

MINUTES
YOSEMITE COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES
FOUR HUNDRED NINETY-SECOND REGULAR MEETING
February 15, 2006

The meeting was called to order by Board Chair Anne DeMartini at 3:32 p.m. Trustees then recessed to closed session for the purpose of discussing the following closed session agenda items:

- Discussion:
1. Pursuant to G. C. Section 54957
Discipline/Dismissal/Release/Appointment
Presidential Searches
 2. Pursuant to G.C. Section 54956.9(a) – Pending Litigation
Case: ACE v. YCCD, Case #306771
Case: CSEA v. YCCD, Case #376695
Case: Hutson v. YCCD and United States Life, Case #376624
 3. Pursuant to G.C. Section 54956.8 – Property Negotiator
Conference with real property negotiators
 4. Pursuant to G. C. Section 54957.6 - Conference with Labor Negotiators
District Representatives: J. Williams, T. Scott, D. Wirth
Employee Organizations: CSEA

The Board of Trustees reconvened to public session at 5:37 p.m. in the Yosemite Community College District Board Room. The Pledge of Allegiance to the Flag preceded formal Board action.

Board Members Present Pat Dean
 Anne DeMartini
 Linda Flores
 Abe Rojas
 Delsie Schrimp
 Tom Hallinan
 Paul Neumann
 Susan Rudolph (student trustee)

Board Members Absent None

Others Present M. Baker, G. Rose, J. Riggs, T. Scott, B. Scroggins, N. Stavrianoudakis, J. Williams, D. Wirth, C. Martin, L. Hoile, M. Miller, S. Stroud, J. Swank, J. Daly, B. Nadell, R. Gohring, A. Gohring, L. Kopp, F. Drummond, L. Musquiz, L. Molina, G. Molina, C. Mical, M. Torok, C. Sampson, D. Campbell, M. Christopherson, L. Crawford, H. Singh, M. Rush, J. Kopp, E. Kopp, Y. Bradley, P. Rosado, M. Pipa, M. Flemete, K. Keech, P. Said, J. Weaver, B. Michael, T. Curtis, B. Kaiser, G. Preston, E. McInnes, M. Kennedy, P. Scroggins, H. Sielecki, I. Kamara, M. Robles, M. Fagin, D. Benjamin, M. McHugh, J. Clarke, D. Martin, R. Nimphuis, R. Anderson, J. Mendez, T. Conrado, A. Salcedo, S. Amador, L. McHugh, P. McHugh, H. Groth, W. McCombs, P. Wall, L. Anderson (Modesto Bee), S. Akiona (recorder).

15,277
Report Out From Closed
Session

None.

15,278
Approval of Minutes

A motion was made by Trustee Hallinan and seconded by Trustee Schrimp, that the Board of Trustees approve the minutes of the regular meeting of January 11, 2006, as amended.

The motion carried with a vote of 7-0.

15,279
Student Activity Reports

ASMJC President Will McCombs introduced ASMJC representatives Liz Musquiz and Peter Said. A Used Book Program Task Force has been established to research the text book cost issue. He reported results of a recent survey of 1,833 students. 63% were not in favor of +/- grading, and there was unanimous support among the student leaders for applying the health fee to students with BOG waivers B and C. He thanked MJC Researcher Kathleen Silva for assisting with the student survey. ASMJC is concerned with the student level of participation in the college and District-wide shared governance process. Trustee Dean assured Mr. McCombs that the trustees are here for the students and because of the students. Trustee Rojas stated that students have asked for clarification of his position on the health fee waiver and he is in favor of exempting BOG-A recipients.

ASCC President Ibrahim Kamara reported that ASCC participated in a Martin Luther King Jr. observance event in Tuolumne County. The student senate supports applying the health fee to all students. He encouraged all staff to participate in the upcoming talent show at Columbia College. ASCC will be appointing members to the Measure E Committee. ASCC participated in Black History Month and students are planning for Women's History Month. Club activities on campus are high. The Debate club will be in Fresno for a national debate. On Valentine's Day Acclaim sang and passed out flowers and candy. The Ecology Club has planned a repelling excursion in Calaveras' Moaning Caverns and students are working on a book loan program at the library to offset text book costs.

15,280
Academic Senate Reports

Curtis Martin, MJC Academic Senate President, reported that the MJC Academic Senate supports the development of an Honors Program, which will be brought to College Council. They had a discussion of faculty attendance at graduation and Institute Day.

Micha Miller, CC Academic Senate President, reported that the CC Academic Senate passed a resolution for 2nd reading on priority registration for athletes. A text book committee of faculty and staff has been formed. A committee has been formed to look at best practices to strengthen basic skills. Columbia is

preparing to begin the next EMP (Educational Master Plan) process.

**REPORTS &
INFORMATION ITEMS**

15,281

**Activities and
Announcements**

(Board Chair Anne DeMartini announced that due to the anticipated length of tonight's meeting, the reports and information items would not be announced during the meeting. These items were received as written in the agenda.)

Columbia College Hall of Fame Nominations

Nominations for the Columbia College Hall of Fame for 2006 are open and nomination forms are available at the President's Office. Submission deadline is February 15. Honorees will be recognized at the 16th Annual Hall of Fame celebration reception on April 6 at 6:00 p.m. in the Manzanita Rotunda. The reception will feature hors d'oeuvres specially prepared by the College's Culinary and Pastry Arts students. Wine produced by MJC and other selected local wineries will also be served. There will be no charge to attend the event.

Advanced Contemporary Dinners at Columbia College

Popular advanced contemporary cuisine dinners will be moved this spring from the Columbia City Hotel to The Cellar Restaurant in the Manzanita Building while the hotel restaurant's kitchen area is being completely renovated. Starting February 8, Columbia College's advanced Culinary Arts students will plan, prepare and serve three-course dinners on Wednesdays and Thursdays from 5:00 p.m.-7:30 p.m., which will range in price from \$13 to \$16 per person.

Civic Engagement Films at Columbia College

Organizers of the Columbia College Civic Engagement Project will present a series of thought-provoking documentary films on Wednesdays at 7:30 p.m. throughout the spring semester in the Dogwood Forum, starting January 18. The public is invited and there is no admission charge. Among the recent films: Citizen King (January 18) viewed the life of Martin Luther King; Laramie Project (January 25) explored the homophobia and bigotry behind the murder of Mathew Shepard in Wyoming; and Paper Clips (February 1) helped middle school students in Tennessee understand the enormity of 6 million Holocaust victims by collecting 6 million paper clips.

MJC Distinguished Lecture Series

Modesto Junior College Distinguished Lecture Series will present Dr. Curtis R. Grant speaking on "*E Pluribus Unum or E Pluribus Divisum? Probing Diversity and Community*" on Thursday, February 16, at 7:00 p.m. in Forum 110. Dr. Grant has made numerous presentations to local clubs and associations and has served on boards for a number of local organizations and as Chairman of the Board of Directors of the Memorial Hospitals Association. Dr. Grant is an alumnus of Modesto Junior College, graduating as the valedictorian of his class in 1958. The event is free and open to the public.

MJC Art Gallery Display
"Hannibal Alkhas and the Party"

"Hannibal Alkhas and the Party," an exhibit featuring the work of prominent Iranian Assyrian artist Hannibal Alkhas and seven other Iranian artists, is on display in the Modesto Junior College Art Gallery through February 17. Alkhas has been a prolific artist, art critic, poet and professor. He has extensively exhibited throughout Iran and around the world. He has over ten large public murals; has illustrated for hundreds of books and magazines; translated a collaborative book project and written many poems. Accompanying Alkhas' art in the exhibition is his selection of the works by a younger generation of artists who studied with him in the past. The exhibit is free and open to the public.

MJC Civic Engagement
Project Spring Film Series

Modesto Junior College's Civic Engagement Project is presenting a series of documentary films for the spring semester on Thursdays at 7:00 p.m. in Forum 110 on East Campus. On February 23, MJC will show *Ryan's Well*, the story of 6-year-old Ryan Hreljac who decided he needed to build a well for a village in Africa and *Inheritance: A Fisherman's Story* about a dam burst in a Romanian gold mine that released more than 100,000 tons of cyanide into the Tisza River. *Grizzly Man* will be shown on March 9 and centers on amateur grizzly bear expert Timothy Treadwell who journeyed to Alaska to study and live with the bears. *In Light of Reverence* will be presented on April 6 and explores three U.S. locations considered sacred by American Indians. The films are open to the public, free of charge and will include a discussion following each showing.

MJC African American
Education Conference &
Technical Education Expo

The African American Education Conference & Technical Education Expo will take place on Saturday, February 25, from 8:00 a.m. to 5:00 p.m., in the Mary Stuart Rogers Student Learning Center on Modesto Junior College's West Campus. The conference is aimed at inspiring youth of all backgrounds, ages 12-19, to pursue a college education. The morning keynote session will be "Education is a Choice" by Amanda King of KWNN Radio. Tours and workshops will focus on the technical education programs offered at MJC. Afternoon workshops are scheduled for parents. A Teen Summit with Amanda King and Jesse Alexander will be held at 4:00 p.m. Complimentary lunch will be provided for registered participants. Although conference admission is free, pre-registration is requested. Registration forms are available online at www.mjc.edu.

15,282
Presentations/Updates
State Budget Update

(Board Chair Anne DeMartini announced that due to the anticipated length of tonight's meeting, this item was not presented during the meeting. This item was received as written in the agenda.)

The Governor released the 2006-2007 proposed State Budget on January 10, 2006. On January 12, 2006, the Association of California Community College Administrators held a workshop on the Governor's proposed budget with a focus on the budget's

impact for community colleges. The primary factors affecting community colleges favorably include 3% growth and 5.18% COLA. The Governor also proposed \$130 million equalization funds. In addition, there is no student fee increase proposed.

The January budget proposal is positive for community colleges. Due to significantly higher General Fund revenues than originally anticipated, the Governor is proposing an increase to Proposition 98 funding. This budget reflects a commitment from the Governor to enhance California's workforce and community welfare through efforts to strengthen and support community colleges.

State and Federal
Legislative Seminars

(Board Chair Anne DeMartini announced that due to the anticipated length of tonight's meeting, this item was not presented during the meeting. This item was received as written in the agenda with the additional information noted in the last paragraph below.)

On January 28-30, 2006, the Community College League of California held its annual Legislative Conference in Sacramento. Trustees DeMartini, Dean, Hallinan, Rojas and Schrimp; Student Trustee Susan Rudolph; Chancellor Williams, Interim President Scroggins, Shelley Akiona and Nick Stavrianoudakis represented YCCD. In addition to hearing about the positive elements of the Governor's budget proposal, YCCD representatives also met personally with five state legislators and/or their representatives (Senators Jeff Denham, Dave Cox and Chuck Poochigian and Assembly Members Greg Aghazarian and Dave Cogdill).

On February 5-8, 2006, the American Association of Community Colleges and Association of Community College Trustees held its annual Community College National Legislative Summit in Washington, D.C. Trustees DeMartini and Dean, Chancellor Williams, Shelley Akiona and Nick Stavrianoudakis represented YCCD at the Summit. In addition to hearing from various speakers from the Legislature and receiving a breakdown of the President's budget proposal, YCCD representatives also met personally with federal legislators and/or their representatives (Congressmen Dennis Cardoza, George Radanovich and Richard Pombo; and Senators Dianne Feinstein and Barbara Boxer).

Trustee DeMartini reported that after the printing of the February agenda, an appointment was also scheduled with Dan Lungren and YCCD representatives were able to meet personally with him. In total six meetings were held with federal legislators.

YFA Sabbatical Leave
Process Presentation

YFA President Jillian Daly and the two YFA Sabbatical Leave Committee Chairs, Jeff Weaver (MJC) and Patricia Harrelson (Columbia), reported to the Board on the current sabbatical leave process as outlined in the contract and interpreted at each college. Ms. Daly mentioned that Article 7 of the YFA contract will be reviewed and improvements discussed before the next

round of negotiations. Ms. Daly explained that full-time faculty are eligible for sabbatical leave after six years of service and again eligible for one semester three years following the last sabbatical. All applications are reviewed by the sabbatical committee. This year MJC awarded 11 sabbaticals from a pool of 20 applicants. Columbia College awarded two sabbaticals from a pool of six applicants. Jeff Weaver, member of the MJC committee, reported that the sabbaticals are rated by the committee and forwarded to the President, Chancellor and Board for approval. During review, the committee weighs benefit to students, benefit to school, benefit to applicant and rigor of the activity. Trustee Schrimp expressed concern that poor applications would be granted if the applicant pool was small. Ms. Daly stated that the contract language will be reviewed and the need for more accountability addressed. Patricia Harrelson of Columbia College's sabbatical committee stated that members of their committee are made up of faculty recently returning from sabbatical leave and serve on the committee for two years. Columbia has a first and second draft process for all applications. All applicants are interviewed by the committee. Recommendations are submitted to the President for review and approval.

Academic Senate Presidents Curtis Martin (MJC) and Micha Miller (Columbia) reported to the Board on the relationship between sabbatical leave and professional development. Mr. Martin stated that sabbatical leave is not a paid vacation, but rather the life line of academic growth and professionalism. It is the responsibility of faculty to make the value of sabbaticals self-evident. Micha Miller stated that sabbatical leave is a time for faculty members to reflect and build. It is a time for creativity. Before valuable outcomes can be given to a student, it has to first take place in the minds of faculty. Examples of accomplished sabbatical leaves and the ongoing benefits to students were given by faculty members Richard Anderson, Mara Fagin, Barbara Wells and Michelle Christopherson. Richard Anderson has traveled to eight countries, published articles and animated CDs which he regularly uses in his curriculum. As a result of her sabbatical, Mara Fagin has taught English in Thailand, started and chaired MJC's Asian Awareness Day, and launched a study abroad for MJC students in Thailand. Barbara Wells has taken over the project and MJC now has two Thai exchange students. Barbara will be traveling to Japan to explore exchange possibilities. Two of her children now teach English in Asia. Barbara has also served with the Red Cross in the aftermath of Hurricane Katrina. These sabbatical projects bring faculty back more passionate, more compassionate, more cooperative and more committed to students. Michelle Christopherson created and published a textbook which is used in classrooms at MJC and across the nation.

The Board encouraged faculty who take sabbaticals to present their findings, so their efforts can be appreciated. Trustee Dean

stated that there is no question regarding the value of sabbaticals, but requests that faculty be professional in their application presentations and adhere to deadlines. Student Trustee Susan Rudolph thanked faculty as she has been a recipient of their teaching. Trustee DeMartini also suggested that a “no liability” clause and other modifications to the contract be discussed during the next round of negotiations to prevent poor applications from being successful.

Jillian Daly thanked the Board for allowing extra time to hear this sabbatical presentation.

Bond Update

Chancellor Jim Williams reported that the Citizens’ Oversight Committee next meeting will be April 5, 2006 in Patterson at 6:00 p.m. A tour of the proposed West Side Center site may precede the meeting. Unapproved minutes of the January 4, 2006 meeting can be viewed at <http://www.yosemite.edu/bond/>. Recommended changes to the priority project list will be presented to the Board later in the meeting. Construction is underway for the Columbia College Secondary (Emergency) Access Road, Columbia College infrastructure projects. Progress is continuing to be made relative to property acquisition in Patterson for the West Side Center and in Angels Camp for the Calaveras Center.

ACTION ITEMS

15,283

Consent Agenda Purchase Orders

Trustee Paul Neumann excused himself from the board room for the vote to be on purchase orders due to his relationship with Wiley Electric. A motion was made by Trustee Rojas and seconded by Trustee Flores, that the Board approve Consent Agenda Items A.1., Purchase orders issued from December 1, 2005 through December 31, 2005.

The motion carried with a vote of 6-0.

A motion was made by Trustee Rojas and seconded by Trustee Dean that the Board approve the remaining Consent Agenda Items as follows:

Project Applications/ Amendments

Authorize the Yosemite Community College District to submit the following project applications/amendments (**Report #2186**) and to enter into a contract with the appropriate donor agencies when the projects are selected for funding:

- a. Corporation for National and Community Service - MJC
Agency share: \$112,603 (first year)
Proposer share: \$112,635
- b. Child Development Training Consortium – MJC/
Child Development Training Consortium (CDTC)
Agency share: \$3,707,740
Proposer share: -0-

Acceptance of Gifts

Accept with appreciation the following gift(s):

- a. That the Board of Trustees accept with appreciation the gift of a 17" flat screen monitor and Lexmark printer from Harry Nunamaker to be used in the Machine Tool Technology program at Modesto Junior College.
- b. That the Board of Trustees accept with appreciation the gift of a 1933 5th wheel trailer from Darwin Hamblin to be used for the Agriculture West Campus Housing at Modesto Junior College.

Classified Study

Approve the Classification Study Advisory Committee's recommendation to contract with CPS Human Resources Services for a classification study and salary survey of the Yosemite Community College District.

Resolution Providing Workers' Compensation Coverage for District Volunteers

Adopt Resolution 05-06/05 that individuals performing volunteer services for the District are deemed employees of the District for the purposes of the California Labor Code for any injury sustained by them while engaged in the performance of any services under the direction and control of the YCCD.

Resolution Pursuant to Government Code Section 935 Ordinance

Adopt Resolution 05-06/06 stating that notwithstanding the provisions of Section 905 of the California Government Code, all claims by a public entity against the Yosemite Community College District for damages or money, shall be presented within the time limitations and in the manner prescribed by Sections 910 through 946 of the Government Code of the State relating to the prohibition of suits in the absence of the presentation of claims and action thereon by the Council.

15,284

Personnel Items

Approve the temporary appointment of **Dawn Stout-Fernandez** to the position of Instructor of Nursing, Nursing Consortium, Modesto Junior College, effective for the 2006-2007 academic year.

Approve the temporary appointment of **Leanne Bartels** to the position of Instructor of Nursing, Nursing Consortium, Modesto Junior College, effective for the 2006-2007 academic year.

Approve the temporary appointment of **Gladys Schmitt** to the position of Instructor of Nursing, Nursing Consortium, Modesto Junior College, effective for the 2006-2007 academic year.

Approve the temporary appointment of **Danise Rapetti** to the position of Instructor of Nursing, Nursing Consortium, Modesto Junior College, effective for the 2006-2007 academic year.

Approve the temporary appointment of **Kelly Butler** to the position of Instructor of Nursing, Nursing Consortium, Modesto Junior College, effective for the 2006-2007 academic year.

Approve the promotional appointment of **Ann (Frances) Alvernaz** to the position of Bookstore Buyer, Auxiliary Services, Yosemite Community College District, effective February 1, 2006.

Approve the promotional appointment of **Vicki VanderVeen** to the position of Program Representative I, Community Education, Modesto Junior College, effective February 27, 2006, contingent upon funding.

Approve the probationary appointment of **William Offill** to the position of Instructional Assistant I (40%), Adapted Physical Education, Physical, Recreation & Health Education, Modesto Junior College, effective January 9, 2006.

Approve the probationary appointment of **Mary Menge** to the position of Fiscal Analyst III, Community & Economic Development, Modesto Junior College, effective February 13, 2006, contingent upon funding.

Approve the probationary appointment of **Lawrence Montoya** to the position of Maintenance III - Carpenter, Facilities Planning & Operations, Yosemite Community College District, effective February 13, 2006.

Approve the probationary appointment of **Gary Yribarren** to the position of Admissions & Records Tech III, Student Services/ Admissions, Modesto Junior College, effective February 16, 2006.

Approve the amendment of the Employment Agreement between the District and **Dr. Jim Riggs**, President, Columbia College, to hereby end on August 29, 2007. Effective August 30, 2007, Dr. Riggs will be a faculty member at Columbia College, pursuant to Education Code Section 87605.

Approve a temporary increase in assignment for **Cathryn Cardoso**, Support Staff II, Child Development Center, Modesto Junior College, from 48.75% to 75%, effective February 1, 2006 to June 30, 2006.

Approve a temporary increase in assignment for **Sampao Murphy**, Instructional Assistant I, Business, Behavioral & Social Sciences, Modesto Junior College, from 50% to 70%, effective February 1, 2006 to June 30, 2006.

Approve a temporary increase in assignment for **Elodia Fernandez**, Instructional Assistant I, Business, Behavioral & Social Sciences, Modesto Junior College, from 49.5% to 70%, effective February 1, 2006 to June 30, 2006.

Approve a temporary increase in assignment for **Kimberly Mitchell**, Instructional Assistant I, Business, Behavioral & Social Sciences, Modesto Junior College, from 50% to 53%, effective February 1, 2006 to June 30, 2006.

Approve a temporary increase in assignment for **Sharon McIntire**, Instructional Assistant II, Business, Behavioral & Social Sciences, Modesto Junior College, from 62.5% to 70%, effective February 1, 2006 to June 30, 2006.

Approve a temporary increase in assignment for **JoEllen Burnish**, Secretary III, Literature & Language Arts, Modesto Junior College, from 11 months to 12 months effective June 1, 2006 to June 30, 2006.

Approve the voluntary reduction in assignment for **Ingrid Johnson Keriotis**, English Professor, Literature & Language Arts, Modesto Junior College, from 100% to 50% effective January 9, 2006 to April 29, 2006.

Approve the voluntary reduction in assignment for **Anne Shanto**, Performing Arts Costume Specialist, Arts, Humanities & Communication, Modesto Junior College, from 100% to 80% effective January 1, 2006 to April 29, 2006.

Approve the voluntary reduction in assignment for **Yan Yan Chan**, Accompanist, Arts, Humanities & Communication, Modesto Junior College, from 100% to 86% effective January 1, 2006 to April 29, 2006.

Approve a voluntary unpaid leave of absence for **Lillian Vallee**, English Professor, Literature & Language Arts, Modesto Junior College, effective for Fall 2006 and Spring 2007.

Accept the resignation of **Nancy Parent**, Professor of Anthropology, Business, Behavioral & Social Sciences, Modesto Junior College, effective July 31, 2006.

Accept the resignation of **Preet Bidwal**, Program Representative II, Business, Behavioral & Social Sciences, Modesto Junior College, effective February 1, 2006.

Short-Term Appointees

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

The motion on the remaining Consent Agenda items carried with a vote of 6-0. Trustee Neumann was not present for the vote.

DISCUSSION ITEMS

15,285

Health Services Fee Increase

Chancellor Jim Williams reported that Education Code Section 76355, provides the governing board of community college

districts the option of increasing the student health services fee by the same percentage as the increase in the Implicit Price Deflator Index for State and Local Government Purchases of Goods and Services. Current calculation allows for a \$1.00 fee increase. Modesto Junior College and Columbia College is seeking Board approval to increase the student health fee to \$14.00 for the fall and spring semesters and \$11.00 for the summer session. This increase will be effective beginning in the summer of 2006. Trustee Rojas applauded students for performing a survey on this and other issues.

A motion was made by Trustee Dean and seconded by Trustee Neumann that the Board approve the increase of the student health fee to \$14.00 for the fall and spring semesters and to \$11.00 for the summer session, effective summer 2006.

The motion carried with a vote of 7-0.

15,286
Health Services Fee
Exemption

Previously, California law required all Board of Governors Enrollment Fee Waiver (BOGFW) recipients to be exempt from paying any health fee charged by a campus. The signing of AB 982 (Laird bill) deletes this requirement and permits each community college district the flexibility to assess all or some of its students the fee for providing campus health services. After examining this issue and in an effort to provide exemplary health services to students, Modesto Junior College and Columbia College is seeking Board approval to implement AB 982 (Laird bill) effective with summer session 2006. Trustee Hallinan stated that if the working poor will be required to pay the health services fee, the poor on assistance should also pay the fee. Trustee Dean stated that there should be no exemptions and all student would receive better health services on the colleges' campuses. Trustee DeMartini stated that she read an article where student organizations and academic senates support all students paying the fee and feels the greater good will be served if everyone is charged. Trustee Rojas stated that he is in favor of waiving the fee for BOGFW-A recipients.

A motion was made by Trustee Rojas and seconded by Trustee Neumann that Board approve implementation of AB982 and the colleges collect health services fees for all students with an exemption for BOGFW-A recipients.

That motion failed with a vote of 4-3. (Ayes: Neumann, Rojas, Schrimp. Nays: Dean, DeMartini, Flores, Hallinan).

A second motion was made by Trustee Dean and seconded by Trustee Hallinan that the Board approve implementation of AB982 and the colleges collect health services fees for all students.

That motion carried with a vote of 4-3. (Ayes: Dean, DeMartini, Flores, Hallinan. Nays: Neumann, Rojas, Schrimp.)

15,287
Quarterly Report on
District's Financial
Condition

Executive Vice Chancellor Teresa Scott reported that consistent with prevailing fiscal practices and in compliance with current statute, staff have prepared the quarterly statement of the District's financial condition for the quarter ended December 31, 2005 (**Report #2187**). The Board is required by law to hold a public hearing to review the report and direct that it be filed with the Stanislaus County Superintendent of Schools and the California Community Colleges Chancellor's Office. Board Vice Chair Pat Dean opened the floor for public hearing. There were no comments from the public. Trustee Dean closed the public hearing.

A motion was made by Trustee Neumann and seconded by Trustee Schrimp directing staff to submit a copy of the required report to the Stanislaus County Superintendent of Schools and the California Community Colleges Chancellor's Office.

The motion carried with a vote of 6-0. Board Chair Trustee DeMartini was not present for the vote.

15,288
Environmental Impact –
Intent to Adopt Addendum
to Negative Mitigated
Declaration

As stated in the agenda, the MJC West Firing Range Removal Project (Project) consists of the closure and lead abatement program completed at the range in 2002, the transfer of classes and the future demolition and removal of the facility. In accordance with the California Environmental Quality Act (CEQA) requirements, the Initial Study prepared by URS Corporation found that the Project, as mitigated by the measures included in the Proposed Mitigated Negative Declaration, would not result in a significant environmental impact. A Staff Report was prepared in response to the comments received from the State Department of Transportation and the Association for a Cleaner Environment (**Report #2188**). The Study, comments and Staff Report were forwarded to the Board. On June 8, 2005, the Board approved the Proposed Mitigated Negative Declaration, all mitigation measures set forth in the Mitigated Negative Declaration as conditions of its approval of the Project, all findings stated in the Mitigated Negative Declaration, and the Mitigation Monitoring and Reporting Program (MMRP). The Board further approved the project and directed staff to file a Notice of Determination. An Addendum to the Initial Study was prepared and circulated for comment in October 2005 to supplement the Initial Study (**Report #2189**). A Staff Report was prepared in response to the comments received from the State Department of Toxic Substances Control and the Association for a Cleaner Environment.

A motion was made by Trustee Neumann and seconded by Trustee Schrimp that the Board of Trustees adopt the Addendum, determine that the Addendum confirms the Initial Study was properly prepared, and find there is no basis for reconsideration of its approval of the Initial Study and adoption of the Proposed Mitigated Negative Declaration, all mitigation measures set forth in the Mitigated Negative Declaration as conditions of its approval of the Project, all findings stated in the Mitigated Negative Declaration, the Mitigation Monitoring and Reporting Program (MMRP), and the Project.

The motion carried with a vote of 5-1. Trustee Hallinan voted in opposition. Board Chair DeMartini was not present for this vote.

15,289

Parking at MJC/Measure E

(This item was taken out of order and was heard following the Health Service Fee discussion items.)

This item is returning to the Board for reconsideration after it appeared on the January 11, 2006 meeting agenda. Measure E stipulates that YCCD will “reduce parking impact on the neighboring community by building a parking structure” at MJC’s East Campus. Since the passage of Measure E, there have been concerns raised about the increasing costs of materials and the location of a parking structure. A town hall meeting was conducted to hear citizen and neighbor opinions. After analyzing all options, Kitchell narrowed the choices to two:

Option A: Adding a parking structure in place of the existing surface parking lot(s) at the Southwest corner of MJC East.

Option B: Relocating the existing baseball field at the Northwest corner of MJC East to MJC West and installing a surface parking lot in its place.

Option A (parking structure) would yield 290 net spaces at a cost of roughly \$12 million and Option B (surface lot) would net 544 spaces at a cost of roughly \$9 million. Leading arguments for a parking structure are: it could be expanded in the future; a structure was campaigned for by the District; and the public supported the structure when Measure E was passed. Leading arguments for a surface lot are that it is less costly and yields more spaces in the short term. As the urban density of the City of Modesto grows, MJC needs to look toward higher density solutions for both building and parking solutions at East Campus. A parking structure will contribute to the future solution to East Campus parking by adding additional floors and conserving available land, allowing for future expansion. This is the first time in the history of the District that sufficient funds are available to construct a structure versus settling for surface parking as the only viable option due to costs. The issue was analyzed by the MJC Measure E Coordinating Committee

with a recommendation to build a parking structure. MJC Academic Senate and College Council took no position on the issue and referred it to the YCCD Board of Trustees for a decision.

Trustee Neumann spoke before public comments were received. Trustee Neumann stated that the parking lot was an interesting short-term solution as it would save \$3 million dollars, add more spaces. However, the parking garage is a long-term goal and it can be expanded with additional floors. Trustee Neumann stated he made many phone calls during the Measure E campaign and believes the spirit of the campaign to the voters was to build a parking garage. Community member Gordon Preston agreed with Trustee Neumann that the spirit of the campaign was for the garage and urged the Board to vote that way. Community member Pat McHugh, stated that he felt to change course mid-way was wrong and urged the Board to vote for the garage. Community member Leslie McHugh spoke in agreement with Paul Neumann. The lot is a short-term fix. She commented that if the Board were to switch from structure to lot, that the community would campaign vigorously to never approve another bond again. She further stated that the Facilities Master Plan (FMP) was presented to the voters, and that's what the voters voted on. The FMP indicates a parking structure at Stoddard and Tully Roads. It's not right to switch from what was presented to the voters. MJC Dean Bill Kaiser spoke in favor of the lot and the reasonableness of increased spaces, including the \$3 million cost savings. He stated that the baseball program would be fine moving to West Campus and that physical education facilities are needed on the West Campus. He mentioned a recent article in the Modesto Bee which discussed the Modesto ball club, the Modesto Nut, building a co-op stadium. A fitness center for West Campus is in the FMP, but it did not make the Measure E Project List. Community Member Jerome Kopp thanked the Board for moving the agenda item to earlier in the meeting. He has lived near the college on Yale Avenue for over 40 years. He agrees with Trustee Neumann's position. He stated that the Board has a moral, ethical and legal issue before them. There is more involved than just cost. A lot on Coldwell would be dangerous for students as there is already a lot of crosswalk traffic in that area. He asked that the Board give careful consideration to the long range parking problem and favored the structure.

Trustee Schrimp stated that she drove around the campus and noticed that there is not much lawn left at East Campus. Paving over the baseball field would take away a beautiful campus area. Stoddard and Tully is a better location and she will change her vote. Trustee Dean stated that she is not affected by threats of lawsuits. She has looked at the sites and talked to people. She is concerned about the additional \$3 million in cost for the structure. She believes that her view on the parking problem last month was not futuristic. The parking structure is futuristic and

will vote for the structure. She was thankful to have an additional month to make further considerations on this issue. Trustee Rojas stated that his views have remained consistent with the structure. He stated that there are an estimated 1.3 million students to be added in the next 3-7 years in California, with 450,000 to 500,000 expected to enter community colleges. There are other estimates that City of Modesto will double in size in the next two decades. There needs to be a place for students to go. Trustee Rojas is completely sold on the structure. Trustee Flores stated that in her conversations with community members, they interpreted structure as a garage. While the lot does save money and increase parking, it is not what was presented to the public. Trustee Hallinan stated that to build a lot denies the will of the voters. Asphalt and paint striping does not make a structure. Trustee Hallinan believes in being fiscally conservative, but believes the Board needs to look forward. Trustee DeMartini stated that the FMP called for a four level garage, and that the public will not get that. The FMP also states single or multi-level. She is resolved to do something about parking on the east campus and does prefer the structure. However the cost estimate is \$41,000 per space for the garage and \$15,000 per space on the lot, including more spaces with the lot. Trustee DeMartini believes that the Board needs to be good stewards of the taxpayers dollars and that the students want a lot. She also believes that there is a legal opinion that the District would not have a problem with the bond if a lot was built. Kitchell representative Mark Newton clarified that the legal opinion from bond counsel allowed the Board the ability to change and modify the project list. He also stated that delays will cost the District approximately \$1.5 million per month. Chancellor Williams spoke towards being good stewards of the bond funds and urged the Board not to take possible legal action against the District lightly. An action filed could shut down the entire process and the District would be unable to access any of the \$326 million bond funds.

Trustee Neumann moved to accept Option A, adding a parking structure in place of the existing surface parking lot(s) at the southwest corner of MJC East Campus. The motion was seconded by Trustee Rojas.

The motion carried with a vote of 6-1 Trustee DeMartini voted in opposition.

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YCCD Program Master
Plan

As reported at the January 11, 2006 Board of Trustees meeting, Kitchell produced the draft Program Management Plan (PMP) as a guidance tool for the implementation of the Measure E Bond Program (**Report #2190**). The PMP was developed by meeting with faculty and staff for each project and validating the program requirements of each funded project in the Facilities Master Plan. After these meetings, a resequencing occurred and was approved by the colleges to prepare the new program schedule. The proposed Program Management Plan reduces the program

from a twelve-year program to a nine-year program. The PMP outlines the goals, scope, budget, schedule, and program for each project. Resolution 05-06/08 for the Bond construction criteria was also proposed for Board approval.

Faculty member and President Elect of the MJC Academic Senate, Jim Sahlman, stated that there was shock that the resolution proposed no expansion on East Campus. Kitchell's presentations have included East Campus development. Mr. Sahlman asked the Board three questions. How was the resolution developed? Who was on the committee who formed the resolution? Was this item agendaized? Mr. Sahlman requested that the Board postpone voting on the resolution. Mike Torok, Dean of Science, Math and Engineering, spoke representing his division. He was surprised to see the resolution for the first time at a meeting last Friday. Dean Torok recommends that the Board hold off its decision about development on the East Campus until the planners can come in and give recommendations. He commented that no consultation on the college level damages shared governance. He requested that the Board remove the language regarding no expansion on the East Campus or postpone voting on the resolution. Academic Senate President Curtis Martin opined that the Brown Act was violated and shared governance broken. He questioned how the resolution came before the Board and asked that the vote be postponed so the resolution could go through the shared governance process. YFA President Jillian Daly stated that she has been fortunate to serve on the MJC Coordinating Committee, College Council and District Council. However, the decision for no expansion on East Campus bypassed shared governance. YFA requests that the Board delay its vote or amend the resolution.

Trustee Neumann expressed reservations to Kitchell about limiting expansion on East Campus and feels the District needs to get started immediately on bond projects. He will vote in favor of the PMP and suggests postponing the decision on the resolution. He further suggested that the Board, at its upcoming retreat, spend time discussing the future of West Campus. Trustee Rojas spoke in agreement with Trustee Neumann. He is concerned with having space available for displaced students during renovations and building projects. Trustee Rojas wants the District to start immediately especially in light of the rate of inflation. ASMJC Student Senator Peter Said asked that the language regarding East Campus expansion be removed from the resolution.

Trustee Schrimp recommended striking the language in question. The remaining language is fine. Faculty Consultant Stephen Stroud agreed with Trustee Schrimp. Interim Dean John Zamora asked that the Board wait for the planners' recommendation. MJC is concerned and willing to work to provide solutions. It's about being good stewards of the

institution. ASMJC President Will McCombs stated that the MJC Measure E Coordinating Committee was instructed to not look at sites. This instruction was given based on the fact that architects would be making siting recommendations. Trustee Dean stated that there is no intention by the Board to violate Brown Act.

Faculty member Cece Hudelson-Putnam stated there is a belief that the PMP would build classrooms. She asked that the Board look at which programs are growing. The PMP focuses on the Agriculture and Counseling Departments. There are four divisions in Founders Hall. The remodel does not add more classrooms. She recommended moving High Tech to make more space for the Business, Behavioral and Social Sciences; reviewing enrollment data; and stabilize enrollment growth in Phase I.

Trustee Neumann reiterated that it is important to get started and that the PMP is a living document. Trustee Rojas suggested looking at moving departments to West Campus. He is concerned with displacing students during construction projects. Kitchell representative Mark Newton stated that there are two projects at MJC and two projects at Columbia that are ready to begin. Once approval on the PMP is received, Kitchell will engage the campus planners and begin the parking project. Mr. Newton encouraged the Board to support the final draft of the PMP.

A motion was made by Trustee Dean and seconded by Trustee DeMartini, to accept the PMP, with an amendment to move the West Side Center to Phase I and the Calaveras Center to Phase II.

The motion carried with a vote of 7-0.

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COMMENTS

From the Public

MJC Interim President Bill Scroggins introduced Patty Scroggins, new Director of the Child Development Training Consortium. There is no relation to Dr. Scroggins.

From the Board of Trustees

Student Trustee Susan Rudolph thanked the Chancellor and the Board for the opportunity to attend the Community College League of California (CCLC) Legislative Conference in Sacramento. She has toured UC Merced with 10 Columbia College students. She has met with a supervisor for Northern California disabled students regarding the problems that disabled students encounter. She attended a spirited basketball game at Columbia College. Trustee Neumann met with Kitchell representatives to discuss the PMP. He is also starting up his office hours again at MJC. Trustee Rojas attended the CCLC Conference and advisory committee meetings where the State Bond was discussed. Trustee Dean attended both the Sacramento and Washington, D.C. conferences, the Black

History Luncheon at MJC and the Modesto Chamber Awards Dinner. Trustee Dean stated that the CCLC workshops for Board members were excellent and she would like to discuss the workshop on Board and CEO relationship at the upcoming retreat. She also reported that the Columbia College Foundation Board is now full. Trustee DeMartini attended the ACCT Legislative Summit in Washington, D.C. for the first time. She noted that there is a difference in the national and California perspective on legislative issues. She also attended the CCLC sessions in Sacramento. Trustees DeMartini and Rojas attended the Campaign for College Opportunity at which Dr. Williams was a guest speaker. She also attended the MJC Black History Month Luncheon. Trustee DeMartini stated that the prospective state bond has good points but there are points that she does not support. Trustee Flores attended the Modesto Chamber Awards Dinner and met with Kitchell representatives to discuss the PMP. Trustee Schrimp attended the CCLC conference in Sacramento and feels good about the Governor's proposed budget. Trustee Hallinan attended the Modesto Chamber Awards Dinner and was pleased with the District's participation in that event. He also attended the Sacramento conference. Chancellor Williams commented that two follow up inquiries to our visits were received from legislators Denham and Poochigian. Trustee Dean thanked Director of External Affairs Nick Stavrianoudakis for his coordination efforts in Sacramento and Washington, D.C.

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ANNOUNCEMENTS

The meeting was adjourned at 9:20 p.m. to a Board Retreat on March 1, 2006, at 10:15 a.m. to be held in Conference Room A205, Yosemite Hall, West Campus, Modesto Junior College, Modesto, California. There will be a closed session followed by an open session.

The next regular meeting of the Board of Trustees will be held on Wednesday, March 8, 2006. Closed session will begin at 3:30 p.m. and open session at 5:30 p.m. in the Community Education Room, Columbia College, Sonora.

Anne DeMartini, Chair
YCCD Board of Trustees

James H. Williams, Secretary
YCCD Board of Trustees