

# Board of Trustees

## Ventura County Community College District

<p>MINUTES FOR THE MEETING OF SEPTEMBER 17, 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, September 17, 2002, in the Cowan Conference Center, Camarillo, 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  
Ramiro Sanchez, Executive Vice President, Student Learning, Oxnard 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  
Harry Culotta, Director, College Budgets, Oxnard College

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

Jack Miller, Moorpark College Academic Senate President  
Carmen Guerrero, Oxnard College Academic Senate Representative  
Richard Goff, Ventura College Academic Senate President  
Angie Marquez, Ventura College Classified Senate President  
Brandy Huffer, Moorpark College Associated Student Government Representative  
Rosalinda Gutierrez, Oxnard College Associated Student Government President  
Fenix Pleitez, Ventura College Associated Student Government President  
Larry Miller, AFT

## CALL TO ORDER

President Nagel called the meeting to order in the Cowan Conference Center, Ventura Room, at 5:00 p.m.

President Nagel indicated that after public comments, the Board would recess to Closed Session to consider the following items:

**For pending litigation under *Government Code* §54956.9(a), the Board will consider the following:**

- *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*
- *Mandras vs. VCCCD*
- *Donaldson vs. VCCCD*
- *Leavitt and Kapuscik vs. VCCCD (Superior Court)*
- *Leavitt and Kapuscik vs. VCCCD (Brown Act)*
- *Lopez v. De Los Santos and Bryant*

**For threatened litigation under *Government Code* § 54956.9(b), the existing facts and circumstances that might result in litigation against the District arise from:**

1. **The District's employment relationship with Chancellor Philip Westin who has threatened litigation against the District. Copies of the record of the threat of litigation have been made available through the office of Acting Chancellor James Walker.**
2. **The working environment of Ventura College Counselor Guadalupe Guillén.**
3. **The District's employment relationship with Oxnard College counselor Anthony Raptis who has threatened litigation against the District. Copies of the record of the threat of litigation are available through the office of Vice-Chancellor William Studd.**

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

**There were no items under Possible Initiation of Litigation, and this item was pulled from the agenda.**

PUBLIC COMMENTS REGARDING CLOSED SESSION AGENDA ITEMS

Patricia Navarro, David Maron, and Harry Korn addressed the Board regarding a personnel issue.

RECESS TO CLOSED SESSION

The Board of Trustees recessed to Closed Session at 5:15 p.m. in the Cowan Conference Center Ojai Room.

At 7:00 p.m., President Nagel announced that the Board would be in Closed Session an additional 30 minutes.

RECONVENE IN OPEN SESSION

President Nagel reconvened the meeting in Open Session at 7:36 p.m. in the Cowan Conference Center, Ventura Room.

PLEDGE TO THE FLAG

William Studt led the pledge to the flag.

CLOSED SESSION REPORT

There was no Closed Session Report.

PUBLIC NOTICE OF CHANGES TO THE AGENDA

**6.9.5 Approval of JCM Group as Construction Managers for Project #39066: Learning Resource Center, Ventura College** was revised under Fiscal Impact to reflect that the project was funded from State funds.

OPEN PUBLIC HEARING

- **Proposed Budget for the Ventura County Community College District for Fiscal Year 2002-2003**

At 7:40 p.m. President Nagel opened the Public Hearing regarding the Proposed Budget for the Ventura County Community College District for Fiscal Year 2002-2003. The Budget became available for public inspection on September 11, 2002, at 333 Skyway Drive, Camarillo, CA 93010, during normal business hours.

Patricia Navarro addressed the Board regarding an employee issue.

CLOSE PUBLIC HEARING

At 7:42 p.m. President Nagel closed the Public Hearing.

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At 7:41 Trustee Gonzales left the meeting.

***Consent Calendar Items***

It was moved by Trustee Jacobs, seconded by Student Trustee McRoberts, and carried on a unanimous vote, with Trustee Gonzales absent, 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 August 20, 2002** was approved.
- 2.2 Action to Approve Minutes of the Special Meeting of the Board of Trustees for August 29, 2002** was approved.

***Human Resources***

- 5.1 Abolishment/Establishment/Increase of Positions**
  - 5.1.1 Increase of Position – Ventura College** was approved to increase a classified position of Accounting Technician I, PCN #VCU425, Ventura College, from 50% to 85%, effective September 18, 2002.

***Business Services***

- 6.2 Checks**
  - 6.2.1 Ratification of Accounts Payable and Payroll for the Period of August 6, 2002 - August 23, 2002** was approved.
- 6.3 Purchase Orders**
  - 6.3.1 Approval/Ratification of Board Purchase Order Report #4** was approved/ratified for Board Purchase Order Report #4, for the period of August 6, 2002 – August 22, 2002.
- 6.6 Budget Transfers**

**6.6.1 Fiscal Year-End Budget Transfers** were approved for 2001-2002 fiscal year-end closing budget transfers between major expenditure classifications in accordance with Education Code Section 70902 and Title 5, California Code of Regulations, Section 58307.

**6.8 Other**

**6.8.1 Establishment of 2002-2003 Gann Appropriation Limit as Required by the California Constitution** was granted to establish the 2002-2003 Gann Appropriations Limit as required by Article XIII B of the California Constitution and Government Code Section 7910.

**6.9 Capital Planning, Design and Construction**

**6.9.1 Project #29390: Roof Restoration of the Learning Resource Center, Oxnard College** was approved for Project #29390: Roof Restoration at the Learning Resource Center, Oxnard College.

**6.9.2 Approval of Subcontractor Substitution for Project #19058 Learning Resource/Telecommunications Center at Moorpark College** was granted to approve the substitution of subcontractor B.F. Steel with Roscoe Steel for Project #19058: Learning Resource/Telecommunication Center at Moorpark College.

**6.9.3 Approval of Proposal to Provide Geotechnical Construction Testing Services For Project #19058, Learning Resources/Telecommunications Center, Moorpark College** was granted to approve the proposal for Fugro West, Inc. to provide geotechnical construction testing services in the amount of \$45,000 for Project #19058: Learning Resources/Telecommunication Center at Moorpark College.

**6.9.4 Approval of Service Contract With Triad/Holmes Associates for Topographic Mapping of Ventura College** was granted to approve the authorization for management to execute a service contract in the amount of \$26,700 with Triad/Holmes Associates for topographic and boundary mapping of Ventura College. This project is necessary to enable any further capital construction, facility planning and master planning.

**6.9.5 Approval of JCM Group as Construction Managers for Project #39066: Learning Resource Center, Ventura College** was granted to approve the contract for \$200,000 with JCM Group as the Construction Managers for Project #39066: Learning Resource Center, Ventura College. (This item was revised under Fiscal Impact to reflect that the project was funded from State funds.)

*Trustees/Chancellor*

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

### ***Resolutions***

1. **Resolution to Acknowledge International Student Program Provost, Dr. Elise Schneider (1.1)** was moved by Trustee Jacobs, seconded by Trustee Hernández, and carried on a unanimous vote, with Trustee Gonzales absent, to acknowledge Dr. Elise Schneider for her exceptional dedication to Ventura County Community College District's International Student Program. (McRoberts – yes)

President Nagel presented the Resolution to Patricia Kistler who accepted on Dr. Schneider's behalf.

### ***Human Resources***

2. **Process and Timeline For Filling the Open Seat on the Ventura County Community College District Personnel Commission (5.4)** was moved by Trustee Hernández, seconded by Trustee Jacobs, and carried on a unanimous vote, with Trustee Gonzales absent, to approve the process and timeline to fill the open seat on the Ventura County Community College District (VCCCD) Personnel Commission, under section 88069 (b) of the California *Education Code*. The seat will be vacated on Dec. 1, 2002. (McRoberts – yes)

It was decided that Trustees Gonzales and Hernández would serve as the subcommittee to review the applicants and forward the finalists to the Board of Trustees for interviews at the Board meeting.

### ***Business Services***

3. **Approval of Bond Counsel Agreement with Stradling, Yocca, Carlson & Rauth (6.7.1)** was moved by Trustee Jacobs, seconded by Trustee Tallman, and carried on a unanimous vote, with Trustee Gonzales absent, to authorize management to execute the Bond Counsel Agreement with Stradling, Yocca, Carlson & Rauth for bond counsel services in connection with the issuance of all series of sales of the District's general obligation bonds, totaling \$356,347,814. (McRoberts – yes)

There was a brief discussion regarding the selection of the Bond Counsel.

4. **Resolution: Authorization for Siemens Building Technologies to Apply for a Grant from the California Energy Commission on Behalf of the District (6.7.2)** was amended by a motion from Trustee Jacobs, seconded by Student Trustee McRoberts, and carried on a unanimous vote, with Trustee Gonzales absent, to require quarterly reports to the Board regarding any actions taken by the representative of Siemens. It was moved by Student Trustee McRoberts, seconded by Trustee Hernández, and carried on a unanimous vote, with Trustee Gonzales absent, to approve a Resolution authorizing Siemens Building Technologies to apply for a grant from the California Energy Commission and to retain those grant payments to offset the higher labor costs for Light Fixture Maintenance classification. (McRoberts – yes)

Trustee Jacobs expressed his concerns regarding the Resolution.

5. **Resolution: Amendment to District Wide Energy Conservation Program Lease with Option to Purchase (6.7.3)** was moved by Student Trustee McRoberts, seconded by Trustee Jacobs, and carried on a unanimous vote, with Trustee Gonzales absent, to authorize the amendment to the lease with Municipal Finance Corporation for the financing of the District Wide energy conservation program and related contract with Siemens Building Technologies. (McRoberts – yes)
6. **Acceptance of Gifts (6.8.2)** was moved by Student Trustee McRoberts, seconded by Trustee Hernández, and carried on a unanimous vote, with Trustee Gonzales absent, to approve the acceptance of the following gifts: (McRoberts – yes)

To be used by the Automotive Department at Ventura College.

29 Service Manuals for Toyota Highlander, Tacoma, Camry, Solara and Sienna models

Donated by: Toyota Motor Sales USA, Inc.

19001 S. Western

Torrance, CA 90509-9903

2002 Toyota Camry to be used by Automotive Department at Ventura College

Donated by: Toyota Motor Sales USA, Inc.

19001 S. Western

Torrance, CA 90509-9903

2002 Toyota Sienna to be used by Automotive Department at Ventura College

Donated By: Toyota Motor Sales USA, Inc.

19001 S. Western

Torrance, CA 90509-9903

Dodge Caravan Sport to be used at the Automotive Department at Ventura College

Donated by: Ventura College Foundation  
4667 Telegraph Rd.  
Ventura, CA 93003

Five pallets of miscellaneous network infrastructure equipment

Donated by: Countrywide Home Loans  
450 America Street  
Simi Valley, CA 93065

Sears/Craftsman 10" radial arm saw to be used by the Maintenance Department at Ventura College

Donated by: Anonymous

7. **Approval of 2002-2003 Adoption Budget (6.8.3)** was moved by Trustee Hernández, seconded by Student Trustee McRoberts, and carried on a unanimous vote, with Trustee Gonzales absent, to approve the 2002-2003 Adoption Budget of the Ventura County Community College District. (McRoberts – yes)

Sue Johnson made a presentation on the budget. The Board acknowledged staff for their efforts in developing the budget. The Trustees expressed their concerns regarding the 2003 budget and Acting Chancellor Walker indicated that the budget process for the 2003 budget would begin immediately.

8. **Approval of Agreement Between Ventura County Community College District (VCCCD) and California State University, Channel Islands (CSUCI) (6.8.4)** was moved by Trustee Jacobs, seconded by Trustee Hernández, and carried on a unanimous vote, with Trustee Gonzales absent, to approve the agreement between Ventura County Community College District (VCCCD) and California State University, Channel Islands (CSUCI) to provide Police Dispatch Services to VCCCD campuses. (McRoberts – yes)

Trustee Jacobs expressed support for this item, on behalf of Trustee Gonzales.

9. **Approval of Contract for JCM Group as Construction Managers for the District (6.9.6)** was moved by Trustee Tallman, seconded by Trustee Hernández, and carried on a unanimous vote, with Trustee Gonzales absent, to approve the contract with JCM Group as the Construction Managers for the District from August 21, 2002, through December 31, 2002, in the amount of \$772,440. (McRoberts – yes)
10. **Approval of Contract with HE Consulting, Inc. for Capital Construction Management (Bond and State-Funded) (6.9.7)** was moved by Trustee Jacobs, seconded by Student Trustee McRoberts, and carried on a unanimous vote, with Trustee Gonzales absent, to approve the contract with HE Consulting, Inc. for the services of J. Handel Evans as Program



Director of the Measure S Capital Construction Program and State-funded construction programs. (McRoberts – yes)

Trustee Jacobs pointed out that this item was covered in detail at the construction subcommittee meeting. There was a brief discussion regarding this item and it was requested that the Board be provided with as much information as possible on contracts prior to the Board meeting.

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

*Human Resources*

- 5.3 Approval of Salary Increase for Faculty, SEIU Classified Units A&B, Managers, Classified Supervisors, and Confidential Employees** was moved by Trustee Jacobs, seconded by Trustee Hernández, and carried on a unanimous vote, with Trustee Gonzales absent, to approve an estimated 2.6% salary increase, effective July 1, 2002, of the State COLA and a portion of funded prior year growth for all District employees.

Trustee Jacobs commented on this item.

RECESS TO CLOSED SESSION

The Board of Trustees recessed to Closed Session at 8:31 p.m. in the Cowan Conference Center Ojai Room.

RECONVENE IN OPEN SESSION

President Nagel reconvened the meeting in Open Session at 9:30 p.m. in the Cowan Conference Center, Ventura Room with Trustee Hernández absent.

CLOSED SESSION REPORT

There was no Closed Session Report.

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**Reports**

STUDENT AND STAFF ORGANIZATIONS REPORTS

- **Student Government representatives**
  - Brandy Huffer gave a brief update on the activities at Moorpark College.

- Rosalinda Gutierrez reported on the activities at Oxnard College.
- Fenix Pleitez introduced the Ventura College Associated Student Government Vice-President, Doreen Juarez. She updated the Board on events at Ventura College and invited them to student government meetings at Ventura College.
- Holly McRoberts reported that she submitted a column to the college newspapers and that she attended the Moorpark College Student retreat.
- **Academic Senate representatives**
  - Carmen Guerrero reported on the planning process for the accreditation report and the Oxnard College master plan. She commented on the September 11 activities at the college.
  - Richard Goff updated the Board on the accreditation and budget process.
  - Jack Miller commented on growth at Moorpark College.
- **Classified Senate representatives**
  - Angie Marquez explained the Ventura College Classified Senate's mission, goals and values and reported on the activities of the Ventura College Classified Senate.

#### ACTING CHANCELLOR'S REPORT

- Acting Chancellor Walker expressed his thanks to the staff at the District Service Center. He announced that Mike Gregoryk returned to work on a part-time basis and acknowledged Sue Johnson for her work on the budget.
- **Report on Measure S Capital Construction Program**
  - Handel Evans gave a brief update on the construction program. He pointed out that the next meeting of the Citizens' Oversight Committee would be held on October 7, 2002, at Moorpark College.
- **Presidents' Reports**
  - **College Presentation – Moorpark College.** The presentation was postponed until October.
  - Eva Conrad introduced Sue Davis, a reporter from the Moorpark College newspaper. Dr. Conrad commented on committee participation at Moorpark College, and invited the Board to the Community Ball fundraiser.
  - Lydia Ledesma-Reese reviewed the *President's Report*. She showed a video regarding September 11 activities at Oxnard College.
  - Larry Calderón acknowledged the Associated Student Government for their activities on September 11. Dr. Calderón welcomed Felix Pleitez and Angela Marquez and thanked Alisa Moore and Richard Goff. He mentioned the Santa Paula Center and activities at the college.
- **Deputy Chancellor's Report**
  - Sue Johnson commented on the Banner payroll system.
- **Vice Chancellor's Report**
  - William Studt reported on the application process for academic employment, human resources activities, and training programs.

## First Reading Items

- ❖ **Course Approvals: New and Revised Courses – Moorpark College** was accepted for Second Reading.
- ❖ **Revision to Board Policy Manual Section A.00: Philosophy and the Revision to Board Policy Manual Section E.12: Evaluation of Chancellor** was accepted for Second Reading.

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## Trustee Issues

- **Governing Board Subcommittee Reports**
  - Trustee Jacobs reported on the September 10 Construction Subcommittee meeting.
- **Trustee Issues**
  - President Nagel updated the Board on the management travel requests and commented on a meeting with the Personnel Commission President.

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### PUBLIC COMMENTS REGARDING NON-AGENDIZED ITEMS

- **Community Issues**
  - Phil Passno addressed the Board regarding the Ventura College budget.
  - Mary Anne Rooney and Gerard Kapuscik addressed the Board regarding an employee issue and legal fees.
  - Cheryl Heitmann commented on the change in the location of the Board meetings.

### ADJOURNMENT

At 10:30 p.m. the meeting was adjourned with a motion from Trustee Jacobs, seconded from Trustee Tallman, and carried on a unanimous vote, with Trustees Gonzales and Hernández absent.