

Board of Trustees
Ventura County Community College District

MINUTES
FOR THE MEETING OF
MAY 28, 2002

The regular meeting of the Board of Trustees of the Ventura County Community College District was held on Tuesday, May 28, 2002, in the Cowan Conference Center – Ventura Room.

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:

Philip Westin, Chancellor
Michael Gregoryk, Deputy Chancellor
James Walker, President, Moorpark College
Ruth Hemming, Interim Executive Vice President, for Tom Harris, Jr., Interim President, Oxnard College
Larry Calderón, President, Ventura College
Jack Lipton, General Counsel
Duane Lowe, Acting Assistant Vice Chancellor, Business Services and Financial Management
Patricia Kistler, Director of Governmental and Public Affairs
Patricia Parham, Director of Personnel, Office of Personnel Commission and CMA President
Handel Evans, Acting Director, Facilities Planning and Construction
Harry Culotta, Director, College Budgets, Oxnard College
Ramiro Sanchez, Dean, Student Learning

Faculty/Staff/Student Representatives:

Charlene Arnold, Moorpark College Academic Senate President
Jack Miller, Moorpark College Academic Senate President Elect
Mary Jones, Oxnard College Academic Senate President
Richard Goff, Ventura College Academic Senate President

CALL TO ORDER

President Nagel called the meeting to order in the Cowan Conference Center at 5:05 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 5:07 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 Evaluation

- **Chancellor**

Conference Regarding Unrepresented Management Employees

- **Chancellor**
- **Deputy Chancellor**
- **Vice Chancellor, Human Resources**
- **Presidents**

Pending Litigation [Gov't Code §54956(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)***
- ***Carrasco, Suel, Herrera, and Hilton vs. VCCCD (EEOC)***
- ***AFT vs. VCCCD (Hosek)***
- ***AFT vs. VCCCD (Ventura County Sheriff Academy)***
- ***Castillo vs. VCCCD***
- ***Reeves vs. VCCCD***
- ***Hosseini vs. VCCCD***
- ***Mandras vs. VCCCD***
- ***Donaldson vs. VCCCD***
- ***Sempra Energy Solutions v. San Francisco Community College District and VCCCD***

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

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

Public Employee Performance Evaluation/Tenure Review

- **Faculty Member(s)**

RECONVENE IN OPEN SESSION

President Nagel reconvened the meeting in Open Session at 7:07 p.m. in the Cowan Conference Center – Ventura Room.

PLEDGE TO THE FLAG

Holly McRoberts led the pledge to the flag.

CLOSED SESSION REPORT

Chancellor Westin read the following Closed Session report:

In the case of *Timothy D. Suel v. VCCCD*, EEOC Case No. 340A13955, on May 20, 2002, after conducting an investigation, the Equal Employment Opportunity Commission closed its file and dismissed the Charge of Discrimination because it was unable to find any evidence of unlawful discrimination by the District.

In the case of *Marian Carrasco v. VCCCD*, EEOC Case No. 340A13953, on May 16, 2002, after conducting an investigation, the Equal Employment Opportunity Commission closed its file and dismissed the Charge of Discrimination because it was unable to find any evidence of unlawful discrimination by the District.

In the case of *Beatriz Herrera v. VCCCD*, EEOC Case No. 340A12956, on May 16, 2002, after conducting an investigation, the Equal Employment Opportunity Commission closed its file and dismissed the Charge of Discrimination because it was unable to find any evidence of unlawful discrimination by the District.

In the case of *Laura Hilton v. VCCCD*, EEOC Case No. 340A13956, on May 16, 2002, after conducting an investigation, the Equal Employment Opportunity Commission closed its file and dismissed the Charge of Discrimination because it was unable to find any evidence of unlawful discrimination by the District.

ACKNOWLEDGEMENT OF GUESTS & SPECIAL RECOGNITIONS

- **Presentation of Plaque**
Becky Lawson, Outgoing Student Trustee

Trustee Hernández presented the plaque to Becky Lawson. The Board thanked Ms. Lawson for her time as student trustee, and Ms. Lawson thanked the Board for their professionalism.

PUBLIC NOTICE OF CHANGES TO THE AGENDA

Chancellor Westin read the following changes to the agenda:

Business Services

6.3 Purchase Orders

6.3.1 Approval/Ratification of Board Purchase Order Report #12. This item was revised to include additional purchase orders.

Human Resources

3. Approval of New Employment Contracts for Chancellor, Deputy Chancellor, Presidents, and Vice Chancellor of Human Resources (5.3) was revised under paragraph 5 of the employment contract as follows:

“Other Employment. Should Westin voluntarily seek any employment outside of the District during the term of this Agreement, such employment is subject to Board approval, and the Chancellor shall inform the Board of this intention to do so prior to any interview with a prospective employer.”

PUBLIC COMMENTS REGARDING AGENDIZED ITEMS

There were no requests to speak.

The Board requested that an agenda item regarding a discussion on a disciplinary process for the District be placed on the June agenda.

Consent Calendar Items

It was moved by Trustee Hernández, 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 April 23, 2002** was approved.
- 2.2 **Action to Approve Minutes of the Special Meeting of the Board of Trustees for April 30, 2002** was approved.

Student Learning

- 3.1 **Second Reading – Course Approvals: New and Revised Courses – Moorpark, Oxnard, and Ventura Colleges, and Associate Degree Revision – Oxnard College** was approved.
- 4.1 **Spring 2002 Candidates for Associate Degree at Moorpark, Oxnard, and Ventura Colleges** were accepted.
- 4.2 **Spring 2002 Candidates for Certificates of Achievement at Moorpark, Oxnard, and Ventura Colleges** were accepted.

Human Resources

- 5.1 **Abolishment/Establishment/Decrease/Increase of Positions**
 - 5.1.1 **Increase of Position – Ventura College** was approved to increase the classified position of Administrative Assistant II, PCN #VCU016, Ventura College, from 11 months to 12 months, effective July 1, 2002.
 - 5.1.2 **Decrease of Position – Oxnard College, Abolishment of Position – Oxnard College, Establishment of Position – Oxnard College** was approved to decrease the classified position of Student Services Assistant II, PCN #XCU092, Oxnard College from 100% to 47.5%, effective July 1, 2002; abolish a vacant classified position of Matriculation Specialist I, PCN #XCU257, Oxnard College; and establish a classified position of Administrative Assistant I, PCN #XCU311, Oxnard College, effective May 29, 2002.
 - 5.1.3 **Abolishment of Position – Oxnard College and Establishment of Position – Oxnard College** was approved to abolish the vacant classified position of Disabled Student Services Technician, PCN #XCU267, Oxnard College, effective August 30, 2002 and to establish the classified position of Administrative Assistant I, PCN #XCU312, Oxnard College, effective May 29, 2002.

- 5.1.4 Establishment of Position – Ventura College** was approved to establish the classified position of Instructional Lab Technician II/Nursing, 10 mos., Ventura College, PCN #VCU450, effective May 29, 2002.
- 5.1.5 Abolishment of Position – District Service Center and Establishment of Position – District Service Center** was approved to abolish the vacant classified position of Accounting Technician II, PCN #DCU097, District Service Center, effective May 29, 2002, and to establish the classified position of Fiscal/Budget Technician, PCN #DCU097, District Service Center, effective May 29, 2002.

5.2 Academic Actions

- 5.2.1 Granting of Sick Leave Days from Established Sick Leave Pool for Full-time Academic Employee – Oxnard College** was approved to grant 8 days of half-pay sick leave days from the sick leave pool to Dr. Emma Waits, full-time Counselor at Oxnard College.
- 5.2.2 Acceptance of Resignation/Retirement of Full-time Academic Personnel – Moorpark College** was approved to accept the retirement of Bona Dillon, Instructor in Journalism at Moorpark College, effective May 15, 2002.
- 5.2.3 Acceptance of Resignation/Retirement of Full-time Academic Personnel – Moorpark College** was granted to accept the retirement of Carole Ginot, Instructor in Sociology at Moorpark College, effective May 31, 2002.
- 5.2.4 Request for Reassignment from Full-time Academic Personnel – Oxnard College** was granted to approve the request for reassignment from Patricia Mendez Angeles, Coordinator (Director), Child Development Center, 11 months position, Oxnard College, to an Instructor, Child Development, 10 months position at Oxnard College, effective August 13, 2002.

Business Services

6.2 Checks

- 6.2.1 Ratification of Accounts Payable and Payroll for the Period of April 4, 2002 – May 2, 2002** was approved.

6.3 Purchase Orders

- 6.3.2 Approval/Ratification of Board Purchase Order Report #12 (FY 2001 - 2002)** was granted to approve/ratify Board Purchase Order Report #12, for the period of April 3, 2002 to May 7, 2002.

6.5 Budget Amendments

- 6.5.1 Budget Amendment General Fund - Unrestricted** was approved.
- 6.5.2 Approval of Contracts/Grants Budget Amendments - Restricted General Fund** was granted to accept budget amendments to existing contracts, grants and categorical programs for FY 2001-2002.

6.6 Budget Transfers

- 6.6.1 Monthly Budget Transfer Summary** was approved to ratify the monthly budget transfer summary for the month ending April 30, 2002 for the Unrestricted General Fund and Restricted General Fund.

6.7.1 Contracts

6.7.1 Approval of New Contracts/Grants – Restricted General Fund was granted to accept a new grant and amendment to the FY 2001-2002 Restricted General Fund budget in the amounts indicated.

6.7.2 Approval of Contract For Fiscal Year 2002-2003 was granted to approve a contract with the State of California Department of Youth Authority for the FY 2002-2003.

6.8 Other

6.8.2 Resolution: Reimbursement From Proceeds Of Tax-Exempt Obligations For Capital Expenditures was approved to adopt a Reimbursement Resolution for the reimbursement to the District of capital expenditures incurred prior to the issuance of tax-exempt obligations.

Trustees/Chancellor

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

7.2 Resolution of the VCCCD Ordering a Regular Governing Board Member Election, Ordering Consolidation with Other Elections, and Constituting “Specification of the Election Order” to be held on November 5, 2002 was approved.

Action Items

Business Services

- 1. Execution of Lease with City of San Buenaventura (6.7.3)** was moved by Trustee Hernández, seconded by Trustee Jacobs, and carried on a unanimous vote, to approve a request for the District to enter into a Lease with the City of San Buenaventura. (McRoberts – yes)
- 2. 2002-2003 Budget Assumptions Including a Report on the May Budget Revise (6.8.3).** It was moved by Trustee Hernández, seconded by Trustee Jacobs, and carried on a unanimous vote, to approve the 2002-2003 Budget Assumptions. (McRoberts – yes)

Michael Gregoryk gave a brief overview of the Governor's budget. He commented on the following items:

- Increase in health insurance cost
- PERS contribution
- STRS contribution

Mr. Gregoryk pointed out the importance of looking at how the district does business to decrease costs. There was a brief discussion regarding the reserve. The Board asked that an item be placed on the agenda regarding the reserves. Chancellor Westin indicated that the district is looking for ways to increase revenue and cut expenses without affecting the classroom. Trustee Tallman asked about teaching hours and layoffs.

Human Resources

3. **Approval of New Employment Contracts for Chancellor, Deputy Chancellor, Presidents, and Vice Chancellor of Human Resources (5.3)** was moved by Trustee Gonzales, seconded by Trustee Jacobs, and carried on a 4-1 vote, with President Nagel and Trustees Gonzales, Hernández and Jacobs voting yes, and Trustee Tallman voting no, to approve a new employment contract for the Chancellor, and ratify modification of terms of the employment contracts for the Deputy Chancellor, Presidents, and Vice-Chancellor of Human Resources. (McRoberts – yes)

John Tallman complimented the subcommittee on the work that was put into the employment contract. Mr. Tallman expressed his concerns. President Nagel gave a brief overview of the subcommittee's recommendation.

Trustees/Chancellor

4. **Appointment of Student Trustee (7.3)** was moved by Trustee Hernández, seconded by Trustee Jacobs, and carried on a unanimous vote, to appoint Holly McRoberts as Student Trustee to serve for the term from June 1, 2002, to May 31, 2003. (McRoberts – yes)
5. **Establishment of the Citizens' Oversight Committee and Appointment of Members to the Committee (7.4)** was moved by Trustee Jacobs, seconded by Trustee Hernández, and carried on a unanimous vote, (a) to establish the Citizens' Oversight Committee ("COC"), and (b) to appoint members to the COC either at a subsequent Board meeting or through delegation to a Board Task Force. (McRoberts – yes)

Chancellor Westin gave a brief overview of the Citizens' Oversight Committee process. There was a discussion regarding the composition of the Committee. It was decided to develop an application for distribution. It was also decided that the Construction Subcommittee would review the applications and present a list of names to the Board for final consideration. The

Board changed the date of the regular Board meeting to June 24, 2002, with Closed Session to begin at 6 p.m.

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

Business Services

6.8 Other

6.8.1 Quarterly Financial Status Report, Combined General Fund was moved by Trustee Tallman, seconded by Trustee Hernández, and carried on a unanimous vote, to accept the Quarterly Financial Status Report (CCFS-311Q) for the Combined General Fund, as required by law.

Reports

STUDENT AND STAFF ORGANIZATIONS REPORTS

- **Student Government representatives**
 - Holly McRoberts thanked the Board, Pat Kistler and those who helped her in her campaign.
- **Academic Senate representatives**
 - Richard Goff gave a brief overview of the academic senate meeting. He mentioned that subcommittees were formed to assist in looking for a new Executive Vice President and to assist with the district's construction bond subcommittee. Mr. Goff distributed articles relating to defective disciplinary processes at colleges and universities and suggested that the district develop a discipline plan. He acknowledged the Board members who attended the graduation ceremonies, and suggested that more faculty members should attend the graduation in cap and gown. Mr. Goff read a resolution from the Ventura College Academic Senate acknowledging John Tallman.
 - Mary Jones commented on the Oxnard College graduation. She read a Resolution from the Oxnard College Academic Senate recognizing Charlene Arnold as the Moorpark College Academic Senate President.
 - Charlene Arnold pointed out that this was her last Trustee meeting as Academic Senate President and introduced Jack Miller, the new Academic Senate President. She thanked the Board members, District Service Center staff, colleagues, faculty and management.
- **Personnel Commission representative**
 - Patricia Parham commented on the Personnel Commission Budget.

CHANCELLOR'S REPORT

Chancellor Westin thanked Charlene Arnold for her service as Academic Senate President and welcomed Jack Miller.

- **Presidents' Reports**

- James Walker commented on his retirement dinner. He distributed a copy of the program for the library groundbreaking ceremony.
- Larry Calderón acknowledged James Walker as president of Moorpark College. He announced that Richard Goff was reelected as Ventura College Academic Senate President. Dr. Calderón commented on the web broadcast of the graduation and acknowledged Vic Belinski and his staff.

Chancellor Westin thanked Ruth Hemming, for her work at Oxnard College and pointed out that she would be returning to Moorpark College as the Interim Executive Vice President of Student Learning.

- Ruth Hemming commented on events at Oxnard College. She introduced Dean Ramiro Sanchez, ENLACE Program.
- **College Presentation – Oxnard College**
 - Ramiro Sanchez, representing Jaime Casillas, distributed materials and gave a brief overview of the Enlace program.
- **Deputy Chancellor's Report**
 - **Update on Bond Activities**

Michael Gregoryk gave a brief update on the Bond process.

Mr. Gregoryk indicated that he would provide a report on FTES at the next Board meeting.

First Reading Items

- **Course Approvals: New and Revised Courses – Moorpark, Oxnard, and Ventura Colleges** was accepted for Second Reading.

Trustee Issues

- **Governing Board Subcommittee Reports**
 - Trustee Gonzales reported on the May 14, 2002, Construction Subcommittee meeting. He said that the selection/appointment process for the Bond Oversight Committee was discussed. Chief Gonzales gave a brief update on the Capital Projects and scheduled maintenance projects.

- **Trustee Issues**
 - Trustee Jacobs asked for an update on the districtwide travel. Chancellor Westin indicated that a report was being developed.
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PUBLIC COMMENTS REGARDING NON-AGENDIZED ITEMS

There were no requests to speak.

RECESS TO CLOSED SESSION

The Board of Trustees recessed to Closed Session in the Cowan Conference Center – Ojai Room.

RECONVENE IN OPEN SESSION

CLOSED SESSION REPORT

The Board unanimously voted to grant tenure to two faculty members at Ventura College: Robert Moskowitz and Meredith Mundell.

In the case of *Sempra Energy Solutions v. San Francisco Community College District and Ventura County Community College District*, San Diego County Superior Court Case No. 786707, the Board unanimously voted to respond to the Complaint.

ADJOURNMENT

At 9:41 p.m. the meeting was adjourned with a motion from Trustee Tallman, second from Trustee Jacobs, and carried on a unanimous vote. (McRoberts – yes)