

# Board of Trustees

## Ventura County Community College District

<p>MINUTES FOR THE MEETING OF AUGUST 20, 2002</p>
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The regular meeting of the Board of Trustees of the Ventura County Community College District was held on Tuesday, August 20, 2002, in the Campus Center Conference Room at Moorpark College, Moorpark, California.

### **Roll Call**

#### **Board Members Present:**

Norman J. Nagel, President  
Arturo D. Hernández, Vice-President  
Robert S. Gonzales  
Allan W. Jacobs  
John D. Tallman  
Holly McRoberts, Student Trustee

#### **Management Present:**

James Walker, Acting Chancellor  
Eva Conrad, President, Moorpark College  
Lydia Ledesma-Reese, President, Oxnard College  
Larry Calderón, President, Ventura College  
Jack Lipton, General Counsel  
William Studt Vice-Chancellor, Human Resources  
Vic Belinski, Associate Vice Chancellor, Information Technology  
Ruth Hemming, Interim Executive Vice President, Student Learning, Moorpark College  
Ramiro Sanchez, Executive Vice President, Student Learning, Oxnard College  
Joan Smith, Executive Vice President, Student Learning, Ventura College  
Patricia Kistler, Director of Governmental and Public Affairs  
Sue Johnson, Assistant Vice Chancellor, Business Services  
Patricia Parham, Director of Personnel, Office of Personnel Commission and CMA President  
Carolyn Inouye, Director, Institutional Research  
Kay Boger-Faulconer, Dean, Community Resource Development

#### **Faculty/Staff/Student Representatives:**

Jack Miller, Moorpark College Academic Senate President  
Gary Morgan, Oxnard College Academic Senate Representative  
Richard Goff, Ventura College Academic Senate President  
Ben Bergstrom, Moorpark College Associated Student Government President  
Albert Mendez, Oxnard College Associated Student Government Representative  
Larry Miller, AFT

### CALL TO ORDER

President Nagel called the meeting to order in the Campus Center Conference Room at 5:27 p.m.

**PUBLIC COMMENTS REGARDING CLOSED SESSION AGENDA ITEMS**

Larry Miller, Diane Volz, Martha Torgow, David Maron, and Cheryl Heitmann addressed the Board regarding an employee issue.

**RECESS TO CLOSED SESSION**

The Board of Trustees recessed to Closed Session at 5:45 p.m. in the Moorpark College Student Government conference room to address the following items:

**Acting Chancellor's Report on Public Employee Performance Discipline/Evaluation**

**Pending Litigation [Gov't Code §54956.9(a)]**

- *AFT vs. VCCCD (Paula Muñoz reassignment)*
- *AFT vs. VCCCD (Paula Muñoz union discrimination)*
- *AFT vs. VCCCD (Paula Muñoz evaluation)*
- *AFT vs. VCCCD (Paula Muñoz summer assignment)*
- *Muñoz vs. VCCCD (PERB)*
- *Muñoz vs. VCCCD (Superior Court)*
- *Muñoz, Suel, Carrasco, and Herrera vs. VCCCD (Ed. Code §87673)*
- *Hilton vs. VCCCD (Personnel Commission)*
- *AFT vs. VCCCD (Ventura County Sheriff Academy)*
- *Reeves vs. VCCCD*
- *Hosseini vs. VCCCD*
- *Mandras vs. VCCCD*
- *Donaldson vs. VCCCD*
- *Goldberg vs. VCCCD*
- *Leavitt/Kapuscik v. VCCCD*
- *Lopez v. De Los Santos and Bryant*

**Threatened Litigation [Gov't Code §54956.9(b)]**

**Possible Initiation of Litigation [Gov't Code §54956.9(c)]**

**Public Employee Evaluation**

- **Chancellor**

**RECONVENE IN OPEN SESSION**

President Nagel reconvened the meeting in Open Session at 7:15 p.m. in the Campus Center Conference Room.

## PLEDGE TO THE FLAG

Larry Calderón led the pledge to the flag.

## CLOSED SESSION REPORT

Acting Chancellor Walker read the following Closed Session report:

In the case of *Jamaladdin Hosseini vs. VCCCD*, Equal Employment Opportunity Commission Case No. 340A19760, on July 15, 2002, the EEOC dismissed the Charge of Discrimination and closed the case on the basis of no probable cause.

In the case of *Jamaladdin Hosseini vs. VCCCD*, California Department of Fair Employment and Housing Case No. E200102L0117-00-e, on June 24, 2002, the DFEH dismissed the Complaint of Discrimination and closed the case on the basis of no probable cause.

In the case of *Goldberg vs. VCCCD*, Ventura County Superior Court Case No. SC030422, On March 26, 2002, the Board Unanimously agreed to a settlement, with Trustee Jacobs abstaining, and the case has now been dismissed. Copies of the agreement are available through the Chancellor's office.

In the case of *Mandras vs. VCCCD*, California Department of Fair Employment and Housing Case No. 340A209734, the Board unanimously voted to respond to the Complaint of Discrimination.

In the case of *Lopez vs. De Los Santos and Bryant*, Ventura County Superior Court Case No. CIV211565, the Board unanimously voted to provide a defense to the Defendants, subject to a reservation of rights and subject to subsequent approval of legal invoices.

In the case of *Castillo vs. VCCCD*, Ventura County Superior Court Case No. CIV203621, on May 28, 2002, the Board unanimously agreed to a settlement, and the case has now been dismissed. Copies of the agreement are available through the Chancellor's office.

In the Claim dated July 11, 2002, filed by Timothy Suel, the Board voted 4-0-1, with Trustee Tallman abstaining, to deny the Claim.

In the Claim dated July 23, 2002, filed by Marian Carrasco, the Board voted 4-0-1, with Trustee Tallman abstaining, to deny the Claim.

## PUBLIC COMMENTS REGARDING AGENDIZED ITEMS

Linda Van Dolsen addressed the Board regarding legal bills and an employee issue.

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### *Consent Calendar Items*

It was moved by Trustee Gonzales, seconded by Trustee Jacobs, and carried on a unanimous vote, to approve the following Consent Calendar Items: (McRoberts – yes)

#### *Approval of Minutes*

- 2.1 **Action to Approve Minutes of the Regular Meeting of the Board of Trustees for July 23, 2002** was approved.
- 2.2 **Action to Approve Minutes of the Special Meeting of the Board of Trustees for July 25, 2002** was approved.

#### *Student Learning*

- 4.1 **Summer 2002 Candidates for Associate Degree at Moorpark, Oxnard, and Ventura Colleges** were approved.
- 4.2 **Summer 2002 Candidates for Certificates of Achievement at Moorpark, Oxnard, and Ventura Colleges** were approved.

#### *Human Resources*

- 5.2 **Academic Actions**
  - 5.2.1 **Reduction in Months of Assignment for Full-time Academic Coordinator Position – Ventura College** was approved to reduce the months of assignment for the position of Coordinator, MESA Program at Ventura College from 11 months to 10 months.
- 5.3 **Ratification of Amendment to VCCCD-AFT Side Letter Agreement** was granted to ratify an Amendment to Side Letter Agreement between the Ventura County Community College District and the Ventura County Federation of College Teachers, AFT Local 1828, AFL-CIO regarding Article 3.6(A), Extra Contract Assignments, to the VCCCD-AFT Agreement.

*Business Services*

**6.2 Checks**

**6.2.1 Ratification of Accounts Payable and Payroll for the Period of July 3, 2002 – August 1, 2002** was approved.

**6.3 Purchase Orders**

**6.3.1 Approval/Ratification of Board Purchase Order Report #3 (FY 2002 - 2003)** was approved for the period of July 3, 2002 – August 5, 2002.

**6.8 Other**

**6.8.1 Quarterly Report of Investments for Ventura County Community College District** was approved to accept the report of investments for the Ventura County Community College District.

*Trustees/Chancellor*

**7.1 Action to Approve Governing Board Member Absence.** No absences were reported.

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**Action Items**

*Business Services*

**1. Acceptance of Gifts (6.8.2)** was moved by Trustee Gonzales, and seconded by Student Trustee McRoberts, and carried on a unanimous vote, to accept the following gifts:  
(McRoberts – yes)

To be used for maintenance and operations at Oxnard College on weekdays and on weekends to be used at the Community Market held at Oxnard College.

Club Car Carryall 2 Utility Vehicle #2727

Donated by: Oxnard College Foundation

Tools and miscellaneous automotive equipment for the Automotive Technology Department at Ventura College

Donated by: Randy Scharfstein

1997 Toyota Avalon and 1998 Toyota Camry to be used for the Toyota T-Ten Program at Ventura College  
Donated by: Toyota Motor Sales

Eight pallets of various auto products, coolant, liquid wrench, octane booster, a/c conditioner, misc. parts, window cleaner, etc. to be used in Automotive Technology at Ventura College.  
Donated By: Auto Zone Distribution

Heavy Duty Welded Steel Shelf Truck Carts, Pneumatic Wheels, 1200 lb capacity to be used in Machine Shop at Ventura College.  
Donated by: Mr. Nick Clark, Superior Manufacturing

(Performance) Brake Lathe, (Snap-on) Parts Washer to be used in Automotive Technology at Ventura College  
Donated by: ABC Auto Care

Engineering materials for a future engineering materials lab at Moorpark College where this equipment will be used.  
Donated by: Rockwell Scientific Company

The Board revised the item to reflect that the agenda item was accepted by the District. There was a brief discussion regarding the district wide foundation.

***Trustees/Chancellor***

- 2. **Revision to Board of Trustees 2002 Schedule of Meetings (7-2)** was moved by Trustee Gonzales, seconded by Trustee Tallman, and carried on a unanimous vote, to change the September Board meeting date to September 17, 2002, if the State budget has not been approved, otherwise the meeting will remain on September 10. (McRoberts – yes)

Trustee Nagel said that he would not be available for the September 10<sup>th</sup> Board meeting. There was a discussion regarding the timeline for the adoption of the budget.

***Action on Items Listed on the  
Consent Calendar but Pulled to be Considered Individually  
End of Board Actions***

It was pointed out that Item 6.5.2 was placed on the Consent Agenda in error. It was moved by Trustee Gonzales, seconded by Trustee Jacobs, and carried on a unanimous vote, to place Item 6.5.2 on the Action Item portion of the agenda.

## 6.5 Budget Amendments

**6.5.2 2002-2003 General Fund Unrestricted Reserve Level to 4%** was moved by Trustee Gonzales, seconded by Trustee Tallman, and carried on a unanimous vote. The Board approved the following recommendations: (McRoberts – yes)

- Reduce the General Reserve to 4%.
- Release the Loadbanking Reserve to be directly allocated to Ventura College.
- Transfer \$300,000 from Ventura College Bookstore to Ventura College General Fund.
- Budget salary savings for future management, classified, and academic position vacancies.
- Re-direct allocations to colleges based on difference between calculated allocation and current budget.

Sue Johnson gave a brief update on the 2002-2003 Budget. There was a brief discussion regarding the use of bookstore funds, the reserve level, enhancement of the budget, and loadbanking. The Board asked the Acting Chancellor to provide information to the student leaders regarding the use of the bookstore funds.

## 6.7 Contracts

**6.7.1 Approval of Construction Manager for Measure S Capital Construction Program** was moved by Trustee Jacobs, seconded by Trustee Gonzales, and carried on a unanimous vote, to accept JCM Group as construction managers for the Measure S Capital Construction Program, subject to successful financial negotiations. (McRoberts – yes)

There was a brief discussion regarding this item. The Board asked that additional background on agenda items be provided to the Board prior to the Board meeting. Trustee Gonzales gave an overview of the selection process and indicated that the proposed Construction Manager would make a presentation.

Acting Chancellor Walker introduced Handel Evans, Consultant. Mr. Evans introduced the proposed Construction Manager for the Bond Program, Mr. Wayne Twedell, JCM Group. Wayne Twedell, Rod Rose, and Leslie Dickey gave a brief overview of the JCM Group. Mr. Twedell introduced Leslie Dickey, Rod Rose, and Robert York. Handel Evans explained the timeline for the Bond and it was decided that in order to keep within the timeline, it might be necessary to hold a Special Board meeting to approve the contract.

**6.7.2 Approval of Change Order #1: Siemens Building Technologies for Additional Work on the District-Wide Energy Conservation Project at Moorpark College** was moved by Trustee Gonzales, seconded by Trustee Tallman, and carried on a unanimous vote, to approve Change Order #1, in the amount of \$244,662.00 for Siemens Building Technology. (McRoberts – yes)

There was a brief discussion regarding this item.

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## Reports

### STUDENT AND STAFF ORGANIZATIONS REPORTS

- **Student Government representatives**
  - Ben Bergstrom expressed his support for the District and the Board of Trustees.
  - Albert Mendez reported on the activities of the Associated Student Government.
  
  - Student Trustee McRoberts reported on the Community College League of California's New Student Trustee Workshop. She said that she would distribute to the Board and the student government a report on her travel. Ms. McRoberts announced that she received a scholarship from the Boys & Girls Club of Ventura.
  
- **Academic Senate representatives**
  - Jack Miller congratulated Holly McRoberts, the new Student Trustee. Mr. Miller pointed out that Moorpark College hired new faculty and classified staff.
  - Gary Morgan gave a brief update on activities at Oxnard College.
  - Richard Goff thanked Acting Chancellor Walker for attending Flex Day Activities.
- **Personnel Commission representative**
  - Patricia Parham pointed out that Tony Grey's term as Personnel Commissioner expires on November 30<sup>th</sup> and that it was the Board's responsibility to appoint someone to the Commission by that date.
- **College Management Association representative.** Patricia Parham thanked Dr. Walker for time on the agenda during his management staff meeting.

### ACTING CHANCELLOR'S REPORT

- **Report on Measure S Capital Construction Program** – Handel Evans reported on the RFQ's for construction management services, architectural services, and environmental services.

James Walker commented on Mr. Evans' award at California State University, Channel Islands. Dr. Walker gave a brief overview of the Citizens' Oversight Committee meeting and indicated that the next meeting would be on October 2 at Moorpark College.

- **Emergency Exemption to STRS - Moorpark College**
  - ❖ **Interim Vice President, College Services – Alyvn Nordquist**



- Acting Chancellor Walker pointed out that Mr. Nordquist agreed to work as Interim Vice President of College Services and that he had to apply for an emergency exemption to STRS.

- **Presidents' Reports**

- Lydia Ledesma-Reese reported on student enrollment and the 2002 Schedule of Classes. She announced that Oxnard College ranked among the top 100 colleges in the nation awarding degrees to minority students. Dr. Ledesma-Reese pointed out that 36 Oxnard College Regional Fire Academy students graduated from the Academy on August 17<sup>th</sup> and that Proyecto Access graduated 238 middle- and high-school students throughout Ventura County.
- Eva Conrad reported on flex week activities and announced that John Grey received the *Outstanding Faculty of the Year Award* at Moorpark College and commented on the first day of the semester. Dr. Conrad announced that the Moorpark College Study Abroad Program for Spring 2003 semester in India and Nepal was cancelled.
- Larry Calderón commented on flex week activities. He highlighted the grants that were received by Ventura College. Dr. Calderón announced that Deborah Ventura received the *Starfish Award*. He said that Ventura College would be hosting the MeCHA Conference in conjunction with the 2002 LULAC Youth Leadership Conference on September 14.
- **College Presentation – Ventura College**
  - Kay Faulconer-Boger, Dean, Community Resource Development introduced members of the Alternative Text Production Center at Ventura College. Dee Konczal and Bob Martinengo reported on the program. The following staff members were also introduced: Sandy Greenberg and Martin Crossley.

Trustee Jacobs asked about the payment of the registration fees and the Financial Aid Program. He requested a report at the next Board meeting.

- **Vice Chancellor's Report** – Bill Studt indicated that the Human Resources Department was in the process of writing a Procedures Manual. He updated the Board on the Workers' Compensation Loss Reduction Program and indicated that the Health Benefits Committee would be reviewing the increasing health costs.

James Walker reported on a \$1 million donation to the district wide foundation from an anonymous donor and that this was due to the efforts of Mike Gregoryk.

## First Reading Items

**Revision to Board Policy Manual Section E.12: Evaluation of Chancellor** was accepted for a revised First Reading.

There was a brief discussion regarding this item. The Board asked for a copy of the previous Board Policy and it was decided that the Trustees would send recommended changes to Board Policy Section

E.12 to the Acting Chancellor, and any recommended changes regarding expenditures to the subcommittee that is reviewing the policy related to expenditures.

Gerard Kapuscik addressed the Board regarding employee and legal issues.

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## Trustee Issues

- **Governing Board Subcommittee Reports**
  - Trustee Gonzales gave a brief overview of the August 13 Construction Subcommittee meeting. There was a brief discussion regarding FTR International.
- **Trustee Issues**
  - There was a brief discussion regarding the process to be used for the appointment of a Personnel Commissioner. Trustees Hernández and Jacobs will work with Pat Kistler on this issue.
  - Trustees Gonzales and Hernández commented on the beginning of the semester.
  - President Nagel gave a brief update on approved travel requests.

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### PUBLIC COMMENTS REGARDING NON-AGENDIZED ITEMS

Patricia Navarro addressed the Board regarding a personnel issue.

### RECESS TO CLOSED SESSION

At 10:52 p.m. the Board recessed to Closed Session.

### RECONVENE IN OPEN SESSION

At 1:30 p.m. the Board reconvened in Open Session.

### CLOSED SESSION REPORT

There was no Closed Session report.

### ADJOURNMENT

At 1:35 a.m. the meeting was adjourned with a motion from Trustee Hernández, second from Trustee Gonzales, and carried on a unanimous vote.