

MINUTES
YOSEMITE COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES
FOUR HUNDRED SIXTIETH REGULAR MEETING
JUNE 3, 2003

Board Chair Paul Neumann called the meeting to order at 3:30 p.m. in YCCD Conference Room B. The meeting then recessed to closed session for the purpose of discussions pursuant to G. C. Section 54957 - Public Employee Discipline/Dismissal/Release; G. C. Section Pursuant to G. C. 54956.9 - Anticipated Litigation; and G. C. 54957.6 - Collective Bargaining.

At 5:30 p.m. the Board of Trustees reconvened to open session in YCCD Board Room.

The Pledge of Allegiance to the Flag preceded formal Board action.

Trustees Present Anne DeMartini
 Linda Flores
 Tom Hallinan
 Paul Neumann
 Delsie Schrimp
 Nicole Jansen (student trustee) *left the meeting at 7:50 p.m.*

Trustees Absent Abe Rojas

Others Present B. Au, M. Baker, M. Beranal, A. Bethel, G. Brovant, L. Butterfield, D. Campbell, A. Clark, D. Clark, K. Clark, J. Codoni, S. Conner, P. Dean, T. Drummond, R. Faughn, P. Fisher, S. Gallardo, O. Gomez, R. Hickman, L. Hoile, D. Jamison, K. Jeffery, L. Kubeck, N. Langley, C. Lovitt, T. Lyle, L. Martin, L. Mayhew, W. McLeod, C. McKenzie, S. McKoy, M. Medina, E. Medrano, L. Menge, V. Metcalf, L. Miller, C. Mize, M. A. Newnam, L. Norman, C. Oliva, M. Ott, A. G. Paffendorf, B. Page, W. Page, R. Peralta, M. Perez-Sesser, I. Pippin, K. Plaza, K. Ramos, K. Ratto, M.G. Redding, G. Retamoza, M. Rice, M. Richardson, J. Riggs, C. Rodriguez, L. Sammis, C. Sampson, Y. Schemper, T. Scott, B. Scroggins, N. Stavrianoudakis, S. Stretch, S. Stroud, J. Swank, R. Swank, E. Vaca, J. Walker, P. Wallace, J. White, J. Williams, B. Wolf, D. Yamal, E. Osnaya (recorder)

14,688
Moment of Silence This meeting began on a sad note. Chair Neumann acknowledged that Trustee Joseph Mitchell, Trustee for Area One, died in a traffic accident on May 16, 2003. Mr. Neumann stated that several trustees and staff had attended his memorial service two weeks ago. He asked for a moment of silence in memory of Mr. Mitchell. Trustees remembered him and shared how he touched their lives.

Ms. Schrimp talked about Mr. Mitchell's passion for his role as trustee and for community colleges.

Mr. Hallinan stated that attending Mr. Mitchell's memorial services reaffirmed that he was a "prince of a guy" who will be sorely missed.

Ms. Flores described him as “un hombre muy hermoso” a wonderful man who brought something special to the Board and someone she will miss very much.

Mrs. Anne DeMartini referred to Mr. Mitchell as an intelligent man who cared very much for Columbia College and enjoyed representing the college. She added that he offered much at the meetings, was insightful and will be missed.

Chancellor Fisher described him as a strong supporter of community colleges, a wonderful human being whose sense of humor she appreciated. She and Mr. Mitchell often shared their stories about reporting to a Board. Dr. Fisher said she was impressed to see how much Mr. Mitchell’s experience as a medic in Vietnam meant to him. He was a devoted family man. One of Mr. Mitchell’s last comments to Dr. Fisher was about his concern with his long commute because it was hard on his family. The Chancellor reported that she had just talked with Mrs. Mitchell who expressed her appreciation of the many people from YCCD that had attended the memorial service and had sent cards or letters. Dr. Fisher added that a scholarship in Mr. Mitchell’s name had been set up at Columbia College.

Chair Neumann said Mr. Mitchell was a remarkable trustee, and regardless of his work schedule, he attended many college events that were important to him. He was not just a Columbia trustee, but also a trustee of the District.

14,689
Outgoing Student
Trustee

As Ms. Jansen’s term as student trustee ends, trustees commended her for her dedication. Chair Neumann presented her with a plaque as a token of appreciation from the Board. Ms. Jansen’s future plans are to study at MJC one more year and then transfer to UC Davis.

14,690
Approval of the
Minutes

A motion was made by Trustee Schrimp, seconded by Trustee Flores, that the Board of Trustees approve the minutes of the regular meeting of May 6, 2003.

Trustee DeMartini asked that on page 13 of 16 of the May 6 minutes, the motion regarding the Reduction in Force reflect who voted aye and no. The stenographer will correct the May 6 minutes to reflect, “The motion carried with a vote of 4 ayes (DeMartini, Mitchell, Neumann, Schrimp) and 1 no (Rojas).

The motion to approve the minutes as amended carried with a vote of 5-0.

14,691
Personnel Item #7
Reduction in Force –
Classified

Chair Neumann chose to address this item out of agenda order due to staff interest and the several requests from members of the audience to speak.

Chancellor Fisher reported that the Child Development Training Consortium (CDTC) is a District administered program funded through a contractual arrangement with the State Department of Education.

The CDTC employs ten (10) classified and three (3) administrative staff. The CDTC contract expires July 31, 2003. Although contract renewal for 2003-04 is anticipated, confirmation of this decision remains uncertain. In light of the District's legal obligation to provide classified staff with at least 30 days notice of reduction in force, it is necessary to proceed with the notification process in June with an effective date of July 31, 2003. If the Board of Trustees does not take this action, and the contract is not renewed, the cost of the additional month (\$55,000) would have to be covered by YCCD. If the contract is renewed, this Resolution will not be implemented.

Jeff Swank, CSEA President – Chapter 420, said he wanted to correct some misperceptions before trustees made their decision tonight. He said that last month the Chancellor stated that the list of nine layoffs could have been much longer. He added that with the ten additional layoffs being considered this evening, the layoff list may be much longer by fall. Mr. Swank also said that trustees pointed out that since classified staff are the largest employee group, that is where the cuts should be made. However, he said classified salaries and benefits represent less than one fifth of the district's annual operating budget, while certificated and administrative staff's salaries and benefits account for more than 65% of the district's annual budget. Mr. Swank referenced an e-mail that had been sent by the Director of Human Resources to CDTC employees. He said the message was very upsetting to staff in that it indicated they were being laid off and wished them well in their search for employment. Mr. Swank said this message also appears to indicate that the administration is ignoring the Board's authority and responsibility to make all decisions regarding reductions in force. Mr. Swank stated that the Board is being asked to layoff ten more due to lack of funds, although federal dollars for this program will be awarded as soon as the state budget is signed. He asked the district to be concerned about the cost associated with these layoffs and their impact on MJC staff, as seven of the ten individuals can bump employees in other departments. Mr. Swank urged trustees not to approve the recommendation.

Child Development Training Consortium (CDTC) employees Gail Brovant (Program Representative III), Cindy Lovitt (Permit Processing Technician III), Linda Menge (Program Representative II), and Ofelia Gomez (Permit Processing Technician III), described in great detail the programs and services provided by the Consortium. They said layoffs will not only affect the 10 CDTC employees but also other district staff and students. The lack of bilingual assistance for teaching credentialing provided by the CDTC will affect a large section of our community. Student Amanda Obando said that without the CDTC assistance programs, low-income students like herself would not be able to continue their education. The CDTC staff pointed out that it was not unusual for the contract between YCCD and the State Department of Education not to be in place at the beginning of the fiscal year (August 1) and no one had ever been laid off. Staff said that halting the program for even a small period of time would have a negative impact on the workflow and students and it would be difficult and costly to re-start the program. They all urged trustees to continue the program.

Margie Perez-Sesser, MJC Child Development Professor, said that the CDTC provides assistance to childcare students through the book loan program and other financial assistance. She also said that it is prestigious to have the Consortium located in our district.

Bob Johnson, CSEA representative, shared with trustees the letter of intent from the Department of Education Child Development Division to Chancellor Fisher. Mr. Johnson pointed out that the letter stated that \$3,700,749 would be allocated to fund and to continue program activities for the 2003-04 fiscal year, and that the federal funds have been awarded to the state and will become available upon the Governor signing the budget. Mr. Johnson said the language is clear that the money is waiting to be released once the Governor signs the budget.

Sandy Bucknell, retired child development professor, stated that the CDTC would not be at MJC if it had not been for the MJC Child Development staff. The CDTC brings the district strength that is unmatched and is coveted by other colleges. Ms. Bucknell said she could not conceive the Board of Trustees following through with the recommendation.

Donna Jamison, MJC classified staff member, talked about some comments made by the Board prior to their vote to layoff at their May meeting. She said the Board had indicated that if the May Revision of the Governor's budget presented a more positive picture, that they would take another look at layoffs. She said classified staff did not expect that to mean additional layoffs. She referenced the comment made by Trustee DeMartini regarding classified employees being the largest district employee group. While Ms. Jamison agreed with the comment, she repeated Mr. Swank's earlier statement that classified staff receive only one fifth of the funds allocated for salaries. She said it is not fair or equitable for classified staff to shoulder more than their share of the shortfall. She also said that the comment that ten administrators were laid off is a bit stretched. She said the number is more like six. She concluded by saying that part of leadership is leading by example not by "passing the buck" on to those who can least afford the loss. She asked the Board of Trustees not to follow through on the recommendation which would further reduce the number of classified staff.

Dr. Fisher stated that she personally was involved with the initial grant for the CDTC and reaffirmed that there is no question that the grant is important and that it provides important services. She clarified that the program is overseen by Central Services because MJC recommended ending the program a few years ago. Dr. Ben Tom, Vice Chancellor for Educational Services, made the commitment to be the overall administrator. This was done with the understanding that the cost would be covered by the grant. The Chancellor said the issue now is that we are operating a state funded grant that serves other colleges and whether YCCD can or should underwrite those costs. At a time when layoffs are occurring, the District cannot afford to run a project that benefits 94 other colleges. The Chancellor said she is cautiously

optimistic that it will not be necessary to implement the RIF action should the Board approve the recommendation. The issue is whether a letter of intent is a contract or not and can we trust the state government during this critical budget year. The Chancellor and Vice Chancellor Scott clarified that the letter they received is not a contract and that they have been informed that the contract would not be signed until the budget was signed by the Governor. The Chancellor further stated that she and Linda Butterfield, Director of the CDTC, had asked the Department of Education for some flexibility with the current contract. They proposed that the Department of Education extend the contract for one more month and avoid a break a service, since there is still money from that contract. That request was denied. The Chancellor stated that they have not given up yet and will continue efforts to find a resolution to avoid layoffs. She cautioned the Board that failure to pass the recommendation would mean the District is risking more than \$110,000 as it would take two months for the Board to change its decision and allow the 30-day notice if that became necessary.

Dr. Stephen Stroud, Faculty Consultant to the Board, said he appreciated the complexity of this issue. However, he felt that just as YCCD letters of intent (i.e., offers of employment) are honored, the district ought to honor the strong letter from the Department of Education.

Trustee DeMartini asked if the seniority status of those laid off would be affected when they are rehired. Mr. Peralta informed her that classified staff retain their seniority when reinstated.

Trustee Hallinan asked about the e-mail that Jeff Swank referenced earlier. Mr. Swank said that an e-mail had been sent by Ms. Venesse Metcalf, Human Resources Director, to all the CDTC employees as well as some of the employees laid off last month. Part of that message stated "thanks for your valuable service best wishes on your search for employment." He said the message was very upsetting to staff and inappropriate. Dr. Fisher expressed her sincere apology for the format of the message. She explained that it was intended to inform affected staff of the services that are available to assist them in seeking employment, unemployment benefits, health benefits, etc.

Ms. Janice Walker, member of the audience, said that she understood that these funds are a federal grant issued through the state to the college and did not see the advantage for the state to change a program already in place. Chair Neumann said that is the issue that trustees are struggling with. Ms. Walker's opinion was that it would be to the benefit of classified employees and the community to vote to delay approving the resolution.

After considering staff's comments about fairness and equity and the letter of intent from the state, a motion was made by Trustee Hallinan, seconded by Trustee DeMartini, that the Board of Trustees not approve **Resolution No. 02-03/10**, Classified Reduction in Staff.

Trustee Flores said this was a very difficult decision because they are talking about a good program in an area that she is very familiar with. However she supports the original resolution.

Trustee Schrimp stated that she appreciated hearing about the program and knows its importance. However, she felt the need to be conservative as the budget is still very tenuous. She said she would amend the original recommendation to include that as soon as the funding is received the resolution would be rescinded.

Chair Neumann said he is a fiscal conservative that can be a risk taker when it is the right thing to do. In this case he has been persuaded by the fact that there is strong pressure on the Legislature to pass a budget, as well as the language on the letter of intent, to support Mr. Hallinan's motion.

The vote was 3 ayes (DeMartini, Hallinan, Neumann) and 2 nos (Flores, Schrimp).

Dr. Fisher pointed out that she is not sure if the recommendation stands approved. She explained that since the YCCD Board is a seven-member board, most decisions require a majority of four votes to pass. She did not have the technical answer but would find out and the minutes would reflect accurately what the Board is authorized to do.

(Note: A review of the Education Code found that four votes are required to pass any YCCD Board motion. Therefore, the motion failed. However, since no motion passed, no action was taken.)

REPORTS AND INFORMATION ITEMS

14,692
Student Activity Reports

Emilio Vaca, ASMJC President, stated that he had promised to introduce the new ASMJC president this evening. Unfortunately Ms. Freeman had a death in her family and was unable to be at this meeting.

Mr. Vaca reported that ASMJC students attended an "Education Not Incarceration" rally on May 8 at the Capitol joining over 1000 students. They co-sponsored a student conference at Modesto High School. They also held a successful community forum on environmental issues in Patterson. Mr. Vaca said that Patterson community members thanked MJC for the new education center which has made attending college much easier for their citizens. Mr. Vaca reported that students held officer training on May 19-22. Activities in June include promoting their student activity sticker program which provides the majority of their revenue. They also will be working on an environmental youth forum.

Besides his ASMJC activities, Mr. Vaca said he has been active with the state's La Raza Unida Caucus. He commended fellow MJC student, Christopher Rodriguez, who recently was awarded the statewide dot com award for his design of La Raza Unida Caucus website. Mr. Vaca was proud to say that MJC government students are recognized throughout the state for their efforts in working for student rights. Mr. Vaca commended the Board for representing their

constituents well by voting not to layoff the ten additional classified staff.

Trustees thanked Mr. Vaca for his report.

Dr. Kathryn Jeffery, Columbia College Vice President of Student Services, reported that a recommendation had been made for the new student trustee from Columbia. She also reported that former ASCC President Doralyn Foletti had been recommended to apply for one of the student representative positions on the Board of Governors of the State Chancellor's Office. Chair Neumann offered to write Ms. Foletti a letter of recommendation.

14,693
Academic Senate Activity
Reports

Dr. Richard Hickman, MJC Academic Senate President Elect, reported that although no Senate meeting had been held lately, faculty continue to be busy with governance activities. He informed trustees that he will miss the August Board meeting because he will be on vacation.

President Jim Riggs said that Ida Ponder sent her regrets for not being able to attend this meeting due to the birth of a grandchild. Dr. Riggs reported that Ms. Ponder and other vocational advisors had been busy visiting high school seniors and encouraging them to attend Columbia College and provided them information about the vocational programs and job opportunities related to those programs. President Riggs also reported that Ms. Ponder will be attending the 2003 Faculty Leadership Institute.

14,694
Activities and
Announcements

Columbia College
Congratulates Nursing
Graduates

President Riggs reported that six Columbia College students became the first nursing graduates of the College's distance education program at an April ceremony. As part of MJC's Nursing Program, these students attended classes at Columbia College via video conferencing and completed their clinical training through rotations at Tuolumne and Calaveras County hospitals. The distance education program was established two years ago at the urging of Trustee Joe Mitchell. Upon passing the State Board examinations, graduates from this program will receive registered nurse designation.

Colombia College Spring
Review

Dr. Riggs also reported that for the eighth year, Columbia College English professor Meryl Brooks has been the driving force behind the publication of a wonderful collection of Columbia students' writings. Copies of the *Spring Review* were provided to trustees and commendations were given to Professor Brooks, staff, and students who contributed to this project.

A Summer Sonata
Fundraiser

George Retamoza, MJC Foundation Director, reported that the Modesto Junior College Foundation will hold its annual "A Summer Sonata" fundraiser on Friday, July 11 at the home of Jim and Sue Coleman and officially invited trustees and the audience to attend. He said they have about 16 sponsors already. The social hour begins at 6 p.m., dinner is served at 7 p.m. and it is followed by a live auction. Reservations for this elegant dinner party are \$150 per person and

proceeds will support valuable MJC programs, purchase books and equipment and provide students with scholarships. For reservations or more information contact the MJC Foundation Office at 575-6068. Mr. Retamoza provided trustees a small portfolio of information about the MJC Foundation, and in particular pointed out the application for the alumni association that is receiving great response.

MJC SpringFling!

President Jim Williams reported that MJC hosted over 1500 local high school students and their parents on April 12th for the 2nd Annual Welcome Day and SpringFling! He said it was an outstanding event that highlighted MJC programs, services, and extra-curricular activities. A copy of the comprehensive program book that was distributed to participants was provided to trustees. Over 250 volunteers and staff assisted in the successful event. Staff look forward to hosting the 3rd Annual Welcome Day and SpringFling! on April 3, 2004.

14,695

Presentations/Updates

REPORTS AND INFORMATION ITEMS

Board Policy Review Update

Nick Stavrianoudakis, Director of External Affairs, reported that for the past two years, committees have been working to update the YCCD policy manual by comparing and contrasting existing policies against Community College League of California (CCLC) model policies. New policy recommendations for Section 7000 (Board of Trustees) were adopted by the Board in 2002. New policy recommendations for Sections 1000 (Community), 2000 (Administration), 3000 (Business), 4000 (Personnel), 5000 (Students) and 6000 (Instruction) are nearly complete. Mr. Stavrianoudakis anticipates forwarding recommendations to the District Administrative Council/Chancellor prior to submission to the Board in early fall. Dr. Fisher explained that this has been a long process because a complete policy review has not occurred since the District was organized in 1965. The current revision has been carried out by a steering committee comprised of representatives from all employee organizations and led by Mr. Stavrianoudakis. She added that the District will continue to subscribe to the CCLC's policy update service so we stay up to date regarding Code changes.

Facility Master Plan Update

Since the last Facility Master Plan (FMP) update on April 2003, both college steering committees have been in the process of narrowing down facilities projects from over 500 ideas to about 50. Mr. Stavrianoudakis presented a new timeline that shows the flow of the FMP leading to a possible bond campaign. In this next phase of idea assessment and evaluation, project recommendations are being formulated and refined prior to the colleges submitting their draft plans to District Council. By the fall, it is anticipated that the colleges' drafts will be consolidated with Central Services and posted on the web for campus and community review. The goal is for the Board to adopt the new plan no later than February 2004 if it is going to proceed. This plan would meet the timeline for a bond campaign should the Board decide to pursue one in the November 2004 election.

Technology Conversion Update

Vice Chancellor Scott introduced the staff that have been working on this huge undertaking. Lynn Kubeck, Chief Information Systems Officer, and other key participants, provided a status report on the technology conversion project as well as associated projects. Lynn

Kubeck provided an overview of this project and its current status. She said the software implementation process started in January 2003. The target date for final implementation is January 2004, and post-implementation six months later. Ms. Kubeck reported that everything is on target and plans are for the finance module to go live July 1. Training for staff will follow in August.

Student Trustee Nicole Jansen left the meeting at 7:50 p.m.

Chuck Mize, CWI Instructional Technologist, talked about additional projects and services that will be available to students (i.e., USDA LEAPS grant, MJC TV Internet streaming plan, and MJC West Campus Student Learning Center A/V).

Ken Ramos, YCCD Systems Programming Manager, described the laborious preparation that took place prior to putting together the data center and the work involved in dealing with a completely new environment.

Deborah Campbell shared with trustees the Approach Document, which is the written implementation plan. This document is on the YCCD Intranet for staff review. She said it is a living document that will change constantly throughout the life of this project.

Ms. Kubeck concluded by providing further timelines and projected deliverable dates for the financial aid, human resources, registration and student modules. The Chancellor reiterated that this demanding project is requiring a great deal of work on the part of many staff, and they are to be commended for their valuable assistance. She added that the consultants and district staff are working very well together.

Trustees thanked them for their report.

ACTION ITEMS

Consent Agenda

14,696
Purchase Orders

A motion was made by Trustee Hallinan, seconded by Trustee DeMartini, that the Board of Trustees approve the purchase orders issued from April 1, 2003 through April 30, 2003.

The motion carried with a vote of 4 ayes (DeMartini, Flores, Neumann, Schrimp) and 1 abstention (Neumann).

Janice Walker, audience member, inquired about purchase orders 66046 and 66047 pertaining to a trip to the Museum of Tolerance. She asked why this was charged to a restricted fund when similar trips had been charged to a general fund account. Vice Chancellor Scott explained that this trip was paid out of state funds designated for the purpose of promoting diversity.

Ms. Walker also asked for clarification on purchase order number 66060 issued to Habitat for Humanity. The Chancellor and Dr. Williams explained that it represented a training partnership program between MJC, Habitat for Humanity, the City of Modesto and the GI Forum.

Regarding purchase order number 66014 to Stanislaus County for CJTC contribution, Ms. Scott said that represented YCCD's quarterly payment to the JPA. Dr. Fisher pointed out that since the JPA agreement is still in force until June 30, the district will be making payments of some kind well into July.

Dr. Stephen Stroud commented that when he became president of the MJC Academic Senate, several years ago, he felt that the only way he could encourage colleagues to take the trip to the Museum of Tolerances was to make the trip himself. He said he found the experience a wonderful and necessary one. He benefited from it and as a result his students benefited from it as well. Dr. Stroud maintains that those things you pay for in the lean years are representative of what you stand for. He is glad that he made that trip and thanked trustees for that opportunity.

14,697

A motion was made by Trustee Hallinan, seconded by Trustee Schrimp, that the Board of Trustees take the following action on the rest of the Consent Agenda:

Columbia College
Curriculum Report

Approve curriculum additions, deletions, and modifications for Columbia College for the year 2002-2003.

Special Appointment –
Teresa Scott

Approve the election of Ms. Teresa Scott to serve a four-year term on the Schools Excess Liability Fund (SELF) Board of Directors.

Notice of Completion of
Contract

Accept the work performed by Janus Corporation for Asbestos Abatement Project, Student Center, Modesto Junior College, East Campus, Bid #03-1526, as having been completed in accordance with the plans and specifications, and authorize final payment to be made.

Project
Applications/Amendments

Authorize the Yosemite Community College District to submit the following project applications/amendments and to enter into a contract with the appropriate donor agencies when the projects are selected for funding: **(Report #2085)**

- a. Excel Training – MJC
Submitted to Stanislaus County Housing Authority
Agency share: \$2,000; Proposer share: \$0
- b. Mobile Lab and Staff Support – MJC
Submitted to Hughson Ambulance
Agency share: \$120; Proposer share: \$0
- c. Technology Telecommunications Infrastructure Project
Videoconferencing Equipment – YCCD
Submitted to California Community Colleges Chancellor's Office
Agency share: \$75,000; Proposer share: \$0
- d. Child Development Permit Project (CDPP) - MJC
Submitted to First 5 California (formerly California Children and Families Commission)
Agency share: \$442,000; Proposer share: \$0
Amend the contract by \$1,000,000 for a total of \$1,442,000; ending date to June 30, 2005

(Amendment is contingent upon prior receipt of the Child Development Training Consortium contract.)

The motion carried with a vote of 5-0.

14,698

Personnel Items

The following twelve personnel items, including a 6-item addendum, were presented to the Board for approval. (Earlier in this meeting the Board of Trustees took action on a Reduction In Force personnel item.)

A motion was made by Trustee Schrimp, seconded by Trustee Flores, that the Board of Trustees, approve the following personnel items, including the addendum.

Short-Term Appointee List

Approve the list of short-term appointees, in accordance with state law (AB500 Goldberg).

Kim Kendrick

Approve a temporary reduction in assignment for Kim Kendrick, Support Staff II, Science, Mathematics & Engineering, Modesto Junior College, from 100% to 75% effective July 1, 2003 to June 30, 2004.

Rhonda Wolf

Confirm the transfer of Rhonda Wolf, Secretary II, from Grant Development, YCCD Central Services, to Agriculture and Environmental Sciences/ Technical Education at Modesto Junior College, effective July 1, 2003.

Barbara Hire

Approve an unpaid medical leave of absence for Barbara Hire, Food Service Specialist, Lead, Columbia College, effective June 26, 2003, for a period not to exceed six months.

Janet Bryant

Accept the resignation of Janet Bryant, Support Staff II, Instructional Resource Center – Online Help Desk, Modesto Junior College, effective May 29, 2003.

Rachel Avery

Accept the probationary appointment of Rachel Avery to Bookstore Buyer, MJC Bookstore, effective May 27, 2003.

ADDENDUM:

Leanne Bartels

Approve the temporary appointment of Leanne Bartels to the position of Nursing Instructor, Allied Health Division, Modesto Junior College for the 2003-2004 academic year. This position is funded by the Hospital Consortium.

Kelly Butler

Approve the temporary appointment of Kelly Butler to the position of Nursing Instructor, Allied Health Division, Modesto Junior College for the 2003-2004 academic year. This position is funded by the Hospital Consortium.

Morgan McBride

Approve the temporary voluntary reduction in assignment for Morgan McBride, Health and Human Performance, Instructor, Columbia College, from 100% to 70%, effective Fall Semester 2003.

Cielo Alvarado

Approve the termination of employment (probationary) of Cielo Alvarado, Program Representative, Student Development & Campus Life, Student Services, Modesto Junior College, effective May 27, 2003.

Suzanne Garrigan Accept the resignation of Suzanne Garrigan, Program Representative I, Columbia College, effective June 10, 2003.

Dustin De La Motte Approve the short-term appointment of Dustin De La Motte, Bookstore Cashier, Columbia College, effective June 9, 2003, to end on or before August 30, 2003, in accordance with state law (AB500 Goldberg).

The motion carried with a vote of 5-0.

Discussion Items

14,699
Vocational Educational Academy

President Jim Williams reminded trustees of the detailed presentation that Dr. Bill Scroggins, MJC Vice President of Instruction, had made about this program at their April meeting. Since that time MJC leaders have been working with officials from the Stanislaus County Office of Education on the details to begin a Vocational Education Academy for grades 9 through 12 on the MJC campus. This innovative program will benefit students and represents a strong partnership between two educational institutions. With the Board's approval staff are ready to begin marketing the program to begin this fall. Trustees were pleased to see this program moving forward.

A motion was made by Trustee DeMartini, seconded by Trustee Hallinan, that the Board of Trustees approve the Vocational Education Academy for Modesto Junior College.

The motion carried with a vote of 5-0.

14,700
Fiscal Outlook and 2003-2004 Tentative Budget

State law requires that the Board of Trustees adopt a Tentative Budget and file it with the County Superintendent of Schools by July 1. Adoption of the Final Budget will occur at the Board's regular meeting on September 2, 2003, thus providing the Board and staff three months in which to further review the Tentative Budget and modify it when the 2003-2004 state budget is adopted and when the final District accounting for the current fiscal year is complete.

Vice Chancellor Scott reported that the amended 2002-2003 Budget includes adjustments to revenue and expenditures largely as a result of the state mid-year budget cuts which took place in March 2003. In addition, a statewide property tax shortfall of \$38 million translated to a \$1.2 million reduction to YCCD's apportionment revenue.

The colleges increased their 2002-2003 FTES growth goals from 3 to 5 percent. Apportionment revenue reflects growth to 5 percent. However, Ms. Scott said it is uncertain at this time if there will be adequate growth funding statewide to pay the District for all of this growth. The Partnership for Excellence money was adjusted by \$97,000 in the current year. However, in the 03-04 year these funds will most likely be cut by about 50%. She said other adjustments to fiscal 2002-2003 revenue include one-time receipts for prior year state revenue re-allocation, a one-time workers compensation dividend distributed from the Valley Insurance Program Joint Powers Authority (VIPJPA), and increased lottery receipts.

Ms. Scott pointed out that the amended 2002-2003 budget also includes significant year-end savings which all three sites have worked hard to achieve. The District's deficit reduction plan counted on approximately \$2.5 million in budget savings being carried over to the 2003-2004 fiscal year to assist in balancing the 2003-2004 budget.

The Tentative 2003-2004 budget reflects information provided from the Governor's May budget revision. The May Revise is slightly better than what the Governor proposed in January but includes much greater cuts than the mid-year 2002-2003 state budget cuts. The May Revise reduces the cuts proposed in January for community colleges by about \$240 million statewide. Much of this reinstated support is used to cover the costs of reducing the student enrollment fee to \$18 per unit, instead of \$24, and reducing EOPS and DSPS programs by only 1%, instead of 45%.

Based on the May Revise budget proposal, YCCD's unrestricted revenue will be only about \$250,000 greater than had been estimated using the Governor's January budget proposal. While state apportionment is not cut as dramatically as proposed in January, the Partnership for Excellence Funding is scheduled to be cut in half. This alone represents about a \$2.2 million loss for YCCD.

Even so, the Governor's budget proposal is optimistic in several ways. It assumes that property tax revenue will increase by 6% next year. (This year the community college share of the state's property tax shortfall was \$38 million.) The Governor's proposal also includes issuing bonds in the amount of \$10.7 billion to cover existing debt, which would be repaid by a sales tax increase. Other tax increases and a deferral of an \$8 billion deficit to 2004-2005 also are included in the May Revise Budget proposal.

The YCCD Tentative Budget does not include growth or COLA revenue augmentations. Chancellor Fisher said that the tentative budget is just a barely balanced budget due to the significant year-end savings, and major budget cuts in 2003-2004 that cannot be taken every year, including vacancies in approximately 85 positions. She pointed out that we are looking at a problem of over \$6.6 million shortfall the following year, and if anything good happens between now and September, it will need to go toward reducing that \$6.6 million to a more manageable size.

Vice Chancellor Scott said that the Tentative Budget will be modified in September as appropriate if the final state budget has been approved by then. Hopefully, that budget will include some growth funding. **(Report #2086)**

A motion was made by Trustee Schrimp, seconded by Trustee Flores, that the Board of Trustees:

- a. Amend the 2002-2003 budget as presented (Column 3).

- b. Adopt the 2003-2004 Tentative Budget (Column 5) for the Yosemite Community College District and direct staff to file it with the Stanislaus County Superintendent of Schools by July 1, 2003.

The motion carried with a vote of 5-0.

14,701
Resolution Authorizing
Year-End Transfers

Vice Chancellor Scott presented this annual routine item for Board approval. The California Code of Regulations, Section 58199, provides that the District may, with the consent of the governing board, make transfers as are necessary to permit the payment of the District's obligations incurred during such school year. Transfers may involve modest General Fund and Special Project expenditure adjustments for 2002-03.

A motion was made by Trustee DeMartini, seconded by Trustee Schrimp, that the Board of Trustees adopt **Resolution No. 02-03/11** authorizing the transfer of appropriations necessary to balance expenditure classifications of the Yosemite Community College District budget for the 2002-03 fiscal year.

The motion carried with a vote of 5-0.

14,702
Establishment of 2003-2004
Appropriations Limit

Vice Chancellor Scott explained that Section 7910 of the Government Code provides that each year the governing body establish by resolution its appropriations limit for the following year. Ms. Scott explained that the law further requires that the information relative to the action be available to the public fifteen (15) days prior to the meeting at which time the determination of the appropriations limit is made.

A motion was made by Trustee Hallinan, seconded by Trustee DeMartini, that the Board of Trustees:

- a. Accept the report regarding the establishment of the 2003-2004 appropriations limit;
- b. Direct that the computation be publicly posted; and,
- c. Declare its intent to adopt the report at the next regular meeting of the Board of Trustees on August 5, 2003.

The motion carried with a vote of 5-0.

14,703
YCCD Bargaining Proposal
to Yosemite Faculty
Association (YFA)

Vice Chancellor Peralta reported that on April 1, 2003, the Yosemite Faculty Association (YFA) presented its 2003-2004 bargaining proposal to YCCD and a public hearing was conducted on May 6. Consistent with state law and Board policy, it is necessary for the Board of Trustees to adopt the District's proposal to YFA. This is the third step in the four-step process. **(Report #2087)**

A motion was made by Trustee Schrimp, seconded by Trustee Flores, that the Board of Trustees adopt the District's 2003-2004 proposal to YFA and schedule a public hearing on the proposal.

The motion carried with a vote of 5-0.

14,704
YCCD Bargaining Proposal
to CSEA, Chapter 420 -
Public Hearing

Vice Chancellor Peralta reported that on May 6, 2003, YCCD presented its 2003-2004 negotiation proposal to CSEA, Chapter 420. Consistent with applicable Code sections and District policy, it is necessary for the Board of Trustees to conduct a public hearing on the proposal.

Chair Paul Neumann conducted a public hearing regarding the YCCD 2003-2004 negotiation proposal to CSEA, Chapter 420. As there were no comments from the public, the hearing was closed.

14,705
Board Meeting Time
Change

Chair Neumann explained that this item was being presented at the request of trustees. They need more time to deliberate and the proposed change would allow them to make a longer closed session feasible.

A motion was made by Trustee DeMartini, seconded by Trustee Schrimp, that the Board of Trustees approve the start time for Open Session at regular meetings to be generally 5:30 p.m.

The motion carried with a vote of 5-0.

14,706
Trustee Vacancy

Due to the unfortunate death of Mr. Joe Mitchell, Trustee for Area One, on May 16, Chair Neumann said trustees must make a decision regarding his replacement. Chancellor Fisher explained that the Board of Trustees has sixty (60) days from the day the position became vacant to call for a special election or to conduct and complete the appointment process.

It should be noted that since Mr. Mitchell was just elected in November 2002, an appointee to this position would serve only until November 2004, at which time he/she would have to run for election to complete the last two years of this term. That trustee position would then be up for a full four-year term in the November 2006 election.

A motion was made by Trustee Hallinan, seconded by Trustee Flores, that the Board of Trustees fill the vacancy in Trustee Area One by appointment.

The motion carried with a vote of 5-0.

The Chancellor added that presuming that trustees would determine to appoint a replacement, she had developed a timeline because the process by law is a short timeline. The appointment process must be completed within 60 days of the vacancy, which in this case began May 16. Chancellor Fisher distributed the proposed timeline which allows advertising to begin Wednesday, June 4 to solicit applications for trustee of Area One. Once received, the applications would be compiled, copied and distributed to trustees. Trustees would then screen those applications and forward their recommendations to the Chancellor. July 10 will be set to interview the candidates that are chosen. Following the selection of an appointee, there is a 30-day period during which petitions can be filed asking for an election. If no petitions are filed, the new appointee would be sworn in on September 2. Chair Neumann pointed out that July 10 is also the day of the

trustees' annual retreat. He advised that the YCCD Board of Trustees will meet most of that day for the retreat. Later that evening they will hold an open meeting to interview and appoint Mr. Mitchell's successor. Trustees were in agreement to use the timeline presented by the Chancellor. **(Report # 2088)**

14,707
Local Agency Investment
Signature Update

Chancellor Fisher reported that the current resolution was not up to date and, therefore, it is necessary to update the signatures to authorize the deposit and withdrawal of Yosemite Community College District monies in the Local Agency Investment Fund in the State Treasury in accordance with the provision of Section 16429.1 of the Government Code for the purpose of investment as stated therein, and verification by the State Treasurer's Office of all banking information provided in that regard.

A motion was made by Trustee Flores, seconded by Trustee Schrimp, that the Board of Trustees adopt **Resolution No. 02-03/12** and approve the signing and submission of this resolution.

The motion carried with a vote of 5-0.

COMMENTS

14,708
Comments from the Public

Janice Walker, a citizen, inquired whether trustees must report out action taken in closed session. Chair Neumann explained that when action is taken, it is sometimes required to report out. However, if there is no action taken, there is nothing to report. Chancellor Fisher explained that there are instances when certain personnel actions are not reported at the time that action is taken because of privacy and legal requirements. However, once those requirements are met the action is reported out during a public meeting. Ms. Walker was not satisfied with the answer and said she would look up the law and would report back to trustees.

Donald Clark, member of the audience, said he wanted to talk about the closing of the Police Academy. He reported what he had heard about the issue. Mr. Clark said this was an unprecedented action by POST in their 43 years of operation. He asked what the district planned to do about this situation. Chair Neumann told Mr. Clark that he can be confident that this matter is being taken very seriously. However, it was not appropriate to say any more at this time.

14,709
Comments from the Board
of Trustees

Trustee Neumann shared with his colleagues copies of the MJC *Quercus Review*, which is a publication similar to the Columbia College *Spring Review*. It contains writings from students, faculty and staff. Mr. Neumann said that the *Review* includes a poem written by Dr. Bill Scroggins.

14,710
NEXT MEETINGS

1. The July meeting of the Board of Trustees will be their annual retreat. The meeting will be held on July 10 at Columbia. The specific location will be announced at a later date. Closed session will begin at 9:30 a.m. and will be followed by an open session in the afternoon. No action will be taken at this meeting.

2. A special meeting of the Board of Trustees to conduct interviews for the trustee vacancy appointment will be held on July 10, 2003 at 5:30 p.m. at Columbia College.
3. The August meeting will be held on August 5, 2003. Closed session will begin at 3:30 p.m., with open session following at 5:30 p.m., at 2202 Blue Gum Avenue, Modesto.

14,711
ADJOURNMENT

At 8:50 p.m. the meeting adjourned in memory of Trustee Joe Mitchell, who passed away on Friday, May 16, 2003.

Paul Neumann, Chair
YCCD Board of Trustees

Pamila J. Fisher, Secretary
YCCD Board of Trustees