

Board of Trustees

Ventura County Community College District

<p>MINUTES FOR THE MEETING OF FEBRUARY 11, 2003</p>

The regular meeting of the Board of Trustees of the Ventura County Community College District was held on Tuesday, February 11, 2003, in the Oxnard College Community Student Services Center, Oxnard, California.

Roll Call

Board Members Present:

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

Absent:

Robert S. Gonzales

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
Ruth Hemming, Executive Vice President, Student Learning, Moorpark College
Ramiro Sanchez, Executive Vice President, Student Learning, Oxnard College
Sue Johnson, Assistant Vice Chancellor, Business Services
Patricia Parham, Director of Personnel, Office of Personnel Commission and CMA President
Patricia Kistler, Director of Governmental and Public Affairs

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
Brandy Huffer, Moorpark College Student Representative
Larry Miller, AFT
Elena Nua, SEIU

CALL TO ORDER

President Hernández called the meeting to order in the Oxnard College Community Student Services Center at 4:19 p.m. with Trustee Gonzales absent.

PUBLIC COMMENTS REGARDING CLOSED SESSION AGENDA ITEMS

There were no requests to speak.

RECESS TO CLOSED SESSION

At 4:23 p.m. President Hernández recessed the meeting to Closed Session in the Community Student Services Center Conference Room to consider the following items, with Trustee Gonzales absent:

CONFERENCE WITH LABOR NEGOTIATOR [*Gov't Code* § 54957.6]

The District's negotiator is Vice-Chancellor of Human Resources William Studt and the employee organizations are AFT and SEIU

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE [*Gov't Code* § 54957]CONFERENCE WITH LEGAL COUNSEL -- EXISTING LITIGATION [*Gov't Code* § 54956.9(a)]

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)
6. *Robert Reeves vs. VCCCD* (Department of Fair Employment and Housing Case No. E200102L0055)
7. *William Mandras vs. VCCCD* (DFEH Case Nos. E200102L0380, E200203L0007, and E200203L0435)
8. *Peter Holmes vs. VCCCD* (DFEH Case No. E200203L0118)
9. *William Donaldson vs. VCCCD, Gary Lewis, Octavio Garcia, and Joan Smith* (Ventura County Superior Court Case No. CIV210031)
10. *Ronald Segovia Dyste vs. VCCCD, Philip Westin, and Larry Calderón* (Ventura County Superior Court Case No. CIV214921)
11. *Valerius Lindsey vs. Oxnard College* (Los Angeles County Superior Court Case No. BC279207)
12. *Javier Garcia Cervantes vs. VCCCD* (Ventura County Superior Court Case No. CIV215502)
13. *Wood & Bender, LLP vs. VCCCD* (Ventura County Superior Court Case No. CIV216408)

CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION [*Gov't Code* § 54956.9(b)]. The existing facts and circumstances that might result in litigation against the District arise from the following:

1. Beatriz Herrera, a counselor at Ventura College, filed a Complaint of Discrimination against VCCCD on September 17, 2002 with the California Department of Fair Employment and Housing which issued a Right-to-Sue Notice on September 19, 2002. Ms. Herrera has not yet filed a lawsuit against VCCCD. Copies of the Right-to-Sue Notice are available from Pat Kistler.
2. A Claim was filed against VCCCD on January 29, 2003. Because the claim involves an allegation of tortious sexual conduct, the name of the claimant is not being released pursuant to the *Brown Act*, Section 54961(b) of the *Government Code*. Redacted copies of the Claim are available from Pat Kistler.

PUBLIC EMPLOYMENT: FACULTY TENURE RECOMMENDATIONS [*Gov't Code* § 54957]

RECONVENE IN OPEN SESSION

President Hernández reconvened the meeting in Open Session at 7:13 p.m. in the Community Student Services Center

PLEDGE TO THE FLAG

Lydia Ledesma-Reese led the pledge to the flag.

CLOSED SESSION REPORT

President Hernández read the following Closed Session Report:

1. In the case of *Javier Garcia Cervantes vs. VCCCD*, the Ventura County Superior Court Case No. CIV215502, the Board voted 4-0, with Trustee Gonzales absent, to respond to the Complaint.
2. In the case of *William Mandras vs. VCCCD*, California Department of Fair Employment and Housing Case No. E200203L043500, the Board voted 4-0, with Trustee Gonzales absent, to respond to the Charge of Discrimination which was filed on January 8, 2003.
3. In the case of *William Mandras vs. VCCCD*, California Department of Fair Employment and Housing Case No. E200102L0380, after conducting an investigation, DFEH closed the case on the grounds of no probable cause to show that the District acted unlawfully.
4. The Board voted 4-0, with Trustee Gonzales absent, not to renew the employment contracts of four academic administrators in the following positions:
 - Director, Center for International Trade
 - Director, Institutional Research and Learning Outcomes Assessment
 - Director, Ed>Net, Biological Technologies Initiative
 - Intern Dean, Social Science/Foreign Language

CHANGE TO THE AGENDA

Human Resources

5.2 Academic Actions

5.2.1 Acceptance of Resignation – Full-time Academic Personnel – Moorpark College for Tracy Douglas, full-time Instructor of Dance at Moorpark College was pulled from the agenda.

5.5 Elimination and Reduction of Classified Positions – This item was revised on Page 2 PCN# VCU362, Instructional Assistant/Machine Shop, Bilingual, from reduction from 11 months to 10 months to reduction from 12 months to 10 months.

ACTION ITEMS

8. Selection of Chancellor’s Search Firms (5.9) was postponed.

ACKNOWLEDGEMENT OF GUESTS & SPECIAL RECOGNITIONS

Lydia Ledesma-Reese welcomed students, staff, and community members. She acknowledged and introduced Oxnard College faculty, staff and students to the Board meeting.

PUBLIC COMMENTS REGARDING AGENDIZED ITEMS

Rabin Polito, David Donaldson, Anna Maria Valle, Mary Helen Galindo, Elena Nua, Joseph Carrillo, Ronald Clough, Yoko Tokushima, Dave Stork, Guillermo Terrazas Lulac, Carole Frick, Andrew O’Connor, Patty Earl, Irene Gonzalez, Sean Vanderjagt, Elizabeth Wolfel, Eileen Wennerholm, Isabel Arreola, Bill Yarnall, Deborah Ventura, Billie Sommars, Nancy Latham, Bea Herrera, John Wagner, Lambodara Das, and Tierney McLennan, addressed the board regarding the proposed reduction of positions.

The meeting recessed at 8:50 p.m. and reconvened at 9:10 p.m.

Melody Kleiman, Connie Jenkins, Harry Korn, Mike Terman, Candace Peyton, Kelly Wells, Gabriela Gutierrez, Aurora de la Selva, Steve Turner, Lorri Brown, Doreen Juarez, Itsy Sorensen, and Richard Goff addressed the Board regarding the proposed reduction of positions.

Ruth Hunt read and distributed a Resolution from AFT, Local 1828.

Sid, International Student, expressed his concerns about increasing International Student rates.

President Hernández acknowledged the speakers.

Reports

STUDENT AND STAFF ORGANIZATIONS REPORTS

- **Student Government representatives**

- Brandy Huffer, Director of External Affairs at Moorpark College, commented on the budget crisis, Casino Night, and Club Day. She announced that the Moorpark College student government will lobby at CalSACC and in Washington D.C.
- Doreen Juarez reported on the budget rally, a letter writing campaign for legislation, Club Day, and participation in master planning and accreditation.
- Student Trustee McRoberts commented on a petition regarding the budget crisis and a column that she prepared for the college newspapers. Ms. McRoberts mentioned that she was on panel for the League of Women Voters.

Rachel Lopez addressed the board regarding the proposed reduction of positions.

- **Academic Senate representatives**

- Richard Goff commented on accreditation and a resolution regarding the budget. He expressed his concerns about Item 5.7 – *Directive for Colleges and District Service Center to Conduct a Cost-Benefit Analysis of Programs and Services*.
- Mary Jones expressed her concerns about the projects cuts on categorical programs.

- **Classified Senate representatives**

- Angela Marquez addressed the Board regarding the proposed actions that affect classified staff within the District.
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At 10:19 p.m. the meeting was recessed and reconvened at 10:37 p.m.

Consent Calendar Items

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

Approval of Minutes

- 2.2 **Action to Approve Minutes of the Study Session of the Board of Trustees for January 24, 2003** was approved.

Student Learning

- 3.1 **Second Reading: Course/Program Approvals: New and Revised Courses and Programs - Oxnard College** was approved.
- 4.1 **Approval of 2001-02 Distance Education Reports – Moorpark, Oxnard and Ventura Colleges** was granted.

Human Resources

- 5.1 **Classified Actions** were approved.
- 5.1.1 **Transfer of Classified Personnel** was granted to approve the transfer of Irene Miller from Accounting Technician I, Business Services, District Service Center, to the Accounting Technician I, 85% position, Fiscal Services, Ventura College.
- 5.1.2 **Reclassification** was granted for Maiya Rodriguez from Clerical Assistant I/Bilingual to Student Services Assistant II/Bilingual.
- 5.1.3 **Provisional Assignments** were approved as listed.
- 5.1.4 **Termination of Limited Term Assignment** was granted for Irene Layman, Admin. Assistant II at Moorpark College.
- 5.1.5 **Approval of Employment of Relative** was granted for Kaitlin Karkos, Student Aid at Ventura College.
- 5.1.6 **Resignation of Permanent Employees** was accepted from Kristi Carlson, Human Resources Assistant, 40%.
- 5.1.7 **Probationary to Permanent Personnel** was approved as follows:
- | <u>Name</u> | <u>Classification/Location</u> |
|-------------------|--|
| Noreen Barrington | Child Development Assistant, Moorpark College |
| Paul Fielding | Fire Academy Equipment Tech, Oxnard College |
| Angela Hernandez | Clerical Assistant I, Seasonal, Oxnard College |
| Cathy West | Clerical Assistant I, Seasonal, Moorpark College |
| Crystal Wirth | Business Office Asst I, Seasonal, Moorpark College |
- 5.1.8 **Approval of Military Leave of Absence** was granted for Richard Rudas, Community College Police Office I, effective January 14, 2003.
- 5.1.9 **Temporary Change of Assignment** was approved for Cherri Ziegler to 90%.
- 5.1.10 **Establishment of Position – Moorpark College and Abolishment of Position – Moorpark College** were approved to establish a classified position of Administrative Assistant II, PCN#MCU418, Moorpark College, effective February 12, 2003, and to abolish a classified position of Administrative Assistant II, PCN #MCU010, Moorpark College, effective March 1, 2003.
- 5.1.11 **Termination of Provisional Assignment** was approved for Lindsey Scott, Child Development Assistant at Moorpark College, 47.5%.

5.2 Academic Actions

5.2.2 Approval of Part-time Faculty – Oxnard and Ventura Colleges was granted to approve the part-time faculty to be hired during the Spring 2003 semester at Oxnard and Ventura Colleges.

5.2.3 Establishment of Academic Position – Moorpark College was granted to establish an academic position of Grant Project Manager, PCN #MCZ017, Moorpark College, effective February 12, 2003.

5.3 Instructional Calendar 2003-2004 was approved for the 2003-2004 Academic Year.

Business Services

6.2 Checks

6.2.1 Ratification of Accounts Payable and Payroll for the Period of December 19, 2002 – January 16, 2003 was granted.

6.3 Purchase Orders

6.3.1 Approval/Ratification of Board Purchase Order Report #9 was granted for the period covering December 20, 2002 – January 21, 2003.

6.5 Budget Amendments

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

6.6 Budget Transfers

6.6.1 Monthly Budget Transfer Summary was approved to ratify the monthly budget transfer summary for the month ending December 31, 2002, for the General Fund-Unrestricted and General Fund-Restricted.

6.7 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.

6.7.2 Approval of Budget Amendment – Capital Projects Fund was granted to accept state funding and authorize the amendment to the Capital Projects Fund Budget.

6.8 Other

6.8.1 Surplus/Disposal of Equipment was approved as listed.

6.8.2 Acceptance of Gifts was approved to accept the following gift:

To be used by the Oxnard College Fire Technology Program

1 Used One-Ton Flatbed Truck

Donated by: The Oxnard College Foundation

4000 S. Rose Avenue

Oxnard, CA 93033

6.9 Capital Planning, Design and Construction

6.9.1 Ratification of the Bylaws of the Citizens Oversight Committee was approved.

The Board decided to complete the Consent Calendar items prior to the action items.

*Action on Items Listed on the
Consent Calendar but Pulled to be Considered Individually*

Approval of Minutes

- 2.1 Action to Approve Minutes of the Regular Meeting of the Board of Trustees for January 14, 2003** was moved by Student Trustee McRoberts, seconded by Trustee Jacobs, and carried on a unanimous vote, with Trustee Gonzales absent, to revise the minutes on page 11 as follows*: (McRoberts – yes)
2. **Position Announcement and Composition of the Chancellor’s Search Committee (5.5)** was moved by Trustee Rooney, seconded by Trustee Jacobs, and carried on a unanimous vote, to approve the position announcement and composition of the Chancellor’s Search Committee. (McRoberts – **absent*)

Student Learning

- 3.2 Moorpark College Study Abroad Program – Humanities and Arts in Florence, Rome, and Paris, Spring 2004** was moved by Trustee Jacobs, seconded by Student Trustee McRoberts, and carried on a unanimous vote, with Trustee Gonzales absent, to approve this item, subject to review by General Counsel Jack Lipton, such as with revised language indicating that the District was not involved in providing services such as housing, flights, and accommodations. (McRoberts – yes)

Trustee Jacobs expressed his concerns about State Department Alerts. Eva Conrad explained the process used for study abroad programs

6.4. Award of Bids

- 6.4.1 Award of Bid to Bottenfield Construction for Project #39090: Ventura College East Campus Remodel** was moved by Trustee Rooney, seconded by Trustee Jacobs, and carried on a unanimous vote, with Trustee Gonzales absent, to authorize management to execute a contract, for \$51,722.00, with Bottenfield Construction for Project #39090: Ventura College East Campus Remodel. (McRoberts – yes)

Larry Calderón gave a brief overview of this item. Trustee Rooney pointed out that the funds used are from the Title 5 Grant.

Action Items

Resolution

1. **Resolution of the Board of Trustees – Regarding the California Community College System Budget Crisis (1.1)** was moved by Trustee Jacobs, seconded by Student Trustee McRoberts, and carried on a unanimous vote, with Trustee Gonzales absent, to approve a Resolution of the Board of Trustees regarding the California Community College System Budget Crisis with the following addition: (McRoberts – yes)

In Paragraph 3, “That, *as with the CSU and UC system*, the increased revenue realized from any enrollment increase accrue entirely to the individual community college district.”

Greg Cross, SEIU, addressed the Board regarding the budget crisis. Trustee Jacobs commented on community college funding throughout the state.

Student Learning

2. **Accreditation Report – Ventura College (4.2)** was moved by Trustee Jacobs, seconded by Trustee Rooney, and carried on a unanimous vote, with Trustee Gonzales absent, to approve the Progress Report for the Ventura College Accreditation Site Visit to the Accrediting Commission for Community and Junior Colleges, Western Association of Schools and Colleges. (McRoberts – yes)

James Walker commended Dr. Calderón, Joan Smith, Richard Goff, and staff for the thorough report. President Hernández thanked staff for the summary.

Human Resources

3. **Resolution Regarding Elimination or Reduction of Faculty Positions – Categorical/Special Funded Services (5.4).** It was moved by Trustee Heitmann, seconded by Trustee Rooney, and carried on a 3-1 vote, with Trustee Jacobs voting no and Trustee Gonzales absent, to table this item to the next Board meeting. (McRoberts – yes)

Trustee Heitmann acknowledged the speakers and commented on the budget. She asked for additional suggestions for budget cuts. Trustee Jacobs expressed his concerns about tabling the item. Jack Lipton pointed out that the motion to table required Board action without further discussion.

4. **Elimination and Reduction of Classified Positions (5.5).** It was moved by Trustee Rooney, seconded by Trustee Heitmann, and carried on a 3-1 vote, with Trustee Jacobs voting no and

Trustee Gonzales absent, to table this item to the next Board meeting. (McRoberts – yes)

5. **Approval of VCCCD-SEIU Side Letter Agreement (5.6).** It was moved by Trustee Rooney, seconded by Trustee Heitmann, and carried on unanimous vote, with Trustee Gonzales absent, to table this item until the next Board meeting. (McRoberts – yes)

There was a brief discussion on this item and the original motion to approve the item was rescinded. Greg Cross explained the process used for the development of the Side Letter Agreement and Rabin Polito commented on it. The Board commended SEIU for the Side Letter.

6. **Directive for Colleges and District Service Center to Conduct a Cost-Benefit Analysis of Programs and Services (5.7)** was moved by Trustee Rooney, seconded by Student Trustee McRoberts, and carried on a unanimous vote, with Trustee Gonzales absent, to approve a directive from the Board of Trustees to each of the three colleges and the District Service Center to conduct a cost-benefit analysis of programs and services on all operations within the district, and to report the results back to the Board. (McRoberts – yes)

Greg Cross commented on this item. There was discussion regarding cutting costs. Sue Johnson gave a brief overview of the Board on the budget.

7. **Selection of Chancellor's Search Committee Members (5.8)** was moved by Trustee Rooney, seconded by Student Trustee McRoberts, and carried on a unanimous vote, with Trustee Gonzales absent, to approve the Search Committee Members as listed. (McRoberts – yes)
8. **Consideration of Chancellor's Search Firms (5.9)** was pulled from the agenda.

Business Services

9. **Budget Amendment, General Fund – Unrestricted (6.5.2)** was moved by President Hernández, seconded by Trustee Jacobs, and denied on a 2-2 vote, with Trustees Rooney and Heitmann voting no, and Trustee Gonzales absent, to amend the budget for legal expense and requests the use of reserves. (McRoberts – yes) It was moved by Student Trustee McRoberts, seconded by Trustee Jacobs, and carried on a unanimous vote, to approve the budget amendment. (McRoberts – yes)

There was a brief discussion regarding this item and the Board decided to take a second vote.

10. **Approval of Application for Federal Assistance for Hydroponic, Greenhouse and Bio-Fermentation Project at Ventura College (6.7.3)** was moved by Trustee Jacobs, seconded

by Student Trustee McRoberts, and carried on a unanimous vote, with Trustee Gonzales absent, to approve the District's application for Federal Assistance to the Economic Development Administration ("EDA") of the U.S. Department of Commerce for the Hydroponic, Greenhouse, and Bio-Fermentation Project at Ventura College. The District will be required to provide a security interest on its property to EDA during construction. (McRoberts – yes)

At 12:50 a.m., Trustee Heitmann left the dais.

11. **Approval of Extension of Contract for JCM Group as Construction Managers for the District (6.9.2)** was moved by Trustee Jacobs, seconded by Student Trustee McRoberts, and carried on a 3-0 vote, with Trustees Gonzales and Heitmann absent, to approve an extension of the contract with JCM Group as the Construction Managers for the District from March 1 through March 31, 2003, not to exceed \$150,000. (McRoberts – yes)

Trustee Rooney pointed out that this was postponed from the January 24th Study Session, and that the Board Construction subcommittee recommended approval.

At 12:55 a.m., Trustee Heitmann returned.

Trustees/Chancellor

12. **Action to Approve Governing Board Member Absence (7.1)** was moved by Trustee Rooney and seconded by Student Trustee McRoberts, with Trustee Gonzales absent. The motion and second were withdrawn.
13. **Second Reading: Revision to Board Policy Manual Appendix A II: Agenda Format (7.2)** was amended by a motion from Trustee Jacobs, seconded by Trustee Heitmann, and carried on a unanimous vote, with Trustee Gonzales absent, to approve the Revision to Board Policy Manual Appendix AII: Agenda Format with the following changes: (McRoberts – yes)
 - Under PUBLIC COMMENTS – *“Limit three minutes per person per topic.”*
 - Change DISCUSSION to *ITEMS FOR DISCUSSION*
 - Under Trustee Issues – *Trustee Reports/Announcements/Correspondence*
14. **Revision to Board of Trustees 2003 Schedule of Meetings (7.3)** was moved by Trustee Jacobs, seconded by Trustee Rooney, and carried on a unanimous vote, with Trustee Gonzales absent, to add the February 28th Special Board Meeting to the 2003 Schedule of Meetings for the Board of Trustees. (McRoberts – yes)

End of Board Actions

Reports

INTERIM CHANCELLOR'S REPORT

- **Deputy Chancellor's Report**

- **State Budget Update**

Michael Gregoryk gave a brief update on the budget and acknowledged the students for their efforts to educate the legislators regarding the community college budgets.

Trustee Issues

- **Governing Board Subcommittee Reports**

- Trustee Rooney reported on the Chancellor's Search Subcommittee meeting. She indicated that the subcommittee would be interviewing Chancellor's Search consultants and return with a recommendation for Board approval.

- **Trustee Issues**

- Trustee Rooney reported on the Community College League of California (CCLC) Legislative Conference in Sacramento. She expressed her opposition to Senate Bill 6.
- Trustee Heitmann expressed her concerns regarding Senate Bill 6 (SB6) and commented on a statewide taskforce against SB6. She commented on the Ventura County School Boards Association Dinner that she attended.
- President Hernández commented on the CCLC conference in Sacramento.

- **Correspondence**

- The Board reviewed the letters from Superintendent Charles Weiss dated February 5, and January 24, 2003, and letter dated February 6, 2003, from the District in response.
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ADJOURNMENT

At 1:18 a.m., it was moved by Trustee Jacobs, seconded by Trustee Rooney, and carried on a unanimous vote, with Trustee Gonzales absent, to adjourn the meeting.