MIRACOSTA COMMUNITY COLLEGE DISTRICT
BOARD OF TRUSTEES

REGULAR MEETING
4 P.M. – THURSDAY – SEPTEMBER 9, 2021
ZOOM Conference

AGENDA

I. CALL TO ORDER

II. FLAG SALUTE / ROLL CALL

III. APPROVE MEETING MINUTES

A. Special Meeting/Closed Session of August 19, 2021
B. Regular Meeting of August 19, 2021

IV. PUBLIC COMMENT ON ITEMS ON AND NOT ON THE AGENDA

PLEASE NOTE: During this time of board meetings being conducted in an online format, public comments, as outlined below, must be emailed to jbollerud@miracosta.edu a minimum of 30 minutes prior to the start of the meeting. Your comment will be read aloud during the meeting. Your email should indicate if you wish the comment to be read at the beginning of the meeting or, if it is regarding an agenda item, if you would prefer the comment to be read at the time the agenda item comes up. All public comments must continue to adhere to the Decorum, also outlined below.

ITEMS ON THE AGENDA: Members of the audience may address the Board of Trustees on any item listed on the agenda when that agenda item comes up for discussion and/or action. Comments will be limited to three (3) minutes per agenda item and a total of fifteen (15) minutes of public comment on any one item, unless waived by the board. Non-English speakers utilizing a translator will have six (6) minutes to directly address the board. Consent items are considered routine and customary district business, and are voted on in one vote; however, a board member or a member of the audience may request that an item listed on the consent items be removed and considered individually.

ITEMS NOT ON THE AGENDA: Members of the audience may address the Board of Trustees on any topic not on the agenda so long as the topic is within the jurisdiction of the district. Under the Brown Act, the board is not permitted to engage in public discussion or take any action on an agenda item not on the agenda, except that members of the board may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Government Code §54954.3. In addition, on their own initiative, or in response to questions posed by the public, a member of the board may ask a question for clarification. A member of the board or the board itself may provide a reference to staff (superintendent/president) or other resources for factual information, request staff (superintendent/president) to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff (superintendent/president) to place a matter of business on a future agenda. Comments from visitors shall not exceed three (3) minutes unless the board waives the time limit. Non-English speakers utilizing a translator will have six (6) minutes to directly address the board. The board may also limit the total amount of time for speakers on a particular topic to fifteen (15) minutes.

DECORUM: Board Policy 2355 requires members of the public to observe order and decorum at board meetings and to conduct themselves in a courteous manner, avoiding profanity, obscenity, other abusive language, and threats of violence. The board president, as presiding officer, has the authority to run the meeting, which includes the authority to issue warnings, call for recesses, or clearing the boardroom in the event of disruptive behavior. Speakers shall speak to the issues and refrain from using defamatory or abusive personal remarks that disturb or impede the meeting or exceed the bounds of civility necessary to the conduct of the business of the district. Government Code section 54954.3(c) establishes that the legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body, and California Penal Code section 403 makes it a misdemeanor for any person to willfully disturb or break up any assembly or meeting with lawful authority.

V. CHANGES IN AGENDA ORDER

VI. PRESENTATIONS

A. Update on the U.S. Census and Redistricting of Trustee Areas Pursuant to Education Code § 5019.5
B. ASG Leadership Introductions
C. Facilities Update

VII. CONSENT ITEMS

A. Ratify Recommendations of Superintendent/President in Approving Personnel Actions
B. Ratify Appointment of Acting Administrator
C. Approve Employment Contract for Vice President
D. Ratify Memorandum of Understanding 21-04 with Academic Associate Faculty
E. Adopt Sole Source Exceptions Findings and Approve Resolution No. 1-21/22
F. Approve and Execute Notice of Completion for Bid #MM-19-127 SAN B200 Renovation Project No. 04105
G. Approve Agreement with Dovetail for Fixtures, Furniture & Equipment Coordination Services
H. Ratification of Purchase of COVID-19 Support for Fall 2021 Return
I. Ratify and Approve Contracts and Purchase Orders—July 29, 2021, through August 18, 2021

VIII. ACTION ITEMS

A. Public Hearing 4:30 p.m. – FY2021/22 Final Budget
B. Adopt Fiscal Year 2021/22 Final Budget
C. Approve Food Services Contract Renewal

IX. PERIODIC REVIEW – BOARD POLICIES (Action Required)

A. Board Policy 2220 – Committees of the Board
B. Board Policy 2305 – Annual Organizational Meeting
C. Board Policy 2340 – Agendas
D. Board Policy 2345 – Public Participation at Board Meetings
E. Board Policy 2350 – Speakers
F. Board Policy 2355 – Decorum
G. Board Policy 2360 – Minutes
H. Board Policy 2365 – Recording
I. Board Policy 2430 – Delegation of Authority to the Superintendent/President

X. FIRST READING – BOARD POLICIES

A. Board Policy 2200 – Board Duties and Responsibilities
B. Board Policy 4030 – Academic Freedom

XI. COLLEGE-RELATED REPORTS

A. Trustees Activities
B. Students
C. Classified Employees
D. Faculty
E. Vice Presidents
   1. Instructional Services
   2. Student Services
   3. Administrative Services
   4. Human Resources
F. Office of the President
G. Superintendent/President

XII. FUTURE AGENDA ITEMS AND ANNOUNCEMENTS

XIII. ADJOURNMENT

UPCOMING MEETING

4 p.m. – October 21, 2021
Regular Meeting
Zoom Conference

Board meetings are normally held in meeting rooms that are accessible to those with mobility disabilities, however, an executive order issued on 3-18-20 by the Governor of California indicated that the requirements for having a physical space for meetings has been waived due to the coronavirus (COVID-19). Meetings will be held remotely until further notice. If you wish to attend the meeting and/or if you have another disability requiring special accommodation, please contact Julie Bollerud, executive assistant to the superintendent/president, at 760.795.6610 or by email at jbollerud@miracosta.edu. The California Relay Service (CRS) is available by dialing 711, or 1-800-735-2929 or 1-800-735-2922.

In compliance with Government Code §54957.5, nonexempt writings that are distributed to a majority or all of the MiraCosta Community College District Board of Trustees in advance of their meetings may be viewed at the Office of the Superintendent/President, One Barnard Drive, Oceanside, California, or by clicking on the Board of Trustee's website at http://www.miracosta.edu/OfficeOfThePresident/BoardofTrustees/Agendas.htm. Such writings will also be available at the board meeting. In addition, if you would like a copy of any record related to an item on the agenda, please contact Julie Bollerud, executive assistant to the superintendent/president, at 760.795.6610 or by email at jbollerud@miracosta.edu.

Audio recordings of board meetings are available upon request. Please contact the MiraCosta College Office of the President at 760.795.6610 or at jbollerud@miracosta.edu.

MIRACOSTA COMMUNITY COLLEGE DISTRICT
BOARD OF TRUSTEES

One Barnard Drive, Oceanside, CA
Zoom Conference

MINUTES OF SPECIAL MEETING/CLOSED SESSION **August 19, 2021**
(DRAFT)

I. CALL TO ORDER

The Board of Trustees of the MiraCosta Community College District met in a special meeting/closed session on Thursday, August 19, 2021, via Zoom conference. President Rick Cassar called the meeting to order at 2:46 p.m.

II. FLAG SALUTE / ROLL CALL

Board members present:

David Broad	Frank Merchat
Rick Cassar	Anna Pedroza
Bill Fischer	Jacqueline Simon
George McNeil	

Superintendent/President Sunny Cooke
Vice President Charlie Ng

III. PUBLIC COMMENT ON ITEMS ON AND NOT ON THE AGENDA

None.

IV. DECLARE NEED FOR CLOSED SESSION

At 2:46 p.m., the board announced the need to enter closed session to discuss the following topic:

A. Conference with Labor Negotiators
(Pursuant to Government Code Section 54957.6)
Agency designated representatives: Superintendent/President Sunita V. Cooke, Vice President, Human Resources Charlie Ng
Employee organizations: All

V. RECONVENE IN OPEN SESSION – REPORT ACTION FROM CLOSED SESSION

At 3:45 p.m., the board returned to open session to report the following:

A. Conference with Labor Negotiators
(Pursuant to Government Code Section 54957.6)
Agency designated representatives: Superintendent/President Sunita V. Cooke, Vice President, Human Resources Charlie Ng
Employee organizations: All

No action taken.

VI. ADJOURNMENT

The meeting adjourned at 3:45 p.m.

MINUTES APPROVAL:

Richard Cassar Board President	Sunita V. Cooke, Ph.D. Superintendent/President

MIRACOSTA COMMUNITY COLLEGE DISTRICT
BOARD OF TRUSTEES

MINUTES OF REGULAR MEETING **August 19, 2021**
(*DRAFT*)

I. CALL TO ORDER

The Board of Trustees of the MiraCosta Community College District met in open session on Thursday, August 19, 2021, via Zoom conference. President Rick Cassar called the meeting to order at 4 p.m.

II. FLAG SALUTE / ROLL CALL

Board members present:

David Broad	Frank Merchat
Rick Cassar	Anna Pedroza (left meeting at 4:18 p.m.)
William Fischer	Jacqueline Simon
George McNeil	Alma Cuevas (Student Trustee)

Administrators present:
Superintendent/President Sunny Cooke
Vice President Tim Flood
Vice President Charlie Ng
Vice President Alketa Wojcik
Vice President Diane Dieckmeyer

III. APPROVE MEETING MINUTES

A. Special Meeting/Closed Session of July 15, 2021
B. Regular Meeting of July 15, 2021

By motion of Trustee McNeil, seconded by Trustee Fischer, the minutes of the special meeting/closed session of July 15, 2021, and the regular meeting of July 15, 2021, were approved.

Vote:	7/0/0
Aye:	Broad, Cassar, Fischer, McNeil, Merchat, Pedroza, Simon
Abstentions:	None
Absent:	None

IV. PUBLIC COMMENT ON ITEMS ON AND NOT ON THE AGENDA

None.

V. CHANGES IN AGENDA ORDER

None.

VI. PRESENTATIONS

A. Update on Campus Climate Survey

Vice President of Human Resources Charlie Ng provided an update on the results of the survey and the next steps to be taken by the campus community. The board asked for an annual update on this information.

VII. CONSENT ITEMS

A. Ratify Recommendations of Superintendent/President in Approving Personnel Actions
B. Approve Employment Contract for Interim Academic Administrator
C. Approve Reclassification of Existing Position
D. Approve Associate Vice President and Vice President Salary Schedule
E. Ratify Memorandum of Understanding 21-03 with Academic Associate Faculty – COVID-19
F. Ratify Memorandum of Understanding 21-05 with Faculty Assembly – COVID-19
G. Approve Updated Course Agreement with Carlsbad Unified School District for the Fall 2021 Dual Enrollment Program
H. Approve Updated Course Agreement with San Dieguito Union High School District for the Fall 2021 Dual Enrollment Program
I. Approve the Fall 2021 Annual Program Components for the Oceanside Unified School District CCAP Dual Enrollment Program
J. Approval to Utilize the Foundation for California Community Colleges Participation Agreement for CampusLogic
K. Approve Agreement with Dovetail for Fixtures, Furniture and Equipment Coordination Services for the OC Library Renovation
L. Ratify Budget Transfers/Revisions
M. Ratify and Approve Contracts and Purchase Orders—June 24 through July 28, 2021

Consent Item M was pulled for discussion.

By motion of Trustee McNeil, seconded by Trustee Fischer, consent items A through L were approved.

Vote:	6/0/1
Aye:	Broad, Cassar, Fischer, McNeil, Merchat, Simon
Abstentions:	None
Absent:	Pedroza

By motion of Trustee McNeil, seconded by Trustee Fischer, consent item M was approved.

Vote:	5/0/1
Aye:	Cassar, Fischer, McNeil, Merchat, Simon
Abstentions:	Broad
Absent:	Pedroza

VIII. ACTION ITEMS (Action Required)

A. Ratify Collective Bargaining Agreement Between the MiraCosta Community College District and the MiraCosta College Academic Associate Faculty for the Three-Year Period Commencing July 1, 2021

By motion of Trustee Merchat, seconded by Trustee Simon, the board ratified the Collective Bargaining Agreement with the MiraCosta College Academic Associate Faculty for the Three-Year Period Commencing July 1, 2021.

Vote:	6/0/1
Aye:	Broad, Cassar, Fischer, McNeil, Merchat, Simon
Abstentions:	None
Absent:	Pedroza

IX. SECOND READING – BOARD POLICIES (Action Required)

A. Board Policy 4300 – Field Trips and Excursions

By motion of Trustee McNeil, seconded by Trustee Fischer, the board adopted Board Policy 4300 – Field Trips and Excursions.

Vote:	6/0/1
Aye:	Broad, Cassar, Fischer, McNeil, Merchat, Simon
Abstentions:	None
Absent:	Pedroza

X. INFORMATIONAL ITEMS

A. Fourth Quarter Fiscal Report

The Fourth Quarter Fiscal Report was provided for information.

XI. COLLEGE-RELATED REPORTS

A. Trustee Activities

Trustees Broad and Merchat attended the Futures planning meeting and reported they are very happy to be able to take all of the work that has been done over the past several years and use it as a springboard for planning where the college needs to be in 10-20 years from now. Trustee Broad and McNeil attended the CCLC Town Hall on Advancing Diversity, Equity, and Inclusion. Trustee Fischer attended the KPBS Webinar *Exploring the X in Latinx*. Trustee McNeil and Simon attended the Associate Faculty meeting on Tuesday. Trustee Simon walked the campus with Dr. Cooke last month and was able to witness the construction progress and see the future board room. President Cassar attended the annual Encinitas Dog Days of Summer and visited the MiraCosta Help Hut and information tent where student ambassadors were promoting the college.

B. Students

Student Trustee Alma Cuevas reported that last week she attended the Student Trustees workshop where she learned a lot. She also reported the Associated Student Government has finished their interviews for the replacement positions on the senate and executive teams, and they are ready for the school year.

C. Classified Employees

Classified Senate President Carl Banks reported the Classified Senate held their retreat last month, and hopes to plan many events for the coming year. All committee assignments are now filled. He also noted that he listened to an Ibram Kendi podcast this summer that he highly recommended.

D. Faculty

Academic Senate President Luke Lara reported the first Academic Senate meeting and retreat were held last week; they were joined by seven new members. He attended the Academic Senate for California Community Colleges (ASCCC) curriculum institute this summer and reported that progress continues in redesigning the student experience with a focus on what faculty are doing in the classroom. This year he hopes to provide substance to the policy that address credit for prior learning, which passed last year to create seamless opportunities for students. This summer he is reading *Grading for Equity* by Joe Feldman.

E. Vice Presidents

1. Instructional Services

Vice President Dieckmeyer reported this will be her last board meeting. She thanked the board, the executive team, the classified and academic senates, and students for the great collaboration and support that she has received during her time at MiraCosta College. Specifically, she thanked the board and president for the incredible impact of their leadership, and their commitment to students, employees, and the community, and to be a racially just campus. She said that the progress we see is because of their leadership.

2. Student Services

Vice President Wojcik said she will miss Dr. Dieckmeyer and thanked her for her service. She reported that there is a lot of work happening on campus right now involving enrollment, vaccinations, and other supports for students.

3. Administrative Services

Vice President Flood congratulated Dr. Dieckmeyer on her retirement. He reported that the books for last fiscal year were closed on Saturday, and accounting is in the process of finalizing the 2022 budget. He noted we are compliant with the 50 percent law at 50.08 percent. Given our expenditures to support students through success teams and guided pathways, it will make this current year a bit more difficult for compliance with the 50 percent law. Facilities and Purchasing are working hard to make sure all have what they need to start the new year.

4. Human Resources

Vice President Ng thanked Human Resources, the negotiations team, and the employee groups for coming to agreement on all contracts for this year. He especially thanked Hayley Schwartzkopf, Carolyn Sneary, Justin Crass, Shawna Sourivanh, and all of their teams for tremendous support. Ng also thanked Dr. Dieckmeyer for her service and for becoming a lifelong friend.

F. Office of the President

Superintendent/President Cooke stated that Dr. Dieckmeyer has brought a great deal of kindness, generosity, and grace, to her role and she will be greatly missed. The start of this semester has been unlike any we have ever seen. It has been a long road to create all the processes for a successful reopening for fall, and she thanked the many who have been on campus all summer long churning away at the details. There was not a moment of down time all summer, and she thanked all four divisions for their work. President Cooke thanked Denise Stephenson and members of DEqCC for their work to make FLEX week such a success. Tomorrow is All College Day and traditionally a time for us to be together, and she hopes all will join. She added that we are an educational institution and also have a responsibility to promote public health in keeping our community safe; therefore, MiraCosta College will be doing its part by incentivizing our students to get vaccinated by offering a $300 bookstore voucher for enrolled students to upload their vaccination documentation.

XII. FUTURE AGENDA ITEMS AND ANNOUNCEMENTS

None.

XIII. ADJOURNMENT

The meeting adjourned at 5:25 p.m.

MINUTES APPROVAL:

Richard Cassar Board President	Sunita V. Cooke, Ph.D. Superintendent/President

Subject: **Update on the U.S. Census and Redistricting of Trustee Areas Pursuant to Education Code § 5019.5**	**Attachment:** **PowerPoint Presentation**
Category: **Presentations**	**Type of Board Consideration:** ✓ **Information Consent Action**
	Approved for Consideration: **Sunita V. Cooke, Ph.D.** **Superintendent/President**

BACKGROUND

MiraCosta Community College District has engaged the services of Nielsen Merksamer Parrinello Gross & Leoni, LLP, Attorneys at Law to represent the District with its post-Census readjustment of Board of Trustee electoral areas, in compliance with Education Code §5019.5 and state and federal laws.

STATUS

Christopher Skinnell, partner at Nielsen Merksamer Parrinello Gross & Leoni, LLP, Attorneys at Law, will provide the board with an overview of the redistricting process and preliminary demographics of the current areas.

RECOMMENDATION

For information only.

Introduction to 2021 Redistricting MiraCosta Community College District

September 9, 2021

Why Are We Doing This?

- Every 10 years the federal government conducts the Census, and each community college district must update its trustee areas to reflect the latest population counts, so that they are equal in population.
- Requirement is both statutory, *see* Education Code § 5019.5(a), and constitutional, *see Reynolds v. Sims*, 377 U.S. 533 (1964).

Redistricting Process: Key Dates

- **August 12, 2021:** Census Bureau released PL94-171 redistricting data
  - Usually released in Feb/March of year following Census
- **Late-September:** adjusted Census data expected to be available (to reflect reassignment of incarcerated persons.
- **February 28, 2022:** deadline for completion of redistricting process. (Educ. Code § 5019.5)
- **January 20,* 2022:** anticipated completion date (to allow ample time for implementation by the San Diego County Elections Office)
  - If necessary, further action can be taken at Board Meeting in Feb. 2022

* Approximate. Dates for 2022 meetings still not set

Redistricting Process: Anticipated Board Meetings/Hearings

September 9, 2021	Presentations at Board meeting re (1) legal and policy criteria governing redistricting, and (2) demographics of existing trustee areas. Receive public comment on appropriate criteria.
October 21, 2021	Board receives further public input and additional testimony regarding appropriate criteria; adopts criteria and provides instructions for the preparation of alternative draft redistricting plans.
November 18, 2021	Demographic consultant to present initial draft trustee area plans; Board receives public input and additional testimony regarding draft plans; holds first public hearing on draft plans; Board may order modifications to any of the plans.
January 20, 2022 (est)	Board holds second public hearing on alternate plans, votes to choose one plan. If Board orders further modifications, another public hearing will be required.

*** Dates are subject to change**

Process: Effect on Current Trustees

- No trustee's term cut short (*see* Educ. § 5021; Elec. Code § 22000(e)), but
- When his or her term ends, an incumbent can only run from the new trustee area in which he or she resides.

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Federal Criteria: Equal Population

- Overriding criterion is total population equality, *see Reynolds v. Sims*, 377 U.S. 533 (1964).
- Unlike congressional districts, local electoral districts do not require perfect equality—some deviation acceptable to serve valid governmental interests.
- Total deviation less than 10% presumptively constitutional. (Caution: the presumption *can* be overcome!)

Federal Criteria: Equal Population (cont.)

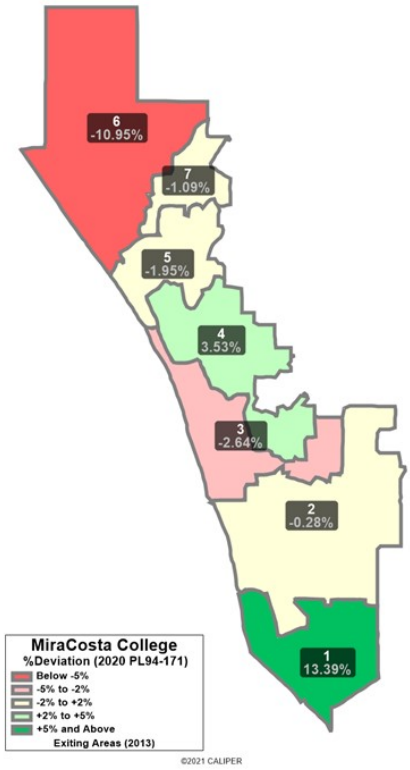
Total Population:	414,076		1	2	3	4	5
Ideal:	82,815	Pop.	84,683	82,167	83,661	80,568	82,997
Deviation Range:	4,115	Dev.	1,868	-648	846	-2,247	182
Total Deviation %:	4.97%	Dev. %	2.26%	-0.78%	1.02%	-2.71%	0.22%

1. Divide the **total population** by the **number of seats** to get the **ideal population**
2. Subtract the **smallest area's population** from the **largest** to get the **deviation range**
3. Divide #2 by #1 to get the **total plan deviation**

Preliminary Demographics

Dist.	Est. Pop.	Dev.*	% Dev.
1	65,882	7,779	13.90%
2	57,939	-164	-0.28%
3	56,568	-1,535	-2.64%
4	60,156	2,053	3.53%
5	56,971	-1,132	-1.95%
6	51,738	-6,365	-10.95%
7	57,467	-636	-1.09%
Total	406,721	14,144	**24.85%**

* Ideal Trustee Area Population: 58,103 total persons



Federal Criteria: Voting Rights Act

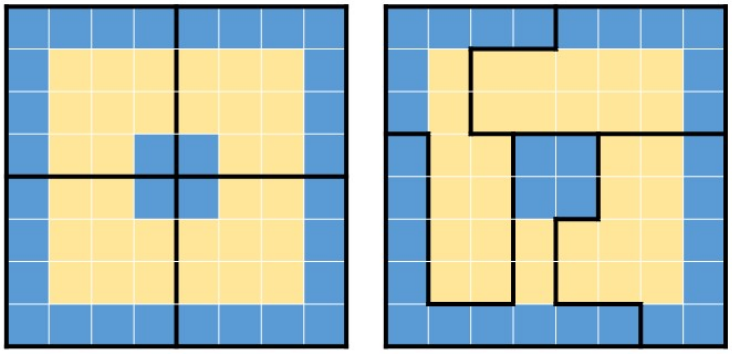
- Section 2 of the federal Voting Rights Act prohibits electoral systems (including district plans), which dilute racial and language minority voting rights by denying them an equal opportunity to nominate and elect candidates of their choice.
- "Language minorities" are specifically defined in federal law to mean persons of American Indian, Asian American, Alaskan Natives or Spanish heritage.

Federal Criteria: Voting Rights Act (cont.)

"'Packing' refers to the practice of filling a district with a supermajority of a given group or party. 'Cracking' involves the splitting of a group or party among several districts to deny that group or party a majority in any of those districts."

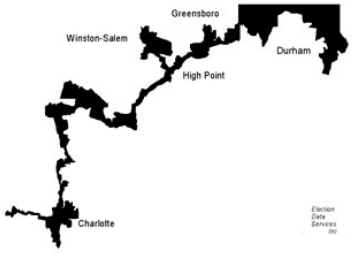
-*Vieth v. Jubelirer*, 541 U.S. 267, 286 n.7 (2004)

- Creation of minority districts required only if the minority group can form the majority in a single member district that otherwise complies with the law. *Bartlett v. Strickland*, 556 U.S. 1 (2009).



Four districts of even "Blue" and "Gold" party voters, OR one "packed" district of 14 Blue voters and two Gold voters with the remaining 18 Blue voters "cracked across the other three districts. The result is a 3-1 advantage for the Gold party

Federal Considerations: No Racial Gerrymandering

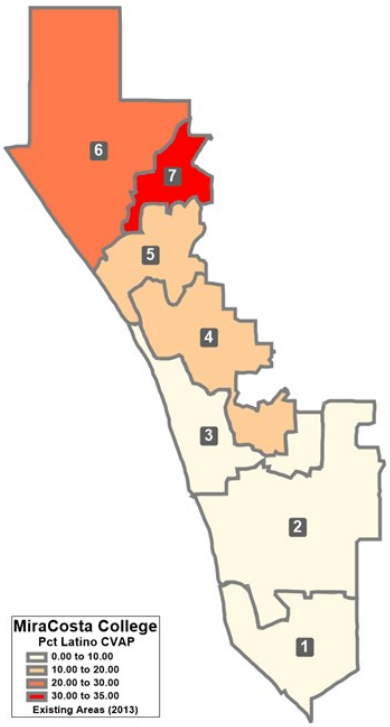


- The Fourteenth Amendment restricts the use of race as the "predominant" criterion in drawing districts and the subordination of other considerations. *Shaw v. Reno,* 509 U.S. 630 (1993); *Miller v. Johnson,* 515 U.S. 900 (1995).
  - Such predominant use must be justified as narrowly tailored to fulfill a compelling state interest – *i.e.*, strict scrutiny
- Looks matter! Bizarrely shaped electoral districts can be evidence that racial considerations predominate. (*See, e.g.,* North Carolina CD 12, which stretched 160 miles across the central part of the State, for part of its length no wider than the freeway right-of-way.)
- But bizarre shape is not required for racial considerations to "predominate."
- Fourteenth Amendment does not, however, prohibit all consideration of race in redistricting. *Easley v. Cromartie,* 532 U.S. 234 (2001).
  - **Focus on communities of interest.**

Preliminary Demographics

Dist.	% Latino CVAP	% NH Black CVAP	% NH Asian CVAP	% NH White CVAP
1	7.47%	1.59%	22.71%	67.04%
2	9.27%	0.73%	6.05%	83.15%
3	9.93%	0.73%	6.23%	82.27%
4	11.73%	2.12%	8.38%	76.93%
5	18.67%	2.14%	6.30%	70.51%
6	29.81%	8.76%	5.64%	52.86%
7	33.86%	7.50%	8.88%	47.09%
Total	16.97%	3.25%	9.10%	69.03%

"CVAP" = citizen voting age population



Other Permissible Criteria

- Topography.
- Geography.
- Cohesiveness, contiguity, compactness and integrity of territory.
- Communities of interest.

(See Elec. Code § 22000)

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Other Permissible Criteria

Some other legitimate criteria include:

- Minimize shifting voters from one election year to another/retaining core of existing districts
  - Voters currently in districts scheduled to vote in 2022 could be redistricted into a 2024 district, meaning there would be a six-year gap between their voting in Board elections
- Keep trustees in their current areas / avoid head-to-head contests
- Other political subdivisions' boundaries (*e.g.*, attendance areas, cities, school districts, etc.)

Questions?

Subject: **Introduction of Associated Student Government**	**Attachment:** **None**
Category: **Presentations**	**Type of Board Consideration:** **Information** ✓ **Consent** **Action**
	Approved for Consideration: **Sunita V. Cooke, Ph.D.** **Superintendent/President**

BACKGROUND

The Associated Student Government (ASG) serves the collective needs of the students at MiraCosta College. The goal of the ASG is to give a voice to all students, enabling them to become part of the college community. Major responsibilities include appointing students to campus-wide committees; participating in collegial governance in the development of college policies and the annual budget; adopting and overseeing use of an annual budget; allocating funds for new programs/projects; granting club charters; and providing and administering a program of activities and services for students. The ASG has student representation on Oceanside, San Elijo, and Community Learning Center campuses.

STATUS

The 2021/22 ASG student leaders will be introduced.

RECOMMENDATION

For information only.

Subject:	Attachment:
Facilities Update	PowerPoint Presentation
Category:	Type of Board Consideration:
Presentations	✔ Information Consent Action
Recommended:	Approved for Consideration:
Tim Flood Vice President, Administrative Services	Sunita V. Cooke, Ph.D. Superintendent/President

BACKGROUND

In November 2016, the district successfully passed general obligation bond Measure MM with 62.39 percent of the votes (minimum requirement was 55 percent). This measure provided the district with $455 million, which will allow for implementation of the projects identified in the 2016 Facilities Master Plan Update. Additional funds from the district's Fund 41 Capital Construction, State Scheduled Maintenance, grants, and other sources of funding will also be used to implement the overall Capital Construction Program Plan.

STATUS

Vice President Tim Flood, as well as district and Kitchell staff, will provide an update on the progress of the district's Capital Construction Program, including:

- Program status summary and budget information
- Community Learning Center project completion list and planning status
- San Elijo project completion list and planning status
- Oceanside Campus project completion list and planning status
- Local Hire and Small/Highly Underutilized Business Enterprise contract award and value data

RECOMMENDATION

For information only.

Subject: **Ratify Recommendations of Superintendent/President in Approving Personnel Actions**	**Attachment:** **None**
Category: **Consent Items**	**Type of Board Consideration:** **Information** **Consent** ✓ **Action**
Recommended: **Charlie Ng** **Vice President, Human Resources**	**Approved for Consideration:** **Sunita V. Cooke, Ph.D.** **Superintendent/President**

STATUS

1. Retirement of Vicky Tam, Instructor, Nursing, position P-00592, effective July 30, 2021.

2. Resignation of Caleb Rainey, Director, Development, position P-07795, effective August 31, 2021.

3. Employment of the following regular classified employees:

   Ashley Sherrell, Financial Aid Assistant, salary range 17, step 2, $5,053.83 per month, full-time, 12 months per year, effective September 20, 2021. Ashley was re-employed from the 39-Month Reemployment List per Education Code section 88117.

   Marcel Valente, Technology Services Analyst, Salary Range 29, Step 2, $85,737 per year (2021/22 Classified Salary Schedule), full-time, 12 months per year, effective August 5, 2021. Marcel was selected through an open recruitment process.

   Henry Pennerman, Technology Services Analyst, Salary Range 29, Step 2, $85,737 per year (2021/22 Classified Salary Schedule), full-time, 12 months per year, effective August 23, 2021. Henry was selected through an open recruitment process.

4. Temporary reclassification per Section H.5.0, Classified Senate Employee Manual, for the following employees:

   Ralph Garcia, Police Sergeant, position P-00314, will continue to serve as acting Chief of Police and Campus Safety, classified administrator salary range 14, step 1, $ 10,767.25 per month, full-time, effective September 1 – 30, 2021.

   Elizabeth Leguizamo, Administrative Assistant I, Counseling and Student Development, will serve as Student Services Specialist, Counseling and Student Development, position P-08408, salary range 21, longevity year 7, 18 hours per week, $3,069.03 per month, effective August 23, 2021 – June 30, 2022.

5. Temporary additional assignment for Amanda Quivey, Instructional Associate – Theatre and Film, position P-00215. Amanda will serve as a Campus Aide III, Theatre and Film, $18 per hour, up to 80 hours total, effective September 10, 2021 – May 20, 2022.

   Robyjean Bishop, Instructional Aide, School of Continuing and Community Ed., 10 hours per week, will serve as a Campus Aide III, Financial Aid, $18 per hour, as needed, effective September 20, 2021 – June 30, 2022.

6. In accordance with Article 12.7 of the Academic Associate Faculty collective bargaining agreement, Shams Al Ajrawi, Associate Instructor – Computer Studies, requests advancement on the associate faculty salary schedule due to the completion of a doctoral program, advancement from salary class 5 to class 6, effective October 1, 2021.

7. In accordance with Administrative Procedure 7211.2.III, the individuals identified below have provided sufficient evidence of experience and/or education equivalent to the minimum qualifications established by the district to teach in the disciplines listed:

   Gregory Bobrinskoy – History
   Yuki Minekawa – Foreign Languages – Japanese

   WHEREAS Academic Senate is satisfied that the candidates exhibit a unique combination of relevant education and extensive experience that make the candidates unusually well qualified to teach the specific courses, and

   WHEREAS Academic Senate is satisfied that the qualifications of the candidates are appropriate for the specific proposed assignments, and

   WHEREAS Academic Senate notes that the candidates exhibit a strong background in general education,

   THEREFORE BE IT RESOLVED that the Academic Senate recommends that the Board of Trustees accept the candidates' qualifications as equivalent for the specific assignment in question.

8. Employment of the following associate faculty members for the 2021 Fall session, payable in accordance with the Collective Bargaining Agreement for Academic Associate Faculty:

Elizabeth	Leguizamo	Counseling
Steven	Moreno-Terill	Sociology

9. Employment of the following non-bargaining unit associate faculty member, Olivia Dalto, Nurse Practitioner, Health Services, for the 2021 fall session.

10. Abolish the Nurse Associate (Hourly) classification as Human Resources has determined the classification is obsolete and no longer needed. The current College Health Nurse classification will serve as the classification for nurse associate (hourly).

11. Request approval of the following short-term and substitute employees. These employees meet the Education Code 88003 definition of short-term and substitute employees, and as such, these employees will be employed and paid less than 75 percent of the college year:

Employee	Job Title	Assignment	Department	Hourly Rate	Start Date	End Date
Monae Hobson	Assistant Coach, Hourly	Short-term	Athletics and Intramurals	$26.84/hr	9/10/2021	6/30/2022
Stacey Vargas	Assistant Athletic Trainer	Short-term	Athletics and Intramurals	$33.81/hr	1/4/2022	6/30/2022
Isaiah Chavira	Campus Aide III	Short-term	Counseling	$18/hr	7/26/2021	6/30/2022
Jessica Luna Benitez	Campus Aide III	Short-term	Counseling	$18/hr	8/2/2021	6/30/2022
Rebecca Knowles	Campus Aide II	Short-term	Dance	$16/hr	9/10/2021	12/17/2021
Curtis Mueller	Campus Aide III	Short-term	Dance	$18/hr	9/10/2021	12/17/2021
Marissa Sisk	GEAR UP Aide III	Substitute	GEAR UP	$18/hr	8/13/2021	6/30/2022
David Bernabe	Learning Coach	Substitute	STEM and Math Learning Center	$31.92/hr	8/6/2021	6/30/2022
Jaclyn Robaina	Apprentice III	Substitute	STEM and Math Learning Center	$16/hr	8/18/2021	6/30/2022
Ashley Brant	Apprentice I	Substitute	STEM and Math Learning Center	$14/hr	8/19/2021	6/30/2022
Gregorio Reyes	Student Services Specialist	Short-term	Student Equity	$31.02/hr	9/10/2021	6/30/2022
Brianna Morris	Apprentice III	Short-term	Student Equity	$16/hr	9/16/2021	6/30/2022
Christopher Renda	Campus Aide III	Short-term	Theatre and Film	$18/hr	9/10/2021	11/5/2021
Renetta Lloyd	Theater Aide III	Short-term	Theatre and Film	$16/hr	9/10/2021	11/5/2021
Zachary Elliott	Campus Aide I	Short-term	Theatre and Film	$14/hr	12/18/2021	5/31/2022
Joanna Medina	Campus Aide III	Short-term	Transfer Center	$18/hr	9/10/2021	12/31/2021
Darrell Steele Traci Cole	Program Consultant II	Short-term	Veterans Business Outreach Center	$52/hr	9/10/2021	6/30/2022
Monica Arroyo	Campus Aide III	Short-term	Financial Aid	$18/hr	9/20/2021	6/30/2022
Melissa Nou	Admissions and Records Specialist	Short-term	Admissions and Records	$30.12/hr	9/10/2021	12/31/2021

RECOMMENDATION

Ratify recommendations of superintendent/president in approving personnel actions, as stated above.

Subject:	Attachment:
Ratify Appointment of Acting Administrator	None
Category:	**Type of Board Consideration:**
Consent Items	Information ✓ Consent Action
Recommended:	**Approved for Consideration:**
Charlie Ng Vice President, Human Resources	Sunita V. Cooke, Ph.D. Superintendent/President

BACKGROUND

The current Vice President, Instructional Services retired on September 1, 2021, and the new Vice President, Instructional Services will start on September 27, 2021. In accordance with the *MCCCDAAA Working Conditions Manual*, the superintendent/president may appoint acting administrators as determined necessary to meet the needs of the district, so long as such appointments do not exceed 30 calendar days. As such, Jonathan Fohrman, Dean, Arts and International Languages has been appointed the acting Vice President, Instructional Services from September 2, 2021, through September 26, 2021, during this interim period.

STATUS

Jonathan Fohrman will serve as the acting Vice President, Instructional Services, full time, step 2 on the 2021/22 vice president salary schedule, ensuring at least a 5 percent increase over his current salary. Compensation for the contract period will be $226,759, prorated for the number of days worked, effective September 2, 2021 – September 26, 2021.

RECOMMENDATION

Ratify appointment of acting administrator, as stated above.

Subject:	Attachment:
Approve Employment Contract for Vice President	None
Category:	**Type of Board Consideration:**
Consent Items	Information ✓ Consent Action
Recommended:	**Approved for Consideration:**
Charlie Ng Vice President, Human Resources	Sunita V. Cooke, Ph.D. Superintendent/President

BACKGROUND

Board Policy 7140 – Collegial Negotiation and Collective Bargaining specifies the process for negotiation of employment contracts for vice presidents.

STATUS

After a competitive search and a recommendation by the search committee and the superintendent/president, Denée Pescarmona is recommended to serve as the Vice President, Instructional Services, effective September 27, 2021. The annual salary will be $220,153, full time, step 1 on the 2021/22 vice president salary schedule. In addition to salary, it is recommended she receive a $550 monthly auto allowance, a $525 monthly expense allowance, and a $125 monthly cell phone allowance.

Her qualifications include:

Master of Arts, English, Arizona State University
Bachelor of Arts, English and History, University of San Diego

Denée Pescarmona has been serving as the Executive Vice President of Educational Programs and Services at Gavilan College/Gavilan Joint Community College District since July 2018. She was previously employed by College of the Canyons as the Dean of Instructional Support and Student Services from July 2013 through July 2018 and the Associate Dean of Instruction and Support Programs from July 2012 through June 2013. Denée also served as the Interim Dean of Humanities and as full-time faculty in English at the College of the Canyons.

RECOMMENDATION

Approve employment contract for vice president, as stated above.

MIRACOSTA COMMUNITY COLLEGE DISTRICT
ADMINISTRATOR EMPLOYMENT AGREEMENT

This agreement ("Agreement") is made September 27, 2021, by and between the MiraCosta Community College District ("District") in San Diego County, California, and Kristina Denée Pescarmona, Vice President, Instructional Services ("Administrator").

1.0 DUTIES

The Administrator agrees to be and act as Vice President, Instructional Services, of MiraCosta College, performing duties specified in the position description adopted by the Board of Trustees for this position.

2.0 TERM

This Agreement is for a one-year term commencing on September 27, 2021, and ending on September 26, 2022. Upon the recommendation of the Superintendent/President, the Board of Trustees may renew this Agreement in accordance with board policy provided that the employee's most recent performance evaluation has been "satisfactory."

3.0 SALARY

The Administrator shall be paid according to step 1, $220,153 annually on the Vice President Salary Schedule. The salary will be paid according to District's customary payroll practices. All payments of salary or other compensation payments will be reduced by any applicable withholdings and deductions (including voluntary withholdings).

If the Administrator works for less than a full fiscal year, the initial or final checks will be adjusted for the number of contract days actually worked. For this purpose only, the daily rate is calculated by dividing the annual salary by the number of contract days. It is further the express understanding of the parties that the Board of Trustees reserves the right to modify at any time the existing policy as it relates to compensation of the Administrator provided that the Administrator's actual compensation shall not be reduced absent mutual agreement.

The Administrator's placement on the Vice President Salary Schedule shall increase by one-step each succeeding July 1, up to the maximum step on the salary schedule, upon the condition that the Administrator's most recent evaluation is satisfactory.

4.0 HEALTH-AND-WELFARE BENEFITS

The District agrees to provide the Administrator an annual health-and-welfare benefit package identical to that provided all other faculty and administrative personnel in the District.

5.0 RETIREMENT BENEFITS

Administrator shall be eligible to participate in the health-and-welfare benefits for early retirees upon meeting all of the requirements thereof.

5.1 To be eligible for the health and welfare benefit program described in this section, the Administrator must retire from the District, have reached age fifty-five (55) by June 30 of the fiscal year in which their retirement is

effective, and have completed ten (10) years of service as a Vice President with the District.

5.2 The District will provide health and welfare coverage for the retired Administrator and any eligible dependents at the same level and on the same basis as that of an active Administrator (with the exception of disability and accident insurance) from the age of retirement from the District until the retiree reaches age sixty-five (65). Once eligible, the Administrator is assured of program continuation until age sixty-five (65), full length of the program, or death, whichever occurs first. At the age of sixty-five (65), the retired Administrator will transition to the "Post 65" Benefit Program.

5.3 The Post 65 Benefits Program provides for the reimbursement of healthcare premiums and/or Medicare supplement payments for the retired Administrator and their spouse/domestic partner. The retired Administrator and their spouse/domestic partner will be eligible to receive a healthcare premium reimbursement not to exceed $5,000 each for the retiree and their spouse until the retiree dies.

6.0 SABBATICAL

6.1 Requirements: The Administrator shall submit a request for sabbatical leave to the Superintendent/President. The Superintendent/President may make a recommendation to the Board of Trustees based on a satisfactory means of covering the Administrator's assignment during the period of leave and availability of funds. Approval of sabbatical leave is within the discretion of the Board of Trustees. The sabbatical leave may be for one or more of the following: travel, study, research, or writing.

6.2 Eligibility: As a condition precedent to the submission of a request for sabbatical leave, the Administrator shall meet the following criteria:

a. Shall have rendered at least six (6) consecutive years of service in the position of Vice President for the District preceding the granting of leave. Not more than one such leave shall be granted in each six (6) year period. (Ed. Code Section 87768).

b. Shall agree to render service to the District equal to twice the period of leave upon return from sabbatical leave. (Ed. Code Section 87770).

c. Shall furnish a suitable bond to the Governing Board upon approval of a sabbatical leave application. (Ed. Code Section 87770).

6.3 Compensation: Compensation during sabbatical leave approved by the Board of Trustees for up to 17 weeks shall be at full salary compensation.

a. Sabbatical leave shall count toward retirement (full benefits for up to 17 weeks).

b. Upon return to regular service, salary shall be that of the step on the schedule the Administrator would have received had sabbatical leave not been taken.

c. Compensation shall be paid to the Administrator while on leave in the same manner as if the Administrator were on duty in the District.

6.4 Report on Activities While on Leave: The Administrator shall file a report for the Board of Trustees within ninety (90) days of their return summarizing the sabbatical experience.

6.5 Application for Sabbatical Leave: Discussion with the board about the sabbatical period should occur within a one year timeframe prior to the start of the sabbatical. Availability of funding and plans for appropriate coverage should be a part of that discussion.

6.6 Length of Leave: A sabbatical leave may be granted for periods of up to 17 weeks (the equivalent of an academic semester) which may be taken during any portion of a year to presumably coincide with a period of relatively lower activity.

7.0 EXPENSES

In lieu of any provisions provided by District policies and procedures for expense reimbursements for transportation or expenses incurred within San Diego County, Administrator will be given the following monthly allowances: five hundred twenty-five dollars ($525) for expenses; five hundred fifty dollars ($550) for automotive expenses and traveling expenses within the county except for parking and for the mileage and parking related to approved business travel out of the county. The Administrator will be provided an additional monthly allowance for the purchase of a mobile communication device and service plan acceptable to the District, as per Board Administrative Procedure 6450, currently one hundred twenty-five dollars ($125) per month as an exceptional heavy user. Administrator acknowledges and agrees that the preceding expense considerations are currently considered as taxable compensation by the United States and State of California governments. Reimbursements for expenses for attending meetings, conferences, or other activities outside of San Diego County that are required for the performance of the Administrator's duties shall otherwise be in accordance with District policies and procedures.

8.0 DAYS OF SERVICE

This Agreement provides 261 contract days per year (219 on-duty days; 25 vacation days; 17 holidays), with vacation, sick leave, and personal necessity leave available in accordance with District policy. Prior to the start of each fiscal year, the Administrator's non-contract days, if any, will be approved by the Administrator’s supervisor and reported to the District’s payroll office.

9.0 EVALUATION

The Administrator is subject to regular evaluations as provided in the District's policies and procedures. An interim evaluation may be initiated at any time by the Administrator's supervisor or by the Administrator.

10.0 REASSIGNMENT

The Administrator may be reassigned to another position for which they have the necessary qualifications, in accordance with District policies and procedures governing reassignment and retreat rights.

11.0 TERMINATION

11.1 Settlement on Termination of Contract Without Cause: Regardless of the term of this contract, the Board may terminate this Agreement at any time prior to the date on which the term of this Agreement would have otherwise expired, without cause. In such an event, the maximum cash settlement Administrator may receive shall be equal to the monthly salary of Administrator multiplied by the number of months left on the unexpired term of the contract or eighteen months, whichever is less, and shall not include non-cash items except for health benefits. The intent of this provision is to satisfy the requirements of Government Code sections 53260-53264, and this provision shall be interpreted in a manner consistent with those statutes. District agrees to pay any lump sum cash payment ("Severance Pay"), less legally required for authorized deductions except contributions to CalPERS or CalSTRS, within thirty (30) days of the effective date of termination. In exchange for any lump sum cash payment provided Administrator, Administrator shall execute a release and waiver, in a form acceptable to the legal counsel for District, releasing the District, and all of its elected officers, employees, agents, representations, and attorneys, from any claim associated with the termination.

11.2 Termination of this Agreement During its Term With Cause: The Board may terminate this contract during its term and discharge Administrator if Administrator commits a material and substantial breach of this Agreement and/or for cause. Such breach of contract and discharge shall nullify the terms of this Agreement and Administrator shall cease to receive any form of compensation upon the effective date of termination. The term "cause" is defined as those actions, omissions, or behaviors which are detrimental to the operations of the District and/or its major instructional, student and administrative divisions, or which impair the District's mission, purpose, or objectives. Conduct which constitutes a breach of contract and cause for discharge, includes, but is not limited to: unsatisfactory work performance, insubordination, failure to comply with District policy, rules and regulations or other misconduct which interferes with the performance of their duties and responsibilities to the District.

11.3 Dismissal or Imposition of Penalty for Cause During Contract: If the Administrator has tenure as a faculty member, dismissal or imposition of penalty for cause during this contract shall be in accordance with District policy provisions applicable to faculty members. If the Administrator does not have tenure as a faculty member, dismissal or the imposition of penalties for cause during the term of this contract shall be in accordance with applicable District policies and procedures for other administrators.

12.0 Provisions of Government Code Sections 53243.3-53243.4.

12.1 In the event that District provides paid leave to Administrator pending an investigation of a crime involving abuse of this office or position covered by Government Code section 53243.4, and should that investigation lead to a conviction, Administrator shall fully reimburse District for any salary provided for that purpose.

12.2 In the event that District provides funds for the legal criminal defense of Administrator pending an investigation of a crime involving an abuse of this office or position covered by Government Code section 53243.4, and should that investigation lead to a conviction, Administrator shall fully reimburse District for any funds provided for that purpose.

12.3 In the event that District provides a cash settlement related to the termination of Administrator as defined in the terms of this Agreement and Administrator subsequently is convicted of a crime involving abuse of office or position covered by Government Code section 53243.4, Administrator shall fully reimburse District for any funds provided for that purpose.

12.4 “Abuse of office or position” is defined in Government Code section 53243.4 to mean either of the following:

a. An abuse of public authority, including, but not limited to, waste, fraud, and violation of the law under color of authority.

b. A crime against public justice, including, but not limited to, a crime described in Title 5 (commencing with Section 67), Title 6 (commencing with Section 85) or Title 7 (commencing with Section 92) of Part 1 of the Penal Code.

13.0 OTHER PROVISIONS

13.1 This Agreement does not confer tenure.

13.2 This Agreement contains the entire agreement and understanding between the parties. There are not oral understandings, terms, or conditions, and neither party has relied upon any representation, express or implied, not contained in this Agreement.

13.3 This Agreement may be modified or terminated by mutual consent of the parties, provided, however, that the party seeking such modification or termination shall give not less than 45 calendar days' written notice to the other party, unless otherwise mutually agreed in writing.

13.4 This Agreement cannot be changed or supplemented orally. It may be modified or superseded only by a written instrument executed by both of the parties after a vote in an open session of the Board of Trustees.

13.5 The Administrator may not assign or transfer any rights granted or obligations assumed under this Agreement.

13.6 This contract is subject to and incorporates by reference as if fully set forth herein provisions of the laws of the State of California and policies, rules, and regulations of the District.

13.7 Upon execution and adoption by the Governing Board of this Agreement, all prior employment contracts between the District and Administrator are hereby terminated.

14.0 Representations and Warranties.

Administrator represents and warrants that they:

(A) have read this Agreement and understands its provisions; and

(B) is freely and voluntarily signing this Agreement.

MiraCosta Community College District

Sunita V. Cooke, Ph.D. Date Superintendent/President and Secretary to the Board of Trustees	Kristina Denée Pescarmona Date Vice President, Instructional Services

Subject:	Attachment:
Ratify Memorandum of Understanding 21-04 with Academic Associate Faculty	Memorandum of Understanding 21-04
Category: Consent Items	**Type of Board Consideration:** Information Consent ✓ Action
Recommended: Charlie Ng Vice President, Human Resources	**Approved for Consideration:** Sunita V. Cooke, Ph.D. Superintendent/President

BACKGROUND

In negotiating the 2021-2024 Collective Bargaining Agreement with the Academic Associate Faculty, Articles 12.2.a.1 and 12.2.a.2 salary schedule step and column increases were transposed from negotiations to the final agreement.

The corrections are incorporated in the attached MOU as follows:

- Classroom Salary Schedule: each column shall be increased by 3 percent (instead of 4 percent) and each step shall be increased by 4 percent (instead of 3 percent).
- Non-classroom Salary Schedule: each column shall be increased by 4 percent (instead of 5 percent), and each step shall be increased by 5 percent (instead of 4 percent).

STATUS

The district has negotiated amending Articles 12.2.a.1 and 12.2.a.2 to reconcile conflicting terms that accurately reflect what was agreed to between both Parties during negotiations for the 2021-24 Collective Bargaining Agreement.

RECOMMENDATION

Ratify Memorandum of Understanding 21-04 between the MiraCosta Community College District and Academic Associate Faculty, as stated.

MOU/Side Letter Between the
MiraCosta Community College District and
MiraCosta Community College Academic Associate Faculty
21-04

This Memorandum of Understanding ("MOU")/Side Letter is entered into by and between the MiraCosta Community College District (hereinafter referred to as "District") and the MiraCosta College Academic Associate Faculty (hereinafter referred to as "MCCAAF") (hereinafter collectively referred to as the "Parties"), and is expressly made pursuant to the Educational Employment Relations Act and the current Collective Bargaining Agreement ("CBA").

The purpose of this Memorandum of Understanding/Side Letter is to amend Article 12.2.a.1 and 12.2.a.2 of the 2021-2024 Collective Bargaining Agreement to reconcile conflicting terms and amend Articles 12.2.a.1 and 12.2.a.2 to accurately reflect what was agreed to between both Parties during negotiations for the 2021-24 Collective Bargaining Agreement.

TERMS

Article 12 Salary Schedule and Placement

12.2 Upon ratification of this Agreement, the salary schedules for all unit members shall be adjusted in the following manner:

a. The 2021-2022 salary schedule will begin to compress Steps 7-10 towards six steps and will maintain six columns (classes).

1. Classroom Salary Schedule: Class I, Step 1 of the 2021-2022 salary schedule will be $80. Each column shall be increased by 3% and each step shall be increased by 4%.
2. Non-classroom Salary Schedule: Class I, Step 1 of the 2021-2022 salary schedule will be $54.32. Each column shall be increased by 4% and each step shall be increased by 5%

<u>Miscellaneous Provisions</u>

1. All other terms and conditions of work shall be conducted in accordance with the current CBA.

2. Entire Agreement: This MOU/Side Letter constitutes the entire agreement and understanding between the Parties.

3. There are no other oral understandings, terms, or conditions and neither party has relied upon any representation, express or implied, not contained in this MOU/Side Letter. All prior understandings, terms, or conditions are deemed merged into this MOU/Side Letter.

4. Modification: This MOU/Side Letter cannot be changed or supplemented orally and may be modified or superseded only by a written instrument executed by both Parties.

5. Unless subsequent modifications to this MOU/Side Letter are negotiated, this MOU/Side Letter will sunset on June 30, 2024.

This agreement will become effective upon approval from the Board of Trustees.

Sunita V. Cooke, Ph.D.	Krista Warren
_____	_____
Signature Date	Signature Date
Superintendent/President	President
MiraCosta Community College District	MCCAAF

Subject:	Attachment:
Adopt Sole Source Exceptions Findings and Approve Resolution No. 1-21/22	• **Resolution No. 1-21/22** • Exhibits A-1 and A-2 (Sole Source Facility Justification Transmittals) • Exhibits B-1 and B-2 (Architect and Engineer Reports and Recommendations) • Exhibit C (Legal Report and Recommendations)
Category: **Consent Items**	**Type of Board Consideration:** **Information** **Consent** ✓ **Action**
Recommended: **Tim Flood** **Vice President, Administrative Services**	**Approved for Consideration:** **Sunita V. Cooke, Ph.D.** **Superintendent/President**

BACKGROUND

District staff and Kitchell CEM, Inc., the Program Manager, request the board to make findings and approve a sole source exception to use various items for Measure MM and district-funded projects. It has been determined and concluded that the proposed items meet the requirements of the statutes hereinbelow.

STATUS

District staff and Kitchell CEM, Inc., the Program Manager, have evaluated the attached items as exceptions as permitted by Public Contract Code section 3400 (c) (2) as described and identified hereinbelow. Exhibits A-1 and A-2 submitted herewith are district staff's and the Program Management Office's ("PMO") "Sole Source Facility Justification Transmittals" containing district staff's and the PMO's reports and recommendations for the proposed items.

Vantage Technology Consulting Group ("Consultants") has reviewed the attached items identified by district staff and the PMO (Exhibits A-1 and A-2 hereto) and has submitted herewith, as Exhibits B-1 and B-2, entitled Consultant's "Sole Source Architect/Engineering Justification Summary Report Transmittal" for the proposed items addressed in this agenda item and proposed resolution.

Regarding Exhibit B-1, the Extron equipment list, attached thereto, is a representative listing and is not meant to be all inclusive, as there are different required applications depending on the sizes of the various rooms where such equipment will be installed.

District staff, the PMO, consultants, and outside legal counsel, John P. Dacey, have evaluated the items against the following factors:

(i.) what particular materials, products, things, systems, or services are currently in use or being placed in use throughout the district;
(ii.) where in the district the existing particular materials, products, things, systems, or services are currently in use or being placed in use throughout the district;
(iii.) how long they have been in use and the district's dependency/reliance on them;
(iv.) whether there have been any significant operational and/or maintenance issues;
(v.) the current life/longevity of the existing particular materials, products, things, systems, or services;
(vi.) the need to have a totally integrated/compatible particular material, product, thing, system, or service;
(vii.) security, safety and related reason concerns;
(viii.) where the new particular materials, products, things, systems, or services will be installed; and
(ix.) what negative resulting consequences (cost, maintenance, safety, security, or otherwise) are likely to occur if different materials, products, things, systems, or services are put in place.

The items are listed below:

#	Proposed Items and Manufacturer	Exception under PCC section 3400
1.	Extron Equipment and Components	PCC section 3400 (c) (2)
2.	Samsung Monitors	PCC section 3400 (c) (2)

The items are being proposed for use on all applicable future Measure MM projects, and all projects district-wide, regardless of funding line(s).

Outside legal counsel for the district, John P. Dacey, Esq., Cauvel & Dacey, P.C., has reviewed and evaluated the items, Exhibits A-1and A-2 and Exhibits B-1 and B-2, and measured the contents thereof against the foregoing factors and the requirements of Public Contract Code section 3400, and the exception found within Public Contract Code section 3400 (c). Mr. Dacey has also communicated with district personnel and concluded that these items meet the requirements of the aforesaid statute as set forth in the legal memorandum submitted herewith as Exhibit C.

RECOMMENDATION

1. Adopt sole source exceptions findings specified in Exhibits A-1 and A-2 and Exhibits B-1 and B-2; and
2. Approve Resolution No. 1-21/22, set forth below.

MIRACOSTA COMMUNITY COLLEGE DISTRICT

RESOLUTION NO. 1-21/22
MAKE A FINDING AND APPROVE AS AN EXCEPTION, PURSUANT TO PUBLIC CONTRACT CODE SECTION 3400 (C) (2), FOR VARIOUS ITEMS

WHEREAS, the Board of Trustees of the MiraCosta Community College District ("District") has been requested to make a finding and approve as an exception, pursuant to Public Contract Code Section 3400 (c) (2), various items as further identified hereinbelow for Measure MM projects, and all other projects district-wide, regardless of funding line(s);

WHEREAS, Public Contract Code section 3400 provides, in pertinent part, that:

"(a) The Legislature finds and declares that it is the intent of this section to encourage contractors and manufacturers to develop and implement new and ingenious materials, products, and services that function as well, in all essential respects, as materials, products, and services that are required by a contract, but at a lower cost to taxpayers.

(b) No agency of the state, nor any political subdivision, municipal corporation, or district, nor any public officer or person charged with the letting of contracts for the construction, alteration, or repair of public works, shall draft or cause to be drafted specifications for bids, in connection with the construction, alteration, or repair of public works, (1) in a manner that limits the bidding, directly or indirectly, to any one specific concern, or (2) calling for a designated material, product, thing, or service by specific brand or trade name unless the specification is followed by the words "or equal" so that bidders may furnish any equal material, product, thing, or service. In applying this section, the specifying agency shall, if aware of an equal product manufactured in this state, name that product in the specification. Specifications shall provide a period of time prior to or after, or prior to and after, the award of the contract for submission of data substantiating a request for a substitution of "an equal" item. If no time period is specified, data may be submitted any time within 35 days after the award of the contract.

(c) Subdivision (b) is not applicable if the awarding authority, or its designee, makes a finding that is described in the invitation for bids or request for proposals that a particular material, product, thing, or service is designated by specific brand or trade name for any of the following purposes:

> *(2) In order to match other products in use on a particular public improvement either completed or in the course of completion."* (emphasis added);

WHEREAS, district staff and the Program Management Office ("PMO") have evaluated the potential exception as permitted by the above referenced statute as described in Exhibits A-1 and A-2 ("Facility Justification Transmittals") submitted to the board with this resolution;

WHEREAS, Vantage Technology Consulting Group ("Consultants") have reviewed Exhibits A-1 and A-2 and have submitted to the board with this resolution their "Sole Source Architect/Engineering Justification Summary Report Transmittal" (Exhibits B-1 and B-2) concurring in the findings and recommendations made by district staff and the PMO;

WHEREAS, outside legal counsel for the district, John P. Dacey, Esq., Cauvel & Dacey, P.C., has reviewed and evaluated: the proposed items; Exhibits A-1 and A-2 and Exhibits B-1 and B-2; communicated with district personnel regarding the efficacy of such items, including but not limited to the need for a seamless and efficient overall system regarding replacement parts,

warranty consistency, and effective knowledge and use by classroom instructors, regardless of the size of the instructional classrooms, to provide efficient teaching protocols; all of which have been measured against the contents and requirements of the applicable statutes for the suggested exception, and has determined and concluded that the proposed items, and subsequent iterations thereof meet the requirements on the aforesaid statutes as set forth in the legal memorandum submitted with this resolution (Exhibit C);

WHEREAS, the proposed items, and corresponding exception, are identified as:

#	Proposed Items and Manufacturer	Exception under PCC section 3400
1.	Extron Equipment and components	PCC section 3400 (c) (2)
2.	Samsung Monitors	PCC section 3400 (c) (2)

WHEREAS, applicable law requires the board to make certain findings under Public Contract Code section 3400 to use the exceptions found therein;

NOW THEREFORE BE IT RESOLVED THAT:

1. The board has considered: (i) the proposed items; (ii) the factual findings and recommendations of district staff and the Program Management Office regarding the proposed items identified above and as set forth in Exhibits A-1 and A-2; (iii) the statements and recommendations of Vantage Technology Consulting Group as set forth in Exhibits B-1 and B-2; and (iv) the legal memorandum of outside legal counsel (Exhibit C), and hereby adopts the findings and conclusions in all of the foregoing as the board's own findings and conclusions;

2. The board accepts and approves the recommendations submitted by district staff, the PMO; Vantage Technology Consulting Group (Consultant); and outside legal counsel;

3. The board finds and approves, as an exception under Public Contract Code Section 3400 (c) (2), as stated above, the items identified herein, either specifically and/or by reference, above and its/their subsequent and/or replacement: model, part number, or system from the specified manufacturer, for use in the district's Measure MM projects, for all projects district-wide, regardless of funding line(s); and

4. The board directs district staff and the PMO to include a copy of this resolution in all future procurement Notices Inviting Bids and/or Requests for Proposals that will involve said items for district Measure MM projects, and for all projects district-wide.

DATED, SIGNED AND APPROVED this 9th day of September 2021.

BOARD OF TRUSTEES OF THE
MIRACOSTA COMMUNITY COLLEGE DISTRICT

By:_____
Rick Cassar, President,
Board of Trustees

Attest:

By:_____
Sunita V. Cooke, Ph.D.,
Secretary, Board of Trustees

STATE OF CALIFORNIA)
)ss
SAN DIEGO COUNTY)

I, Sunita V. Cooke, Ph.D., do hereby certify that the foregoing is a true and correct copy of Resolution No. 1-21/22, which was duly adopted by the Board of Trustees of the MiraCosta Community College District at a meeting thereof held on the 9th day of September 2021, and that it was so adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

By_____
Sunita V. Cooke, Ph.D., Superintendent President

Subject:	Attachment:
Approve and Execute Notice of Completion for Bid #MM-19-127 SAN B200 Renovation Project No. 04105	None
Category:	**Type of Board Consideration:**
Consent Items	Information ☐ Consent ☑ Action ☐
Recommended:	**Approved for Consideration:**
Tim Flood, Vice President Administrative Services	Sunita V. Cooke, Ph.D. Superintendent/President

BACKGROUND

On August 13, 2021, Straight Line General Contractors, Inc. completed all the work associated with Bid #MM-19-127 SAN B200 Renovation project. The original construction contract amount for Straight Line General Contractors, Inc. was $3,049,000 and the total change order amount for this project was $685,893.36. This project had a final construction cost of $3,734,893.36.

STATUS

The project is currently 100 percent complete.

RECOMMENDATION

Approve and execute Notice of Completion for the Bid #MM-19-127 SAN B200 Renovation Project No. 04105.

Subject:	Attachment:
Approve Agreement with Dovetail for Fixtures, Furniture & Equipment Coordination Services	**Dovetail Project Proposals**
Category: **Consent Items**	**Type of Board Consideration:** **Information** **Consent** ✓ **Action**
Recommended: **Tim Flood** **Vice President, Administrative Services**	**Approved for Consideration:** **Sunita V. Cooke, Ph.D.** **Superintendent/President**

BACKGROUND

The district's bond team is in need of professional services from Dovetail for fixtures, furniture & equipment (FF&E) coordination of the MiraCosta College Student Services Building, Health and Wellness Hub and the Chem/Biotech Building projects. Services will include project development and FF&E design coordination, product evaluation, approval of final specifications, implementation and project close out.

STATUS

Government Code Section 53060 "Special Services and Advice" states: "The legislative body of any public or municipal corporation or District may contract with and employ any persons for the furnishings to the corporation or district special services and advice in financial, economic, accounting engineering, legal or administrative matters if such persons are specially trained and experienced and competent to perform the special services required".

Dovetail's fees for the Student Services Building project are as follows:

Phase I – Planning Fee	$127,590
Phase II – Implementation Fee	$83,610

The expected cost for this project will not exceed $211,200.

Dovetail's fees for the Health and Wellness Hub project are as follows:

Phase I – Planning Fee	$86,650.00
Phase II – Implementation Fee	$95,550.00

The expected cost for this project will not exceed $182,200.00.

Dovetail's fees for the Chem/Biotech Building project are as follows:

Phase I – Planning Fee	$59,010
Phase II – Implementation Fee	$77,790

The expected cost for this project will not exceed $136,800.

Funds are budgeted within the district facilities Fund 41.

RECOMMENDATION

Authorize the vice president, administrative services to enter into a professional services agreement with Dovetail for $211,200 for the Student Services Building project, $182,200 for the Health and Wellness Hub project, and $136,800 for the Chem/Biotech Building project.

Subject:	Attachment:
Ratification of Purchase of COVID-19 Support for Fall 2021 Return	Master Agreement with Scope of Work
Category:	**Type of Board Consideration:**
Consent Items	Information ✔ Consent Action
Recommended:	**Approved for Consideration:**
Tim Flood Vice President, Administrative Services	Sunita V. Cooke, Ph.D. Superintendent/President

BACKGROUND

Unvaccinated, exempted employees and students will need to be tested on a weekly basis to remain cleared to be on campus. This necessitated the procurement of an outsourced provider to deliver the staffing, supplies, technological integration, and level of service needed to make it free to employees and students with convenient, on the spot results. Healthcare IT Leaders is a company with a decade of experience offering a host of Enterprise Resource Planning (ERP) solutions to numerous healthcare systems including Scripps. They are adept at integrating systems and services with substantial knowledge of HIPAA/FERPA privacy and security needs. Their 'Healthy Returns' COVID testing package is a comprehensive solution that meets the needs of the college to maintain health and safety as we reopen campus to serve the community.

STATUS

Pursuant to Board Resolution No. 21-19/20, Emergency Conditions and Response to COVID-19 authorizing the superintendent/president and/or their designee to take any and all actions necessary to support the health and safety of the students and staff and/or to make alterations, repairs or improvements to school property.

It is estimated that a not to exceed amount of $200,000 for the fall 2021 semester should be sufficient funding for testing of unvaccinated, exempt employees and students. Funds are budgeted within Fund 12 restricted HEERF Institutional Funds.

RECOMMENDATION

This purchase has been reviewed by the director, purchasing and material management in a not to exceed amount of $200,000 for the return to campus this fall 2021.

Subject:	Attachment:
Ratify and Approve Contracts and Purchase Orders—July 29, 2021, through August 18, 2021	Contract and Purchase Order Ratification List
Category:	**Type of Board Consideration:**
Consent Items	Information ✓ Consent Action
Recommended:	**Approved for Consideration:**
Tim Flood Vice President, Administrative Services	Sunita V. Cooke, Ph.D. Superintendent/President

BACKGROUND

Board Policy 6330—Purchasing and Contracts requires, in part, that all contracts valued at more than the current bid level, as specified in Public Contract Code §20651 et seq. ($96,700), will be presented to the Board of Trustees for prior approval, but that contracts valued at less than the current Public Contract Code bid level may be presented to the board for ratification rather than prior to execution. All contracts ratified by the board shall be deemed to be fully executed district commitments and may not be subsequently cancelled, withheld or amended, unless determined by the vice president, administrative services to be a legally unenforceable obligation.

The policy also requires that no matter what the expected dollar value of a contract for legal or public auditing services, such a contract will be presented to the board for prior approval, unless it is determined by the superintendent/president and the vice president, administrative services, that time is of the essence and that the district's best interests are best served by issuing a contract on an immediate basis. Any such contract issued under these circumstances shall be brought forward to the board for formal approval at the next board meeting.

In accordance with Public Contract Code §22000 et seq. and Board Resolutions #13-10/11 and #14-10/11, the district may procure public works using the California Uniform Public Construction Cost Accounting Act (CUPCCAA) with a current bid limit of $200,000 for construction.

STATUS

The Purchasing and Material Management Department has attached the latest monthly summary of the contracts and purchase orders for the board's ratification and approval as a consent item.

RECOMMENDATION

Ratify and approve contracts and purchase orders, as listed in the attachment.

Contract and Purchase Order Ratification List
July 29, 2021 through August 18, 2021

In accordance with Board Resolutions #13-10/11 and #14-10/11, the following public works transactions were procured in compliance with the California Uniform Public Construction Cost Accounting Act (CUPCCAA) per PCC §220000 et seq.

CUPCCAA POs from $5,000 – $200,000			
PO #	**Vendor**	**Description**	**Amount**
21001955	Maurice Gannon	Vault 11 Concrete Enclosure	$17,800.00
21002082	AO Reed & Co	Replace Shop AC Unit at SAN 700	$10,365.85
21002108	NV5 Inc	Contract Services (Fac)	$25,200.00
21002161	National Security Works	OC3300 Controller Replacement	$6,306.68

In accordance with BP/AP 6330—Purchasing and Contracts, the following transactions were procured using various methods of award. This may include solicitation of at least three (3) competitive written quotes, pre-existing contracts, or negotiation to provide maximum value to the district.

POs from $25,000 – $96,700			
PO #	**Vendor**	**Description**	**Amount**
21001929	Jobelephant.Com Inc	Advertising (HR)	$56,237.50
21001950	CDW-G (Punchout)	Technology Equipment (Fac)	$39,864.65
21001954	Bio Rad Laboratories	Instructional Equipment (Biotec)	$44,552.00
21001978	Transact Campus Payments Inc.	Software Agreement (AIS)	$43,440.87
21001979	Trace3	Software Agreement (AIS)	$38,664.00
21001999	Watermark Insights, LLC	Software Maintenance (HR)	$26,176.80
21002005	CDW-G (Punchout)	Technology Equipment (Theatre)	$68,016.46
21002033	McGraw-Hill Education Inc	Software License (Math)	$28,000.00
21002036	Aspen Leadership Group LLC	Consulting (HR)	$50,000.00
21002039	CDW Government Inc	Supplies and Equipment (AIS)	$30,023.80
21002065	Dell Marketing L P	Equipment, supplies and licenses (English)	$40,267.47
21002074	Gaumard Scientific Company, Inc.	Instructional Equipment (Nurs)	$73,097.43
21002075	TK Elevator Corp	Contract Services (Fac)	$25,844.00
21002078	Repligen Corp	Instructional Equipment (Biotech)	$32,378.66
21002090	Orkin Commercial Services	Contract Services (Fac)	$46,381.32
21002091	NV5 Inc	Contract Services (Fac)	$40,000.00
21002100	Dell Marketing L P	Equipment (Stud Serv)	$27,051.78
21002104	Botsford Construction Inc	Contract Services (Fac)	$25,000.00
21002105	Gothic Arch Greenhouses, Inc.	Equipment (Fac)	$62,854.15
21002107	AO Reed & Co	Contract Services (Fac)	$41,951.00
21002135	American Fidelity Administrative Service	Contract Services (HR)	$27,000.00

In accordance with BP/AP 6330—Purchasing and Contracts, the following transactions were procured using various methods of award. This may include solicitation of at least three (3) competitive informal quotes (e.g. telephone quotes), pre-existing contracts, or negotiation to provide maximum value to the district.

POs from $10,000 – $24,999			
PO #	**Vendor**	**Description**	**Amount**
21001956	Grainger	Blanket Purchase Order (Fac)	$16,237.50
21001966	Blackhawk Network Inc.	Gas Cards (EOPS)	$10,000.00
21001975	iTutor.com Inc	Consulting (Stud Serv)	$13,200.00
21001985	Stefanie M Maio	Consulting (TCI)	$13,500.00
21001989	Dell Marketing L P	Technology Equipment (Nurs)	$13,525.90
21001992	Dell Marketing L P	Technology Equipment (Biotech)	$20,288.84
21002010	Amazon (Punchout)	Instructional Supplies (STEM)	$11,203.34
21002031	Civitas Learning Inc	Contract Services (Stud Serv)	$24,000.00

21002038	VWR International LLC	Supplies (Bio)	$13,539.08
21002066	Kiddie Academy Childcare Learning Center	Non-Cash (CalWorks)	$10,000.00
21002067	Clear Channel Traffic S D	Advertising (PIO)	$24,000.00
21002073	US Bank Card Services	Blanket Purchase Order (Fac)	$14,000.00
21002076	Convergint Technologies	Contract Services (Fac)	$18,660.00
21002098	Graduate Communications	Consulting (Career Ed)	$20,750.00
21002154	Christi Ann Hill	Consulting (Bus Serv)	$16,200.00
21002163	Laerdal Medical Corporation	Equipment (Nurs)	$18,702.00
21002183	Reach Local Inc	Advertising (PIO)	$13,000.00

In accordance with BP/AP 6330—Purchasing and Contracts, the following transactions were procured using various methods of award. This may include use of pre-existing contracts or negotiation to provide maximum value to the district.

POs from $5,000 – $9,999			
PO #	**Vendor**	**Description**	**Amount**
21001953	Fisher Scientific Company	Instructional Supplies (Chem)	$6,561.80
21001981	Agile Sports Technologies, Inc.	Maintenance Agreement (Khan)	$7,500.00
21001994	Stotz Equipment	Blanket Purchase Order (Fac)	$7,412.50
21002017	Fisher Scientific Company	Supplies and Equipment (Bio Tech)	$7,327.58
21002034	San Diego Taxpayers Educ Foundation	Membership (Pres)	$5,000.00
21002062	Follett	Blanket Purchase Order (Std Eqty)	$8,660.00
21002068	Bio Rad Laboratories	Equipment (Bio Tech)	$7,356.88
21002072	David Kiss	Blanket Purchase Order (Fac)	$5,000.00
21002077	Robert D Weller	Contract Services (Music)	$5,500.00
21002081	Pete's Road Service	Blanket Purchase Order (Fac)	$5,830.00
21002089	Efficient Energy Company	Contract Services (Fac)	$9,562.50
21002129	National Security Works	Contract Services (Fac)	$8,000.00
21002130	Cart Mart Inc	Contract Services (Fac)	$8,182.00
21002131	Elite Relocation Services	Blanket Purchase Order (Fac)	$5,300.00
21002132	Scantron Corporation	Software Maintenance (AIS)	$9,625.00
21002133	HSV Consulting Inc	Consulting (Pres)	$8,000.00
21002136	CENGAGE Learning Inc / Gale	E-Resource (Lib)	$8,115.28
21002172	Association of Community College Trustees	Membership (Pres)	$7,087.00
21002174	The Nyhart Company	Contract Services (Bus Serv)	$8,250.00

In accordance with Public Contract Code Sections 20651, 20655, 20659, Education Code Section 81656, and Board Agenda Item VIII.L (12/9/15), the following transactions were entered into and approved by the vice president, administrative services.

Change Orders			
PO #	**Vendor**	**Description**	**Amount**
	No Entries This Month		

In accordance with Public Contract Code Sections 20651, 20655, 20659, Education Code Section 81656, and Board Agenda Item VIII.L (12/9/15), the following transactions were entered into and approved by the vice president, administrative services.

Construction Contract Change Orders			
PO #	**Vendor**	**Description**	**Amount**
	No Entries This Month		

In accordance with BP/AP 6340—Bids and Contracts, Emergency Repair Contracts Without Bid, the following transactions were procured when repairs or alternations are necessary to continue existing classes or to avoid danger of life or property.

Emergency Repair Contracts Without Bid			
PO #	**Vendor**	**Description**	**Amount**
21002088	American Technologies, Inc.	Flood Restoration of Building 4400	$130,234.39

In accordance with BP/AP 6330—Purchasing and Contracts, and Public Contract Code Sections 20651 and 20662, the following transactions were executed or amended as follows.

MOUs and Grants			
PO #	**Vendor**	**Description**	**Amount**
	No Entries This Month		

Total Contract Expenditures: $1,465,786.01
Ratify MCC purchase orders 21001921 through 21002191.

Capital Improvement Program Contract and Purchase Order Ratification List
June 29, 2021 through August 18, 2021

In accordance with Board Resolutions #13-10/11 and 14-10/11, the following public works transactions were procured in compliance with the California Uniform Public Construction Cost Accounting Act (CUPCCAA) per PCC §220000 et seq.

CUPCCAA POs from $5,000 – $200,000			
PO #	**Vendor**	**Description**	**Amount**
21001944	DICA Enterprises, Inc.	04207 Construction Services (OCN)	23,600.00

In accordance with BP/AP 6330—Purchasing and Contracts, the following transactions were procured using various methods of award. This may include solicitation of at least three (3) competitive written quotes, pre-existing contracts, or negotiation to provide maximum value to the district.

POs from $25,000			
PO #	**Vendor**	**Description**	**Amount**
21001942	Division of the State Architect	04210 DSA Fee (OCN)	26,206.58
21001943	Saving Sacred Sites	04203 Monitoring Services (OCN)	62,600.00
21001947	CDW Government Inc	04102 Information Technology (SAN)	33,472.80
21001948	CDW Government Inc	04103 Phone Equipment (SAN)	42,170.71
21002141	B&H Photo-Video Inc	04244 AVIT (OCN)	35,149.15
21002142	GST Inc	04244 AVIT (OCN)	26,165.32

In accordance with BP/AP 6330—Purchasing and Contracts, the following transactions were procured using various methods of award. This may include solicitation of at least three (3) competitive informal quotes (e.g. telephone quotes), pre-existing contracts, or negotiation to provide maximum value to the district.

POs from $10,000 – $24,999			
PO #	**Vendor**	**Description**	**Amount**
	No Entries This Month.		

In accordance with BP/AP 6330—Purchasing and Contracts, the following transactions were procured using various methods of award. This may include use of pre-existing contracts or negotiation to provide maximum value to the district.

POs from $0 – $9,999			
PO #	**Vendor**	**Description**	**Amount**
21001941	Hudson Printing	04244 Printing (OCN)	2,966.41
21001946	Anixter Inc	04004 Miscellaneous Supplies (CLC)	4,657.13
21002144	CDW Government Inc	04244 AVIT (OCN)	3,268.72
21002145	CDW Government Inc	04244 AVIT (OCN)	7,078.26

In accordance with Public Contract Code Sections 20651, 20655, 20659, Education Code Section 81656, and Board Agenda Item VIII.L (12/9/15), the following transactions were entered into and approved by the vice president, administrative services.

Change Orders			
PO #	**Vendor**	**Description**	**Amount**
20001233	TekWorks Inc	04208 Change Order 1 (OCN)	3,888.67

In accordance with Public Contract Code Sections 20651, 20655, 20659, Education Code Section 81656, and Board Agenda Item VIII.L (12/9/15), the following transactions were entered into and approved by the vice president, administrative services.

Construction Contract Change Orders			
PO #	**Vendor**	**Description**	**Amount**
20000601	Banner Bank	04210 Change Order 5 (OCN)	1,449.20
20000601	Banner Bank	04210 Change Order 6 (OCN)	3,466.95
20000673	Los Angeles Engineering Inc	04210 Change Order 5 (OCN)	27,534.80
20000673	Los Angeles Engineering Inc	04210 Change Order 6 (OCN)	65,872.05

TBD	Align Builders	04004 Change Order 3 (CLC)	445,074.89

In accordance with Government Code Sections 4526, 4527, and 53060; and Education Code Sections 81655 and 81656, applicable district policies regarding professional service procurements; and Board Agenda Item IX.I (10/19/17); and other applicable law, the following transactions were entered into and approved by the vice president, administrative services. The total approved funding authority under MM-17-001 is $35,593,000.

MM-17-001 – Architectural and Engineering Services Task Orders			
PO #	**Vendor**	**Description**	**Amount**
	No Entries This Month		

MM-17-001 – Architectural and Engineering Services Task Change Orders			
PO #	**Vendor**	**Description**	**Amount**
	No Entries This Month		

In accordance with Government Code Sections 4526, 4527, and 53060; and Education Code Sections 81655 and 81656, applicable district policies regarding professional service procurements; and Board Agenda Item IX.J (10/19/17); and other applicable law, the following transactions were entered into and approved by the vice president, administrative services. The total approved funding authority under MM-17-002 is $4,300,000.

MM-17-002 – Geotechnical Engineering Task Orders			
PO #	**Vendor**	**Description**	**Amount**
21002143	SMS Geotechnical Solutions Inc	04005 Specialty Geotechnical Services (CLC)	10,500.00

MM-17-002 – Geotechnical Engineering Task Change Orders			
PO #	**Vendor**	**Description**	**Amount**
	No Entries This Month		

In accordance with Government Code Sections 4526, 4527, and 53060; and Education Code Sections 81655 and 81656, applicable district policies regarding professional service procurements; and Board Agenda Item IX.K (10/19/17); and other applicable law, the following transactions were entered into and approved by the vice president, administrative services. The total approved funding authority under MM-17-001 is $1,200,000.

MM-17-003 – Civil Engineering Task Orders			
PO #	**Vendor**	**Description**	**Amount**
	No Entries This Month		

MM-17-003 – Civil Engineering Task Change Orders			
PO #	**Vendor**	**Description**	**Amount**
	No Entries This Month		

In accordance with Government Code Sections 4526, 4527, and 53060; and Education Code Sections 81655 and 81656, applicable district policies regarding professional service procurements; and Board Agenda Item VIII.K (06/13/19); and other applicable law, the following transactions were entered into and approved by the vice president, administrative services. The total approved funding authority under MM-19-012 is $2,252,892.

MM-19-012 – Commissioning Services Task Orders			
PO #	**Vendor**	**Description**	**Amount**
	No Entries This Month		

MM-19-012 – Commissioning Services Task Change Orders			
PO #	**Vendor**	**Description**	**Amount**
	No Entries This Month		

In accordance with Government Code Sections 4526, 4527, and 53060; and Education Code Sections 81655 and 81656, applicable district policies regarding professional service procurements; and Board Agenda Item VIII.L (06/13/19); and other applicable law, the following transactions were entered into and approved by the vice president, administrative services. The total approved funding authority under MM-19-013 is $6,663,954.

MM-19-013 – Inspector of Record Task Orders			
PO #	**Vendor**	**Description**	**Amount**
	No Entries This Month		

MM-19-013 – Inspector of Record Task Change Orders			
PO #	**Vendor**	**Description**	**Amount**
	No Entries This Month		

In accordance with Government Code Sections 4526, 4527, and 53060; and Education Code Sections 81655 and 81656, applicable district policies regarding professional service procurements; and Board Agenda Item VIII.M (06/13/19); and other applicable law, the following transactions were entered into and approved by the vice president, administrative services. The total approved funding authority under MM-19-014 is $6,193,914.

MM-19-014 – Special Inspection Task Orders			
PO #	**Vendor**	**Description**	**Amount**
21002155	Atlas Technical Consultants LLC	04203 Special Inspection (OCN)	70,904.00

MM-19-014 – Special Inspection Task Change Orders			
PO #	**Vendor**	**Description**	**Amount**
	No Entries This Month		

Total Contract Expenditures: $872,425.64
Ratify purchase orders — 21001941, 21001946, 21002141, 21002144, 21002145, 21001942, 21001943, 21001947, 21001947, 21002142, 21002155.
Ratify purchase orders (Task Orders) —21002143, 21002155.
Ratify purchase orders (Contracts) — 21001944.

Subject:	Attachment:
Public Hearing: 4:30 p.m. – FY2021/22 Final Budget	None
Category:	**Type of Board Consideration:**
Action	Information ✓ Consent Action
Recommended:	**Approved for Consideration:**
Tim Flood Vice President, Administrative Services	Sunita V. Cooke, Ph.D. Superintendent/President

BACKGROUND

In accordance with the provisions of Education Code §58301, the governing board of each district shall hold a public hearing on the proposed budget for the ensuing fiscal year. The hearing may be concluded on the proposed budget when there are no requests for further hearing on file. The budget shall not be finally adopted by the governing board until after the public hearing has been held.

STATUS

Notification of dates and locations at which the proposed budget may be inspected by the public and the date, time, and location of the public hearing has been published in accordance with the applicable Education Code sections. The public hearing on the FY2021/22 final budget will commence no earlier than 4:30 p.m. and as close to 4:30 p.m. as the business of the board permits.

RECOMMENDATION

For information only.

Subject:	Attachment:
Adopt Fiscal Year 2021/22 Final Budget	FY2021/22 Final Budget
Category:	Type of Board Consideration:
Action Items	Information Consent Action ✓
Recommended:	Approved for Consideration:
Tim Flood Vice President, Administrative Services	Sunita V. Cooke, Ph.D. Superintendent/President

BACKGROUND

A final budget workshop was conducted for the Board of Trustees on September 2, 2021.

STATUS

On this date, a public hearing concerning the proposed final budget is included on the board agenda. After that hearing, the board will be asked to adopt the FY2021/22 final budget. Although the term "final budget" is used, during the course of the fiscal year, transfers are made among various accounts. Additional revenues and transfers between funds and between the major object categories require board approval; transfers within the same fund and within the same major object categories do not require board approval. Major object categories are academic salaries, classified salaries, employee benefits, supplies and other small tangibles, contracts and other intangibles, facilities and equipment, and transfers. The FY2021/22 final budget is available online at:
https://hub.miracosta.edu/boarddocs/09092021/FY22FinalBudget.pdf

RECOMMENDATION

Adopt the FY2021/22 final budget, as presented.

Subject:	Attachment:
Approve Food Services Contract Renewal	CulinArt Group, Inc. Agreement
Category:	**Type of Board Consideration:**
Action Items	Information Consent ✓ Action
Recommended:	**Approved for Consideration:**
Tim Flood Vice President, Administrative Services	Sunita V. Cooke, Ph.D. Superintendent/President

BACKGROUND

Food services at the college have been provided by CulinArt Group since 2017. Due to the impacts of the COVID-19 pandemic, the terms of the agreement require a reissue of a new two-year contract.

STATUS

Staff recommends approval of a new two-year contract to allow for continued and uninterrupted provision of food services.

RECOMMENDATION

Approve food services contract as stated above.

Subject: **Board Policy 2220 – Committees of the Board**	**Attachment:** **Board Policy 2220 – Committees of the Board**
Category: **Board Policies – Periodic Review**	**Type of Board Consideration:** **Information** **Consent** **Action** ✓
	Approved for Consideration: **Sunita V. Cooke, Ph.D.** **Superintendent/President**

BACKGROUND

Board policies and administrative procedures receive periodic review. New board policies and revisions to board policies are presented to the board of trustees for review and approval.

STATUS

The periodic review of Board Policy 2220 – Committees of the Board has been approved by College Council with no recommended changes, and the policy is now presented for adoption by the board of trustees.

There is not an Administrative Procedure 2220.

RECOMMENDATION

Adopt Board Policy 2220 – Committees of the Board.

The Board of Trustees may by action establish ad hoc committees that it determines are necessary to assist the board in its responsibilities. Any ad hoc committee established by board action shall be composed solely of less than a quorum of members of the board and shall be advisory to the board. Board committees that are only advisory have no authority or power to act on behalf of the board. Findings or recommendations from these ad hoc committees shall be reported to the board for consideration. Ad hoc advisory committees are not required to comply with the Brown Act or with board policies regarding open meetings.

Adoption History:	7/21/09
Periodic Review:	12/9/15, xx/xx/xx
References:	Government Code §54952
CCLC Update:	#13, 8/07
Steering:	S/P / N/A

Subject:	Attachment:
Board Policy 2305 – Annual Organizational Meeting	Board Policy 2305 – Annual Organizational Meeting
Category:	Type of Board Consideration:
Board Policies – Periodic Review	Information Consent Action ✓
	Approved for Consideration:
	Sunita V. Cooke, Ph.D. Superintendent/President

BACKGROUND

Board policies and administrative procedures receive periodic review. New board policies and revisions to board policies are presented to the board of trustees for review and approval.

STATUS

The periodic review of Board Policy 2305 – Annual Organizational Meeting has been approved by College Council with no recommended changes, and the policy is now presented for adoption by the board of trustees.

There is not an Administrative Procedure 2305.

RECOMMENDATION

Adopt Board Policy 2305 – Annual Organizational Meeting.

The annual organizational meeting of the Board of Trustees shall be held as prescribed by the San Diego County Office of Education during the fifteen-day (15) period beginning the first Friday in December.

The purpose of the annual organizational meeting is to elect a president, vice president, secretary, and assistant secretary, and to conduct any other business as required by law or determined by the board.

Effective Date:	7/7/09
Periodic Review:	11/18/15, xx/xx/xx
References:	Education Code §72000(c)(2)(A)
CCLC Update:	–
Steering:	S/P / N/A

Subject: Board Policy 2340 – Agendas	Attachment: Board Policy 2340 – Agendas
Category: Board Policies – Periodic Review	Type of Board Consideration: Information Consent Action ✓
	Approved for Consideration: Sunita V. Cooke, Ph.D. Superintendent/President

BACKGROUND

Board policies and administrative procedures receive periodic review. New board policies and revisions to board policies are presented to the board of trustees for review and approval.

STATUS

The periodic review of Board Policy 2340 – Agendas has been approved by College Council with no recommended changes, and the policy is now presented for adoption by the board of trustees.

Administrative Procedure 2340 is provided for information only.

RECOMMENDATION

Adopt Board Policy 2340 – Agendas.

Agendas shall be developed by the superintendent/president in consultation with the Board of Trustees president. Agenda items must relate to the business of the district.

The agenda shall be posted on the district's website and adjacent to the place of meeting in an area reasonably accessible to the public at least seventy-two (72) hours prior to the meeting time for regular meetings and at least twenty-four (24) hours prior to the meeting time for special meetings. If requested, the agenda shall be provided in appropriate alternative formats so as to be accessible to disabled persons.

In the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, a crippling activity, work stoppage or other activity that severely impairs public health, safety or both, the board may dispense with the twenty-four (24)-hour notice requirement, and in lieu thereof, shall comply with the applicable provisions of Government Code §54956.5, including any code section revising or replacing such section. Emergency meetings may be called upon one-hour notice to media outlets that have requested notice in writing. Notification of an emergency meeting will be provided to board members, press, and employees as soon as reasonably possible.

No business may be acted on or discussed that is not on the agenda, except when one or more of the following apply:

A. A majority decides there is an "emergency situation" as defined for emergency meetings.

B. Two-thirds of the members (or all members if less than two-thirds are present) determine there is a need for immediate action and the need to take action came to the attention of the board subsequent to the agenda being posted.

C. An item appeared on the agenda of and was continued from a meeting held not more than five days earlier.

The order of business may be changed by consent of a majority of the board.

Members of the public may place matters directly related to the business of the district on an agenda for a board meeting by submitting a written summary of the item to the superintendent/president. The initiator may also provide an organizational affiliation, if any, but is not required to do so, but in order to be considered, the written summary

Adoption History:	9/15/09
Periodic Review:	11/18/15, xx/xx/xx
References:	Government Code §§54954 et seq., 6250 et seq. Education Code §§72121, 72121.5
CCLC Update:	#30, 4/17
Steering:	S/P / N/A

Agendas shall be developed by the superintendent/president in consultation with the board president.

The agenda shall be posted on the district's website and at the following locations reasonably accessible to the public:

A. Oceanside Campus – outside bulletin board, south entrance door, Building 1000, One Barnard Drive, Oceanside, CA.

B. San Elijo Campus – near the entrance to the Student Services/Administration Building – 3333 Manchester Avenue, Cardiff-by-the-Sea, CA.

C. Community Learning Center – outside kiosk near the entrance to the Instruction and Learning Support Building – 1831 Mission Avenue, Oceanside, CA.

D. Technology Career Institute – 2075 Las Palmas Drive, Carlsbad, CA.

The agenda shall be posted in these locations at least 72 hours prior to the meeting time for regular meetings and at least 24 hours prior to the meeting time for special meetings. If requested, the agenda shall be provided in appropriate alternative formats so as to be accessible to disabled persons. No fees shall be charged to the public for such access.

The agenda shall include a brief description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session.

Effective Date:	9/15/09, 11/10/15, 8/26/21
Periodic Review:	11/10/15
Reference Update:	11/14
References:	Education Code §72121 Accrediting Commission for Community and Junior Colleges Accreditation Standards IV.B.5, IV.C.12, IV.D.1
CCLC Update:	–
Steering:	S/P / N/A

Subject:	Attachment:
Board Policy 2345 – Public Participation at Board Meetings	Board Policy 2345 – Public Participation at Board Meetings
Category:	Type of Board Consideration:
Board Policies – Periodic Review	Information Consent Action ✓
	Approved for Consideration:
	Sunita V. Cooke, Ph.D. Superintendent/President

BACKGROUND

Board policies and administrative procedures receive periodic review. New board policies and revisions to board policies are presented to the board of trustees for review and approval.

STATUS

The periodic review of Board Policy 2345 – Public Participation at Board Meetings has been approved by College Council with no recommended changes, and the policy is now presented for adoption by the board of trustees.

Administrative Procedure 2345 is provided for information only.

RECOMMENDATION

Adopt Board Policy 2345 – Public Participation at Board Meetings.

The Board of Trustees shall provide opportunities for members of the general public to participate in the business of the board.

Members of the public may bring matters directly related to the business of the district to the attention of the board in one of two ways:

A. There will be a time at each regularly scheduled board meeting for the general public to discuss items not on the agenda.

   Members wishing to present such items shall submit a written request to the president of the board that summarizes the item. They may also provide their name and organizational affiliation, if any, but is not required to do so. No action may be taken by the board on such items.

B. Members of the public may place items on the prepared agenda in accordance with Board Policy 2340–Agendas.

   A written summary of the item must be submitted to the superintendent/president at least one week prior to the board meeting. The summary must be signed by the initiator, contain their residence or business address, and organizational affiliation, if any.

Members of the public also may submit written communications to the board on items on the agenda and/or speak to agenda items at the board meeting. Written communication regarding items on the board's agenda should reach the office of the superintendent/president not later than twenty-four (24) hours prior to the meeting at which the matter concerned is to be before the board. All such written communications shall be dated and signed by the author, and shall contain the residence or business address of the author and the author's organizational affiliation, if any.

If requested, writings that are public records shall be made available in appropriate alternative formats so as to be accessible to persons with a disability.

Claims for damages are not considered communications to the board under this rule, but shall be submitted to the district.

See Administrative Procedure 2345.

Adoption History:	9/15/09
Periodic Review:	11/18/15, xx/xx/xx
References:	Government Code §§54954.3, 54957.5 Education Code §72121.5
CCLC Update:	#30, 4/17, #38, 4/21
Steering:	S/P / N/A

Public Comment on Items Not on the Agenda

Open meeting agendas will have a section entitled "Public Comments on Items Not on the Agenda" as follows:

"Public Comments on Items Not on the Agenda: Members of the audience may address the Board of Trustees on any topic that is not on the agenda so long as the topic is within the jurisdiction of the district. Under the Brown Act, the board is not permitted to engage in public discussion or take any action on an item not on the agenda, except that members of the board may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Government Code section 54954.3. In addition, on their own initiative or in response to questions posed by the public, a member of the board may ask a question for clarification, make a brief announcement, or make a brief report on their own activities. Furthermore, the superintendent/president may provide a reference to staff or other resources for factual information, or request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

Comments will be limited to three (3) minutes per agenda item and a total of fifteen (15) minutes of public comment on an item, unless time limits are waived or extended by a majority of the board."

Public Comments on Items on the Agenda

Open meeting agendas will contain a statement before "action items" for public comments on items on the agenda to say:

"Public Comments on Items on the Agenda. Members of the audience may address the Board of Trustees on any item listed on the agenda before consideration of the item.

Comments will be limited to three (3) minutes per agenda item and a total of fifteen (15) minutes of public comment on an item, unless time limits are waived or extended by a majority of the board.

Effective Date:	9/15/09
Periodic Review:	11/10/15, 8/26/21
Reference Update:	11/14
References:	Education Code §72121.5
	Government Code §§54954.3 and 54957.5
	Accrediting Commission for Community and Junior Colleges Standard IV.C.3
CCLC Update:	–
Steering:	S/P / N/A

Subject: Board Policy 2350 – Speakers	Attachment: Board Policy 2350 – Speakers
Category: Board Policies – Periodic Review	Type of Board Consideration: Information Consent Action ✓
	Approved for Consideration: Sunita V. Cooke, Ph.D. Superintendent/President

BACKGROUND

Board policies and administrative procedures receive periodic review. New board policies and revisions to board policies are presented to the board of trustees for review and approval.

STATUS

The periodic review of Board Policy 2350 – Speakers has been approved by College Council with no recommended changes, and the policy is now presented for adoption by the board of trustees.

There is not an Administrative Procedure 2350.

RECOMMENDATION

Adopt Board Policy 2350 – Speakers.

Persons may speak to the Board of Trustees either on an agenda item or on other matters of interest to the public that are within the subject matter jurisdiction of the board.

Oral presentations relating to a matter on the agenda, including those on the consent agenda, shall be heard before or during the board's consideration of the matter.

Persons wishing to speak to matters not on the agenda shall do so at the time designated at the meeting for public comment.

Those wishing to speak to the board are subject to the following:

A. They shall complete a written request to address the board at the beginning of the meeting at which they wish to speak.

B. The request shall include a statement noting the agenda item or topic to be addressed. It may also include the person's name and name of the organization or group represented, if any, but is not required to include this information.

C. No member of the public may speak without being recognized by the president of the board.

D. Comments from members of the public shall not exceed three (3) minutes unless the time limit is waived by the board. The board may also limit the total amount of time for speakers on a particular topic to fifteen (15) minutes, unless the time limit is waived by the board.

E. Each speaker coming before the board is limited to one presentation per specific agenda item before the board, and to one presentation per meeting on non-agenda matters.

F. The president of the board may rule members of the public out of order if their remarks do not pertain to matters that are within the subject matter jurisdiction of the board or if their remarks are unduly repetitive.

G. Nonscheduled substitutes may not speak in place of scheduled speakers unless alternates have been submitted on the original request.

H. Employees who are members of a bargaining unit represented by an exclusive bargaining agent may address the board under this policy, but may not attempt to negotiate terms and conditions of their employment. This policy does not prohibit any employee from addressing a collective bargaining proposal pursuant to the public notice requirements of Government Code section 3547 and the policies of the board implementing that section.

Adoption History:	8/18/09
Periodic Review:	11/18/15, xx/xx/xx
References:	Government Code §§54950 et seq. Education Code §72121.5
CCLC Update:	–
Steering:	S/P / N/A

Subject: Board Policy 2355 – Decorum	Attachment: Board Policy 2355 – Decorum
Category: Board Policies – Periodic Review	Type of Board Consideration: Information Consent Action ✓
	Approved for Consideration: Sunita V. Cooke, Ph.D. Superintendent/President

BACKGROUND

Board policies and administrative procedures receive periodic review. New board policies and revisions to board policies are presented to the board of trustees for review and approval.

STATUS

The periodic review of Board Policy 2355 – Decorum has been approved by College Council with no recommended changes, and the policy is now presented for adoption by the board of trustees.

There is not an Administrative Procedure 2355.

RECOMMENDATION

Adopt Board Policy 2355 – Decorum.

Speakers shall speak to the issues and refrain from using defamatory or abusive personal remarks that disturb or impede the meeting or exceed the bounds of civility necessary to the conduct of the business of the district.

Government Code section 54954.3(c) states: "The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law."

The board president will rule the following behaviors out of order:

A. Profanity, obscenity, and other abusive language.

B. Physical violence and/or threats of physical violence directed towards any person or property.

In the event that any meeting is willfully interrupted by the actions of one or more persons so as to render the orderly conduct of the meeting unfeasible, the person(s) may be removed from the meeting room by the appropriate authority.

Speakers who engage in such conduct may be removed from the podium and denied the opportunity to speak to the board for the duration of the meeting.

Prior to their removal, the board president will issue a warning and a request that the person(s) curtail the disruptive activity. If the behavior continues, the person(s) may be removed by a vote of the board, based on a finding that the person(s) is/are violating this policy and that such activity is intentional and has substantially impaired the conduct of the meeting.

If order cannot be restored by the removal in accordance with these rules of individuals who are willfully interrupting the meeting, the board may order the meeting room cleared and may continue in session. The board shall only consider matters appearing on the agenda. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this rule.

Adoption History:	9/1/09
Periodic Review:	11/18/15, xx/xx/xx
References:	Education Code §72121.5 Government Code §54954.3 (b)
CCLC Update:	#35, 4/20
Steering:	S/P / N/A

Subject: Board Policy 2360 – Minutes	Attachment: Board Policy 2360 – Minutes
Category: Board Policies – Periodic Review	Type of Board Consideration: Information Consent Action ✓
	Approved for Consideration: Sunita V. Cooke, Ph.D. Superintendent/President

BACKGROUND

Board policies and administrative procedures receive periodic review. New board policies and revisions to board policies are presented to the board of trustees for review and approval.

STATUS

The periodic review of Board Policy 2360 – Minutes has been approved by College Council with no recommended changes, and the policy is now presented for adoption by the board of trustees.

Administrative Procedure 2360 is provided for information only.

RECOMMENDATION

Adopt Board Policy 2360 – Minutes.

The superintendent/president shall cause minutes to be taken of all meetings of the Board of Trustees.

The minutes shall record all actions taken by the board.

Once approved by the board, the minutes shall be public records and shall be available to the public, according to established procedures for the request of public records. If requested, the minutes shall be made available in appropriate alternative formats so as to be accessible to persons with a disability.

See Administrative Procedure 2360.

Adoption History:	7/21/09
Periodic Review:	11/18/15, xx/xx/xx
References:	Education Code §72121(a) Government Code §54957.5
CCLC Update:	#4, 2/03; #9, 9/05
Steering:	S/P / N/A

The assistant secretary to the Board of Trustees will take minutes at all board meetings.

The minutes shall record all actions taken by the board, including all motions, the names of those making and seconding motions, and the votes. Non-action items shall be recorded in the minutes by stating the name of the speaker and the general topic.

Effective Date: 7/21/09
Periodic Review: 11/10/15, 8/26/21
References: Education Code §72121(a)
CCLC Update: #4, 2/03; #9, 9/05
Steering: S/P / N/A

Subject:	Attachment:
Board Policy 2365– Recording	Board Policy 2365 – Recording
Category:	Type of Board Consideration:
Board Policies – Periodic Review	Information Consent Action ✓
	Approved for Consideration:
	Sunita V. Cooke, Ph.D. Superintendent/President

BACKGROUND

Board policies and administrative procedures receive periodic review. New board policies and revisions to board policies are presented to the board of trustees for review and approval.

STATUS

The periodic review of Board Policy 2365 – Recording has been approved by College Council with no recommended changes, and the policy is now presented for adoption by the board of trustees.

Administrative Procedure 2365 is provided for information only.

RECOMMENDATION

Adopt Board Policy 2365 – Recording.

Any audio or video recording of an open and public Board of Trustees meeting made by or at the direction of the board shall be subject to inspection by members of the public in accordance with the California Public Records Act, Government Code sections 6250, et seq. The superintendent/president is directed to enact administrative procedures to ensure that any such recordings are maintained for at least thirty days following the taping or recording.

Persons attending an open and public meeting of the board may, at their own expense, record the proceedings with an audio or video tape recording or a still or motion picture camera or may broadcast the proceedings; however, if the board finds by a majority vote that the recording or broadcast cannot continue without noise, illumination, or obstruction of view that constitutes or would constitute a persistent disruption of the proceedings, any such person shall be directed by the president of the board to stop.

See Administrative Procedure 2365.

Adoption History:	7/21/09
Periodic Review:	11/18/15, xx/xx/xx
Reference Update:	11/12
References:	Government Code §§54953.5, 54953.6 Education Code §72121(a)
CCLC Update:	#20, 9/12
Steering:	S/P / N/A

Any recording of a Board of Trustees meeting made for whatever purpose by or at the direction of the board shall be subject to inspection pursuant to the California Public Records Act (Chapter 3.5 [commencing with section 6250] of Division 7 of Title 1), but, notwithstanding section 34090, may be erased or destroyed thirty (30) days after the recording. Any inspection of an audio or video recording shall be provided without charge on equipment made available by the board.

Effective Date:	7/21/09, 11/10/15, 8/26/21
References:	Government Code §54953.5
CCLC Update:	–
Steering:	S/P / N/A

Subject:	Attachment:
Board Policy 2430 – Delegation of Authority to the Superintendent/President	**Board Policy 2430 – Delegation of Authority to the Superintendent/President**
Category:	**Type of Board Consideration:**
Board Policies – Periodic Review	**Information Consent Action** ✓
	Approved for Consideration:
	Sunita V. Cooke, Ph.D. **Superintendent/President**

BACKGROUND

Board policies and administrative procedures receive periodic review. New board policies and revisions to board policies are presented to the board of trustees for review and approval.

STATUS

The periodic review of Board Policy 2430 – Delegation of Authority to the Superintendent/President has been approved by College Council with no recommended changes, and the policy is now presented for adoption by the board of trustees.

Administrative Procedure 2430 is provided for information only.

RECOMMENDATION

Adopt Board Policy 2430 – Delegation of Authority to the Superintendent/President.

The Board of Trustees delegates to the superintendent/president the executive responsibility for administering the policies adopted by the board and executing all decisions of the board requiring administrative action.

The superintendent/president may delegate any powers and duties entrusted to them by the board, but will be specifically responsible to the board for the execution of such delegated powers and duties.

The superintendent/president shall act as the professional advisor to the board in policy formation.

Adoption History:	3/17/09
Periodic Review:	11/18/15, xx/xx/xx
Reference Update:	11/14, 1/15
References:	Education Code §§70902(d), 72400 ACCJC Accreditation Standards IV.B.5, and IV.C.12
CCLC Update:	–
Steering:	S/P / N/A

The superintendent/president is empowered to reasonably interpret board policy. In situations where there is no board policy direction, the superintendent/president shall have the power to act, but such decisions shall be subject to review by the Board of Trustees. It is the duty of the superintendent/president to inform the board of such action and to recommend written board policy if one is required.

The superintendent/president is expected to perform the duties contained in the job description of the superintendent/president and fulfill other responsibilities as may be determined in annual goal-setting or evaluation sessions. The job description and goals and objectives for performance shall be developed by the board in consultation with the superintendent/president.

The superintendent/president shall ensure that all relevant laws and regulations are complied with and that required reports are submitted in timely fashion.

The superintendent/president shall make available any information or give any report requested by the board as a whole. Individual trustee requests for information shall be met if, in the opinion of the superintendent/president, they are not unduly burdensome or disruptive to district operations or are considered exemptions for community colleges under the Public Records Act. If the requesting trustee does not agree with superintendent/president's determination, the trustee may request that the issue be placed on the agenda for consideration by the whole board. Information provided to any trustee shall be made available to all trustees.

The most common exemptions under the Public Records Act are:

A. Student records (Education Code section 76243)

B. Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business, provided that the public interest in withholding the records clearly outweighs the public interest in disclosure (Government Code section 6254(a))

C. Records pertaining to pending litigation or to claims until the pending litigation or claim has been finally adjudicated or otherwise settled (Government Code section 6254(b))

Effective Date:	3/17/09
Periodic Review:	11/10/15, 8/26/21
Reference Update:	1/15
References:	Education Code §§70902(d), 72400 ACCJC Accreditation Standards IV.B.5, IV.C.12, and IV.D.1
CCLC Update:	–
Steering:	S/P / N/A

Subject:	Attachment:
Board Policy 2200 – Board Duties and Responsibilities	**Board Policy 2200 – Board Duties and Responsibilities**
Category:	**Type of Board Consideration:**
Board Policies – First Reading	✓ **Information** **Consent** **Action**
	Approved for Consideration:
	Sunita V. Cooke, Ph.D. **Superintendent/President**

BACKGROUND

Board policies and administrative procedures receive periodic review. New board policies and revisions to board policies are presented to the board of trustees for review and approval.

STATUS

Revisions to Board Policy 2200 – Board Duties and Responsibilities have been approved by College Council, and the policy is now presented for a first reading by the board of trustees.

There is not an Administrative Procedure 2220.

RECOMMENDATION

Adopt Board Policy 2200 – Board Duties and Responsibilities.

The Board of Trustees is authorized by statutes of the state of California to establish, maintain, operate, and govern one or more community colleges in accordance with all the applicable laws and the Constitutions of California and the United States. In so doing, the board may initiate and carry on any program or activity, or may otherwise act in any manner that is not in conflict with, inconsistent with, or preempted by any law that does not conflict with the purposes for which community college districts are established, and that supports the mission of the MiraCosta Community College District.

Following are specific fiduciary duties and responsibilities of the board:

A. Represent the public interest.

B. Hire and evaluate the superintendent/president.

C. Delegate power and authority to the superintendent/president to effectively lead the district.

~~C.~~D. Establish policies that ensure the district operates in an equity-minded and anti-racist manner.

~~D.~~E. Establish policies for, and approve, current long-range academic and facilities plans and programs and promote orderly growth and development of the college.

~~E.~~F. Establish policies for and approve courses of instruction and educational programs.

~~F.~~G. Establish academic standards, probation and dismissal and readmission policies, and graduation requirements consistent with minimum standards adopted by the Board of Governors. Award degrees, certificates and diplomas to students upon completion of prescribed courses or curriculum.

~~G.~~H. Employ and assign all personnel, consistent with minimum standards adopted by the Board of Governors, and, in keeping with statutory guidelines, establish employment practices, salaries, and benefits for all employees. Following applicable due process guidelines, terminate the employment of any employee when, in the board's judgment, the best interests of education in the district so require.

~~H.~~I. To the extent authorized by law, determine and control the district's operational and capital outlay budget. Assure that public funds are spent prudently and

Adoption History: 4/7/09, 11/18/15, xx/xx/xx
Reference Update: 11/14

legally. Determine, if appropriate, the need for elections for override tax levies and bond measures and authorize the calling of such elections.

~~I.~~J. Manage and control district property; contract for the procurement of goods and services as authorized by law.

~~J.~~K. Establish procedures that are consistent with minimum standards adopted by the Board of Governors to ensure faculty, staff, and students the opportunity to express their opinions at the campus level and to ensure that these opinions are given every reasonable consideration, and the right to participate effectively in district and college governance.

~~K.~~L. Establish rules and regulations governing student conduct.

~~L.~~M. Establish student fees that are required by law, and, in its discretion, fees it is authorized by law to establish.

~~M.~~N. Receive gifts, grants, and scholarships on behalf of the college and its students.

~~N.~~O. Within the framework provided by law, determine the district's academic calendar, including holidays it will observe.

~~O.~~P. Hold and convey property for the use and benefit of the district. Acquire by eminent domain any property necessary to carry out the powers or functions of the district.

~~P.~~Q. Annually review and approve the district's deferred maintenance plan and five-year capital outlay plan.

~~Q.~~R. Participate in the consultation process established by the Board of Governors for the development and review of policy proposals.

~~R.~~S. Provide policy direction for the district while delegating administrative authority to the superintendent/president as chief executive officer.

~~S.~~T. Review and evaluate the performance of the superintendent/president on an annual basis pursuant to Board Policy 2435, Evaluation of Superintendent/ President.

~~T.~~U. Review and evaluate its own performance on an annual basis.

Subject:	Attachment:
Board Policy 4030 – Academic Freedom	Board Policy 4030 – Academic Freedom
Category:	Type of Board Consideration:
Board Policies – First Reading	✓ Information Consent Action
	Approved for Consideration:
	Sunita V. Cooke, Ph.D. Superintendent/President

BACKGROUND

Board policies and administrative procedures receive periodic review. New board policies and revisions to board policies are presented to the board of trustees for review and approval.

STATUS

Revisions to Board Policy 4030 – Academic Freedom have been approved by College Council, and the policy is now presented for a first reading by the board of trustees.

There is not an Administrative Procedure 4030.

RECOMMENDATION

Adopt Board Policy 4030 – Academic Freedom.

BOARD OF TRUSTEES POLICY **4030: Academic Freedom**

The MiraCosta College Community College District recognizes the free pursuit of knowledge and the free exchange of ideas as core tenets of academic freedom.

As a fundamental concept, academic freedom ensures institutions of higher education function for the common good and are constructed on a foundation of genuine trust. It represents an understanding of mutual respect in valuing how faculty and students engage in conversations and learning. The district superintendent/president and Board of Trustees will actively and openly work toward fostering an environment characterized by openness, tolerance, and civility and an atmosphere in which intellectual freedom exists and is protected for all constituencies, including faculty and students.

Academic freedom must always be accompanied by academic responsibility. This responsibility emphasizes the obligation to examine, test, and interpret all knowledge appropriate to a discipline or major area of study, to avoid bias on controversial topics, and to present conclusions and interpretations supported by evidence with consideration for the impact on students and colleagues. Employees and students should at all times strive for accuracy and engage in respectful discourse, especially when opinions differ. All constituencies must be mindful of the district's policies on ethical conduct (BP 3050), diversity, equity, and inclusion (BP 3400), non-discrimination (BP 3410), and equal opportunity (BP 3420).

To promote and support the intellectual, socioeconomic, and socioemotional growth of students, all faculty require the assurances and protections academic freedom affords. Academic decisions should be based solely on intellectual standards that are relevant to the subject matter under consideration and consistent with the institution's mission and core values. Neither students nor faculty shall be disadvantaged or evaluated on the basis of their views and perspectives. The district will defend and support any tenured or untenured faculty member who, while maintaining the high standards of the profession, finds their freedom of expression attacked or curtailed.

In the classroom context, both virtual and in person, faculty are expected to present data and information fairly and objectively, to ensure students have access to varying points of view, and to acknowledge and defend the free inquiry of students in the exchange of criticism and ideas. Academic freedom gives students the right to express and to defend their views, to question, and to differ with the views of their instructors or the district without penalty. Academic freedom gives faculty the right to distinguish between personal conviction and professionally accepted views in a discipline and to interpret their fields and communicate conclusions without interference or penalty.

Outside of the classroom setting, faculty have the right to research, present, and publish without interference or sanction, subject to the adequate performance of their other academic duties. Research for financial gain shall be based upon an understanding with the MiraCosta Community College District as outlined in Board Policy/Administrative Procedure 3715: Intellectual Property. When faculty speak or write as citizens, authorities of their discipline, and community representatives of MiraCosta College, they should be free from institutional censorship or discipline, but this freedom carries with it a responsibility to at all times be accurate, exercise appropriate restraint, show respect for the opinions of others, and make every effort to indicate they are not speaking on behalf of the institution.

CURRENT POLICY

Cynthia Dudley
Sources: Accreditation Standard I.C.7 **and** 1940 Statement of Principles on Academic Freedom and Tenure. ("The professional standard of academic freedom is defined by the *1940 Statement of Principles on Academic Freedom and Tenure*, developed by the American Association of University Professors (AAUP). It is the fundamental statement on academic freedom for faculty in higher education.")

Cynthia Dudley
Source: 1940 Statement of Principles on Academic Freedom and Tenure

Cynthia Dudley
Source: American Council on Education (ACE) Statement on Academic Rights and Responsibilities (2005). Endorsed by American Association of Community Colleges, American Council on Education, et al

Cynthia Dudley
Source: Accreditation Standard I.C.7

Cynthia Dudley
Source: Accreditation, Eligibility Requirement 13

Cynthia Dudley
Source: American Council on Education (ACE) Statement on Academic Rights and Responsibilities.

Cynthia Dudley
Source: MiraCosta College Code of Ethics

Cynthia Dudley
Source: Fairness and Objectivity, Tenure Candidate Handbook, 2014, pp. 9-11; Tenured Faculty Professional Growth and Evaluation Handbook, 2014, pp. 2-3

Cynthia Dudley
Source: Accreditation Standard I.C.9

Cynthia Dudley
Source: 1940 Statement of Principles on Academic Freedom and Tenure.

Definitions

Academic freedom in the classroom is the right of faculty members to interpret their fields and to communicate conclusions without being subjected to interference or penalty ~~because these conclusions may be at variance with those of constituted authorities, organized groups or individuals.~~

Cynthia Dudley
See paragraph 5 above.

Outside the classroom, faculty members are entitled to full freedom in research and in the presentation and publication of the results, subject to the adequate performance of their other academic duties. Research for pecuniary return should be based upon an understanding with the MiraCosta Community College District, conforming to Board Policy/Administrative Procedure 3715, Intellectual Property Rights.

Cynthia Dudley
See paragraph 6 above.

Academic freedom carries with it corresponding responsibility. Academic responsibility emphasizes the obligation to study facts, to present and interpret ideas ~~concerning human society and all fields of knowledge. Since human knowledge is limited and changeable,~~ faculty members will acknowledge the facts on which controversial views are based and show respect for opinions held by others. While striving to avoid bias, faculty members may nevertheless present the conclusions to which they believe the evidence points, both in the classroom and outside of it. ~~However, controversial matters that bear no relation to the subject matter should not be introduced into classes.~~

Cynthia Dudley
See paragraph 3 above.

Faculty members are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. ~~As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances.~~ Hence they should at all times strive for accuracy, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution.

Cynthia Dudley
See paragraph 6 above.

The superintendent/president and the Board of Trustees of MiraCosta Community College District will demonstrate their support for the principles of academic freedom by actively and openly working toward a climate that will foster this freedom.

Cynthia Dudley
See paragraph 2 above

Such participation will extend to the point of defending and supporting any tenured or untenured faculty member who, while maintaining the high standards of the profession, finds their freedom of expression attacked or curtailed.

Cynthia Dudley
See paragraph 4 above.

The academic freedom of students is the freedom to express and to defend their views, to question, and to differ with the views of their instructors or the district, without penalty.

Cynthia Dudley
See paragraph 5 above.

Adoption History: 4/21/09
Periodic Review: 6/16/15
Reference Update: 11/14
References: Title 5, §51023
Accrediting Commission for Community and Junior Colleges
Eligibility Requirements 13, 20
Accreditation Standard I.C.7, I.C.9

American Association of University Professors (AAUP) 1940 Statement of Principles on Academic Freedom and Tenure
American Council on Education (ACE) Statement on Academic Rights and Responsibilities (2005)

CCLC Update: #25, 11/14
Steering: AAC / AS

Subject: **Human Resources Update**	**Attachment:** **None**
Category: **Information**	**Type of Board Consideration:** ✓ **Information Consent Action**
Recommended: **Charlie Ng** **Vice President, Human Resources**	**Approved for Consideration:** **Sunita V. Cooke, Ph.D.** **Superintendent/President**

UPDATE

COVID-19 and Safety
Human Resources has been working with the President's Office and the vice presidents from the other three divisions to implement the district's COVID-19-related safety protocols (department operations and communications, facilities, supplies, etc.). Proof of vaccination, medical and religious exemption processes, and testing requirements have been implemented to create a safe learning and working environment for student and employees. There has been a strong response to employees complying with either providing proof of vaccination or requesting a medical or religious exemption.

The district has partnered with Healthcare IT Leaders to provide weekly testing for the Oceanside and CLC locations for students and employees, and Concentra is providing weekly testing at off-site locations for employees. These testing facilities will conduct testing for those that have medical and religious exemptions.

Risk Management and Safety completed a comprehensive employee training on the district's COVID-19 Prevention Program for identifying, evaluating, correcting, and controlling COVID-19 hazards, and investigating and responding to COVID-19 cases and outbreaks. Also, the COVID-19 screening mobile app was revised to incorporate the latest COVID-19 screening protocols and QR Code locations throughout the campus were added to allow for contract tracing in rooms throughout the district.

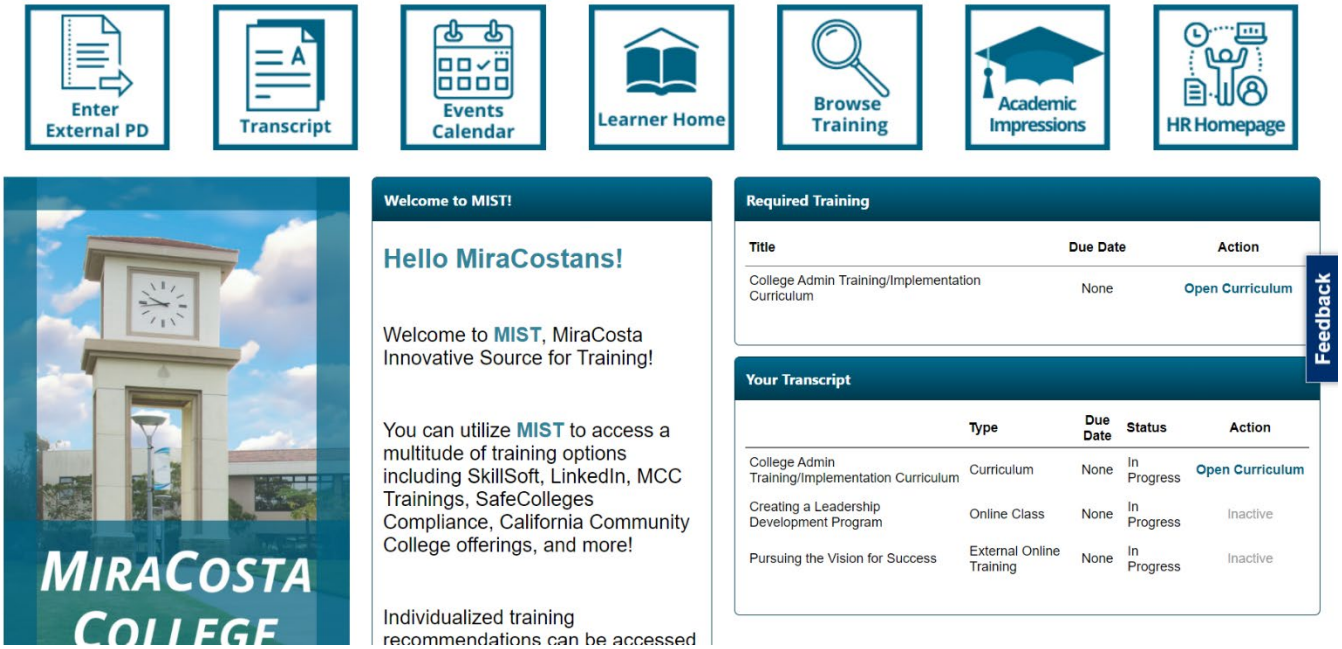
Labor Relations
Over the past several months, Human Resources completed negotiations with all employee groups (Faculty and Associate Faculty, Academic and Classified Administrators, Classified and Confidential Professionals) for several agreements including negotiations for 3-year collective bargaining agreements, 3-year salary agreements, and spring 2021 and fall 2021 COVID-MOUs.

Workday Phase II
The Human Resources/Payroll Team continues to progress through stabilization, which includes decentralizing personnel requisitions, retirement reporting, and further rollouts of

performance management to remaining employee groups. Accenture's remaining scope for human resources stabilization includes retirement and miscellaneous reporting support.

Professional Development

Human Resources has completed work on a training resource called MIST (MiraCosta Innovative Source for Training). This new platform is now available for all employees to access and explore the professional development trainings available. MIST will provide an integrated system connecting Workday, SafeColleges, and the Vision Resource Center training resources. It is a one-stop-shop for training that provides access to a variety of professional development opportunities (i.e., training resources from LinkedIn Learning, Skillsoft, California Community Colleges, and Academic Impressions) and access to mandatory compliance-related training.



The district has customizable options and features including custom reports, the ability to collaborate professional development opportunities across various employee groups, and scheduled email reminders with follow-ups for workshop attendees.