

MINUTES
YOSEMITE COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES
FIRST ADJOURNED MEETING FROM THE 578th REGULAR MEETING
April 29, 2013

BOARD SPECIAL MEETING
YCCD Board Room
2201 Blue Gum Avenue
Modesto, CA 95352
8:30 A.M.

The Board Study Session was called to order by Chair Rojas at 8:30 a.m. in the YCCD Board Room.

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

Comments from the Public – There were no comments from the Public.

Board Members Present Abe Rojas, Board Chair
 Lynn Martin, Vice Chair
 Mike Riley
 Linda Flores
 Anne DeMartini
 Tom Hallinan

Board Members Absent Don Viss

Others Present J. Smith, N. Stavrianoudakis, J. Swank, B. Crow, G. Molina,
 B. Swift, K. Gervin, D. Gervin, V. MacClyment,
 A. MacClyment, M. Gariety, P. Pimentel, A. Hallinan,
 N. Austin, M. Ramirez, E. Anderson, J. Mathies (Recorder)

Discussion: 1. Notice of Termination to President, Columbia College

Chair Rojas stated that Dr. Gervin through his attorney alleged that the YCCD had violated the Brown Act because he was not given 24-hour notice with respect to his termination. The YCCD Board of Trustees does not agree that there was any Brown Act Violation, but out of an abundance of caution and in order to allow Dr. Gervin an opportunity to be heard in this important matter, we are open to reviewing it again. The first step in this process is to withdraw the notice we authorized at the February 2013 Board meeting.

Trustee Riley made a motion, seconded by Trustee Martin to withdraw the action to terminate the contract of the Columbia College President, Dennis Gervin, taken on February 28, 2013.

The Motion carried with a vote of 6-0.

The Board of Trustees recessed to Closed Session at 8:34 a.m. for the purpose of discussing the following Closed Session Agenda Items:

CLOSED SESSION AGENDA

- Discussion:
1. Conference with Legal Counsel -- Anticipated Litigation
Significant exposure to litigation pursuant to Government Code Section 54956.9(b): One Potential Case
 2. Pursuant to Government Code Section 54957
Public Employee Discipline/Dismissal/Release

The Trustees reconvened to Open Session at 11:43 a.m.

Report out from Closed Session

Chair Rojas stated that after hearing from Dr. Gervin in Closed Session at his request, and reviewing the documents he presented, and after hearing from Dr. Smith regarding her recommendation based on Dr. Gervin's evaluation and performance, the Board of Trustees in Closed Session took action unanimously to authorize the Chancellor to give Dr. Dennis Gervin notice, as required by his employment agreement, that the District will terminate Dr. Gervin's employment agreement in 60 days. Dr. Gervin will have an opportunity during the 60 days to address the Board again if he desires.

ADJOURNMENT

The Board of Trustees will adjourn to the next regular meeting of the Board of Trustee on May 8, 2013. Closed Session will begin at 3:30 p.m. and Open Session at 5:30 p.m. in the Yosemite Community College District Board Room, 2201 Blue Gum Avenue, Modesto, California.

The meeting adjourned at 11:47 a.m.

Abe Rojas, Chair
YCCD Board of Trustees

Joan E. Smith, Ed. D., Secretary
YCCD Board of Trustees