

**MINUTES**  
**YOSEMITE COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES**  
**FIRST ADJOURNED MEETING FROM THE 555th REGULAR MEETING**  
**May 25, 2011**

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**SPECIAL BOARD MEETING**  
**YCCD District Board Room**  
**2201 Blue Gum Avenue**  
**Modesto, CA 95352**  
**2:00 p.m. 4:00 p.m.**

The Board Study Session was called to order by Chair Flores at 2:00 p.m.

Chair Flores acknowledged a request from the Yosemite Faculty Association to address the Board before Closed Session. The Board agreed to hear the comments and Chair Flores directed that comments be kept to 20 minutes.

16,443

Comments From the Public

Yosemite Faculty Association President Jillian Daly commented she was representing YFA and would be the only speaker. Ms. Daly addressed the ruling of Administrative Law Judge Jonathan Lew, and YFA's interpretation of it. She read the prepared comments with a copy being provided to the Board. In YFA's report Ms. Daly referenced the decision of Judge Lew regarding instructors Alan Layne, Jeremy Wilson, Laura Paull, Jon Kropp, Haleh Niazmand. (Report #2367), commenting there are several areas of error that need further clarification. Ms. Daly reported the seniority list was made public at the hearings and did not have minimum qualifications listed, commenting they are trying to catch up in that area. Chair Flores commented the whole idea of playing catch-up at this point concerns her in that this process had not been set in place long before the decisions being faced today. Trustee Rojas commented while listening to YFA's explanation, that the Board looks to the Attorney for the District for the explanation of Judge Lew's determinations.

Adjourn to Closed Session – YCCD Conference Room B.

**I. CLOSED SESSION AGENDA**

- Discussion:
1. Pursuant to G. C. Section 54957  
Discipline/Dismissal/Release/Appointment
  2. Pursuant to G.C. Section 54956.9 – Litigation  
Case: Teacher Layoff Hearing/Yosemite CCD, OAH No. 201103046  
Case: Carpenters Work Preservation Committee and Augie Beltran vs. YCCD.  
No. 656242

The Board of Trustees reconvened to Open Session at 4:13 p.m. in the YCCD Board Room.

Board Members Present Linda Flores, Board Chair  
Anne DeMartini  
Lynn Martin  
Tom Hallinan (left at 4:00 p.m.)  
Abe Rojas

Board Members Absent Mike Riley, Vice Chair  
Don Viss  
Lloyd Templeton, Student Trustee

Others Present J. Smith, D. Wirth, G. Rose, T. Scott, R. Jones G. Molina,  
J. Kropp, N. Stavrianoudakis, K. Walters Dunlap, M. Adams,  
J. Swank, S. Pierstorff, J. Daly, B. Crow, R. McKenzie, Jr.,  
R. Stevenson, C. Martin, A. Layne, W. Griffiths-Bender,  
D. Gilbert, D. Thorpe, N. Austin, S. Circle, K. Ennis, L. Holms,  
L. Paull, D. Dow, M. McKinnon, B. Crow, C. Medina,  
B. Shook, J. Shook, D. Humble, A. Martin, J. Wilson, M. Rush,  
B. Wong, R. Faughn, C. Scheid, D. Curtiss, B. Anelli,  
A. McKissock, D. Bolter, R. Green, M. Schul, L. Kropp,  
A. Mendoza, J. Mathies (Recorder).

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

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Report Out From Closed  
Session

Chair Flores reported a Resolution (**Resolution #10-11/15**) had been considered by the Board and was adopted 5-0 (Trustees Viss and Riley were absent.) Chair Flores read the Supplemental Decision for the audience. (**See Report #2368.**)

The Board requested that Marilyn Kaplan clarify the Supplemental Decision. Ms. Kaplan reported:

1. As stated in the proposed decision, Education Code § 87743.3 provides that a faculty member's application to add a discipline must be received by February 15 of the academic year in which the reduction in force occurs. Education Code § 87740 provides that a faculty member must receive notice of proposed layoff no later than March 15. The statutory scheme obviously intends that the process of evaluating the application to add a discipline will be completed before the March 15 layoff notices.
2. Article 15 of the YFA/District collective bargaining agreement provides an even earlier deadline. Section 15.5.2 requires that the information establishing qualifications for another discipline be on file by January 1.
3. The District notified YFA that it would not seek to enforce the January 1 deadline agreed to by YFA but would enforce the February 15 deadline.
4. YFA sent reminders to its members to apply by February 15. Many did.

16,445

Additional Comments from  
the Public

Chair Flores opened the meeting to any further public comment.

John Kropp, in response to a question by Chair Flores, commented that the District is responsible for maintaining qualification records.

Alan McKissick expressed appreciation to the Board for reconsideration of some of the layoffs if money becomes available and that he is looking forward to working with them on the challenges the District is facing.

Alan Layne expressed his concern over the layoffs and hopes everyone can work together to turn things around.

Adam Webber commented he was there to speak as a student and is distraught over the change of atmosphere since the departure of the President, but is encouraged that the Board is really listening and did address the needs of the disabled.

Mary Scheinuck, Adjunct Instructor in the Department of Art, expressed concern over the loss of programs and requested the Board reconsider the long-term effects.

Trustee Rojas commented that 21 UC and state colleges have presidents conversing with the Governor regarding funds coming back to the colleges. He reported the Board is at the District on a voluntary basis, and it is very difficult to make the necessary decisions. He listens to the community and tries to bring understanding to what the Board does.

Ms. Scheinuck commented that perhaps a better way of dealing with the challenges could have been found if there had been more communication with the faculty.

Former Student Trustee Lauren Cisneros reported that as Student Trustee she took on special projects and did research. She attended the March 9, 2011, Board meeting and did a documentary as to what was happening. She commented that she had a copy of raw footage for each Board member, and if they were going to reconsider any changes should money become available, she felt watching the footage first would be very helpful.

Chair Flores reported there is a little ray of hope, and they would move toward that ray of hope.

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**ACTION ITEMS**  
**Consent Agenda**  
**Personnel Items**

Chair Flores reported a change and that Alan Layne's name was removed from the list of layoffs. Trustee Rojas made a motion that the Board of Trustees approve Action Item A as amended. Trustee DeMartini seconded.

**PERSONNEL TRANSACTION LIST**

<b>Name</b>	<b>Position</b>	<b>Department</b>	<b>Coll</b>	<b>Effective</b>
<b>Lay Off and Placement on 39-month Reemployment List:</b>				
Dennis V. Thorpe	Instructor of Architecture	Science, Math & Engineering	MJC	6/30/11
Alan Layne	Instructor of Communications Graphics Services	Ag, Environmental Sciences & Technical Education	MJC	6/30/11
Bronda D. Nidey	Instructor of Dental Assisting	Allied Health/Family & Consumer Sciences	MJC	6/30/11
Jeremy I. Wilson	Instructor of Engineering	Science, Math & Engineering	MJC	6/30/11
Jon C. Kropp	Instructor of Industrial Technology	Ag, Environmental Sciences & Technical Education	MJC	6/30/11
Laura S. Paull	Instructor of Journalism	Arts, Humanities & Communications	MJC	6/30/11
Carol Lancaster Mingus	Instructor of Telecommunications/Radio & TV	Arts, Humanities & Communications	MJC	6/30/11
Haleh Niazmand	Instructor of Art	Arts, Humanities & Communications	MJC	6/30/11
Robert Glatt	Instructor of Culinary Arts	Allied Health/Family & Consumer Sciences	MJC	6/30/11
Wendy Griffiths-Bender	Librarian	Library	MJC	6/30/11
Brian Greene	Librarian	Library	CC	6/30/11

The motion carried with a vote of 4-0. Trustees Viss, Riley and Hallinan were not present for the vote.

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**Discussion Item**  
**Summer Sonata**

Trustee DeMartini reported that she and Trustee Riley met with Foundation Director George Boodrookas regarding how Trustees can assist the Foundation. She commented that Trustees have a responsibility in fundraising, and this is part of accreditation. Each Trustee was given a list of about 600 people who are potential supporters for sponsorship. Mr. Boodrookas reported letters will be sent out regarding the Sonata and requested that each Trustee identify those that they know and do a follow up call after the letters have been sent.

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**ADJOURNMENT**

The next regular meeting of the Board of Trustees will be held on Wednesday, July 13, 2011. Closed session will begin at 3:30 p.m. and open session at 5:30 p.m. in the YCCD Board Room, Yosemite Community College District, 2201 Blue Gum Avenue, Modesto, California.

The meeting adjourned at 4:58 p.m.

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Linda Flores, Chair  
YCCD Board of Trustees

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