

**APPROVED**

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

March 27, 2007

The Board of Trustees of the North Orange County Community College District met for its Regular Meeting on Tuesday, March 27, 2007, at 5:30 p.m. at the Board Room at the Anaheim Campus.

President Jeff Brown called the meeting to order at 5:37 p.m. and led the Pledge of Allegiance to the Flag.

**TRUSTEE ROLL CALL** - Present: Jeff Brown, Barbara Dunsheath, Leonard Lahtinen, Molly McClanahan, Donna Miller, Manny Ontiveros, and Student Trustee Crystal Sandoval. Student Trustee Elsa Garcia arrived at 5:45 p.m. Absent: Michael Matsuda.

**RESOURCE PERSONNEL PRESENT**: Jerry Hunter, Chancellor; Jeff Horsley, Vice Chancellor, Human Resources; Fred Williams, Vice Chancellor, Finance & Facilities; Kathie Hodge, President, Fullerton College; Margie Lewis, President, Cypress College; Gary McGuire, Provost, School of Continuing Education; Christie 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 ADFAC; and Sandy Cotter, Recording Secretary.

**OTHER ADMINISTRATORS AND EMPLOYEES PRESENT**: Ron Beeler, Claudette Dain, Richard Oberlin, Tami Oh, L. Carl Peters, John San Roman, Debbie Valentine, and Dorothy Owens Whitehurst from the District Offices; E. Cervantes, Andrea Hanstein, Chris Lamm, Linda Lozano, Jefferson Miller, Mike Moore, Masumi Oberlin, Adam O'Connor, and Janet Portolan from Fullerton College; Michael Bird, Nancy Byrnes, Lisa Clark, Virginia Derakhshanian, Ken Giermek, Bev Harrington, Tracey Heine, Alan Ransom, Rebecca Sandoval, and Cathy San Roman from Cypress College; and Terry Dewitt, Martha Gutierrez, Beverly Heasley, Jim Kennedy, Marla Mallacove, Tom Parisi, Jennifer Perez, Greg Schulz, and Terrie Taylor from School of Continuing Education.

**VISITOR**: Amir Marshall.

**COMMENTS: MEMBERS OF THE AUDIENCE:**

A. **Rod Lusch**, CSEA Chapter 167 President, submitted the following statement for the record:

Let me begin by saying that I am pleased that the Board of Trustees has finally shared their collective opinions on negotiations between CSEA and the District. Tonight I will be addressing the letter you sent to the NOCCCD classified employees on March 21. Tomorrow we will be sending out a rebuttal to Trustee Dunsheath's letter to the Cypress *Chronicle* and this statement to those same classified employees.

In the Board of Trustees letter to classified employees it was stated that the District offered CSEA a 7% salary increase across the schedule, retroactive to July 1, 2006. You stated that you had offered to separate the salary issue from the other issues at impasse and proceed immediately implementing the salary increase. What you failed to mention is that we had initially proposed 8% to which the District countered 5.92% (COLA). After a few more exchanges you finally offered 6% and claimed that the District couldn't possibly afford to pay more. CSEA declared impasse on December 12, 2006. Your offer of 7% was made on January 25, 2007 and that offer was presented as "Last, Best and Final." On February 9, 2007 CSEA responded to your last best and final salary proposal stating that we felt that any discussion without a mediator would end with results similar to those of the last thirty months of negotiations. In short we don't trust you. We are presently in discussions with the District and the mediator regarding salary. It is possible that we could achieve a salary agreement separate of the other issues if we find a settlement that is mutually satisfactory.

You also claimed that in the District's vacation leave proposal that the intent is not to impose anything on the employee. I quote, "Ultimately, employees with accumulated excess vacation leave will either be able to use it or will be paid for it." This proposal looks just as appealing to us now as it did the first of many times that CSEA proposed this solution to the District. Strangely, when CSEA last proposed this on Thursday, March 15 the District said that under no circumstances would they agree to a solution where the District may wind up paying for the vacation. I can assure you that CSEA is prepared to agree to what is described in your letter to be the District's current proposal with regards to excess carryover vacation leave at our next scheduled meeting this Friday.

Board Policy puts the District in charge of discrimination investigations. In a perfect world I suppose that would be fine but it isn't a perfect world. The District would undoubtedly have the legal firm it contracts with perform the investigation. That legal firm could have financial incentive to perform the investigation in a manner that may be skewed for the District. There can be no guarantee that an employee's complaint would be dealt with impartially or free from bias. Grievances are an attempt to settle disputes at the local level and the remedy can only be to make the employee whole. Grievances don't necessarily go to arbitration and even when they do the result would not be an award for compensatory damages. There is no double jeopardy because seeking litigation beyond contractual processes would not be for the same purpose. You stated that classified employees would still have the right to seek CSEA representation

in discrimination complaints but if the grievance process can't be utilized, then there is no CSEA representation to be had.

Finally, with regards to release time GC3543.1 ( c) states, "A reasonable number of representatives of an exclusive representative shall have the right to receive reasonable periods of released time without loss of compensation when meeting and negotiating and for the processing of grievances." While the word reasonable is open to interpretation what the District is proposing is extreme. It could probably be said that current contract language regarding Job Steward release time is fairly liberal but what the District proposes to do is so restrictive that it appears to be designed to intimidate employees from wanting to serve in that capacity. Currently CSEA has eight Job Stewards. Last year we had six and in previous years we have had as many as thirteen. The number of Job Stewards that we have does not equate to the number of grievances filed or release time taken. The District has asked that if we never have a lot of Job Stewards then why not restrict the number you could have? We are asking, that if you recognize that we never have a lot of Job Stewards when why are you trying to restrict the number we could have?

Also, notably not mentioned are the other representational issues beyond Job Stewards, such as participatory governance committees, which the District would also like to restrict.

CSEA hopes that an agreement can be reached with the District on all remaining issues and we are encouraged by the progress that has taken place since the mediator became involved. It is unfortunate that you don't seem to share our enthusiasm.

- B. **Bev Harrington**, from Cypress College, addressed the Board on her commitment to being a classified employee and the value of classified staff to the District's purpose.
- C. **Chris Lamm**, from Fullerton College, invited the Board and resource table staff to Kinderkaminata at Cypress and Fullerton colleges on March 30, and thanked the Chancellor and College Presidents for their ongoing support of the event.

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

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

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

**REPORTS:**

- A. Under the Chancellor's Report, Cypress College President **Margie Lewis** announced that the Cypress College Culinary Arts Program, located at the Anaheim Campus, had received the County of Orange Award of Excellence from the Environmental Health Division, and recognized several department and campus staff members whose assistance contributed to this award. Faculty member and Culinary Arts Program Coordinator **Michael Bird** expressed his appreciation for the recognition by the Board.
- B. Included in the Chancellor's Report, **Martha Gutierrez**, Manager, Career and Technical Programs from the School of Continuing Education, conducted a presentation entitled "Career Technical Education Programs." The overview of career pathways and program sequences highlighted three certificate programs, including Administrative Assistant, Early Childhood Education, and Pharmacy Technician. The Pharmacy Technician Certificate Program recently won a 2006 Exemplary Program Honorable Mention Award from the California Community College Board of Governors.
- C. Also included in the Chancellor's Report, Vice Chancellor **Fred Williams** and **Claudette Dain**, District Director, Fiscal Services, led a review of the 2007-08 Tentative Budget Assumptions. Discussion on possible budget priorities for the Board to consider followed. **Trustee Manny Ontiveros** emphasized the promise of retiree medical benefits for current and future staff as a priority.
- D. **Kathie Hodge**, Fullerton College President; **Margie Lewis**, Cypress College President; and **Gary McGuire**, Provost of the School of Continuing Education, reported on activities from their respective areas.

As part of her report, Dr. Hodge announced the Journalism Department won several awards for *The Hornet* student newspaper, as well as *The Torch* magazine, at the Journalism Association of Community Colleges Conference last week. In addition, the Extended Opportunities, Programs and Services (EOPS) program placed first at the recent Region 8 Title V Competition.

#### COMMENTS:

- A. **Steve Gold**, President, Cypress College Academic Senate, distributed the latest edition of the State Academic Senate magazine *Rostrum*.
- B. **Sam Russo**, President, Adjunct Faculty United, reported that Adjunct Faculty United recently won two membership growth awards at the California Federation of Teachers (CFT) Convention and that he has been re-elected to a vice president position within CFT.
- C. **Student Trustee Crystal Sandoval** reported on Fullerton College activities, including Associated Students elections in April.
- D. **Student Trustee Elsa Garcia** reported on Cypress College activities, including her participation this week in a career technology training workgroup at the state level.

- E. **Trustee Manny Ontiveros** reported on his recent participation at a Fullerton College Puente Program event.
- F. **Trustee Leonard Lahtinen** reported that **Trustee Donna Miller** has been named Citizen of the Year by the Buena Park Rotary Club. He also noted that the *Orange County Register* had recently reported a story on the Fullerton College Associated Students effort to ban smoking on campus.
- G. **Board President Jeff Brown** reported that **Trustee Molly McClanahan** was featured as one of the 25 most influential people in Orange County by *North Orange County Magazine*. He also congratulated the Fullerton College Theater Department on their recent production of Hair.

**MINUTES:** It was moved by Trustee Leonard Lahtinen and seconded by Trustee Manny Ontiveros that the minutes of the Regular Meeting of March 13, 2007, 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 \$46,033.

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

**Item 3.b:** By the block vote, authorization was granted to enter into a contract with Blackboard for a course management system for the Cypress College Distance Learning Program in the amount of \$166,410. The term of the contract would be 14 months, beginning March 30, 2007, and going through June 1, 2008, and may be renewed annually.

Further authorization was granted for the District Director, Purchasing, to execute the contract on behalf of the District. A copy of the contract is on file in the District's Business Office.

**Item 3.c:** After clarification of the five percent contingency being requested to cover authorized but unexpected expenses, and the explanation on the hourly rate determination, it was moved by Trustee Molly McClanahan and seconded by Trustee Donna Miller that the Board enter into an agreement with C.W. Driver for an amount not to exceed \$1,705,000 to provide construction management services at Cypress College, retroactive to February 1, 2007, through April 30, 2008. **Motion carried unanimously, including the Student Trustees' advisory votes.**

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

**INSTRUCTIONAL RESOURCES:**

**Item 4.a:** By the block vote, the Board accepted new revenue and authorized adjustments to expenditure and revenue budgets. The Board adopted resolutions to accept new revenue, establish and/or adjust budgets, and authorized expenditures with the General Fund pursuant to the California Code of Regulations Title 5, Section 58308.

Further authorization was granted for the Vice Chancellor, Finance and Facilities, or the District Director, Fiscal Affairs, to execute any agreements and related documents or 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	California Community Colleges Chancellor's Office Categorical Programs  Final Allocation Adjustments CalWORKs Matriculation	07/01/06-06/30/07	\$125,282  \$180,529	For the agreements and any amendments to modify the agreement, and any related documents: Chancellor, or Vice Chancellor, Finance and Facilities, or District Director, Fiscal Affairs
CC	California Integrated Waste Management Board – Tire-Derived Product Grant	01/27/07-03/31/09	\$27,111	For the agreements and any amendments to modify the agreement, and any related documents: Chancellor, or Vice Chancellor, Finance and Facilities, or District Director, Fiscal Affairs
CC	California Community Colleges System Office Career Technical Education Teacher Preparation Grant	03/01/07-05/31/08	\$160,534	For the agreements and any amendments to modify the agreement, and any related documents: Chancellor, or Vice Chancellor, Finance and Facilities, or District Director, Fiscal Affairs

**Item 4.b:** By the block vote, the Board approved the School of Continuing Education summary of new certificate program and course sequence titles, to be effective summer trimester, 2007. **Motion carried unanimously, including the Student Trustees' advisory votes.**

(See Supplemental Listing #978 for a copy of the curriculum listing.)

**HUMAN RESOURCES:**

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

RETIREMENT

Crabbs, Heidi

FC Foreign Language Instructor  
Eff. 05/26/2007  
PN FCF941

TEMPORARY REASSIGNMENT

Cant, Karen	CC	Interim Vice President, Educational Support and Planning Range 37, Step E Management Salary Schedule Eff. 07/01/2007-06/30/2008 PN CCM994
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LEAVE OF ABSENCE WITHOUT PAY

Bangerter, Renee	FC	English Instructor Personal Leave (100.00%) Eff. 2007-2008 Academic Year
Lowe, Claudia	FC	Geography Instructor Personal Leave (10.00%) Eff. 2007 Spring Semester

LEAVE OF ABSENCE WITH PAY

Bowers, Robert	FC	Business Instructor Load Banking Leave From: 20.00% To: 60.00% Eff. 2007 Spring Semester
Clahane, Dana	FC	Mathematics Instructor Load Banking Leave (73.33%) Eff. 2007 Spring Semester

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

RETIREMENT

Leonardo, Manuel	CC	Facilities Custodian I (100%) Eff. 5/09/2007 PN CCC908
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**Item 5.c:** By the block vote, the Board authorized the employment of hourly personnel for the dates indicated.

(See Supplemental Minutes #978 for a copy of the hourly personnel listing.)

**GENERAL:**

**Item 6.a:** The Board accepted for a first reading proposed new Board Policy 2200, Board Duties and Responsibilities, and revised Board Policy 2715, Code of Ethics/Standards of Practice. The Board requested that section 3.0 of Board Policy 2715, Code of Ethics/Standards of Practice be changed from an ad hoc committee of two to three trustees. These two items will be considered for action by the Board at the meeting of April 24, 2007.

**Item 6.b:** Upon clarification on the priority order and types of leave available, the Board accepted for a first reading proposed new Board Policy 7340, Family Medical Leave. This item will be considered for action by the Board at the meeting of April 24, 2007.

**Item 6.c:** It was moved by Trustee Manny Ontiveros and seconded by Trustee Donna Miller that the Board mark its ballot for incumbents Luis Villegas, Maria Elena Serna, Donald L. Singer, Georgia L. Mercer, Jeanette Mann, Rosanne Bader, Tom Clark, Walter G. Howald, Charles H. Hayden, Andre Quintero, and Bob Hughlett in the California Community College Trustees Board of Directions Election. **Motion carried unanimously, including the Student Trustees' advisory votes.**

**CLOSED SESSION:** At 7:29 p.m., Board President Jeff Brown 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.**

**RECONVENE OPEN SESSION:** At 9:24 p.m., Board President Jeff Brown reconvened the meeting in open session.

**ADJOURNMENT:** At 9:26 p.m., it was moved by Trustee Molly McClanahan and seconded by Trustee Manny Ontiveros to adjourn the meeting. **Motion carried unanimously.**

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Prepared by Recording Secretary for  
Leonard Lahtinen, Secretary, Board of Trustees