds or lack of work;

WHEREAS, Ed Code Section 88017 requires the District to issue layoff notifications to affected classified employees on or before April 29.

WHEREAS, the Governing Board of the Imperial Community College District finds it necessary and in the best interest of the District to eliminate and reduce the classified services as specified below:

1. Office Assistant II (Nursing), part-time (50%)

BE IT RESOLVED that the Superintendent/President or his designee is authorized and directed to give notice of layoff to the affected employees and to the appropriate exclusive bargaining representative not later than April 29, 2010.

M/S/C Galindo/Medina
Resolution No. 14663: Reduction of Classified Service

WHEREAS, due to a lack of work or a lack of funds during the 2009-2010 academic year; and

WHEREAS, the Governing Board of the Imperial Community College District finds it necessary and in the best interest of the District to eliminate and reduce the classified services as specified below:

1. Instructional Lab Assistant (Learning Services), Part-time (25%)

NOW THEREFORE, BE IT RESOLVED that this classified position of the District shall be discontinued and reduced.

BE IT FURTHER RESOLVED that the Superintendent/President or his designee is authorized and directed to give notice of layoff to the affected employee and to the appropriate exclusive bargaining representative not later than 45 days prior to the effective date of layoff.

M/S/C Galindo/Medina
Resolution No. 14664: Reduction of Classified Service (Inactive Position)

WHEREAS, the Governing Board of the Imperial Community College District finds it necessary and in the best interest of the District to eliminate the vacant/inactive classified service as specified below:

1. Assessment Center Specialist, Full-time, Categorical (Vacant/Inactive position)

NOW THEREFORE, BE IT RESOLVED that this classified position of the District shall be discontinued and reduced.

M/S/C Galindo/Medina
Resolution No. 14665: Reduction of Classified Management Service (Inactive Position)

WHEREAS, the Governing Board of the Imperial Community College District finds it necessary and in the best interest of the District to eliminate the vacant/inactive classified management service as specified below:

1. Site Supervisor (Vacant/Inactive position)

NOW THEREFORE, BE IT RESOLVED that this classified position of the District shall be eliminated from the classified management service.

M/S/C Galindo/Medina
Resolution No. 14666: Reduction of Classified Management Service (Inactive Position)

WHEREAS, on February 17, 2010, the Board approved the reclassification of the Director of Evening College to Director of Campus Safety and Security (Board Resolution No. 14604);

WHEREAS, the District finds it necessary and in the best interest of the District to eliminate the classified management service as specified below:

1. Director of Evening College, part-time (.65)

NOW THEREFORE, BE IT RESOLVED that this classified position of the District shall be eliminated from the classified management service.

FISCAL IMPACT: No impact to the General Fund. The Director of Evening College was re-classified effective April 1, 2010 as the Director of Campus Safety and Security. The funding budgeted for the salary of the Director of Evening College (.65 contract) is being used to fund .65 of the salary of the new position of Director of Campus Safety and Security, the remaining .35 is being paid from Parking Funds (non General Fund revenue). There is no savings or additional cost to the General Fund as a result of the elimination of the position of Director of Evening College.

M/S/C Galindo/Medina
Resolution No. 14667: Memorandum of Understanding between Imperial Community College District and the Imperial Valley College Chapter of the Community College Association/California Teachers Association/National Education Association – Academic Calendar 2010-11

BE IT RESOLVED that the Board, with the recommendation of the Superintendent/President, ratifies the Memorandum of Understanding between Imperial Community College District and the Imperial Valley College Chapter of the Community College Association/California Teachers Association/National Education Association attached hereto as EXHIBIT A.

M/S/C Galindo/Medina
Resolution No. 14668: Non-Renewal of Probationary/Contract Employee

WHEREAS the Board directed that notice be given regarding non-renewal of a faculty member contract and that employee has not requested a hearing in accordance with applicable law;

BE IT RESOLVED that the end of the current academic year will be the last day of employment for Employee No. G00628932;

BE IT FURTHER RESOLVED that the President of the Board shall send notice of this final decision in the manner required by law.

ADJOURNMENT
M/S/C Galindo/Medina to ADJOURN the meeting at 8:11 p.m.

The next regular meeting of the Imperial Community College District Board of Trustees is scheduled for **WEDNESDAY, MAY 19, 2010, AT 6:00 P.M.** in the Administration Board Room located in Building 10.

Adopted this 19th day of May 2010.

_____
ICCD Board President

_____
ICCD Board Secretary