

**RANCHO SANTIAGO COMMUNITY COLLEGE DISTRICT (RSCCD)
Board of Trustees (Regular meeting) Hybrid
Rancho Santiago Community College District
2323 North Broadway
Santa Ana, California**

Monday, November 13, 2023

MINUTES

1.0 PROCEDURAL MATTERS

1.1 Call to Order

The hybrid meeting was called to order at 4:36 p.m. by Mr. David Crockett. Other members present were Mr. John Hanna, Mr. Zeke Hernandez, Ms. Daisy Tong and Mr. Yarbrough. Dr. Tina Arias Miller arrived at the noted time. Mr. Sal Tinajero was not present at the board meeting.

Administrators present during the regular meeting were Ms. Iris Ingram, Dr. Jeannie Kim, Mr. Marvin Martinez, Dr. Annebelle Nery, Mr. Enrique Perez and Mr. Alistair Winter. Ms. Maria Vicencio was present as record keeper.

1.2 Public Comment – Closed Session Only

There were no public comments.

It was moved by Mr. Yarbrough and seconded by Mr. Hernandez to suspend the rules and consider Item 5.1 (Recognition of Santa Ana College Veteran Student) and Item 5.2 (Recognition of Santiago Canyon College Veteran Student. The motion carried with the following vote: Aye – Mr. Crockett, Mr. Hanna, Mr. Hernandez, Ms. Tong and Mr. Yarbrough.

5.1 Recognition of Santa Ana College Veteran Student

The board recognized student veteran Mr. Juan DeLaCruz for his military services, exemplary achievements and dedication to our country and Rancho Santiago Community College District.

Dr. Tina Arias Miller arrived at this time.

5.2 Recognition of Santiago Canyon College Veteran Student

The board recognized student veteran Mr. Andrew Sutton for his military services, exemplary achievements and dedication to our country and Rancho Santiago Community College District.

RECESS TO CLOSED SESSION

The board convened into closed session at 4:56 p.m. to consider the following items:

2.1 Public Employment (pursuant to Government Code Section 54957[b][1])

- a. Full-time Faculty
- b. Part-time Faculty
- c. Management Staff
- d. Classified Staff
- e. Student Workers

2.2 Conference with Legal Counsel: Anticipated/Potential Litigation (pursuant to Government Code Section 54956.9[b]-[c]) (1 case)

2.3 Conference with Labor Negotiator (pursuant to Government Code Section 54957.6)

Agency Negotiator:

Alistair Winter, Acting Vice Chancellor, Human Resources

Employee Organizations:

Faculty Association of Rancho Santiago Community College District (FARSCCD)

California School Employees Association (CSEA), Chapter 579

California School Employees Association, Chapter 888

2.4 Liability Claim (pursuant to Government Code Section 54956.95)

- a. Claim #629664

2.5 Student Expulsion (pursuant to Education Code 72122)

Student I.D #2724382

2.6 Conference with Real Property Negotiators (pursuant to Government Code Section 54956.8)

Property: 1465 N. Batavia Street, Orange, CA 92867

Agency Negotiators: Iris I. Ingram, Vice Chancellor of Business Services, Rancho Santiago Community College District

Carri Matsumoto, Assistant Vice Chancellor of Facility Planning, District Construction & Support Services, Rancho Santiago Community College District

Ruben Smith, General Counsel, Frost Brown Todd LLP

Under Negotiation: Sale or Lease of Property (or) Price and Terms of Payment

3.0 RECONVENE FROM CLOSED SESSION

The board reconvened at 6:38 p.m.

3.1 Closed Session Report

Ms. Tong reported during closed session the board discussed public employment, labor negotiations, liability claim #629664, and real property negotiations and the board took no action. The board voted unanimously to approve a settlement with employee # 2659235. Employee agreed to release the District in exchange for being allowed to continue employment until December 31, 2023. Also, the board voted unanimously to expel a student with student I.D # 2724382 pursuant to Education Code 72122.

4.0 PUBLIC SESSION

4.1 Pledge of Allegiance to the United States Flag

The Pledge of Allegiance was led by Mr. Zeke Hernandez, RSCCD Trustee.

4.2 Approval of Additions or Corrections to Agenda

No additions or corrections to the agenda.

4.3 Public Comment

Mr. Kelvin Leeds spoke regarding the California Community College Athletic Association's newly adopted guidelines for students that identify as transgender. Ms. Tiffany Gause spoke regarding the board's decision to reaffirm the health care benefits decision that has been previously approved. Ms. Teresa Mercado-Cota thanked the board and shared some of her concerns. Dr. Kristi Blackburn shared some highlights regarding the journalism program at SAC. Mr. Jared Kubicka Miller (via Zoom) spoke regarding a charity event at SCC. Mr. Joe Hoskins (via Zoom) spoke regarding his concerns with the district safety and security department.

4.4 Approval of Minutes

It was moved by Mr. Yarbrough and seconded by Ms. Tong to approve the minutes of the regular meeting held on October 23, 2023. The motion carried with the following vote: Aye – Dr. Arias Miller, Mr. Crockett, Mr. Hanna, Mr. Hernandez, Ms. Tong and Mr. Yarbrough.

4.5 Approval of Consent Calendar

It was moved by Mr. Yarbrough and seconded by Mr. Hernandez to approve the recommended action on the following items on the Consent Calendar with the exception of Items 6.7 (Approval of Professional Services Agreement between RSCCD on behalf of Santa Ana College and California Newspapers Partnership) and 6.8 (Approval of Angels Baseball Sponsorship Agreement between RSCCD on behalf of Santa Ana College and Angels Baseball LP) pulled by Mr. Hernandez. The motion carried with the following vote: Aye – Dr. Arias Miller, Mr. Crockett, Mr. Hanna, Mr. Hernandez, Ms. Tong and Mr. Yarbrough.

6.1 Confirmation of Santa Ana College Associate Degrees and Certificates Awarded in Summer 2023

The board confirmed the Santa Ana College Associate Degrees and Certificates awarded in Summer 2023, as presented.

6.2 Approval of Proposed Revisions for the 2023–2024 and 2024–2025 Santa Ana College Catalogs

The board approved the proposed revisions for the 2023–2024 and 2024–2025 Santa Ana College Catalogs, as presented.

6.3 Approval of Santa Ana College Community Education Program for Spring 2024

The board approved the Santa Ana College Community Education Program for Spring 2024, as presented.

6.4 Approval of Student Fieldwork Placement Agreement between the Trustees of California State University (CSU) on behalf of California State University Long Beach and RSCCD on behalf of Santa Ana College

The board approved the student fieldwork placement agreement between the Trustees of California State University (CSU) on behalf of California State University Long Beach and RSCCD on behalf of Santa Ana College, as presented.

6.5 Approval of Digital Campus License Agreement between RSCCD on behalf of Santa Ana College and Swank Motion Pictures, Inc.

The board approved the digital campus license agreement between RSCCD on behalf of Santa Ana College and Swank Motion Pictures, Inc., located in St. Louis, Missouri, as presented.

6.6 Approval of Software License and Services Agreement between RSCCD on behalf of Santa Ana College and SimX, Inc.

The board approved the software license and services agreement between RSCCD on behalf of Santa Ana College and SimX, Inc., located in San Francisco, California, as presented.

4.5 Approval of Consent Calendar (cont.)

6.9 Approval of Walgreens Experiential Learning Program Agreement between RSCCD on behalf of Santa Ana College and Walgreen Co.

The board approved the Walgreens Experiential Learning Program Agreement between RSCCD on behalf of Santa Ana College and Walgreen Co., located in Deerfield, Illinois, as presented.

6.10 Acceptance of Sabbatical Leave Report from Estelle Orr, Santa Ana College Professor of Art

The board approved the sabbatical leave report from Professor Orr of Santa Ana College, as provided.

6.11 Acceptance of Sabbatical Leave Report from Kelly Ro, Santa Ana College Associate Professor of Mathematics

The board approved the sabbatical leave report from Associate Professor Ro of Santa Ana College, as provided.

6.12 Confirmation of Santiago Canyon College Associate Degrees and Certificates – Summer 2023

The board confirmed the Santiago Canyon College Associate Degrees and Certificates for Summer 2023, as presented.

6.13 Approval of Santiago Canyon College Community Education Program for Spring 2024

The board approved the Santiago Canyon College Community Education Program for Spring 2024 as presented.

6.14 Approval of Professional Services Agreement between RSCCD on behalf of Santiago Canyon College Division of Continuing Education and Entravision

The board approved the professional services agreement between RSCCD on behalf of Santiago Canyon College Division of Continuing Education and Entravision located in Los Angeles, California, as presented.

6.15 Approval of Professional Services Agreement between RSCCD on behalf of Santiago Canyon College and the Foundation for California Community Colleges

The board approved the professional services agreement between RSCCD on behalf of Santiago Canyon College and the Foundation for California Community Colleges, located in Sacramento, California, as presented.

6.16 Acceptance of Sabbatical Leave Report from DeAnna Martin, Professor of Business

The board approved the sabbatical leave report from Professor of Business, DeAnna Martin, as provided.

4.5 Approval of Consent Calendar (cont.)

6.17 Acceptance of Sabbatical Leave Report from Rachel Petrocelli, Professor of History

The board approved the sabbatical leave report from Professor of History, Rachel Petrocelli, as provided.

6.18 Acceptance of Sabbatical Leave Report from Cynthia Swift, Professor of Physics

The board approved the sabbatical leave report from Professor of Physics, Cynthia Swift, as provided.

7.1 Approval of Payment of Bills

The board approved the payment of bills as submitted.

7.2 Approval of Budget Transfers, Budget Increases and Decreases

The board approved the budget transfers, budget increases and decreases as presented.

7.3 Approval of Purchase Orders

The board approved the purchase order listing, supplement, and PO change order listing as submitted.

7.4 Acceptance of Vendor Name Change

The board approved the vendors' name change requests as presented.

7.5 Approval of Utilization of the Foundation for California Community Colleges (FCCC) Master Services Agreement No. 00006257 - FeedbackFruits B.V.

The board approved the utilization of the Foundation for California Community Colleges (FCCC) master services agreement No. 00006257 - FeedbackFruits B.V.

7.6 Approval of Agreement with Linik Corporation - Construction Management Services for Russell Hall Demolition and Campus Entrance Improvements Project at Santa Ana College

The board approved the professional services agreement with Cooperative Strategies, LLC for redevelopment consulting services.

7.7 Ratification of Change Order #1 for A Good Sign & Graphics Company for Bid #1424 Barrier Removal Signage and Wayfinding Project at Santa Ana College

The board approved to ratify the change order #1 for A Good Sign & Graphics Company for bid #1424 barrier removal signage and wayfinding project at Santa Ana College as presented.

4.5 Approval of Consent Calendar (cont.)

7.8 Acceptance of Completion of Bid #1424 Barrier Removal Signage and Wayfinding Project at Santa Ana College and Approve a Notice of Completion

The board approved to accept the completion of bid #1424 barrier removal signage and wayfinding project at Santa Ana College and approved recording a notice of completion as presented.

7.9 Approval of Rejection of all Bids for Bid #1445 Temporary Village Phase 5A Project at Santa Ana College

The board approved the rejection of all bids for bid #1445 temporary village phase 5A project at Santa Ana College as presented.

7.10 Ratification of Change Order #1 for Condor, Inc. for Bid #1442 Swimming Pool Replaster Project at Santiago Canyon College

The board approved to ratify change order #1 for Condor, Inc. for bid #1442 swimming pool replaster project at Santiago Canyon College as presented.

7.11 Acceptance of Completion of Bid #1442 Swimming Pool Replaster Project at Santiago Canyon College and Approve Recording a Notice of Completion

The board approved to accept the completion of bid #1442 swimming pool replaster project at Santiago Canyon College and approved recording a notice of completion as presented.

8.1 Approval of Resource Development Items

The board approved budgets, accepted grants, and authorization was given to the Vice Chancellor, Business Services or her designee to sign and enter into related contractual agreements on behalf of the district for the following:

- Board Financial Assistance Program	\$	1,280,660.00
- California College Promise Program	\$	1,828,434.00
- California State Preschool Program (CSPP)	\$	892,759.00
AB110 Rate Supplement		
- Equal Employment Opportunity	\$	138,888.00
- Financial Aid Technology	\$	103,519.00
- Local and Systemwide Technology and Data Security	\$	175,000.00
- Rising Scholars Network Grant	\$	51,195.00
- Student Success Completion Grant	\$	2,986,844.00

8.2 Approval of Professional Services Agreement with Apogee Telecom, Inc.

The board approved the professional services agreement with Apogee Telecom, Inc.

8.3 Approval of Professional Services Agreement between RSCCD and Center for Occupational Research and Development (CORD)

The board approved the professional services agreement with Center for Occupational Research and Development (CORD), as presented.

4.5 Approval of Consent Calendar (cont.)

8.4 Adoption of Resolution No. 23-23 Authorizing a Contractual Agreement with California Department of Social Services for the General Child Care and Development Program (CCTR) and designating the District's Authorized Signers for Fiscal Year 2024-2025

The board approved to adopt Resolution No. 23-23 authorizing a contractual agreement with the California Department of Social Services for the General Child Care and Development Program (CCTR) and designating the District's Authorized Signers for Fiscal Year 2024-2025, as presented.

8.5 Adoption of Resolution No. 23-24 Authorizing a Contractual Agreement with California Department of Education for the California State Preschool Program (CSPP) and Designating the District's Authorized Signers for Fiscal Year 2024-2025

The board approved to adopt Resolution No. 23-24 authorizing a contractual agreement with the California Department of Education for the California State Preschool Program (CSPP) and designating the District's authorized signers for fiscal year 2024-2025, as presented.

8.6 Approval of Memorandum of Understanding (MOU) with Southern California News Group (SCNG)

The board approved the memorandum of understanding (MOU) with Southern California News Group (SCNG), as presented.

9.1 People and Culture Management/Academic Docket

The board approved the People and Culture management/academic docket as presented.

9.2 People and Culture Classified Docket

The board approved the People and Culture classified docket as presented.

9.3 Rejection of Claim # 629664

The board approved the rejection of claim #629664 as presented.

9.4 Adoption of Resolution No. 23-22 - Conflict of Interest Code

The board approved to adopt Resolution No. 23-22 - Conflict of Interest Code as presented.

5.0 INFORMATIONAL ITEMS AND ORAL REPORTS

5.1 Recognition of Santa Ana College Veteran Student

This item was considered after Item 1.2 (Public Comment - Closed Session Only).

5.2 Recognition of Santiago Canyon College Veteran Student

This item was considered after Item 1.2 (Public Comment - Closed Session Only).

5.3 Economic Impact Report

Mr. Enrique Perez, Vice Chancellor, Educational Services, Dr. Alex Davis, Assistant Vice Chancellor, and Mr. Sterling Smith, Senior Consultant, Lightcast, provided an overview analysis of the economic impact and return on investment of education. Board members received clarification on data related to the presentation from Mr. Perez, Dr. Davis and Mr. Smith.

5.4 Bond Polling Results Presentation

Ms. Iris Ingram, Vice Chancellor, Business Services and Mr. Adam Sonenshein of FM3 Research provided an overview of the RSCCD 2024 Election Bond Measure Viability. Board members received clarification on data related to the presentation from Ms. Ingram and Mr. Sonenshein.

5.5 Reports from Student Presidents

Mr. Gabriel Lopez, Student President, Santiago Canyon College provided a report to the board.

5.6 Report from Board President

Mr. Crockett attended SCC's 2023 President's Circle on November 9, 2023.

Mr. Crockett chaired the Board Facilities Committee meeting on November 9, 2023.

Mr. Crockett will be attending the Community College League of California 2023 Annual Convention on November 16-18, 2023.

5.7 Board Member Comments

Mr. Hernandez congratulated staff for organizing the Vision 2023 Summit with State Chancellor Dr. Sonya Christian on October 24, 2023 held at SAC.

Mr. Hernandez attended the Hispanic Association of Colleges and Universities 37th Annual Conference on October 28-30, 2023.

Mr. Hernandez attended the Santa Ana Unified School District State of the District Breakfast on November 3, 2023.

Mr. Hernandez mentioned that he attended some sporting events at SAC.

5.7 Board Member Comments (cont.)

Mr. Hernandez attended the DanceWatch performance in Phillips Hall on November 4, 2023.

Mr. Hernandez shared that the Suavecito Foundation received recognitions from the City of Santa Ana, Board of Supervisors as well as Congressman Lou Correa in honor of Veterans Day.

Mr. Hernandez attended the Musical Brilliance Fall concert at SCC on November 4, 2023.

Mr. Hernandez attended the Girls Inc. InfluenceHER Summit on November 4, 2023.

Mr. Hernandez attended an event at the Santa Ana College Veterans Resource Center.

Dr. Arias Miller attended the Santa Ana Unified School District State of the District Breakfast on November 3, 2023.

Dr. Arias Miller attended SCC's 2023 President's Circle on November 9, 2023.

Dr. Arias Miller attended the Field of Valor event on November 11, 2023.

Dr. Arias Miller shared that she will be meeting with the consultants overseeing the RSCCD master plan.

Ms. Tong thanked all veterans for their services.

Mr. Yarbrough asked that all responses to his questions from today's board meeting be included in the minutes for this meeting.

Mr. Yarbrough shared that he will be participating on a redevelopment oversight meeting for community colleges.

Mr. Yarbrough thanked staff for providing trustees with a copy of El Don newspaper.

Mr. Yarbrough commented regarding the State Chancellor's Vision 2030 and how it coincides with the District's vision. As the District moves forward, he will be asking questions on what the District is doing to align with Vision 2030. He also expressed his support for Chancellor Martinez's vision for RSCCD.

Mr. Hanna will be attending the Community College League of California 2023 Annual Convention on November 16-18, 2023.

Mr. Hanna shared that he recently attended a couple of the SCC's women soccer matches.

5.7 Board Member Comments (cont.)

Mr. Hanna shared that he recently connected with the Superintendent of Orange Unified School District and spoke regarding the Dual Enrollment program at SCC.

5.8 Reports from Chancellor

Mr. Marvin Martinez, Chancellor, provided a report to the board.

5.9 Reports from College Presidents

The following college representatives provided reports to the board:

Dr. Annebelle Nery, President, Santa Ana College
Dr. Jeannie Kim, President, Santiago Canyon College

5.10 Reports from Academic Senate Presidents

The following academic senate representatives provided reports to the board:

Ms. Claire Coyne, Academic Senate President, Santa Ana College
Mr. Craig Rutan, Academic Senate President, Santiago Canyon College (via Zoom)

5.11 Report from Board Facilities Committee Chairperson

Mr. Crockett provided a report on the November 9, 2023 Board Facilities Committee meeting.

6.0 INSTRUCTION

Items 6.1, 6.2, 6.3, 6.4, 6.5, 6.6, 6.9, 6.10, 6.11, 6.12, 6.13, 6.14, 6.15, 6.16, 6.17, 6.18, were approved as part of Item 4.5 (Consent Calendar).

6.7 Approval of Professional Services Agreement between RSCCD on behalf of Santa Ana College and California Newspapers Partnership

It was moved by Mr. Yarbrough and seconded by Mr. Hernandez to approve the professional services agreement between RSCC on behalf of Santa Ana College and California Newspapers Partnership, located in Santa Ana, California, as presented. Discussion ensued. The motion carried with the following vote: Aye – Dr. Arias Miller, Mr. Crockett, Mr. Hanna, Mr. Hernandez, Ms. Tong and Mr. Yarbrough.

6.8 Approval of Angels Baseball Sponsorship Agreement between RSCCD on behalf of Santa Ana College and Angels Baseball LP

It was moved by Mr. Yarbrough and seconded by Ms. Tong to approve the Angels Baseball sponsorship agreement between RSCCD on behalf of Santa Ana College and Angels Baseball LP, located in Anaheim, California, as presented. Discussion ensued. The motion carried with the following vote: Aye – Dr. Arias Miller, Mr. Crockett, Mr. Hanna, Mr. Hernandez, Ms. Tong and Mr. Yarbrough.

7.0 BUSINESS SERVICES

All items were approved as part of Item 4.5 (Approval of Consent Calendar)

8.0 GENERAL

Items 8.1, 8.2, 8.3, 8.4, 8.5, 8.6 were approved as part of Item 4.5 (Consent Calendar).

8.7 Review and Discussion of Community, Staff and Students' Responses to Board's Self-Evaluation Surveys

The survey responses from community, students and staff were presented to the board for review and discussion. Discussion ensued.

8.8 Board of Trustees Express Interest in Board Officer Positions

The board president solicited expressions of interest from board members regarding service as president, vice president, and clerk, and committee assignments for 2023-2024.

The following board members expressed interest in the following positions:
Vice President – Mr. David Crockett and Ms. Daisy Tong
Clerk – Mr. David Crockett and Mr. Phillip Yarbrough

9.0 HUMAN RESOURCES

All items were approved as part of Item 4.5 (Approval of Consent Calendar)

10.0 ADJOURNMENT

The next regular meeting of the Board of Trustees will be held on December 11, 2023, at RSCCD boardroom. There being no further business, Mr. Crockett adjourned the meeting at 10:33 p.m.

Respectfully submitted,

Marvin Martinez, Chancellor

Approved: _____
Clerk of the Board

Minutes approved: December 11, 2023

RANCHO SANTIAGO COMMUNITY COLLEGE DISTRICT
Office of Santiago Canyon College President

Date: November 13, 2023
To: Marvin Martinez, Chancellor
From: Dr. Jeannie Kim, President, Santiago Canyon College
Subject: Board of Trustee Inquiry – November 13, 2023 Board of Trustees Meeting

Inquiries from Trustee Phillip Yarbrough

Item 6.14- Approval of Professional Services Agreement between RSCCD on behalf of Santiago Canyon College Division of Continuing Education and Entravision

Request:

Did we have a contract with Entravision before? Have we had social media campaigns before with other companies? Does SAC have a similar contract with Entravision or another company? What are the "other projects" that lead to our acceptance of Entravision quote?

Response to Inquiry on Items #6.14 from Trustee Yarbrough:

Yes. We have used Entravision in the past for radio ads. They have been very responsive, easy to work with and they have provided quality work.

We worked with Local IQ/Reach Local last year and currently have a contract with them for this fall for our social media campaigns. We have found them to be less responsive for our needs and some of our ads have ran behind schedule.

SAC currently has a social media campaign with Local IQ/Reach Local.

The radio ads that we have had in the past with Entravision (Jose Radio 97.5FM and 107.1FM) lead to our acceptance of the Entravision social media quote. Because we have been very satisfied with Entravision's responsiveness and their past performance with our radio ads, we have decided to expand services with Entravision into social media.

RANCHO SANTIAGO COMMUNITY COLLEGE DISTRICT

Office of the Vice Chancellor - Business Services

2323 N. Broadway
Santa Ana, CA 92706
(714) 480-7340 – Office

Date: November 13, 2023

To: Marvin Martinez, Chancellor

From: Iris I. Ingram, Vice Chancellor, Business Services
Carri M. Matsumoto, Assistant Vice Chancellor, Facility Planning, Construction & District Support Services

Subject: Response to Inquiry from Trustee Yarbrough Regarding November 13, 2023, Board Agenda item: 7.9

From Trustee Yarbrough:

Item 7.9- Approval of Rejection of all Bids for Bid #1445 Temporary Village Phase 5A Project at Santa Ana College

Question: What are the multiple bid issues other than those mentioned? Was the disparity between a \$530k bid and a \$2.1m bid due to the RFP not being clear enough?

The RFP was explicit in its requirements. Per Public Contract Code section 5103, a bidder is allowed to withdraw their bid if written notice is provided to the public entity within five (5) working days after the opening of the bids and specifying in detail how the mistake occurred. The low bidder submitted the written withdrawal request **after** the five (5) working day deadline.

Comparing the low bid against our third party estimate of costs, we determined that the bid was grossly underestimated (by hundreds of thousands of dollars). Our estimate is more aligned with bidders 2, 3 and 4. We do not make public our construction estimates at bid time to avoid undue bidder influence. Under these circumstances, the District has limited legal options: 1) reject all bids and/or 2) award the bid. If the District awards the bid it is likely guaranteed that the District will have a significant struggle during construction with the contractor as a result of the pricing error, resulting in a multitude of change orders we will have to be prepared to dispute.

Staff does not recommend proceeding with the low bidder as it will likely end up in a default, requiring the surety to complete the project. This would delay the project and add additional costs. Furthermore, we do not have the option to award the bid to the second low bidder as the first bidder is not deemed non-responsive. Therefore, after discussing this bid with legal counsel, the recommended course of action is to reject all bids, reevaluate the scope, and rebid the project.