SUGGESTED ORDER OF BUSINESS

SPECIAL MEETING OF THE GOVERNING BOARD
SOUTHWESTERN COMMUNITY COLLEGE DISTRICT

NORMA L. HERNANDEZ, GOVERNING BOARD PRESIDENT
HUMBERTO PERAZA, JR., GOVERNING BOARD VICE PRESIDENT
TIM NADER, GOVERNING BOARD MEMBER
JEAN ROESCH, ED.D., GOVERNING BOARD MEMBER
TERRI VALLADOLID, GOVERNING BOARD MEMBER
CLAUDIA DURAN, STUDENT GOVERNING BOARD MEMBER
MELINDA NISH, ED.D., SECRETARY TO THE GOVERNING BOARD AND
SUPERINTENDENT/PRESIDENT

Written notice is hereby given in accordance with Government Code Section 54956 that a special meeting of the Governing Board of the Southwestern Community College District will be held as noted below:

DATE: Saturday, April 21, 2012
TIME: 8:00 a.m. Call to Order/Closed Session
10:00 a.m. Open Session
LOCATION: Southwestern College
Building 210, Room 214
900 Otay Lakes Road
Chula Vista, CA 91910

Compliance with Americans With Disabilities Act

Southwestern Community College District, in compliance with the American Disabilities Act (ADA), requests individuals who may need special accommodation to access, attend, and/or participate in Board meetings to contact Mary Ganio at (619) 482-6301 in advance of the meeting for information on such accommodation.

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<td><strong>Call to Order</strong></td>
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<tr>
<td>1. CALL TO ORDER (Hernandez) 8:03 a.m., Room 214</td>
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Attendance at this special meeting (Board members arriving after meeting commences will be noted as “present” at point in this suggested order of business at which they arrive).

Present: Hernandez, Peraza, Nader, Valladolid, Duran (Student Board Member) Absent: Roesch

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<th>Announcement of Closed Session Agenda</th>
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<td>2. ANNOUNCEMENT OF CLOSED SESSION AGENDA (Hernandez)</td>
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<td>2A. CONFERENCE WITH LABOR NEGOTIATOR Negotiator: Joseph N. Quarles, Ed.D. Employee Organizations: CSEA, SCEA, SCCDA, Confidentials Unrepresented Employees: Vice Presidents</td>
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| 2B. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE Government Code Section 54957 |

| 2C. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION Significant exposure to litigation pursuant to subdivision (b) of Section 54956: 5 potential cases |

Initiation of litigation pursuant to subdivision (c) of Section 54956: 1 potential case

*No speakers appeared.*
3. **ADJOURN TO CLOSED SESSION**  
(Hernandez)  
8:04 a.m., Room 100A  

Roesch arrived at 8:10 a.m.

4. **RECONVENE IN OPEN SESSION**  
(Hernandez)  
10:05 a.m., Room 214  

Present: Hernandez, Peraza, Nader, Roesch, Valladolid, Duran (Student Board Member)

5. **CLOSED SESSION / REPORT OF ACTION(S) (If Applicable)**  
(Hernandez)  

No reportable action.

6. **PLEDGE OF ALLEGIANCE**  
(Hernandez)

7. **ORAL COMMUNICATION**  
(Hernandez)  

Persons wishing to address the Governing Board under this item should fill out a yellow request card (available at the reception table) and indicate on the card if they wish to be called under Oral Communication, or when a specific agenda item is considered. Pursuant to the Brown Act (Government Code Section 54954.3) members of the public shall be afforded the opportunity to directly address the Governing Board concerning any agenda item that has been described in the notice for the special meeting.

An oral presentation to the Board does not constitute an open discussion on the presentation topic, unless that topic is on the posted agenda. Pursuant to the Brown Act (Government Code Section 54954.2(a)), "No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3."

President Hernandez requested that speakers hold their comments until after the presentation.

8. **BOARD WORKSHOP – LEGAL AND PRACTICAL OVERVIEW OF LOCAL JOBS CONSTRUCTION INITIATIVES**  
(Nish)

Thomas W. Kovacich, Atkinson, Andelson, Loya, Ruud & Romo, will provide a legal and practical overview of local jobs construction initiatives.

Kovacich distributed an outline of his presentation which included the following:

1. History and Use in California of Project Labor Agreements
2. Common Features of a Project Labor Agreement
   A. District Goals
      1. Construction Quality
      2. Construction Cost and Value
      3. Pre-Apprenticeship and Apprenticeship Program
      4. Reduced Work Delays
      5. Worker Healthcare and Pension Benefits
   6. Outreach Program Including Specific Training Requirements, Cooperation with District Sponsored Program such as Construction Academic, etc.
   7. Uniform Safety and Drug Testing Standards
   8. Agreement Made Available to all Successful Bidders
III. Common Issues in PLA Negotiations  
A. Threshold Coverage  
B. Dispute Resolution/Labor Jurisdiction Disputes/Labor Peace  
C. Hiring Practices and Working Conditions  
   1. Prevailing Wage  
   2. Core Employee  
   3. Union Membership/Hiring Hall  
   4. Grievance Procedures  
   5. Fringe Benefits  
D. PLA Flexibility  
E. Exclusions  
F. Ensuring Accountability – Staffing  
G. Need for Labor Compliance Program  

Oral Communication was heard at this point of the agenda.

Tom Laudon discussed auditing of project labor compliance, monitoring and auditing role.

Tom Lemmon responded to several issues raised during the presentation including the issue of carpenters; clarification on opt out clause with San Diego Unified School District; and non-discriminatory drug testing requirements.

Nicholas Segura, member of the Board subcommittee, indicated there was a lot of effort to get input from everyone involved and spoke in support of the IBW and Building trades apprenticeship programs.

Nader gave a brief status on the subcommittee. He reported that they are refining the preliminary draft which was distributed to the Board and discussed by the subcommittee. He highlighted anticipated changes to the subcommittee’s report:

1. Core employees. There was a concern raised that a specific suggestion as to how to solve the core employee issue should not be in the Board policy but should rather be left in negotiations. Think it will be revised accordingly and perhaps an accompanying report that is not voted on by the Board, but is for background information that elaborates more on some of the potential solutions negotiators could look at.

2. Curriculum. Clarify that in no way is anything that the subcommittee is recommending to the Board intended to suggest that the College should adopt, or that the Board should direct, the adoption of curriculum outside of established State and College policies related to adoption of curriculum.

3. Benefits equivalency. It was felt that there needed to be a more explicit statement that non-union benefits paid in lieu of union benefits would need to be equivalent from the standpoint of the benefit to the worker.

4. Prioritization. The preliminary draft had a somewhat more detailed prioritization among different classes of students and residents for hire than can be expected in the final report. Will likely be suggesting in the final report that there be a policy that eligible students and residents of this District should have priority for working on College construction jobs.

Nader indicated that he and subcommittee member Valladolid would meet and expected to bring forward a final draft to the Board on May 9.

Hernandez recommended the subcommittee consider a resolution rather than a policy. Nader indicated that he expected both policy and resolution to direct staff to negotiations.

The Board recessed at 11:30 a.m. and reconvened at 11:38 a.m.
9. **BOARD WORKSHOP – PROJECT STABILIZATION AGREEMENT / CONSTRUCTION CAREERS AGREEMENT**

(Nish)


Allen provided an overview of his presentation. He also distributed the Foothill-DeAnza Measure C Annual Report. The Board engaged in discussion and asked questions about the project stabilization at Foothill-DeAnza. Highlights of discussion included: Biggest hurdles to get support and negotiate for Foothill included negotiating what projects would be covered. Foothill-DeAnza CC District established a threshold of $200,000 rather than covering all projects.

At 12:05 p.m., President Hernandez thanked Mr. Allen, excused herself and turned the gavel over to Vice President Peraza to chair the meeting. VP Peraza chaired the meeting for the remainder of discussion.

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10. **ADJOURNMENT 12:18 p.m.**

(Hernandez)

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Melinda Nish, Ed.D.
Governing Board Secretary

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Norma L. Hernandez
Governing Board President