

APPROVED

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

March 26, 2002

1. The Board of Trustees of the North Orange County Community College District met for the Regular Meeting on Tuesday, March 26, 2002, at 5:30 p.m. at the District Education Center Board Room.

Board President Manny Ontiveros called the meeting to order at 5:30 p.m. Steve Duncan led the Pledge of Allegiance to the Flag.

2. **Trustee Roll Call** - Present: Jeff Brown, Leonard Lahtinen, Molly McClanahan, Donna Miller, Manny Ontiveros, Nancy Rice. Trustee Otto Lacayo arrived at 5:34 p.m. Student Trustee Israel Dawson arrived at 5:39 p.m. Absent: Student Trustees Michael Robbe.
3. **Resource Personnel Present:** Jerome Hunter, Chancellor; Michael Viera, President, Fullerton College; Margie Lewis, President, Cypress College; Gary McGuire, Provost, School of Continuing Education; Rod Fleeman, Vice Chancellor, Finance & Facilities; Steve Duncan, District Director, Personnel Operations, Human Resources; Donna Hatchett, District Director, Public Affairs; Chris Terry, representing the District Management Association; Bob Berryhill, representing the Fullerton College Faculty Senate; Andrea Sibley-Smith, representing the School of Continuing Education Academic Senate; Barbara Bennett, representing United Faculty; Vickie McPherson, representing CSEA, Chapter #167; Violet Ayon, Recording Secretary.
4. **Other Administrators and Employees Present:** Ron Beeler, Pat Humpres, Dorothy Owens-Whitehurst, and Fred Williams from the District Education Center; Adam O'Connor and Janet Portolan from Fullerton College; Raul Alvarez, Nancy Byrnes, Karen Cant, Mike Kasler, Jorge Ramirez, Dave Wassenaar and Curtis Williams from Cypress College.
5. **Visitor Present:** Curtis Williams.
6. **Comments: Members of the Audience:**

Curtis Williams, former Cypress College Adjunct Instructor, addressed the Board regarding the elimination of his teaching contract and health benefits. He asked the Board for assistance in resolving the issues surrounding his health benefits and pending paycheck. Board President Manny Ontiveros stated that personnel matters with the

Board do not allow for engaging in any dialogue with the individual, but asked the Chancellor to direct the Vice Chancellor, Human Resources, to look into the matter.

7. **Block Vote Approval:** It was moved by Trustee Nancy Rice and seconded by Trustee Leonard Lahtinen to approve by block vote the following items:

Finance and Facilities:	3.a, 3.b
Instructional Services:	4.a
Human Resources:	5.a

8. **Reports:**

- A. As a part of the Chancellor's Report, **Board President Manny Ontiveros** briefly discussed the chronology of events leading to the provisional appointment of Trustee Jeffrey P. Brown. President Ontiveros' commentaries read as follows:

At the Board meeting of February 12, 2002, seven applicants were considered for the provisional appointment to the Board of Trustees. Upon conclusion of the candidates' presentations and a question and answer period, Jeffrey P. Brown was selected by a unanimous vote to be appointed to the Board of Trustees through November 2002, which is when the next Board of Trustee elections will be held.

A "Notice of Provisional Appointment to Board of Trustees" was published in the February 16, 2002, issue of *The Register*. The Orange County Department of Education was also notified of the provisional appointment.

Notification from the Orange County Department of Education, dated March 18, 2002, was received informing the District that a petition calling for a special election has not been filed.

President Ontiveros then introduced Jeffrey P. Brown and led him in taking the Oath of Office as follows:

I, Jeffrey P. Brown, do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and

allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter."

Trustee Brown thereafter signed the Oath of Office and President Ontiveros addressed the Certificate of Appointment as follows:

A "Certificate of Appointment" has been received, and Mr. Brown has signed the Oath of Office. His provisional appointment ends November 30, 2002. Mr. Brown is now officially a member of the Board of Trustees of the North Orange County Community College District.

Trustee Brown made the following statement:

First of all, I'd like to thank the members of the Board of Trustees for their vote of confidence in me. I'd like to also thank all of the other people who as individuals and as representatives of groups have been so incredibly welcoming and have offered their support. I really appreciate that because I'm going to need all the help I can get. I'll apologize to the Board in advance for all of the errors of protocol that I'm going to be making in the next few meetings. One of the good but unintended side benefits of this 30-day waiting period between the appointment and the actual swearing in is that it gives a person the opportunity to think about the larger context that we operate in and what it is that we're all about before we actually have to start getting into the routine of making it happen.

I've been doing a lot of that thinking recently. A few weeks ago I was talking to somebody about the entire process of the appointment and then having to run for election in the fall and I said that I should probably be thinking about what the best campaign pledges I should make because it's a good time to start thinking about that. So, I jokingly said that what I'd come up with was that if somebody votes for me, I will promise to eliminate all poverty, war and disease in the world. Then later on I was thinking back on that and I realized that there was some truth to

that statement that I hadn't even recognized at the time I said it.

Certainly it's ridiculous to think that we're going to eliminate all poverty, war and disease in the world, but when we take somebody who doesn't have good marketable job skills and we teach them auto repair, or cosmetology, or computer technology and they can go and get a good job and improve their lives and the lives of their families, we're fighting against poverty. When we take somebody and teach them political science, history, sociology and psychology so that they can understand what's going on in the world and have a broader world view and understand how people who aren't like them think, we're fighting against war. When we teach somebody math, biology, and chemistry, we're giving them the tools that they can use to go on to become a doctor, nurse, or researcher in medicine or pharmacist, and they may discover cures for disease or some medicine that's going to help the world. So, in that way we are fighting against disease.

Of course, there's no way that we're going to completely change the world but we're doing what we can. I realize that's a very idealistic way of looking at things, but education at its core is idealistic. There would be no reason to teach anything if we didn't think there was a chance for change. Through education we transfer information, we expose people to new ideas, and in the process we mess with their minds. We hope that we're messing with their minds in a way that is going to make them better people at the other end. For that reason, it's a tremendous honor for me to join everyone else here in this great experiment that we're doing of trying to educate and change the world. With that, I'll get off my soap box and get to work!

- B. **Chancellor Hunter** reminded the Board of the California Community College Trustee Conference next month in Marina Del Rey. In response to CSEA comments at the previous Board meeting regarding CSEA's concern on how the Board responded to a grievance appeal, Chancellor Hunter provided the following clarification: 1) the Board has not, in the past, communicated directly its decisions on grievance appeals, disciplinary actions, contract renewals, etc., but rather

through its administrative agents; 2) the concern regarding the reference to a denial of the grievance vs the denial of the grievance appeal is a matter of semantics, since denial of the grievance appeal also constitutes a denial of the grievance; 3) there was no impropriety in the identification of the grievant's name since it was not a personnel matter and the substance of the grievance was not disclosed. Chancellor Hunter added that in the future grievances will be identified by number and he encouraged CSEA representatives to discuss these and other concerns with him.

- C. As a part of the Chancellor's Report, **Dr. Hunter and Dr. Fleeman** led a discussion on the Master Plan Implementation Process. Dr. Fleeman conducted a presentation on the District's Capital Outlay Program, which identified the following: 1) goals of the Capital Outlay Program; 2) guiding principles; 3) scope of the \$303 million Capital Outlay Program; 4) program management responsibilities; 5) program management staffing; 6) construction management responsibilities; 7) construction management staffing; 8) consultants; 9) role of District staff; 10) role of campus staff; 11) program scope for Cypress College; 12) Cypress College priorities; 13) program scope for Fullerton College; 14) Fullerton College priorities; 15) program scope for District/School of Continuing Education; 16) priorities for District/School of Continuing Education; 17) time line for larger projects; and 18) furniture and equipment.

(See Supplemental Minutes #871 for a copy of the presentation.)

In the ensuing discussion, clarification was provided on the following: 1) insurance may be provided for contractors; 2) District staff roles will change in respect to contract oversight; 3) program managers will provide weekly/monthly reports on issues to the District and similar reports will be provided to the Board; 4) the Citizens Oversight Committee reports to the community through the Board but does not relieve the Board of its oversight responsibilities; 5) costs for program management, consultants, etc. will run about \$75+ million and will be paid from bond proceeds; 6) state-funded/scheduled maintenance projects will be coordinated by the program managers; 7) executive summaries will be provided to the Board on a monthly basis; 8) a team approach and interviews will be used in recommending program managers, construction managers, etc. to the Board; 9) within the next month a recommendation will be brought to the Board for approval of program managers; 10) within the next 60 days a recommendation will be brought to the Board for approval of construction managers, etc.; 11) bond proceeds should be in hand at the end of May; 12) bond proceeds will not be used for additional District staff; 13) going out to bid is not required for hiring those individuals/firms that provide professional expertise.

In addition, Dr. Fleeman stated that the colleges have prioritized the projects for the campuses as follows: 1) Cypress College - repair of the Piazza and construction of a Child Development Center, a Campus Center, and a permanent building for the School of Continuing Education; 2) Fullerton College - parking structures and a new classroom and faculty office building; 3) District - Anaheim Campus, relocation of the functions at the La Habra site, and renovation or replacement of facilities at the Wilshire Continuing Education Center.

During discussion, members of the Board requested 1) a discussion with staff on the Board's level of involvement in the process and 2) identification of what items are considered professional services.

- D. **Gary McGuire**, Provost of the School of Continuing Education (SCE), **Margie Lewis**, Cypress College President, and **Michael Viera**, Fullerton College President, reported on activities in their respective areas.

Dr. McGuire introduced Oscar Machado, School of Continuing Education Director of Economic Development.

9. **Comments:**

- A. **Barbara Bennett**, on behalf of United Faculty, welcomed Jeff Brown to the Board of Trustees.
- B. **Chris Terry** reported on the Joint District Management Workshop attended by staff from the four Orange County college districts.
- C. **Trustee Molly McClanahan** congratulated Pat Humpres on her promotion to Executive Secretary III in the Cypress College President's Office and expressed her gratitude for Pat's assistance while working in the Chancellor's Office.
- D. **Trustee Leonard Lahtinen** reported on the Hermosa Village Community Center inauguration and acknowledgment of the School of Continuing Education's class offerings at the Center. He also extended his gratitude to Donna Hatchett for the successful Bond Measure reception, which Donna noted was coordinated by Carol Smythe and Pat Humpres.
- E. **Board President Manny Ontiveros** also extended his congratulations to Pat Humpres on her promotion.

10. **Minutes:** It was moved by Trustee Otto Lacayo and seconded by Trustee Leonard Lahtinen to accept as submitted the minutes of the Regular Board meeting held on

March 12, 2002. **Motion carried unanimously, including the Student Trustee's advisory vote.**

FINANCE AND FACILITIES

11. **Item 3.a:** By the block vote, authorization was granted to file the Notice of Completion for PW 0001-110, with Environment Acoustic, Inc., as contractor, for the FEMA Ceiling and Lighting Retrofit at Fullerton College and Wilshire School of Continuing Education, and release the final retention payment when due.
12. **Item 3.b:** By the block vote, authorization was granted to file the Notice of Completion for PW 0102-205, with West Star Construction, as contractor, for the Cypress College Fine Arts Building Transfer Center Remodel and Campus Wide Stairwell Renovations, and release the final retention payment when due.
13. **Item 3.c:** Upon clarification on the new contract, It was moved by Trustee Molly McClanahan and seconded by Trustee Donna Miller to enter into a renewal agreement with Network Associates to cover virus protection for 3,300 instructional and administrative computers to commence March 26, 2002, until canceled at a cost of \$79,378 shared by all sites. **Motion carried unanimously, including the Student Trustee's advisory vote.**

Further authorization was granted for the District Director, Purchasing, to execute the agreement on behalf of the District.

14. **Item 3.d:** Upon clarification on the square footage of the Art Gallery and related issues with its temporary relocation, it was moved by Trustee Molly McClanahan and seconded by Trustee Nancy Rice to ratify the lease agreement for the Fullerton College Art Gallery with Bushala Brothers, Inc. for the property at 124A Wilshire Boulevard from April 1, 2002 through March 30, 2004 at \$2,200 per month, as well as the Tenant Improvement Agreement in the amount of \$8,500. The appropriate budget accounts will be charged. **Motion carried unanimously, including the Student Trustee's advisory vote.**

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

INSTRUCTIONAL SERVICES

15. **Item 4.a:** By the block vote, authorization was granted for six Cypress College nursing students to attend the following out-of-state conference:

Division/Program: Health Science Nursing Students
 Purpose: To attend the National Student Nurses Association Annual Conference
 Date: April 3-7, 2002
 Destination: Philadelphia, Pennsylvania
 Transportation: Airplane and taxi/rental car
 Cost: No direct cost to the College. All costs will be covered by the individual attendees and by money earned through fund-raising activities.

HUMAN RESOURCES

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

NEW PERSONNEL

Brown, Heather	CC	Director, Institutional Research (Management Position) 12-month position (100%) Range 18, Step F+Doctorate Eff. 4/01/2002
Heinbuch, Danielle	DIST	Personnel Specialist 12-month position (100%) Range 21C, Step B Eff. 4/08/2002
Schoepf, Julie	DIST	Administrative Secretary II 12-month position (100%) Range 36, Step C Eff. 3/18/2002

VOLUNTEER PERSONNEL WITHOUT PAY

Davis, Nadine	CC	Health Science Division Eff. 4/03/2002 - 4/07/2002
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GENERAL

17. **Item 6.a:** It was moved by Trustee Otto Lacayo and seconded by Trustee Leonard Lahtinen that the Board adopt a resolution verifying that Trustee Donna Miller was ill on March 12, 2002, and therefore, eligible to receive compensation for the Board meeting held on that date. **Motion carried unanimously, including the Student Trustee's advisory vote and with Trustee Donna Miller abstaining from the vote.**
18. **Closed Session:** At 7:25 p.m., Board President Manny Ontiveros 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 54956.8 of the Government Code: CONFERENCE WITH REAL PROPERTY NEGOTIATOR.

Property: 4175 Fairmont Blvd.
Yorba Linda, CA 92886

Negotiating Parties: Rod Fleeman

Under Negotiation: Terms and Conditions

Per Section 54957 PUBLIC EMPLOYEE PERFORMANCE EVALUATION: CHANCELLOR

19. At 8:30 p.m. Board President Manny Ontiveros reconvened the meeting in open session.
20. At 8:35 p.m., it was moved by Trustee Molly McClanahan and seconded by Trustee Donna Miller to adjourn the meeting. **Motion carried unanimously.**

Nancy Rice, Secretary
Board of Trustees