

## APPROVED

### MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES NORTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT

February 22, 2005

The Board of Trustees of the North Orange County Community College District met for its Regular Meeting on Tuesday, February 22, 2005, at 5:30 p.m. in the Board Room at the Anaheim Campus.

Board President Molly McClanahan called the meeting to order at 5:33 p.m. Monica Farias led the Pledge of Allegiance to the Flag.

**TRUSTEE ROLL CALL:** Present: Jeff Brown, Otto Lacayo, Leonard Lahtinen, Molly McClanahan, Donna Miller, Manny Ontiveros, and Student Trustees Karen Johnson and Victoria Rizo. Absent: Nancy Rice.

**RESOURCE PERSONNEL PRESENT:** Jerome Hunter, Chancellor; Fred Williams, Interim Vice Chancellor, Finance & Facilities; Jeff Horsley, Vice Chancellor, Human Resources; Kathie Hodge, President, Fullerton College; Margie Lewis, President, Cypress College; Gary McGuire, Provost, School of Continuing Education; Marc Posner, Cypress College Public Information Officer; Monica Farias, representing the District Management Association; Michael Brydges, representing the Cypress College Academic Senate; Rolando Sanabria, representing the Fullerton College Faculty Senate; Lisa Campbell, representing United Faculty; Sam Russo, representing Adjunct Faculty United; Rod Lusch, representing CSEA; and Violet Ayon, Recording Secretary.

**OTHER ADMINISTRATORS AND EMPLOYEES PRESENT:** Lori Brault, Lori Cronin, Andrea Hanstein, Karen Hays, Fawzia Karim, Lis Leyson, Adam O'Connor from Fullerton College; Ron Beeler, Steve Duncan, Ann-Marie Gabel, Tami Oh, and Dorothy Owens-Whitehurst from the District Offices; and Nancy Byrnes, Pat Humpres, Mike Kasler, and Karen Mestemacher from Cypress College.

**VISITORS:** Denny Konshak from Adjunct Faculty United; Jim Roth of UBS Financial Services Inc.

**COMMENTS: MEMBERS OF THE AUDIENCE:**

A. **Rod Lusch** submitted the following statement for the record:

In closed session of the February 8, 2005, NOCCCD Board of Trustees meeting the fate of a classified employee was decided with concerns to

disciplinary action that was being proposed by administration. The case had previously been heard by a Hearing Officer who is a neutral third party, educated, trained and experienced in deliberating over hearings such as this. Per Article XX Disciplinary Action of the Collective Bargaining Agreement once the hearing officer has furnished the Board of Trustees with the, "Findings of Fact and Conclusions of Law that constitute the results of the hearing and form a basis for the decision," the Trustees must render a decision on the proposed disciplinary action. It appears that the Trustees went beyond the intent of the Collective Bargaining Agreement by allowing allegations to be presented in closed session that were neither presented in the Notice of Disciplinary Action nor in the hearing proceedings. There was plenty of time prior to the disciplinary hearing for the District to amend the Notice of Disciplinary action to reflect the additional allegations but the District failed to do so. This would lead a reasonable person to conclude that either the District's council (sic) is incompetent or the evidence was deemed not capable of standing up to the scrutiny of a hearing, where cross examination would occur. The District has the burden of proof in a disciplinary hearing and the only allegations and evidence that should have been considered by the Trustees were those presented in the formal hearing that was conducted by the hearing officer. It is important to note that the hearing officer determined that the primary charge was not proven. Apparently the Board of Trustees decided to exceed the recommendation of the hearing officer and imposed the full discipline proposed by the District's administration. Sadly this reinforces the belief and objections I had when changes to the disciplinary article were negotiated; that the Board of Trustees would be incapable of rendering an unbiased and impartial decision that respects the process.

- B. **Denny Konshak**, representing ADFAC, addressed the Board with a presentation identifying the "one size fits all" salary for adjunct faculty. ADFAC suggests that the general salary increase be taken and distributed with ongoing adjunct faculty receiving a slightly higher increase than new adjunct faculty. He stated ADFAC is open to ideas for solving the "one size fits all" salary problem.

**BLOCK VOTE APPROVAL:** It was moved by Trustee Jeff Brown and seconded by Trustee Manny Ontiveros that the following items be approved by block vote:

Finance & Facilities:	3.a, 3.b, 3.c, 3.d, 3.e, 3.f
Instruction Services:	4.a, 4.b
Human Resources:	5.a, 5.b

**Motion carried unanimously, including the Student Trustees' advisory votes.**

**REPORTS:**

- A, As a part of the **Chancellor's Report**, Fawzia Karim from Fullerton College and Karen Mestemacher from Cypress College were honored for their years of service to the District and awarded a gift in recognition of their retirement.
- B. Also included as a part of the Chancellor's Report, **Ann-Marie Gabel**, Interim District Director of Fiscal Affairs, provided the Board with an update on the state budget. Highlights of the presentation included: 1) Impact on Community Colleges – overall 7.4% increase to community colleges, increase in the Proposition 98 split, enrollment growth at 3%, no change in student fees, economic development augmentation, and a 3.9% COLA; and 2) Proposition 98 Proposed Reforms – accountability model set-aside of \$31.4 million, shift additional STRS costs to Districts, no equalization funding, and PERS increase to 10.2%.

Proposition 98 reforms eliminate suspension and test 3 provisions starting with fiscal year 2006-07, and education spending subject to across-the-board cuts. However, the reforms also provide for more stable funding, more over-appropriations in some years, and a specific deadline for payoff of “settle up” and existing maintenance factor obligations. Potential downfalls in the reforms include K-14 subject to across-the-board cuts, treatment of maintenance factor has the effect of reducing long-term Proposition 98 funding, and appropriations above the minimum guarantee would no longer be permanent increases to the “base.”

(See Supplemental Minutes #934 for a copy of the presentation.)

- C. **Chancellor Hunter** reported that Donna Miller, Molly McClanahan and Nancy Rice will meet with the Accreditation Team the morning of March 14, 2005. In addition, he reminded the Board to submit to him their availability for the 2005 Board Retreat.
- D. **Kathie Hodge**, Fullerton College President; **Margie Lewis**, Cypress College President; and **Gary McGuire**, School of Continuing Education Provost, reported on activities and events at their respective areas.

**COMMENTS:**

- A. **Monica Farias** reported on the “Conversation with Faculty” event and future such discussions to be sponsored by the District Management Association (DMA).
- B. **Lisa Campbell** thanked DMA for sponsoring the “Conversation with Faculty” and reported that CTA will be launching a large campaign against the Proposition 98 reforms, etc.

- C. **Student Trustee Victoria Rizo** announced the "On the Way to the Forum" play and the Associated Students Blood Drive.
- D. **Student Trustee Karen Johnson** reported on her attendance at a recent CalSAAC Black Caucus leadership workshop and announced Student Activities' future events. In addition, she read a statement regarding the February 8, 2005, Associated Students election results, which were declared invalid and elections will be held again in March.
- E. **Trustee Leonard Lahtinen** reported on his attendance at the Patrick Henry School event held at the Anaheim Campus and sponsored by the School of Continuing Education. He commended staff for the event.

**MINUTES:** It was moved by Trustee Manny Ontiveros and seconded by Trustee Jeff Brown that the Board approve the minutes of the Regular Meeting of February 8, 2005. **Motion carried unanimously, including the Student Trustees' advisory votes.**

## **FINANCE & FACILITIES**

**Item 3.a:** By the block vote, authorization was granted to enter into an agreement with the firm of Macias, Gini & Company for the District's 2004/2005 audit for a contract term of one year with an option to extend the agreement for an additional year. The fee for the 2004/2005 audit is \$87,156. This fee is exclusive of any additional accounting services desired by the District or any additional audit requirements resulting from changes in the colleges' reporting format or audit requirements as stated in the "California Community Colleges' Contracted District Audit Manual" issued by the Chancellor's Office. Additional accounting services (special projects) will be billed at the hourly rates as outlined in the proposal.

Further authorization was granted for the Vice Chancellor, Finance and Facilities, to execute the agreement on behalf of the District.

**Item 3.b:** By the block vote, authorization was granted for the various change orders for the public works projects listed per the Change Order Request.

Further authorization was granted for the Vice Chancellor, Finance and Facilities, to execute each contractor agreement on behalf of the District.

**Item 3.c:** By the block vote, authorization was granted to file the Notice of Completion of Work for PW 0203-308, with the following contractor and release the final retention payment when due:

<u>Bid Package #</u>	<u>Bid Package Description</u>	<u>Contractor Name</u>
2	Earthwork & Shoring	Doja, Inc.

**Item 3.d:** By the block vote, authorization was granted to award quotation number DW30773 to Carrier Corporation to overhaul the chiller in the Theatre Building at Cypress College, at a cost of \$36,737 for labor and materials.

Further authorization was granted for the District Director of Purchasing to execute the agreement on behalf of the District and approve and forward to the Board for ratification, any further specification changes up to 10% of the original contract amount or \$15,000, whichever is greater.

**Item 3.e:** By the block vote, authorization was granted to award quotation number DW33764 to Sea-Clear Pools to provide preventive maintenance and replacement of the pool pump at Cypress College, at a cost of \$29,275, which includes labor and materials.

Further authorization was granted for the District Director of Purchasing to execute the agreement on behalf of the District and approve and forward to the Board for ratification, any further specification changes up to 10% of the original contract amount or \$15,000, whichever is greater.

**Item 3.f:** By the block vote, authorization was granted to reject all bids received for PW 0405-508, Fullerton College Cosmetology/Day Spa. Further authorization was granted to rebid the project if deemed appropriate.

**Item 3.g:** Jim Roth of UBS Financial Services Inc. conducted a presentation on the possibility of refinancing a portion of the District's existing general obligation bonds. Key features of the refinancing plan include: 1) defease Series A & B Bonds through escrow and fund; reduce the term of the refinanced general obligation bonds; maintain the tax rate at \$18.41 per \$100,000 of assessed valuation; decrease total debt service; and provide additional funds for bond projects.

(See Supplemental Minutes #934 for a copy of the presentation.)

In the ensuing discussion, the Board expressed support for the concept of refinancing a portion of the general obligation bonds. However, the Board requested detailed information on the cost of such a refinancing plan, the impact to taxpayers, and the various options available. The Board stressed the importance in safeguarding the public's interest and making the best use of bond funds.

Upon conclusion of a question and answer session, it was moved by Trustee Otto Lacayo and seconded by Trustee Donna Miller to authorize staff to move forward with preparing a detailed presentation and to place this item on the agenda for action at the March 8, 2005, meeting. **Motion carried unanimously.**

## INSTRUCTIONAL SERVICES

**Item 4.a:** By the block vote, authorization was granted for the Fullerton College Natural Sciences Division out-of-country field trip/course to San Luis Gonzaga, Baja California, Mexico, March 18-26, 2005.

**Item 4.b:** By the block vote, authorization was granted for the Fullerton College summary of curriculum additions and changes, effective fall 2005.

(See Supplemental Minutes #934 for a copy of the summary.)

## HUMAN RESOURCES

**Item 5.a:** By the block vote, authorization was given for the following personnel matters, which are within budget:

### RESIGNATIONS

Arick, Patricia	AC	Accounting Technician (100%) Eff. 2/21/2005
Sanders, Elsa	SCE	Instructional Aide/HS Lab (45%) Eff. 2/17/2005
Shah, Darshna	SCE	Clerical Assistant I (100%) Eff. 2/11/2005
Teipe, Kelly	SCE	Admissions & Records Technician (100%) Eff. 2/25/2005

### NEW PERSONNEL

Acierno, Michael	AC	Warehouse Coordinator 12-month position (100%) Range 41, Step D Eff. 2/28/2005
Cosby, Sidney	FC	Financial Aid Technician 12-month position (100%) Range 36, Step A Eff. 3/01/2005
Miller, John	FC	Accounting Technician 12-month position (100%)

Range 36, Step E  
Eff. 2/14/2005

**Item 5.b:** By the block vote, authorization was given to employ the following hourly personnel for the dates indicated and contracting out of the following specialists for the EOPS and Disabled Student Centers in accordance with the Agreement between the District and CSEA:

(See Supplemental Minutes #934 for a listing of hourly personnel.)

**GENERAL**

- a. The Board reviewed the Board of Trustees Assessment instrument and considered a few revisions. Upon conclusion of discussion, the Board agreed to add item #35, General Comments. This item will return as an action item at the March 8, 2005, Board meeting.
- b. It was moved by Trustee Donna Miller and seconded by Trustee Leonard Lahtinen to appoint Julie Law, Fullerton College student, as a Student Representative to serve for a term of two years, and for a maximum of two consecutive terms without compensation, on the Citizens' Oversight Committee for the District's bond projects. **Motion carried unanimously, including the Student Trustees' advisory votes.**
- c. It was moved by Trustee Otto Lacayo and seconded by Trustee Jeff Brown that the Board endorse the recommendations from the Board Subcommittee on Streamlining Board Meetings, which will make the Board meetings more efficient and allow the Board to focus on its role as a policy Board. **Motion carried unanimously, including the Student Trustees' advisory votes.**

(See Supplemental Minutes #934 for a complete list of recommendations.)

**CLOSED SESSION:** At 7:38 p.m., Board President Molly McClanahan adjourned the meeting to closed session per the following sections of the Government code:

**Per Section 54957.6: CONFERENCE WITH LABOR NEGOTIATOR JEFF HORSLEY, VICE CHANCELLOR, HUMAN RESOURCES, - Employee Organization: United Faculty/CCA/CTA/NEA, Adjunct Faculty United Local 6106, CSEA Chapter #167, and Unrepresented Employees.**

**Per Section 54957: PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE.**

**Per Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION - CHANCELLOR**

**RECONVENE OPEN SESSION:** At 10:10 p.m., Board President Molly McClanahan reconvened the meeting in open session.

**ADJOURNMENT:** At 10:12 p.m., it was moved by Trustee Otto Lacayo and seconded by Trustee Jeff Brown to adjourn the meeting. **Motion carried unanimously.**

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Jeffrey P. Brown, Secretary  
Board of Trustees