

MINUTES
YOSEMITE COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES
FOUR HUNDRED SIXTY-FIRST REGULAR MEETING
JULY 10, 2003

This Board meeting started with a Board Retreat from 9:00 a.m. to 4:10 p.m. and included a regular Board meeting from 5:30 p.m. through 7:30 p.m.

At 9:00 a.m. the meeting (Board Retreat) was called to order by Chair of the Board of Trustees, Mr. Paul Neumann, in the Morgan Room at the City Hotel at Columbia State Historic Park. Trustees recessed to closed session for the purpose of discussions pursuant to G. C. Section 54957: Evaluation and Contract Terms for chancellor, vice chancellors, and college presidents; G. C. Section 54957.6: Negotiations with YFA and CSEA; and G. C. Section 54957: Public Employee Discipline/Dismissal/Release.

The Board of Trustees adjourned for lunch at noon and reconvened to public session at 1:05 p.m.

Board Members Present Anne DeMartini, Linda Flores, Tom Hallinan, Paul Neumann, Abe Rojas, Delsie Schrimp

Board Members Absent None

Others Present P. Fisher, R. Peralta, J. Riggs, T. Scott, N. Stavrianoudakis, J. Williams, E. Osnaya (recorder)

DISCUSSION ITEMS:

14,712 As called for in board policy and Accreditation Standards, the Board Board Self-Evaluation of Trustees conducted their annual Self-Evaluation process. Prior to the meeting, trustees were provided with copies of the self-evaluation document used last year. Trustees had a long discussion about how they felt they performed during the last year. Their comments focused on how well they had communicated and their assistance to new Trustee DeMartini. Although it was recognized that trustees made themselves available to the new trustee, they also agreed that they could have done more. It was pointed out that the Chancellor had done well at making herself available and providing information to Trustee DeMartini.

Trustee Schrimp felt that it is important for trustees to participate in trustee conferences. She did not believe the Board had done that enough recently. Chancellor Fisher added that trustees are encouraged to participate in development activities as part of the colleges' accreditation process. Trustees agreed that trustee representation at conferences is important. The Chancellor indicated that she would let them know when conferences come up and they can decide then whether a Board representative should attend. Ms. Schrimp suggested that they consider holding short retreats more often.

14,713 The Chancellor and Nick Stavrianoudakis, Director of External Affairs, Review of Board By-Laws presented trustees with copies of the following existing policies that

trustees had requested for review, existing policies recently revised by CCLC to include references to the ADA requirements, and a new policy recommended by CCLC.

- 7310 Regular Meetings of the Board
- 7320 Special and Emergency Meetings
- 7340 Agendas
- 7345 Public Participation at Board Meetings – Oral Communications
- 7346 Items Placed on the Board Agenda by the Public
- 7360 Minutes
- 7430 Delegation of Authority to Chancellor
- 7716 Political Activity (new policy)

After discussion and recommended changes, the Chancellor said she and Mr. Stavrianoudakis would incorporate the revisions and would bring these policies back for further Board action in August.

14,714
Possible bond measure for capital projects

Chancellor Fisher brought trustees up to date on research regarding the possibility of a bond campaign in the fall of 2004. She explained that Mr. Stavrianoudakis had coordinated several meetings with consultants. The Chancellor, Vice Chancellor Teresa Scott, Maria Baker and Mr. Stavrianoudakis have met with campaign consultants, bond underwriters, an opinion pollster and a bond counsel representative.

Chancellor Fisher reminded trustees that this is a Board-initiated issue. Staff have done their work and identified the appropriate consultants. She said the next step is at the direction of the Board. Trustees discussed their commitment to supporting the bond effort. Trustees were asked to keep in mind that at the same time our bond is proposed, there will be many other districts also going out to their electorate with bond measures. If the Board agrees, staff are prepared to proceed with an opinion and marketing poll. The consensus of the Board was that staff should proceed with the opinion/marketing poll.

14,715
Feasibility of e-mail communications

Chair Neumann stated that trustees need expedient communication capabilities. He said that the facsimile machines serve the purpose but are cumbersome. He would like trustees to consider e-mail. The Chancellor cautioned that e-mail must be used carefully or it may constitute a serial meeting and violate the Brown Act.

It was discussed again at length that perhaps holding small group meetings, more retreats or study sessions would assist trustees in sharing information. The Chancellor agreed to set up a mini retreat in late September, after the new trustee for Area One is sworn in. Board Stenographer Elisa Osnaya will work with trustees to identify a date for that retreat.

The Chancellor also encouraged trustees to contact her any time they need information or assistance.

14,716
Board Priorities for 2003-
2004

There was discussion about Board priorities for the coming year. Trustees' discussion indicated that their priorities focused on serving students and staff, the bond effort, the upcoming accreditation process, effective board communication, and the Tolerance and Excellence Initiatives. Trustee DeMartini commented that she felt the issue of tolerance is overdone. She would like us to work more on unity than pointing out our differences. The Chancellor stated that the tolerance/diversity activities promote inclusiveness. Through the tolerance efforts the concept of inclusiveness has been institutionalized and has become a part of how we do business. Trustee Flores stated that she felt there is still a great need to address the issue of tolerance. Trustee Schrimp also stated that new staff should be able to attend the Museum of Tolerance. After further discussion there was consensus that the Tolerance and Excellence Initiatives are important and the Board of Trustees will continue to support them. The Chancellor was given charge of drafting a list of the Board's priorities and bringing that back to the Board at a future meeting.

14,717
ADJOURN

At 4:10 p.m. the Retreat portion of the meeting was adjourned to the Dogwood Forum at Columbia College for continuation of the 461st Regular Board meeting, which includes the interviews and selection of a trustee for Area One.

No action was taken during the Open Session of the Retreat.

At 5:30 p.m. Chair Neumann reconvened to open session in the Dogwood Forum at Columbia College and called the meeting to order.

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

Board Members Present	Anne DeMartini, Linda Flores, Tom Hallinan, Paul Neumann, Abe Rojas, Delsie Schrimp, Sherrene Barnard (student trustee)
Board Members Absent	None
Others Present	M. Baker, M. Cancio, D. Clark, J. Costello, P. Dean, P. Fisher, R. Grunwald, D. Jamison, W. Link, K. Lucas, L. Mayhew, C. Mical, R. Peralta, B. Patrick, I. Pippin, Jim Riggs, Julie Riggs, J. Rose, T. Scott, N. Stavrianoudakis, J. Swank, M. Waggoner, J. Williams, T. Wivell, E. Osnaya (recorder)

14,718
Swearing in New Student
Trustee

Chancellor Fisher administered the oath of office to new student trustee Sherrene Barnard. Ms. Barnard is a Columbia College student and replaces Ms. Nicole Jansen. The Chancellor added that Sherrene was well recommended for this position.

14,719
Approval of the minutes

A motion was made by Trustee Hallinan, seconded by Trustee Flores, that the Board of Trustees approve the minutes of the regular meeting of June 3, 2003.

The motion carried with a vote of 6-0.

ACTION ITEMS

14,720
Resolution to Repeal
Senate Bill (SB) 1419

Chancellor Fisher reported that the district had presented to Legislators the trustees' concerns with regard to SB 1419, even before its passage. More recently the Community College League of California and the California Community College Trustees association brought it to the district's attention as they continue their effort to repeal it. Trustee DeMartini asked the Chancellor to place the resolution on the agenda. This state law prohibits locally elected and accountable school and community college districts from saving money through performance-based contracting of non-instructional services like transportation, landscaping and maintenance. It is estimated that school and community college districts could save as much as \$300 million a year if SB 1419 is repealed. **Resolution No. 03-04/01** provided additional information.

A motion was made by Trustee DeMartini, seconded by Trustee Schrimp, that the Board of Trustees approve **Resolution No. 03-04/01**.

Mr. Jeff Swank, President of CSEA, Chapter 420, said he felt compelled to speak against the resolution which he said was inaccurate, overstated and politically motivated. He said that SB 1419 does not give special entitlement to classified employees, rather it provides them the same protection that state and municipal employees already receive. Mr. Swank said that outside of education, those urging the repeal of SB 1419 are business groups that are not interested in educating students as much as they are in profiting from performing classified services and keeping wages low. Mr. Swank mentioned that administrators and trustees have indicated that passage of a bond measure will require all of us working together. He said that although he sees the benefit of such a bond effort, he can assure trustees that there will be little or no incentive for classified staff to work together if YCCD approves anti-worker positions such as this one. He urged the Board to vote "no" on the recommendation.

The Chancellor clarified that the resolution was written by the League and was seen as a way to assist in making the right decision when considering contracting out those kind of services, allowing the district to save money, and keep people in their jobs. Dr. Fisher said this is not an issue for YCCD at this time. Trustee DeMartini said that voting in favor of this resolution provides more local control. It does not require YCCD to do anything and provides the flexibility to determine our contractual obligations instead of the state mandating what we do. After hearing Mr. Swank's comments and further discussion, trustees indicated that they did not have enough information about the resolution to support it at this time. They would like to bring it back when it is more appropriate to do so. Mrs. DeMartini withdrew her motion.

14,721
CSEA, Chapter 420 – 2003-
2004 Reopener Bargaining
Proposal

The Board previously approved the District's proposal to CSEA and conducted a public hearing on the District's proposal. Dr. Fisher said the next step in the negotiation process is receipt of CSEA's Chapter 420, 2003-2004 negotiation proposal to the District. **(Report #2089)**

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

- a. Receive the 2003-2004 negotiation proposal of CSEA, Chapter 420.
- b. Schedule a public hearing on the proposal for August 5, 2003.
- c. Refer the proposal to administrative staff for review.

The motion carried with a vote of 6-0.

14,722
Personnel Items

Vice Chancellor Richard Peralta presented 22 personnel items for the Board's approval. He made a correction to item 3 relating to the starting date of Instructor John Sola.

Mr. Jeff Swank inquired about the length of assignments regarding personnel items 7, 8 and 9 (temporary increase of assignments for Susanne McBride, Alejandra Contreras, and John Keith Has-Ellison). Vice Chancellor Peralta responded that these individuals are working during a period of time that is not part of their regular work assignment. He added that this is a one-time increase for the specified period of time and not an ongoing assignment.

Mr. Swank also expressed concerns about personnel item 19-Confirmation of Reduction In Force and item 22-Short Term Appointee. He suggested that some staff were being hired and/or assigned inappropriately.

Chancellor Fisher stated that Mr. Swank's comments did not accurately reflect what has happened. She stated that Vice Chancellors Scott and Peralta would follow up with a report to the Board that answers the questions raised by Mr. Swank.

A motion was made by Trustee Schrimp, seconded by Trustee DeMartini, that the Board of Trustees take the following action on the personnel items as corrected.

Diana Sunday

Grant retirement status to Diana Sunday, Director of Research and Planning, Yosemite Community College District, effective June 30, 2003 and officially commend her for 15.5 years of valuable service to the District.

Gail Campbell

Approve the promotional appointment of Gail Campbell to Secretary

III, Fire Science, Modesto Junior College, effective July 1, 2003, contingent upon funding.

- John Sola Approve the probationary appointment (first year contract) of John Sola to the position of Instructor of Fire Science Program/Coordinator Regional Fire Training Center, Modesto Junior College, effective ~~July 1, 2003~~ July 8, 2003.
- Shawna Cramton Confirm the reinstatement of Shawna Cramton, Research Analyst, Office of Research and Planning, Yosemite Community College District, effective July 14, 2003.
- Matthew Folsom Approve the probationary appointment of Matthew Folsom, Campus Security Officer I (40%), Columbia College, effective June 16, 2003.
- Linda Stephan Approve the probationary appointment of Linda Stephan, Laboratory Assistant I, Allied Health/Family Consumer Sciences, Modesto Junior College, effective June 23, 2003, contingent upon funding.
- Susanne McBride Approve a temporary increase in the 10-month assignment for Susanne McBride, Instructional Assistant II, Literature and Language Arts, Modesto Junior College, effective May 12, 2003 to May 11, 2004.
- Alejandra Contreras Approve a temporary increase in the 10-month assignment for Alejandra Contreras, Instructional Assistant II, Literature and Language Arts, Modesto Junior College, effective May 12, 2003 to May 11, 2004.
- John Keith Has-Ellison Approve a temporary increase in the 10-month assignment for John Keith Has-Ellison, Instructional Assistant II, Literature and Language Arts, Modesto Junior College, effective July 1, 2003 to May 11, 2004.
- Teresa Hernandez Approve a temporary increase in assignment from 75% to 100% for Teresa Hernandez, Payroll Technician II, Payroll Department, effective July 1, 2003 through June 30, 2004.
- Taisha King Approve the voluntary reduction in assignment from 100% to 40% for Taisha King, Campus Security Dispatcher, YCCD, effective August 1, 2003.
- Marla Sanchez Approve the temporary voluntary reduction in assignment from 100% to 80% for Marla Sanchez, Program Representative III, Community Service Agency, Workforce Training Center, effective July 1, 2003 to June 30, 2004.
- Eva Rivera-Jara Approve the temporary voluntary reduction in assignment from 100% to 75% for Eva Rivera-Jara, Program Representative III, Instruction, Modesto Junior College, effective July 1, 2003 to June 30, 2004.
- Heather Visser Accept the resignation of Heather Visser, Lab Assistant I (75%), Ag & Environmental Sciences, Modesto Junior College, effective May 29,

2003.

Daniel Wright Accept the resignation of Daniel Wright, Campus Security Officer I, YCCD, effective June 24, 2003.

Kim Peacemaker Approve the voluntary demotion of Kim Peacemaker from Program Representative II, 50%, 11 month (Range 26) to Program Representative I, 12 months (Range 19), EOPS, Modesto Junior College, effective July 1, 2003.

Calvin Robinson Approve the placement of Calvin Robinson, Custodian, Yosemite Community College District, on a reemployment list for up to 39 months due to medical disability, effective June 1, 2003.

Reassignment Confirm the following reassignments following the displacement process resulting from layoffs, effective July 1, 2003:

Name	From:	To:
Rachel Coffman, Support Staff III	Human Resources, YCCD	Disability Services, MJC
Tomasia Drummond, Prog. Rep II	Project TEAM, MJC	Disability Services, MJC
Joanne Larson, Support Staff II	Human Resources, YCCD	Learning Resources, MJC

Classified Reduction in Force Confirm the following terminations of employment and placement on a reemployment list effective July 1, 2003.

1. Gerald Baldwin, Transportation Technician III, YCCD Central Services
2. Martha Davis, Support Staff III, Disability Services, MJC
3. Elizabeth McDaniels, Sales and Marketing Specialist, MJC

Extend Effective Date – Management Reduction in Force Extend termination of administrative assignments for the following classified managers to end on or before September 30, 2003, dependent upon further developments in state funding for the Child Development Training Consortium (CDTC):

1. Linda Butterfield, Director of CDTC
2. Catherine Cole, Professional Growth Project Manager, CDTC
3. Yvonne Schemper, Assistant Director of CDTC

Termination – Probationary Employee Approve the termination of probationary employee in the position of Administrative Secretary, Student Success, Modesto Junior College, effective June 16, 2003.

Short-Term Appointees Approve the July 2003 list of short-term appointees, in accordance with state law (AB500-Goldberg).

The motion carried with a vote of 5 ayes (DeMartini, Flores, Neumann, Rojas, Schrimp) and 1 no (Hallinan).

14,723
Change Order – Domestic Water Valve Replacement at MJC East & West Campuses
The Chancellor reported that this change order and the Notice of Completion of Contract relate to the same project and recommended they be approved as one item. She explained that the change order reflects the completion of work to replace water valves at the Modesto Junior College East and West Campuses. Most of the items reflected on the Change Order are for replacement of additional malfunctioning

valves encountered during this project, which were not noted on any record drawings. Also included is the removal of abandoned fire hydrants as a result of new hydrants required as part of the Sierra/Yosemite Halls project. This has resulted in Change Order 1 in the amount of \$14,951. This change order represents a 15 percent increase to the original contract. **(Report #2090)**

Notice of Completion of Contract

The Notice of Completion of Contract for the Domestic Water Valve Replacement, Modesto Junior College, East and West Campuses, bid #3-1521, represents that the project has been completed and inspected.

A motion was made by Trustee Hallinan, seconded by Trustee Flores, that the Board of Trustees approve Change Order 1 in the amount of \$14,951 for the Domestic Water Valve Replacement at MJC East and West Campus and accept the work performed by B Zap B, Inc. for the Domestic Water Valve Replacement, Modesto Junior College, East and West Campuses, bid #03-1521, as having been completed in accordance with the plans and specifications, and authorize final payment to be made.

The motion carried with a vote of 6-0.

14,724
REPORT OUT FROM
CLOSED SESSION

Chair Paul Neumann reported that during Closed Session the Board of Trustees reviewed the evaluations of the Chancellor, Vice Chancellor for Fiscal Services, Vice Chancellor for Human Resources, Columbia College President, and MJC President. Based on positive evaluations for these positions, the Board voted 5-0 with 1 abstention to extend each of the current contracts one additional year beyond the current expiration dates. (The Chancellor's contract expires in June 2007 and the other Cabinet members' contracts expire in June 2006.)

14,725
TRUSTEE AREA ONE
APPOINTMENT

Due to the death of Trustee Joe Mitchell, the Board of Trustees voted on June 3 to fill the position by the appointment process. The vacancy and application process information was widely advertised. Applications were accepted through June 24. Paper screening was conducted by trustees. The finalists were the following:

Mr. Mervyn Cancio
Mr. James Costello
Ms. Pat Dean
Mr. Ross Grunwald
Mr. Bruce Patrick
Mr. Mack Waggoner
Mr. Tyrus Wivell

Chair Neumann explained that the seven candidates would be interviewed by the Board of Trustees in the order listed. Each candidate would be asked the same three questions. The Board would then narrow the list to 1-3 finalists and a second round of interviews would be conducted to select the new Trustee for Area One. Mr. Neumann asked the candidates to wait outside of the

Dogwood Forum until it was their turn to be interviewed.

During the first round of interviews Trustees Flores, Hallinan and Schrimp directed questions to the seven applicants. At the conclusion of the first interview, members of the public were invited to comment. There were no comments from the public. The Board of Trustees conducted a vote to determine 1-3 finalists. Their vote resulted in Mr. Cancio, Ms. Dean and Mr. Wivell moving forward to the second interview.

At 6:45 p.m. a short break was taken. The meeting reconvened at 6:55 p.m.

Mr. Cancio, Ms. Dean and Mr. Wivell were asked three additional questions by Mrs. DeMartini, Mr. Rojas and Chair Neumann. After the second interviews, trustees thanked all the applicants and complimented them for their interest in YCCD. As there were no comments from the public, trustees deliberated before making the final selection.

A motion was made by Trustee Schrimp, seconded by Mr. Hallinan, that the Board of Trustees select Ms. Pat Dean for the Trustee Area One position.

A roll call vote was requested.

Rojas – aye
Flores – no
Schrimp – aye
Neumann – aye
Hallinan – aye
DeMartini – no

The motion carried with a vote of 4-2.

Trustees congratulated Ms. Dean on her appointment and recognized and thanked all of the excellent candidates for their interest in the District and Columbia College. Trustee Rojas said he hoped that this interview experience would inspire the applicants to contact President Riggs and become more involved at Columbia College.

Chancellor Fisher advised that Ms. Dean's appointment would be provisional for 30 days. If a petition objecting to the appointment is not received in that time frame, the appointment becomes final and the Ms. Dean would be sworn in at the Board of Trustees meeting on September 2.

COMMENTS

14,726
Comments from the Public

Mr. John Rose, resident of Modesto, commended the Board of Trustees for the fair process conducted to select a replacement for the Trustee Area One position.

Mr. Rose continued by informing the Board that he had recently attended the Stanislaus County Board of Supervisors meeting in Modesto, which was dedicated in part to the review of the performance of the County CEO. Mr. Rose reported that over 40 people addressed that board without any time restrictions. He said he brings that issue to this meeting because the County's situation was the failure of proper direction and supervision. He said that the YCCD Board of Trustees has the responsibility of supervising the administration of the district and the Chancellor and accused the Chancellor of inappropriate and unethical actions with regard to the West Campus project.

Mr. Rose also said he believes there should be a separation of power between the Chancellor's Office and the Board of Trustees. He suggested the Board considers hiring a secretary who would help each of the trustees fulfill their fiduciary responsibilities. He thanked trustees for their attention.

Since these meetings are videotaped and viewed by many people, Dr. Fisher asked to respond to Mr. Rose's comments for the record. She stated that she wanted to make it clear that absolutely no decisions about the West Campus Development were ever made without the Board's full knowledge, awareness, vote, and support. Dr. Fisher added that she takes personal offense by the implication that somehow that was not the case. Mr. Neumann agreed that it was a good clarification.

Trustee DeMartini indicated to the audience that in the August Board agenda the public will note that the Board is making changes in policy relative to addressing the Board and the length of presentations.

14,727

Comments from the Board of Trustees

Due to the length of this Board meeting, trustees agreed to hold their comments on other issues until the August Board meeting.

14.728

NEXT MEETING

The meeting was adjourned at 7:30 p.m. The next regular meeting will be held on August 5. Closed session will begin at 3:30 p.m. and open session at 5:30 p.m. at 2201 Blue Gum Avenue, Modesto.

Paul Neumann, Chair
YCCD Board of Trustees

Pamila J. Fisher, Secretary
YCCD Board of Trustees