

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

September 26, 2006

The Board of Trustees of the North Orange County Community College District met for its Regular Meeting on Tuesday, September 25, 2006, at 5:30 p.m. at the Board Room at the Anaheim Campus.

President Donna Miller called the meeting to order at 5:32 p.m. and led the Pledge of Allegiance to the Flag.

**TRUSTEE ROLL CALL** - Present: Jeff Brown, Barbara Dunsheath, Michael Matsuda, Molly McClanahan, Donna Miller, Manny Ontiveros, and Student Trustees Elsa Garcia and Crystal Sandoval. Trustee Leonard Lahtinen arrived at 7:40 p.m. Absent: None.

**RESOURCE PERSONNEL PRESENT**: Jerome Hunter, Chancellor; Fred Williams, 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; Christie Wallace Noring, District Director, Public Affairs; Deborah Ludford, District Director, Information Services; Frank Smith, representing the District Management Association; Andrea Sibley-Smith, representing the School of Continuing Education Academic Senate; Steve Gold, representing the Cypress College Academic Senate; Joumana McGowan, representing the Fullerton College Faculty Senate; Dale Craig representing United Faculty; Rod Lusch, representing CSEA; Sam Russo, representing Adjunct Faculty United; and Violet Ayon, Recording Secretary.

**OTHER ADMINISTRATORS AND EMPLOYEES PRESENT**: Jim Arbogast, Nancy Byrnes, Karen Cant, Marcia Clarke, Tom Enders, Bev Harrington, Mike Kasler, Mary Rothera, Rebecca Sandoval, Frank Smith, Rick VanBeynen, and Frances Wahl from Cypress College; Gail KnifeChief, Jon Morrell, Adam O'Connor, Janet Portolan, Bob Simpson, Cynthia Wafer, Kelle Whitehurst, and Rufus Whitehurst from Fullerton College; Terry DeWitt, Marsha Elliott, Beverly Heasley, Jim Kennedy, Denise Larson, Rita Pierce, Fred Rocha, Robin San Roman, Greg Schulz, Terrie Taylor, and Chris Terry from the School of Continuing Education; Ron Beeler, Bob Davis, Tami Oh, Michele Olivier, and Dorothy Owens-Whitehurst from the Anaheim Campus.

**VISITOR**: John Bartel of Bartel & Associates.

**COMMENTS: MEMBERS OF THE AUDIENCE:**

- A. **Kelle Whitehurst** addressed the Board appealing a decision that deemed him ineligible for a position as a Campus Safety Officer. He stated he has worked as an hourly campus safety personnel for four years at Fullerton College and questioned the decision to deem him ineligible for the full-time, classified position. Board President Donna Miller referred his issue to Chancellor Hunter.
- B. **Rod Lusch**, CSEA President, submitted the following statement for the record:

On Tuesday, September 19, 2006, CSEA Chapter 167 and the North Orange County Community College District negotiating teams met as they have for the past two and one half years. During those two and a half years we have reached tentative agreements on seven articles with related appendix items, the Wage Comparability Study and have had two salary increase agreements. However, the preceding two and a half years have also been extremely frustrating for us as there are several proposals that the District's team has persistently pushed in order to get their way. These proposals are specifically intended to erode the rights and benefits of the classified employees and CSEA's ability to adequately represent its members. CSEA is not required to agree to the District's proposals nor are we required to compromise on the contract provisions at issue. Regardless, the District negotiating team persists in bringing these proposals up over and over again with no compelling argument for change and the arguments that are presented are the same ones that they have stated before. This tactic is more like harassment than negotiations.

Frustrated and eager to end these negotiations we presented the District's team with a package deal, so that CSEA Chapter 167 and the District can have a three-year successor collective bargaining agreement. In this package we have even withdrawn our last proposed item, which concerns binding arbitration for disciplinary hearings, though it is an issue that is very important to us. As for the District's remaining proposals we proposed that current contract language be left status quo. CSEA proposed that the effective date of the successor collective bargaining agreement be from July 1, 2006 and the expiration date be June 30, 2009. We summed up the package with a proposed salary increase of eight percent across the classified salary schedule.

At this the District's team claimed that per the tentative agreement on the Wage Comparability Study any salary increase must include the implementation of that study. The tentative agreement does not state this nor does it imply such a condition.

The District needs to end these evasive and abusive negotiating tactics and settle on a three-year contract now.

Thank you for the opportunity to speak and your attention.

- C. **Marcia Clarke** addressed the Board with her disappointment regarding the lengthy classified negotiations. She stated that in the spirit of good faith classified employees took on additional responsibilities during the classified layoffs that took place a while back. She asked the Board for its compassion and ethics in dealing with classified negotiations.
- D. **Cynthia Wafer**, from Fullerton College, addressed the Board with her concerns regarding classified staff negotiations. She expressed concerns over the District's proposals that would take away unused vacation and hinder union representation for classified staff. She urged the District's return to the negotiating table.
- E. **Frances Wahl**, from Cypress College, addressed the Board expressing 1) CSEA's desire for a fair contract, 2) concern for the offices that are understaffed – needing more classified personnel, and 3) CSEA's request for the Board's support.
- F. **Vice Chancellor Jeff Horsley** responded to the statements made by the CSEA leadership and classified employees. Specifically, he clarified the following: 1) the District has never advocated that employees not be allowed to take their earned vacation nor to forfeit unused vacation leave – the District has attempted to discuss with CSEA ways to deal with an approximate one-half million dollar liability attributed to years of accumulated unused vacation beyond the limit in CSEA's current contract; 2) the District has never advocated suppressing the ability of job stewards to represent unit members or hinder union representation – the District has proposed the development of contract provisions, which would identify who is entitled to release time, for what purpose, and how much release time; and 3) the District has not proposed to eliminate the right of classified employees to union representation in harassment cases – the District has proposed that unlawful discrimination complaints not be subject to the contractual grievance process as the District's collective bargaining agreements with the other two unions exclude unlawful discrimination complaints from the grievance process, which is more aligned with changes in the law.

In closing, Mr. Horsley stated that the District was surprised when during a negotiation session CSEA suddenly proposed a flat across-the-schedule increase omitting any mention of the application of the wage comparability study, which CSEA previously requested and finalized in an August negotiations session. The understanding was that the wage comparability study, once ratified by the CSEA membership, would be considered as part of the 2006-07 salary negotiations.

**BLOCK VOTE APPROVAL:** It was moved by Trustee Michael Matsuda and seconded by Trustee Barbara Dunsheath that the following items be approved by block vote:

Finance & Facilities: 3.a  
 Instructional Resources: 4.a  
 Human Resources: 5.a, 5.b, 5.c

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

**REPORTS:**

- A. **Honor Cypress College and School of Continuing Education (SCE) Employees of the Year:** As a part of the Chancellor's Report, the following individuals were honored:

Cypress College Classified Employee: Dan Stephens, Instructional Assistant, Visual Arts Department.

SCE Manager of the Year: Rita Pierce, Program Assistant, Kid's College/Parenting/Physical Fitness.

SCE Classified Employee of the Year: Quamrul Shahid, IT Specialist, Academic Computing.

SCE Faculty of the Year: Fred Rocha, Academic Computing.

SCE Adjunct Faculty of the Year: Helen Lent, Academic Computing.

- B. **Sabbatical Reports:** As a part of the Chancellor's Report, the following sabbatical reports were presented:

1. "Best Practices in Adult Basic Skills," by Marsha Elliott from the School of Continuing Education High School Program. Ms. Elliott traveled over 2700 miles, visiting eight community colleges throughout California, attended conferences, etc. in obtaining valuable information for instruction of adult learners.
2. "Interdisciplinary Contexts for Teaching Poetry," by Melanie Nabahani from the Cypress College Language Arts Division. Ms. Nabahani enhanced her knowledge and ability with additional education in order to be able to offer interdisciplinary approaches to teaching art, language, and history.
3. "Visiting Classical and Geological Sites in Europe and North America," by Richard Lozinsky from the Fullerton College Natural Science Division. His travels allowed him to take photographs and collect specimens from many of the geological sites included as a part of his classroom instruction. In addition, this afforded him the opportunity to develop the textbook entitled Developed Geology of Orange County, which is now used in his class.

- C. **Retiree Benefits Actuarial Study:** Also included in the Chancellor's Report, was a presentation by John Bartell of Bartell & Associates on the District's Retiree Healthcare Actuarial Study. The study includes four scenarios for the District to consider for responding to new financial reporting standards established under Governmental Accounting Standards Board Statement No. 45. Known as GASB 45, these new standards will require the District to account for retiree healthcare benefits on an accrual basis as benefits are earned by retirees. Historically, the District has

accounted for these benefits as they were paid, resulting in what is commonly referred to as the unfunded liability for past service.

The Actuarial Study shows that the Districts retiree healthcare Present Value of Benefits is \$221 million (with a 4.5% return on investment of plan assets). Former employees who already have retired account for \$80 million of this total. The Actuarial Liability, or the value of benefits earned by participants, is \$158 million (with a 4.5% return on investment). Again, employees who already have retired account for \$80 million of this total. The Normal Cost, or the portion of the present value of benefits expected to be earned by retirees during 2006-07, is \$5.5 million and represents 6.9% of the Districts base payroll. Bartel said this annual cost is expected to double during the next 10 years when about one third of the Districts employees will reach the Districts average retirement age of about 61.

In the ensuing discussion, the Board noted that many decisions are yet to be made and many more options need to be considered in contributing to the unfunded liability. The Board encouraged staff to continue pursuing resolution to this issue and requested monthly updates on progress made.

(See Supplemental Minutes #968 for a copy of the presentation.)

- D. **Gary McGuire**, School of Continuing Education Provost; **Margie Lewis**, Cypress College President; and **Kathie Hodge**, Fullerton College President, reported on activities in their respective areas.

#### COMMENTS:

- A. **Andrea Sibley-Smith** extended an invitation to the Board and Resource Table Personnel to attend the State Academic Plenary Session in Newport Beach October 26 and 27, 2006.
- B. **Sam Russo** extended ADFAC's gratitude to those Board members and administrators who attended ADFAC's recent Back-to-School Bash.
- C. **Student Trustee Crystal Sandoval** reported on Fullerton College Associated Student activities.
- D. **Student Trustee Elsa Garcia** reported on Cypress College Associated Student activities and her involvement in statewide activities. She added that the Associated Students supports classified staff and appreciates their dedication to students.
- E. **Trustee Leonard Lahtinen** requested an update on Cypress College's Tech. Ed. Building expected renovation completion date.
- F. **Trustee Molly McClanahan** commended ADFAC's Back-to-School Bash.

**MINUTES:** It was moved by Trustee Manny Ontiveros and seconded by Trustee Jeff Brown that the minutes of the Regular Meeting of September 11, 2006, be approved as submitted. **Motion carried unanimously, including the Student Trustees' advisory votes.**

**FINANCE & FACILITIES:**

**Item 3.a:** By the block vote, the Board ratified the current change orders for the public works projects listed per the Change Order Request, with a total of \$51,906.63.

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

**INSTRUCTIONAL SERVICES:**

**Item 4.a:** By the block vote, the Board authorized the receipt of new revenue for the Cypress College and Fullerton College Financial Aid Offices and adopted resolutions to accept new revenue, establish budgets, and authorized expenditures within the Financial Aid Fund, pursuant to the California Code of Regulations Title 5, Section 58308.

Further authorization was granted for the Vice Chancellor, Finance and Facilities, and the District Director, Fiscal Affairs, to execute any agreements and related documents and any amendments to modify the agreements on behalf of the District.

SITE	PROJECT NAME	LENGTH OF CONTRACT	TOTAL CONTRACT	AUTHORIZED SIGNATORIES ON BEHALF OF DISTRICT
CC	United States Department of Education Academic Competitiveness Grants (ACG)	07/01/06-06/30/07	\$73,987	<u>For the agreements and any amendments to modify the agreement, and any related documents:</u> Chancellor; Vice Chancellor, Finance and Facilities; or District Director, Fiscal Affairs
FC	United States Department of Education Academic Competitiveness Grants (ACG)	07/01/06-06/30/07	\$98,131	<u>For the agreements and any amendments to modify the agreement, and any related documents:</u> Chancellor; Vice Chancellor, Finance and Facilities; or District Director, Fiscal Affairs

**HUMAN RESOURCES:**

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

RETIREMENTS

Berger, Ellen	CC	Art Instructor Eff. 06/01/2007 PN CCF983
Harkrider, James	CC	Biological Science Instructor Eff. 01/01/2007 PN CCF906
Williams, Susan	CC	Nursing Instructor Eff. 06/01/2007 PN CCF775

RESIGNATION

Chin, Penny	CC	Nursing Instructor Eff. 01/01/2007 PN CCF961
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**Item 5.b:** By the block vote, authorization was given for the following classified personnel resignation:

Carter, Patricia	CC	Accounting Technician (100%) Eff. 9/18/2006 PN CCC892
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**Item 5.c:** By the block vote, authorization was given to employ hourly personnel 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 #968 for a listing of hourly personnel.)

**GENERAL:**

**Item 6.a:** It was moved by Trustee Leonard Lahtinen and seconded by Trustee Manny Ontiveros that the Board appoint Trustee Michael Matsuda as the Board's representative and Wayne Wedin as the District's community representative to the Orange County Community College Legislative Task Force for the 2006-07 year. **Motion carried unanimously, including the Student Trustees' advisory votes.**

**Item 6.b:** The Board received and reviewed the Cypress College Accrediting Commission for Community and Junior Colleges Progress Report, which is due to the Accrediting Commission for Community and Junior Colleges, Western Association of Schools and Colleges, on October 15, 2006.

**Item 6.c:** The Board received and reviewed the Fullerton College Accreditation Progress Report, which is due to the Accrediting Commission for Community and Junior Colleges, Western Association of Schools and Colleges, on October 15, 2006.

**CLOSED SESSION:** At 8:30 p.m., Board President Donna Miller adjourned the meeting to closed session in honor of Steve Arbaugh, a District-wide custodian for 24 years who recently passed away. Closed session was held 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 of the Government Code: PUBLIC EMPLOYEE PERFORMANCE EVALUATION - CHANCELLOR.**

**Per Section 54956.9(a)(c): PENDING LITIGATION: Advice from Legal Counsel Regarding Pending Litigation and Related Government Code Claim.**

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

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

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Manny Ontiveros, Secretary  
Board of Trustees