

Board of Trustees Ventura County Community College District

MINUTES FOR THE MEETING OF MAY 16, 2000

The regular meeting of the Board of Trustees of the Ventura County Community College District was held on Tuesday, May 16, 2000, in the Cowan Conference Center – Camarillo Room, Camarillo, California.

Roll Call

Board Members Present:

Allan W. Jacobs, President
Pete E. Tafoya, Vice-President
Norman J. Nagel
Robert S. Gonzales
John D. Tallman
Becky Lawson, Student Trustee

Management Present:

Philip Westin, Chancellor
Michael Gregoryk, Deputy Chancellor
Marion Boenheim, Vice Chancellor, Human Resources
Steven Arvizu, President, Oxnard College
James Walker, President, Moorpark College
Larry Calderón, President, Ventura College
Jack Lipton, General Counsel
Anthony Tricoli, Associate Vice Chancellor, Student Learning
Ruth Hemming, Vice President of College Services, Moorpark College
Cheryl Shearer, Dean, Economic Development
Harry Culotta, Director, College Budgets, Oxnard College
Patricia Kistler, Director of Governmental and Public Affairs
Patricia Parham, Director of Human Resources

Faculty/Staff/Student Representatives:

Charlene Arnold, Moorpark College Academic Senate President
Carmen Guerrero-Calderón, Oxnard College Academic Senate President
Jack Miller, AFT President
Floyd Martin, CMA President
Candace Peyton, SEIU President
Chris Valenzano, Director of External Affairs, Associated Students, Moorpark College
Antonio Murillo, President, Ventura College Associated Students

CALL TO ORDER

President Jacobs called the meeting to order in the Cowan Conference Center – Camarillo Room at 6:00 p.m.

PUBLIC COMMENTS REGARDING CLOSED SESSION AGENDA ITEMS

There were no requests to speak.

RECESS TO CLOSED SESSION

The Board of Trustees recessed to Closed Session at 6:05 p.m. in the Cowan Conference Center – Ojai Room, to address the following items:

Chancellor’s Report on Public Employee Performance Discipline/Evaluation

Public Employee Performance Evaluation/Tenure Review

- **Instructor(s), Oxnard College**

Pending Litigation [Gov’t. Code §54956(a)]

- **Korn et al. vs. VCCCD**
- **AFT vs. VCCCD (C.S.M.C.S. Case No. 99 3 487)**
- **AFT vs. VCCCD (PERB Case # LA-CE-4170)**
- **Kirby vs. VCCCD**
- **Talili vs. VCCCD**
- **VCCCD vs. Ventura County Self-Funding Authority et al.**
- **Wyneken vs. VCCCD**
- **AFT vs. VCCDD (PERB Case No. LA-CE-4082)**

Threatened Litigation [Gov’t. Code §54956(b)]

Possible Initiation of Litigation [Gov’t. Code §54956.9(c)]

RECONVENE IN OPEN SESSION

President Jacobs reconvened the meeting in Open Session at 7:13 p.m. in the Cowan Conference Center, Camarillo Room.

PLEDGE TO THE FLAG

Trustee Tafoya led the pledge to the flag.

CLOSED SESSION REPORT

Chancellor Westin read the following Closed Session Report:

Public Employee Performance Evaluation/Tenure Review

- **Instructor(s), Oxnard College**
 - The Board unanimously voted to grant tenure to an instructor at Oxnard College.

Pending Litigation [Gov't. Code §54956(a)]

- **VCCCD vs. Ventura County Self-Funding Authority et al.**
 - In the case of *VCCCD vs. Ventura County Self-Funding Authority, et al.*, Ventura County Superior Court Case No. CIV 190746, the Board unanimously voted to settle the case under which the Self-Funding Authority will pay the District the sum of \$582,485.00 in cash, plus a possibility of additional money contingent upon other recoveries. Copies of the settlement documents will be available through the Chancellor's Office.
- **Talili vs. VCCCD**
 - In the case of Deborah Talili, Department of Fair Employment and Housing Case No. 0340999671, a Notice of Case Closure was issued by the DFEH on the basis of no probable cause to prove unlawful discrimination.
- **Kirby vs. VCCCD**
 - Regarding the tort claim of Debby Kirby, the Board unanimously voted to ratify a settlement. Copies of the settlement documents are available through the Chancellor's Office.
- **Wyneken vs. VCCCD**
 - In the case of *Wyneken vs. VCCCD*, Workers Compensation Appeals Board Case Nos. VEN107332 and others, the Board unanimously voted to ratify a settlement. Copies of the settlement documents are available upon request through the Chancellor's Office.

ACKNOWLEDGEMENT OF GUESTS & SPECIAL RECOGNITIONS

Carmen Guerrero-Calderón introduced Mary Jones, president elect of OC Academic Senate.

PUBLIC NOTICE OF CHANGES TO THE AGENDA

Student Learning

- 4.1 **Establishment of Student Center Fee at Moorpark College.** This item was revised for clarification.

CALL TO ORDER OF JOINT SPECIAL MEETING OF THE BOARD OF TRUSTEES AND THE PERSONNEL COMMISSION

At 7:17 p.m., President Jacobs called to order the joint meeting of the Board of Trustees and the Personnel Commission in the Cowan Conference Center – Camarillo Room.

Personnel Commission:

Barbara Harison

Tony Grey

Robert Saynay

PUBLIC COMMENTS REGARDING AGENDIZED ITEMS

It was decided that Gregory Cross could speak after the agenda item. There was a brief discussion regarding the procedure that would be used during the meeting.

Chancellor's Report (together with Personnel Commission Director)

- **Personnel Commission Office**

Chancellor Westin responded to the Personnel Commissioners' questions. There was a brief discussion regarding the relocation of the Personnel Commission office and furniture for the office.

- **Process to Request Personnel Time from District or Personnel Commission, after July 1, 2000**

Chancellor Westin indicated that if the District needed to request additional personnel time for employees reporting to the Commission, the request would be made by the Chancellor or Vice Chancellor of Human Resources to the Commission Director or Commission itself. Likewise, the Personnel Commission Director would make requests for additional personnel time for any other District employee to the Chancellor or designee.

Robert Saynay pointed out that requests for the Personnel Commissioner Director's time would be made to the Commission.

- **Commission Director's Ongoing Reports to the Board**

It was decided that a Personnel Commission report would be placed on the Board agenda.

Greg Cross expressed his concerns about splitting functions between the Personnel Commission and the Board.

DISCUSSION

Personnel Commission Budget

Greg Cross commented on the budget. Chancellor Westin explained the process for the adoption of the Personnel Commission Budget. Mike Gregoryk reviewed the budget as proposed by the commission and explained the impact. Patricia Parham reported on the Personnel Commission budget and distributed *An Analysis of Funding Shift from General Fund Budgets to Personnel*

Commission Budget and commented on the handouts titled, *Comparison of Budgeted Positions - Personnel Commission* and *Community College Districts with Commissions*. Trustee Tallman expressed his concerns and asked about the cost of backfill for the District positions. There was a brief discussion regarding the proposed Analyst position. The Board asked the Personnel Commission to reconsider the Analyst position.

ACTION

Human Resources

- 5.4 Duties/Responsibilities - Personnel Commission and the Board of Trustees** was moved by Trustee Gonzales, seconded by Trustee Nagel, and carried on a unanimous vote, as amended. (Lawson - yes)

Duties/responsibilities of the Board of Trustees and the Personnel Commission

- 1. Access to Commission-maintained classified records of applicants** was amended by a motion from Trustee Tallman, seconded by Trustee Tafoya, and carried on a unanimous vote: (Lawson - yes)

Access to Commission-maintained classified records, including employees

Board staff has access to Commission recruitment/examination records, computer databases when there is actual or threatened litigation causing a need to know.

The Personnel Commission also approved this item.

- 2. Maintenance and access to classified personnel files for employees assigned to the Personnel Commission**

The Commission shall maintain personnel files for employees assigned to the Commission.

The following was changed to read as follows by Trustee Tallman, second by Trustee Tafoya and carried on a 3-2 vote with President Jacobs, Trustees Tafoya and Tallman voting yes, and Trustees Gonzales and Nagel voting no: (Lawson - abstain)

- **Maintenance and Access to personnel files for employees assigned to the Personnel Commission.**

The Board does have access when there is actual or threatened litigation and in any other instance in which the Governing Board feels a need to have access to Personnel Commission staff records. The Chancellor of the district may ask the Personnel Commission in writing and such a request will not unreasonably be denied. The Personnel Commission maintains personnel files of the Personnel Commission staff.

There was discussion regarding the maintenance and access to classified personnel files of employees assigned to the Personnel Commission. Ms. Parham distributed and commented on a letter from Richard Calister, Attorney at Law. Jack Lipton commented on access to and maintenance of personnel files of all District

employees including those assigned to the Personnel Commission. Trustees Gonzales and Nagel expressed their concerns about this item.

- 5.3 Proposed Education Code Amendment** was tabled until June 27 by a motion from Trustee Nagel, seconded by Trustee Tafoya and carried on a unanimous vote. (Lawson - yes)

There was a brief discussion regarding this item and it was decided to table the item in order to obtain recommendations from the classified employees and the Legislative Advocacy Team.

The Personnel Commission also took an action to delay the item.

ADJOURN JOINT SPECIAL MEETING OF THE BOARD OF TRUSTEES AND THE PERSONNEL COMMISSION

At 9:35 p.m., it was moved by Trustee Nagel, seconded by Trustee Jacobs, and carried on a unanimous vote, to adjourn the joint meeting of the Board of Trustee and the Personnel Commission.

At 9:46 p.m. the meeting reconvened.

PUBLIC COMMENTS REGARDING AGENDIZED ITEMS

Consent Calendar Items

It was moved by Trustee Tafoya, seconded by Trustee Tallman, and carried on a unanimous vote, to approve the following Consent Calendar Items: (Lawson - yes)

Approval of Minutes

- 2.1 Action to Approve Minutes of the Regular Meeting of the Board of Trustees for May 9, 2000** was granted.

Student Learning

- 3.1 Second Reading: Course Approvals: New Courses—Moorpark College** was granted.

- 4.1 Establishment of Student Center Fee at Moorpark College** was approved to authorize the establishment of a Student Center Fee at Moorpark College.

Human Resources

5.2 Academic Actions

5.2.1 Granting of Sick Leave Days from Established Sick Leave Pool for Full-time Faculty Member – Oxnard College was approved to grant additional sick leave days from the sick leave pool to Lourdes Silva, a full-time faculty member at Oxnard College.

5.2.2 Acceptance of Retirement – Full-Time Academic Personnel – Ventura College was approved to accept the retirement of Bert Fickerson, a full-time Chemistry instructor at Ventura College, effective May 17, 2000.

Business Services

6.4 Award of Bids

6.4.1 Award of Bid to the Lowest Responsible Bidder for Project #29357 – Diesel Leak at Maintenance at Oxnard College was granted to award the bid to the lowest responsible bidder for project #29357-OC-Diesel Leak at Maintenance at Oxnard College.

6.4.2 Delegation of Authority to Chancellor or Designee to Award Bids Between May 17 and June 26, 2000 was granted to delegate authority by the Governing Board to the Chancellor or his designee to award bids as needed between May 17 and June 26.

6.5 Budget Amendments

6.5.1 Approval of Contract/Grant Amendments was granted to accept amendments to existing contracts/grants contained in the 1999-2000 FY adopted budget.

6.5.2 Budget Amendment General Fund – Unrestricted Oxnard College was approved to amend the General Fund – Unrestricted budget for Oxnard College.

6.7 Contracts

6.7.1 Approval of Contracts/Grants for FY 2000/2001 was granted.

6.7.3 Approval of Change Order #1 for Moorpark College – Campus Road Reconstruction was granted to approve change order #1 in the amount of \$1,368.00 for Moorpark College – Campus Road Reconstruction project.

Trustees/Chancellor

- 7.1 **Action to Approve Board of Trustees Absence Due to Illness.** No absences were reported.

- 7.2 **Resolution of the Ventura County Community College District Ordering Regular and Special Governing Board Member Elections, Ordering Consolidation with Other Elections, and Constituting “Specification of the Election Order” to be Held on November 7, 2000** was adopted.

Action Items

Business Services

- 1. **Acceptance of Gifts** was moved by Trustee Tafoya, seconded by Trustee Gonzales, and carried on unanimous vote, to accept a check for the 2000 Scholarship ceremony from the County Schools Federal Credit Union. (Lawson - yes)

Trustee Tafoya acknowledged the gift from the County Schools Federal Credit Union.

- 2. **Selection of Audit Firm for Year Ending June 30, 2000** was moved by Trustee Tafoya, seconded by Trustee Tallman, and carried on a unanimous vote, to accept the recommendation of the Governing Board Audit Subcommittee and reengage Vavrinek, Trine, Day & Co., LLP to conduct the independent financial audit for Ventura County Community College District for a three-year engagement period, commencing with the audit for the fiscal year ending June 30, 2000 with an option to renew for a fourth and fifth year.

Trustee Tallman reported on the Audit Subcommittee meeting. He indicated that the subcommittee interviewed two firms and agreed to recommend re-engaging Vavrinek, Trine, Day & Co., LLP. He asked staff to look into a statewide process to attract more applicants next year.

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

Reports

STUDENT AND STAFF ORGANIZATIONS REPORTS

- **Student Government representatives**

Trustee Lawson reported on a common course numbering resolution submitted to the academic senates by the students and pointed out that the Ventura College academic senate adopted it. She was concerned that a task force had not been formed to discuss this issue. President Jacobs congratulated Student Trustee Lawson for her re-election.

Antonio Murillo reported on a Spanish script being added to the voice mail system at Ventura College to assist potential new Spanish-speaking students.

Chris Valenzano thanked the board for passing the Student Center Fee for Moorpark College. He acknowledged Student Trustee Lawson and Antonio Murillo for their hard work.

- **Academic Senate representatives**

Carmen Guerrero-Calderón reported on the May 11 District Council of Student Learning meeting. She indicated that the students' resolution regarding common course numbering would be presented at the Moorpark and Oxnard Colleges Academic Senate meetings for discussion and adoption. She said that the resolution would then go to the curriculum committee for review by a task force at the college level and then to DCSL.

CHANCELLOR'S REPORT

- **Presidents' Reports**

- Steven Arvizu reminded the Board about the graduation ceremonies at Oxnard College. He invited them to the 25th Anniversary Dinner Dance on June 30.
- James Walker invited the Board to the reception for alumni at 4 p.m. and the commencement ceremony at 5 p.m. at Moorpark College. He announced that Bob Brooks would be the commencement speaker.
- Larry Calderón invited the Board to the graduation ceremonies at Ventura College. He reported on the 75th Anniversary events. He acknowledged Antonio Murillo and Becky Lawson for their efforts during the election. He pointed out that the students at the East Campus voted in the elections for first time. He distributed a list of the accomplishments as a result of planning.

- **Deputy Chancellor's Report**

- **Community Colleges of Ventura County Golf Tournament.** Deputy Chancellor Gregoryk reported on the 1st Annual Community Colleges of Ventura County Golf Tournament. Chancellor Westin presented a check for \$8,300 to each college and acknowledged Michael Gregoryk for his efforts in contributing to the success of the tournament.

Michael Gregoryk updated the Board on the State budget. He pointed out that the Community Colleges received no equalization and human resources money.

- **Vice Chancellor's Report**
 - Marion Boenheim indicated that she would be attending graduation at all three colleges.
- **Governmental and Public Affairs Report**
 - Pat Kistler, Director of Governmental and Public Affairs, pointed out that information regarding the May 5 CCVC Golf Tournament would be available on the District's web page, along with a 30-second commercial regarding the Community Colleges of Ventura County.

Trustee Issues

Trustee Nagel expressed his concerns about a Ventura County Community College District employee running for the Board of Trustees and commented on the *Education Code* regarding holding office and employment at the District.

- **Events**
 - **Moorpark College**
 - **Oxnard College**
 - Dental Hygiene Graduation Ceremony - May 19
 - **Ventura College**
 - Nursing Pinning Ceremony - May 18
 - **Graduation**
 - Moorpark - May 17 - 5 p.m.
 - Oxnard - May 19 - 1 p.m.
 - Ventura - May 18 - 1:30 p.m.

There was a brief discussion regarding attendance at the Certificate presentation at Oxnard College and Trustee Tafoya indicated that he would attend.

PUBLIC COMMENTS REGARDING NON-AGENDIZED ITEMS

- **Student and Staff Issues**
- **Community Issues**

Phil Passno expressed his concerns about sports preparation courses offered to high school students at the college. The Board asked Mr. Passno to submit his questions for a response from Chancellor Westin.

Patricia Navarro expressed her concerns about the reassignment of Paula Muñoz as EOPS Coordinator.

ADJOURNMENT

At 10:30 p.m., it was moved by Trustee Nagel, seconded by Trustee Tallman, and carried on a unanimous vote, to adjourn the meeting.

