

MINUTES
YOSEMITE COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES
FOUR HUNDRED FIFTY-SIXTH REGULAR MEETING
FEBRUARY 4, 2003

At 3:30 p.m. Board Chair Paul Neumann called the meeting to order in YCCD Conference Room B. Trustees convened for closed session for the purpose of discussions pursuant to G. C. Section 54957 - Public Employee Discipline/Dismissal/Release and the evaluation of MJC President; G. C. Section Pursuant to G. C. 54956.9 - Clark vs. YCCD and Anticipated Litigation; and G. C. 54957.6 - Collective Bargaining.

The Board of Trustees reconvened to open session at 5:00 p.m., in the YCCD Board Room.

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

Trustees Present	Anne DeMartini Linda Flores Tom Hallinan Paul Neumann Joseph Mitchell Abe Rojas Delsie Schrimp
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Trustees Absent	Nicole Jansen (student trustee)
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Others Present	G. Balentine, G. Boodrookas, R. Brinkman, D. Clark, K. Clark, J. Codoni, P. Fisher, R. Green, M. A. Greenwood, K. Hankins, R. Hickman, L. Hoile, C. Hudleson, D. Jamison, K. Jeffery, H. Kiley, L. Kubeck, L. Lott, T. Lyle, L. Martin, M. Martino, L. Mayhew, M. McBride, W. McLeod, V. Metcalf, A. Noriega, I. Nunez-Pippin, M. Puthuff, F. Osnaya, P. Owen, R. Peralta, K. Ramos, J. Riggs, C. Rodriguez, G. Rose, T. J. Scheidecker, T. Scott, B. Scroggins, K. Short, N. Stavrianoudakis, H. Stetson, S. Stroud, J. Swank, E. Vaca, J. Walker, B. Wells, J. Williams, S. Woodside, L. Woodward, S. Woodward, E. Osnaya (recorder)
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14,621 Approval of the Minutes	A motion was made by Ms. Schrimp, seconded by Ms. Flores, that the Board of Trustees approve the minutes of the regular meeting of December 17, 2002.
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The motion carried by a vote of 7-0.

14,622 Special Recognition	Board Chair Neumann presented Trustee Mitchell with a plaque in appreciation for chairing the meetings for the last year and commended him for his service. Mr. Mitchell thanked trustees.
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REPORTS AND INFORMATION ITEMS

14,623 Student Activity Reports	Emilio Vaca, ASMJC President, reported that MJC hosted a meeting, attended by student representatives from approximately 20 colleges, to discuss the budget crisis. As a result, they will be posting signs around campus, providing forums to keep students informed, starting a letter campaign, contacting K-12 institutions,
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and starting petitions. They also are planning to attend the Capitol Day in Sacramento on March 18. They hope to be able to send a group of student reps from MJC and Columbia. On January 10 ASMJC and ASCC held a successful and informative joint retreat at Columbia College. Mr. Vaca said they not only learned about parliamentary procedures and the Brown Act, but had the opportunity to interact with students from their sister college. They plan to hold another joint meeting this spring after their election of officers. Mr. Vaca thanked the student government representatives, advisors, staff, faculty and college presidents for making the retreat a success.

Other activities planned include participation/co-sponsorship of events honoring Black History Month, Cinco de Mayo, Women's History Month, participation at the African American Teen Summit, the annual flower sale, and Club Faire day. On March 6 students plan a women's history forum with Dolores Huerta, co-founder of the United Farm Workers. They also are trying to contact Angela Davis, professor at UC Santa Cruz, to participate.

Dr. Fisher reported that she and trustees recently met with our legislators, who asked to hear directly from individual students about how the budget cuts and fees increase will impact them. Trustee Schrimp added that Legislators are not interested in a mass mailing type response. They would like to hear individual, personal stories. Mr. Neumann added that the other problem aside from not having money for fees and books is the availability of classes. Mr. Vaca said that students are working with the MJC TV production department on a half-hour clip about how fee increases, etc., will affect students. He said the piece will be sent to our legislative representatives.

Dr. Kathryn Jeffery, Vice President of Students Services, reported on behalf of Doralyn Foletti, ASCC President. Dr. Jeffery submitted to the Board a videotape prepared by Ms. Foletti and ASCC students as an alternative to a live Board presentation. Dr. Jeffery reported on students' participation at the joint leadership retreat held at Columbia College. She said that it was an excellent event and both college presidents were present and provided leadership wisdom. Dr. Jeffery said that ASCC has started a letter-writing campaign regarding the budget so that students' words are heard at the state level. She announced that in February students are planning displays in honor of Black History Month and Women's History Month. Other activities include recycling efforts led by the Environmental Club, participation in a local building project with the Habitat for Humanity, and taking part in an international world peace rally.

Trustees thanked Mr. Vaca and Dr. Jeffery for their reports.

14,624
Academic Senate Activity
Reports

Morgan McBride, CC Academic Senate President, reported that at the January Academic Senate meeting, ASCC President Foletti asked the Academic Senate to encourage all students to participate in their letter-writing campaign, and in the upcoming

Lobby Day in Sacramento. Ms. McBride said that Dr. Riggs also was a guest at the January meeting. He presented information on the Excellence Initiative, in particular the Academic Achievement Center. Dr. Riggs also answered questions pertaining to the budget situation.

Ms. McBride reported that a resolution was passed in January related to the curriculum committee chair. She said the Senate had received suggestions for changes to the Senate's constitution and bylaws. They plan to adopt a new constitution and bylaws in March. Ms. McBride reported that they have an informative display in the Rotunda of the Manzanita Building titled "Getting to know your Senate." This display includes the delineation of charges and goals of the Senate and shows how the Academic Senate helps students and staff.

Ms. McBride reminded trustees of the resolution passed last month by the Columbia College Academic Senate, urging the Board of Trustees to provide domestic partner benefits in keeping with AB 25 and the YCCD Beyond Tolerance Initiative.

Terry Lyle, MJC Academic Senate President, reported that there has been much discussion since the release of the budget proposal by the Governor. He said many faculty have said that they are willing to make some accommodations in order to address the shortfall and fulfill their mission to educate students. He said that since reporting last month, a second reading of a resolution in support of extending benefits to domestic partners passed at their January meeting. Like Columbia's Senate, MJC supports provision of those benefits. He reported that the College is working on another Title V grant to enhance the transfer of students. This grant is a collaborative grant involving Merced College, MJC and CSU Stanislaus.

Following up on last month's discussion about the possibility of changing the date of regular board meetings, Mr. Lyle informed the Board that the Academic Senate traditionally meets the first and third Thursday of the month. If a change is made to Thursdays, Mr. Lyle asked for advance notice so they can accommodate the Board's schedule.

14,625

Activities/ Announcements

Ninth Annual Martin
Luther King, Jr.
Commemoration

Dr. Williams, MJC President, reported that the Martin Luther King Jr. commemoration was an outstanding event. The event was held at Modesto Junior College on January 25. Former astronaut Dr. Mae Jemison, the first woman of color to go into space, was the keynote speaker. Dr. Jemison provided words of encouragement and motivation to a crowd of over 1,500 in attendance. Her focus was on achieving excellence in math and science education. Trustee Flores, who attended the event as well as the preceding reception, agreed with Dr. Williams' comments that it was an excellent event.

- Native American Exhibit Dr. Riggs reported that the William Walter Native American Artifact Collection is on display at Columbia College through February 6, 2003. The Collection was donated in 1974 to the Columbia College Foundation and is on display in the Manzanita Building's Rotunda.
- Annual African American Education Conference & Teen Summit President Williams reported that MJC will host the 15th Annual African American Education Conference and Teen Summit on Saturday, February 8, 2003, 8 a.m. to 4 p.m. The conference is aimed to inspire youth of all backgrounds, ages 12-19, to pursue a college education. Highlights of the day will include a dramatic performance by Oakland-based storyteller Awele Makeba; keynote speaker will be Dr. William Parker, and afternoon forums will be hosted by Amanda King from KWIN Radio and attorney Jessie Alexander. The conference is free and open to the public. Dr. Williams encouraged Trustees to attend. For more information call Wendy Byrd in the MJC Student Development office at 575-6702.
- Cornelius Bumpus at MJC On Wednesday, February 5, the MJC Music Department in conjunction with the Columbia College jazz series will present "Let's Go Bumpin" with Cornelius Bumpus. Dr. Stephen Stroud stated that it should be an excellent performance. Mr. Bumpus will be playing with the MJC Evening Jazz Band and Columbia College Jazz Band. The show will be held at 7:30 p.m. in the MJC Music Recital Hall. The evening will feature the "Bumpman" on sax, flute and lead vocals with the MJC jazz band under the direction of Dan Maas and the Columbia Jazz band under the direction of Rod Harris. Tickets are \$10 general admission and \$7 for students and will be available only at the door.
- Staff Recognition Dinner Chair Neumann reminded everyone that the Staff Recognition Dinner will be held at the DoubleTree Hotel Ballroom on April 18. Trustees, staff, and guests are invited to attend this special event in honor of our colleagues that are retiring and those that will be celebrating 25 years of service. Chancellor Fisher said it should be an especially big celebration this year and encouraged everyone to save that date.

14,626

Presentations/Updates

- Community College Legislative Conference On February 2-3 California community college trustees and staff met in Sacramento to learn more about the major legislative issues of the year. The focus was on the budget. Trustees Schrimp, Flores, and DeMartini, Chancellor Fisher, President Williams, and Nick Stavrianoudakis, Director of External Affairs, attended the legislative conference and met with assembly members and senators representing the Yosemite Community College District service area. The Chancellor and trustees commented that the time was well spent. They felt that legislators are aware of the community college situation but could not provide much encouragement, as the state's budget situation is quite serious. Trustee Schrimp said they let our representatives know that

students and staff would be impacted in many ways if the budget situation continues as it is. Mrs. DeMartini stated that she pointed out the inequity of funding cuts. Mr. Stavrianoudakis distributed a YCCD legislative guide published by his office. It is intended to help campus and community residents effectively communicate with our legislators.

ACTION ITEMS

14,627
Consent Agenda

Mr. Neumann asked about purchase order 64377 Water Cross Connect MJC West. He indicated that he did not have a question about the purchase order. His question was directed as to whether a resolution had been reached on the West Campus water issue. Chancellor Fisher explained that the district is doing a combination of things. She said we are using city water as drinking water and that will probably be permanent. The Chancellor said that staff were able to do some repairs on one of the wells which now provides irrigation water. Dr. Fisher explained that purchase order 64377 related to meeting requirements that ensure the safety of the water, prior to the water situation on West Campus. Trustee Schrimp inquired about a purchase order for the bookstore remodeling. Ms. Teresa Scott, Vice Chancellor for Fiscal Services, explained that after the opening of Sierra and Yosemite Halls the old West Campus bookstore was moved to a bigger area in South Hall and those costs were reflected on that purchase order.

Chair Neumann and Trustee DeMartini indicated they would abstain from voting on the purchase orders.

Janice Walker said that the purchase order 64377 that Mr. Neumann referenced appeared twice in the report and wondered why. Ms. Scott explained that she would need to look at the original purchase order, but sometimes expenditures are split between different funds.

A motion was made by Mr. Mitchell, seconded by Mr. Hallinan that the Board of Trustees approve the Consent Agenda.

Purchase Orders

Approve the purchase orders issued from November 1, 2002 through December 31, 2002.

Acceptance of Gifts –
Columbia College & MJC

Accept with appreciation the following gifts:

- a. Twenty-one yards of compost from Gilton Solid Waste to be used for the vegetable crops class in the Ag and Environmental Sciences & Technical Education Division at Modesto Junior College.
- b. Various books of assorted titles from Norma Garcia and Terry Hartman, to be used in the Library at Modesto Junior College.
- c. Wall dividers from Central Valley Nissan to be used in the Associated Students' Offices at Modesto Junior College.

d. Welding wire from Airgas to be used in the Agriculture Mechanics program at Modesto Junior College.

Nonresident Tuition Fee Adopt a 2003-2004 nonresident student tuition fee of \$149, consistent with the statewide average.

Notice of Completion of Contract Accept the work performed by American Asphalt Repair and Resurfacing for the Parking Lot Slurry Coat and Restripe at Columbia College, Bid #03-1518, 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 #2073)**

- a. Teacher Qualification Program – MJC
Submitted to Stanislaus County Office of Ed.
Agency share: \$77,099; Proposer share: \$0
- b. Computer Applications Training – MJC
Submitted to Stanislaus County Housing Authority
Agency share: \$13,100; Proposer share: \$0
- c. Spanish 102 Challenge – MJC
Submitted to Head Start Hispanic Services
Agency share: \$1,624; Proposer share: \$0
- d. Japanese Agricultural Training Program – MJC
Submitted to the Japan Agricultural Exchange Council
Agency share: \$116,478; Proposer share: \$0
- e. Preparing All Students for Science (PASS Project) – MJC
Submitted to the National Science Foundation
Agency share: \$257,908 annually for five years
Proposer share: \$0
- f. Central California Migrant Head Start Intensive Teacher Training Program – MJC
Submitted to the Stanislaus County Office of Education
Agency share: \$70,731; Proposer share: \$0
- g. MJC Child Development Permit Approval Project – YCCD
Submitted to Stanislaus County Children and Families Commission (Proposition 10 funds)
Agency share: \$61,000; Proposer share: \$0
- h. Child Development Training Consortium – YCCD
Submitted to California Department of Education, Child Development Division
Agency share: \$3,707,740; Proposer share: \$0

- i. Columbia College Upward Bound Program – CC
Submitted to U. S. Department of Education
Agency share: \$293,053; Proposer share: \$0
- j. General Child Care GCTR-1420 –CC
Submitted to Child Development Division/ California
Department of Education
Agency share: \$375,570; Proposer share: \$0

Special Appointment – Approve the appointment of Dr. William Scroggins to serve as a member of the ACCJC Evaluation Team visiting East Los Angeles College on March 17-20, 2003.

The motion carried by a vote of 5 ayes (Flores, Hallinan, Mitchell, Rojas, Schrimp) and two abstentions (DeMartini, Neumann) regarding the purchase orders. On the remaining 5 consent items the motion carried with a vote of 7-0.

14,628
Personnel Items

Mr. Richard Peralta, Vice Chancellor for Human Resources, presented twenty-four personnel items for the Board’s approval.

He introduced Mr. Willie McDaniel, YCCD’s new Director of Campus Security and Employee Safety. He joined YCCD effective January 21. Trustees welcomed Mr. McDaniel.

Trustees recognized the retirements of Shirlee Adams, Sharon Ross, Cynthia Fraquero Peterson, Sondra J. Rebeiro, and Darrell Top, and officially commended them for their valuable service to the District.

A motion was made by Mr. Rojas, seconded by, Ms. Flores, that the Board of Trustees approve the personnel items.

Shirlee Adams Grant emeritus retirement status to Shirlee Adams, Articulation Officer, Instruction, Modesto Junior College, effective April 25, 2003 and officially commend her for 32 years of valuable service to the District.

Sharon Ross Grant retirement status to Sharon Ross, Administrative Secretary, Science, Mathematics & Engineering, Modesto Junior College, effective December 31, 2002 and officially commend her for 30.5 years of valuable service to the District.

Cynthia Fraguero Peterson Grant retirement status to Cynthia Fraguero Peterson, Bookstore Operations, Lead, Columbia College, effective February 5, 2003 and officially commend her for 15 years of valuable service to the District.

Sondra J. Rebeiro Grant retirement status to Sondra J. Rebeiro, Administrative Assistant, YCCD Educational Services, effective June 30, 2003, and officially commend her for 29 years of valuable service to the District.

Darrell Top	Grant emeritus retirement status to Darrell Top, Math Instructor, Science, Math & Engineering, Modesto Junior College, effective April 25, 2003, and officially commend him for 35 years of valuable service to the District.
Dawnwyn Gattey	Accept the resignation of Dawnwyn Gattey, Secretary III, Fire Science, Modesto Junior College, effective December 18, 2002.
Ruhi Sheikh	Accept the resignation of Ruhi Sheikh, Support Staff I, Learning Resources, Modesto Junior College, effective January 1, 2003.
Stephanie Boyd	Accept the resignation of Stephanie Boyd, Bookstore Buyer, MJC Bookstore, effective December 20, 2002.
Derek Madden	Approve the administrative appointment (interim) of Derek Madden to the position of Dean of Science, Mathematics & Engineering, Modesto Junior College, effective January 1, 2003 to June 30, 2003.
Willie McDaniel	Approve the appointment of Willie McDaniel to the position of Director, MJC Campus Security and YCCD Employee Safety, effective January 21, 2003.
Ann Lowry	Approve the probationary appointment (first year contract) of Ann Lowry to the position of Interior Design Instructor, Family & Consumer Sciences/Allied Health, Modesto Junior College, effective Spring, 2003.
Ray Latham	Approve the temporary appointment of Ray Latham to the position of Biology Instructor, Science, Mathematics & Engineering, Modesto Junior College, for the Spring, 2003 semester.
Yan Yan Chan	Approve the probationary appointment of Yan Yan Chan to Accompanist, Arts, Humanities & Communications, Modesto Junior College, effective February 3, 2003, (10-month work year).
Lori Sammis	Approve the promotional appointment of Lori Sammis to Health Services Technician, Health Services, Modesto Junior College, effective January 27, 2003, contingent upon funding.
Gary DeBerry	Approve the probationary appointment of Gary DeBerry, Information Systems Specialist, Yosemite Community College District, effective January 6, 2003.
Delia Gonzalez	Approve the probationary appointment of Delia Gonzalez to the position of Support Staff II, Counseling, Modesto Junior College, effective January 13, 2003.
Lisa Schut	Approve the appointment of Lisa Schut to Child Care Center Manager, Allied Health/Family & Consumer Sciences, Modesto Junior College, effective January 27, 2003, contingent upon funding.

Jim Clarke Approve the temporary appointment of Jim Clarke to the position of Faculty Coordinator of Instructional Technology, Learning Resources, Modesto Junior College, effective January 10, 2003 and ending on or before June 30, 2003.

Organizational Change – Classified Approve the following change in staffing in accordance with administrative procedure on organizational change:

- a. Authorize a new classified position of Data Base Administrator (salary Range 45).
- b. Eliminate the existing Programmer Analyst II position (salary Range 43) occupied by Cynthia Fuhr.
- c. Appoint Ms. Fuhr as Data Base Administrator effective February 1, 2003.

Margaret Baker Approve the voluntary reduction in assignment of Margaret Baker, Instructional Assistant - Food Processing/Laboratory Technician at Modesto Junior College, from 3 hours per day/1 day per week/10 months per year to 3 hours per day/1 day per week/8 months per year effective the 2002-03 academic year.

Richard Fox Approve the voluntary reduction in assignment of Richard Fox, Instructional Assistant - Food Processing/Laboratory Technician at Modesto Junior College, from 3 hours per day/1 day per week/10 months per year to 3 hours per day/1 day per week/4 months per year (spring semester only) effective the 2002-03 academic year.

Karen Jackson Approve the voluntary reduction in assignment of Karen Jackson, Instructional Assistant - Food Processing/Laboratory Technician at Modesto Junior College, from 3 hours per day/1 day per week/10 months per year to 3 hours per day/1 day per week/4 months per year (spring semester only) effective the 2002-03 academic year.

Peter Shkabara Approve the temporary voluntary reduction in assignment from 100% to 60% for Peter Shkabara, Computer Science Instructor, Columbia College, effective Spring semester 2003.

Classified Reduction in Force Approve **Resolution No. 02-03/03**, Classified Reduction in Staff, authorizing a reduction in classified personnel and appropriate notice to affected staff.

The motion carried with a vote of 7-0.

Discussion Items

14,629 Domestic Partners Chancellor Fisher brought trustees up to date on what had transpired on this issue since the last meeting. At the December 17, 2002 meeting of the Board of Trustees, a presentation was

made by about a dozen YCCD staff based on a request for that presentation from more than one hundred YCCD staff. The presentation focused on what was believed to be the inherent inequity of current district policy not to offer health benefits to domestic partners of YCCD employees. Following a comprehensive presentation and testimony that spoke to ethical, legal, and procedural issues, the presenters informed the Board that their own research indicated there would be a very small number of people who would utilize the benefits. However, they stated that such action would be consistent with our District's commitment to fairness, equity, and tolerance and would send the right message to current and prospective employees. They asked the Board to make the benefits available immediately. Also at the December 17 meeting the president of the Yosemite Faculty Association spoke against their request and stated that he felt such a decision must go through the negotiations process.

Dr. Fisher stated that as that agenda item was a presentation of information, and not an action item, the Board could not act at that time. At the conclusion of the discussion, the Board of Trustees instructed the Chancellor to work with legal and administrative staff and clarify their options. They also encouraged the already established Domestic Partner Benefits Task Force to continue their research and study regarding options for implementation should the Board decide to approve this extension of benefits.

Mr. Richard Peralta, Vice Chancellor for Human Resources, reported that since December's meeting, a number of developments have occurred. He pointed out that the Task Force had been quite active with their comprehensive research process with much participation from our insurance carriers, legal counsel, and the assistance of faculty and staff representatives. Consultation with our insurance carriers and legal counsel revealed that companies are required by law to provide benefits to these participants if the agency has made them eligible. Our insurance agent informed us that the increased premium cost is often negligible (about half a percent). Our agent also advised that administrative costs can almost be eliminated if our policy and procedures follow the state guidelines included in AB25, which essentially leaves the bureaucratic steps of criteria and verification to the state office set up to perform that task. The District also sought and received a legal opinion that the Board can, in fact, include domestic partner benefits without the negotiations process if it so desires. Following such action, any union can ask that the benefits for their members be negotiated before being implemented. Otherwise, implementation proceeds as soon as feasible.

Mr. Peralta introduced Ms. Venesse Metcalf, Director of Human Resources and Chair of the Task Force, who reported on the charge of the task force. She reported that at the direction of the Chancellor the Domestic Partners Benefits Task Force was convened, which is comprised of representatives from the Leadership Team, CSEA, YFA, and two representatives from the

ad hoc committee for domestic partners benefits. Their charge was to provide the Chancellor with information and research that would be shared with the Board of Trustees to provide them with options on how they might proceed. Ms. Metcalf said the task force used the language consistent with AB 25 and its definition of same sex domestic partners. She provided trustees with a list of community colleges and four-year educational institutions from across the country that offer these benefits. She added that in California alone, 34 community colleges offer domestic partner benefits. Locally, the Modesto City Schools Board of Trustees made the decision to extend domestic partner benefits at their January 2003 meeting, and in 1999 the Modesto Bee extended benefits to opposite and same sex partners. Ms. Metcalf said the Task Force had completed their initial charge and would continue to move in the direction the Board recommends. She acknowledged and thanked the members of the Task Force and the ad hoc committee for their hard work.

Mrs. DeMartini asked how many of the colleges on the list provide benefits to heterosexual partners and how many have benefit packages similar to YCCD's. Ms. Metcalf said the task force focused on same sex domestic partners only. She also explained that they did not look for information on benefits packages, they were looking at districts that offered the benefits and whether the Board extended the benefits or if they were negotiated.

The Chancellor summarized that the Board had asked for and had received the report on the insurance carrier, the legal opinion, and the administrative piece. She explained that the recommendation speaks to the AB 25 definition, which is the definition adopted by the State of California. The State also has set up a registry that is responsible for the administration and verification of domestic partners. Mr. Hallinan asked if this would apply to opposite sex partners. Dr. Fisher explained that the recommendation before the Board addresses same sex domestic partners. If the Board wanted to consider the issue of opposite sex partners, that issue would have to be presented to the Board in the future.

Lew Mayhew, YFA president, said he was available to answer any questions related to the letter he provided to trustees just prior to this meeting. Mr. Mayhew said that with all due respect to the Senates, the unions are in charge of negotiating health and welfare benefits. He told the Board that the YFA proposal basically asks that the task force be allowed to continue to compile and organize the information on issues such as the definition of a partner, how to create and dissolve a partnership, the status of children of a partner, costs associated with different choices, and continuation of coverage (i.e., COBRA). He said the task force could organize the various pieces and present those to CSEA and YFA, who would review them very quickly, in a fast track negotiation approach. Mr. Mayhew said that if the Board felt that they needed to take action at this time, he suggested that the most appropriate thing to do would be to give a statement of conceptual support. Mr. Mayhew said that by taking action on the

recommendation it appeared to him to preempt the opportunity of full discussion within each union.

Mr. Rojas asked how Mr. Mayhew would suggest the Board give a statement of conceptual support. Mr. Mayhew said his opinion would be to pass a motion indicating their support, which would be on record and then contact with each union would trigger an immediate negotiation on the issue. Some trustees felt the statement of conceptual support would be another way of characterizing the staff recommendation. Dr. Fisher pointed out that there is a major difference between conceptual support and the recommendation. She said that if the Board approved the recommendation tonight, the employee groups who wish to accept those benefits could implement the benefits as soon as the procedural issues are taken care of. Any of the three leadership organizations that choose to negotiate could do so, and the implementation process would stop or slow down for that particular group. Ms. Schrimp asked if this issue had ever been brought up in negotiations. Mr. Mayhew stated that it had been briefly discussed but was not included in any opening proposals. He said it had been addressed in the YFA negotiations survey in the past, and the issue had received very little interest. He said a new survey is being distributed this week which extensively addresses the topic raised by the two Academic Senates. Mr. Mayhew said he sees no way this issue would not be in their negotiations agenda. He added that he did not even think that they would have to wait for formal negotiations opening process. He said YFA could agree to negotiate quickly.

There was much discussion about clarification of the recommendation. Mr. Neumann stated that by approving the recommendation, the Board would be asking staff to move forward on this issue, and YFA can then make their demand to negotiate and move in that direction. Mr. Mitchell said that by approving the recommendation, the Board would obviate the need for negotiations because the benefit would be implemented. It was clarified that the recommendation states it "would grant and work with," and would be implemented only if there were no objections. Dr. Fisher stated that recommendation goes a step further than conceptual support and said nothing will take place until procedures are developed. She clarified that some of the procedures are taken care of in AB 25 because the administrative mechanism will be the state registry. She reiterated that after approval of the recommendation, we still need to sit down and work with employee group representatives and the task force on timelines and implementation. If the Board approves the recommendation and the task force comes across an item that needs further direction from the Board of Trustees, it would be brought back to them. Mr. Mayhew said he still had concerns because some of the language currently in the faculty contract would have to change, and those changes would have to be ratified. Dr. Fisher pointed out that the recommendation gives the union that option. The Chancellor said this would be handled the same as when staff have negotiated added benefits with one union

and not the others. Those benefits have then been offered to the other two groups unilaterally. There have been no objections in those cases. Dr. Fisher reiterated that if the action is approved tonight and then the three leadership groups would like to sit down and negotiate, that is exactly what would happen. If not, we would continue to work on the procedures and move forward. Mr. Mayhew's final comment was that if the Board adopts the recommendation as presented, he believes that the Board would unilaterally decide upon the narrow definition of partner. The Chancellor agreed. If the Board adopted a narrow definition, should YFA, CSEA or the Leadership Team wish to talk about a broader definition that could be brought up and considered.

Marian Martino, member of the advisory board for Liberty Action Network, an affiliate of the local PFLAG chapter, addressed the Board on behalf of a wide range of community supporters. She said that the State of California set the standard for recognizing domestic partnerships with the passage of AB25 in the year 2000. She said that the Board of Trustees and this institution has led the way in our community in setting an example of fairness, equality and diversity and that the district's Beyond Tolerance Initiative continues to call attention to that fact. She said extending domestic partner benefits is consistent with the mission of that initiative. Ms. Martino said that on behalf of the group she represents, she looked forward to the Board's vote in favor of domestic partner benefits for district staff.

Sandra Woodside, MJC Professor and ad hoc committee spokesperson, addressed some of the issues that had been raised this evening. First, she addressed a comment made earlier by Mrs. DeMartini about the number of people that would sign up for domestic partner benefits and said that Ms. Woodside had "raised the stakes to ten." Professor Woodside clarified that what had occurred was that Mrs. DeMartini asked her if she thought there would be ten employees. Ms. Woodside said she told her it would be difficult to estimate, but her best guess would be maybe two or three, possibly five. She stated that in planning and buffering for any surprises, planning for ten would provide a cushion until all the details were figured out.

Regarding Mr. Mayhew's concerns about definitions and details that need to be worked out, Professor Woodside said some of those already are addressed in AB 25. It not only defines domestic partners, but also mandates that insurance companies provide benefits if asked by employers. It also provides information on the rights and responsibilities, estate planning, medical rights, and the registry for the establishment and dissolution of a relationship. The issue of children is not addressed in AB 25, because Ms. Woodside believes that is not an issue. She said that children of domestic partners are no different than children of any other partnerships. Children already are defined as the biological child, adopted child, or even guardian which all apply to opposite sex relationships and same sex relationships.

In response to Ms. Schrimp's question as to whether the domestic partner benefits issue had ever been placed on YFA's faculty survey, Ms. Woodside pointed to a volume of work which she had compiled so the issue would be recognized by their association. She said the issue began in 2000 and that YFA's stance was that this issue was never raised to a level of importance in the past. Ms. Woodside said she believes this issue has been mishandled in the past. When the faculty negotiations survey was conducted in the year 2000, Columbia College conducted a write-in campaign because the issue of domestic partners wasn't even listed on the survey. Ms. Woodside said 14 of Columbia's 24 faculty wrote in domestic partnerships, but as their voice came down the hill it died. She said when YFA did choose to include domestic partnerships on the survey, it was identified under health insurance for adjunct faculty and nothing was included under full-time faculty. She said they have never been fairly represented. Ms. Woodside repeated that this is an issue of equity and if their voices had been heard by YFA, they would not be here this evening. Ms. Woodside also commented on the issue raised last month about the institution of marriage. She said law clearly states that marriage is a term that is reserved for heterosexual couples, and domestic partnerships are something else. However, she said there is nothing in the law that states that health benefits are reserved only for married people. She closed by saying that there is an equity issue on the table. She said they are looking to the Board for leadership. They are willing to work and be fair-minded, and they expect the same in return.

Janice Walker, audience member, stated that, as an employer, she faces the same problems. She said this year her business will be providing benefits for domestic partners. She said she had no objections to benefits for domestic partners but objects to bypassing the bargaining units. She said this issue should go through the normal procedures and the Board should not unilaterally approve it.

Trustee DeMartini said she spent a great deal of time reading and thinking about last month's presentation and wanted to address several issues. First, she thought that the group was motivated to come forward because the union was not carrying forward issues that they wanted addressed. Yet, she said they are only talking about 4-5 people that might be affected and others that align themselves with them. Mrs. DeMartini stated that she wanted them to know that it's very common that not everybody gets what they want. She said that just because you ask for something doesn't mean you get it. She said the union's job is to represent those things that the majority of the faculty want. Mrs. DeMartini recognized that now there appears to be a majority or large segment so it is likely that domestic partners will be an issue. She pointed to the agenda item on the budget crisis and said that we don't even know how many domestic partners will take advantage of the health benefits. Mrs. DeMartini asked how many people we want to layoff so we can offer domestic partner benefits. She said the budget situation is serious and this benefit will cost more

money and it is bad timing to be asking for something. She agreed with YFA and Mrs. Walker that this benefit must be negotiated. She stated that trustees are not to be negotiating with the Academic Senates. It is essential that this be negotiated at the union's request. She added that as Board members one of their highest priorities and responsibilities is to represent the community. She pointed out that Prop 222 (sic 22) passed in California in defense of the marriage act. She said this proposition passed statewide by 61.4% and in Stanislaus by 75%. She said the people that voted for the trustees in Stanislaus County want to keep marriage between a man and a woman. She said she has the responsibility to represent her constituents who do not want their taxpayer dollars to fund a lifestyle choice, particularly during a budget deficit time. She said the information provided by the task force indicates that 31% of community colleges provide domestic partner benefits but failed to mention that 69% do not. She added that another issue that had been brought up frequently is equity. Mrs. DeMartini said the request for domestic partner benefits is not what she considers fair. She said that the group supporting domestic partner benefits are not opposed to benefits for heterosexuals who are shacking up, but they are not asking for benefits to be extended to them. Trustee DeMartini said she also found the district's current benefit package unfair because it compensates employees at a different rate. She said perhaps the most equitable package would be one similar to what Modesto City Schools offers, because they pay their employees a lump sum of money and employees spend it as they choose. She said that might be the only way that she would be in favor of domestic partner benefits because everyone would be treated the same. She said she would not vote for something that someone is telling the Board should be provided because it is the right thing to do. Mrs. DeMartini encouraged the Board to do nothing tonight. She said this must be negotiated and since reopeners are coming up soon, they were not talking about delaying this by two or three years down the road.

Trustee DeMartini said that another thing that has concerned her about the entire presentation has been the Academic Senate resolutions, the letters to trustees, and the ad hoc presentation which have stated that domestic partner benefits should be provided as reflected in the goals of the Beyond Tolerance Initiative and that failure to do so is in direct opposition to the goals contained in the Beyond Tolerance Initiative. She said this was upsetting to her because there are many groups of people that we need to respect, honor and include that will be offended if we provide domestic partner benefits. She said that same sex partners state that if we do not provide the benefit, we are not tolerant. Yet if benefits are provided, Mrs. DeMartini said we are not respectful and tolerant of people who do not want to fund a lifestyle choice.

Mr. Rojas asked for a definition of AB 25 as it applies to the motion. Dr. Fisher explained that the AB 25 reference is twofold. First, it provides the definition of domestic partner. Secondly, it

provides the registry that we would use for administration, which means that their criteria and verification documents would be used to verify and register a couple as domestic partners in order for them to apply for our benefits package. AB 25 does not require us to provide the benefits, it requires insurance companies to make them available if an employer wants them to be made available.

Dr. Stephen Stroud, Faculty Consultant to the Board of Trustees, said that he has been a part of all the discussions that have taken place on this issue. He disagreed with Trustee DeMartini that this is a lifestyle choice. He brought up the point of the integrity of the two senates. Under the faculty agreement negotiated with the District and AB 1725, faculty will hire faculty. Dr. Stroud said that if we offer a benefits package that meets the needs of prospective faculty and their families, top candidates will come here. Otherwise, they will not. He said that four-year institutions have offered these benefits for a long time. He said we cannot lose sight of the fact that we are leaving a certain segment of our employees without coverage for their families. He wanted to assert that the Senate does have a responsibility to hire faculty and this issue could affect that process.

Mr. Mitchell said that this is an item that needs to be taken to negotiations. He said that if we are talking about programmatic changes at the colleges, we go to the Senate. He said that when we are talking about wages, benefits and working conditions that is an issue that we forward to the unions. He said that we are facing a budget crisis of millions of dollars and have a health insurance plan that is hemorrhaging. The plan is going to require major changes or it is not going to survive and adding anything to it is too much. He said he felt that instead of doing a piece meal change the Board should look at this issue as a component of the overall fix for the budget.

Trustee Linda Flores stated that as a teacher and union member, she appreciates the work of her union and voices her opinion when she needs to. She believes that the individuals involved in the domestic partner issue made an effort to take their concerns to their union and finds it unfortunate that we have to deal with this issue in this manner. Ms. Flores said those individuals made a sincere effort to be heard. She reiterated that it is unfortunate that we had to reach this point to deal with this issue when it could have been resolved much earlier if those voices had been recognized.

Trustee Rojas agreed with Mr. Mitchell that now is the time to develop a benefit package which would include domestic partner benefits and any other changes. He stated that the timing is bad and at this point in time he favors a proposal that can be included in the negotiation of a new benefit package.

Trustee Delsie Schrimp stated that she is in favor of the recommendation as written because the Board of Trustees would be sending a message to the negotiating teams that the Board is in

favor of this issue and that they need to work it out however they can.

Mr. Hallinan agreed with Ms. Schrimp. He felt that the recommendation is inconsistent with remarks made by Mr. Mitchell and Mr. Mayhew. He added that he did not believe it is inconsistent with the feelings of the community. He said that Prop 22 is not the same issue. He said he takes public input very seriously and said he only received one response against granting these benefits and had received dozens in support.

Chair Neumann said he had some conflicts in terms of the negotiating issues but none with the proposal itself. He said this is a matter of equity. He said boards sometimes have to do unpopular things and articulate issues that are not popular in the community. That is part of the responsibility of being a board member and part of a college. He said colleges ought to lead, not follow. He reiterated that he does not have a conflict about the domestic partner benefit issues, but he did have some concerns with the negotiating issue. However, after listening to comments from trustees those concerns had been clarified for him. He said that if the recommendation was approved tonight, which he plans to support, negotiations can still occur if desired. He said he does not believe this is a small thing, because equity is a big issue. Chair Neumann said he was happy to vote for this recommendation and hopes that the nuts and bolts can be ironed out soon.

Thus, the Board of Trustees had at least the following options:

- a. Grant domestic partner benefits (consistent with AB25 definitions) as soon as practically feasible.
- b. Defer the decision regarding domestic partner benefits to the negotiations process where either the District or any of the unions could place it on the agenda.
- c. Ask the existing Task Force to continue their work and report back with a recommendation.
- d. Take no action.

Trustee Mitchell made a motion that the Board of Trustees refer this issue to negotiations where either the district or the unions can place it on the agenda.

Trustee Mitchell said his motion is essentially option "b.," which defers the domestic partner benefits to the negotiations process. The Chancellor pointed out that "b." would not indicate conceptual support from the Board. It only refers the issue to negotiations and waits to see if either side happens to bring it up. Mr. Mitchell said he was open to a modification of his motion. Trustee DeMartini said she was in favor of "d." (taking no action), and asked what the difference was between "b." and "d." Mr. Mitchell said that option

“b.” goes on record that this was referred to negotiations. Mrs. DeMartini said her problem with “b.” is that she does not believe this should be brought up by the district. Mr. Mitchell withdrew the motion for lack of support.

Mr. Rojas asked for further clarification on the recommendation as written. The Chancellor clarified that the recommendation is to offer domestic partner benefits, if the union groups agree to accept them. The Chancellor said it sends the message that the Board is willing to offer the benefits. She said if any of the three leadership groups wants to negotiate the terms, the process stops for that group and they go to the negotiations table. If one or more of the groups accepts the benefits, staff will work out the procedural issues and move forward with implementation.

A motion was made by Mr. Hallinan, seconded by Ms. Schrimp that the Board of Trustees grant domestic partner benefits (consistent with AB 25) and work with employee groups represented on the Task Force to develop and implement the procedures as soon as practically feasible.

A roll call vote was taken as follows:

Mr. Rojas – aye
Ms. Flores – aye
Ms. Schrimp – aye
Mr. Neumann – aye
Mr. Mitchell – no
Mr. Hallinan - aye
Mrs. DeMartini - no

The motion carried with a vote of 5 ayes and 2 nos.

Chair Neumann announced that the item on the Criminal Justice Training Center JPA would be moved up in order and will be heard after a brief break.

At 7:50 p.m. the Board of Trustees took a five-minute break.

14,630
Criminal Justice Training
Center Joint Powers
Agreement

Chancellor Fisher took the opportunity to commend the staff that have worked hard on this issue. In particular she recognized Mr. George Boodrookas, President Williams, Vice President Scroggins and representatives from law enforcement. Dr. Fisher stated that there have been some new developments since the agenda for this meeting was published. She then asked Dr. Williams to present the item. Dr. Williams reported that MJC/YCCD is in the fifth year of a partnership with the County of Stanislaus (on behalf of the Sheriff's Office) and the City of Modesto (on behalf of the Police Department) to offer law enforcement training at the Ray Simon Criminal Justice Center, a facility built and owned by Stanislaus County. Although there are 15 more years in our current contract, local law enforcement has expressed an interest over the last two years in dissolving the agreement and taking over

the management of the program with funding from college FTES. Dr. Williams said that at the May 6, 2002 meeting of the JPA Commission, it was agreed unanimously to move in this direction, if a fiscal agreement could be reached. He introduced Mr. George Boodrookas, Dean of Community and Economic Development, who introduced two representatives from our law enforcement partners who presented their perspective in this venture.

Lt. Gene Balentine, of the Modesto Police Department, acknowledged the numerous conversations he has had with Dean Boodrookas. He said the district is lucky to have him. He stated that back in 1997 the agreement had been signed with the best intentions by each of the partners. The JPA serves 8 counties with about 32 law enforcement agencies. Since that time, Lt. Balentine said they have participated by contributing a significant amount of resources to the Center. However, due to financial situations they cannot continue to justify this as a prudent use of resources. He reported that they had recently been notified by POST that their training budget alone will be reduced by \$150,000 this year and \$280,000 next year. They acknowledge that it is unthinkable to ask YCCD to contribute anymore than they already have. Consequently, they are in support of the administration's recommendation to dissolve the JPA as of June 30, 2003. Lt. Balentine said they believe that the criminal justice training is important to the community and they are in support of the administration's wishes to continue to provide criminal justice training beyond the dissolution of the JPA and will work with them to make it effective. Lt. Balentine said that they are aware that other Counties may have needs that they could fulfill and they want to be able to explore new entrepreneurial opportunities.

Lt. Mark Puthuff, of the Stanislaus County Sheriff's Office, talked about his long history with the program. He said he has had the privilege to work for the three entities of the CJTC JPA. He was an MJC adjunct faculty, worked for the MPD for eight years, and currently works for the Sheriff's Office. He is quite familiar with different academies and different models throughout the state. Lt. Puthuff said that all the entities had put forth a good effort with the JPA. He said the vision of the JPA was well intended but many things have changed; i.e., fiscal matters and changes in the job market. He said the demand for training still exists and they would like to see those services continued by the college. He said the Sheriff supports the dissolution of the current JPA and restructure of another model to meet the needs of the community. Lt. Puthuff hopes to see law enforcement help the move in that direction and said the Sheriff's Office will continue to be supportive. He could not promise specific fiscal contributions but said they would contribute with their expertise and staying involved.

Dean George Boodrookas restated law enforcement's support for the dissolution of the current JPA and the hope to move quickly to create the new MJC program. Mr. Boodrookas said that as they approach the new model, he hopes to develop a model that can grow as the fiscal situation improves. Mr. Boodrookas described

the draft plans. He said that YCCD/MJC would have responsibility for the center's operations and program with direct input and guidance from our law enforcement customers. YCCD/MJC will hold primary budget (fiscal agency) responsibility for the new center, and components include:

- ❖ Reduce the number of academies per year
- ❖ Alternative delivery formats (times, days, locations)
- ❖ One reserve academy per year (evening)
- ❖ Penal Code 832 firearms and arrest offerings
- ❖ Drastically reduce advanced officer training
- ❖ Continued use of the county defensive driving facility
- ❖ Continued use of the city firearms training facility
- ❖ Training to be held on MJC campus or other appropriate facilities or the current Center (if rent fees allow)
- ❖ Close interaction with the regional advisory group
- ❖ Law enforcement is the partner and customer
- ❖ Guidance from the Peace Officers Standards and Training (POST) organization

Mr. Boodrookas said that all this needs to happen quickly if they hope to make this work by July 1, 2003.

Ms. Schrimp asked how many classes are offered. Mr. Boodrookas stated that in 2001-2002 the enrollment for the Center was as follows:

- ❖ Basic Police Academy – 156 students (four academies)
- ❖ PC832 Arrest Classes - 131 students
- ❖ Firearms classes - 111 students
- ❖ Reserve Level III – 33
- ❖ Reserve Level II - 52
- ❖ Dispatch Classes - 38
- ❖ Advanced Officers' training - 1,726 enrollments (not individuals)
- ❖ Corrections students – 37 (two corrections academies)

This is a total of 2,284 enrollments for the last fiscal year.

Trustees voiced their support for this model. They said they are committed to this training. Chair Neumann said he likes the part that allows the program to grow as the economy grows and commended Mr. Boodrookas for his work with our partners. Mr. Hallinan says he liked the approach of law enforcement as our customers. Mr. Neumann expressed his appreciation of the participation of the law enforcement partners.

Don Clark, audience member, introduced himself as a retired correctional officer and supervisor from the Department of Corrections and 30-year law enforcement instructor at Modesto Junior College. Mr. Clark stated that Mr. Boodrookas was using the same language that they were using in June 1971 when POST and law enforcement partners envisioned the training center that once existed. He said that the West Campus was deeded to the

college for the purpose of establishing a criminal justice center. He claimed that for 27 years this college provided no-cost training for numerous law enforcement agencies. He provided a long history of the criminal justice training program and its numerous facilities. However, Mr. Clark said that when “the specter” of the West Campus strip mall came along the criminal justice training program was thrown off the campus and the Center was destroyed. He said his personal opinion is that the Board has allowed the misuse of the West Campus property, failed to meet their responsibilities to the criminal justice agencies, and failed to uphold the mission and goals of the community colleges. He asked trustees to remember what we once had and what ruined it.

Hannah Stetson, student of the RSRCJTC, stated she recently became aware of the possibility of the closure of the Center on June 30. She hoped that trustees would consider keeping the Center open. She described the classes that are currently offered at the training center and reinforced that the demand exists for this type of education. She listed options that the trustees could consider to keep the training center open. She thanked the trustees for listening to her. Chair Neumann asked Ms. Stetson to talk with Mr. Boodrookas who could clarify some of her concerns.

Dr. Hugh Kiley, citizen, said he wanted to address the Board because he has contacted CPEC and the information he has received indicates that the college receives \$4,288 per FTES, which does not coincide with the college’s figures printed on the agenda. He asked that the Board be personally aware of the budget and to verify the figures that are put before them. Trustee DeMartini pointed out that his figures are not entirely correct. Dr. Fisher explained that the correct information has been provided previously to the Board. She explained that there has been a misunderstanding with people who read the CPEC numbers and don’t know what they actually represent. The Chancellor said the same conversation took place recently with the representatives from the Modesto Police Department, the Sheriff’s Office, the City of Modesto, and County of Stanislaus. They now understand that the CPEC figure is not the discretionary number the colleges get per FTES. The correct amount is \$3,284. Trustees asked Dr. Kiley to meet with staff after the meeting and they would provide him with a document that would explain the discrepancy and would answer any of his questions.

Janice Walker, audience member, reported that she had recently read an article in the Sacramento Bee regarding homeland security. She provided trustees with a copy of the article and read a portion of it to them. It described money available to set up a center for homeland security. She stated that this is a golden opportunity for the district. She said that the college had an excellent reputation in this field, and that reputation could be enjoyed again. She stated that because of California’s budget crisis there is a need to look to the federal government, and currently they are providing funding for law enforcement. She suggested this may be a source for the college. Board Chair

Neumann thanked her for her suggestion.

The Chancellor pointed out that the recommendation originally published needed to be modified based on the information provided by the law enforcement representatives, which is that they have withdrawn their \$150,000 contributions.

The Chancellor said the City and County law enforcement agencies will need to take the same action with their respective boards as soon as possible so district staff can move forward with the alternate plan and avoid going into the sixth year of the existing JPA contract.

Trustee Mitchell said that in discussions relative to the dissolution of the JPA it had been assumed by some that either the JPA would take over the academy or it would close down. He clarified that it has never been the intent to close the program. He said it just needs to be scaled down. It is not going to be eliminated.

Mrs. DeMartini stated that the CJTC was very important to her in her campaign for trustee and she has been supportive of it. She felt the program is so important that she had planned to vote to provide the additional \$186,000 even during this terrible budget time. However, she received a call from Sheriff Les Weidman who explained to her that the current JPA is not working and he requested that she vote for the proposed recommendation. She said that the dissolution of the JPA allows law enforcement to explore other entrepreneurial opportunities. She said this is an important program that is not going away.

Mr. Rojas indicated to Mrs. DeMartini that she is not the only one that supports the program and he believes the entire board wished that the program could have continued as it was, but our fiscal situation does not allow that at this time.

A motion was made by Mrs. DeMartini, seconded by Mr. Rojas, that the Board of Trustees authorize the Chancellor to negotiate terms of a dissolution of the existing CJTC JPA effective June 30, 2003. Further, if dissolution occurs, MJC will implement and run a smaller CJTC program consistent with demand and available fiscal resources.

The motion carried with a vote of 7-0.

14,631
State and Local Fiscal
Crisis

Chancellor Fisher provided trustees a chronology of events that have taken place in the last six months. She said we began the 2002-2003 academic year with a significant reduction in certain funds as required by the State Legislature. In November we learned that our medical benefits premiums would raise 35% effective January 1, 2003 resulting in an extra \$1.1 million cost this year, and \$2.2 million next year. Dr. Fisher said that this huge increase is likely to be followed by yet another major increase in

July 2004, if dramatic steps are not taken by that time to change our medical benefits plans.

In December the Governor announced proposed mid-year cuts for all state agencies as a result of the state's fiscal crisis. In his Budget Address of January 10, the Governor proposed additional mid-year cuts and even larger reductions for the 2003-2004 fiscal/academic year. The State Board of Governors for Community Colleges, and the statewide consultation council has worked hard to create a compromise regarding the cuts that would be invoked this fiscal year which now has gone through the Assembly and Senate committees and through both Houses. Currently that is going to conference committee.

In the meantime, YCCD staff has been working diligently to interpret, analyze and compute what each of the proposed cuts would mean to YCCD. The short answer to that question is that over the next 18 months, our expenditures may have to be reduced between \$11,000,000 and \$14,000,000 depending on which proposal prevails. This equates to approximately a 15% cut over the two fiscal years. Of course, the challenge is made even greater by the fact that this fiscal year is more than half over.

The Chancellor said this fiscal crisis is unprecedented in California's economic history and also in the history of California's community colleges, including our district. Even if some additional modifications are made by the Legislature, it will be necessary to make drastic reductions in programs, services, and course offerings. Some of these decisions must be made in the next couple of months to meet the June 30th deadline. Others must be planned now in order to begin accruing the necessary savings and to implement the other steps effective July 1.

As always, our first concern is for our students and staff. The current situation, however, will make it impossible to avoid painful decisions. Already we have instituted a modified hiring freeze, postponed major expenditures, eliminated future scheduled maintenance, and explored ways of offsetting critical costs to other funds. However, reduced discretionary expenditures will not come close to closing this deficit. Therefore, discussions and negotiations need to begin soon about issues such as compensation, benefit plans and premiums, workload, sabbaticals, and possible reductions-in-force. In addition, other options including use of some reserves are being explored.

Dr. Fisher said she wanted to review with trustees some of the things staff are doing already. Ms. Scott shared copies of the materials that were presented to staff at a budget meeting on January 22. **(Report #2074)**. Ms. Scott described the Board of Governor's budget cut proposals, including mid-year and categorical funding cuts, as well as the district's plan for reductions to meet the shortfall. Ms. Scott's presentation included an outline of items that the district has discussed for possible additional savings.

Mr. Neumann asked if there has been any discussion about easing the 75/25 rule. Dr. Fisher stated that for the time being they have eliminated the Full Time Obligation, which is related. Thus, unfilled faculty positions will not create any compliance problems for us now, but could in the future. Dr. Fisher said they had shared the worst-case scenario. However, this did not include any relief that could be done through negotiations. Negotiations will be starting soon to address these issues.

Trustees asked how the increase in student fees would affect our revenue. Ms. Scott explained that the increase in enrollment fees is not additional revenue that comes to the district. That revenue goes to help offset the state deficit. Ms. Scott stated that there is a misconception that enrollment fees go directly to the college and they do not. Chair Neumann stated that message should go out to the general public.

The Chancellor indicated to trustees that unless they had other specific directions, the intention is to meet with the unions to talk about benefits and "redeployment." Dr. Fisher stated that we want to minimize the number of March 15 notices. However, she said it is likely some of those will be brought to the Board in March with others to follow at a later date. Board Chair Neumann commended the colleges for the manner in which they are communicating to faculty the serious situation without alarming them.

Don Clark asked if any part of the proposal presented calls for reducing the administrative staff. Chair Neumann stated that it had been clear in the report and in the Chancellor's references that administrators' jobs, as well as faculty and classified are on the line. Mr. Neumann said he did not believe that anyone is held harmless.

Ms. Walker asked if the property tax shortfall is a projected or a realistic shortfall. Ms. Scott said it is a projected shortfall by the state at this time, but is fairly certain that the shortfall will come in within that range proposed.

14,632
Quarterly Report on the
District's Financial
Condition

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 ending December 31, 2002. Ms. Scott reported that this is the second quarterly report working from the September adopted budget. She said the budget items discussed earlier are not incorporated in this report (**Report #2075**). She presented the report, pointed out some variances and answered trustees questions. As required by law the Board of Trustees held a public hearing to review the report. As there were no comments from the public, the public hearing was closed.

A motion was made by Mr. Mitchell, seconded by Ms. Flores, that the Board of Trustees direct staff to submit a copy of the required report to the County Superintendent of Schools and the California Community Colleges Chancellor's Office.

The motion carried with a vote of 7-0.

14,633
CCCT Board of Directors
Nominations for 2003

Nominations for the CCCT 2003 Board of Directors are open through February 15. A member district may nominate one of their trustees to run for these positions. Background materials were previously distributed to trustees. The Board determined that they would not be nominating a candidate for the CCCT Board of Directors this year.

COMMENTS

14,634
Comments from the Public

No comments from the public.

14,635
Comments from the Board
of Trustees

Chair Neumann stated that the Board of Trustees needs to revisit/rethink the process by which they do their priorities, as they did not follow last year's process this year. Mr. Neumann asked that the Board allow him to cogitate and develop a draft which he will fax to trustees and the Chancellor for feedback.

Mr. Rojas stated that it was ironic how appropriate the following quote is in reference to this meeting's discussions. He read the quote from the program from the Martin Luther King, Jr. Commemoration event.

"The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy."

Mr. Hallinan stated that it was a long but good meeting. He said he felt the Board had discussed issues in an agreeable manner.

Dr. Fisher reported that she had made an official request to the City of Modesto (via Mr. Jack Crist) to be able to broadcast our Board meetings on the government television channel, but no response had yet been received. Mr. Hallinan said he would follow up on the request.

Mrs. DeMartini requested that at the next board meeting that the Board review policy 7434. She said she had an issue with this policy. She would like an opportunity to present her point of view and listen to the other trustees' points of view and see if a middle ground can be reached.

Chair Neumann reported that during closed session the Board of Trustees reviewed the evaluation of the President of Modesto Junior College. Based on a positive evaluation for that position, the Board voted to extend his contract through June 30, 2005.

Chair Neumann congratulated Dr. Williams and commended him on a successful beginning and hopefully a long tenure at MJC.

Chair Neumann also reported that the Board acted in closed session not to re-employ an educational administrator, whose contract is expiring on June 30, 2003 and to inform her she will not be reassigned as first year probationary faculty member of the district.

14,636
Adjournment/Next
Meeting

The meeting was adjourned at 8:45 p.m. with a moment of silence in memory of the crew of the space shuttle Columbia.

The next regular meeting will be held on March 4. Closed session will begin at 3:30 p.m. and open session at 5:00 p.m. in the YCCD Board Room, 2201 Blue Gum Avenue, Modesto.

Paul Neumann, Chair
YCCD Board of Trustees

Pamila J. Fisher, Secretary
YCCD Board of Trustees