



SUGGESTED ORDER OF BUSINESS

SPECIAL MEETING OF THE GOVERNING BOARD SOUTHWESTERN COMMUNITY COLLEGE DISTRICT

TIM NADER, GOVERNING BOARD PRESIDENT
NORMA L. HERNANDEZ, GOVERNING BOARD VICE PRESIDENT
JEAN ROESCH, ED.D., GOVERNING BOARD MEMBER
TERRI VALLADOLID, GOVERNING BOARD MEMBER
CLAUDIA DURAN, STUDENT GOVERNING BOARD MEMBER
DENISE WHITTAKER, INTERIM SECRETARY TO THE GOVERNING BOARD AND
INTERIM 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: Tuesday, July 5, 2011
TIME: 7:00 p.m.
LOCATION: Southwestern College, Building 210, Room 214
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.

	ITEM																				
Call to Order	1. CALL TO ORDER (Nader) 7:00 p.m., Building 210, Room 214 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: Absent:																				
Pledge of Allegiance	2. PLEDGE OF ALLEGIANCE (Nader)																				
Oral Communication	3. ORAL COMMUNICATION (Nader) 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. An oral presentation to the Board does <i>not</i> 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 <i>briefly</i> respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3."																				
Action	4. AGREEMENT WITH COUNTY OF SAN DIEGO (ENCLOSURE) (Whittaker) <table><tr><td></td><td>Hernandez</td><td></td><td>Nader</td><td></td><td>Roesch</td><td></td><td>Valladolid</td><td></td><td>Duran-Student Advisory Vote</td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table> Recommend ratification of Agreement No. A3296.11 with County of San Diego, for use of San Diego Sheriff Range Facilities at Miramar, for the period July 1, 2011 to June 30, 2021, inclusive in an amount not to exceed \$15,000.		Hernandez		Nader		Roesch		Valladolid		Duran-Student Advisory Vote										
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	ITEM																																																												
Information	5. GOVERNING BOARD VACANCY (SEAT NO. 3) (Whittaker) Determination of method for filling Governing Board vacancy (Seat No. 3) created by resignation of Nick Aguilar (2012 term) effective June 30, 2011. 5A. <u>INFORMATION ITEMS</u> 5A1. Southwestern Community College District Policy No. 2110 Vacancies on the Governing Board (ENCLOSURE) 5A2. Procedures for Filling a Governing Board Member Vacancy (ENCLOSURE) 5A3. Replacement Options: Election vs. Governing Board Appointment (ENCLOSURE) Within sixty (60) days of the vacancy or filing of a deferred resignation, the Governing Board shall either: • Order an election; or ◦ Estimated Cost • Make a provisional appointment to fill the vacancy ◦ Deadline for appointment																																																												
Action	6. DETERMINATION OF METHOD OF FILLING VACANCY (SEAT NO. 3) ON THE GOVERNING BOARD (Whittaker) <table><tr><td></td><td>Hernandez</td><td></td><td>Nader</td><td></td><td>Roesch</td><td></td><td>Valladolid</td><td></td><td>Duran (Student Advisory Vote)</td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table> The Governing Board will determine the method for filling a Governing Board vacancy (Seat No. 3) created by the resignation of Nick Aguilar (2012 term) effective June 30, 2011. The Board will determine to 1) order an election or 2) make a provisional appointment to fill the vacancy. 7. PROVISIONAL APPOINTMENT (Whittaker) If the Board determines to fill the vacancy by appointment, the Board will discuss and determine necessary next steps including the items listed below. 7A. <u>BOARD PROCESS & PROCEDURE</u> (ENCLOSURE) <table><tr><td></td><td>Hernandez</td><td></td><td>Nader</td><td></td><td>Roesch</td><td></td><td>Valladolid</td><td></td><td>Duran (Student Advisory Vote)</td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table> The Board will discuss and determine its process including, Board recruitment and informing and communicating with candidates. 7B. <u>APPLICATION PROCESS</u> (ENCLOSURE) <table><tr><td></td><td>Hernandez</td><td></td><td>Nader</td><td></td><td>Roesch</td><td></td><td>Valladolid</td><td></td><td>Duran (Student Advisory Vote)</td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table> The Board will discuss and determine the application and appointment process including but not limited to 7C-F, below.		Hernandez		Nader		Roesch		Valladolid		Duran (Student Advisory Vote)												Hernandez		Nader		Roesch		Valladolid		Duran (Student Advisory Vote)												Hernandez		Nader		Roesch		Valladolid		Duran (Student Advisory Vote)										
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Action	7C. <u>CRITERIA (ENCLOSURE)</u>																				
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The Board will review, discuss and determine criteria for reviewing candidates and selecting the appointee.																					
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Action	7E. <u>INTERVIEWING AND/OR HEARING FROM CANDIDATES (ENCLOSURE)</u>																				
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Action	7G. <u>PUBLICITY ABOUT THE APPOINTMENT (ENCLOSURE)</u>																				
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The Board will discuss and determine the publicity about the appointment including required notices and methods and publications in which to announce the vacancy and appointment.																					
Action	8. <u>ORDERING OF ELECTION (ENCLOSURE)</u> (Whittaker)																				
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If the Board decides to call an election, it will adopt a resolution and submit it to the County Superintendent, who is required to order the election on the next established election date.																					
Adjournment	9. <u>ADJOURNMENT</u> (Nader)																				

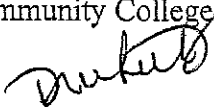
Tim Nader
Governing Board President

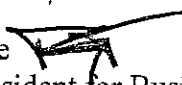
ITEM #4

July 5, 2011

MEMORANDUM

TO: Members of the Governing Board
Southwestern Community College District

APPROVED BY: Denise Whittaker 
Interim Superintendent/President

SUBMITTED BY: Robert J. Temple 
Interim Vice President for Business and Financial Affairs

INITIATED BY: Brent Chartier 
Chief of Police

SUBJECT: County of San Diego (Sheriff – Miramar Training Center)

RECOMMENDATION

Approve Agreement No. A3296.11 with County of San Diego, for use of San Diego County Sheriff Range Facilities at Miramar, for the period July 1, 2011 to June 30, 2021, inclusive, in an amount not to exceed \$15,000.

RATIONALE FOR RATIFICATION

Information was not received prior to the June Governing Board deadlines.

OVERVIEW

The Campus Police Department uses the San Diego County Sheriff Range Facility at Miramar (Miramar Training Center) to maintain firearms proficiency. Officers are required to participate in quarterly firearms training and qualifications.

The San Diego County Sheriff has recently made the decision to charge for the use of its range facility. This license/agreement will allow Campus Police to continue its use of the range for training and qualifications.

FISCAL IMPACT/ACCOUNT

Not to exceed \$15,000 Cost to the District/Account No. 1-45227-695100-334 (Training Budget)

BC:jr

LICENSE FOR USE
MIRAMAR TRAINING CENTER

This license made and entered into this 5th day of July, 2011, by and between the COUNTY OF SAN DIEGO, a political subdivision of the State of California, (hereinafter referred to as "COUNTY") and Southwestern Community College District (hereinafter referred to as "Licensee").

WHEREAS, COUNTY leases and maintains certain training facilities on the Miramar Air Base property in the City of San Diego, County of San Diego, State of California.

WHEREAS, LICENSEE, a public entity, desires permission for the use of said training facilities;

WHEREAS, COUNTY is agreeable to said use of these training facilities and hereby grants permission for said use upon the following terms and conditions;

NOW, THEREFORE, in consideration of the use of these facilities, it is mutually agreed as follows:

DESCRIPTION OF PROPERTY: The property subject to this License is that property located at Miramar Marine Corps Air Base, Camp Elliot, A-Range, East Miramar Road, San Diego, and adjacent land and structures commonly known as the Miramar Training Center or "Duffytown" (hereinafter referred to as "FACILITY").

PURPOSE: LICENSEE is hereby given a non-exclusive license to use the FACILITY for meeting and training purposes only.

TERM OF LICENSE: The term of this License shall commence upon execution of this License by COUNTY, and shall terminate ten (10) years from the date of commencement unless cancelled by either party upon ten (10) days written notice.

RESERVATIONS FOR THE FACILITY: LICENSEE shall request in writing specific days and specific times for the use of the FACILITY at least ten (10) days prior to the date of requested use. Requests shall be faxed to the Miramar Training Center at (858) 576-6837 or other telephone numbers that may be provided by the COUNTY who will then dispatch a written confirmation of the reservation. It is understood that other parties contracting with the COUNTY may have a similar use of the FACILITY and reasonable accommodation of all such parties is the desired objective.

LIMITATIONS:

1. The use of FACILITY is subject to the understanding that the FACILITY is reserved only if not in use by the COUNTY or other similar parties contracting with the COUNTY.
2. COUNTY reserves the right to close the FACILITY during times of emergency or when needed by the Sheriff's Department for its activities.
3. COUNTY reserves the right to use FACILITY at all times, and may terminate use of the FACILITY by written notice to LICENSEE's designated representative listed below:

Name: Chief of Police

Address: 900 Otay Lakes Road, Chula Vista, CA 91910

Telephone Number 619 482-6380

Should the information change during the term of this License, LICENSEE shall so notify COUNTY in writing within five (5) working days.

4. The use of the FACILITY is subject to the understanding that the FACILITY is made available on an "as is" basis.
5. LICENSEE shall maintain the FACILITY in a safe operative condition while in use by the LICENSEE and will conduct adequate periodic inspections to that end.
6. All range firing will be under direct supervision of Range Safety Officers who have completed a POST approved firearms instructor certification course or equivalent. A copy of all Range Officers' certifications must be on file with the COUNTY prior to the use of the firing range. LICENSEE shall comply with the requirements stated in Exhibit "A" entitled "Facility Use Rules".
7. Utilities (water and electricity) that are available without alteration or modification by COUNTY will be supplied without charges and the repair and maintenance of same will be the responsibility of COUNTY.
8. Any improvements installed or provided by LICENSEE shall be submitted to the COUNTY in writing and are to be approved by the COUNTY prior to installation period. Fixtures shall remain following termination or expiration of this License.

9. COUNTY, or its duly authorized representatives or agents may enter upon said FACILITY at any and all reasonable times during the term of this License for the purpose of determining whether the LICENSEE is complying with the terms and conditions hereof, or for any other purpose incidental to the rights of the COUNTY.
10. INDEMNIFICATION/HOLD HARMLESS: Federal law prohibits LICENSEE from promising to indemnify COUNTY to such an extent that LICENSEE's liability would be indefinite, indeterminate, or potentially unlimited (See 31 U.S.C. §665 and 41 U.S.C. §11.) Under the Federal Tort Claims Act, however, the Federal Government is liable for the negligent or wrongful acts of its employees or agents.

(See 28 U.S.C. §§ 1346(B), 2671-2680.) LICENSEE agrees to process and pay all claims arising out of this License, to the full extent authorized under the Federal Tort Claims Act and any other applicable Federal law, rule, or regulation.

11. INSURANCE/SELF INSURANCE: LICENSEE is to be fully self-insured for damage resulting from liability of LICENSEE or any LICENSEE's employees. In the event LICENSEE should cease to be self-insured during the term of this License, LICENSEE shall furnish to COUNTY proof of insurance in form and amounts satisfactory to COUNTY. The COUNTY's requirements shall be reasonable, but shall be designated to insure protection from risks that exist at the time a change in insurance is required.

CONFORMITY WITH LAW AND SAFETY:

1. LICENSEE shall observe and comply with all applicable laws, ordinances, codes and regulations of governmental agencies, including federal, state, municipal and local governing bodies, having jurisdiction over hereof, including all provisions of the Occupational Safety and Health Act of 1979 and all amendments thereto, and all applicable federal, state, municipal and local safety regulations including "Range Safety Officer Qualifications" and "Range Safety Policy" attached herein respectively as Exhibits "B" and "C".
2. ACCIDENTS: If a death, serious personal injury or substantial property damage occurs in connection with the performance of this License, LICENSEE shall immediately notify the Sheriff's Communication Center at (858) 565-5025. LICENSEE shall promptly submit to COUNTY a written report, in such form as may be required by COUNTY of all accidents that occur in connection with this License. The report must include the following information: (1) name and address of the injured or deceased person(s); (2) name and address of LICENSEE's liability insurance carrier; (3) a detailed description of the accident and whether any of COUNTY's equipment, tools, material or staff was involved.

3. COUNTY PROPERTY: LICENSEE shall promptly pay for or restore any damage to COUNTY property caused by LICENSEE and arising out of the performance of the License, upon receipt of a written notice or invoice. LICENSEE shall not use LEASED COUNTY FACILITY, premises, property (including equipment, instruments and supplies) or personnel for any purpose other than in the performance of his/her obligations under this License.
4. DRUG-FREE WORKPLACE: LICENSEE and LICENSEE's employees shall comply with county's policy of maintaining a drug-free workplace. Neither LICENSEE nor LICENSEE's employees shall unlawfully manufacture, distribute, dispense, possess or use controlled substances, as defined in 21 U.S. Code Section 812, including marijuana, heroin, cocaine and amphetamines at any COUNTY facility, including the training facilities.

If LICENSEE or any employee of LICENSEE is convicted or pleads nolo contendere to a criminal drug statute violation occurring at a COUNTY facility or work site, the LICENSEE, within five (5) days thereafter, shall notify the Sheriff. Violation of this provision shall constitute a material breach of this License.

5. NON-DISCRIMINATION: LICENSEE: assures that it will comply with Title VII of the Civil Rights Act of 1964, the Civil Rights Act of 1990, the Americans With Disabilities Act of 1990, and that no person shall, on the grounds of race, creed, color, disability, sex, national origin, age, religion, sexual orientation, Vietnam Era veteran status, political affiliation or any other non-merit factor to be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination under this License.
6. ASSIGNMENT OF LICENSE: Nothing contained in this License shall be construed to permit assignment or transfer by LICENSEE of any rights under this License and such assignment or transfer is expressly prohibited and void.
7. WORKERS' COMPENSATION: LICENSEE shall provide Workers' Compensation insurance at LICENSEE's own cost and expense and further, neither the LICENSEE nor its carrier shall be entitled to recover any costs, settlements or expenses of Workers' Compensation claims arising out this License.
8. FEE SCHEDULE: LICENSEE agrees to pay to COUNTY range use fees according to the Fee Schedule attached as Exhibit "D". COUNTY reserves the right to periodically revise the Fee Schedule rates. COUNTY agrees to provide ninety (90) days written notice to LICENSEE of any change to the Fee Schedule.

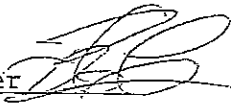
9. ENTIRE AGREEMENT: This License constitutes the complete expression of the agreement between COUNTY and LICENSEE, and there are no other promises, representations, agreements or warranties, except as set forth herein. There shall be no alteration, change or amendment to this License, except in writing executed by the parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused this License to be executed by their duly authorized agents effective the date first written above.

Term of this agreement shall commence July 1, 2011 and shall terminate June 30, 2021.

LICENSEE

COUNTY OF SAN DIEGO

By: Brent Chartier 

By: _____

Title: Chief of Police

Title: _____

Date: June 9, 2011

Date: _____

Denise Whittaker
Interim Superintendent/President

Originator: Brent Chartier, Chief of Police
Account No.: 1-45227-695100-334

Approved as to form by the office of the
Purchasing, Contracting & Central Services
Director
Approval No.: 43296.11
Date: 6/11/11

EXHIBIT A

FACILITY USE RULES

Utilization of the Miramar Training Center is limited to structured (group) training events. The entry gate on Kearny Villa Road is manned by USMC personnel who may require identification for entry. No cell phone usage is allowed while driving on base. The use and protocol will be as follows:

Structured Training Events

To reserve a firearms range or use of the Training Facility for a structured training event, the requesting agency must:

1. Contact the Center's scheduling office to check availability (858) 565-3077.
2. Submit a FAX on departmental letterhead (858-576-6837) two weeks prior to requested date. The written request must include the following information:
 - a) Name of the Range Safety Officer who will oversee the training.
 - b) Identification of which Range/Facility is being requested.
 - c) Date and time of requested use and number of trainees.
 - d) Synopsis of the course of fire or nature of training or event being conducted.
 - e) Types of firearms and ammunition to be used.
3. The Range Safety Officer who will oversee the training shall meet the qualifications listed herein (see Range Safety Officer Qualifications).
4. The Range Safety Officer shall conduct a pre-use inspection of the training facility. Any maintenance discrepancy should be brought to the attention of the Center's Staff prior to use.
5. The Range Safety Officer and the employing agency are solely responsible for any damage caused during use.
6. The Range Safety Officer, at the conclusion of training, shall sign out at the Center's range office. Any damage or injuries shall be reported prior to leaving the Center.
7. Any proposed use of canine facility will require prior approval from Sheriff's Canine Sergeant. Call Emergency Services Division at (619) 956-4900.

EXHIBIT B

RANGE SAFETY OFFICER QUALIFICATIONS

Any agency or entity wishing to schedule the use of a range at the Miramar Training Center for a structured training activity must:

1. Be a law enforcement agency, military entity or law enforcement academy authorized to use the Center.
2. Have a Range Safety Officer who has completed a POST approved firearms instructor certification course or equivalent.
3. Submit a letter indicating which certification course was attended and the date.
4. Have the Range Safety Officer attend an annual update course or review an updated Miramar Training Center Policy as dictated by the Sheriff's Range Master.

EXHIBIT C

RANGE SAFETY POLICY

It is the responsibility of the San Diego County Sheriff's Range Master, the Center Staff and the Range Safety Officer to ensure there is a safe training environment by enforcing and obeying the following safety guidelines:

General Safety Rules:

1. Safety is everyone's responsibility.
2. Authorization to use the range facility is restricted to law enforcement, military personnel and law enforcement academy students only.
3. Signing in and out at the Center's Range Office is mandatory.
4. No person under the age of 18 will be allowed on the facility without prior authorization of the facility staff.
5. Any person displaying symptoms of intoxication will not be allowed on the site. Any person using prescription drugs must report this to the Range Safety Officer or Center staff prior to using the range. If the individual's sobriety or ability to operate weapons safely is questionable, the Center staff will reserve the right to deny access to the range. The individual will be released to a competent guardian and shall leave the property.
6. Smoking is not allowed in any building or training area.
7. SDSD individuals using the range for open shooting are restricted to a 90-minute use period when other personnel are waiting to use the facility.
8. Aiming, discharging and all loading and unloading of weapons must be done on the firing line (not in the parking area or any other area of the facility), with the firearm pointed in a safe direction (down range).
9. Automatic firearms will be fired only during supervised training and ONLY AFTER OBTAINING PRIOR PERMISSION AND NOTIFYING RANGE STAFF BEFORE THE SHOOTING COMMENCES.
10. Use of eye and ear protection is required of all personnel while shooting is in progress.
11. All the brass and trash will be cleared from the range following use.
12. The Range Safety Officer and their employing agency are directly responsible for any damage incurred during the use of the range.

EXHIBIT C

RANGE SAFETY POLICY (CONT.)

13. All damage must be reported to the Range Office as soon as possible but prior to leaving the Center.
14. All injuries must be reported to the Range Office immediately. The response to medical emergencies WILL be in compliance with the Medical Response Procedures set forth in the Miramar Training Center Policy & Procedures Manual.
15. No ammunition is allowed in firearms cleaning areas.
16. No diversionary devices (flash bangs) are allowed on the facility, unless authorized in advance by Center staff.
17. No chemical agents may be used in other than designated areas.
18. No walking is allowed on any dirt impact area or protective berms at any time.
19. No dogs are allowed, unless they are enclosed/secured within a law enforcement vehicle. The dog will not leave the vehicle while at the Center. No "breaking" of a dog will be allowed on Center grounds.
20. All vehicles will be driven in a safe and reasonable manner not to exceed 25 miles per hour on the military base and 10 miles per hour on the Miramar Training Center property.

In addition to the general safety rules cited above, the following rules apply to the use of the ranges:

1. Shotgun shooting is allowed on all three ranges.
2. Rifle shooting is not allowed on the ranges.
3. Steel target systems are to be used only during supervised training and only after being approved by the facility staff. Firing only at an authorized target is allowed.
4. Vehicles may be brought onto ranges 6 and 7 for training purposes upon prior approval of the Facility Staff.
5. Use of eye and ear protection is mandatory for all personnel while shooting is in progress.
6. At no time shall a shooter fire at steel targets closer than 10-yards and the shooters must be as close to a 90-degree angle to the target as possible, to avoid damage and deflection.

EXHIBIT "D"

FEE SCHEDULE
MIRAMAR TRAINING CENTER
EFFECTIVE 1/1/2011

STRUCTURED TRAINING EVENTS

Firing Ranges, Training Venues & Classrooms	4 Hours	8 Hours
Range 5 (Combat, 25-Yard Range)	\$200	\$300
Range 6 (Drive on/Combat, 40-Yard Range)	\$200	\$300
Range 7 (Drive on/Combat 50-Yard Range)	\$200	\$300
Duffytown (rear firing range only)	\$200	\$300
Duffytown (w/o firing range)	\$200	\$300
Duffytown (with rear firing range)	\$200	\$300
Duffytown Classroom (Max. 45 Occupancy)	\$100	\$150
Classroom A (FATS)	N/A	N/A
Classroom B (Max. 42 Occupancy)	\$100	\$150
Classroom C (Max. 35 Occupancy)	\$100	\$150
Classroom D (Max. 35 Occupancy)	\$100	\$150
Classroom F (Mat Room)	\$100	\$150
Swat Obstacle Course	\$200	\$300
K-9 Training Center	\$200	\$300
Gas House (Chemical Agents Building)	\$200	\$300

ITEM #5 A1

VACANCIES ON THE GOVERNING BOARD

References: Education Code Sections 5090 et seq.;
Government Code Section 1770

Vacancies on the Governing Board may be caused by any of the events specified in Government Code Section 1770 or any applicable provision in the Elections Code, or by a failure to elect. Resignations from the Governing Board shall be governed by Education Code Section 5090.

Within sixty (60) days of the vacancy or filing of a deferred resignation, the Governing Board shall either:

- order an election; or
- make a provisional appointment to fill the vacancy.

1. Elections

If an election is ordered, it shall be held on the next regular election date not less than 130 days after the occurrence of the vacancy.

2. Provisional Appointments

If a provisional appointment is made, it shall be subject to the conditions in Education Code Section 5091. The person appointed to the position shall hold office only until the next regularly scheduled election for District Governing Board members, when the election shall be held to fill the vacancy for the remainder of the unexpired term.

The provisional appointment will be made by a majority public vote of the Governing Board members at a public meeting.

The Superintendent/President shall establish administrative procedures to solicit applications that assure ample publicity to and information for prospective candidates. The Governing Board will determine the schedule and appointment process, which may include interviews at a public meeting.

ITEM #5 A2

PROCEDURES FOR FILLING A GOVERNING BOARD MEMBER VACANCY
SOUTHWESTERN COMMUNITY COLLEGE DISTRICT

A governing board position becomes vacant on the occurrence of any of the events specified in Government Code § 1770.

Pursuant to Education Code § 5090 et seq., a school district or community college governing board shall, within 60 days of the vacancy or the filing of a deferred resignation with the County Superintendent of Schools, either order an election or make a provisional appointment to fill the vacancy. If the board takes no action within the 60-day period, the County Superintendent of Schools shall order an election to fill the vacancy.

An amended copy of the Statement of Facts, Roster of Public Agencies Filing must be filed with the Office of the Secretary of State and the Assessor/Recorder/County Clerk as notification of a vacant position on the board. Copies of the form and mailing information are enclosed for your use.

Election

If the board determines to order an election to fill the vacancy, it shall be held on the next established election date provided pursuant to Elections Code § 1000. Please contact Legal Services, San Diego County Office of Education, for additional information and to obtain a form of resolution for use by the Board in ordering the election.

Appointment

1. The board determines its own procedures for advertising the vacancy, interviewing candidates, and making a provisional appointment.
2. The board may not discuss or act upon the appointment in closed session.
3. The provisional appointment confers all powers and duties upon the appointee immediately following the appointment and the administration of the Oath of Office.
 - a. A member of a governing board of a school district, a district superintendent, or a principal of a school may administer the Oath of Office.
 - b. Mail the original, signed Oath of Office form to: San Diego County Clerk, Atten. Cyndee Rash. The yellow copy is retained by your governing board clerk. (The County Office does not require a copy.)

4. Within ten (10) days after the board appoints a person to fill the vacancy:
 - a. A notice of such appointment shall be posted in three (3) public places and shall be published once in a newspaper of general circulation published in the district. If there is no newspaper of general circulation published in the district, notice need not be published.

County Counsel has prepared the enclosed template of a Notice of Provisional Appointment for your use. Please send a copy of this notice to our office.
 - b. An amended copy of the Statement of Facts, Roster of Public Agencies Filing must be filed with the Office of the Secretary of State and the Assessor/Recorder/County Clerk. Copies of the form and mailing information are enclosed for your use.
5. Unless a petition calling for a special election is filed with the County Superintendent of Schools within thirty (30) days after the date of the provisional appointment, it shall become an effective appointment.
6. The appointee shall hold office until the regularly scheduled governing board member election on November 6, 2012; however, pursuant to Government Code § 1302, said appointee shall continue to discharge the duties of his or her office until a successor has qualified.

Petition

1. A petition shall be deemed to bear a sufficient number of signatures if signed by at least the number of registered voters of the district equal to one and one-half percent (1-1/2%) of the number of registered voters of the district at the time of the last regular election for governing board members, or 25 registered voters, whichever is greater.

However, in districts with registered voters of fewer than two thousand (2,000) persons, a petition shall be deemed to bear a sufficient number of signatures if signed by at least five percent (5%) of the number of registered voters of the district at the time of the last regular election for governing board members.
2. The last regular election was held on November 2, 2010, at which time the number of registered voters in the Southwestern Community College District was 183,418; therefore, the petition for a special election shall be signed by at least 2,752 registered voters.
3. Whenever a petition calling for a special election is circulated, the petition shall meet all the following requirements:
 - a. The petition shall contain the election official's estimate of the cost of conducting the special election.

- b. The name and residence address of at least one, but not more than five, of the proponents of the petition shall appear on the petition, each of which proponents shall be a registered voter of the school district or community college district, as applicable.
 - c. None of the text or other language of the petition shall appear in less than six-point type.
 - d. The petition shall be prepared and circulated in conformity with the requirements of Elections Code §§ 100, 104.
- 4. The petition shall be submitted to the County Superintendent of Schools, who shall have 30 days to verify the signatures. If the petition is determined to be legally sufficient, the provisional appointment is terminated, and the County Superintendent of Schools shall order a special election.
 - 5. If any of the requirements for the petition calling for a special election are not met, the County Superintendent of Schools shall not verify the signatures, nor shall any further action be taken with respect to the petition.
 - 6. The list of names on petitions shall not be used for any purpose other than qualification of the petition for the purpose of holding an election pursuant to this code section.
 - 7. The petition filed with the County Superintendent of Schools shall be subject to the restrictions in Government Code § 6253.5.

ITEM #5 A3

SOUTHWESTERN COMMUNITY COLLEGE DISTRICT
2011 GOVERNING BOARD VACANCY (SEAT NO. 3)

2012 ELECTION DATE

ESTIMATED ELECTION COST

Election Date ¹	Deadline for Order of Election	Estimated Cost
April 10, 2012	August 22, 2011 ²	*\$1.1M to 1.6M

1 Elections Code § 1000

2 Whenever... a resignation has been filed with the county superintendent of schools containing a deferred effective date, the school district or community college district governing board shall, within 60 days of ... the filing of the deferred resignation, either order an election or make a provisional appointment to fill the vacancy.
[Education Code § 5091(a)]

*Estimated cost provided by County of San Diego Registrar of Voters Fiscal/Accounting Section. Figure provided is a conservative estimate based on past election that is similar in scope; therefore, adjustment may be made accordingly for budgeting purposes.

Making an Appointment

Persons applying or nominated for the position must meet the legal qualifications for members of the board stated in the Constitution and other laws. They must be residents of the district (or area, if the district has trustee areas) (Education Code 72022).

The person appointed to the position shall hold office only until the next regularly scheduled election for district governing board members.

A provisional appointment confers all powers and duties of a governing board member upon the appointee immediately following his or her appointment.

The provisional appointment must be made by a majority public vote of the board members at a public meeting. Private ballots are not allowed.

Source:

"Appointing a New Trustee to the Board"

Author: Cindra J. Smith, Ed.D.

Published by Community College League of California

<http://www.ccleague.org/i4a/pages/index.cfm?pageID=3456>

ITEM #7 A

Recruiting and Informing Candidates

Every board would like a good pool of qualified applicants who support the work of the district and have the interests of the community in mind. Foundation boards, college advisory committees, and community leaders are excellent sources of potential candidates. In addition to the required public notice, activities to recruit include:

- Send announcements about the vacancy and information about the role of a trustee to people who might be or know of good potential board members.
- Solicit names of good potential candidates from current trustees, community leaders, and college organizations. Call or send those who are identified a letter with application information.
- People who indicate an interest should be encouraged to learn more about the position. See the sample letter to potential candidates and applicants (Attachment 2). The district office may provide or arrange:
 - Information about the board role and trustee responsibilities, including compensation (if any), conflicts of interest and disclosure requirements, and expectations.
 - Individual meetings with the CEO.
 - Candidate group meeting with the CEO and other staff.
 - Packets of information available from the League, including the brochure "Board Candidate Information" and selected chapters from the Trustee Handbook.
 - District information, including board meeting agendas and minutes, board ethics and operations, college catalogs and general reports, and summaries of long-range plans.

The recruitment process should be conducted in such a manner that reflects well on the college and the board. The primary contact should be the CEO or his/her designee in the district office. Trustees should maintain their neutrality and support for an open process.

Source:

"Appointing a New Trustee to the Board"

Author: Cindra J. Smith, Ed.D.

Published by Community College League of California

<http://www.ccleague.org/i4a/pages/Index.cfm?pageID=3456>

Attachment 2

Sample Letter to Interested Applicants

Districts should adapt the following sample to local practice.

Thank you for your interest in serving as an appointed member of the Board of Trustees of the _____ District. The appointee will serve until the next regularly scheduled election, which is [insert date].

We have enclosed a schedule that outlines the steps in the selection process. In order to be considered for appointment to the vacant position, all application materials must be received in the [insert office] no later than [insert time and date].

Application materials include the following: [list the appropriate materials, such as]

- A letter of interest addressed to the president of the Board of Trustees, [name]
- A resume, including community service and leadership
- A completed applicant questionnaire (enclosed)

These materials will be considered by members of the Board of Trustees in determining [who will be invited to be interviewed/makes presentations] at a public board meeting on [insert date]. Further information will be provided to those candidates about the board meeting and interview process.

The Board encourages you to review the enclosed materials that outline Governing Board responsibilities and expectations of trustees. [Enclose related board policies and ethic statements and/or relevant materials from the Community College League.]

In addition, you are encouraged to [schedule an appointment with the [CEO] and/or participate in an informational meeting for candidates] about the district, the appointment process, and governing board responsibilities. Information about the District can also be found at [insert web site].

Please contact _____ at _____ if you have any questions about the position or the selection process.

ITEM #7 B

Reviewing Candidates

The law is silent on how a board is to review candidates. However, a number of strategies have been used to review applications and select the candidate. Identifying strategies and reviewing applications may take place in an ad hoc board committee, which would then report to the board in a public meeting for final action, or the board may hold the discussion at a public meeting. Some strategies are:

- Each trustee receives and reviews applications and background materials about all candidates.
- Trustees may use rating sheets to rank the candidates or simply identify their top choices for the position using the criteria established by the board.
- The board determines whether to select a certain number of finalists for further consideration, or whether to interview or hear from all eligible applicants.

Selection of finalists occurs at a public meeting. A board committee may be used to recommend finalists, but the decision is made at a board meeting.

Selecting finalists may be based on the extent they meet the criteria for selection. One approach is that all trustees identify their top choices; those who are selected the greatest number of times become finalists for the position.

Further review of all candidates or the finalists may be done by inviting them to a) be interviewed by the board, b) make presentations to the board, and/or c) submit additional background materials for further board review.

Choosing a certain number of finalists to be interviewed may depend on whether there are a large number of applications and/or the amount of time the board has to conduct interviews or hear presentations. The board may choose to interview or hear presentations from all applicants who meet eligibility requirements. The latter choice ensures that all who are interested have full opportunity to speak to the board and reinforces that the appointment process is open to all.

A positive, public discussion of the candidates fosters a positive image and promotes good community relations. The board benefits by focusing on the strengths of the applicants rather than on the weaknesses of any one person)

Source:

“Appointing a New Trustee to the Board”

Author: Cindra J. Smith, Ed.D.

Published by Community College League of California

<http://www.ccleague.org/i4a/pages/Index.cfm?pageID=3456>

ITEM #7 C

Criteria

The board determines the criteria used to select the appointee. A board ad hoc committee may be used to develop and propose criteria to the entire board, or the discussion may take place in the board as a whole.

The selection criteria may be used to help trustees review applications to choose their top candidates, select a number of finalists to be interviewed, and decide who to appoint.

Possible criteria are:

- Interest in and commitment to service to the community;
- Interest in and commitment to public education and student learning;
- Knowledge about and commitment to the role and mission of community colleges in the communities they serve and in the context of all higher education;
- Willingness and ability to represent those who live in the service area; mindful of the perspectives of diverse constituencies;
- Willingness to advocate the district and its interests to the community and state;
- Knowledge and background related to the issues considered by the board (e.g. community needs, funding, education, district operations);
- Ability to work as a member of a public governing board; understands that the board, not the individual trustees, has authority;
- Ability to articulately express perspectives and respect the perspectives of others;
- Willingness to work cooperatively with others and in partnership with the CEO;
- Time and energy necessary to fulfill the responsibilities of being a trustee;
- Willingness and time to engage in ongoing professional development;
- Commitment to fulfill the ethical and legal responsibilities of trusteeship, unencumbered by private agendas; and/or
- Qualities, background, and stature that will enhance the standing of the district in the community.

Source:

"Appointing a New Trustee to the Board"

Author: Cindra J. Smith, Ed.D.

Published by Community College League of California

<http://www.ccleague.org/i4a/pages/Index.cfm?pageID=3456>

ITEM #7 D

Southwestern Community College District

Application for Governing Board Appointment*

THIS APPLICATION IS A PUBLIC RECORD

The appointee will hold office until the next governing board member election, which occurs at the next Statewide General Election on November 6, 2012. [EC § 5091(e)]

QUALIFICATIONS:

Applicant must be a registered voter and a resident of the Sample School District. An employee of a school district may not be sworn into office as an elected or appointed member of that school district's governing board unless and until he or she resigns as an employee. [EC § 35107]

Certification of qualifications on page 5 must be signed by the applicant.

APPLICATION DEADLINE:

This application must be received no later than **July 27, 2011 at 4:00 p.m.** Applications may be mailed, faxed, scanned and emailed, or hand-delivered to:

Denise Whittaker Interim Superintendent/President and Secretary to the Board
Southwestern Community College District
Office of the Superintendent/President
900 Otay Lakes Road
Chula Vista, CA 91910
Phone: 619.482.6301
Fax: 619.421.0346
Email: president@swccd.edu

(Please type or print):

Name _____

Address _____

Telephone No. Home () _____ Business () _____

Years of Residence in the Southwestern Community College District _____

*This application was approved by the Southwestern Community College District Governing Board on _____.

**Southwestern Community College District
Application for Governing Board Member Appointment**

QUALIFICATIONS:

1. Describe your educational, work and/or public service background.
2. Why do you wish to serve on the Board? What do you hope to accomplish?
3. What skills, abilities, and experience would you bring to the Board to assist in carrying out its responsibilities?
4. List your involvement in activities that demonstrate your understanding and support for public education, such as membership on committees/organizations, offices held, volunteer work, and community service.
5. List, in order of importance, the major issues confronting education and community colleges, specifically, the Southwestern Community College District.
6. Explain the mission of the Southwestern Community College District.

CERTIFICATION OF QUALIFICATIONS:

☐ I understand that upon appointment I would be required to file a Conflict of Interest Statement and take an Oath of Office.

☐ I certify I am not disqualified to hold this office because of a conviction of any of the crimes on the attached list and further certify I am not otherwise disqualified under the California Constitution or statutes from holding public office.

☐ I certify I am a registered voter and that I reside within the Southwestern Community College District. I attest the foregoing information is true to the best of my knowledge.

Signature of Applicant

Date

☐ I understand that this application is a public document and will be posted on the Southwestern Community College District web site.

Information contained on this application may be subject to verification.

The following is a list of crimes, conviction of which precludes a person from holding public office in the State of California. Conviction of these crimes renders a person "forever disqualified from holding any office in this state."

- *Bribing executive officer (Penal Code § 67)*
- *Officer asking or receiving bribes (Penal Code §§ 68, 88)*
- *Receiving gratuity for appointment to office (Penal Code § 74)*
- *Judicial Officer who has asked for or received emoluments, gratuities, rewards, or the fee of a stenographer (Penal Code § 94)*
- *Giving or offering bribe to Councilman or Supervisor (Penal Code § 165)*
- *Misappropriation of public funds (Penal Code § 424)*
- *Interference with work or discipline of, or giving certain articles to prisoners (Penal Code § 2772)*
- *Interference with or giving certain articles to convicts (Penal Code § 2790)*
- *Officer making contracts in which he or she is interested (Government Code § 1097)*
- *Members of the Legislature convicted of any crime (Government Code § 9055)*
- *Corrupting the voting process (Election Code § 18501)*

Please note that in addition to the above restrictions, Government Code § 1126 prohibits any local agency official from engaging

"in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to his or her duties as a local agency officer or employee or with the duties, functions, or responsibilities of his or her appointing power or the agency by which he or she is employed."

Attachment 3
Sample Application Form

Name _____
Home Address _____
City, State, Zip _____
Phone: Home _____ Business _____
E-mail address _____
Occupation _____
Company _____
Business Address _____
City, State, Zip _____

Please complete the following or attach a current resume.

Education (List degrees or highest year completed and the college or school.)

Employment History (last 10 years)

Public and Community Service

(Check if applicable) I am related to a current employee of the district. If yes, name of employee and your relationship _____

I understand that I may not be an employee of the district and serve as a member of the board.

I certify that I meet all eligibility requirements. (Note: To be eligible, an individual must be at least 18 years old; must be a resident [of the district/of the area]; must be a registered voter, and must not be disqualified from holding civil office by the Constitution or any law of the state.)

Signature:

Date:

[Insert deadline time and date and addresses for turning in the application form.]

Source:

"Appointing a New Trustee to the Board"

Author: Cindra J. Smith, Ed.D.

Published by Community College League of California

<http://www.ccleague.org/i4a/pages/Index.cfm?pageID=3456>

Attachment 4
Sample Written Application Questions

Please state why you are seeking appointment to the _____ Board of Trustees.

What skills and abilities would you bring to the work of the board of trustees?

Please describe your experience in serving on boards, commissions or appointed or elected positions. Please list the dates and how these experiences would contribute to your service on the board.

Describe other community involvement and experience that would contribute to the work of the board and the community college?

Please give an example of how you have handled being part of a voting body when you have had a different point of view or position than the majority of the board members.

What is your approach to working with a team of people in achieving policy level goals?

What do you hope to accomplish by serving as a trustee?

Applicants may attach supporting materials and letters of reference. However, the maximum amount of materials that may be submitted is [10] pages.

Source:
"Appointing a New Trustee to the Board"
Author: Cindra J. Smith, Ed.D.
Published by Community College League of California
<http://www.ccleague.org/i4a/pages/index.cfm?pageID=3456>

Interviewing and/or Hearing from Candidates

It is optional to interview or hear presentations from candidates, but most boards decide to do so to learn more about the candidates and ensure the process is open. Interviews or presentations must take place in a public, properly noticed meeting.

Candidates may be invited to make a short presentation to the board (3-5 minutes) on why they should be appointed to the board. Candidates may also be interviewed after or instead of the presentation. Suggestions for the interview process include:

- Conduct interviews in the same manner for all candidates.
- Provide the questions to candidates prior to the interviews to ensure that all have the same time to prepare.
- Determine the order in which candidates are interviewed (or make presentations) by lot, alphabetical order, or some other neutral method.
- Vary the order in which candidates respond to questions; e.g. ask a question and ask each candidate to respond. Then ask the next question and vary the order in which candidates respond.
- The board president may ask all questions, or board members may take turns asking questions. It is wise to set time limits for candidate responses.

Source:

"Appointing a New Trustee to the Board"

Author: Cindra J. Smith, Ed.D.

Published by Community College League of California

<http://www.ccleague.org/i4a/pages/Index.cfm?pageID=3456>

ITEM #7 F

**July 5, 2011 Special Governing Board Meeting
SOUTHWESTERN COMMUNITY COLLEGE DISTRICT
TIMELINE FOR GOVERNING BOARD APPOINTMENT**

June 23 – June 30	• Prepare Board Agenda Action Items ○ Replacement option: public election vs GB appointment ○ Determine whether or not to delegate GB members or GB President to work with S/P to develop required materials (application, web, etc.) • Prepare Sample Voting Materials • Prepare Sample Appointment Materials ○ Draft Application Form ○ Timeline Options ○ Application Review and Interview Calendar Options
June 30	Agenda distribution and posting • Board action item: Approve method of filling governing board vacancy • Backup items: proposed timeline, application, and/or voting procedures
July 5	Special Board Meeting • Vote to make appointment or call election to fill vacancy ○ If appointment: Approval of timeline, application, and voting procedures (<i>some or all of these items</i>) OR direct Board President and Superintendent to handle some or all of these responsibilities ○ Direct Board and/or Board Members and President and Superintendent to develop confidential interview questions • Vote to call election to fill vacancy ○ Follow County Board of Education guidelines
July 6	• IF APPOINTMENT: ○ Application packet (application form and timeline) available to the public online (insert URL) or for pick-up at Southwestern Community College District office at: (Location) ○ Press release announcing vacancy and describing process to apply • Newspaper(s)—check press deadlines in advance • Web • Posting of press release or announcement at: (Locations) • Other physical or electronic means of distributing announcement and soliciting applications (e.g., a listserve) • IF Election: ○ Begin election process with County ○ Adopt Resolution to call for election
July 13	Regular Meeting of Governing Board

July 27	Deadline at 4:00 p.m. for receipt of applications via mail, fax, scanned and emailed, or hand-delivery to District Office • Contact Registrar of Voters to confirm candidates are registered voters in the district • Notify candidates of time and location of August ____ Board meetings as needed
August TBD	Agenda distribution and posting for August 2 Special Board meeting
August	Special Board Meeting to identify applicants for interview
August	Agenda distribution and posting for August _____ Special Board meetings
August TBD	Special Board Meeting • Public comment on agenda item (input from public) • Applicant interviews and clarifying questions by Board members (opt.) • Voting on appointment* • Administration of Oath of Office and seating of appointee

*Majority vote required

DRAFT

ITEM #7 G

Publicity about the Appointment

Education Code 5092 requires that there be publicity about the vacancy that includes posting a notice of the vacancy in three public places in the district and publishing a notice in a newspaper of general circulation. Government Code 6061 states that publication shall be for one time. The posted notice of vacancy should include instructions on how to apply for or nominate someone to be a candidate for appointment.

The Board may wish additional publicity. The required notices may include additional details or encourage interested people to call for more information about the college, board roles, and trustee responsibilities. The announcement and further information may be sent to local news media, placed on the college's website, and distributed to community leaders.

The need to appoint a trustee is an opportunity to educate the community about the governing board. The announcement, press release, or other information therefore might include what is expected of board members in fulfilling their jobs and how boards contribute to effective colleges (See Attachment 1 for sample language).

Source:

"Appointing a New Trustee to the Board"

Author: Cindra J. Smith, Ed.D.

Published by Community College League of California

<http://www.ccleague.org/i4a/pages/Index.cfm?pageID=3456>

Attachment 1

Sample Recruitment Publicity

The following information may be adapted for press releases, letters to the editor, and letters to community leaders soliciting applications or names of potential candidates.

The _____ District is soliciting applications to serve as an appointed member of the Board of Trustees until the next regularly scheduled election for governing board members, which is [date].

The Board is responsible for the performance of the [names of colleges], which serve [insert number] students and provide vital educational services to the communities in the region.

The board is seeking candidates who have the ability and time to fulfill the responsibilities of being a member of the board, which include:

- Participate fully in the work of the board, which includes attending all board meetings and key college events, studying and discussing policy issues, and participating in trustee education programs.
- Be knowledgeable about the communities served by the college and be willing to act on behalf and for the benefit of those communities.
- Be committed to community colleges and their missions; understand educational, social, and economic policy issues.
- Engage in balancing the needs of many diverse groups; be able to contribute to and build consensus.
- Contribute to effective board functioning and support the authority of the board as a whole.

The Board of Trustees meets [insert meeting days and times].

Please contact the [Superintendent or Chancellor] to indicate an interest or suggest possible candidates for the position. Further information and application materials are available from that office [provide location and contact information].

Applications are due no later than [date]. The board will interview candidates on [date] and make the provisional appointment on [date].

ITEM #8

SOUTHWESTERN COMMUNITY COLLEGE DISTRICT

RESOLUTION NO. ____

Resolution Calling Election to Fill Vacancy on Governing Board

On motion of Member _____, seconded by Member _____, the following resolution is hereby adopted:

WHEREAS, a vacancy occurred on the Governing Board of the Southwestern Community College District on June 22, 2011; and

WHEREAS, pursuant to Education Code section 5091, this Board has determined to call an election to fill the vacancy; and

NOW THEREFORE IT IS HEREBY RESOLVED AND ORDERED that an election shall be held in the Southwestern Community College District on April 10, 2012, for the purpose of electing a member of the Governing Board of the Southwestern Community College District, who shall serve for the remainder of the unexpired term in which the vacancy has occurred, which said term expires December 7, 2012.

IT IS FURTHER RESOLVED that, although this Board has received information from the office of the County Registrar of Voters that no other election has been ordered for this date, the Board hereby requests that the San Diego County Registrar of Voters notify the Southwestern Community College District if another election is ordered with which the election to fill the vacancy on this Board could be consolidated. Upon such notification, if any, the District will request such consolidation.

IT IS FURTHER RESOLVED AND ORDERED that the Clerk of this Board shall forthwith file a certified copy of this resolution with the County Superintendent of Schools of the County of San Diego on or before August 22, 2011.

PASSED AND ADOPTED by the Governing Board of the Southwestern Community College District of San Diego County, California, this _____ day of _____.

AYES:

NOES:

ABSENT:

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN DIEGO

I, _____, Clerk/Secretary to the Governing Board of the Southwestern Community College District of San Diego County, California, do hereby certify that the foregoing is a true copy of a resolution adopted by said Board at a _____ meeting thereof held at its regular place of meeting at the time and by the vote stated above, which resolution is on file in the office of said Board; and that the matter of adopting this resolution duly appeared on the agenda of said Board, as required by law.

DATED: _____

Clerk/Secretary