

Board of Trustees

Ventura County Community College District

<p style="text-align: center;">MINUTES FOR THE ANNUAL ORGANIZATIONAL MEETING OF DECEMBER 10, 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, December 10, 2002, in the City of Camarillo Council Chambers, Camarillo, California.

Roll Call

Board Members Present:

Arturo D. Hernández, President
Cheryl Heitmann, Vice-President
Robert S. Gonzales
Allan W. Jacobs
Mary Anne Rooney
Holly McRoberts, Student Trustee

Management Present:

James Walker, Interim Chancellor
Mike Gregoryk, Deputy 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, Executive Vice President, Student Learning, Moorpark College
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
Mary Jones, Oxnard College Academic Senate President
Richard Goff, Ventura College Academic Senate President
Angie Marquez, Ventura College Classified Senate President
Larry Miller, AFT

CALL TO ORDER

Vice-President Hernández called the meeting to order in the City of Camarillo Council Chambers at 5:08 p.m.

PUBLIC COMMENTS REGARDING CLOSED SESSION AGENDA ITEMS

Patricia Navarro and Martha Torgow addressed the Board regarding an employee issue. There was a brief discussion regarding the Brown Act. Jack Lipton indicated that it was permissible to discuss the settlement of litigation in Closed Session.

RECESS TO CLOSED SESSION

At 5:30 p.m. Vice-President Hernández recessed the meeting to Closed Session to consider the following items:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION under *Government Code Section 54957*, for the following positions:

1. Deputy Chancellor.
2. President, Moorpark College.
3. President, Oxnard College.
4. President, Ventura College.
5. Vice Chancellor, Human Resources.

CONFERENCE WITH LABOR NEGOTIATOR under *Government Code Section 54957.6*.

The District's designated negotiator is Vice-Chancellor of Human Resources William Studt, and the employee organizations are AFT (the faculty union) and SEIU (the classified employees' union).

CONFERENCE WITH LEGAL COUNSEL regarding EXISTING LITIGATION under *Government Code Section 54956.9(a)*, the Board will consider the following cases:

1. *AFT vs. VCCCD* (Paula Muñoz union discrimination/AFT Grievance).
2. *AFT vs. VCCCD* (Paula Muñoz evaluation/AFT Grievance).
3. *AFT vs. VCCCD* (Paula Muñoz summer 2000 assignment/AFT Grievance).
4. *AFT vs. VCCCD* (Ventura College Sheriff Academy/Public Employment Relations Board Case No. LACE4082).
5. *Paula Muñoz vs. VCCCD, Philip Westin, and Larry Calderón* (Ventura County Superior Court Case No. CIV206043). Concerning this case, the Board will consider a settlement proposal from Ms. Muñoz which includes a demand for back pay during the period of her suspension.

6. *Paula Muñoz, Timothy Suel, Marian Carrasco, and Beatriz Herrera vs. VCCCD* (Office of Administrative Hearings Case Nos. L2002040275, L2001120107, L2001120108, L2001120109). Concerning this case, the Board will consider how to resolve these cases, including the issue of what constitutes making the employees “whole” within the meaning of the Decision of the Administrative Law Judge.
7. *AFT vs. VCCCD* (Public Employment Relations Board Case No. LACE4170).
8. *Robert Reeves vs. VCCCD* (Department of Fair Employment and Housing Case No. E200102L005500).
9. *William Mandras vs. VCCCD* (DFEH Case Nos. E200102L038000, E200203L000700, E200203L016500).
10. *Peter Holmes vs. VCCCD* (DFEH Case No. E200203L011800).
11. *William Donaldson vs. VCCCD, Gary Lewis, Octavio Garcia, and Joan Smith* (Ventura County Superior Court Case No. CIV210031).
12. *Gerald Leavitt and Gerard Kapuscik vs. VCCCD, Ventura County Community College Districtwide Foundation, Philip Westin, Robert Gonzales, Arturo Hernández, Allan Jacobs, and Norman Nagel* (Ventura County Superior Court Case No. CIV212979).
13. *Ronald Segovia Dyste vs. VCCCD, Philip Westin, and Larry Calderón* (Ventura County Superior Court Case No. CIV214921).

CONFERENCE WITH LEGAL COUNSEL regarding ANTICIPATED LITIGATION under *Government Code Section 54956.9(b)*, the existing facts and circumstances that might result in litigation against the District arise from the following:

1. Raymond Centeno, a former District police officer, has threatened litigation against the District based on the conditions of his employment. Copies of the letter dated October 14, 2002 from Mr. Centeno’s attorney have been made available through the office of Pat Kistler, and Ms. Kistler has additional copies with her this evening for distribution to the public upon request.
2. Anthony Raptis, a counselor at Oxnard College, has threatened litigation against the District based on the conditions of his employment. Copies of the record of the threat of litigation have been available through the office of Vice-Chancellor William Studt, and Ms. Kistler has additional copies with her this evening for distribution to the public upon request.
3. Timothy Suel, a counselor at Ventura College, filed a Tort Claim against the District on July 11, 2002 which the Board denied on August 22, 2002. Mr. Suel has not yet filed a lawsuit against the District. Copies of the Tort Claim have been made available through the office of Pat Kistler, and Ms. Kistler has additional copies with her this evening for distribution to the public upon request. As previously stated, the Board also will consider the issue of what constitutes making Mr. Suel “whole” within the meaning of the Decision of the Administrative Law Judge. In this regard, copies of letters dated December 8, 2002 and December 9, 2002 from Martha

Torgow, attorney for Mr. Suel, are available through the office of Pat Kistler, and Ms. Kistler has copies with her this evening for distribution to the public upon request.

4. Marian Carrasco, a counselor at Ventura College, filed a Tort Claim against the District on July 23, 2002 which the Board denied on August 22, 2002. Ms. Carrasco has not yet filed a lawsuit against the District. Copies of the Tort Claim have been made available through the office of Pat Kistler, and Ms. Kistler has additional copies with her this evening for distribution to the public upon request. The Board also will consider the issue of what constitutes making Ms. Carrasco “whole” within the meaning of the Decision of the Administrative Law Judge. In this regard, copies of letters dated December 8, 2002 and December 9, 2002 from Martha Torgow, attorney for Ms. Carrasco, are available through the office of Pat Kistler, and Ms. Kistler has copies with her this evening for distribution to the public upon request.
5. Laura Hilton, a classified employee at Ventura College, filed a Tort Claim against the District on November 12, 2002 which the Board denied on November 26, 2002. Ms. Hilton has not yet filed a lawsuit against the District. Copies of the Tort Claim have been made available through the office of Pat Kistler, and Ms. Kistler has additional copies with her this evening for distribution to the public upon request.
6. The law firm of Wood & Bender, LLP filed a Tort Claim against the District on May 14, 2002 which the Board denied on June 24, 2002. Wood & Bender has not yet filed a lawsuit against the District. Copies of the Tort Claim have been made available through the office of Pat Kistler, and Ms. Kistler has additional copies with her this evening for distribution to the public upon request.

At 7:05 p.m., Vice-President Hernández announced that the Board would reconvene in Open Session in about 15 minutes.

RECONVENE IN OPEN SESSION

Vice-President Hernández reconvened the meeting in Open Session at 7:27 p.m. in the City of Camarillo Council Chambers.

PLEDGE TO THE FLAG

Holly McRoberts led the pledge to the flag.

CEREMONIAL ADMINISTRATION OF THE OATH OF OFFICE TO AND SEATING OF NEW TRUSTEES: Interim Chancellor Walker administered the Oath of Office to the following Trustees:

- Mary Anne Rooney
- Cheryl Heitmann
- Arturo D. Hernández

Interim Chancellor Walker welcomed the friends and families of the trustees. Trustee Rooney, Trustee Heitmann, and Vice-President Hernández introduced their family and friends.

CLOSED SESSION REPORT

There was no Closed Session report.

ACKNOWLEDGEMENT OF GUESTS & SPECIAL RECOGNITIONS

Vice-President Hernández acknowledged Supervisor Kathy Long, and Lillian Goldstein and Art Hellenbeck of the California League of Women Voters.

PUBLIC NOTICE OF CHANGES TO THE AGENDA

Student Learning

- 3.2 **Ventura College Study Abroad Program – Spanish in Cuernavaca, Mexico, Summer 2003** was pulled from the agenda.

PUBLIC COMMENTS REGARDING AGENDIZED ITEMS

Supervisor Kathy Long and Irma Lopez congratulated the Board members. Larry Miller welcomed the new Board members and introduced the AFT Executive Council. Dr. Miller indicated that Laurel Everett, one of the original Board members, died.

Board Actions

Resolution

- 1.1. **Resolution of the Board of Trustees Reaffirming its Commitment to the Principles Established by the California Legislature in the Ralph M. Brown Act** was moved by Trustee Rooney, seconded by Trustee Gonzales, and carried on a unanimous vote, to approve the Resolution of the Board of Trustees of the Ventura County Community College District reaffirming its commitment to the principles established by the California Legislature in the Ralph M. Brown Act (Sections 54950 through 54962 of the *California Government Code*). (McRoberts – yes)

Chancellor Walker acknowledged Tom Harris from the District Attorney's Office.

Trustees/Chancellor

- 7.1 Election of President of the Board of Trustees** was moved by Trustee Jacobs, seconded by Trustee Rooney, and carried on a unanimous vote, to elect Art Hernández as President of the Board of Trustees. (McRoberts – yes)
- 7.2 Election of Vice-President of the Board of Trustees** was moved by Trustee Rooney, seconded by Trustee Jacobs, and carried on a unanimous vote, to elect Cheryl Heitmann as Vice-President of the Board of Trustees. (McRoberts – yes)
- 7.3 Appointment of Secretary to the Board of Trustees** was moved by Trustee Jacobs, seconded by Trustee Rooney, and carried on a unanimous vote, to appoint Dr. James Walker as Secretary to the Board of Trustees. (McRoberts – yes)
- 7.4 Certification of School Board Representative to Vote in Election for Members of the County Committee on School District Organization** was moved by Trustee Rooney, seconded by Student Trustee McRoberts, and carried on a unanimous vote, to elect Cheryl Heitmann as a representative who shall have one vote for each member to be elected to the Ventura County Committee on School District Organization at its annual meeting. (McRoberts – yes)

At 8:00 p.m. a brief recess was held to congratulate the re-elected trustee, to welcome the new trustees, and to recognize the newly elected officers. The Board meeting reconvened at 8:15 p.m.

- 7.5 Board of Trustees 2003 Schedule of Meetings** was moved by Trustee Jacobs, seconded by Trustee Gonzales, and carried on a unanimous vote, to approve the 2003 Schedule of Meetings adding a study session on January 24. (McRoberts – yes)

2003 Calendar of Meetings

(All Meetings will be in the Cowan Conference Center unless otherwise indicated)

Date:	Time:*	Type:
<i>Tuesday, January 14</i>	<i>7:00 p.m.</i>	<i>Closed Session & General Purpose Meeting (Moorpark College)</i>
<i>Friday, January 24</i>	<i>8:00 a.m.</i>	<i>Study Session (District Service Center)</i>
<i>Tuesday, February 11</i>	<i>7:00 p.m.</i>	<i>Closed Session & General Purpose Meeting (Oxnard College)</i>
<i>Tuesday, March 11</i>	<i>7:00 p.m.</i>	<i>Closed Session & General Purpose Meeting (Ventura College)</i>
<i>Tuesday, April 8</i>	<i>7:00 p.m.</i>	<i>Closed Session & General Purpose Meeting</i>
<i>Tuesday, May 13</i>	<i>7:00 p.m.</i>	<i>Closed Session & General Purpose Meeting</i>
<i>Tuesday, June 17</i>	<i>7:00 p.m.</i>	<i>Closed Session & General Purpose Meeting</i>
<i>Tuesday, July 8</i>	<i>7:00 p.m.</i>	<i>Closed Session & General Purpose Meeting</i>
<i>Tuesday, August 12</i>	<i>7:00 p.m.</i>	<i>Closed Session & General Purpose Meeting</i>
<i>Tuesday, September 16</i>	<i>7:00 p.m.</i>	<i>Closed Session & General Purpose Meeting, Adopt Final Budget</i>
<i>Tuesday, October 14</i>	<i>7:00 p.m.</i>	<i>Closed Session & General Purpose Meeting</i>
<i>Tuesday, November 11</i>	<i>7:00 p.m.</i>	<i>Closed Session & General Purpose Meeting</i>
<i>Tuesday, December 9</i>	<i>7:00 p.m.</i>	<i>Closed Session & Annual Organizational Meeting</i>

**Closed Session to Begin at 5 p.m. in the Ojai Room*

There was a discussion regarding the schedule. It was decided to place the schedule of meetings on the January Board meeting agenda.

- 7.6 Review and Assignment of Board of Trustees Subcommittees and Ad Hoc Committees -- Appointments to Serve for 2003** was moved by Trustee Gonzales, seconded by President Hernández, and carried on a unanimous vote, to allow the Board President to make temporary appointments on subcommittees, as needed, until the final appointments are made at the January Board meeting.

There was a brief discussion regarding the subcommittee assignments. It was decided that each Board member would send their committee preferences to the Board President for appointment. The Board president and vice-president will meet with the chancellor to review the subcommittees. President Hernández and Trustee Rooney will attend the next construction subcommittee meeting.

At 8:48 p.m. the meeting was recessed to Closed Session. The meeting reconvened in Open Session at 10:20 p.m. Student Trustee McRoberts left the meeting due to illness.

Consent Calendar Items

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

Approval of Minutes

- 2.1 Action to Approve Minutes of the Regular Meeting of the Board of Trustees for November 26, 2002** was approved.

Student Learning

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

Human Resources

5.1 Establishment of Positions/Classified Personnel Actions

5.1.1 Approval of Probationary Classified Personnel – District Service Center was granted to approve the employment of Sonya Huckleby as Payroll Supervisor, District Service Center.

5.1.2 Approval of Probationary Classified Personnel – Oxnard College was granted to employ Jonathan Holley as a Food Services Asst. II, 47.5%, Oxnard College.

5.2 Academic Actions

5.2.1 Acceptance of resignation/retirement – full-time academic personnel – Ventura College was granted to accept the retirement of Norma Frisby, full-time Instructor in Office Technology at Ventura College, effective December 18, 2002.

5.2.2 Acceptance of resignation/retirement – full-time academic personnel – Moorpark College was granted to accept the retirement of MoDean McCullough, full-time Instructor in Physical Education at Moorpark College, effective December 31, 2002.

5.3 Second Reading: Proposed Revision to Board Policy Manual Section E.17, Policy on Sexual Harassment for Students, Faculty, and Staff was approved.

Business Services

6.2 Checks

6.2.1 Ratification of Accounts Payable and Payroll for the Period of November 7, 2002 – November 19, 2002 was approved.

6.3 Purchase Orders

6.3.1 Approval/Ratification of Board Purchase Order Report #7 was granted for period covering November 5, 2002 – November 20, 2002.

6.4. Award of Bids

6.4.1. Authorize Interim Chancellor to Award Bid #202 District-Wide Computer Bid was approved to authorize the Interim Chancellor to award bid #202 District-Wide Computer to MAT2000, Inc., the lowest responsible bidder.

6.5 Budget Amendments

6.5.1 Approval of Contracts & Grants Budget Amendments - General Fund Restricted was granted to accept budget amendments to existing contracts, grants and designated programs for FY 2002-2003.

6.7.1 Contracts

6.7.1 Approval of New Contracts and Grants – General Fund Restricted was granted to accept new contracts and grants for FY 2002-2003.

6.8 Other

- 6.8.1 Quarterly Report of Investments for Ventura County Community College District** was approved to accept the Quarterly Report of investments for the Ventura County Community College District.
- 6.8.2 Quarterly Financial Status Report, General Fund – Combined (CCFS-311Q)** was approved to accept the quarterly financial status report (CCFS-311Q) for the General Fund – Combined as required by law.
- 6.9 Capital Planning, Design and Construction**
- 6.9.1 Approval of Change Order #1 for Project #19081: Asbestos Removal/Library at Moorpark College** was granted to approve Change Order #1 in the amount of \$38,626.48 for Project #19081: Asbestos Removal/Library at Moorpark College.
- 6.9.2 Approval of Change Order #4 for Project #29026: Student Services Building at Oxnard College** was granted to approve Change Order #4 in the amount of \$200,000 for Project #29026: Student Services Building at Oxnard College.
- 6.9.3 Approval to Use Balance of 2000/01 Scheduled Maintenance Funds for Emergency Roof Repair at Ventura College** was granted to approve the use of the balance of the 2000-01 scheduled maintenance funds (\$13,029) for the emergency roof repair of the Physical Education pool equipment building at Ventura College.

Trustees/Chancellor

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

Action Items

Human Resources

- 1. Process and Timeline for Recruitment of Chancellor (5.4)** was moved by Trustee Gonzales and seconded by Trustee Heitmann for discussion. It was moved by Trustee Heitmann, seconded by Trustee Gonzales, and carried on a unanimous vote, to appoint Trustees Jacobs and Rooney to serve on a subcommittee to bring back recommendations regarding the process and timeline to fill the position of Chancellor for the Ventura County Community College District. (McRoberts – absent)

There was a brief discussion regarding the process and timeline. It was suggested that students and community members be included on the search committee and that each Board member nominate a representative from their area.

Business Services

2. **Acceptance of the Audited Financial Statements for the Fiscal year Ending June 30, 2002 (6.8.3)** was moved by Trustee Jacobs, seconded by Trustee Hernández, and carried on a unanimous vote, to accept the audited financial statements for the fiscal year ending June 30, 2002. (McRoberts – absent)

Trustee Jacobs reported on the Audit subcommittee meeting. Michael Gregoryk introduced Heidi White, Vavrinek, Trine, Day & Co. Ms. White presented the report to the Board and explained the new format. President Hernández, Trustee Jacobs, and Michael Gregoryk acknowledged Sue Johnson and her staff.

3. **Approval to Negotiate a Contract with Kaplan McLaughlin Diaz Architects for the Student Center at Ventura College (6.9.4)** was moved by Trustee Jacobs, seconded by Trustee Rooney, and carried on a unanimous vote, to authorize management to execute a professional services contract with Kaplan McLaughlin Diaz Architects to serve as architects for the Student Center at Ventura College, pending successful contractual negotiations. (McRoberts – absent)
4. **Approval of Extension of Contract for JCM Group as Construction Managers for the District (6.9.5)** was moved by Trustee Gonzales, seconded by Trustee Rooney, and carried on a unanimous vote, to approve a no-cost extension of the contract with JCM Group as the Construction Managers for the District from January 1 through January 31, 2003. (McRoberts – absent)

Trustees/Chancellor

5. **California’s Proposed Educational Master Plan (7.8)** was moved by Trustee Jacobs, seconded by Trustee Rooney, and carried on a unanimous vote, to discuss the current California Educational Master Plan and to send a written response to the Executive Director of the Community College League of California. (McRoberts – absent)

Trustee Jacobs gave a brief Legislative Committee report and pointed out areas of concern. Dr. Jacobs provided an overview of the Master Plan.

End of Board Actions

DISCUSSION

- **Process for Approving Contracts for Projects Under Measure “S”** was postponed until the next meeting.

Reports

STUDENT AND STAFF ORGANIZATIONS REPORTS

- **Personnel Commission representative** – Patricia Parham distributed and reviewed the Personnel Commission’s Annual Report.
- **College Management Association representative** – Patricia Parham invited the Board to the College Management Association Holiday Celebration.

Larry Calderón distributed the Ventura College Strategic Institutional Development Plan Draft #2.

First Reading Items

- **Course Approvals: New and Revised Courses – Moorpark and Ventura Colleges**

Trustee Rooney asked that when the transfer credit is approved for the welding course at Ventura College, that an update be provided to the Board.

Trustee Reports and Announcements

- **Governing Board Subcommittee Reports**
 - **Board Construction Subcommittee**
 - Trustee Gonzales reported on the Construction subcommittee meeting.
- **Trustee Issues**
 - Trustee Heitmann asked that an RFP for legal counsel be placed on the next Board agenda.
 - Trustee Rooney commented on her tours of the three colleges. She expressed her concerns about the agenda format and suggested that an item be placed on the agenda for discussion. President Hernández recommended that the president and vice-president meet to discuss the format.
 - Trustee Jacobs commented on nominations to the CCCT Board and indicated that the deadline is January 1 – 15.
 - President Hernández thanked the board for their support.

PUBLIC COMMENTS REGARDING NON-AGENDIZED ITEMS

Gerard Kapuscik suggested that the Board seek support and involvement within the community.

RECESS TO CLOSED SESSION

At 11:11 p.m. the meeting was recessed to Closed Session.

At 12:15 a.m. Trustee Gonzales left.

RECONVENE IN OPEN SESSION

The meeting reconvened in Open Session at 1:00 a.m.

CLOSED SESSION REPORT

For the following cases, the Board received updates from legal counsel, but no action was taken:

- *AFT vs. VCCCD* (Ventura College Sheriff Academy/Public Employment Relations Board Case No. LACE4082)
- *Robert Reeves vs. VCCCD* (Department of Fair Employment and Housing Case No. E200102L005500)
- *William Mandras vs. VCCCD* (DFEH Case Nos. E200102L038000, E200203L000700, E200203L016500)
- *Peter Holmes vs. VCCCD* (DFEH Case No. E200203L011800)
- *William Donaldson vs. VCCCD, Gary Lewis, Octavio Garcia, and Joan Smith* (Ventura County Superior Court Case No. CIV210031)
- *Ronald Segovia Dyste vs. VCCCD, Philip Westin, and Larry Calderón* (Ventura County Superior Court Case No. CIV214921)

*The Board took action to enter into an agreement with the following, subject to agreement with all parties:

- *Gerald Leavitt and Gerard Kapuscik vs. VCCCD, Ventura County Community College Districtwide Foundation, Philip Westin, Robert Gonzales, Arturo Hernández, Allan Jacobs, and Norman Nagel* (Ventura County Superior Court Case No. CIV212979)

ADJOURNMENT

At 1:05 a.m. the meeting was adjourned with a motion from Trustee Rooney, seconded, and carried on a unanimous vote. (McRoberts – absent)