

MINUTES
YOSEMITE COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES
FOUR HUNDRED SIXTY-THIRD REGULAR MEETING
SEPTEMBER 2, 2003

Board Chair Paul Neumann called the meeting to order at 3:30 p.m. Before adjourning to closed session, Chancellor Fisher administered the Oath of Office to Ms. Pat Dean who was recently appointed Trustee for Area One.

The Board of Trustees convened to Closed Session in YCCD Conference Room B for the purpose of discussion pursuant to G. C. Section 54957 - Public Employee Discipline/Dismissal/Release; G. C. 54957.6 - Collective Bargaining; and G. C. Section Pursuant to G. C. 54956.9 - Anticipated Litigation.

At 5:30 p.m. the Board reconvened to open session in the YCCD Board Room. The Pledge of Allegiance to the Flag preceded formal Board action.

Board Members Present Pat Dean
 Anne DeMartini
 Linda Flores
 Paul Neumann
 Abe Rojas
 Delsie Schrimp

Board Members Absent Tom Hallinan
 Sherrene Barnard (student trustee)

Others Present D. Ashleigh, M. Baker, W. Byrd, E. Christopherson, M. Christopherson, D. Clark, K. Clark, S. Cooper, P. Fisher, R. Green, L. Hoile, D. Jamison, K. Jeffery, L. Kubeck, L. Mayhew, W. McLeod, V. Metcalf, J. Monast, M. Motroni, C. Munshaw-Rodriguez, F. Osnaya, R. Peralta, I. Ponder, J. Riggs, T. Scott, B. Scroggins, R. Stanford, N. Stavrianoudakis, J. Swank, S. Stroud, J. Walker, G. Williams, J. Williams, D. Willson, E. Osnaya (recorder)

Welcome to New Trustee Chair Neumann welcomed everyone to the first meeting of the new academic year. He acknowledged and introduced new Trustee Pat Dean. Ms. Dean was sworn in earlier in the day. Trustee Dean, who is from Sonora, said she will work very hard for the entire District. She said she looks forward to learning more and expressed her appreciation of the support she has received from everyone.

14,747
Approval of Minutes A motion was made by Trustee Rojas, seconded by Trustee Schrimp, that the Board of Trustees approve the minutes of the regular meeting of August 5, 2003.

The motion carried with a vote of 6-0.

REPORTS AND INFORMATION ITEMS

14,748
Student Activity Reports

Christopher Rodriguez, Vice President of Inter Club Council and reporting on behalf of ASMJC President Rebecca Freeman, welcomed the Board back to the fall semester. He invited everyone to the fifth annual comedy show scheduled on Saturday, September 13. He said that ASMJC is planning a political forum in late September/early October to present an unbiased opinion on the propositions on the ballot. He added that they may invite gubernatorial candidates as well. They look forward to attending the CCSAA and CalSACC conferences in late October, club training on September 10, and co-sponsoring of the "Say No To Hate Crime" march and rally on October 12.

Trustee DeMartini said she would like to know when the political forums are scheduled. Mr. Rodriguez said he would provide that information to the Chancellor's Office for the trustees.

Dr. Kathryn Jeffery, on behalf of Columbia AS, reported that students are busy filling two vacant officer positions. She said that students also are anxiously looking forward to getting some space in the old library in the Manzanita Building. Dr. Jeffery reported Columbia College will hold its first vendor faire on September 8.

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

14,749
Academic Senate Reports

Michelle Christopherson, incoming MJC Academic Senate President, expressed how the loss of Dr. Richard Hickman has impacted the Academic Senate. She reported that the first Senate meeting would be held on September 4. She anticipates a very productive Senate this year. She said a Senate retreat would be held September 17-18 which will focus on accreditation. Speakers Greg Gilbert from the State Academic Senate and Bill Scroggins, MJC Vice President of Instruction, will provide the Senate with preliminary information as they plan for accreditation.

Ida Ponder, Columbia College Academic Senate President, thanked Trustees Dean and DeMartini, Chancellor Fisher, and Vice Chancellor Peralta for attending their in-service activities. In addition, she reported on their successful joint retreat held on August 22 at Baker Station. She also conducted her first Senate meeting on August 28 and looks forward to this new academic year.

14,750
Activities/Announcements

Diversity & Human Rights
Conference

President Williams invited everyone to the Diversity & Human Rights Conference on Friday and Saturday, September 5-6 on the East Campus. Dr. Williams said a good turn out is expected. More details and registration information are available on the MJC website at www.gomjc.org.

Jazz & Big Band Legend
Maynard Ferguson in
Concert at MJC

President Williams reported that the big band and jazz trumpeter Maynard Ferguson and his Big Bop Nouveau Band will perform a concert on Thursday, September 11, at 8 p.m. in the MJC Auditorium. Tickets are \$12 general admission and \$10 for students and seniors and are available in the MJC Arts Division Office or at Gottschalks Music Center.

MJC Storytelling Festival

Dr. Williams reported that the popular MJC 4th Annual Storytelling Festival will be held on Friday, September 19, beginning with a Storytelling Workshop at 4 p.m., followed by a Family Concert at 7 p.m. in the Auditorium and winding-up with a Ghost Story Concert at 9 p.m. Tolerance tales from around the world will feature storytellers Steve Stanfield, Diane Ferlatte, and The Story Quilters: B.Z. Smith and Cynthia Resivo. President Williams encouraged everyone to attend this event. For more information or tickets, contact the Arts, Humanities and Communications Division at 575-6081.

Columbia College Learning
Resources Center Grand
Opening

President Riggs reported that this facility opened to students today as classes started. However, Columbia College will host the formal grand opening of its Learning Resources/Media Technology Center prior to the Board meeting on Wednesday, October 8 from 2:00 to 4:00 p.m. Staff, students and the public are welcome to join in the ceremony followed by refreshments, music, and facility tours. Dr. Riggs said it is a beautiful facility that will help to serve students better. He also commended the library staff for their efforts in moving into the new building.

New Learning Resource
Center Earns Chamber
Building Award

Dr. Riggs reported that the Center was selected recently by the Tuolumne County Chamber of Commerce to receive its New Building Award for August. The facilities earning this award are entered into the Chamber's annual "Outstanding Building in the County" competition. The results of the competition will be announced at the Chamber's installation dinner to be held in November.

14,751
Presentations/Updates

Student Outcomes
Workshop

Chancellor Fisher introduced this presentation by saying it is another example of our ongoing commitment to achieving excellence. President Williams reported that last month 40 MJC faculty, staff and administrators met in a retreat environment to focus their attention on strategies for enhancing student outcomes. Dr. Bill Scroggins, who led the retreat, reported that the retreat had been quite successful. One of their facilitators was Darlene Pacheco, Associate Director of the Accrediting Commission for Community and Junior Colleges. Dr. Scroggins said that accreditation standards were revised recently with an emphasis on student learning outcomes. He said they learned what that means and how to take the objectives in course outlines and translate that into measurements of student

learning. He said they also compared their ideas with what others are doing around the country. As a result, he said one of their major efforts for this academic year will be to institutionalize processes to measure student outcomes.

State Budget

Vice Chancellor Teresa Scott reported that details of the state's 2003-2004 budget were still not available. The State Chancellor's Office continues to work on their analysis of the budget and what it means to individual districts. Ms. Scott said that information will be presented at the budget workshop on September 5. Following that meeting, YCCD will prepare a new proposed annual budget. Ms. Scott also reported that the Board of Governors had taken the unprecedented action of giving local districts until the month of October (versus September) to adopt their 2003-2004 budgets. Thus, YCCD's budget will appear on the October 8 agenda.

Board of Trustees Priorities for 2003-2004

At the trustees' annual retreat in July one item of discussion was the Board's priorities for this academic year. Chancellor Fisher reported that based on trustees' input, a draft statement of five items was presented at the August meeting. At that time, trustees approved the list and added a sixth item. The complete adopted Statement of Priorities was distributed for everyone's information and reference. Dr. Fisher stated that this final list of the Board's six special priorities will be posted on the District's web site. **(Report #2094)**

ACTION ITEMS

14,752 Consent Agenda

Vice Chancellor Scott reported that as of July 1 the Datatel modules for purchasing, accounts payable and general ledger had "gone live." Ms. Scott explained that the Datatel system will provide more and better data, although some of our DSK generated reports are not currently available in the same format. One of those is the monthly purchase order report. Vice Chancellor Scott said that in order to provide trustees with a similar report, staff researched the Ed Code and found that it requires that all purchase orders are available to everyone every 60 days or are accessible to them. She said they also looked at what other districts are doing and providing to their Boards. Ms. Scott then recommended to the Chancellor that the report include a summary of total expenditures and a listing of every purchase order of \$10,000 or more. That is the report that was included in this agenda. Ms. Scott explained that the report is partially automated with the purpose description done manually. She hopes to eventually have a program that will automatically compile all purchase orders and their purpose. Ms. Scott went on to describe what the legends of the report represent.

Mr. Spence Cooper, Director of Purchasing, explained that his department was the first to "go live" with Datatel because of the need to generate purchase orders before the beginning of the

new fiscal year. Their training started in March and by June they were able to create the first purchase order for the current year. Mr. Cooper said they are pleased with Datatel. It gives them the capability of producing many different reports, such as a daily blanket purchase order report, a blanket purchase register, and a purchase register by vendor. These reports are very detailed as well as lengthy. Because of the length of the reports (several hundred pages each) they created the purchase order summary index, which is less cumbersome and lists purchase orders with the vendor name and the amount of the purchase order. He said the summary index and the purchase orders are available for review in the Purchasing Office.

Trustee Schrimp pointed out that the District has always had clean audits but with all the controversy other entities are having with regard to appropriate expenditures, she wondered if this new system will uphold the integrity of the District. Mr. Cooper said that it will unequivocally do that. Datatel is a state-of-the-art system that is very secure. Ms. Scott added that our levels of approval will not change and the new system has additional safeguards. Trustee Schrimp asked if the system will provide the reports that will alert trustees if there are any problems. Ms. Scott stated that the index summary report that Mr. Cooper mentioned earlier would address that. The index summary provides information on all the big items of which the Board should be aware. Chair Neumann would like copies of the index list for trustees, so they can see the detail and become familiar with the report. The list will be sent to trustees.

Mrs. DeMartini asked who to contact when she has a question about a purchase order. She was advised to contact Mr. Cooper directly.

Dr. Stephen Stroud commented on Ms. Schrimp's concern with possible abuse of expenditures. He said that our district's approval system has not allowed the abuse to occur. Ms. Scott added that we have an effective approval system and internal controls in place.

Ms. Walker complimented Mr. Cooper for being helpful to her. She also requested a copy of the purchase order index. Staff said the report would be made available to her.

Vice Chancellor Scott thanked Mr. Cooper and his staff for their good work. Mr. Cooper complimented his staff who were willing to take on the challenge and enjoyed it. Trustees thanked him for his report.

A motion was made by Trustee Rojas, seconded by Trustee Flores, that the Board of Trustees take the following action on the Consent Agenda:

Purchase Orders	Approve the purchase orders issued from July 1, 2003 through July 31, 2003.
Acceptance of Gifts	Accept with appreciation the following gifts: <ul style="list-style-type: none"> a. Thirty boxes of carbide inserts, holders and related tooling from Kennametal, Inc., to be used for the Machine Tool Technology Program in the Technical Education Department at Modesto Junior College.
Special Appointment - Jeffery	Approve the appointment of Dr. Kathryn Jeffery to serve as a member of the ACCJC Evaluation Team visiting Brooks College on March 23-25, 2004.
Notice of Completion of Contract	Accept the work performed by Barham, Inc., for the Carkeet Park Portable Toilets, Columbia College, Bid #03-1528, as having been completed in accordance with the plans and specifications, and authorize final payment to be made.
Notice of Completion of Contract	Accept the work performed by Champion Industrial Contractors, Inc., for the HVAC Upgrade at the Library, Forum, and Gymnasium, Modesto Junior College, East Campus, Bid #02-1501 as having been completed in accordance with the plans and specifications, and authorize final payment to be made.
Notice of Completion of Contract	Accept the work performed by Silveira General Construction to Replace HVAC Equipment at the Agriculture Building at Modesto Junior College, East Campus, Bid #03-1523 as having been completed in accordance with the plans and specifications, and authorize final payment to be made.
Project Applications/Amendments	<p>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 #2095)</p> <ul style="list-style-type: none"> a. Child Development Food Program – CC/MJC Submitted to California Dept. of Education b. State Advisory Committee for Special Populations (Joint Special Populations Advisory Committee JSPAC) – CC Submitted to California Community Colleges Chancellor’s Office Agency share: \$38,000; Proposer share: \$0 c. Work Keys Job Profile for Maintenance Mechanic “B” – MJC Submitted to Foster Farms Dairy Agency share: \$2,000; Proposer share: \$0 d. Child Development Permit Project (CDPP) Submitted to First 5 California (formerly the California Children and Families Commission) Agency share: \$1,000,000; Proposer share: \$0

The motion carried with a vote of 5 ayes (Dean, DeMartini, Flores, Rojas, Schrimp) and 1 abstention (Neumann) on the purchase orders.

The motion carried with a 6-0 vote on the remainder of the Consent Agenda.

14,753
Personnel Items

Eighteen personnel items were presented for Board approval. Trustee Rojas inquired about the health status of staff member Jerry Morris, who was being placed on a reemployment list. Chancellor Fisher said she had heard that he continues treatment in efforts to regain his sight.

Trustee DeMartini asked if the professional leave requested by the Dean of Allied Health is a paid leave. She indicated that 40 days is a long time for a Dean to be away from work. Dr. Fisher explained that it is a paid leave provided to managers for professional development. She said that the Dean is in a doctoral level program and the leave will be taken over the course of more than one year. She further explained that these leaves are authorized for a number of purposes, with the highest priority being to encourage the pursuit of advanced education. The Chancellor compared the leave to a mini-sabbatical. She stated that the manager's workload does not change.

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

Brett Herren

Approve the probationary appointment (first year contract) of Brett Herren to the position of Instructor of Mathematics, Science, Mathematics and Engineering, Modesto Junior College, effective August 25, 2003.

Leslie Duarte

Approve the probationary appointment of Leslie Duarte to Program Rep I, EOPS, Modesto Junior College, effective September 2, 2003, contingent upon funding.

Ernesto Magdaleno

Approve the probationary appointment of Ernesto Magdaleno to Laboratory Assistant II (50%), Science, Mathematics & Engineering, Modesto Junior College, effective August 27, 2003 (10-month work year).

Rescind Reduction in Force

Rescind reduction in force for the following classified managers due to receipt of state funding for the Child Development Training Center (CDTC):

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

Catherine Cole	Approve the voluntary reduction in assignment from 100% to 50% for Catherine Cole, Professional Growth Project Manager, Child Development Training Consortium, effective September 8, 2003 through October 31, 2003 and accept her resignation effective October 31, 2003.
Pamela Carsner	Accept the resignation of Pamela Carsner, Account Technician I, Columbia College, effective July 31, 2003.
Ron Edwards	Accept the resignation of Ron Edwards, Campus Security Office I, YCCD Security, effective August 18, 2003.
Howard McDonald	Approve the termination of probationary employment of Howard McDonald, Custodian, YCCD Facilities Operations, effective July 31, 2003.
Aurora Sanchez	Approve a temporary increase in assignment from 10 months (75%) to 11 months (100%) for Aurora Sanchez, Instructional Assistant II, DSPS, Modesto Junior College, effective July 1, 2003 through May 31, 2004.
Lisa Yankovich	Approve a temporary increase in assignment for Lisa Yankovich, Child Development Center Master Teacher, Allied Health/Family & Consumer Science, Modesto Junior College, from 87.5% to 100% effective July 1, 2003 through May 31, 2004.
Sandy Sample	Approve a temporary increase in assignment for Sandy Sample, Child Development Center Master Teacher, Allied Health/Family & Consumer Science, Modesto Junior College, from 87.5% to 100%, effective July 1, 2003 through May 31, 2004.
Claudia Mery	Approve a temporary increase in assignment from 10 to 12 months for Claudia Mery, Instructional Assistant II, CalWORKS LD Program, Modesto Junior College, effective July 1, 2003 through June 30, 2004.
Linda Menge	Approve a temporary increase in assignment for Linda Menge, Program Representative II, Child Development Training Consortium, YCCD, from 50% to 80%, effective August 1, 2003 through June 30, 2004.
Dave Wallace	Approve a temporary increase in assignment from 10 months to 11 months for Dave Wallace, Piano Accompanist, Arts, Communications & Humanities, Modesto Junior College, effective academic year 2003-04.
Tomasia Drummond	Approve an increase in assignment from 80% to 100% for Tomasia Drummond, Program Representative II, Financial Aid/CalWORKS, Modesto Junior College, effective September 1, 2003.

- Jerry Morris Approve the placement of Jerry Morris, Media Production Photographer, Modesto Junior College, on a reemployment list for up to 39 months due to medical disability, effective August 12, 2003.
- Diane Wirth Approve up to forty (40) days of Professional Education Leave for Diane Wirth, Dean of Allied Health, Family Consumer Sciences, Modesto Junior College, during the period October 2003 to August 2005.
- Short-Term Appointee List Approve the list of short-term appointees.
- The motion carried with a vote of 6-0.

Discussion Items

14,754
Capital Projects

Chancellor Fisher said this discussion is a serious and difficult one especially because of our financial circumstances. She reported that collectively the bids for the MJC pool and West Campus Student Center projects exceeded the funding to cover both projects. On August 14, staff opened bids for the MJC pool and the low bid came in just under the two million the District had set aside for this project from the issuance of bonds last year. Previously the Board received an update that the bids for the West Campus Student Center came in about \$2.2 million greater than available funds. The Chancellor said the contractor and architect for the Student Center project have thoroughly examined the project and did not find areas to reduce costs significantly. Our consultants advise that if we delay the project by redesigning and reducing the project scope, it could be over a year before bids would go out, and increased construction cost over that time could bring the bids up to today's costs for a smaller building. The Chancellor said that both projects are important. She said she hoped the Board would direct staff to find a way to do both projects. She explained that although we do not need to have full funding right now to proceed, a decision needs to be made right now, as the contractor cannot hold the bid indefinitely. She said that discussions have started already on identifying funding sources, and we have about 18 months to do that. Dr. Williams concurred with Dr. Fisher and voiced strong support for proceeding with both projects. He said he knows we will need to work hard to find the additional funding. He added that it also is a major credibility issue for the District to show the voting public that we are capable of finishing projects that we start.

Dave Ashleigh, MJC water polo coach, and Milan Motroni, Adaptive PE Coordinator, presented their opinion on the importance and need of replacing the MJC pool. Mr. Ashleigh described the eyesore that the pool has become. He pointed out that YCCD is the only community college district in the state without a swimming pool. He said the college is spending about

\$35,000 per year in pool rental fees and serving less than half the students we served when we had a pool on campus. And finally, he said we are losing students because of the lack of a pool in our program. Ms. Motroni added that the new pool is designed to be accessible to all people (i.e., disabled, seniors and general population) and would show our commitment to serve everyone.

Jeff Swank, CSEA Chapter 420 President, echoed Mr. Ashleigh and Ms. Motroni's comments and supported moving forward with the pool project because the program generates FTES. However, Mr. Swank said the District should hold off on the Student Center. He said that it is an important project but not at this time. He stated that the risk of incurring further debt outweighs the benefits.

Trustee Rojas did not wish to choose between one or the other because a commitment had been made to the community, staff and students that the two projects would be done. He said the longer we wait the higher the costs will get. He recommended that staff look for the funds to do both. Trustee Dean concurred that proceeding with both would benefit many more of our students.

Mrs. DeMartini asked if the District had possession of the private donation for the student center. Chancellor Fisher explained that she had asked the donor to trust us with the money and allow us to earn interest, which they graciously did. Dr. Fisher said the donation has earned approximately \$700,000 in interest to date. Trustee DeMartini thanked the people that spoke in favor of the pool project and stated that she was inclined to support the pool project because the program generates FTES and provides outreach to the community. After hearing her fellow trustees and their inclination to support both projects, and hearing their confidence that the funding can be identified prudently, she said she would support both projects. Chancellor Fisher said that if necessary, funds can be borrowed and then repaid with the student fees assessment which would then need to continue for a longer period of time. Trustees will be kept posted on the next steps. Trustee Dean suggested that a means of offsetting the cost could be what was done for the Sonora High School pool, which was to encourage people to purchase \$100 tiles.

A motion was made by Trustee Rojas, seconded by Trustee Dean, that the Board of Trustees direct staff to identify revenue sources to complete both projects.

The motion carried with a vote of 6-0.

14,755
Board Bylaws/Policies –

At their annual retreat in July, the Board of Trustees reviewed eight Board bylaws (policies) for consideration of modifications or

Second Reading

additions. **(Report #2096)** The policies and proposed revisions presented are based on that discussion. A first reading was conducted in August. This is the second and final reading.

Ms. Janice Walker had questions about bylaws 7345 and 7346 and focused on the 120-day limit for reintroducing and placing an item on the Board's agenda. Chair Neumann stated that he did not see a problem with that process because the public can contact their trustee representative when they have a concern. Ms. Walker asked if aside from making requests through the Chancellor's Office, could the public have an item placed on the agenda by asking a board member? Chair Neumann confirmed that a trustee could ask for an item to be placed on the agenda. He also stated that trustees are the public's elected representatives and that the public is free not to reelect them if they are not happy with them. Ms. Walker commented that they had done that.

A motion was made by Trustee Schrimp, seconded by Trustee Flores, that the Board of Trustees conduct a second reading and approve the revised Board Bylaws/Policies 7310, 7320, 7340, 7345, 7346, 7360, 7430, and 7716.

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

14,756
Resolution in Support of HR
2952 Healthy America Act

Chancellor Fisher reported that Congressman Dennis Cardoza had recently contacted Trustee Neumann as Chair of the Board and asked that the YCCD Board of Trustees adopt a resolution in support of HR2952 Healthy America Act. The legislation is designed to promote and provide good nutrition to children and is being supported by many Central Valley leaders as well as national organizations.

There was some discussion about trustees previously discussing the passing of resolutions and whether or not they had reached agreement. Trustees concluded at this meeting that there was no consensus about that issue.

In this particular case, Trustee Schrimp's opinion was that this issue does not pertain to community colleges and that the Board should not be making a decision to support something that does not pertain to this district. Trustees Flores and DeMartini disagreed and said this would affect our childcare programs and adult students that qualify for this funding. They found the resolution appropriate. Trustee DeMartini said she would like to see the resolution include a restriction to purchase US grown products only. Mrs. DeMartini said she inquired about that and Congressman Cardoza's intention is to make that distinction on the Bill. Trustee DeMartini said she would support the resolution if it is amended to limit the purchase of produce to US grown products only.

A motion was made by Trustee DeMartini, seconded by Trustee Rojas, that the Board of Trustees approve **Resolution 03-04/03**, support of HR 2952 – Healthy America Act with the amendment that limits the purchase of produce to US grown products only.

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

Chair Neumann suggested that at their next Board retreat trustees discuss the issue of resolutions. As a point of reference, Chancellor Fisher stated that the Board has passed resolutions in the past, but they usually have been closely tied to issues directly affecting our colleges.

14,757
Proposition 54, Racial
Privacy Initiative

Chancellor Fisher stated that this proposition which was going to be placed on the March 2004 ballot, may now appear on the October 7 California ballot. Dr. Fisher reported that most major state educational organizations, including the State Board of Governors and the UC Regents have indicated their opposition to Proposition 54. She said if passed, Proposition 54 would prohibit public agencies, including community colleges, from gathering data on students or staff related to race, ethnicity, or national origin. Such a prohibition would eliminate our ability to monitor or track our efforts related to outreach, recruitment or student success. It is the antithesis of our stated mission and goals as well as accreditation standards. It also would make it impossible to apply and compete for many of our grants which require this demographic data.

Judith Monast, Corporate Training Manager in the MJC Workforce Training Center, addressed the Board in opposition of Proposition 54 for reasons specifically dealing with funding. Ms. Monast reported that as a designated Hispanic Serving Institution, MJC has received in excess of \$2.8 million since 1999, which could not have been accessed if Proposition 54 was in place. Other projects that are competitively based on demographic information include Bridges to Baccalaureate, TRIO programs, TRIO/Upward Bound, and TRIO Student Support Services. Ms. Monast said all the programs mentioned have generated about \$3.6 million over four years. She said if Proposition 54 were in place, we could not have been able to access the funding, or provide the services and outreach to these students or community members.

Robert Stanford, president of the civil rights non-profit support organization LocalBlack.com, spoke in opposition of this proposition. He said that although we are the most diverse country and state in the world, we have not yet reached racial equality and Proposition 54 would take us a step back in that effort. He asked the Board to support the resolution opposing Proposition 54.

Gladys Williams, President of the NAACP and chair for the Modesto Teachers Association Human Rights Committee, said this initiative is a human rights issue. She said this proposition is a racial ban that will affect all of us. It will affect access to funding from grants that rely on ethnic data. It will eliminate public health programs and studies that save lives. She stated that juvenile and adult correctional systems must be able to collect demographic data in order to eliminate injustices to people of color. Ms. Williams said that Proposition 54 will eliminate the civil rights movement in California. She said this proposition is being currently challenged in the courts as a violation of our 14th Amendment rights. She asked the Board of Trustees to approve the resolution opposing Proposition 54.

Ms. Janice Walker stated that she would like to take the other side. She said she sees everyone as Americans. She does not like to have someone rated, put down or elevated because of their race. She said she does not like people being called Black-American, Hispanic American, or White-American. She added that as far as it relates to federal funding, Proposition 54 exempts any action taken to maintain federal funding. She said she does not believe this proposition would take away funding. She said it is an important proposition that promotes equality for everyone.

Jeff Swank, speaking on his own behalf and not for CSEA, said he supports the Board's resolution to oppose Proposition 54.

Mrs. Anne DeMartini said that she had many comments to make. She asked if Dr. Fisher had placed the item on the agenda. Chancellor Fisher stated that she placed it on the agenda after being contacted by the Community College League of California and the California Community College Trustees association which endorsed the resolution and asked that local boards do the same. Dr. Fisher explained that the wording of the resolution was created by staff from information provided by the League and the trustee association, as well as from other material about Proposition 54 and what it would do.

Mrs. DeMartini stated that she was shocked to see the intellectual dishonesty contained in the resolution. She said it blatantly misstates the intent of the proposition. She pointed out that the fourth "whereas" on the resolution which states that it would make it impossible to apply and compete for many federal grants is a "clear lie" and said she was insulted for it being presented that way. She said the resolution also states that Proposition 54 is the antithesis of the college mission and accreditation standards, yet the accreditation standards say nothing about race. Mrs. DeMartini said she could not believe that totally false language was presented. She said she was not speaking for or against this initiative; she is speaking against the

dishonest presentation of the resolution. Trustee DeMartini said she had heard two speeches in the past week and believed what was said about core values being the most important thing for leadership and that core values of ethics and integrity are what need to be used. She said that the wording of this resolution does not reflect integrity or ethics. She said that we need groups that are not publicly funded like the NAACP and the Hispanic Leadership Council. She said these private groups do help people. However, this initiative is talking about publicly funded institutions. Finally, Mrs. DeMartini recommended that the Board not approve the resolution because it is not accurate. She reiterated that it is intellectually dishonest and does not portray what is in the proposition.

Chair Neumann responded to Trustee DeMartini's attack on the fourth "whereas" of the resolution. He said that although she quoted from the resolution, she left out the part that says, "which require this demographic data." Chair Neumann said that as he reads it, it is not a blanket statement and it provides some limit. He said it is not intellectually dishonest as Mrs. DeMartini portrayed. Mrs. DeMartini asked how he felt about the first statement that says that we would be prohibited from gathering any data on students or staff related to race, ethnicity, color or national origin, which she said also is not true. Chancellor Fisher stated that the District would be prohibited from collecting much data about our community outreach efforts, about the students we serve and how well they do, on how we outreach to the Latino community, how we monitor our success, and assess learning outcomes based on students ethnicity. Dr. Fisher said no dishonesty was intended. She said the real point and message is what is the goal of the initiative. Chancellor Fisher stated that she stands behind the statement that the intent of Proposition 54 is not consistent with the vision and mission statements that the District has adopted.

Ms. Schrimp asked Mrs. DeMartini what she feels is the intent of Proposition 54. Mrs. DeMartini said that there are about 126 different racial categories in California. With such diversity, she said the idea is to value this diversity and not tell people that, "You come from an underrepresented group. We've got special money for you. You really can't do it on your own." She said the most important thing about a person is not their race. The initiative is trying to tell people that their hard work, effort and persistence is what is most important about them. Mrs. DeMartini said that as she understands it, the initiative is a move to get people to be judged not by the color of their skin but on the content of their character.

Trustee Flores said that was not the intent of Proposition 54. She strongly stated that she is not offended when asked to fill the bubble that lets people know who she is, especially if that is going to help other students and institutions that need special

funding. Ms. Flores said she will continue to do so and will encourage her family to continue filling in the ethnic data. She wants people to know that she is Hispanic. She does not want people to tell her they don't want to know who she is. She wants people to know who she is and wants to be counted as an ethnic individual in this community.

Mr. Rojas concurred with Ms. Flores. He said this is an emotional issue for him and stated that unless you live through the experience of being a statistic, you cannot speak to it. He said he opposes Proposition 54.

A motion was made by Trustee Schrimp, seconded by Trustee Dean, that the Board of Trustees adopt **Resolution No. 03-04/04**, in opposition to Proposition 54 on the October 7, 2003 ballot.

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

14,758
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 ended June 30, 2003. **(Report #2097)** A copy of the statement is attached. The Board is required by law to hold a public hearing to review the report and direct that it be filed with the Stanislaus County Superintendent of Schools and the California Community Colleges Chancellor's Office.

Staff were available during this meeting to formally present the report, respond to questions and to amplify where necessary.

The Board of Trustees conducted a public hearing to review the District's financial report for the quarter ended June 30, 2003. There were no comments from the public and the hearing was closed. The Board Chair directed staff to submit a copy of the required report to the Stanislaus County Superintendent of Schools and the California Community Colleges Chancellor's Office.

14,759
Representatives to the
VIP/JPA Board of Directors

The bylaws of the Valley Insurance Program Joint Powers Agency require that:

"Each member of the authority shall appoint two members to the Board of Directors. One Director for each member may be an elected official of the member's governing board. The other Director for each member shall be a management-level employee of the member.

In addition, each member shall designate one Alternate Director, who may either be an elected official of the member's governing body or a management-level employee of the member."

Based on the above, it is necessary for the Board of Trustees to appoint an elected official position and alternate director position to the VIP/JPA Board of Directors. Mr. Abe Rojas' (elected official position) and Mr. Richard Peralta's (alternate director position) terms expire September 30, 2003. Ms. Teresa Scott (management-level employee) is in the middle of a two-year term.

A motion was made by Trustee Flores, seconded by Trustee Schrimp, that the Board of Trustees appoint Mr. Abe Rojas to the elected official position and Mr. Richard Peralta to the alternate director position for two-year terms to begin October 1, 2003 and expire September 30, 2005.

The motion carried with a vote of 5 ayes (Dean, DeMartini, Flores, Neumann, Schrimp) and 1 abstention (Rojas).

COMMENTS

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Comments from the Public

There were no comments from the public.

14,761

Comments from the Board of Trustees

Trustee DeMartini reported that she attended the graduation of the 151st Regional Criminal Justice Training Center Basic Academic.

Trustee DeMartini said that in the future when an agenda item has two conflicting points of view, she would like the Board to consider presenting the information in a similar manner as the League presented their recommendation to oppose Proposition 54. She said the League presented its point of view and then presented the arguments for and against. She said that it is fine for the Chancellor to advocate a certain position but she would like to be presented with the pros and cons as well. Trustee Dean stated that every issue has opposition and she believes that trustees are all concerned enough to look at both sides. She added that if they do their homework, they should know both sides of an issue. Chair Neumann suggested that when a controversial issue is to be addressed by the Board that the recommendation to the Board be accompanied with an articulation of the issue. Referring to Proposition 54, Dr. Fisher stated that given the support received from all major state organizations, she would not have considered the issue controversial for a community college board.

Trustee Schrimp stated that when trustees receive their agenda and there is something that bothers them they should call the Board Chair or the Chancellor and voice those concerns. The Chancellor added that in this particular case, she had advised the Board that she would be available by phone the weekend before the Board meeting and she received no calls.

Chair Neumann said that he will work to see that issues are well framed when presented to the Board and suggested that this issue be discussed at their next retreat.

14,762
NEXT MEETING

The meeting adjourned at 8:45 p.m. The public was asked to make special note of the change in the next Board meeting's date. The next regular meeting of the Board of Trustees will be held on **Wednesday, October 8** at Columbia College. Prior to the Board meeting, there will be a grand opening ceremony for the new Columbia College Learning Resource Center. The activities on that day will be as follows:

- ❖ 2:00 p.m. Ribbon-Cutting Ceremony
- ❖ 2:00 – 4:00 p.m. Grand Opening Activities
- ❖ 3:30 p.m. Board Meeting - Closed Session

Paul Neumann, Chair
YCCD Board of Trustees

Pamila J. Fisher, Secretary
YCCD Board of Trustees