## Governing Board

### 2013 Meeting Minutes

*Click on specific date to view minutes - Press Home key on your keyboard to return to this page*

<table>
<thead>
<tr>
<th>Date</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 8</td>
<td>June 11</td>
</tr>
<tr>
<td>January 9</td>
<td>July 9</td>
</tr>
<tr>
<td>(Special Meeting)</td>
<td>August 13</td>
</tr>
<tr>
<td>January 22</td>
<td>August 24</td>
</tr>
<tr>
<td>February 12</td>
<td>September 10</td>
</tr>
<tr>
<td>February 14</td>
<td>(Special Meeting)</td>
</tr>
<tr>
<td>(Special Meeting)</td>
<td>October 8</td>
</tr>
<tr>
<td>February 26</td>
<td>October 22</td>
</tr>
<tr>
<td>March 12</td>
<td>November 12</td>
</tr>
<tr>
<td>April 9</td>
<td>November 26</td>
</tr>
<tr>
<td>April 23</td>
<td>December 10</td>
</tr>
<tr>
<td>May 14</td>
<td>December 11</td>
</tr>
<tr>
<td>May 28</td>
<td>December 13 (Minutes)</td>
</tr>
</tbody>
</table>

*Carver's Model Attachment 1  
Carver's Model Attachment 2*
A. CALL MEETING TO ORDER

President Cruz called the Regular Meeting of the Governing Board of the San José-Evergreen Community College District to order on Tuesday, January 8, 2013, at the District Office Board Room, 4750 San Felipe Road, San Jose, CA 95135.

Board Members Present:
Ms. Mayra Cruz
Mr. Balbir Dhillon
Ms. Maria Fuentes
Dr. Jeffrey Lease
Ms. Wendy Ho
Mr. Craig Mann
Mr. Rudy Nasol

Board Members Excused:
None

B. APPROVAL OF CLOSED SESSION AGENDA

M/S/C (Nasol/Lease) to approve the Closed Session agenda.

C. PUBLIC COMMENTS ON CLOSED SESSION AGENDA

There were no public comments.

D. RECESS TO CLOSED SESSION TO CONSIDER AND/OR TAKE ACTION UPON ANY OF THE FOLLOWING ITEMS

The Board recessed to Closed Session at 4:30 p.m. to consider the following items:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS
(Government Code Section 54956.8)
Property: 40 South Market Street, San Jose, CA
District’s Negotiator(s): Mr. Jim Eller
Names of Negotiating Parties: Mr. Michael Speers
Under Negotiation: ( ) Price  ( ) Terms of Payment  ( X ) Both

CONFERENCE WITH LABOR NEGOTIATORS
(Government Code Section 54957.6)
District Negotiator(s): Kim Garcia
Employee Organization: CSEA

E. RECONVENE INTO OPEN SESSION

The public session was reconvened at 6:00 p.m.

Board Members Present:
Ms. Mayra Cruz
Mr. Balbir Dhillon
Ms. Maria Fuentes
Dr. Jeffrey Lease
Ms. Wendy Ho
Mr. Craig Mann
Mr. Rudy Nasol
Mr. Mike Casas
Mr. Shawn Sieu-Nguyen

Board Members Excused:
None

1. PLEDGE OF ALLEGIANCE

Student Trustee Casas led the Board and members of the audience in the Pledge of Allegiance to the Flag.

2. ADOPTION OF AGENDA

M/S/C (Nasol/Ho) to adopt the agenda as amended:

Consent Agenda Item F-7 was moved to the Action Agenda, as Item H-2, for discussion and separate vote.

Corrections were made to the Consent Agenda.

3. ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION

No reportable actions were taken in Closed Session.

4. PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

The Board heard public comments from Mr. Larry Harris regarding SJCC’s social media club and SJCC Instructor, Dan McElroy, who expressed his appreciation for the overall excellent support from ITSS, with the exception of the lack of support for Moodle.
Minutes of January 8, 2013, Governing Board Meeting

6. **APPROVAL OF THE DECEMBER 7 AND DECEMBER 11 2012, GOVERNING BOARD MEETING MINUTES**

   M/S/C (Dhillon/Ho) to approve the above listed meeting minutes.

F. **CONSENT AGENDA**

1. **ADOPTION OF THE CONSENT AGENDA**

   The Board heard a public comment from SJCC Academic President Heimler, who expressed concern that the proper search committee process was not adhered to in the Employment action indicated in Item F-2a, Police Services Lieutenant. He distributed copies of a letter to some Trustees. Vice Chancellor Garcia responded that the recommendation of the search committee was taken into consideration; however, no confidential personnel information would be discussed at the board meeting.

   M/S/C (Mann/Lease) to approve the Consent Agenda as amended. Trustee Fuentes abstained.

   Item F-3 – Faculty Personnel Actions-Regular was pulled from the agenda.
   Item F-4-2a – Classified Personnel Actions – New Hire – Employment of Purchasing Agent was pulled from the agenda.
   Item F-7 was moved to Action Agenda H-2. There was also a correction under Fund 16 – i.e., under the “increase column” the amount should add to $1,014, not $700 as indicated in the document.

2. **MANAGEMENT PERSONNEL ACTIONS**

   The Board approved the Management Personnel Actions as submitted.

3. **FACULTY PERSONNEL ACTIONS – REGULAR**

   This item was removed from the agenda.

4. **CLASSIFIED PERSONNEL ACTIONS**

   The Board approved the Classified Personnel Actions as amended.

5. **HOURLY, STUDENT WORK AND VOLUNTEER PERSONNEL ACTIONS**

   The Board approved the Short-Term Hourly, Substitute, Professional Expert & Athletic Support Services, Student Assistant and Volunteer personnel actions as submitted.

6. **RATIFICATION OF CONTRACTS AND PURCHASE ORDERS**

   The Board ratified the contracts and purchase orders for the period of November 10, 2012, through December 9, 2012.
7. **DISTRICT BUDGET TRANSFERS AND REVISIONS**

This item was moved to the Action Agenda as Item H-2.

8. **AWARD OF CONTRACT FOR BID PROPOSAL FOR #12-1203 AUDIO VISUAL EQUIPMENT FOR ART COMPLEX AT EVC**

The Board awarded the contract of Bid Proposal #12-1203 Audio Visual Equipment for Art Complex at EVC to the listed vendors within the agenda item.

9. **CURRICULUM RECOMMENDATION FOR SAN JOSE CITY COLLEGE**

The Board approved the new courses proposed by San Jose City College.

10. **CURRICULUM RECOMMENDATION FOR EVERGREEN VALLEY COLLEGE**

The Board approved the new courses proposed by Evergreen Valley College.

G. **ORAL COMMUNICATIONS**

a. **Board of Trustees**

SJCC Student Trustee Casas reported that SJCC Associated Students is now reviewing applications for the book loaning program. He also reported his hopes that this would be his last semester at SJCC as he is hoping to transfer to San Jose State University.

EVC Student Trustee Sieu-Nguyen wished everyone a Happy New Year and reported that Intercession is going well. He also stated he is working to ensure EVC students will have VTA Ecopass available next year.

Trustees Nasol, Mann and Dhillon wished everyone a Happy New Year as well.

Trustee Ho thanked Chancellor Cepeda for keeping the Board in the information loop regarding the potential shooter at San José City College; which, thankfully, ended up not being a real threat to campus safety.

President Cruz thanked Gilbane staff, President Yong and Vice President Gee for being camped around the campus to ensure things went smoothly during the 21kV project upgrade. She thanked SJCC leadership, especially President Kavalier and Chief Aguirre who responded on behalf of students and employees during the December 18 incident at San José City College. This is a learning process in which we can learn how to perform better in such circumstances. She also thanked Mr. Sam Ho for his administrative support of the Board Student Success Committee. It was also great to review the newsletter sent by Dr. Hawley and her research team. This is an excellent way to report the data of interest to all of us.
b. Chancellor

Chancellor Cepeda reported on the December 18 “active shooter” incident at San José City College. She commended SJCC administration, faculty and students for their excellent response to the situation. Special recognition is due to our Campus Police for their “textbook response” and their close collaboration with the San José Police Department. The district learned much from this event, and we have identified those areas where we need to improve. A task force headed by Chief Aguirre has already met to identify priorities and solutions designed to improve our response. She also commended President Kavalier and her executive team, in particular, for their leadership and effective handling of the situation and district staff for their support in handling communications and media inquiries. The Emergency Preparedness and ALICE training we have conducted certainly paid off, and we are now ready to take the next steps in an ongoing process designed to ensure continued improvement. To this end, a special session on emergency preparedness and campus safety is scheduled on January 25, 2013, as part of our Professional Development Day Program.

The EVC 21kV shutdown and retrofit project has been a lesson in logistics, collaboration, cooperation and the ability to handle the unexpected. To date several key activities and milestones have been met, and we are on target to reopen and energize the feeders on January 21 as expected.

Our Administrative Services Division and Gilbane staff have worked continuously to complete the due diligence report to ensure an informed decision on the part of this Board regarding the acquisition of the 40 S. Market Street property as a future site for the District Office. She commended Vice Chancellor Smith and also thanked the Board for the time they took to review all aspects of this process and for requesting clarification in a number of areas.

c. Presidents

EVC President Yong reviewed the 21kV project process and the difficulty it posed by moving EVC staff to work in two buildings where classes would also be held. He thanked Vice President Gee and the other administrators who worked hard to ensure that EVC could function during this very massive undertaking. So far, all is going well with the project.

SJCC President Kavalier thanked Chief Aguirre and the administrators, staff, and faculty for their response during the December 18 incident at the college. It was very impressive that 120 people at SJCC participated in the active shooter training event, and this preparation helped everyone to respond appropriately during the incident.

d. Constituency Group Representatives

SJCC Associated Students Region IV Chuck Stevens reported the AS is learning time management skills, and this is helpful during the very busy semester ahead. The group is now learning from each other.
MSCC President Lauren McKee read a letter on behalf of herself as an employee of the district and Black Community Member in which she thanked Chancellor Cepeda for the initial findings report regarding the November 22, 2012 theft incident at San José City College. She commended Chancellor Cepeda for meeting with community members and President Kavalier for facilitating a meeting of those who were impacted so there could be healing. She asked the Board to allow Chancellor Cepeda and all involved to continue the investigation and allow for a recommendation to come to the Board before any further decisions are made.

SJCC Academic Senate President Heimler discussed his experience of being in lockdown in the Learning Resources Center during the December 18 incident at San José City College. He stated that although active shooter training had taken place at the college, faculty and administrators need more training to deal with such an incident. He also thanked Vice Chancellor Garcia for providing an EAP person to be present at the college the next day.

EVC Academic Senate President Eric Narveson reported on how difficult it is to conduct 20 sections in the two buildings currently operating at the EVC campus. He thanked the administration, especially Vice President Gee, for working on the logistics to make this happen.

CSEA President Jan Tomisaka announced the Chapter officers for 2013-2014 as follows:

- President – Jan Tomisaka
- 1st Vice President – Gene Heck, SJCC
- 2nd Vice President – David Micetich, EVC
- Secretary – Marjorie Rico
- Chief Job Steward – John Thompson

H. ACTION AGENDA

1. **MEASURE G-2010 BOND PROGRAM UPDATES, HIGHLIGHTS, SUMMARY REPORTS, CONTRACTS, AND PROJECT ASSIGNMENT AMENDMENTS**

Trustee Nasol expressed concern about the Board recommendation to accept Information items and approve Action Items in one board agenda item. He felt those two actions should be separate, and he asked for clarification of the process. President Cruz answered that this process was developed at the request of the Board so that the information which pertains to the required actions would be kept together to avoid confusion. Vice Chancellor Smith also explained how the process was developed over time until the format used in this agenda was agreed upon. President Cruz requested that administration continue to work to develop a format that is less confusing to Board members. Trustee Mann stated that, although this format is not one he is familiar with, he is willing to work with it if it is comfortable to the majority of Board members. Trustee Lease mentioned that it took about a year to get to this place, and the Board has the option of pulling an item where they have questions or problems so they could discuss it and have a separate vote, if necessary. However, the current format is one that seems to work well for the
Ms. Ann Kennedy, Consultant, Citizen’s Bond Oversight Committee, reviewed the Monthly Measure G-210 Summary Report through December 31, 2012. She provided a detailed explanation of the information contained in each column.

M/S/C (Dhillon/Lease) to accept the Monthly Measure G-210 Summary Report through December 31, 2012. Trustee Nasol voted no.

Vice Chancellor Smith reviewed the items contained in B-1 and B-2.

Trustee Dhillon inquired about how much fencing was added in Change Order No. 1. Vice President Gee answered that it was decided additional fencing was needed in the back of the campus because people were walking through the plastic fencing being used to close off that section. Therefore, the chain link fencing was extended to further secure the area. Vice President Gee also stated that additional signage was needed during the time EVC is registering students. Trustee Dhillon expressed concern that this additional work may have impacted the bidding process. There should be a set price for the fencing and signage needs of the project. Trustee Nasol agreed that fencing and signage fees were contained in the original scope of work. Chancellor Cepeda answered that the Change Order came as a result of a request from the college and, therefore, was not included in the original bid. However, we do need to identify the factors that would result in a Change Order. In the future, administration will add these details in the Change Order document.

Vice Chancellor Smith read each resolution included in H-1, Section B.

M/S/C (Mann/Nasol) to approve:

PAA SJCC-03 to Salas O’Brien Engineers in the amount of $180,000 for Designer/Engineer of Record Services for Project #31110 Utility Extension for New and Existing Buildings.

Change Order No. 001 – Radiant Electric, Inc. – Evergreen Valley College 21kV Electrical Upgrade Project.

2. DISTRICT BUDGET TRANSFERS AND REVISIONS

This item was moved from the Consent Agenda to the Action Agenda. Trustee Nasol recommended moving this item to the Action Agenda because he felt that approving a resolution required a roll call vote of the Board.

M/S/C (Nasol/Lease) to approve Resolution No. 01813-1 authorizing the budget transfers and revisions of funds within expenditure accounts, authorizing the appropriation of the receipt of unanticipated revenues in certain programs, and authorizing the reversal of appropriations in certain programs due to the non-receipt of program revenues.

Roll call vote was as follows:

Trustee Cruz - aye
Minutes of January 8, 2013, Governing Board Meeting

Trustee Dhillon - aye
Trustee Fuentes - aye
Trustee Lease - aye
Trustee Ho - aye
Trustee Mann - aye
Trustee Nasol - aye

Advisory Votes:
Student Trustee Casas - aye
Student Trustee Sieu-Nguyen - aye

I. INFORMATION AGENDA

1. TECHNOLOGY UPDATE

Dr. Mike Russell provided a district technology update of projects undertaken by CampusWorks as follows:

- Operational planning is underway for the upcoming 18 month cycle – Draft Document is completed and next action is to vet the plan to district and campus committees.

- Completed design work for a new VMware cluster (hosts servers for the district and colleges) – requisitions for equipment are in the purchasing process.

- Completed design and procurement of an enterprise backup solution. Currently 80% complete on installation of the new solution that will cover core windows and Unix systems. Work will be 100% completed by the end of the week.

- Roll-out of Konica/Minolta Copier/Printers is underway.

- Completed repairs to the Web server and developed an RFP to redesign and replace the current system – going out week of 1-21-13.

- Groundwork completed for roll-out of student email. Everything is staged at this point with a target date of 2-14-13 for delivery.

- Completed draft scope of work document for MDF move in collaboration with Gilbane.

2. LEGISLATIVE UPDATE

Chancellor Cepeda reported that the fiscal cliff legislation that has cleared Congress has a number of key tax provisions of importance to community college students, including a five year extension for the American Opportunity Tax Credit which provides up to $2,500 to low and middle income taxpayers to cover tuition fees and required course materials; enables employees to receive up to $5,250 tax-free
employer-proved educational assistance and allows the deduction of student loan interest, which has been expanded and made permanent. Additionally, there has been a two-month delay of the across-the-board sequestration spending reductions.

President Obama and the “Gang of Eight” Senators from both parties have reconvened to work on comprehensive immigration reform legislation, a high priority of the Obama administration.

Other legislation introduced in December 2012 through January 2013 include AB 13 (Chavez) which would eliminate the requirement that a student be stationed in this state to receive tuition exemption and would require the student to be discharged within the immediately prior year in order to receive the exception. If passed, this legislation would require community college districts to exempt more students from nonresident tuition. AB 51 (Logue) would establish a pilot program with the goal of creating a model of articulation and coordination among K-12 schools, community colleges and campuses of the CSU that will allow students to earn a baccalaureate degree for a total cost not exceeding $10,000, including textbooks.

3. **CHANCELLOR’S INITIATIVE – RESTRUCTURING/REORGANIZATION 2012-13**

Vice Chancellor Kim Garcia reported on the principles which would be used for the district’s work regarding restructuring and reorganization for 2012-2013. She stated this work is being done in response to the request made by the Board to the Chancellor. Vice Chancellor Garcia reviewed a document on the approach that will be used and also reviewed the purpose statement, guiding principles, desired outcomes and a flow chart of the process. The work that would be undertaken by the district is critical for achieving the vision for our future. Vice Chancellor Garcia stated this document is presented to the Board as a first reading and will be put on the January 22 board agenda as an Action Item for approval.

Trustee Dhillon requested that Vice Chancellor Garcia ensure that constituent groups are included in the process and given adequate time to review the plan and provide comments. Chancellor Cepeda agreed with that request and stated the Guiding Principles already reflect input by the constituency groups provided to the Chancellor at the meetings with her District Council. Trustee Mann recommended including the word efficacy on bullet 4 of the Guiding Principles so it will read as follows: Retooling to increase institutional effectiveness, efficiency and efficacy. Trustee Cruz stated that an important word to include is diversity. What role does diversity play in this process? We understand this is very important in our community.

4. **STUDENT SUCCESS BOARD POLICY AND DEFINITION – FIRST READING**

Chancellor Cepeda provided an overview of the work undertaken by the Board Committee on Student Success, which includes Trustees Cruz, Fuentes and Lease. She also provided a listing of individuals from administrative staff and constituency representatives who have met and worked together to develop a Student Success Definition and Student Success Policy for the district. She thanked Mr. Sam Ho for administrating the process, Dr. Tamela Hawley for the work she did on the matrix and the student participants, who have been particularly amazing in their contributions. She stated this is being presented to the Board as a first reading and
Minutes of January 8, 2013, Governing Board Meeting

will be included in the January 22 board agenda as an Action Item for Board approval.

Trustee Fuentes stated the importance of incorporating the Student Success Definition into the district's reorganization and restructuring process. How are the two intertwined? Chancellor Cepeda answered that the matrix will be monitoring the work of a variety of units throughout the district. It will be integrated into the system and measure how we are doing across the board. If we are lagging behind, then we will review our resources; but it’s all woven in together.

J. CONTINUATION OF CLOSED SESSION

No.

K. RECONVENE OPEN SESSION

ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION

None.

L. ADJOURNMENT

M/S/C (Nasol/Dhillon) to adjourn the meeting at 8:33 p.m.

Rita M. Cepeda, Secretary
Board of Trustees
Minutes of the Special Governing Board Meeting
January 9, 2013

A. CALL MEETING TO ORDER

President Cruz called a Special Meeting of the Governing Board of the San José/Evergreen Community College District to order on Wednesday, January 9, 2013, at 6:00 p.m., in the District Board Room, 4750 San Felipe Road, San Jose, CA 95134.

Board Members Present:
Ms. Mayra Cruz
Mr. Balbir Dhillon
Ms. Maria Fuentes
Ms. Wendy Ho
Dr. Jeffrey B. Lease
Mr. Craig Mann
Mr. Rudy Nasol
Mr. Mike Casas
Mr. Shawn Sieu-Nguyen

Board Members Excused:
None

2. INFORMATION ON PUBLIC COMMENTS AND DISABILITY ACCESS

Information was provided in the agenda.

3. PLEDGE OF ALLEGIANCE

Student Trustee Sieu-Nguyen led the Board and members of the audience in the Pledge of Allegiance to the Flag.

4. ADOPTION OF THE AGENDA

M/S/C (Mann/Sieu-Nguyen) to adopt the agenda as submitted.

5. PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

There were no public comments.
Minutes of January 9, 2013, Special Governing Board Meeting

B. ACTION AGENDA

1. DECISION TO ACQUIRE PROPERTY AT 40 S. MARKET STREET, SAN JOSE, CA

Chancellor Cepeda provided a historical overview of the search undertaken by the district to find suitable facilities for the District Office. She stated this work began as long as 25 years ago. The district has reviewed options to share space at one of the colleges, in particular, to move into the Technology Center at San Jose City College. After careful review of the costs associated with building a new building or moving on-site at the campuses, the recommendation made by administration, which the Board approved, was to make a non-binding offer to purchase the building at 40 South Market Street in downtown San Jose. Since that time, district administration and outside consultants have completed a due diligence and facilities assessment on the building. The Board of Trustees has carefully reviewed assessment reports and submitted questions that would be addressed during this special meeting. Chancellor Cepeda stated that she has met with District Office staff to discuss the property and listen to their concerns about the move. Most of the concerns expressed were about safety and the cost of parking. As a result, the district is looking for ways to address these areas. She reviewed some of the opportunities this move would provide, such as close access to community and legislative leaders, being a part of a revitalized downtown area, and the availability of public transportation.

Vice Chancellor Smith introduced three members of his project team, who were instrumental in facilitating much of the work. Jim Eller, Eller & Associates, Kai Broms, Associate Principal of HMC Architects, HMC and Scott Jewell, Project Manager, Gilbane Building Company, provided an overall assessment of the property and confirmed it met building codes and safety standards.

President Cruz requested that Board members ask questions and express their opinions regarding the district recommendation.

Trustee Nasol inquired if there was any DSA requirement. Mr. Jewell answered no; they may review for accessibility only. Trustee Nasol expressed concern that the structural engineer did not perform an on-site inspection of the property to make his determination. For example, if there are cracks from the Loma Prieta earthquake, this would not be found without a physical review of the property. Mr. Broms answered that there are ASCE standards which are followed and extensive calculations were made based on a baseline model. From a life safety perspective, the building is considered sound. To remove the walls and installation to inspect the property would do great damage to the building, and that’s why it’s acceptable to make an assessment without conducting an on-site inspection. Trustee Nasol stated the building seems like a sound investment for our Measure G-2010 bond, and he would approve the purchase of the building. Trustee Dhillon inquired if Measure G-2004 had funding for the District Office and if that funding was limited to renovation and not for the purchase of a building. Vice Chancellor Smith answered yes, that we had money earmarked for the District Office and the bond language does not require specific wording that limits the district to renovation only. Trustee
Fuentes expressed concern about purchasing the building and stated that she would oppose the action at tonight’s meeting. She read the Measure G-2010 bond language and stated that it did not include any language that indicated we would use this money to purchase a building for the District Office. Even if the Board allowed this action to be put on the project list along the way, the ballot language doesn’t include this action. She also did not support the fact that courses would not be taught at the 40 South Market Street location. Her desire is that these funds be used towards the Milpitas Center. Chancellor Cepeda answered that the Board did approve the project lists for Measure G-2004 and 2010 in which the District Office renovation or relocation was included and that these lists and facility master plans have been reviewed by the Citizen’s Bond Oversight Committee. In addition, the district’s legal counsel has been involved every step of the way in this process. Trustee Mann stated he would support the action so that the current District Office location would be added to the already available 27 acres to create an asset of the highest and best value. At the same time, the district would be acquiring a property of great value that would provide better facilities for District Office staff. As for bond funds, they cannot be used for salaries. However, the language is broad enough to include a variety of facilities projects. He strongly supported the action; however, he requested the district make this cost neutral for district employees, which means it will need to find a way to provide free parking. Trustee Dhillon stated that, even though this property looked very good, he didn’t think the Board needed to make a hasty decision. He stated the district has four or five years to work on building a new building to house the District Office. Therefore, he stated he would not support the action. Trustee Lease stated the importance for the district to move now in developing this land as a revenue stream for the district, while at the same time providing excellent facilities for District Office staff. This current location is not adequate to support the needs of the district. And although the economy is a little flat now, things are starting to pick up. Having the District Office located in downtown San Jose would provide important networking abilities for our Foundation. He expressed appreciation for the due diligence done on the property and stated he would support the action to purchase the building. Based on the findings of this evaluation, she enthusiastically approved the staff recommendation to purchase the building.

The Board heard a public comment from MSCC President Lauren McKee, who expressed concern, as a disabled employee of the district, about her ability to have easy access to the building. She also stated that she would support the action to purchase the building.

President Cruz thanked the Board for their conversation and questions regarding the purchase of the building. She thanked everyone for the due diligence report, which was very helpful for members of the Board who do not have expertise with acquiring properties. She expressed support for the comments made by MSCC President McKee that the building must have easy access for disabled employees and members of the community. She explained that in the three years she has been a member of the Board, her focus and commitment has been toward student success. She was surprised at how little many of our local legislators knew about our district. Unfortunately, many of them began to know us through the negative media coverage for a period of time. Moving to the downtown San Jose area would give the district an important presence and allow it to expand relationships within its
district community. It’s also important to note the importance of the District Office. A lot of what is done at the colleges is coordinated through the District Office. Therefore, the District Office provides the framework and is vital to the district’s work toward student success. She agreed with Trustee Mann and requested that this move be cost neutral for district employees.

M/S/C (Nasol/Lease) to accept the staff recommendation to proceed with the purchase of the 40 South Market Street property in San Jose, CA.

Roll call vote was as follows:

Trustee Cruz - aye  
Trustee Dhillon - nay  
Trustee Fuentes - nay  
Trustee Lease - aye  
Trustee Ho - aye  
Trustee Mann - aye  
Trustee Nasol - aye  

Advisory Votes:  
Student Trustee Casas - aye  
Student Trustee Sieu-Nguyen - abstained

C. ADJOURNMENT

The meeting adjourned at 7:09 p.m.

Dr. Rita M. Cepeda, Secretary  
Board of Trustees
A. CALL MEETING TO ORDER

President Cruz called the Regular Meeting of the Governing Board of the San José-Evergreen Community College District to order on Tuesday, January 22, 2013, at 6:00 p.m. in the District Office Board Room, 4750 San Felipe Road, San Jose, CA 95135.

Board Members Present:
Ms. Mayra Cruz
Mr. Balbir Dhillon
Ms. Maria Fuentes
Dr. Jeffrey Lease
Ms. Wendy Ho
Mr. Craig Mann
Mr. Rudy Nasol

Board Members Excused:
None

B-D There was no Closed Session meeting.

E. RECONVENE INTO OPEN SESSION

1. PLEDGE OF ALLEGIANCE

President Cruz led the Board and members of the audience in the Pledge of Allegiance to the Flag.

2. ADOPTION OF AGENDA

M/S/C (Dhillon/Fuentes) to adopt the agenda as amended:

Item H-1 was moved to precede the approval of the Consent Agenda.

3. PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

There were no public comments
6. **APPROVAL OF THE JANUARY 8 AND JANUARY 9, 2012, GOVERNING BOARD MEETING MINUTES**

M/S/C (Mann/Casas) to approve the above listed meeting minutes as amended:

A correction was made to the January 8, 2013, meeting minutes: Ms. Ann Kennedy’s title was changed to Consultant, Citizen’s Bond Oversight Committee.

**H. 1. JOSE VALDES MATH INSTITUTE PRESENTATION**

Mr. Julio Pardo, Executive Director of the Valdes Math Institute, gave a presentation on the Math Institute program. Ms. Sandy Moreno, Evergreen Valley College student discussed how the program helped her pursue a career in mechanical engineering as she transferred to the University of California, Berkeley.

Trustee Mann discussed his long association of Mr. Pardo and the work of the Valdes Math Institute. Trustee Nasol expressed support for the excellent program, which enables students to experience fields such as physics; and stated the importance of the district for supporting the program. Student Trustee Sieu-Nguyen stated he had participated in the math institute and expressed hope that our campuses would find room for this program to continue. President Cruz thanked Mr. Pardo for the important work the Valdes Math Institute is doing to close the achievement gap in the community.

**F. CONSENT AGENDA**

1. **ADOPTION OF THE CONSENT AGENDA**

M/S/C (Nasol/Mann) to approve the Consent Agenda as submitted.

2. **MANAGEMENT PERSONNEL ACTIONS**

The Board approved the Management Personnel Actions as submitted.

3. **FACULTY PERSONNEL ACTIONS – REGULAR**

The Board approved the Faculty Personnel Actions – Regular – as submitted.

4. **HOURLY, STUDENT WORK AND VOLUNTEER PERSONNEL ACTIONS**

The Board approved the Short-Term Hourly, Substitute, Professional Expert & Athletic Support Services, Student Assistant and Volunteer personnel actions as submitted.

5. **CURRICULUM RECOMMENDATIONS FOR EVERGREEN VALLEY COLLEGE**

The Board approved the curriculum recommendations for new and revised courses submitted by Evergreen Valley College.
6. **WORKFORCE INSTITUTE – AMENDMENT TO 2012-2013 WIA WORK2FUTURE OLDER YOUTH CONTRACT**

The Board approved the amendment to the 2012-2013 WIA Older Youth Contract.

7. **WORKFORCE INSTITUTE – WIA WORKSHOP CONTRACT**

The Board approved the Third Amendment to the 2011-2012 WIA Workshops Contract.

9. **CURRICULUM RECOMMENDATION FOR SAN JOSE CITY COLLEGE**

The Board approved the new courses proposed by San Jose City College.

10. **CURRICULUM RECOMMENDATION FOR EVERGREEN VALLEY COLLEGE**

The Board approved the new courses proposed by Evergreen Valley College.

G. **ACTION AGENDA**

1. **GOVERNING BOARD ORGANIZATION: APPOINTMENT OF BOARD COMMITTEE MEMBERS**

President Cruz announced the appointment of Board Committees as follows:

Audit Committee – Balbir Dhillon, Wendy Ho, Rudy Nasol
Foundation Board – Mayra Cruz, Maria Fuentes
Land Development Committee – Balbir Dhillon, Maria Fuentes, Jeff Lease
Self-Evaluation Committee – Mayra Cruz, Wendy Ho, Jeff Lease
Student Success Committee – Mayra Cruz, Maria Fuentes, Jeff Lease
Accreditation Committee – Wendy Ho, Jeff Lease, Rudy Nasol

Other Board appointments include:

Appointment of Board Representative to Vote in Election for Members of the County Committee on School District Organization – Rudy Nasol
Milpitas Redevelopment Agency Representative – Rudy Nasol

2. **NON-RESIDENT TUITION RATE AND STUDENT CAPITAL OUTLAY FEE FOR ACADEMIC YEAR 2013-2014**

Vice Chancellor Garcia reported the need for the Board to approve the non-resident tuition rate every year according to Education Code Section 76140, and the district recommendation is to remain at $199 per semester unit. The current capital outlay fee is $19 per semester. The district is recommending an increase of the current capital outlay fee to $4 per semester unit, which is $48 per semester for a full-time student taking 12 units, to transition from a per semester fee structure to a per semester unit fee structure.
M/S/C (Nasol/Lease) to approve the non-resident tuition rate of $199 per semester unit and the capital outlay fee of $4 per semester unit for Academic Year 2013-2014.

3. GUIDING PRINCIPLES FOR CHANCELLOR’S INITIATIVE – RESTRUCTURING/REORGANIZATION 2012-13

Vice Chancellor Garcia stated that at the January 8 board meeting, the guiding principles for restructuring/reorganization were submitted to the Board as an information item. At that meeting, the Board submitted comments; one request was to add the word efficacy and the other to add a bullet on diversity. The requests submitted have been included in this revision. Vice Chancellor Garcia recommended the Board approve the Restructuring/Reorganization 2012-2013 guiding principles as submitted.

Trustee Lease requested the title be changed from Restructuring/Reorganization to Organizational Redesign. Vice Chancellor Garcia stated she was agreeable to that title change.

M/S/C (Lease/Nasol) to accept the Chancellor’s recommendation and adopt the Guiding Principles for Chancellor’s Initiative – Organizational Redesign 2012-13.

4. BOARD POLICY AND DEFINITION ON STUDENT SUCCESS

Vice Chancellor Garcia stated that BP 5050.2 on Student Success and the definition of student success was brought to the Board as an information item at the January 8 board meeting. It is now ready for approval by the Board. President Cruz stated that many individuals present at today’s board meeting participated in the formation of this policy. She thanked Trustees Fuentes and Lease for participating with her in the Board Committee on Student Success. She thanked Chancellor Cepeda for her work with district administrators and constituency representatives in this important endeavor. It was impressive how everyone worked together to develop our own definition of student success.

M/S/C (Lease/Ho) to adopt a Student Success definition and policy BP 5050.2.

H. INFORMATION AGENDA

1. JOSE VALDES MATH INSTITUTE PRESENTATION

This agenda item was moved to precede the Consent Agenda.

2. SJECCD FOUNDATION ANNUAL REPORT

Ms. Carol Coen, Vice Chancellor, Workforce, Economic and Resource Development gave a presentation to the Board of Trustees on the Foundation’s goals and accomplishments during 2012 and introduced Mr. Donald Young to the Board as Vice Chair of the Foundation Board.
Goal No. 1 Board Development - The Foundation has reached 80% of its 2012 goal of restoring the Foundation Board of Directors to 14 voting members and two ex-officio members by the end of 2012. Three new Board members have been added: Mr. Donald Young, Vice President, Salas O'Brien; Jennie Meehan, President/CEO of Meehan Consulting and Trudy Johnson, Chief Nursing Officer at Santa Clara Valley Medical Center. In January the Foundation also expects to add three additional new members. 

Goal No. 2, Strategic Planning - The Foundation held a Strategic Planning Retreat on August 21, 2012, where they discussed how to build a high performance team and also identified six strategic goals. The Strategic Planning Retreat was facilitated by Mr. Perry Hammock, one of the nation’s leading fund development professionals. 

Goal No. 3 Fundraising and Resource Development - The Foundation reviewed a study on why donors give and reviewed ways to increase support and do outreach. The Foundation’s first fundraising event, Bridge to the Future, held on August 16 was very successful. We sold 230 seats for revenue of $117,311. Vice Chancellor Coen also reviewed 2013 goals.

Trustee Fuentes stated that as Board of Trustees President and now past Board President she is a member of the Foundation Board. She expressed her appreciation for the quality of the Foundation’s Board members, their commitment and investment in ensuring the Foundation reaches its goal of supporting our students. She looks forward to the continued development and success of the Foundation and applauded the great progress made during this past year. She also expressed support for the Foundation receiving the staffing support it needs to achieve the work the district needs the Foundation to do. Trustee Dhillon expressed how important the Foundation is for our institution as a whole. It needs to find ways to secure more donors, and we need to provide a reason for them to give. We shouldn’t be turning away any students who want to attend our colleges; therefore, we need the Foundation to successfully support our students. He requested that all Trustees and staff members consider donating to the Foundation. Trustee Nasol expressed appreciation for the strategic planning process and stated that donors are more willing to support a Foundation with a strong performance record. Most corporate givers are desirous to give, but they are looking for organizations that are accountable and worthy of their support. President Cruz stated the importance of the Board of Trustees and Foundation Board to create more dialogue and work together in line with their roles and responsibilities in the district.

I-J. There was no Closed Session meeting.

K. ADJOURNMENT

M/S/C (Dhillon/Nasol) to adjourn the meeting at 6:55 p.m.
A. CALL MEETING TO ORDER

President Cruz called the Regular Meeting of the Governing Board of the San José-Evergreen Community College District to order on Tuesday, February 12, 2013, at 6:00 p.m. at the District Office Board Room, 4750 San Felipe Road, San Jose, CA 95135.

Board Members Present:
Ms. Mayra Cruz
Mr. Balbir Dhillon
Ms. Maria Fuentes
Dr. Jeffrey Lease
Ms. Wendy Ho
Mr. Craig Mann
Mr. Rudy Nasol

Board Members Excused:
None

B-D There was no Closed Session meeting.

E. RECONVENE INTO OPEN SESSION

1. PLEDGE OF ALLEGIANCE

President Cruz led the Board and members of the audience in the Pledge of Allegiance to the Flag.

Chancellor Cepeda announced that the district received a verbal announcement from the Accrediting Commission that San José City College has been removed from Probation status and Evergreen Valley College has been removed from Warning and both colleges now have reaffirmed accreditation status. A brief congratulatory reception was held in honor of this wonderful news.

2. ADOPTION OF AGENDA

M/S/C (Lease/Ho) to adopt the agenda as amended:

Revisions and corrections were made to the Consent Agenda. Item F-7 was removed from the Consent Agenda and moved to the Action Agenda as G-1.
Item F-2, 2a hiring of the Dean, Humanities & Social Science at San José City College, was removed from the Consent Agenda and moved to the Action Agenda as G-2.
Item F-8 was moved to the Action Agenda as Item G-3.

3. **PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA**

There were no public comments

**F. CONSENT AGENDA**

1. **ADOPTION OF THE CONSENT AGENDA**

M/S/C (Fuentes/Casas) to approve the Consent Agenda as amended.
F-2, 1a – A correction was made to the Institutional Officer job description; the title was changed to add “Classified Management” and the Position Purpose was changed to include: This is a 12-month management position.
F-2, 2a, hiring of Dean, Humanities & Social Science at SJCC, was moved to the Action Agenda.
F-7 was moved to the Action Agenda.

2. **MANAGEMENT PERSONNEL ACTIONS**

The Board approved the Management Personnel Actions as amended.

3. **FACULTY PERSONNEL ACTIONS – REGULAR**

The Board approved the Faculty Personnel Actions – Regular – as submitted.

4. **CLASSIFIED PERSONNEL ACTIONS**

The Board approved the Classified Personnel Actions as submitted.

5. **HOURLY, STUDENT WORK AND VOLUNTEER PERSONNEL ACTIONS**

The Board approved the Short-Term Hourly, Substitute, Professional Expert & Athletic Support Services, Student Assistant and Volunteer personnel actions as submitted.

6. **MEASURE G-2004/MEASURE G-2010 CITIZENS’ BOND OVERSIGHT COMMITTEE RENEWAL OF TERMS**

The Board approved the renewal of the Citizens’ Bond Oversight Committee members as submitted for a second two year term as the Committee Bylaws allow.

7. **MEASURE G-2010 BOND PROGRAM UPDATES, CONTRACTS, AND PROJECT ASSIGNMENT AMENDMENTS**

This item was moved to the Action Agenda.
8. **CCCT BOARD ELECTION 2013**

   This item was moved to the Action Agenda.

G. **ACTION AGENDA**

1. **MEASURE G-2010 BOND PROGRAM UPDATES, CONTRACTS, AND PROJECT ASSIGNMENT AMENDMENTS**

   Trustee Nasol requested that each contract be reviewed and voted on separately. Trustee Dhillon supported his request.

   Trustee Nasol requested information about the lease/leaseback contracts and if the projects have been reviewed at the campuses. Vice Chancellor Smith answered that lease/leaseback proposals have been approved by the Board and the district’s legal counsel. Mr. Mark Miller, Gilbane Building Company, provided an overview of how the projects were reviewed at Evergreen Valley College. Mr. Eric Narveson, EVC Academic Senate President, confirmed that Mr. Miller meets with the facilities master planning committee at least once a month, and five faculty members serve on the committee.

   **M/S/C (Nasol/Dhillon) to approve an Agreement with Blach Construction Company for preconstruction services in the amount of $148,770 and construction service fee percentages to be applied to the Guaranteed Maximum Price for the South Campus Development Project at Evergreen Valley College.**

   **M/S/C (Mann/Casas) to approve PAA EVC-01 to GHD in the amount of $108,000 for design and construction support services for the Phase 1 Mechanical, Electrical, Plumbing and Fire Protection Upgrade Project at Evergreen Valley College.**

   Trustee Nasol expressed concern about the construction contract for the San José City College Jaguar Gymnasium Roof Replacement Project. It seems this particular project has too many separate contracts. He expressed the importance that the Scope of Work includes all the work of the building instead of pieces of the work being distributed to many different consultants. In this manner, we can ensure bond money is spent efficiently.

   President Cruz stated the importance of finding a way for administration to get the necessary information to Trustees in preparation of the board meeting. She requested that if Trustees have questions about these contracts or bidding process, they inform the Chancellor prior to the meeting so administration can be prepared to address concerns expressed at the meeting.

   **M/S/C (Fuentes/Dhillon) to award a contract to Waterproofing Associates, Inc., in the amount of $966,218 for the San Jose City College Jaguar Gymnasium Roof Replacement Project thereby validating the District’s determination of the minor irregularity and denial of the bid protest submitted by Alcal Specialty Contracting, Inc. Trustee Nasol voted no.**
2. MANAGEMENT PERSONNEL ACTIONS – EMPLOYMENT – NEW HIRE

Trustee Fuentes stated she had questions concerning the hiring of the Dean, Humanities & Social Science position that could not be discussed in Open Session. She requested tabling the item so it could be moved to the next board meeting’s Closed Session. Trustee Mann expressed concern about waiting until February 26 to hire this person. He requested that if the Board agrees to table the item at this meeting, it should hold a special meeting to move forward with the decision.

M/S/C (Fuentes/Dhillon) to table the hiring of the Dean, Humanities & Social Science position at San José City College for discussion at a Closed Session meeting.

Roll Call vote was as follows:

Trustee Ho – aye
Trustee Dhillon – aye
Trustee Fuentes – aye
Trustee Cruz – aye
Trustee Lease – nay
Trustee Nasol – aye
Trustee Mann – nay

Advisory Votes:
Student Trustee Sieu-Nguyen – nay
Student Trustee Casas - abstained

Since the motion passed, the Board unanimous agreed to hold a special Closed Session meeting on Thursday, February 14, at 4:30 p.m. at the District Office.

3. CCCT BOARD ELECTION 2013

Trustee Nasol expressed confidence that Trustee Lease would be an excellent addition to the CCCT Board and would serve the interests of all SJECC Board of Trustees. At the legislative conference in Sacramento, Trustee Lease demonstrated his knowledge of the issues, and he is a great asset in seeking financial support for our district. All Trustees expressed their unanimous support for the nomination.

M/S/C (Dhillon/Mann) to nominate Trustee Jeffrey Lease to serve on the California Community College Trustees (CCCT) Board.

H. INFORMATION AGENDA

1. BOARD GOVERNANCE/DEVELOPMENT STUDY SESSION

President Cruz led members of the Board, the Chancellor and the college presidents in a team building exercise. She asked each of them to describe their emotions and/or draw a picture of a time when they felt they were different.
Trustee Lease reviewed the Board’s policies on Vision, Mission, Ethics and Student Success. He also reviewed the Board’s goals and how they align with the Chancellor’s goals.

President Cruz introduced the Carver Governance Model and discussed how the SJECCD Board of Trustees could adapt some of its principles in how they perform their work as a group.

Trustee Lease reviewed the current Board structure regarding Board committees, subcommittees and task forces. The committee members were announced at the January 22 Governing Board Meeting. President Cruz stated that some of these committees do not have chairs so she will poll the members of those committees to see who would be interested in serving in that capacity.

Trustee Lease reported on the work of the Board Self Evaluation Committee and the importance of that work to address the accreditation concerns. Executive Director Rosalie Ledesma reviewed the Board self-evaluation process. Executive Director Tamela Hawley reported on the comparative analysis between last year’s 360 evaluation and the current evaluation, which was just completed.

Trustee Fuentes reviewed avenues available for the Board to improve its leadership skills. She stated the self-evaluation process would shed light on areas of weakness the Board needs to address. Also, the Board has key goals and factors, especially student success, that needs to be on the top of the list. She asked Board members to consider what skills they would like to develop and what kind of training would be needed to achieve those skills. Trustee Fuentes stated she would like training on fund development. Trustee Ho expressed support for having experts come in to train the Board; an example would be to invite someone who is an expert on accreditation issues. President Cruz expressed interest in exploring policy governance and also how to engage in fundraising. Trustee Lease stated the Board needs to grow in areas regarding Board/Chancellor relations, Brown Act and parliamentary procedures. ACCT provides governance leadership webinar series that would be of value to Board members. Trustee Mann stated his interest in how the SJECCD Board can become a high functioning board. Trustee Nasol added his interest in engaging more in community outreach and learning how to reach out to legislators in our district. He also stated the importance of having a Lessons Learned session about what the district recently went through with the accreditation process. Trustee Fuentes stated the next step would be for the Board to receive information from the Chancellor on how to receive training in the areas discussed and from that information a work plan would be developed for the Board.

Trustee Ho reviewed the Board Calendar of agenda items and special events and asked the Board for feedback regarding other items they would like to add to the calendar. She requested that Classified Employees week be added. Trustee Nasol requested that graduation ceremony dates be added. He also requested that Special Topics be changed to Perpetual Topics. Trustee Fuentes requested that joint meetings with the Milpitas and SJECCD Foundation Boards also be added. Trustee Dhillon reminded the Board that the purpose of having two meetings on certain months was that the second meeting would be devoted solely to study sessions on topics where the Board would like to receive more detailed information. For some reason, the meetings have moved away from this original intention; and
he requested the district move back to that schedule. President Cruz requested a
date or two be added when the Board can participate in some legislative advocacy
activities. She requested that the Chancellor add these items to the Board calendar
and redistribute to Board members.

2. **BUDGET STUDY SESSION**

Vice Chancellor Smith gave a presentation on the district’s current budget status. It
is estimated the ending fund balance for 2012-13 is $8.6M, which is 11.3%. He
compared the district’s ending fund balance with other California community
colleges, and SJCCD is at the mid range for other Bay 10 districts. Vice Chancellor
Smith reviewed the estimated budgets for 2013-14 and 2014-15. He also reviewed
some statewide initiatives that would impact our district, such as shift of adult
education to community colleges, wall of debt issues, energy efficiency projects per
FTES, expansion of online education and policy reforms. He discussed the
rebalancing strategies the district used in 2012-13, confirmed the assumptions and
reaffirmed the budget principles. He ended his presentation by reviewing the budget
timeline, including the May Revise and the July Budget Act. The tentative budget
would be reviewed at the June 11, 2013 Governing Board Meeting and the Adopted
Budget would be ready for Board approval at the September 10, 2013, Governing
Board Meeting.

Trustee Nasol stated he would like to receive information about becoming a basic
aid district because the funding model for education is currently unstable. Trustee
Mann stated the district should consider working now to get a parcel tax. Trustee
Cruz stated it would benefit the Board to understand enrollment and its link to
funding as well as the current status of enrollment for our district. Also, would it be
possible for the district to develop a five-year financial plan. What would that look
like? What strategy could we use to address the structural deficit? What is the long-
term plan for revenue generation? Trustee Fuentes stated the need for the Board’s
goals and priorities to be connected to the budget. The Board works with the
Chancellor to set priorities, but what budget actions are being made to ensure the
district is student centered? If there has been a decline in enrollment what caused
this decline? Trustee Dhillon expressed interest in receiving feedback from the
survey conducted about why students aren’t enrolling. What’s the district’s
enrollment compared to other colleges? Chancellor Cepeda answered that the
college presidents will report to the Board on their enrollment strategies and how
they plan to implement the values of the Board. Trustee Cruz stated it would be
helpful to have an agenda item regarding the Board priorities.

3. **FY2012/2013 SECOND QUARTER BUDGET REPORT ENDING DECEMBER 31,
2012**

Due to time constraints, the 2nd quarter budget report was not presented at the
meeting. However, the 2nd quarter budget report was provided to the Board and its
contents were also reviewed during the Budget Study Session presentation.
I-J. There was no Closed Session meeting.

K. ADJOURNMENT

M/S/C (Mann/Lease) to adjourn the meeting at 9:55 p.m.

Rita M. Cepeda, Secretary
Board of Trustees
Minutes of the
Special Governing Board
Meeting
February 14, 2013

A. CALL MEETING TO ORDER

President Cruz called the Special Meeting of the Governing Board of the San José-
Evergreen Community College District to order on Thursday, February 14, 2013, at
4:30 p.m., in the District Board Room at 4750 San Felipe Road, San Jose, CA
95135.

Board Members Present:
Ms. Mayra Cruz
Mr. Balbir Dhillon
Ms. Maria Fuentes
Ms. Wendy Ho
Dr. Jeffrey Lease
Mr. Craig Mann

Board Members Excused:
Mr. Rudy Nasol

B. APPROVAL OF CLOSED SESSION AGENDA

M/S/C (Fuentes/Lease) to approve the Closed Session agenda.

C. PUBLIC COMMENTS ON CLOSED SESSION AGENDA

There were no public comments.

D. RECESS TO CLOSED SESSION TO CONSIDER AND/OR TAKE ACTION UPON ANY
OF THE FOLLOWING ITEMS

The Board recessed to Closed Session at 4:30 p.m. to consider the following items:

PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT
(Government Code Section 54957 (b))
Title: Dean, Humanities & Social Science, San Jose City College
PLEDGE OF ALLEGIANCE

President Cruz led the Board and members of the audience in the Pledge of Allegiance to the Flag.

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

None

E. ACTION AGENDA

1. REPORT ON ACTION TAKEN IN CLOSED SESSION MEETING

President Cruz announced that the Board took action in Closed Session and voted to approve the employment of Sean Abel as Dean, Humanities & Social Science, San Jose City College, effective February 28, 2013, at Range M30, Step 1, $8,832/mo.

The Board voted 5 yes, 1 no, 1 absent. Trustee Fuentes voted no.

L. ADJOURNMENT

M/S/C (Mann/Lease) to adjourn the meeting at 5:14 p.m.

Rita M. Cepeda, Secretary
Board of Trustees
Minutes of the
Governing Board Meeting
February 26, 2013

A. CALL MEETING TO ORDER

President Cruz called the Regular Meeting of the Governing Board of the San José-Evergreen Community College District to order on Tuesday, February 26, 2013, at 6:00 p.m. at the Milpitas Unified School District Board Room, Building 500, 1331 East Calaveras Blvd., Milpitas, CA 95035.

Board Members Present:
Ms. Mayra Cruz
Mr. Balbir Dhillon
Dr. Jeffrey Lease
Ms. Wendy Ho
Mr. Craig Mann
Mr. Rudy Nasol
Mr. Mike Casas
Mr. Shawn Sieu-Nguyen

Board Members Excused:
Ms. Maria Fuentes

B-D There was no Closed Session Meeting.

E. 1. PLEDGE OF ALLEGIANCE

President Cruz led the San José-Evergreen Community College District and Milpitas Unified School District Board of Trustees and members of the audience in the Pledge of Allegiance to the Flag.

2. ADOPTION OF AGENDA

M/S/C (Dhillon/Mann) to adopt the agenda as amended:

Item H-1 was moved to follow E-3.
Item H-4 was moved to precede the approval of the Consent Agenda.

3. JOINT MEETING BETWEEN MILPITAS UNIFIED SCHOOL DISTRICT AND SAN JOSÉ-EVERGREEN COMMUNITY COLLEGE DISTRICT

Superintendent Cary Matsuoka welcomed the Board of Trustees from the San José-Evergreen Community College District to a joint meeting with the Milpitas Unified School District Board. He asked the Board members of both districts and the executive administrators to introduce themselves.
Superintendent Matsuoka stated the Bay Area represents the 14th largest growth national product in the world. The needs of this expanding workplace are great, and it is important for both districts to work together to educate and prepare our students for the workplace of the future. He stated that this joint center has been a work in progress for a long time and has long been supported by the community and the City of Milpitas. It is time to move forward with this joint educational center. Superintendent Matsuoka thanked Chancellor Cepeda for working so hard with him to take this project to the next step. He stated that, although Chancellor Cepeda was not present at the meeting due to illness, many of the ideas contained in the presentation he would provide were hers. He missed her presence at this meeting.

**H. 1 SJECCD AND MUSD STATUS REPORT: GUIDELINES, PRINCIPLES AND PROPOSED TERMS FOR LAND LEASE AGREEMENT**

Superintendent Matsuoka gave a presentation on the vision of a Joint Use Center, the guiding principles to be used in the collaborative partnership, the shared use of resources, and the goals of both the San José- Evergreen Community College District and the Milpitas Unified School District. He also reviewed three possible sites for the joint center; Milpitas High School, Rancho Middle School and Russell Middle School and provided the pros and cons of each location. He stated the recommendation of MUSD is to choose the Russell Middle School location because it is adjacent to Milpitas High School, has the ability to separate adult students from the MUSD students, provides a K-14 educational center in the community, allows for parking for adult students and provides a possibility for future expansion. One drawback, however, is the impact on the pedestrian crossing for Milpitas High School students as this is a high impact area. Also, the athletic field for Russell Middle School students would need to be relocated. But this location seems to be the best site available. Based on this recommendation, the contract language developed will assume Russell Middle School as the site. The next steps include doing preliminary research on the site and working on contract language for use of the facility, proportional to the investment of resources made by both districts. Both districts are providing resources to this project: SJECCD, $10 million in bond funds; MUSD land equivalent to 3-4 acres.

Trustee Nasol stated the importance of having a campus available to serve the North San Jose area, including Milpitas. Trustee Mann expressed support for the location because too many students located in the SJECCD are going to Mission College and Ohlone College because they don’t have a better option. He stated the importance of both Boards doing outreach to the local representatives. Trustee Lease stated he liked the idea of having K-14 in the area but expressed concern about the traffic in the area, especially around 7:30 a.m. Superintendent Matsuoka agreed that heavy traffic is a concern and stated that an EIR would be part of the planning process, which would include a traffic study. MUSD Trustee Foulk recommended a staggered start time for classes with the college courses starting one-half hour later. He also stated the reaction he has received from the community has been very positive. President Cruz stated the importance of community members being informed and involved in the early stages of planning so we would know their concerns and address those issues at the onset of the project. Trustee Mann asked when the actual ribbon cutting ceremony would take place. Superintendent Matsuoka answered that his best estimate is about two
years. Trustee Ho thanked Superintendent Matsuoka for the very thoughtful presentation and stated she would be interested in participating in a tour of the recommended site before the Board would be asked to approve a contract.

The Board heard a public comment from Ms. Althea Polanski, Vice Mayor, City of Milpitas, who stated that the City of Milpitas and other representatives are very excited about this joint educational facility and, she believes, will be fully supportive of the venture.

M/S/C (Mann/Lease) to accept the status report prepared collaboratively by Chancellor Cepeda and Superintendent Matsuoka.

4. **CONTINUATION OF BOARD OPEN SESSION IN BUILDING 200, ROOM 206**

President Cruz announced that Trustee Maria Fuentes informed the Chancellor’s Office that she could not attend the meeting due to illness.

M/S/C (Dhillon/Ho) to approve Resolution No. 22613-2 to excuse Trustee Maria Fuentes from attending the February 26, 2013, Governing Board Meeting due to illness.

5. **There was no Closed Session Meeting**

6. **PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA**

The Board heard public comments from EVC Associated Student Government students Tony Do, Timothy Burpee, Sandra Guzman and Kenny Tram on their actions to support the VTA ECO Pass and information about an upcoming student election, which will be held to see if the students support it.

7. **APPROVAL OF THE JANUARY 22, FEBRUARY 13 AND FEBRUARY 14, 2013, GOVERNING BOARD MEETING MINUTES**

M/S/C (Lease/Dhillon) to approve the above listed meeting minutes as amended.

The January 22, 2013, Governing Board Meeting minutes were corrected as follows: In Section G-3, Guiding Principles for Chancellor’s Initiative – Restructuring/Reorganization 2012-13, 1st paragraph, 4th sentence – the word efficiency was changed to efficacy.


Ms. Kathleen Kyne, 2011-2012 Committee Chair, presented the 2011-12 annual report of the Measure G-2004/Measure G-2010 Citizens’ Bond Oversight Committee. She gave an overview of the web-based report on the progress made during this fiscal year on both bond programs. She thanked Mr. Mike Chegini for his excellent work in developing the website last year. The website location is
http://sjebond.com/sje/ for those who want to review the report online. Ms. Kyne stated the committee reports that, to the best of its knowledge, the district is in full compliance with the responsibilities as described in Article XIII-A, Section 1(b)(3) of the California State Constitution, which addresses bonded indebtedness incurred by a community college district.

President Cruz thanked Ms. Kyne for her excellent leadership to the CBOC this past year.

M/S/C (Nasol/Mann) to accept the Measure G-2004/Measure G-2010 Citizens’ Bond Oversight Committee’s 2011-2012 Annual Report.

F. CONSENT AGENDA

1. ADOPTION OF THE CONSENT AGENDA

M/S/C (Mann/Lease) to approve the Consent Agenda as submitted.

2. MANAGEMENT PERSONNEL ACTIONS

The Board approved the Management Personnel Actions as submitted.

3. FACULTY PERSONNEL – EVC ADJUNCT

The Board approved the Faculty Personnel-EVC Adjunct Personnel Actions as submitted.

4. FACULTY PERSONNEL-ADJUNCT-SJCC

The Board approved the Faculty Personnel-Adjunct SJCC as submitted.

5. HOURLY, STUDENT WORK AND VOLUNTEER PERSONNEL ACTIONS

The Board approved the Short-Term Hourly, Substitute, Professional Expert & Athletic Support Services, Student Assistant and Volunteer personnel actions as submitted.

6. CURRICULUM RECOMMENDATION FOR SAN JOSE CITY COLLEGE

The Board approved the new courses proposed by San Jose City College.

7. ACCEPTANCE OF GRANT FUNDS – EVERGREEN VALLEY COLLEGE

The Board accepted grant funds awarded to the Evergreen Valley College Library from Xilinx Community Fund.

8. USE OF GRANT FUNDS – AURORA GRANT – SJCC

The Board approved the campus to spend the balance of funds remaining from last
year, $3150. In addition, the grant has additionally allocated $2000 this year.

G. ORAL COMMUNICATIONS

a. Board of Trustees

SJCC Student Trustee Casas announced that a special student election would be held on campus on March 4-8. He also reported that about 100 students from SJCC are scheduled to participate in the March in March in Sacramento.

EVC Student Trustee Sieu-Nguyen thanked the student leaders for attending the board meeting and supporting the VPA ECO Pass. Foothill-De Anza and other districts are providing this service for students, and we want to get it started here. He distributed a VTA ECO Pass Special Election Fact Sheet – Pros and Cons so the Board and members of the audience could review the questions to be asked of students.

Trustee Ho discussed her meeting with Congresswoman Zoe Lofgren to discuss district concerns. Congresswoman Lofgren is interested in conducting a workshop on one of our campuses about the deferred action application process and Pell grants. She wants to work to ensure there are no further financial assistance reductions for our students. Trustee Ho thanked President Kavalier for hosting the PDD on January 25. She especially enjoyed the discussion on civility. Trustee Ho reported on her attendance at the CCLC Trustee Workshop where she learned a lot about her role as Trustee.

Trustee Dhillon stated he also enjoyed the joint college PDD on January 25. It was very informative, but also fun.

Trustee Lease reported on his attendance at the January CCLC Effective Trustee Leadership conference in Sacramento, where he also participated in the legislative advocacy visits. He also encouraged everyone to visit the new Bascom Library; it’s a great facility that can be an excellent source for our students and community.

Trustee Nasol reported on his attendance at the CCLC Effective Trustee Workshop and Legislative Conference. It was interesting to meet with former K-12 Trustees who have now graduated to the community college level.

President Cruz stated she also enjoyed attending the opening of PPD activities, and she thanked those who organized the district-wide event. She attended the CCLC Effective Trustee Workshop for one day on Saturday, January 26, for the Board Chair Workshop so that she could learn about becoming an effective Board president. She also announced she is hosting an event on Comprehensive Immigration Reform 2013 at San José City
College in T-415 on Saturday, March 2, and invited everyone to attend.

President Cruz announced that, in an effort to run meetings more efficiently, a timer has been installed in the District Board Room so that speakers will now be held to the three-minute Board policy for public comments. The three minute time limit will also apply to Board and constituency group reports, and when comments are made about individual board agenda items. President Cruz wanted everyone to know that their comments are welcome, but the Board has not implemented the policy; and, because of that, board meetings have become too disorganized and too long. She asked for patience as this policy is implemented but expressed confidence that this process will cause board meetings to become more efficient.

b. Chancellor

Vice Chancellor Garcia reviewed the process Chancellor Cepeda used to review and revise the composition of hiring committees and the number of constituency group appointees to the committees. Chancellor Cepeda had consulted and sought recommendations through the participatory governance process, and determined that a few revisions to the number of committee member representatives from each constituency group were required. Vice Chancellor Garcia stated that the composition of search committees is a district procedure and not a policy.

c. Presidents

SJCC President Kavalier announced that SJCC is holding a special celebration for its Reaffirmation Accreditation status. The date is Tuesday, March 19 from 1:00—3:00 p.m. in quad area of the Carmen Castellano Fine Arts Center. She invited everyone in the audience to attend. President Kavalier thanked the Board for playing such a critical role in ensuring SJCC had its accreditation reaffirmed.

EVC President Yong reported on his participation in legislative advocacy visits in Sacramento. He stated his focus was on communicating the importance of online education and how budget cuts over the last four years have negativity impacted our colleges’ ability to provide online education because we don’t have the funds available to upgrade our technology.

d. Constituency Group Representatives

SJCC Academic Senate President Charles Heimler stated he taught English in Milpitas in 2005-2006, and he hoped to teach here once again. Mr. Heimler addressed the issue of hiring committees and stated how difficult it is to find faculty who are able to sit on hiring committees. However, the Academic Senate plans to inform the Board why they have concerns about how the Chancellor has revised the hiring procedures. He also expressed concern about the changes to the college website and how some of the links are missing. Also, faculty still has continuing problems with Moodle.
EVC Academic Senate President Eric Narveson thanked the JEWEL Program for the excellent activities they arranged in support of African American History Month. He also stated the college will institutional the SLO process because of the good work which began as a result of the accreditation recommendation. They are exploring the idea of having an SLO committee as part of the college council. He expressed concern about adding more members of the MSC group screening committees because there are occasions where faculty would serve on a committee with someone they report to.

FA President David Yancey also expressed concern about the restructuring of selection committees. The selection committee procedure is very outdated and needs to be revamped. Faculty has suggested to the Chancellor at the District Council meeting that the whole procedure should be reviewed, and the Chancellor should not just implement the request of MSC representatives to increase their representation on committees. Also, students have not been included in the consultation process. He asked the Board to ask the Chancellor to review her decision.

MSC Vice President Romero Jalomo congratulated SJCC for their reaffirmation status. He stated the Accreditation response and President Cruz’s congratulatory letter on behalf of the Board is available on the college website. Mr. Jalomo responded to the concerns expressed about changes the Chancellor made to composition of screening committees. He stated that MSC brought their concerns to the Chancellor when they noticed that MSC representatives on committees for administrative positions were less than other constituency groups. The MSC group has expertise in understanding the roles and responsibilities of administrators. In no way, shape or form is the MSC group trying to stack committees; we are just requesting fairness. Chancellor Cepeda reviewed the matter with the District Council and concluded the MSC request was appropriate and would help ensure that hiring committees included individuals with expertise in the subject or skill area. She also announced to the District Council that she would implement the revisions to the composition of screening committees immediately so the district could prepare for the hiring that will soon take place.

SJCC Associated Students Region IV Chuck Stevens reported on the excitement of SJCC student leaders as they transition to a student senate.

H. ACTION AGENDA

1. **SJECCD AND MUSD STATUS REPORT: GUIDELINES, PRINCIPLES AND PROPOSED TERMS FOR LAND LEASE AGREEMENT**

This item was moved to precede the approval of the Consent Agenda.

2. **TRANSFER OF APPROVED CHILD DEVELOPMENT GRANTS FOR FY 2011-2012**
SJCC Vice President Greg Nelson provided a brief overview of the transfer of these funds. He stated the Board had already approve the Child Development Grants for fiscal year 2011-2012 but this transfer allows for an increase of needed funding for the preschool group and a decreased need for the toddler group.

M/S/C (Nasol/Dhillon) to approve the contract amendments attached for the Child Development Grants for FY2011-2012 in the amount of $8,443.00.

3. **MEASURE G-2010 – AGREEMENT WITH KITCHELL CEM INC. FOR PRECONSTRUCTION OF SAN JOSE CITY COLLEGE (SJCC) THEATER & VOCATIONAL TECHNOLOGY PROJECT**

SJCC Vice President Greg Nelson provided an overview of the two projects associated with this item as well as the ranking of the Selection Committee, which recommended Kitchell CEM Inc.

Trustee Nasol raised a question about the budget allocation for the Vocational Technology Project.

M/S/C (Mann/Casas) to approve the agreement with Kitchell CEM Inc. for preconstruction services in the amount of $168,888 and construction service fees and percentages to be applied to the Guaranteed Maximum Price for the Theater & Vocational Technology Project at SJCC.


This item was moved to precede the approval of the Consent Agenda.

5. **BOARD GOVERNANCE – APPOINTMENT OF BOARD COMMITTEE CHAIRS**

President Cruz stated that at the last meeting, information was provided on the composition of Board committees. She had asked committee members to inform her if they had interest in serving as committee chairs, which would provide leadership and report on the ongoing work of the committee. Based on the feedback she received, President Cruz announced the chairs of the Board committees as follows:

- Audit Committee – Trustee Nasol
- Land Development Committee – Trustee Dhillon
- Self-Evaluation Committee – Trustee Lease
- Student Success Committee – Trustee Fuentes
- Accreditation Committee – Trustee Ho

M/S/C (Mann/Lease) to approve the appointment of committee chairs as announced by Board President Cruz.

6. **RESOLUTION NO. 22613-1 IN SUPPORT OF FEBRUARY 2013 AS BLACK/AFRICAN AMERICAN HISTORY MONTH**

President Cruz stated the importance of celebrating African American History Month
because it provides the opportunity to recognize the many accomplishments of African American faculty, staff and students to our district and community. The campuses have organized many special and impressive events that focus on the national achievements of African Americans. Approval of Resolution No. 22613-1 was written to recognize those achievements and also in support President Obama’s proclamation that February 2013 is National African American History Month.

M/S/C (Dhillon/Mann) to approve Resolution No. 22613-1 in support of February 2013 as Black/African American History Month.

I. INFORMATION AGENDA

1. TECHNOLOGY UPDATE

Dr. Mike Russell, CampusWorks CISCO, provided a brief technology report. He announced that at the March 13 board meeting, Ms. Liz Murphy, CEO would provide a comprehensive report on the first six months of the district’s contract with CampusWorks. Inc. Dr. Russell reported that the first meeting of the Information Systems Steering Group, composed of district and campus personnel, including vice presidents, was recently held. The Steering Group will meet the third Wednesday of every month, and part of its work will be to review the short-term strategies to address immediate needs, such as concerns with Moodle. He also discussed the Library Systems Upgrade, and announced the contract would be sent to the Board for approval at the March 12 meeting.

2. LEGISLATIVE UPDATE

Vice Chancellor Garcia discussed the impact of sequester cuts on community colleges. She also stated the colleges are working with Executive Director Rosalie Ledesma to plan legislator visits to our campuses.

3. STUDENT SUCCESS UPDATE

President Cruz reviewed the work of the Board Committee on Student Success and thanked constituency participants for their input into the development of the student success policy and definition, which was approved by the Board at the January 22 meeting. The last meeting of the Board committee on February 20 focused on making the student success policy the center of our district’s decision making process. How does this definition affect student success? We will have to grapple with this as we get involved in learning a new language. We need to establish a baseline and conduct analysis. The district needs to establish associated procedures to ensure everything is in alignment with the student success policy. The district also needs to be more specific in ensuring staffing needs are in line with the policy and that it is more specific in terms of how it adequately funds the implementation of the policy. However, the Board will continue to focus on its role as policy makers and as those with fiduciary responsibilities for the district. The goal is for the district to get to the place where this committee is no longer necessary.
J. CONTINUATION OF CLOSED SESSION

No.

K. RECONVENE OPEN SESSION

ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION

None.

L. ADJOURNMENT

M/S/C (Nasol/Ho) to adjourn the meeting at 8:09 p.m.

Rita M. Cepeda, Secretary
Board of Trustees
Minutes of the
Governing Board Meeting
March 12, 2013

A. CALL MEETING TO ORDER

President Cruz called the Regular Meeting of the Governing Board of the San José- Evergreen Community College District to order on Tuesday, March 12, 2013, at 4:30 p.m. at the District Office Board Room, 4750 San Felipe Road, San Jose, CA 95135.

Board Members Present:
Ms. Mayra Cruz
Mr. Balbir Dhillon
Ms. Maria Fuentes
Dr. Jeffrey Lease
Ms. Wendy Ho
Mr. Craig Mann
Mr. Rudy Nasol

Board Members Excused:
None

B. APPROVAL OF CLOSED SESSION AGENDA

M/S/C (Lease/Fuentes) to approve the Closed Session agenda.

C. PUBLIC COMMENTS ON CLOSED SESSION AGENDA

There were no public comments.

D. RECESS TO CLOSED SESSION TO CONSIDER AND/OR TAKE ACTION UPON ANY OF THE FOLLOWING ITEMS

The Board recessed to Closed Session at 4:30 p.m. to consider the following items:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Government Code Section 54957(b))

E. RECONVENE INTO OPEN SESSION

The public session was reconvened at 6:00 p.m.
Board Members Present:
Ms. Mayra Cruz
Mr. Balbir Dhillon
Ms. Maria Fuentes
Dr. Jeffrey Lease
Ms. Wendy Ho
Mr. Craig Mann
Mr. Rudy Nasol
Mr. Mike Casas
Mr. Shawn Sieu-Nguyen

Board Members Excused:
None

1. **PLEDGE OF ALLEGIANCE**

   Student Trustee Casas led the Board and members of the audience in the Pledge of Allegiance to the Flag.

2. **ADOPTION OF AGENDA**

   M/S/C (Mann/Casas) to adopt the agenda as amended:

   Corrections were made to the Consent Agenda.

3. **ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION**

   No reportable actions were taken in Closed Session.

4. **PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA**

   The Board heard a public comment from EVC Student Trustee Shawn Sieu-Nguyen, who spoke in honor of an EVC student and member of the Associated Student Board, Yesenia Garcia, who died due to a tragic accident. She was loved and respected by her fellow students, and was about to be married. He asked for a moment of silence at the meeting. President Cruz honored this request, and a moment of silence was held in honor of Yesenia Garcia.

   SJCC Student Dontica Hankins apologized to Lincoln High School, San Jose City College and the district for the incident that took place during the Thanksgiving Day football game at San Jose City College. He stated he learned from the incident and promised it would never happen again. Mr. Hankins was accompanied by Coach Carr at the podium.

6. **APPROVAL OF THE FEBRUARY 26, 2013, GOVERNING BOARD MEETING MINUTES**

   M/S/C (Lease/Nasol) to approve the above listed meeting minutes as amended:

   Trustee Ho made the following correction: On page 5 of the February 26 minutes,
“financial aid” was changed to “deferred action” in her report so that the sentence reads: "Congresswoman Lofgren is interested in conducting a workshop on one of our campuses about the deferred action application process.

Trustee Nasol requested an addition on Page 26, Item Number 3. He wanted the minutes to reflect that he had raised a question about the budget allocation for the Votech project.

F. CONSENT AGENDA

1. ADOPTION OF THE CONSENT AGENDA

M/S/C (Ho/Lease) to approve the Consent Agenda as amended:

Item F-4, 2 – Per request of the employee, the separation date for Lynch, Beverly was changed from 06/30/13 to 05/31/13.

Item F-5, c – The location for Work Study Programs (WIN/CalWorks) Newhall, Melanie was corrected from SJCC to EVC.

2. FACULTY PERSONNEL ACTIONS – REGULAR

The Board approved the Faculty Personnel Actions as submitted.

3. MANAGEMENT PERSONNEL ACTIONS

The Board approved the Management Personnel Actions as submitted.

4. CLASSIFIED PERSONNEL ACTIONS

The Board approved the Classified Personnel Actions as amended.

5. HOURLY, STUDENT WORK AND VOLUNTEER PERSONNEL ACTIONS

The Board approved the Short-Term Hourly, Substitute, Professional Expert & Athletic Support Services, Student Assistant and Volunteer personnel actions as amended.

6. RATIFICATION OF CONTRACTS AND PURCHASE ORDERS

The Board ratified the contracts and purchase orders for the period of December 10, 2012, through February 9, 2013.

7. CURRICULUM RECOMMENDATION FOR SAN JOSE CITY COLLEGE

The Board approved the new courses proposed by San Jose City College.
8. **MEMO OF UNDERSTANDING BETWEEN PUENTE PROJECT AND SAN JOSE CITY COLLEGE**

The Board approved the Memo of Understanding between the State Puente Project and San Jose City College.

9. **FINAL PAYMENT ON LATE INVOICE FOR EMERGENCY WORK DUE TO EVERGREEN VALLEY COLLEGE POWER OUTAGE**

The Board approved the final payment on a late invoice for the emergency work of Cupertino Electric, Inc. during the Evergreen Valley College power outage.

G. **ORAL COMMUNICATIONS**

a. **Board of Trustees**

SJCC Student Trustee Casas reported that SJCC and EVC students voted unanimously to approve the VTA Eco pass. He also reported that 70 students attended the March in March in Sacramento, which indicates the enthusiasm of our students. Student Trustee Casas attended legislative visits organized by Executive Director Rosalie Ledesma and visited Senator Jim Beall. He thanked the campus for the many activities it held in honor of Black History Month. Student Trustee Casas thanked Romero Jalomo for his dedication and contributions to the college.

EVC Student Trustee Sieu-Nguyen reported on the student vote regarding the VTA Eco pass. Seventy-two percent of students voted in favor of the student fee, and the remainder had no response. He stated the item would move forward to the Board of Trustees in time for the fee to be set up with Admissions and Records.

In response to Student Trustee Sieu-Nguyen’s report, Chancellor Cepeda stated that there is a timeline for the Board to approve student fees. In this case, it was the request of students to have this special transportation fee approved by the Board in time to have it implemented in the Fall. However, the district will need to review regulations for when and how this is to be implemented.

Trustee Nasol, Chair, Board Audit Committee, reported on the Board Audit Committee meeting held on March 7. He stated that Crowe Horwath provided the results of their review of expenses incurred by the Board of Trustees and Chancellor for the year ended June 30, 2012. For the second year in a row, their review did not find any discretionary expenses for the year ended June 30, 2012 that were for an improper business purpose or did not comply with Board approved administrative policies for Purchasing and Procurement Care Procedures or with the Board Policy for Travel. The committee also received information on the next audit cycle. Trustee Nasol stated the Board Audit Committee requested a very thorough and expanded audit of the bond projects.
Trustee Balbir Dhillon, Chair, Board Land Development Committee, reported that the committee will have its next meeting tomorrow, March 13. He stated the Board is receiving information about the 27 acres available to the district for sale and leasing purposes. He thanked the staff for their hard work in organizing the meetings and preparing the information.

President Mayra Cruz, Chair, Board Student Success Committee, announced that the next meeting will be held on Wednesday, April 10, 5:00 p.m. at the SJCC Technology Center. The committee continues to refine its metrics and is considering ways to establish the baseline. The discussion will continue on how to develop strategies for achieving student success and to review what the state is doing. We want to communicate with our legislators our concerns and the values we hold for our students. With that in mind, our district will develop our own legislation to get more student focus incorporated into our state laws. Also, our district has strong concerns about how we will tie our budget to student success goals and initiatives.

Trustee Ho reported on her attendance at the Community Dialogue on Comprehensive Immigration Reform event held at San José City College on Saturday, March 2. It was very exciting to see such a great gathering of folks coming together on an issue that affirms our district’s commitment to opportunity, equity and social justice.

President Cruz thanked President Kavalier and her staff for the work they did in hosting the March 2 immigration reform forum on the SJCC campus. It was a great opportunity to engage the community in our discussions on the actions we will take. At this meeting, the Board will be asked to approve a resolution in support of comprehensive immigration reform. Our district will take action by helping to draft the reform policy. A lot of information was shared at the forum that will now be distributed throughout the Bay Area. President Cruz also announced that at the next Foundation Board Meeting, scheduled for March 28, the Foundation Board will discuss having a joint meeting with the SJECCD Board. The Foundation Board is also planning a Bridge to the Future 2013 event for August, and further information will be provided as the details are finalized.

b. Chancellor

Chancellor Cepeda reported on some key activities of the district, which were outlined in her Chancellor’s Report message sent to all district employees. In particular, she provided an overview of the Board Study Session on February 12, in which the Board discussed training and other tools that would enable them to perform better as trustees. She also reviewed the District Redesign and Restructuring project currently underway, the strategic planning process, and the work of the Civility Task Force and Student Success Committee.

c. Presidents

EVC President Yong reported on the ALICE (Awareness, Lockdown, Inform, Counter and Evacuate) Train the Trainer workshop held on the EVC campus
on March 7 and 8. Other groups were also invited to participate, and the event was very well received. Three Bay Area news media were present to record the event.

SJCC Vice President Elaine Burns thanked Trustees Cruz, Fuentes and Ho for hosting and participating in the community forum on immigration reform that was held on the campus on March 2. It was a very powerful forum, and many participants left with an understanding of the next steps we all need to take. She also thanked SJCC student government for their participation in the Black History Month events.

d. Constituency Group Representatives

SJCC Associated Students Region IV Chuck Stevens reported on the work the senate is doing regarding the AS bylaws, which will be sent to the Board for approval at the next meeting.

MSCC President Lauren McKee congratulated Romero Jalomo for his promotion, although it is sad he is leaving the district. He thanked him for his contributions to the college and the hard work he did on behalf of MSC members.

SJCC Academic Senate President Heimler also thanked Romero Jalomo for his work on behalf of the college. He had the pleasure of working with him on the Achieving the Dream task force and other important initiatives on behalf of students. Dr. Jalomo is a true educator at heart, and it’s been a pleasure to work with him.

EVC Academic Senate President Eric Narveson also stated it was a pleasure working with Dr. Jalomo, and he will be greatly missed by the district. Mr. Narveson stated the campus is holding many events in support of Women’s History Month, and he encouraged everyone to review the college website to see which of these events they would like to attend. EVC continues its work on SLO’s and is looking for ways to institutionalize the SLO process. The Academic Senate is currently holding elections for faculty to serve one-year terms.

FA President David Yancey reported on the FA’s attendance at the March 2 immigration reform forum. The event was very impressive and is important for our students because we want to teach them how to become good citizens.

CSEA Vice President David Micetich reported on CSEA’s concerns that the district’s redistricting/restructuring plan announced by the Chancellor would be done in the right way. CSEA members want to be included in the process in a way they weren’t the last time the district reviewed positions that were targeted for layoff.
H. ACTION AGENDA

1. LIBRARY SYSTEM REFRESH

Dr. Mike Russell, CampusWorks, Inc., CISO stated the importance of the district updating its library system, which was purchased in 1994. The updated system will provide a new platform for the district to provide advanced services for students. This upgrade will be funded through bond money. Dr. Russell introduced members of the library staff to discuss the benefits the new upgrade would provide. Linda Meyer and Robert Wing, SJCC Librarians, Joseph King, SJCC Library Coordinator, and Lorena Mata, EVC Librarian, discussed how the new upgrade would allow students to better conduct research through enhanced search functions, pay fees remotely, and assist staff in streamlining its processes.

Trustee Lease stated the importance of these upgrades as it allows the district the ability to eliminate roadblocks for our students, which is in line with our commitment to student success and achievement.

M/S/C (Nasol/Casas) to approve a purchase of a library system refresh from Innovative Interfaces in the amount of $339,076.

2. MEASURE G-2010 BOND PROGRAM: CHANGE ORDER #001 WITH BHM CONSTRUCTION, INC. IN THE AMOUNT OF $15,490 FOR THE EVERGREEN VALLEY COLLEGE (EVC) INTERIM POLICE FACILITY & G-2010 OFFICES

Mr. Mark Miller, Gilbane Project Manager, reviewed the Change Order for the EVC Interim Police Facility and Measure G-2010 Project Offices. He reviewed the additional work required that would be covered by this change order.

M/S/C (Nasol/Dhillon) to approve Change Order #001 to BHM Construction, Inc., in the amount of $15,490 for the Evergreen Valley College Interim Police Facility & G-2010 Offices.

3. MEASURE G-2010 BOND PROGRAM: PROJECT ASSIGNMENT AMENDMENT (PAA) REVISION #002 WITH AEDIS ARCHITECTS IN THE AMOUNT OF $7,579 FOR THE EVERGREEN VALLEY COLLEGE (EVC) CENTRAL PLANT AND POLICE STATION RENOVATION

Mr. Mark Miller, Gilbane Project Manager, reviewed the contract amendment with Aedis Architect. As part of the permit approval process, the City of San Jose Police Department required the installation of a fire hydrant, fire access road and a temporary “hammerhead” turn-around for fire trucks that could be removed once the permanent fire lane is extended to the South Campus Development.

Trustee Nasol stated the importance of the district to work with public safety officials in terms of the location of fire hydrants and to ensure they have proper access to our buildings in case of an emergency.

M/S/C (Nasol/Lease) to approve PAA Revision #002 to Aedis Architects in the amount of $7,579 for the Evergreen Valley College (EVC) Central Plant and Police
Station Renovation, Project #32306.

4. **MEASURE G-2010 BOND PROGRAM: DESIGN SERVICES AGREEMENT WITH MARCY WONG DONN LOGAN ARCHITECTS FOR ARCHITECTURAL DESIGN & CONSTRUCTION PHASE ADMINISTRATION AT SAN JOSE CITY COLLEGE (SJCC) THEATER & VOCATIONAL TECHNOLOGY PROJECT**

Mr. Casey Michaelis, Sr. Project Executive, Gilbane Building Company, provided an overview of the contract with Marcy Wong Donn Logan Architects for the Theater and Vocational Technology Project at San Jose City College.

Trustee Nasol expressed concern that the agreement does not provide information on what the project looks like in terms of the schematic design or what the budget looks like. The Board deserves to see what the total budget is for this project. Also, it’s not clear what the timeline is for the construction of this facility and its impact on the rest of construction at the college. SJCC Academic Senate President Heimler commented that the Academic Senate was not adequately included in the decision-making process for this project. He expressed concern that the language of this contract is not in line with the language outlined in the bond and project list, i.e. changing the original bond language from theatre to a Media Arts Center and Vocational Technology Building. He stated that the college facilities planning and program review process was not followed by the campus. He also stated that the college facilities committee meetings and minutes of the meetings were not properly posted; therefore, faculty did not have enough opportunity to provide input. The Media Center does not support an existing educational program and vocational/technical faculty has been negatively impacted. He asked the Board to delay approval of this item until faculty was included in the process. Trustee Fuentes requested the item be tabled until President Kavalier and Vice President Nelson were present to answer the questions brought up at the meeting. She also stated the importance of hearing further information about what is happening at San José City College from the perspective of the Academic Senate. Chancellor Cepeda answered that it is clear the Board wants more information. What is not clear is an understanding of what would be enough information. In this case, it is clear the Board wants more information about the review process used at San José City College; and that information will be provided, but not in the context of comments made by an individual faculty member.

M/S (Nasol/Fuentes) to table the item until the next board meeting. Trustee Dhillon voted yes. Trustees Lease, Ho, Cruz and Mann voted no. Motion failed.

M/S/C (Lease/Mann) to approve the Agreement with Marcy Wong Donn Logan Architects for architectural design & construction phase administration at San Jose City College (SJCC) Theater & Vocational Technology Project. Trustees Fuentes, Nasol and Dhillon voted no. Motion passes.

Although the Board approved the item, President Cruz requested on behalf of the Board that answers to the questions asked at today’s meeting be provided on or before the April 9 meeting.
5. **MEASURE G-2010 BOND PROGRAM: PROJECT ASSIGNMENT AMENDMENT (PAA) SAN JOSE CITY COLLEGE (SJCC) – 01 JONI L. JANECKI ASSOCIATES FOR THE CAMPUS SITE IMPROVEMENTS, LANDSCAPE MASTER PLANNING AND PRE-DESIGN SERVICES**

M/S/C (Mann/Ho) to approve the Project Assignment Amendment with Joni L. Janecki Associates in the amount of $117,600 for the Campus Site Improvements Design Services at San Jose City College.

6. **DISTRICT BUDGET TRANSFERS AND REVISIONS – RESOLUTION NO. 31213-1**

M/S/C (Mann/Dhillon) to approve the resolution authorizing the budget transfers and revisions of funds within expenditure accounts, authorizing the appropriation of the receipt of unanticipated revenues in certain programs, and authorizing the reversal of appropriations in certain programs due to the non-receipt of program revenues.

7. **NATIONAL WOMEN’S HISTORY MONTH – RESOLUTION NO. 31213-2**

Chancellor Cepeda stated the colleges are hosting many events in support of Women’s History Month. She recommended the Board adopt this resolution in alignment with the district’s values of opportunity, equity and social justice.

M/S/C (Nasol/Fuentes) to adopt Resolution No. 31213-2 in support of March 2013 as National Women’s History Month.

8. **CITIZENSHIP FOR ASPIRING CITIZENS OF THE UNITED STATES – RESOLUTION NO. 31213-3**

Chancellor Cepeda stated this resolution reflects the district’s commitment to comprehensive immigration reform that was discussed during the March 2 forum at San Jose City College. She thanked the Faculty Association for their work in developing the resolution for the Board to approve. FA President Yancey stated his appreciation that the district is moving forward with this resolution now. If we don’t state it, our legislators will do what is convenient for them; and we want action now. FA Executive Director Hanfling requested that the approved resolution be sent out so other institutions will take similar action. President Cruz stated that there is imbedded action required by the district included in the resolution. It’s important to move forward with this work.

M/S/C (Dhillon/Ho) to adopt Resolution No. 31213-3 Citizenship for Aspiring Citizens of the United States.

I. **INFORMATION AGENDA**

1. **CAMPUSWORKS, INC. PRESENTATION**

Ms. Liz Murphy, CEO, CampusWorks, Inc., provided a progress report of CampusWorks activities since they began their work with the district. She reviewed the problems with the IT infrastructure that required immediate stabilization. The
backup systems were not operational, the phone system didn’t adequately support staff and the servers kept crashing. These critical issues required immediate action; and the CampusWorks team, led by Dr. Mike Russell, worked with the district ITSS team and college IT teams to address the infrastructure problems. Ms. Murphy reported the progress made in educating the IT Steering Group who led the district to a path to sustainability. She reviewed a timeline for projects related to network and hardware infrastructure. She also reviewed the bond support for technology projects which impact student success, productivity and business continuity and infrastructure. Ms. Murphy reviewed critical steps to building a sustainable IT organization, including a review of peer institutions’ best practices, review of historical staffing of ITSS in the district, identification of critical IT positions needed in the next three years, knowledge transfer, training and the posting of open IT positions written in a way that reflects the current and future needs of the district. She also reviewed the CISO priorities and the progress to date, which included the development of a master technology plan.

Trustee Fuentes expressed her concerns related to IT staffing. ITSS has definitely suffered due to a lack of senior leadership and budget cuts that led to a reduction of support staff. Our district is located in the middle of the Silicon Valley, yet we have major staffing needs. Ms. Murphy agreed that the district was negatively impacted by not having a CIO. Also, as CampusWorks works with district IT staff on improving the infrastructure and updating IT systems, there will need to be adequate staff in place, who are properly trained to sustain that work. Trustee Dhillon stated that there should be some areas where the district can save money. Ms. Murphy answered that the district has already saved money through the district-wide proposal to replace printers and copiers. Chancellor Cepeda stated that it would be her responsibility to make recommendations to the Board as part of the restructuring and organizational redesign process. There are multiple competing priorities, but this is part of the work the Board has charged her to bring forward.

2. **LEGISLATIVE UPDATE**

Chancellor Cepeda reviewed a Federal Update/Legislation report that was compiled by Executive Director Rosalie Ledesma. Some issues she reported on included: the Obama administration’s 2014 Fiscal Budget delay until April, President Obama’s proposal to overhaul Accreditation, and the latest news on immigration reform.

3. **STUDENT SUCCESS UPDATE**

This update was provided during Board President Mayra Cruz’s report on the work of the Student Success Committee.

4. **MEASURE G-2010 BOND PROGRAM: MEASURE G-2010 SUMMARY REPORT**

Mr. Mark Miller, Gilbane Program Manager, reviewed the Measure G-2010 Summary Report.

5. **MEASURE G-2010 BOND PROGRAM: FACILITY MASTER PLAN/MEASURE G-2010 PROGRESS REPORT AT EVERGREEN VALLEY COLLEGE**
Mr. Mark Miller, Gilbane Program Manager, and EVC Vice President Henry Gee presented on Evergreen Valley College’s facility master plan and Measure G-2010 progress report. Projects reviewed included: Energy Efficiency Photovoltaic, Central Plant and Police Renovation, Interim Police Housing & Measure G-2010 Offices, South Campus Development, Automotive Technology, Engineering and Technology, Administrative/Student Support Services. They also reported on scheduled maintenance projects, such as 21kV Replacement Project, Gullo Student Center Exterior Renovation and Mechanical, Electrical and Plumbing Repairs & Upgrades.

Trustee Nasol inquired if the solar array project at EVC generated any savings so that the cost would eventually be paid back to the college. Mr. Miller answered that there is information, but he did not have that available for the meeting. Trustee Nasol also inquired about the delineation between Measure G-2004 and Measure G-2010 projects. He was informed projects couldn’t be co-linked between those two bonds. In particular, he inquired about the new Fitness Center as part of the South Campus development. Mr. Miller answered the Fitness Center was defunded in Measure G-2004. Trustee Nasol requested the Chancellor report back to the Board regarding his concerns that the district is shifting funds from one bond to another. Vice Chancellor Smith answered that the Board will be provided the project lists for their approval.

6. **MEASURE G-2010 BOND PROGRAM: SCHEMATIC DESIGN PRESENTATION FOR THE SOUTH CAMPUS DEVELOPMENT AT EVERGREEN VALLEY COLLEGE**

Representatives from HMC Architects, Mr. Ric Mangum, Principal, Ms. Donna Barry, Design Architect and Mr. Marco Blagojevic, Design Architect, provided a schematic design overview of the EVC South Campus Development Project.

Trustee Nasol expressed hope that the students, staff and faculty, and all end users are being consulted and that their input is being reflected in the schematic design. He also stated he would like to know how the Measure G-2004 renovation funds are being utilized. He is requesting to see how these funds are moving around between projects. EVC Academic Senate President Narveson stated that end users have been and continue to be consulted. There have been around eight to twelve meetings where this information has been provided, and this is the second time he has seen this presentation. The feeling is the end users are being asked to tell the architects what they want, and the work is beginning from that process.

7. **BOARD TRAINING AND DEVELOPMENT STUDY SESSIONS: SUMMARY AND OUTCOMES**

Chancellor Cepeda reviewed a draft Board Training and Development Program, which resulted from the requests made by Trustees at the February 12 Study Session. She asked Board members to review the draft plan and send her any additional requests and input so it could be presented to the Board for approval in April.

Chancellor Cepeda also reviewed a draft calendar of board meetings, which includes the topics, study sessions and important dates of interest to the Board of Trustees. Trustee Ho requested that special appreciation dates and months,
Minutes of March 12, 2013, Governing Board Meeting

including resolutions be added to that calendar.

J. CONTINUATION OF CLOSED SESSION

No.

K. RECONVENE OPEN SESSION

ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION

None.

L. ADJOURNMENT

M/S/C (Nasol/Dhillon) to adjourn the meeting at 10:40 p.m.

Rita M. Cepeda, Secretary
Board of Trustees
Minutes of the
Governing Board Meeting
April 9, 2013

A. CALL MEETING TO ORDER

President Cruz called the Regular Meeting of the Governing Board of the San José-Evergreen Community College District to order on Tuesday, April 9, 2013, at 4:30 p.m. at the District Office Board Room, 4750 San Felipe Road, San Jose, CA 95135.

Board Members Present:
Ms. Mayra Cruz
Mr. Balbir Dhillon
Ms. Maria Fuentes
Dr. Jeffrey Lease
Ms. Wendy Ho
Mr. Craig Mann

Board Members Excused:
Mr. Rudy Nasol

B. APPROVAL OF CLOSED SESSION AGENDA

M/S/C (Lease/Fuentes) to approve the Closed Session agenda.

C. PUBLIC COMMENTS ON CLOSED SESSION AGENDA

There were no public comments.

D. RECESS TO CLOSED SESSION TO CONSIDER AND/OR TAKE ACTION UPON ANY OF THE FOLLOWING ITEMS

The Board recessed to Closed Session at 4:30 p.m. to consider the following items:

Prior to beginning the Closed Session meeting, President Cruz read the Real Property Negotiators items the Board would review.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Government Code Section 54957(b))

[ X ] CONFERENCE WITH REAL PROPERTY NEGOTIATORS
E. **RECONVENE INTO OPEN SESSION**

The public session was reconvened at 6:10 p.m.

**Board Members Present:**
- Ms. Mayra Cruz
- Mr. Balbir Dhillon
- Ms. Maria Fuentes
- Dr. Jeffrey Lease
- Ms. Wendy Ho
- Mr. Craig Mann
- Mr. Mike Casas
- Mr. Shawn Sieu-Nguyen

**Board Members Excused:**
- Mr. Rudy Nasol

1. **PLEDGE OF ALLEGIANCE**

Student Trustee Casas led the Board and members of the audience in the Pledge of Allegiance to the Flag.

2. **ADOPTION OF AGENDA**

 M/S/C (Mann/Lease) to adopt the agenda as amended:
Corrections were made to the Consent Agenda.

3. **ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION**

President Cruz reported the following actions taken in the Closed Session Meeting.

Conference with Real Property Negotiators, Property: 40 South Market Street, San Jose, CA 95113, District Negotiator: James J. Eller, Names of Negotiating Parties: Univision/Raul Velez, to negotiate both price and terms of payment.

The Board voted 4 yes, 1 no, and 1 abstention. Trustees Cruz, Ho, Lease and Mann voted yes. Trustee Fuentes voted no. Trustee Dhillon abstained.

Conference with Real Property Negotiators, Property: 40 South Market Street, San Jose, CA 95113, District Negotiator: James J. Eller, Names of Negotiating Parties: Wells Fargo Advisors/Michael Zent, to negotiate both price and terms of payment.

The Board voted 4 yes, 1 no, and 1 abstention. Trustees Cruz, Ho, Lease and Mann voted yes. Trustee Fuentes voted no. Trustee Dhillon abstained.

The Board took no action on the Conference With Real Property Negotiators, Property: Approximately four acres of undeveloped land currently used for athletic fields at Russell Middle School.

4. **PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA**

There were no public comments.

5. **APPROVAL OF THE MARCH 12, 2013, GOVERNING BOARD MEETING MINUTES**

M/S/C (Mann/Lease) to approve the above listed meeting minutes as submitted.

6. **APPROVAL OF RESOLUTION NO. 040913-3**

M/S/C (Dhillon/Fuentes) to approve Resolution No. 040913-3 to excuse Trustee Rudy Nasol from attending the April 9, 2013, Governing Board Meeting due to a death in the family.

F. **CONSENT AGENDA**

1. **ADOPTION OF THE CONSENT AGENDA**

M/S/C (Fuentes/Ho) to approve the Consent Agenda as amended:

Item F-4, 2a Classified Personnel Actions, Change of Status, Promotion – Research Assistant I – the effective date was changed from TBD to 4/15/13.
2. **MANAGEMENT PERSONNEL ACTIONS**
   The Board approved the Management Personnel Actions as submitted.

3. **FACULTY PERSONNEL ACTIONS – REGULAR**
   The Board approved the Faculty Personnel Actions as submitted.

4. **CLASSIFIED PERSONNEL ACTIONS**
   The Board approved the Classified Personnel Actions as amended.

5. **HOURLY, STUDENT WORK AND VOLUNTEER PERSONNEL ACTIONS**
   The Board approved the Short-Term Hourly, Substitute, Professional Expert & Athletic Support Services, Student Assistant and Volunteer personnel actions as submitted.

6. **RATIFICATION OF CONTRACTS AND PURCHASE ORDERS**
   The Board ratified the contracts and purchase orders for the period of February 10, 2013, through March 9, 2013.

7. **SJCC ASSOCIATED STUDENT’S AUGMENTED BUDGET 2012/2013**
   The Board approved SJCC Associated Students augmented budget for 2012/2013.

8. **CURRICULUM RECOMMENDATIONS FOR EVERGREEN VALLEY COLLEGE**
   The Board approved the curriculum recommendations for new courses submitted by Evergreen Valley College.

G. **ORAL COMMUNICATIONS**

   a. **Board of Trustees**

   SJCC Student Trustee Casas reported on the upcoming AS elections on both campuses and his excitement about the upcoming signing ceremony for the Constitution, which has been submitted for Board approval at the meeting.

   EVC Student Trustee Sieu-Nguyen reported that the student election held to ask about the ECO Pass was approved by over 70%. Unfortunately, the election was not compliant with the Education Code so the election must be redone. ASG will submit an agenda item for the Board to approve the election procedure, and the election will take place shortly after that approval.

   Trustee Lease stated how happy he was to attend the Reaffirmation of Accreditation event at San José City College. It was a fun event celebrating a
great accomplishment. Congratulations to SJCC.

Trustee Dhillon reported on the April 4 community event held by Chancellor Cepeda. It was very well attended and a great opportunity for community members to give their feedback to the district. Trustee Dhillon also provided a report as Chair of the Board Land Development Committee. He reported that at the March 13 meeting, the committee requested a proposal for how to proceed in moving forward with a plan for utilization of the 27 acres available. At the April 3 meeting, the three committee members reviewed a draft RFP, and the development of the RFP is still a work in progress. As soon as the RFP is put in final form, it will be sent out for everybody to review and provide input. After that, it will be sent to the whole Board for approval.

Trustee Fuentes stated that the Chancellor’s community advisory event was outstanding. She thanked the Chancellor for providing an opportunity for community members to provide the district with valuable input. Trustee Fuentes also announced the next Student Success Committee will be held tomorrow, April 5, 3:00-5:00 p.m. in the SJCC Technology Center. The committee will review student success metrics, advocacy and community engagement.

Trustee Ho also reported on her attendance at the Chancellor’s community breakfast. She was very impressed by the event. She thanked the Chancellor and Mr. Sam Ho for their hard work in organizing such a large group meeting. Many community members provided valuable input and seemed very engaged during the discussion. The focus was on how the district could better serve the needs of our community and students.

President Cruz expressed how much she enjoyed the SJCC accreditation reaffirmation celebration and thanked the college for the excellent work they are doing. The Community Advisory Group of April 4 was also a wonderful experience as so many community members provided feedback and some of their best thinking about how our district can better meet their needs. It feels as if now we are in the forming stage of a very positive engagement with our community.

b. **Chancellor**

Vice Chancellor Garcia introduced the newest addition to the Human Resources staff, Director of Human Resources, Mr. Shawn Larry. Mr. Larry will provide oversight of HR personnel and work in the areas of benefits implementation and workman’s compensation. Mr. Larry spoke briefly to the Board about how excited he was to be working for the district.

Chancellor Cepeda reported the Board has been asked to present at the Community College League’s 2013 Annual Trustees Conference, May 3-5, in Lake Tahoe. This annual conference is a professional development event for community colleges and is attended by more than 400 faculty, administrators, staff and trustees. The theme this year is “Soaring to New Heights.” Our session to be presented by Trustees Lease, Fuentes and the Chancellor is entitled, “Beyond the Boardroom: How Trustees Conducted a Successful 360
Self Evaluation to Right the Ship!” Chancellor Cepeda also expressed her excitement about the success of the Community Advisory Meeting on April 4. Our goals were to present information to the community about our district, and give them an opportunity to discuss their interests and concerns. These goals were met. Over 100 individuals were in attendance, and they interacted within a very diverse setting of business, community, education, faith-based leaders and elected officials. Trustees Cruz, Fuentes, Ho and Dhillon were in attendance, as well as our two student Trustees Casas and Sieu-Nguyen. Chancellor Cepeda thanked Sam Ho for his excellent organization of this event—it would not have been as successful without his attention to detail. She also thanked her executive team for representing our district well. We are now in the process of summarizing the feedback we received, and this information will be shared district-wide and with all participants as well. Chancellor Cepeda announced she would be traveling to Washington D.C. to attend the HACU Governing Board Retreat on April 14-15, 2013, where she will be participating in Capitol Hill visits organized through HACU’s Legislative Affairs Division.

Chancellor Cepeda announced that at this meeting, the Board accepted the resignation of SJCC President Barbara Kavalier. President Kavalier will be leaving us on July 1, 2013. Chancellor Cepeda, along with Vice Chancellor Garcia, will put in place a process for the selection of an Interim President for the 2013/2014 Academic Year, while working concurrently to conduct a national search for the SJCC President to begin service on or before Fall 2014.

c. Presidents

SJCC President Kavalier thanked Trustees Cruz and Lease for attending the Accreditation Reaffirmation celebration at the college. She also thanked the members of the accreditation oversight team, who were brave enough to go on stage and dance. She announced the college held two campus forums in which the bond programs were discussed, and faculty and members of the college community were provided an opportunity to ask questions and express concerns. President Kavalier also announced that on April 17, SJCC will have the first-ever employee recognition ceremony, where tenured faculty will be recognized.

d. Constituency Group Representatives

SJCC Associated Students Region IV Chuck Stevens reported on his legislative visit to speak on AB 955 (Williams) which authorizes California Community College districts to offer self-supporting extension programs during summer and winter intersession if those districts have been at enrollment capacity for the prior two years.

MSCC President Lauren McKee introduced EVC Dean Mark Gonzales as the new Vice President of MSCC. Ms. McKee also thanked Chancellor Cepeda for the wonderful community breakfast. The attendees seemed very happy to meet with the district in a positive atmosphere.
SJCC Academic Senate President Heimler reported that 24 SJCC faculty have been participating in screening committees. He also thanked administration for providing background information on the agenda about Measure G-2004 and Measure G-2010.

FA Executive Director Hanfling introduced Adjunct Faculty Steven Graham, who attended the board meeting on behalf of Academic Senate President Narveson. She thanked him for being a very active faculty member at EVC. Ms. Hanfling also reported that before Spring break the faculty union and district have met to discuss the faculty contract openers. Ratification meetings were held today and the vote will take place until April 18.

H. ACTION AGENDA

1. CCCT BOARD ELECTION 2013

   The Board, through a show-of-hands vote, chose seven of fifteen candidates to serve on the CCCT Board. The seven nominees who received the most votes were marked on the ballot, which will be forwarded to the CCCT Board.

   M/S/C (Dhillon/Ho) to nominate seven of fifteen candidates (announced at the meeting) to serve on the California Community College Trustees Board.

2. SJCC ASSOCIATED STUDENTS CONSTITUTION

   President Cruz stated how impressed she was by the work the students did to become a senate and write their own constitution. She requested SJCC Student Trustee Casas report on the new constitution. Mr. Casas thanked the student leaders for their hard work in bringing this new constitution to fruition. In particular, he recognized Alex Ward, SJCC AS Chief Justice, John Brown, Chuck Stevens, Karrawinds Salters, Larry Harris and the SJCC Student Council for their support in approving the new student senate constitution.

   M/S/C (Mann/Dhillon) to approve the new Constitution created by the SJCC Associated Students Senate.

   After the Board approved the new constitution, a signing ceremony was held, followed by a brief celebratory reception.

3. DISTRICT BUDGET TRANSFERS AND REVISIONS

   M/S/C (Lease/Ho) to approve the resolution authorizing the budget transfers and revisions of funds within expenditure accounts.

4. FY2013-2014 ISSUANCE OF TAX AND REVENUE ANTICIPATION NOTE (TRAN)

   Trustee Lease stated how impressed he was that the amount of the TRAN was so low, and this indicates the district is much stronger fiscally than it has been in previous years.
M/S/C (Lease/Dhillon) to adopt a resolution authorizing the borrowing of funds for Fiscal Year 2013-2014 in an amount not to exceed $7,000,000 through the issuance and sale of a Tax and Refund Anticipation Note (TRAN) by participating in the Community College League of California Tax and Revenue Anticipation Notes Program.

5. **MEASURE G-2010: REVISION #1 TO THE ICA WITH HMC ARCHITECTS FOR TECHNOLOGY DESIGN STANDARDS**

M/S/C (Mann/Lease) to approve issuance of Revision 001 to the ICA with HMC Architects for professional services to establish information Technology Standards as part of the District Design Standards in the amount of $22,900 and to extend the term of the ICA to June 30, 2014.

6. **MEASURE G-2010: REVISION #01 TO LIONAKIS PAA EVC-01**

Trustee Dhillon stated that, although he understood the percentage fee would increase as the cost of the project increased, he was concerned about the fee increase being almost 50%. He asked if it was proper to make this kind of change order. Trustee Fuentes also stated her concerns that when the Board receives a change order to approve, 5% is acceptable, but if it is over 50%, it’s of concern and it’s not clear how the Board should relay that concern. Chancellor Cepeda answered that this fee increase is not a change order. The scope of the project was broadened, and that change was approved by the Board. Trustee Dhillon stated the district needs a better process that gives everyone an equal opportunity. The work is there, but we need to set a policy for giving equal opportunity to other bidders. Mr. Mark Miller, Gilbane Project Manager, reviewed the RFQ and selection process, including the composition of the group that determines which bidder receives the contract. President Cruz recommended that in the future, bond measure agenda items include a background section that allows the Board to look at how the particular contract has changed over time.

M/S/C (Dhillon/Mann) to approve Revision #01 to PAA EVC-01 with Lionakis increasing the cost of design and construction phase services on the EVC Automotive Technology Project in the amount of $320,815.

7. **MEASURE G-2010: STRUCTURE CONSULTANTS ICA EVC-01**

M/S/C (Lease/Fuentes) to approve issuance of a contract to Structure Consultants Group in the amount of $130,200 for Inspector of Record services at the EVC-Central Plant and Police Station Renovation Project.

8. **MEASURE G-2010: SJCC MECHANICAL, ELECTRICAL AND PLUMBING UPGRADE PROJECT AWARD**

M/S/C (Mann/Ho) to approve issuance of a contract to S&H Construction, Inc. in the amount of $568,000 for the San Jose City College Mechanical, Electrical and Plumbing Upgrade Project Bid Package No. 1.
9. **MEASURE G-2004 BOND PROGRAM: PROJECT CONSTRUCTION MANAGEMENT SERVICES**

Trustee Fuentes inquired the process for selecting Gilbane Building Company for this contract. Chancellor Cepeda answered that she, as Chancellor, has delegated authority to approve contracts up to $80,000. This contract is critical for finishing the work on Measure G-2004, and it’s important to move forward as quickly as possible. However, for the purpose of transparency, this contract has been brought to the Board for approval. Trustee Lease expressed concern about the seventeen projects the Division of State Architect has indicated that were not closed out with their office. How did we get so far out of line? Mr. Casey Michaelis, Sr. Project Manager, Gilbane Building Company, answered this situation is a problem for a lot of districts throughout the state. Trustee Fuentes stated she understood the district’s need to get Measure G-2004 finished. However, this contract shows why the district needs a Vice Chancellor with the qualifications to address all the areas required for the expenditures of bond funds. This area is so important, and we continue to spend a lot of money on contracts when we really need our own person. Chancellor Cepeda answered she understood Trustee Fuentes’ desire for the district to have its own staff working in critical areas. And that is why the district is currently undergoing a reorganization/redesign process so that we can review our needs and acquire the key personnel we require.

M/S/C (Ho/Mann) to approve issuance of a contract to Gilbane Building Company in the amount of $68,200 to provide Project Construction Management services in connection with design, bidding and/or construction of Measure G-2004 projects. Trustee Fuentes abstained.

I. **INFORMATION AGENDA**

1. **LEGISLATIVE UPDATE**

Chancellor Cepeda reported that President Obama will unveil his 2014 proposed budget tomorrow, April 10. Regarding immigration reform, the Senate’s Gang of Eight is scheduled to release comprehensive immigration reform legislation on Thursday; however, it could possibly be unveiled early next week. There is a tentative agreement on a number of items, but it’s still a “wait and see” game. Chancellor Cepeda distributed a Legislative Report prepared by Executive Director of Government Affairs Rosalie Ledesma which highlighted bills of interest to the district. Some bills the district is currently monitoring include: AB 595 (Gomez): Priority enrollment for EOPS and Disabled Students, AB 1348 (John A. Pérez): California Higher Education Authority, SB 141 (Correa): Postsecondary education benefits: children of deported parents, AB 606 (Williams) Student financial aid, and SB 195 (Liu): California postsecondary education: state goals.

2. **STUDENT SUCCESS UPDATE**

Chancellor Cepeda stated that she had nothing to add to the committee report presented by Trustee Fuentes. She announced that the next meeting of the Student Success Committee is scheduled for tomorrow, April 10.
Minutes of April 9, 2013, Governing Board Meeting

3. **MEASURE G-2004 BOND LIST REVISIONS HISTORY**

   Chancellor Cepeda stated this item was being presented to the Board in response to their questions about bond projects and the process used to develop the project lists and determine the scope of each project. Ms. Ann Kennedy, bond consultant, provided an overview of the ballot language, board agenda items and supporting documentation for all Board approved bond list revisions. Trustees Fuentes and Cruz inquired about the participatory governance processes that were used to revise the scope of the approved projects. President Cruz also requested an analysis of the process that would indicate whether or not the process used is actually working. Trustee Fuentes stated it would be helpful if minutes of the various meetings were made available so that the process would be more transparent.

4. **MEASURE G-2010 BOND LIST REVISIONS HISTORY**

   Chancellor Cepeda stated this item was included as a report of the history for Measure G-2010 projects. Ms. Ann Kennedy, bond consultant, provided an overview of the ballot language, agenda items and supporting documentation for all Board approved bond list revisions.

5. **MEASURE G-2004 BOND PROGRAM**

   Mr. Casey Michaelis, Sr. Project Manager, Gilbane Building Company, gave a presentation of the design-build delivery method for the Joint Use 21st Century Education Center in Milpitas and the 40 South Market Street District Office Building Renovations Projects.

6. **MEASURES G-2004 AND G-2010 WEB SITE OVERVIEW**

   Ms. Ann Kennedy, bond consultant, provided an overview of the bond website and demonstrated how members of the public can review the status of various bond projects. SJCC Student Trustee Casas stated that the link to the SJCC Facilities Master Plan doesn't work. Ms. Kennedy answered that periodically the bond website needs to be reviewed because of the migration of the website, but she will ensure the Facilities Master Plan link is fixed. President Cruz stated it may be helpful to add links to each of the projects listed that will show the history of each revision.

7. **MEASURE G-2010: SUMMARY REPORT MARCH 2013**

   Mr. Scott Jewel, SJCC Gilbane Project Manager, and Mr. Mark Miller, EVC Gilbane Project Manager, provided an update on the summary report. In particular, they indicated which items were on “caution,” i.e. behind schedule. Projects on caution have been delayed by a month as the schematic designs are still not yet completed.

8. **MEASURE G-2010: SAN JOSE CITY COLLEGE REVIEW OF FACILITIES MASTER PLAN & PROJECT UPDATES**

   The Board heard public comments as follows:

   Mr. Robert Wise, SJCC former student, expressed concern about the allocation of
funds for the Theatre and Vocational Center, stating the emphasis should be on job training. Dr. Donna Mendoza, SJCC Instructor and Director of the Theater Arts Program commented that she worked in the building for 22 years and can state with certainly that the building needs to be demolished. Ms. Padma Manian, SJCC History Instructor, expressed concern about the review process for the facilities master plan at the college. Ms. Novella Simonson, SJCC Faculty, expressed concerns about the decision-making process and the alignment of projects with student success. Mr. Doug Robb, SJCC Kinesiology Instructor, stated the bond language does not include any language that allows for the building of a new Theater. Mr. Larry Harris, SJCC student, stated the Theatre/media building provides opportunity for students, especially by providing facilities for the student newspaper and broadcasting students. This opportunity is key component for student success.

SJCC President Kavalier reviewed the process the college has put in place for constituents to receive information and provide input regarding district facilities. SJCC has taken extraordinary measures for faculty, staff and students to provide input. The college has recently held two forums regarding bond measures; however, only two full-time faculty have attended. She stated that Vice President Nelson would provide further information about the participatory governance process during his presentation.

SJCC Vice President Nelson presented on the construction projects at the college. He also provided a summary of the Theater/Vocational Tech project, including a timeline of when the information was presented to the college.

Trustee Fuentes inquired when the decision was made to move from constructing a new Votech building to just renovation and how that decision was made and who was included in that decision. She also asked about what data was used to determine how many students would be served by providing a new Theater instead of a new Vocational Center. How were faculty and students included in that decision? Vice President Nelson answered that the SJCC Facilities Committee includes two faculty, three administrators, three students, three Classified staff members. Each step of the process was reviewed with the committee. Mr. Nelson provided an overview of the review process and the groups included in that process. As for why the decision was made to build a new Theater instead of a new Votech building, the college would need to tear down more of the wings to accommodate a new Votech building and the total cost would be about $45 million.

Trustee Dhillon commented that this is not the first time the Board is receiving complaints about the decision-making processes at the college. It seems to be an ongoing issue. We also need to consider that, if we are renting our facilities for community members to use, what kind of facilities do they need? Why are people not using our buildings more? SJCC Academic Senate President Heimler thanked the administration for all the information provided and for the honest questions and debate and suggested the Board may want to have a special study session on facilities.

President Cruz stated the Board needs to be attentive to the concerns expressed by faculty. She asked administration to consider positive steps that could be taken in making sure the process in place gets better. She thanked Vice President Nelson for the information he presented. In response to Trustee Fuentes’ request that the
Minutes of April 9, 2013, Governing Board Meeting

Board receive more information about the needs of the Votech building, Trustee Lease requested that when she makes these requests, she does so as an individual Board member and not on behalf of the whole Board. He stated that as a Board member, he is satisfied with the information he is receiving and feels very informed. Trustee Mann stated that since he has become a Board member last December, he has not only been well informed, but over informed. He requested that administrators keep up the good work they are doing.

9. FIRST REVIEW OF BOARD POLICY 1100 (THE DISTRICT)

Chancellor Cepeda reported that BP 1100 (The District) was written using the recommended language of the Community College League of California. It has also been reviewed through the district’s participatory governance process, and those recommended changes have been included in the version being presented to the Board as a first reading. She stated this policy would be submitted to the Board for approval at the April 23 meeting.

J. CONTINUATION OF CLOSED SESSION

No.

K. RECONVENE OPEN SESSION

ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION

None.

L. ADJOURNMENT

M/S/C (Lease/Mann) to adjourn the meeting at 10:17 p.m.

Rita M. Cepeda, Secretary
Board of Trustees
Minutes of the  
Governing Board Meeting  
April 23, 2013

A. CALL MEETING TO ORDER

President Cruz called the Regular Meeting of the Governing Board of the San José-Evergreen Community College District to order at 4:30 p.m. on Tuesday, April 23, 2013, at San Jose City College, Technology Building, Room T-415, 600 S. Bascom Avenue, San Jose, CA  95128

Board Members Present:
Ms. Mayra Cruz  
Mr. Balbir Dhillon  
Ms. Maria Fuentes  
Dr. Jeffrey Lease  
Ms. Wendy Ho  
Mr. Craig Mann  
Mr. Rudy Nasol

Board Members Excused:
None

B. APPROVAL OF CLOSED SESSION AGENDA

M/S/C (Nasol/Lease) to approve the Closed Session agenda.

C. PUBLIC COMMENTS ON CLOSED SESSION AGENDA

There were no public comments.

D. RECESS TO CLOSED SESSION TO CONSIDER AND/OR TAKE ACTION UPON ANY OF THE FOLLOWING ITEMS

The Board recessed to Closed Session at 4:30 p.m. to consider the following items:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
(Government Code Section 54957 (b))

E. RECONVENE INTO OPEN SESSION

The public session was reconvened at 6:00 p.m.
Minutes of April 23, 2013, Governing Board Meeting

Board Members Present:
Ms. Mayra Cruz
Mr. Balbir Dhillon
Ms. Maria Fuentes
Dr. Jeffrey Lease
Ms. Wendy Ho
Mr. Craig Mann
Mr. Rudy Nasol
Mr. Mike Casas
Mr. Shawn Sieu-Nguyen

Board Members Excused:
None

1. **PLEDGE OF ALLEGIANCE**

   Student Trustee Casas led the Board and members of the audience in the Pledge of Allegiance to the Flag.

2. **ADOPTION OF AGENDA**

   M/S/C (Mann/Dhillon) to adopt the agenda as amended:

   Item G-1 Transportation Service Fee Election was removed from the agenda.
   Item H-1 SJCC Presentation was moved to follow the approval of the Consent Agenda.

   Corrections were made to the Consent Agenda.

3. **ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION**

   No reportable actions were taken in Closed Session.

4. **PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA**

   The Board heard a public comment from Mr. Phil Crawford, Secretary, SJCC Academic Senate, who spoke on behalf of the SJCC Academic Senate to address concerns about the recent changes the Chancellor made to the district’s administrative hiring procedures. He stated the changes made did not go through the Associated Students for review. The Academic Senate plans to meet with the Chancellor to express their concerns, and they are optimistic the Chancellor will listen to them and reconsider her decision.

   The Board also heard public comments from ASB President Mike Casas, Jeff Campbell, SACNAS Activities Coordinator, Link Nguyen, San Jose City Times, and Charlene Lilie, who expressed their concerns that the land-line phone was removed from the SJCC campus. They stated this is a safety issue for students without cell phones or with cell phones not powered up. A document was distributed, which was entitled “Request for Pay Phone for SJCC Campus Outside Library,” and this document detailed the request of over 500 students to install the phone and outlined the specific reasons for their request.
Minutes of April 23, 2013, Governing Board Meeting

6. **APPROVAL OF THE APRIL 9, 2013, GOVERNING BOARD MEETING MINUTES**

M/S/C (Casas/Lease) to approve the above listed meeting minutes as submitted. Trustee Nasol abstained.

F. **CONSENT AGENDA**

1. **ADOPTION OF THE CONSENT AGENDA**

M/S/C (Dhillon/Mann) to approve the Consent Agenda as amended.

Item F-4.2a – Classified Personnel Actions – Employment – New Hire – Sain, Monica was removed from the agenda as she declined the position.

2. **MANAGEMENT PERSONNEL ACTIONS**

The Board approved the Management Personnel Actions as submitted.

3. **FACULTY PERSONNEL ACTIONS – REGULAR**

The Board approved the Faculty Personnel Actions – Regular as submitted.

4. **CLASSIFIED PERSONNEL ACTIONS**

The Board approved the Classified Personnel Actions as amended.

5. **HOURLY, STUDENT WORK AND VOLUNTEER PERSONNEL ACTIONS**

The Board approved the Short-Term Hourly, Substitute, Professional Expert & Athletic Support Services, Student Assistant and Volunteer personnel actions as submitted.

6. **CURRICULUM RECOMMENDATION FOR SAN JOSE CITY COLLEGE**

The Board approved the new courses proposed by San Jose City College.

7. **CURRICULUM RECOMMENDATION FOR EVERGREEN VALLEY COLLEGE**

The Board approved the new courses proposed by Evergreen Valley College.

H. 1. **SAN JOSE CITY COLLEGE PRESENTATION**

President Kavalier introduced Sean Able, the new Dean of Humanities and Social Sciences, and Roland Montemayor, the permanent Dean of Counseling.

President Kavalier stated that SJCC is all about its students and all about inspiring them to success. She began the presentation by showing a video that highlighted the programs and accomplishments of the college over the past year. She thanked Vice President Nelson for putting the video together.
Professor Jose Cabrera provided an overview of the Society for Advancement of Chicanos and Native Americans in Science (SACNAS) program. He announced that SJCC student John Tran received an award at the SACNAS conference from the Botany Association of America. Professor Cabrera introduced students currently involved in the SACNAS program.

Vice President Burns presented on the African American/Latino Male Summit. She commented on the importance of having the summit because of the unique challenges faced by male students of color. There is a great need to create a college-going culture among these students, to develop a sense of belonging and connectivity and to prepare students for a smooth transition to college.

Vice President Tammeil Gilkerson provided a special presentation entitled, Six Words…One Story. The presentation was a video compilation of student comments, including, but not limited to, the impact of San José City College on their lives.

President Cruz thanked President Kavalier for the presentation of the excellent work being done at San José City College. It is heartwarming to hear the stories of students and how the things we are doing are significant in their lives. The stories told by our students reflect the kind of capacity we have to lift them up and change the course of their lives. It does take a village to provide students with a sense of belonging and connectivity, and these are important factors for student success. She requested that a copy of the Six Words…One Story video be uploaded to the district website.

Chancellor Cepeda thanked the entire SJCC team for the magnificent presentation. She requested a hard copy of the Six Words…One Story presentation so she can read it from time to time as a source of wisdom and encouragement for the good work our colleges are doing.

G. ACTION AGENDA

1. TRANSPORTATION SERVICE FEE ELECTION

This item was removed from the agenda.

2. SJECCD BOARD TRAINING AND DEVELOPMENT SCHEDULE – 1ST READING

Chancellor Cepeda presented the draft Board training and development schedule that was compiled as a result of the February 12, 2013, Board Study Session. She requested the Board provide input into the proposed schedule that she will present for approval at a May board meeting.

Trustee Ho thanked Chancellor Cepeda for providing a comprehensive study and training plan. She requested that, due to the critical facilities items the Board is currently reviewing, the study session on Facilities be moved earlier than the proposed April 2014 schedule. Trustee Fuentes stated the themes in the training plan are good, but she also would like a better understanding of what the community is expecting from us. The Chancellor Community Advisory meeting was excellent,
but it would be good to do a review of the input we received from the community and its impact on what we need to do moving forward.

3. **APPROVAL OF REQUEST FOR PROPOSAL – DEVELOPMENT OF DISTRICT-OWNED PROPERTY ADJACENT TO EVERGREEN**

M/S/C (Mann/Dhillon) to approve the Request for Proposal (RFP) document for development of the District-owned 27.1 acre property adjacent to Evergreen Valley College.

4. **BOARD POLICY 1100**

Trustee Nasol requested that the Milpitas Educational Center be added to this policy.

M/S/C (Mann/Fuentes) to approve Board Policy 1100 (The District) with the amended change made by Trustee Nasol.

5. **RESOLUTION NO. 042313-1 IN SUPPORT OF EUROPEAN AMERICAN HERITAGE MONTH**

M/S/C (Nasol/Ho) to adopt Resolution No. 042313-1 in support of European American Heritage Month.

6. **RESOLUTION NO. 042313-2 IN SUPPORT OF MIDDLE EASTERN AMERICAN HERITAGE MONTH**

M/S/C (Fuentes/Casas) to approve Resolution No. 042313-2 in support of Middle Eastern American Heritage Month.

**H. INFORMATION AGENDA**

1. **SAN JOSE CITY COLLEGE PRESENTATION**

This item was moved to follow the approval of the Consent Agenda.

2. **PRESENTATION OF THE FACULTY ASSOCIATION, AFT 6157 CONTRACT REOPENER PROPOSAL WITH SAN JOSE-EVERGREEN COMMUNITY COLLEGE DISTRICT 2013-2014**

Vice Chancellor Garcia stated this item was being presented as information only and would be submitted to the Board for approval at the next meeting. A public hearing will also be held at the next meeting.

FA Executive Director Hanfling stated that she did have comments on the Contract Reopener Proposal and would provide them at the public hearing scheduled for the May 14 meeting.
I. CONTINUATION OF CLOSED SESSION

No.

J. RECONVENE OPEN SESSION

ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION

None.

K. ADJOURNMENT

M/S/C (Mann/Fuentes) to adjourn the meeting at 7:33 p.m.

Rita M. Cepeda, Secretary
Board of Trustees
Minutes of the 
Governing Board Meeting 
May 14, 2013

A. CALL MEETING TO ORDER

President Cruz called the Regular Meeting of the Governing Board of the San José-Evergreen Community College District to order on Tuesday, May 14, 2013, at 4:30 p.m. at the District Office Board Room, 4750 San Felipe Road, San Jose, CA 95135.

Board Members Present:
Ms. Mayra Cruz
Mr. Balbir Dhillon
Ms. Maria Fuentes
Dr. Jeffrey Lease
Ms. Wendy Ho
Mr. Craig Mann
Mr. Rudy Nasol

Board Members Excused:
None

B. APPROVAL OF CLOSED SESSION AGENDA

M/S/C (Lease/Ho) to approve the Closed Session agenda.

C. PUBLIC COMMENTS ON CLOSED SESSION AGENDA

There were no public comments.

D. RECESS TO CLOSED SESSION TO CONSIDER AND/OR TAKE ACTION UPON ANY OF THE FOLLOWING ITEMS

The Board recessed to Closed Session at 4:30 p.m. to consider the following items:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Government Code Section 54957(b))

E. RECONVENE INTO OPEN SESSION

The public session was reconvened at 6:00 p.m.
Minutes of May 14, 2013, Governing Board Meeting

Board Members Present:
Ms. Mayra Cruz
Mr. Balbir Dhillon
Ms. Maria Fuentes
Dr. Jeffrey Lease
Ms. Wendy Ho
Mr. Craig Mann
Mr. Rudy Nasol
Mr. Mike Casas
Mr. Shawn Sieu-Nguyen

Board Members Excused:
None

1. **PLEDGE OF ALLEGIANCE**

Student Trustee Casas led the Board and members of the audience in the Pledge of Allegiance to the Flag.

2. **ADOPTION OF AGENDA**

M/S/C (Mann/Dhillon) to adopt the agenda as amended:

Items I-1 and I-4 were moved to follow the approval of the Consent Agenda. Corrections were made to the Consent Agenda.

3. **ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION**

There were no reportable actions.

4. **PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA**

The Board heard public comments as follows:

Mr. Larry Harris distributed a copy of the last issue of the San Jose City Times for this school year. He requested that everyone get involved in recommending the excellent SJCC journalism program to students.

Mr. Mihai Mike Bulea expressed his concerns, as a taxpayer and student, that the programs reflected in the bond are not the same as the college work being done, especially concerning the decision to not build a Vocational Technology Building at SJCC. Instead of being able to take the courses he needs at SJCC, he has to drive to San Mateo to continue his education.

Mr. Bill Becker, Silicon Valley Taxpayers Association, also expressed his concerns about the decision to not build a new Vocational Technology Building at San Jose City College and how the taxpayers are concerned about buildings that support vocational technology programs.
5. **GOVERNING BOARD ORGANIZATION**

Chancellor Cepeda stated that per BP 2105 the Board of Trustees approves the privileges that will be awarded to Student Trustees in the upcoming year.

Student Trustee Sieu-Nguyen inquired why Student Trustees have not been allowed to attend Closed Session meetings. Vice Chancellor Garcia answered that the Board discusses personnel and collective bargaining issues which are confidential.

Student Trustee Casas inquired why health benefits for Student Trustees have been revoked. Chancellor Cepeda answered that she would research the matter and find out when that action was taken.

M/S/C (Mann/Fuentes) to award all privileges listed in BP 2105 to Student Trustees, with the exception of attending Closed Session meetings.

6. **6:10 P.M. PUBLIC HEARING ON THE FACULTY ASSOCIATION, AFT 6157 CONTRACT REOPENER PROPOSAL WITH SAN JOSE-EVERGREEN COMMUNITY COLLEGE DISTRICT 2013-2014**

M/S/C (Lease/Nasol) to open the public hearing.

FA Executive Director Barbara Hanfling stated that this is the first time in five years that the Faculty Association is asking for money. There are two key issues in this reopener. First, a commitment from the Board, based on prior comments from Trustee Fuentes, that it wanted all staff and faculty to be compensated at least at the mid level of Bay 10 districts. The FA has called for a study and will come back to the Board for money to make sure that happens. It will take money to make us whole. Faculty have not received a COLA in five years, and now would be a good time to receive one because the ending fund balance is much higher than we expected. Second, although the full-time faculty contract is strong, the FA is requesting more rights and job security for adjunct faculty. Many adjunct faculty have been engaged with accreditation work, especially regarding SLO’s; and it’s in the best interest of our students to improve the contract for adjunct faculty.

M/S/C (Nasol/Mann) to close the public hearing.

7. **APPROVAL OF THE APRIL 23, 2013, GOVERNING BOARD MEETING MINUTES**

M/S/C (Mann/Nasol) to approve the above listed meeting minutes as submitted.

F. **CONSENT AGENDA**

1. **ADOPTION OF THE CONSENT AGENDA**

M/S/C (Mann/Lease) to approve the Consent Agenda as amended:

Item F-2 was removed for separate discussion and vote.
Item F-3 Classified Personnel Actions, 1. Classification Change, a. position elimination – both Program Specialist positions were removed from the agenda. As a result, 1.b. Position Establishment – the Program Coordinator position was also removed from the agenda.

Item F-3 Classified Personnel Actions, 2.a. Employment – New Hire – The range and step for Giesing, Cynthia, Purchasing Agent, was corrected to Range/Step 110-A.

Item F-4 – Hourly, Student Work & Volunteer Personnel Actions – c. Work Study Programs (WIN/Cal Works) Medios, Jim, Warehouse/Distribution Specialist II – location was changed to the District Office.

2. MANAGEMENT PERSONNEL ACTIONS

The Board approved the Management Personnel Actions as submitted.

3. CLASSIFIED PERSONNEL ACTIONS

The Board approved the Classified Personnel Actions as amended.

4. HOURLY, STUDENT WORK AND VOLUNTEER PERSONNEL ACTIONS

The Board approved the Short-Term Hourly, Substitute, Professional Expert & Athletic Support Services, Student Assistant and Volunteer personnel actions as amended.

5. THE FACULTY ASSOCIATION, AFT 6157 CONTRACT REOPENER PROPOSAL WITH SAN JOSE-EVERGREEN COMMUNITY COLLEGE DISTRICT 2013-2014

The Board accepted the reopener proposals.

6. RATIFICATION OF CONTRACTS AND PURCHASE ORDERS

The Board ratified the contracts and purchase orders for the period of March 10, 2013 through April 9, 2013.

7. FY2013-2014 SCHEDULE OF GOVERNING BOARD MEETING DATES AND CORRESPONDING DEADLINES

The Board approved the FY2013-2014 Schedule of Governing Board Meeting Dates and Corresponding Deadlines.

8. FY 2012-2013 EDUCATION PROTECTION ACCOUNT SPENDING DETERMINATION

The Board approved the spending of funds received in FY 2012-2013 from the Education Protection Account on instructional activities.

9. CURRICULUM RECOMMENDATIONS FOR EVERGREEN VALLEY COLLEGE

The Board approved the curriculum recommendations for new courses and
program submitted by Evergreen Valley College.

F. 2. MANAGEMENT PERSONNEL ACTIONS

Mr. Charles Stevens, SSSCC Region IV Delegate inquired, on behalf of the SJCC Student Senate, about the position change for the Director of Student Life. Vice Chancellor Garcia indicated the newly created position would have more responsibilities and higher pay as a result of the expanding of the position. It was necessary to eliminate the prior position in order to create the new position of Director, Student Development and Activities.

M/S/C (Mann/Fuentes) to approve the Management Personnel Actions as submitted.

I. 1. RETIREMENT BOARD OF AUTHORITY ANNUAL REPORT

Mr. Scott Rankin, Keenan Financial Services, provided historical information and the current status of the Other Post Employment Benefits (OPEB) bonds. He noted that on March 13, 2012, the Board adopted Resolution 031312-2 authorizing the re-marketing of the bonds to further reduce the exposure to the general fund and to lock in a fixed rate for 15 years. He reported that in FY2012-2013 the General Fund will contribute $783K towards the $2.47 million debt-service obligation and $1.96 million in FY2013-2014, which remains less than the annual cost of benefits of approximately $3.2 million in FY2012-2013 and $3.8 million in FY2013-2014.

The Retirement Board of Authority oversees and implements the OPEB Trust, which has a targeted net investment rate of return of 7.88%. Mr. Rankin reviewed the actuarial valuation of postretirement welfare benefits and performance of the portfolio as of March 31, 2013.

I. 4. STATE OF THE DISTRICT

Chancellor Cepeda noted that the Board has established several components for her annual evaluation process including a 360 Evaluation, Report on Performance Objectives and a Self-Evaluation Document. The State of the District presentation is the last element in that activity. By way of introduction Chancellor Cepeda noted that this particular presentation, while substantive, was designed to use humor and media animation technology to simplify and summarize the context of a very large body of work. She took the Board on a journey using the concept of the voyage of the Starship Enterprise and its mission of discovery. The presentation outlined the district’s accomplishments over the past year. It introduced members of her executive team and other district members from the various constituency groups that worked hard over the past year to achieve the key performance objectives established for the Chancellor by the Board including; Reaffirmation of Accreditation (the outcome of which was nothing short of remarkable), Integrated Planning and Institutional Effectiveness, Culture and Civility, Communications Strategic Plan, Organizational Redesign, Technology Infrastructure Development, Resource Development, Measure G Bond Management, and Emergency Preparedness.
Chancellor Cepeda stated she would upload her presentation to the district website so that students and staff members, who were unable to attend the meeting, could review the many accomplishments of the district over the past year.

Trustee Nasol complimented the Chancellor on the great journey. Student Trustee Casas thanked Chancellor Cepeda for her improvement of the college through her work on student success and civility. Trustee Lease thanked Chancellor Cepeda for the trip down memory lane. It has been a pleasure to work with her and support our next generation of students. He thanked her for her leadership and stated he looked forward to continuing the journey. President Cruz thanked Chancellor Cepeda for outlining in such an easy way the journey the district has taken this year. It speaks to the many accomplishments due to Chancellor Cepeda’s leadership and that of her team.

G. ORAL COMMUNICATIONS

a. Board of Trustees

SJCC Student Trustee Casas reported on problems incurred during the election process for new ASG officers. Some students complained they did not receive the email to vote online. Tomorrow the ASG will meet to discuss the appointment of an interim Executive Council. He stated this would be his last board meeting, and he thanked FA President Yancey, Chancellor Cepeda and the Board of Trustees for their support. It was a privilege to serve on the Board.

EVC Student Trustee Sieu-Nguyen thanked everyone for the amazing experience of serving as a Student Trustee. His attendance at the Chancellor’s retreat in Asilomar showed him how important students were to the Chancellor and district members. The sense of community is impressive and made him feel cared about by the Board and administrators. He is still deciding where he wants to go next; NYU or USC.

President Cruz, on behalf of the Board, presented to Student Trustees Casas and Sieu-Nguyen a gift book entitled, “All the Places You Will Go.” She stated she wanted to see both of them continue their political careers and perhaps run for the San Jose City Council Board of Supervisors. She thanked them for being excellent advocates on behalf of students.

Trustee Nasol reported on his attendance, along with Chancellor Cepeda and Trustees Cruz, Dhillon and Lease, at the CCLC Trustee Conference last week. The presentation we gave to conference attendees on our Board 360 Self Evaluation was received very well. In fact, we are the only district that is doing such a comprehensive evaluation, and the attendees at the conference stated they would like to do the same thing at their district.

Trustee Lease commended San José City College for the presentation they provided at the last meeting. It was fantastic and showed the awesome work the college is doing. He also reported on his attendance at the recent Bay 10
minutes of Trustees and CEOs where everyone shared their frustrations, challenges and suggestions, especially with ACCJC. The good thing about our district is that we didn’t go into denial. Instead, we took it to heart and did the hard work needed to restore full accreditation. We have heard discussions with other Trustees about Prop 30 and how we should not consider that new money. It keeps us whole, but we still need to be careful and thoughtful moving forward.

Trustee Dhillon reported on his attendance at the CCLC conference. In particular, he enjoyed the session on “Coloring Between the Lines.” The discussion was inclusion and the role everyone can play in the district. Due to our diversity, our district is a role model for other districts.

Trustee Fuentes stated that she is proud of the things our district is doing well. However, due to concerns expressed about the Votech facility, she met with four SJCC vocational faculty. She stated her hope the college would reconsider its decision because the Vocational Technology Building was the number one building we had planned to build. We have built a theater at EVC where we don’t have any drama classes, and we don’t want to run into the same situation at SJCC. She stated that if there was a need to build a new theater at SJCC then the district should consider using the EVC theater instead of building a new theater at SJCC. Trustee Fuentes also reported on a meeting she attended, along with Chancellor Cepeda, to discuss what our colleges are doing to support our veterans.

Trustee Ho thanked Student Trustees Casas and Sieu-Nguyen for the work they did in support of students and wished them well in their future endeavors.

President Cruz thanked President Kavalier and Vice President Burns for their support in hosting the April 20, 2013, Citizenship Day at SJCC. SIREN, along with Center for Employment Training, led the Santa Clara County Citizenship Collaborative in offering free citizenship application assistance to hundreds of immigrants at our annual Citizenship Day. President Cruz also reported on her attendance at the CCLC Trustees Conference, and it was exciting to present on our Board self-evaluation process. Also, it’s been very exciting to distribute the Board’s immigration resolution to the many events we have attended.

b. **Chancellor**

Chancellor Cepeda did not provide a report due to her State of the District presentation.

c. **Presidents**

EVC President Yong reported on his attendance at last week’s AACC conference and the many activities EVC has held in support of Asian American Heritage Month. He also expressed his thanks to Student Trustee Sieu-Nguyen for his excellent leadership as ASG President. The college is gearing up for its commencement on Thursday, May 23, and everyone is
invited to attend. EVC programs are also holding graduation ceremonies, and the Enlace Program just held theirs. Tomorrow EVC will hold a special employee recognition ceremony where service awards will be awarded.

SJCC President Kavalier reported on the April 17 employee recognition ceremony. Mr. Joseph Andrade was awarded the Manager of the Year. On May 13 the Chang Scholarship Luncheon was held. Seven students received scholarships, including Student Trustee Casas. Overall, $62K was awarded in scholarships. SJCC’s graduation ceremony is scheduled for Friday, May 24. President Kavalier invited everyone to attend. SJCC has a mid-term accreditation report due in October, and much of it is related to Board governance.

d. Constituency Group Representatives

SJCC Associated Students Region IV Chuck Stevens announced he was elected as Treasurer at the ASG General Assembly, and he is the first one to inherit a $6K deficit. SJCC held a new ASG election; but, as Student Trustee Casas mentioned, the election was nullified. The ASG is learning about how to work with a new constitution and, hopefully, the process will go smoother next year.

MSCC Vice President Ron Gonzales announced that MSCC President Lauren McKee, through a vote of the MSC group, was awarded the Administrator of the Year. Mr. Gonzales read a statement from an MSC member highlighting Ms. McKee extensive contributions to her constituents. Ms. McKee was presented with a $300 gift certificate.

SJCC Academic Senate member Madeline Adamczeski reported on the Chancellor’s meeting with faculty concerning the Interim President Search and faculty appointments to serve on the SJCC Interim President Advisory Committee. Seven faculty members have been certified to serve as ambassadors to student success. The goal is to introduce our students and colleagues to principles and practices of student success, and to invite them to play a significant role in student learning, academic success and retention.

EVC Academic Senate President Narveson announced that he was re-elected as Academic Senate president, and Jack Baker is the new vice president. However, Mr. Narveson will be leaving the position as Curriculum Committee Chair. He reported on how excited he was that the Board just approved the AAT degree in English.

FA President Yancey congratulated Student Trustees Casas and Sieu-Nguyen for being outstanding student leaders and stated they will represent our district well in their future endeavors. He also congratulated Sterling Warner as an outstanding faculty member, who won an award for the poem he wrote about the value of unions. Mr. Yancey also congratulated Mr. Frank Espinosa for the “Student Success: Beyond the Classroom” forum where SIREN came and discussed the comprehensive immigration reform. Mr. Yancey also stated that Prop. 30 is new money, and it is included in our budget as new money. He stated he would like to have a discussion with
Trustee Lease about his comment.

CSEA President Jan Tomisaka provided a report on district activities related to Classified School Employee Association recognition on May 20-24, 2013. EVC has scheduled a barbeque on May 21, and SJCC will hold their Classified appreciation barbeque on May 23. It was also announced that Ms. Tomisaka received the CSEA Charles Lamb award for political activism.

H.  ACTION AGENDA

1.  RATIFICATION OF THE SAN JOSE-EVERGREEN FACULTY ASSOCIATION, AFT 6157 COLLECTIVE BARGAINING AGREEMENT 2012-2013

   FA Executive Director Hanfling announced that 93% of faculty voted in favor of this agreement. The issue is equity to ensure that all faculty, both full-time and adjunct, are paid the medium of the Bay 10 pay scale.

   M/S/C (Mann/Fuentes) to approve the District and Faculty Association, AFT 6157 tentative agreements.

2.  MEASURE G-2010 BOND PROGRAM: CHANGE ORDER 002 RADIANT ELECTRIC 21 KV ELECTRICAL UPGRADE PROJECT AT EVERGREEN VALLEY COLLEGE

   Trustee Nasol stated this is a great change order where there is a reduction instead of an increase. He thanked the Gilbane Building Company and Vice Chancellor Smith for their work in making this happen.

   M/S/C (Mann/Nasol) to approve Change Order 002 in the deductive amount of ($184,557) to the Radiant Electric, Inc. contract for the 21 kv Electrical Upgrade project at Evergreen Valley College.

3.  MEASURE G-2010 BOND PROGRAM: EVC CENTRAL PLANT AND POLICE STATION CONSTRUCTION CONTRACT AWARD

   M/S/C (Mann/Nasol) to approve the award of a contract to Swenson & Associates in the amount of $9,965,000 for construction services to renovate the Central Plant and Police Station at EVC.

4.  RESOLUTION NO. 051413-1 – DISTRICT BUDGET TRANSFERS AND REVISIONS

   M/S/C (Mann/Dhillon) to approve the resolution authorizing the budget transfers and revisions of funds within expenditure accounts and authorizing the appropriation of the receipt of unanticipated revenues in certain programs.
5. **RESOLUTION NO. 051413-2 IN SUPPORT OF CLASSIFIED SCHOOL EMPLOYEE APPRECIATION MONTH**

   President Cruz requested that all Classified staff present at the meeting stand to be recognized. She thanked them for all the hard work they do on behalf of the district.

   M/S/C (Nasol/Ho) to approve the resolution in support of Classified School Employee Appreciation Month.

6. **MEASURE G-2010 BOND PROGRAM: RESOLUTION NO. 051413-3 FOR DESIGN-BUILD DELIVERY METHOD FOR THE DISTRICT OFFICE RELOCATION/RENOVATIONS AT 40 SOUTH MARKET ST., SAN JOSE**

   Trustee Nasol stated this would be a great project delivery method for the renovation of the future District Office which should be a very successful project. He requested that individual board members be asked to provide feedback on the design of the new board room.

   M/S/C (Mann/Lease) to approve Resolution No. 051413-3 for utilization of the design-build delivery method for the District Office Relocation/Renovations at 40 South Market Street, San Jose, a Measure G-2010 project. Trustee Fuentes voted no.

7. **MEASURE G-2004 BOND PROGRAM: RESOLUTION NO. 051413-4 FOR DESIGN-BUILD DELIVERY METHOD FOR THE NORTH DISTRICT MULTI-DISCIPLINARY SITE (AKA JOINT USE 21ST CENTURY EDUCATION CENTER, MILPITAS, CALIFORNIA)**

   Trustee Nasol stated how glad he was to see this project moving forward. The Mayor of Milpitas inquired about the status of this project, and he was glad to inform him it was on this board agenda.

   M/S/C (Nasol/Casas) to approve Resolution No. 051413-4 for utilization of the design-build delivery method for the North District Multi-Disciplinary site which is a Measure G-2004 project.

8. **RESOLUTION NO. 051413-5 IN SUPPORT OF MAY 2013 AS ASIAN AMERICAN AND PACIFIC ISLANDER HERITAGE MONTH**

   Trustee Nasol expressed support for this resolution which celebrates the many achievements and economic contributions of Asians and was hopeful the colleges would hold many events in support of this resolution. Student Trustee Casas stated the ASG has an event on Thursday where students have been encouraged to dress in Asian and Pacific Islander attire.

   M/S/C (Nasol/Ho) to approve Resolution No. 051413-5 in support of May 2013 as Asian American and Pacific Islander Heritage Month.
I. INFORMATION AGENDA

1. RETIREMENT BOARD OF AUTHORITY ANNUAL REPORT

This item was moved to follow the approval of the Consent Agenda.

2. LEGISLATIVE UPDATE

Executive Director of Governmental Relations Ledesma distributed a legislative report, which provided a list of bills that impact community colleges. She discussed the new bills that were added since the last legislative report to the Board. She reported that a team from SJECCD met with Assemblymember Ting’s staff to discuss AB 1364 (Ting) regarding Cal Grant B access, and the team suggested the bill be amended to reduce costs from $700M to a more reasonable amount so that it would pass both houses. Ms. Ledesma also reported on recent legislative activities. On May 10 President Cruz, Trustee Fuentes and Chancellor Cepeda met with Assemblymember Paul Fong in his office and discussed the SJECCD student success policy and how we define student success. They also discussed AB 1358 (Fong) Student Body Association: Student Representation Fee, AB 1285 (Fong) Student Financial Aid: Cal Grant Program and AB 1199 (Fong) Community Colleges: Stabilization Funding.

President Cruz requested that a resolution to oppose AB 955 be put on the next board agenda.

SJCC Associated Students Region IV Chuck Stevens stated his support for AB 1358 as the ASG is allotted only $30K a year to operate, and this bill would give them more funds for trips to Sacramento and other legislative activities. He also stated the ASG opposition of AB 955.

FA Executive Director Hanfling stated that President Cruz and Chancellor Cepeda received a draft resolution from the FA opposing AB 955 and requested it be included in the next board agenda.

Ms. Ledesma stated the Board would receive a draft Legislative Advocacy Plan at the next meeting. President Cruz stated it is wonderful that the Board is now going to have a timeline in which to conduct its advocacy.

3. STUDENT SUCCESS UPDATE

Trustee Fuentes, Student Success Committee Chair, reported that the next meeting of the committee will be held on Tuesday, May 21, and the discussion on student success metrics and analysis will continue. They will also do a review of the needs of veterans. Chancellor Cepeda stated that this particular meeting will also include the college presidents and vice presidents.

4. STATE OF THE DISTRICT

This item was moved to follow the approval of the Consent Agenda.
5. **FY2012-2013 THIRD QUARTER BUDGET REPORT ENDING MARCH 31, 2013**

Vice Chancellor Smith provided a brief budget update and the FY2012/2013 Third Quarter Report. He thanked Fiscal Services Director Fitzsimmons and the District Budget Committee for their hard work and attention to details. He reviewed the apportionment “buckets,” such as property taxes, student fees, EPA/Prop 30, without state funding, which is $71.8M. The district has approximately $900,000 excess funds over revenue entitlement. The result is the district is no longer FTES driven. However, there is a possibility the district could flip back to being FTES driven depending on property tax vs. apportionment changes.

Vice Chancellor Smith reviewed the ending fund balance for General Fund 10 and stated that last year it was anticipated to be less than 12%, and we are now estimating it will be approximately 14.07%. The district is now structurally balanced in the years moving forward. The increase in property tax revenue is a major factor in this good news, and the district is getting more money through its basic aid status.

Trustee Nasol inquired about the deficits in the Bookstores and if the district had a plan to turn that around. Vice Chancellor Smith answered the district is currently performing an analysis of Bookstore performance. Fiscal Services Director Fitzsimmons has worked very closely with the Bookstore this past year, and there will be a report to the Board on those findings. Trustee Ho inquired about the impact the Eco pass will have on the Fund 11 balance if the students vote to implement it. Mr. Fitzsimmons answered that he had an outstanding request with Foothill-De Anza to learn what impact it had on their district. Trustee Fuentes stated her concerns for the high ending fund balance, especially since the Board has committed to 7%. What is the need for that, and how does this impact the services we need to provide our students? Vice Chancellor Smith answered that it is important to put our money to work. However, we did not have the information on property taxes, and we may not be fully aware of any future changes that will impact us. We will also need resources available once the Milpitas Center moves forward. Over the summer, resources will be put in place based on our needs; and it is very doubtful the district will maintain an ending fund balance of 14%. Trustee Fuentes thanked everyone who worked so hard in developing this budget. It is a time to celebrate this good news.

6. **MEASURES G-2010 BOND PROGRAM: MEASURE G-2010 SUMMARY REPORT APRIL 30, 2013**

Mr. Scott Jewel, SJCC Gilbane Project Manager, provided an overview of the summary report and noted the four projects on caution. Trustee Nasol inquired why the Gymnasium project was on caution. Mr. Jewel answered that the project is at the point where it is ready for a contract and the program will be validated before we go through with a contract. At EVC, the Admin & Student Services Remodel is also on caution due to a design phase issue.

7. **MEASURE G-2010 BOND PROGRAM: PRESENTATION OF DISTRICT PROJECTS**

Mr. Scott Jewel, SJCC Gilbane Project Manager, provided the status of current district projects, such as the relocation of the District Offices, vehicle replacement,
ITSS/MDF relocation and consolidation, controls extension and upgrade, and design standards. Trustee Lease stated how happy he was about the design standards project.

8. **MEASURE G-2010 BOND PROGRAM: UPDATE ON NEW DISTRICT OFFICE BUILDING, 40 S. MARKET ST.**

Mr. Scott Jewel, SJCC Gilbane Project Manager, and Mr. Richard Mangum, Regional Managing Principle, HMC Architects, presented on the new District Office project at the 40 S. Market Street Building. They provided an overview of which departments would be located on which floor, the layout of the Board Room and a timeline of when the project should be completed. Mr. Mangum stated he had met with each department in the DO for the purpose of performing an initial needs assessment. Every effort was made to use offices and doors already present in the new building to reduce costs. Trustee Dhillon inquired about the timeline of the two phases of the project. Mr. Jewel answered that the first phase should be completed in the Fall of 2013 and the second phase by Spring 2015. All this work is preliminary, and we want to ensure all the staff will fit into the new District Office location. Trustee Fuentes stated she is completely against this project and expressed concerns that the 40 South Market St. building would not be able to contain classrooms or other facilities that support students and serve the community. Perhaps in the design, something can be done to allow students and community members to use the building. President Cruz answered that although she appreciated Trustee Fuentes’ concerns about the new building, the Board has already approved this project; and they are moving forward with those plans. Now that the Board has made a decision, it’s important for the Board to speak with a unified voice about the project and make the best decisions to ensure its success.

9. **MEASURE G-2010 BOND PROGRAM: SCHEMATIC DESIGN PRESENTATION FOR THE AUTOMOTIVE TECHNOLOGY PROJECT AT EVERGREEN VALLEY COLLEGE**

EVC President Yong and the Lionakis design team provided an overview of the Automotive Technology Building design. President Yong reported on the work of the Facilities Committees and their work with Professor David Ames and other faculty to assess the needs of the new building. Mr. Mark Miller, EVC Gilbane Project Manager, described how Professor Ames was a pleasure to work with during the very important design phase of the building. Trustee Nasol stated how pleased he was that the building went through such a thorough program review to ensure the college is building a facility that best meets the needs of the program. He inquired about the completion date of August 8, 2016. Mr. Miller answered that the program review also includes the DSA review. Construction starts in the middle of next year, and there is a 10-month construction schedule.

10 **MEASURE G-2010 BOND PROGRAM: ENVIRONMENTAL IMPACT REPORTS (EIR) AND ASSOCIATED MITIGATION MONITORING PROGRAM SERVICES FOR EVERGREEN VALLEY COLLEGE AND SAN JOSE CITY COLLEGE**

Vice Chancellor Smith provided an overview of the final and draft EIR reports for both colleges. These reports were produced in support of the 2025 Facility Master Plans for both colleges. He requested the Board review these documents and
submit any questions. The reports will be submitted to the Board for approval at the June 11 meeting.

Trustee Nasol inquired if the change to SJCC’s facility master plan was incorporated in this report. Vice President Nelson answered there were no changes since the last plan was adopted.

11 MEASURE G-2010 PM/CM CONTRACT RENEWAL FOR FY 2013/2014

Mr. Casey Michaelis, Sr. Project Manager, Gilbane Building Company, gave a presentation of the accomplishments and projects for the last 10 months of the contract. He reported that in 2012-13 the budget was $4,646,050, and it is estimated the savings will be $577,350. Trustee Nasol inquired how the savings were realized. Mr. Michaelis answered that the savings were because Gilbane did not bring on the staff they had anticipated. Trustee Nasol asked for more detailed information about the contract savings. He also expressed his concerns about the diversity of Gilbane staff. Our district has a policy and commitment to diversity, and the Gilbane staff the Board sees at board meetings does not reflect that diversity. Mr. Michaelis stated Gilbane has a lot of women and minorities working on district projects, and he will invite them to a future meeting so that the Board could meet them.

J. CONTINUATION OF CLOSED SESSION

No.

K. RECONVENE OPEN SESSION

ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION

None.

L. ADJOURNMENT

M/S/C (Lease/Fuentes) to adjourn the meeting at 10:34 p.m.

Rita M. Cepeda, Secretary
Board of Trustees
Minutes of the Governing Board Meeting
May 28, 2013

A. CALL MEETING TO ORDER

President Cruz called the Regular Meeting of the Governing Board of the San José- Evergreen Community College District to order at 4:30 p.m. on Tuesday, May 28, 2013, at the District Board Room, 4750 San Felipe Road, San Jose, CA 95135.

Board Members Present:
Ms. Mayra Cruz
Mr. Balbir Dhillon
Ms. Maria Fuentes
Dr. Jeffrey Lease
Ms. Wendy Ho
Mr. Craig Mann
Mr. Rudy Nasol

Board Members Excused:
None

B. APPROVAL OF CLOSED SESSION AGENDA

M/S/C (Nasol/Lease) to approve the Closed Session agenda.

C. PUBLIC COMMENTS ON CLOSED SESSION AGENDA

There were no public comments.

D. RECESS TO CLOSED SESSION TO CONSIDER AND/OR TAKE ACTION UPON ANY OF THE FOLLOWING ITEMS

The Board recessed to Closed Session at 4:30 p.m. to consider the following items:

PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT
(Government Code Section 54957(b))
Title: Interim President, SJCC

CONFERENCE WITH REAL PROPERTY NEGOTIATORS
(Government Code Section 54956.8)
Property: Approximately four acres of undeveloped land currently used for athletic fields at Russell Middle School, 1500 Escuela Parkway, Milpitas, CA
District’s Negotiator(s): Rita Cepeda, Douglas Smith, Ann Kennedy, Kevin
Michaelis, John Shupe

CONFEREECE WITH LABOR NEGOTIATORS
(Government Code Section 54957.6)
District's Negotiator(s): Kim Garcia
Employee Organization: CSEA

CONFEREECE WITH LABOR NEGOTIATORS
(Government Code Section 54957.6)
District's Negotiator(s): Kim Garcia
Employee Organization: FA

E. RECONVENE INTO OPEN SESSION

The public session was reconvened at 6:10 p.m.

Board Members Present:
Ms. Mayra Cruz
Mr. Balbir Dhillon
Ms. Maria Fuentes
Dr. Jeffrey Lease
Ms. Wendy Ho
Mr. Craig Mann
Mr. Rudy Nasol
Mr. Mike Casas

Board Members Excused:
None

1. PLEDGE OF ALLEGIANCE

Student Trustee Casas led the Board and members of the audience in the Pledge of Allegiance to the Flag.

After the Pledge of Allegiance, President Cruz recognized the work of Dr. Barbara Kavalier as President of San José City College. Among her many contributions to the college, the work Dr. Kavalier led the college through in order to restore full accreditation was amazing. It's always difficult to say goodbye to an excellent leader, but we all understand her desire to be closer to her family. Trustee Lease also expressed his appreciation for the work President Kavalier and her team did to restore SJCC to full accreditation. President Kavalier worked hard on behalf of students, and she is very much appreciated. Chancellor Cepeda stated that President Kavalier was the right leader at the right time. She will leave a great vacuum in our district and as a member of the Chancellor's executive team. The accreditation work done by President Kavalier and her team was nothing short of remarkable, and to see a group of individuals work so hard under one leader was impressive.

In President Kavalier's absence, Vice President Burns accepted a commemorative plaque on her behalf.
2. **ADOPTION OF AGENDA**

M/S/C (Nasol/Lease) to adopt the agenda as amended:

Item H-5 was moved to follow the approval of the Consent Agenda.

A correction was made to the Consent Agenda.

3. **ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION**

No reportable actions were taken in Closed Session.

4. **PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA**

The Board heard public comments from the following individuals:

Mr. John Lee expressed his concern that a new Vocational Technology Building was not being built, especially because the real need is for jobs.

Mr. Mike Bulea read the Measure G-2010 bond language and stated that changes to the SJCC project list for projects not listed in the original bond language are illegal.

Mr. Ron Asselin also stated concerns about the project change to build a new Theatre instead of the Vocational Technology building. He stated the Board is not authorized to make that change.

Mr. Mike Casas stated that SJCC Associated Students approved funds for installing a new public phone outside the Library. However, the funds should come from the college and not the ASB. Ms. Charlene Lilie also requested that administration pay the costs for the phone. She distributed a statement from the ASG, “Request For Pay Phone For SJCC Campus Outside Library,” and requested this document be added as an attachment to the board meeting minutes.

SJCC Faculty Steve Mansfield reported on his activities as chair of the college’s facilities committee in 2010-2011 and the desire of the committee to do something in support of the Applied Sciences. He expressed concerns that funding from Measure G-2010 and Measure G-2004, which is soon ending, will not be available to do any work with the Applied Health Sciences building.

MSCC President McKee recognized four MSC members, Keith Aytch, Henry Gee, Tammeil Gilkerson and Sam Ho, who were nominated for the 2013 MSC annual award.

FA Executive Director Hanfling distributed a copy of the AFT On Campus magazine and commented on the work the FA is doing to engage students, support immigration rights, and work toward more effective ways of measuring student success.
Minutes of May 28, 2013, Governing Board Meeting

6. **APPROVAL OF THE MAY 14, 2013, GOVERNING BOARD MEETING MINUTES**

M/S/C (Mann/Nasol) to approve the above listed meeting minutes as amended. Trustee Fuentes requested additional comments she made in her Oral Communications report be added as follows: She stated if there is a need to build a new theater at SJCC that the district should consider using the EVC theater instead of building a new theater at SJCC.

F. **CONSENT AGENDA**

1. **ADOPTION OF THE CONSENT AGENDA**

M/S/C (Mann/Lease) to approve the Consent Agenda as amended.

Item F-2-1-a – Employment – New Hire – the TBD was changed to Byron Clift Breland.

2. **MANAGEMENT PERSONNEL ACTIONS**

The Board approved the Management Personnel Actions as amended.

3. **FACULTY PERSONNEL ACTIONS – REGULAR**

The Board approved the Faculty Personnel Actions – Regular as submitted.

4. **CLASSIFIED PERSONNEL ACTIONS**

The Board approved the Classified Personnel Actions as submitted.

5. **HOURLY, STUDENT WORK AND VOLUNTEER PERSONNEL ACTIONS**

The Board approved the Short-Term Hourly, Substitute, Professional Expert & Athletic Support Services, Student Assistant and Volunteer personnel actions as submitted.

6. **CURRICULUM RECOMMENDATION FOR SAN JOSE CITY COLLEGE**

The Board approved the new course and certificate proposed by San Jose City College.

H. **2013-2014 LEGISLATIVE AGENDA**

Executive Director Governmental Relations Rosalie Ledesma and consultant Manny Dias, Dias and Associates, presented information on the Board and district’s legislative activities. Ms. Ledesma reported on the legislative visits and other advocacy activities that were conducted in 2012. Mr. Dias described the leadership role the Board has to communicate effectively with law makers and the expertise they need to bring when they visit legislators in Sacramento. Ms. Ledesma distributed and reviewed a document, which outlined current bills
impacting community colleges, the recommended positions SJCC should take on each bill, and the current recommendation of the Community College League of California. She stated this legislative agenda would be submitted to the Board for approval at the next meeting.

Trustee Nasol asked Mr. Dias when the best time would be for the Board to take a stand or approve a resolution on proposed legislation. Mr. Dias answered that normally we would see groups taking positions on bills around March or April. This activity usually continues until September. Trustee Ho cautioned the Board against approving resolutions early in the process since most bills will be amended as they go through the different committees. Ms. Ledesma stated the purpose of the legislative agenda is to allow the Board to go on record for the various bills being proposed and to schedule meetings with legislators and their staff so we could provide testimony as to how those bills would impact students in our district. We have to be strategic in how we do that work. Trustee Mann inquired about what is being done locally with politicians, especially since we are trying to do something with the District Office property. Chancellor Cepeda answered that we are trying to be more proactive with the Board’s legislative advocacy role; but, unfortunately, we have little going on with local politics. However, the Board, as local elected officials, could be more involved with City Councils and Board of Supervisors; but that work has to be organized much better than it currently is. That is where we see the Board’s role. This is not the work Mr. Dias should be doing; someone on the Board needs to take the lead. The role of Ms. Ledesma and Mr. Dias is to guide the advocacy work of the Board and prepare them to meet with legislators in Sacramento. But the Board needs to work on developing the relationships. President Cruz stated that the Board is little by little learning to define its role as Trustees. Where does the Board’s advocacy start? The best place to start would be to work collaboratively with our internal district team. Trustee Lease thanked Ms. Ledesma and Mr. Dias for developing the legislative plan, and for moving forward with the work outlined in the Board’s Dashboard Workplan B. He also stated he would like to know the reasons why the CCLC either supports or does not support certain legislation. It would be helpful to add this information to the legislative plan. Trustee Fuentes stated the Board Committee on Student Success has reviewed legislation that impacts student success, such as AB199, AB955 and AB1358 and will bring recommendations to the whole Board regarding those bills the district should support or not support. President Cruz stated she would like to see a calendar developed around the legislative plan. Trustee Mann suggested the Board create a Board Legislative Committee.

Ms. Ledesma stated she would revise the Legislative Report and submit for approval at the next board meeting.

G. ACTION AGENDA

1. REVISION OF THE FY2013-2014 SCHEDULE OF GOVERNING BOARD MEETING DATES AND CORRESPONDING DEADLINES

Chancellor Cepeda stated she would bring forth a recommendation to delegate authority to the Chancellor for hires so that removal of the July 9, 2013, meeting would not negatively impact the district.
M/S/C (Mann/Nasol) to approve a revision of the FY2013-2014 Schedule of Governing Board Meeting Dates & Corresponding Deadlines to remove the July 11, 2013, meeting from the schedule, with the request the district submit a resolution to delegate authority to the Chancellor for district hires. Trustees Dhillon and Fuentes voted no.

2. **SJECCD BOARD TRAINING AND DEVELOPMENT SCHEDULE**

Chancellor Cepeda presented a revised Board Training and Development Schedule that incorporated the recommendations made by the Board at the April 23 board meeting. She submitted the revised plan for approval.

Trustee Fuentes inquired what was meant by the term “speaking with one voice.” Chancellor Cepeda answered that the wording came from the Board’s February 12, 2013, study session. It doesn’t apply to the discussion board members have but what happens subsequent to the adoption of a position the whole Board votes to take. Trustee Fuentes stated this is good position to take as a general rule, but there may be times the Board approves something that she does not agree with; and she would want the ability to express her concerns when that item is discussed. She does not want board members to be restrained from discussion. President Cruz stated that the Community College League of California’s handbook addressed the roles and responsibilities of Trustees. The Board is not supposed to infringe on anyone’s rights. However, there is a standard where a decision is made by the Board and the whole Board then stands by that decision. Every board member may not agree with the decision, but the notion of speaking with one voice is that once a decision is made, there is agreement as a team that the Board will stand by that decision. Perhaps this topic can be included in the Board’s future training.

FA Executive Director Hanfling expressed concern about the Board training meetings scheduled in August. The faculty would like to attend these Board training sessions, but most of them are away in the month of August. She stated that she herself attends these sessions. Trustee Dhillon requested the Board move these sessions to a time which would accommodate everyone’s schedule. Trustee Lease stated that the Board needs training, and everyone is invited to the Open Session meetings. However, these meetings are about the Board’s roles and responsibilities and how they can be effective Trustees. Therefore, it’s important to move forward with the training based on the Board’s availability as well as the availability of the trainers who will come to the district and provide it.

M/S/C (Lease/Ho) to approve the proposed SJECCD Board Training and Development Schedule. Trustees Dhillon and Fuentes voted no.

3. **MEASURE G-2010 BOND PROGRAM: PAA REVISION #01 TO ARTIK ART & ARCHITECTURE FOR DESIGN SERVICES ON PHOTO LAB RELOCATION PROJECT #31121 AT SJCC**

Trustee Nasol expressed concern about safety and wanted to ensure that we will not be reducing the air exhaust. Mr. Scott Jewel, Project Manager, Gilbane Building Company, answered that the original design was built around a piece of equipment that had a certain flow of air and required a dramatic modification. The project team was able to identify provide sufficient exhaust and free air to the labs utilizing
specifications for the exhaust hoods that SJCC planned to purchase.

M/S/C (Mann/Nasol) to approve Revision #01 to PAA SJCC-01 with Artik Art & Architecture, increasing the cost of design and construction phase services on the SJCC Photo Lab Relocation Project in the amount of $6,300.

4. **RESOLUTION NO. 052813-1 IN OPPOSITION OF AB 955 – TWO TIERED ACCESS TO COMMUNITY COLLEGES**

President Cruz thanked the Faculty Association for bringing this resolution forward so that the Board could take action. Chancellor Cepeda stated she would post a notice system-wide that our Board has taken an opposing position on this legislation.

M/S/C (Mann/Lease) to adopt Resolution No. 051213-1 in opposition of AB 955 – Two Tiered Access to Community Colleges.

H. **INFORMATION AGENDA**

1. **DISTRICT STRATEGIC PLAN – 1ST READING**

   Executive Director, RIE, Dr. Tamela Hawley presented an overview of the planning process used for developing the district’s strategic plan for 2013-2017. The work began with the Strategic Directions document in 2011. Using the Board’s vision and mission statements, the plan will focus on six strategic areas: 1) Student Success, 2) Total Work Environment, 3) Workforce and Economic Development, 4) Organizational Effectiveness and Sustainability, 5) Technology and 6) Communication. Dr. Hawley reviewed the definition of terms, methodology, including source documents and process, proposed goals and operational objectives and the many steps already taken in the development of the plan. She also introduced the leaders and participants of the strategic planning functional teams assigned to work on each of the six strategic areas.

   Trustee Lease thanked Dr. Hawley for all the hard work done so far and for the comprehensive presentation putting all the elements together so that he could see the direction the district is going. Trustee Ho stated how pleased she is that student success is the number one goal. She stated that the district has gone through a number of strategic planning processes in the past and asked if they had ever been evaluated. Chancellor Cepeda answered that one of the issues addressed through accreditation was that the various plans were not integrated. Hopefully, this time we will break the cycle. President Cruz inquired if this particular plan will integrate the district and college plans so that they are in sync with one another. Dr. Hawley answered that part of the work done by the strategic planning teams is to review the strategic planning documents of both colleges. That work will continue as a way to ensure the plans will align.

2. **STUDENT SUCCESS SCORECARD – REVIEW OF PROCESS AND TIMELINE**

   Executive Director, RIE, Dr. Tamela Hawley presented an overview of the history of ARCC, the four categories of ARCC, the new categories in the scorecard, and the
benefits of the new scorecard. She also presented a timeline of the documents to be submitted to the State Chancellor’s Office. The district has received the final scorecard at the beginning of April and the report is due in September 2013. We want to give both colleges the opportunity to provide feedback. Our report in September will include results of our analysis of what actions we need to take to improve our performance.

3. **MEASURE G-2010 BOND PROGRAM: SCHEMATIC DESIGN PRESENTATION FOR THE THEATER & VOCATIONAL TECHNOLOGY PROJECT (MEDIA ARTS CENTER AND VOCATIONAL TECHNOLOGY BUILDING) AT SAN JOSE CITY COLLEGE**

The Board heard a public comment from Mr. Mike Bulea expressed concerns about the district’s plan for not building a new Vocational Technology building at SJCC because the focus of the college should be to prepare students for Bay Area jobs. He also stated the Measure G-2010 bond language did not include the building of a new Theatre.

Vice President Nelson provided a timeline of the board meetings in which information was presented on the Theater and Vocational Technology Project at San José City College. He introduced faculty members Amber McCall, Humanities & Science, and Donna Mendoza, Drama Instructor, who presented information on the program review process, the meetings that were held and the input of faculty, staff and students that was used to inform the decision to build a new Media Arts Center.

President Cruz stated that SJCC faculty has expressed interest in receiving program review information on the Vocational Technology building. Trustee Dhillon thanked Vice President Nelson for the chronology; however, he expressed concern that the Board was not given the right information about when the decision was made to change project from Theatre to Media Arts Center. Evergreen Valley College is underutilizing its theatre. President Cruz stated that perhaps the information the Board is receiving from the public is causing confusion, especially regarding the legalities of changing projects from what was listed on the bond language. We need a legal opinion, in writing, which will enable the Board to properly communicate with the public. Chancellor Cepeda stated that legal counsel has already been consulted and that information will be made available to the Board at its next meeting. In answer to Trustee Dhillon’s concern, she stated that underutilization of the Theatre at Evergreen Valley College is not the same as San José City College. Each college is a separate entity and must make decisions based on its own needs. Trustee Mann conveyed the importance of getting the right information so that this issue can be dealt with quickly. It would be helpful to post this information on our district website for public review. Trustee Nasol inquired if, due to the project change, if the EIR is still valid. Vice President Nelson answered that there would be no significant impact to the EIR. Trustee Nasol stated that we probably need to build a Vocational Technology building that meets the needs of the community. One of President Obama’s priorities is vocational training, and although he supports this interim plan, if the district has another bond issue, it needs to include building a new Vocational Technology Building as part of the plan. Trustee Fuentes thanked the faculty for informing the Board on their program review processes. She requested the same type of presentation be made about the Vocational Technology building. It’s not a question of one program being better than another, but it’s a question of the Board
receiving all the information.

Ms. Marcy Wong, Marcy Wong Donn Logan Architects, reviewed the schematic plans for the Theater and Vocational Technology Project at San Jose City College.

4. **MEASURE G-2010 BOND PROGRAM: NEW BOARD ROOM PROGRAMMING REVIEW**

Kai Broms, HMC Architects, reviewed the programming process and schematic design for the new Board Room at the 40 South Market Street building.

Trustee Nasol requested the Board chairs be lowered and not be placed on a raised dais. Trustee Fuentes requested a sink and refrigerator be added for when the room is used to host community meetings.

5. **2013-2014 LEGISLATIVE AGENDA**

This item was moved to follow the approval of the Consent Agenda.

6. **CHAPTER 2 BOARD OF TRUSTEES – BP 2210 1ST READING**

President Cruz announced that this particular policy is being reviewed per her request to the Chancellor. At the December meeting, when the Board officers were elected, there was a lot of confusion during the process. In order to correct that situation, President Cruz has requested that administrative procedures also be added to the updated policy. She requested that board members do a first reading and provide input. This policy will be brought to the Board for a 2nd reading after it has been reviewed by the District’s constituency groups.

Trustee Nasol stated that a lot of districts have the Chancellor/Superintendent conduct the elections, and this removes a lot of confusion. President Cruz stated she would allow the district to make its recommendation on how to fix the problem. Chancellor Cepeda charged Executive Director Ledesma with the task of researching a procedure for the election of officers.

I. **CONTINUATION OF CLOSED SESSION**

No.

J. **RECONVENE OPEN SESSION**

**ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION**

None.

K. **ADJOURNMENT**

M/S/C (Mann/Lease) to adjourn the meeting at 10:34 p.m.
Minutes of May 28, 2013, Governing Board Meeting

Rita M. Cepeda, Secretary
Board of Trustees
Minutes of the Governing Board Meeting
June 11, 2013

A. CALL MEETING TO ORDER

President Cruz called the Regular Meeting of the Governing Board of the San José-Evergreen Community College District to order on Tuesday, June 11, 2013, at 3:30 p.m. at the District Office Board Room, 4750 San Felipe Road, San Jose, CA 95135.

Board Members Present:
Ms. Mayra Cruz
Mr. Balbir Dhillon
Ms. Maria Fuentes
Dr. Jeffrey Lease
Ms. Wendy Ho
Mr. Craig Mann
Mr. Rudy Nasol

Board Members Excused:
None

B. APPROVAL OF CLOSED SESSION AGENDA

M/S/C (Fuentes/Dhillon) to approve the Closed Session agenda.

C. PUBLIC COMMENTS ON CLOSED SESSION AGENDA

There were no public comments.

D. RECESS TO CLOSED SESSION TO CONSIDER AND/OR TAKE ACTION UPON ANY OF THE FOLLOWING ITEMS

The Board recessed to Closed Session at 3:30 p.m. to consider the following items:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Government Code Section 54957(b))

CONFERENCE WITH REAL PROPERTY NEGOTIATORS
(Government Code Section 54956.8)
Property: 3095 Yerba Buena Road, San Jose, CA
District’s Negotiator(s): James J. Eller, Douglas Smith
Names of Negotiating Parties: South Bay Regional Public Safety Training
Minutes of June 11, 2013, Governing Board Meeting

Consortium; Steve Cushing

CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)
District's Negotiator(s): Kim Garcia
Employee Organization: CSEA

CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)
District's Negotiator(s): Kim Garcia
Employee Organization: FA

E. RECONVENE INTO OPEN SESSION

The public session was reconvened at 6:25 p.m.

Board Members Present:
Ms. Mayra Cruz
Mr. Balbir Dhillon
Ms. Maria Fuentes
Dr. Jeffrey Lease
Ms. Wendy Ho
Mr. Craig Mann
Mr. Rudy Nasol

Board Members Excused:
None

1. PLEDGE OF ALLEGIANCE

President Cruz led the Board and members of the audience in the Pledge of Allegiance to the Flag.

2. ADOPTION OF AGENDA

M/S/C (Nasol/Mann) to adopt the agenda as amended:

Changes were made to the Consent Agenda.
Item I-1 was moved to follow the approval of the Consent Agenda.

3. ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION

There were no reportable actions.

4. PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

The Board heard public comment from SJCC faculty Steve Mansfield, who stated that he has now been informed about the process for placing an item on the board agenda. Therefore, at the next board meeting, the Vocational Technology faculty will present on the program review process.
F.  CONSENT AGENDA

1.  ADOPTION OF THE CONSENT AGENDA

M/S/C (Mann/Nasol) to approve the Consent Agenda as amended:

Item F-2-4 Management Personnel Actions – Separation – The effective date of the Dean, Counseling & Matriculation separation has been changed to an effective date of 6/21/13.

Item F-3-1 Faculty Personnel Actions – Employment – the name of the Mathematics Instructor hired is Randall, Lucas.

Item F-10 was pulled from the agenda.

2.  MANAGEMENT PERSONNEL ACTIONS

The Board approved the Management Personnel Actions as amended.

3.  FACULTY PERSONNEL ACTIONS – REGULAR

The Board approved the Faculty personnel actions as amended.

4.  CLASSIFIED PERSONNEL ACTIONS

The Board approved the Classified Personnel Actions as submitted.

5.  HOURLY, STUDENT WORK AND VOLUNTEER PERSONNEL ACTIONS

The Board approved the Short-Term Hourly, Substitute, Professional Expert & Athletic Support Services, Student Assistant and Volunteer personnel actions as submitted.

6.  RATIFICATION OF CONTRACTS AND PURCHASE ORDERS

The Board ratified the contracts and purchase orders for the period of April 10, 2013 through May 9, 2013.

7.  CURRICULUM RECOMMENDATIONS FOR EVERGREEN VALLEY COLLEGE

The Board approved the curriculum recommendation for new courses submitted by Evergreen Valley College.

8.  ASSOCIATED STUDENTS BUDGET 2013-14

The Board approved Evergreen Valley College's Associated Students budget for 2013-14.
9. SAN JOSÉ-EVERGREEN COMMUNITY COLLEGE DISTRICT FOUNDATION MASTER AGREEMENT EXTENSION

The Board approved an extension through June 30, 2014, to the Master Agreement with the San José-Evergreen Community College District Foundation.

10. WORKFORCE INSTITUTE – 2012-2013 WIA WORK2FUTURE WORKSHOP CONTRACT

This item was pulled from the agenda.

I. 1. LEGAL PARAMETERS: BOND BALLET LANGUAGE AND CONSTRUCTION PROJECTS

Mr. David Casnocha of Stradling Yocca Carlson & Rauth reviewed the legal guidelines that govern the Board’s authority to approve bond construction projects against the framework of the ballot language approved by the voters for both Measures G-2004 and G-2010. He stated that the Board of Trustees has the authority to determine how bond money is spent. The projects listed in the bond language indicate the type of projects the bond will fund. It is important that the projects fall within the parameters of the bond language. However, the bond language does not detail every specific project the bond will fund. Mr. Casnocha reviewed the Measure G-2004 and Measure G-2010 bond resolutions the Board approved, Exhibit A (the ballot language) and Exhibit B (full text of the ballot proposition, including the list of the types of projects.)

Trustee Fuentes inquired where the justification was for the purchase of the 40 South Market St. building to house the District Office. Mr. Casnocha answered that Measure G-2010 Exhibit B language states, “relocation of District administrative support facilities,” and this allows for the purchase of the 40 South Market Street property. Trustee Dhillon stated that although the Board can prioritize projects, it is still important that project fall in line with what the voters approved in the ballot. Mr. Casnocha answered that the Board has flexibility with the projects it chooses; however, the projects must be about school facilities. Trustee Mann requested that the information provided by Mr. Casnocha be posted on our district website to clear up any confusion the public may have about our bond projects.

G. ORAL COMMUNICATIONS

a. Board of Trustees

Trustee Dhillon expressed his excitement about the graduation ceremonies at both colleges. We actually graduated the maximum amount of students. He congratulated both colleges for that achievement and for the excellent commencement ceremonies.

President Cruz stated her continued reminder of our collective work on civility. It is speaking to her, especially at this time. The civility statement of the district is, “Civility begins with me.” This is a component of the Board’s work on speaking with one voice. President Cruz distributed and read a document
provided by the Carver Policy Governance Group that outlines the principles of policy governance, how a Board can speak with one voice when members disagree, how the Board should respond when a board member dissents, and when a board member’s behavior is considered sabotage. President Cruz also thanked Tammeil Gilkerson and Leandra Martin for their important work in the district and stated they will be greatly missed.

b. Chancellor

Chancellor Cepeda thanked Vice Presidents Burns and Gee for assuming the role of Acting Presidents. Their excellent leadership has allowed the colleges to function well and they are greatly appreciated.

c. Presidents

SJCC Vice President Elaine Burns gave a “shout out” to the faculty and staff who contributed to the scholarship fund. SJCC had 300 applicants and gave 80 awards to 57 students, and that will assist them going into next year.

d. Constituency Group Representatives

MSCC President McKee expressed how hard it is to stay positive when the district is losing two excellent administrators, Tammeil Gilkerson and Leandra Martin. Although they are moving on to great things, we will surely miss them and their numerous contributions to the colleges.

EVC Academic Senate President Narveson reported that the Senate Executive Committee has not yet met. EVC’s three-week summer session is ending on Friday, and the six-week session will begin on Monday. EVC is also excited to see new hires, including a new nurse, math instructor and two counselors.

H. ACTION AGENDA

1. DISTRICT BUDGET TRANSFERS AND REVISIONS

M/S/C (Nasol/Lease) to approve Resolution No. 061113-1 authorizing the budget transfers and revisions of funds within expenditure accounts.

2. FY2013-2014 TENTATIVE BUDGET

Vice Chancellor Smith provided an overview of the FY2013-2014 tentative budget. Current status is an ending fund balance of $10,635,765, 13.9%, which is an increase from the beginning fund balance of 11.6%. During the FY2013-13, $75.8 million revenue was adopted, but current projections are for $78.3 million. In the year we finished, our property taxes exceeded the state guarantee by $588K. We are now the fifth community college district in the state that is in the basic aid category. Vice Chancellor Smith provided an overview of property tax revenue. In FY2013-14 tentative budget, property taxes are projected at $1.7 million, which
again puts the district in the basic aid category. Therefore, we will not receive COLA/growth funding; we are property tax funded now. The FY2013-14 tentative budget includes new costs, such as restoration of adjunct faculty budgets ($880,000) vacant positions restored ($1m) OPEB final major increase ($1.1m) and Health/welfare, PERS, Other ($700K) which leaves the district with an ending fund balance of $10,135,720, 12.6%. For future budget projections, things that will change over time include: property taxes, student success initiatives, organization redesign, redevelopment funds, adult education program emphasis, and the Milpitas operating budget. Vice Chancellor Smith also reviewed the Board’s budget principles.

President Cruz stated that, like other districts, the Board needs to think about a specific Board policy as it relates to how the district will spend its additional monies. Vice Chancellor Smith stated that the district will provide the Board information on best practices from what other districts are doing; but, ultimately, the decision will be made by the Board.

M/S/C (Nasol/Mann) to approve the Tentative Budget for fiscal year 2013-2014.

3. **ESTABLISHMENT OF FISCAL YEAR 2013-2014 APPROPRIATION LIMIT (GANN)**

M/S/C (Mann/Lease) to adopt the Fiscal Year 2013-2014 Appropriation Limit (GANN) Resolution No. 061113-02.

4. **REAFFIRMATION OF CAMPUSWORKS CONTRACT**

Ms. Liz Murphy, CEO, CampusWorks, Inc. provided an annual progress report of the achievements made by CampusWorks. Some of the major accomplishments of the contract include the development of the District IT strategic plan, development of prioritized, tactical IT plan, implementation of asset inventory software, completion of website redesign RFP, establishment of an IT Steering Group, implementation of student email, assessed VoIP, conducted security scans, Phase I, replacement of core Windows systems servers, conducted contract reviews, and bond management. In the 390 days of the contract, 488 items were delivered, 25% more days than contracted. Savings to date are $435,000. Ms. Murphy stated that CampusWorks did not do these achievements alone. She thanked the Applications Group, managed by Dolly Zen, for their work in Moodle support, emergency notification system, library system, web time entry and ODS reporting. She also thanked Ms. Liz Juarez for her work with the phone system and Mr. Dan Hawkins for his system administration leadership. Ms. Murphy reviewed some projects that CampusWorks will focus on in the immediate future.

President Cruz thanked CampusWorks for their collaborative approach in working with district staff in making those impressive achievements.

M/S/C (Mann/Lease) to award a contract not to exceed $277,800 to Kiefer Consulting for website redesign and implementation. Trustee Fuentes voted no.
5. **WEBSITE REDESIGN RFP AWARD**

Trustee Lease stated that there are various types of web designers and asked how the district chose Kiefer Consulting. Dr. Mike Russell, CampusWorks consultant, answered that the RFP was left wide open because the district is not doing one website; we are doing four with its own branding and functionality. In reviewing the proposals, we considered the vendor with the latest/greatest technology, who would have the best plan to assist our students. Trustee Ho expressed pleasure that this vendor had the ability to provide translation services. Chancellor Cepeda thanked Dr. Russell and IT staff for putting together this bid. Although we are one family, we are composed of distinct individuals; and that was reflected in this bid proposal.

M/S/C (Nasol/Ho) to award a contract not to exceed $277,800 to Kiefer Consulting for website redesign and implementation. Trustee Fuentes voted no.

6. **MEASURE G-2010 BOND PROGRAM: SJCC PHOTO LAB RELOCATION PROJECT**

M/S/C (Mann/Nasol) to approve issuance of a contract to Premier Builders, Inc. in the amount of $430,705 for the San José City College Photo Lab Relocation Project.

7. **MEASURE G-2010 BOND PROGRAM: EVC INTERIM POLICE FACILITY & G-2010 OFFICES, BHM CONSTRUCTION CHANGE ORDER #002**

M/S/C (Mann/Ho) to approve Change Order #002 to BHM Construction, Inc. in the amount of $26,548 for the Evergreen Valley College Interim Police Facility & G-2010 Offices, and to extend the time for Final Completion to April 30, 2013.

8. **MASTER CONSULTING AGREEMENTS FOR SECURITY MASTER PLAN PROJECTS**

M/S/C (Mann/Lease) to approve Catalyst Consulting Group, Incorporated and Guidepost Solutions as the consultant pool to implement the updated Security Master Plan.

9. **EVC AND SJCC 2025 FACILITY MASTER PLANS – ENVIRONMENTAL IMPACT REPORTS**

M/S/C (Mann/Lease) to approve the Final Environmental Impact Reports and “Findings of Fact and a Statement of Overriding Considerations” for both the Evergreen Valley College 2025 Facilities Master Plan and the San José City College 2025 Facilities Master Plan, and payments of $6,090.50 for Department of Fish and Game and County administrative fees. Trustee Fuentes voted no.

10. **MEASURE G-2010 BOND LIST REVISION #4**

Mr. Casey Michaelis, Sr. Project Manager, Gilbane Building Company, reviewed the changes to the Measure G-2010 bond list. Some projects have been renamed, such as ITSS/MDF Relocation and Consolidation to MDF Relocation; Property Acquisition/Relocation or Renovation of District Offices/WI to New District Office
Building; Theatre and Vocational Technology to Media Arts Center & Career Technical Education. There were also some allocation changes to the projects.

M/S/C (Mann/Ho) to approve the revisions to the Measure G-2010 bond list as presented. Trustee Fuentes voted no.

11 MEASURE G-2004 BOND LIST REVISION #4

M/S/C (Mann/Lease) to approve the revisions to the Measure G-2004 bond list as presented. Trustee Fuentes voted no.

12 MEASURE G-2010 PM/CM CONTRACT RENEWAL FOR FY 2013/2014

Mr. Casey Michaelis, Sr. Project Manager, Gilbane Building Company, presented on the achievements and projects conducted by Gilbane Building Company over the year. He began the presentation with a video introduction of Gilbane staff working at both colleges. Mr. Michaelis noted that on June 12, 2012, the Board approved the second year contract in the amount of $4,646,050, and the actual costs are coming in well below that amount. The program management budget for the life of the bond program has been established at 3% of the construction budget. Approval of the third year agreement stays with the 3% allocation. The construction management budget for the life of the bond has been established at 9% of the construction budget, and this third year agreement stays within the 9% allocation.

President Cruz thanked Mr. Michaelis for the video introducing the Gilbane staff. It was great to hear their stories. Trustee Nasol also thanked him for that presentation. However, he stated that although the staff introduced was ethnically diverse, that diversity was among the support staff. It doesn’t seem as if the managers have the same diversity. Mr. Michaelis answered that there is diversity in the project and construction manager positions.

M/S/C (Mann/Ho) to approve the third year renewal of Gilbane’s PM/CM contract for fiscal year 2013/2014 for the not-to-exceed amount of $5,627,569. Trustee Dhillon voted no. Trustee Fuentes was not present and did not vote.

13 GROUND LEASE AND JOINT USE AGREEMENT WITH MILPITAS UNIFIED SCHOOL DISTRICT

M/S/C (Dhillon/Mann) to approve the Ground Lease and Joint Use Agreement by and between Milpitas Unified School District and San José Evergreen Community College District for the Joint Use 21st Century Education Center, Milpitas, California. Trustee Fuentes was not present and did not vote.

14 2013-2014 LEGISLATIVE AGENDA

Executive Director Governmental Relations Rosalie Ledesma distributed and reviewed the SJECCD Board Legislative Bills Overview, 2013 Bills and SJECCD Recommended Positions and 2013 State Legislative Calendar and 2014 Plan of Action documents. Trustee Ho thanked Ms. Ledesma and Mr. Manny Dias for putting the documents together. Trustee Lease thanked Ms. Ledesma for the hard work that was put into compiling this information. Hopefully, this will be used by the
Board to assist in its legislative advocacy.

M/S/C (Mann/Ho) to approve the recommended positions on each bill presented.

15 **REVISION OF FY2013-2014 SCHEDULE OF GOVERNING BOARD MEETING DATES AND CORRESPONDING DEADLINES**

M/S/C (Nasol/Mann) to approve a revision to the FY2013-2014 Schedule of Governing Board Meeting Dates and Corresponding Deadlines to restore the July 9, 2013, meeting.

16 **RESOLUTION NO. 61113-3 – DELEGATION OF AUTHORITY FOR RESIGNATIONS AND HIRES**

M/S/C (Nasol/Lease) to approve Resolution No. 61113-3 for the Delegation of Authority to the Chancellor or her designee for fiscal year 2013-2014 for resignations and hires.

I. **INFORMATION AGENDA**

1. **LEGAL PARAMETERS: BOND BALLET LANGUAGE AND CONSTRUCTION PROJECTS**

   This item was moved to follow the approval of the Consent Agenda.

2. **STUDENT SUCCESS UPDATE**

   Board Committee Chair Fuentes provided an update on the work done by the committee. She stated a report will be attached to the Board agenda item for information. The committee is now reviewing student success measures such as the scorecard and student mandates. It is also reviewing ways to implement the district’s student success policy.

   Chancellor Cepeda stated the district student success committee is recommending some additions to enrollment priorities to be consistent with the law but in line with our student success policy. The next meeting on October 15 will emphasize our student success agenda.

3. **SJECCD FOUNDATION – BRIDGE TO THE FUTURE 2013 UPDATE**

   Vice Chancellor Coen presented information on the “Bridge to the Future” event scheduled for August 22, 2013. It will be held at 12:00 noon at the San Jose Athletic Club in the Corinthian Grand Ballroom. The theme will be “Degrees of Difficulty” and will focus on what the student experience is and how we can better serve them. Vice Chancellor Coen encouraged everyone to contribute and, if possible, sponsor a table at the cost of $1,500.

   Trustee Lease announced that he already sold two tables. Trustee Nasol encouraged all Board members to sponsor at least one table.
Chancellor Cepeda thanked Foundation President Autumn Young for her support and enthusiasm. She also thanked Vice Chancellor Coen for getting the Foundation through tough times.

4. **MEASURE G-2010 BOND PROGRAM: MEASURE G-2010 SUMMARY REPORT**

Mr. Scott Jewel, SJCC Gilbane Project Manager, presented the summary report. Projects currently on caution at SJCC include: Project 31116 Campus Site Improvements, 31110 Utility Extensions and Emergency Generator and 31114 Auxiliary Gym, Pool & Locker Room Demo.

5. **FINAL PROJECT PROPOSAL FOR THE ACACIA-ROBLE REPLACEMENT (ENGINEERING & APPLIED TECHNOLOGY)**

Vice Chancellor Smith provided an update on the Acacia and Roble Complexes, which are currently located within a seismic fault zone that has been determined to be active. The IPP was approved by the State Chancellor’s Office, and this will allow the District to proceed with the final proposal. The draft project proposal requests the state to support 50% of the costs to demolish the Acacia and Roble buildings.

6. **2015 – 2019 FIVE YEAR CONSTRUCTION PLAN**

Vice Chancellor Smith stated that the District is required to submit, on an annual basis, a Five Year Capital Construction Plan to the State Chancellor’s Office. This plan is required to be adopted by the Board of Trustees but the proposal is not considered final until the Final Project Proposal for the Engineering & Applied Technology Building at Evergreen Valley College is submitted to the State Chancellor’s Office as final. This will not be done until early August 2013.

7. **PRESENTATION OF THE SAN JOSÉ-EVERGREEN COMMUNITY COLLEGE DISTRICT’S CONTRACT REOPENER PROPOSAL WITH FACULTY ASSOCIATION, AFT 6157 FOR 2013-2014**

Vice Chancellor Kim Garcia provided information on the District’s Reopener Proposal with the Faculty Association. At the July 9 board meeting, a public hearing will be held and this item will also be submitted to the Board for approval.

J. **CONTINUATION OF CLOSED SESSION**

No.

K. **RECONVENE OPEN SESSION**

**ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION**

None.
L. ADJOURNMENT

M/S/C (Nasol/Fuentes) to adjourn the meeting at 9:05 p.m.

Rita M. Cepeda, Secretary
Board of Trustees
Minutes of the
Governing Board Meeting
July 9, 2013

A. CALL MEETING TO ORDER

President Cruz called the Regular Meeting of the Governing Board of the San José-Evergreen Community College District to order on Tuesday, June 9, 2013, at 4:30 p.m. at the District Office Board Room, 4750 San Felipe Road, San Jose, CA 95135.

Board Members Present:
Ms. Mayra Cruz
Mr. Balbir Dhillon
Ms. Maria Fuentes
Dr. Jeffrey Lease
Ms. Wendy Ho
Mr. Craig Mann

Board Members Excused:
Mr. Rudy Nasol

B. APPROVAL OF CLOSED SESSION AGENDA

M/S/C (Lease/Mann) to approve the Closed Session agenda.

C. PUBLIC COMMENTS ON CLOSED SESSION AGENDA

There were no public comments.

D. RECESS TO CLOSED SESSION TO CONSIDER AND/OR TAKE ACTION UPON ANY OF THE FOLLOWING ITEMS

The Board recessed to Closed Session at 4:30 p.m. to consider the following items:

PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT
(Government Code Section 54957(b))
Title: Chancellor

CONFERENCE WITH LABOR NEGOTIATORS
(Government Code Section 54957.6)
District’s Negotiator(s): Kim Garcia
Employee Organization: CSEA
CONFERENCE WITH LABOR NEGOTIATORS
(Government Code Section 54957.6)
District’s Negotiator(s): Kim Garcia
Employee Organization: FA

CONFERENCE WITH LABOR NEGOTIATORS
(Government Code Section 54957.6)
District’s Negotiator(s): Kim Garcia
Employee Organization: M/S/C

E. RECONVENE INTO OPEN SESSION

The public session was reconvened at 6:25 p.m.

Board Members Present:
Ms. Mayra Cruz
Mr. Balbir Dhillon
Ms. Maria Fuentes
Dr. Jeffrey Lease
Ms. Wendy Ho
Mr. Craig Mann

Board Members Excused:
Mr. Rudy Nasol

1. PLEDGE OF ALLEGIANCE

President Cruz led the Board and members of the audience in the Pledge of Allegiance to the Flag.

2. ADOPTION OF AGENDA

M/S/C (Mann/Lease) to adopt the agenda as amended:

Item H-2 Measure G-2004 Bond Program: Change Order – SJCC Multidisciplinary and Arts Building was removed from the agenda.
Item I-2 Legislative Report was removed from the agenda.
Item I-4 – SJECCD Foundation Independent Annual Financial Report for FY2010-2011 and FY 2011-2012 was moved to follow the approval of the Consent Agenda.

Changes were made to the Consent Agenda.

3. ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION

There were no reportable actions.
Minutes of July 9, 2013, Governing Board Meeting

4. **6:10 P.M. PUBLIC HEARING ON THE SAN JOSÉ-EVERGREEN COMMUNITY COLLEGE DISTRICT CONTRACT REOPENER PROPOSAL WITH FACULTY ASSOCIATION, AFT 6157, 2013-2014**

President Cruz opened the public hearing and instructed speakers to go to the podium and make comments.

There were no public comments.

M/S/C (Mann/Lease) to close the public hearing.

5. **PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA**

Mr. Percy Carr, Faculty, SJCC Athletic Department, introduced new Director of Kinesiology and Athletics, Lamel Harris. He stated he had known Lamel since he was 18 years and recruited him to play basketball at SJCC. However, he chose to attend West Valley Mission instead of SJCC. When this position opened up, Lamel called him to inquire about applying for the job. After joking about Lamel choosing West Valley Mission, he told him what a great person he is and we are so proud to have him as a member of SJC. Mr. Harris spoke to the Board about how happy he was to be back at home at San Jose City College.


M/S/C (Mann/Ho) to approve the above listed meeting minutes.

F. **CONSENT AGENDA**

1. **ADOPTION OF THE CONSENT AGENDA**

M/S/C (Mann/Dhillon) to approve the Consent Agenda as amended:

Item F-5 – Classified Personnel Actions – Change of Status – Unpaid Leave – Calvillo, Fidel, Staff Assistant I, was removed from the agenda.

Item F-7 – San José-Evergreen Community College District Contract Reopener Proposal with Faculty Association – was corrected to add Articles 8, 9, 17, and 18.

Item F-14 – Land Development Consultant Agreement – was pulled from the Consent Agenda and moved to the Action Agenda for discussion and separate vote.

Trustee Lease stated how cool it was to have a 1921 truck donation!

2. **MANAGEMENT PERSONNEL ACTIONS**

The Board approved the Management Personnel Actions as submitted.
3. **FACULTY PERSONNEL ACTIONS – REGULAR**
   
   The Board approved the Faculty personnel actions as submitted.

4. **FACULTY PERSONNEL ACTIONS – ADJUNCT FACULTY**
   
   The Board approved the Adjunct Faculty personnel actions as submitted.

5. **CLASSIFIED PERSONNEL ACTIONS**
   
   The Board approved the Classified Personnel Actions as amended.

6. **HOURLY, STUDENT WORK AND VOLUNTEER PERSONNEL ACTIONS**
   
   The Board approved the Short-Term Hourly, Substitute, Professional Expert & Athletic Support Services, Student Assistant and Volunteer personnel actions as submitted.

7. **THE SAN JOSÉ-EVERGREEN COMMUNITY COLLEGE DISTRICT CONTRACT REOPENER PROPOSAL WITH FACULTY ASSOCIATION, AFT 6157, 2013-2014**
   
   The Board approved the San José-Evergreen Community College District Contract Reopener Proposal with Faculty Association, AFT 6157, 2013-2014 as amended.

8. **RATIFICATION OF CONTRACTS AND PURCHASE ORDERS**
   
   The Board ratified the contracts and purchase orders for the period of May 10, 2013 through June 9, 2013, as noted in the documents attached to the agenda.

9. **AUTOMOTIVE PROGRAM DONATION**
   
   The Board accepted a donation of a 1921 Ford TT truck in the amount of $2,800 donated to Evergreen Valley College’s Automotive Technology Program.

10. **MOU BETWEEN COUNTY OF SANTA CLARA AND EVC TO PROVIDE TRADITION OF CARING PROGRAM**

    The Board approved the MOU between the County of Santa Clara Social Service Agency (SSA) and Evergreen Valley College (EVC) to provide a Tradition of Caring Program.

11. **MOU BETWEEN SILICON VALLEY CHILDREN’S FUND AND EVC**

    The Board approved the agreement between the Silicon Valley Children’s Fund (SVCF) and Evergreen Valley College (EVC) for the college’s participation in a pilot program that provides assistance to foster youth.
12. **SJCC ASSOCIATED STUDENTS BUDGET 2013-14**

The Board approved San José City College’s Associated Students budget for 2013-14.

13. **WORKFORCE INSTITUTE – 2012/2013 WIA WORKSHOP POOL CONTRACT**

The Board approved the amended 2012-2013 WIA Workshop Pool Contract.

14. **LAND DEVELOPMENT CONSULTANT AGREEMENT**

This item was pulled from the Consent Agenda and moved to the Action Agenda for discussion and separate vote.

I. 4. **SAN JOSÉ-EVERGREEN COMMUNITY COLLEGE DISTRICT FOUNDATION INDEPENDENT ANNUAL FINANCIAL REPORT FOR FISCAL YEARS 2010-2011 AND 2011-2012**

Vice Chancellor Coen stated the report the Board was about to hear included the many deficiencies found in the Foundation’s accounting processes. She stated that based on the findings, she had developed a corrective action plan, which was reviewed and approved by the Foundation Board. She introduced Ms. Kathryn Turner, Audit Manager, Crowe Horwath LLP, who would provide an overview of the audit findings.

Ms. Turner presented the SJECCD Foundation independent annual financial report for FY2010-2011 and FY 2011-12. She stated this report had already been presented to the Foundation Board. Ms. Turner reviewed some of the deficiencies found, including, lack of personnel with experience in the accounting and reporting of financial activity, lack of documentation to support the approval of cash disbursements, no formal process in place to document potential restrictions on contribution revenue and the release of any restrictions for expenditures.

Trustee Fuentes requested a more detailed report of what the Foundation is doing regarding the deficiencies. Vice Chancellor Coen answered that detailed information was provided to the Foundation Board, and they accepted the report and approved the management response. In the response provided to the Foundation Board, we have identified each deficiency and developed a corrective action plan. It’s important to note the impact of the turnover in Foundation staff. However, the Foundation looks forward to the next audit, which will most likely be done in the next month. We are expecting very different results from that audit, especially since the Foundation has recently hired a very experienced, permanent, Business Services Supervisor. Trustee Fuentes requested this agenda item be reviewed again in the next six months.
G. ORAL COMMUNICATIONS

a. Board of Trustees

Trustee Dhillon reported that for the last nine years, the Punjabi Mela has been held at Evergreen Valley College. However, that will not happen this year. He thanked EVC staff and the Chancellor, who met with the Punjabi Mela committee, to discuss the issues regarding the event. This is a very important event for the Sikh community. He thanked the district for their support over the years.

Trustee Ho reported on her participation in a meet/greet, arranged by Ms. Rosalie Ledesma, with Speaker Pro Tempore Nora Campos. They discussed the challenges faced by our students due to mandates from Sacramento, and they also discussed the 27 acres available at the district. Ms. Ledesma will arrange a site visit for Ms. Campos in the near future.

President Cruz encouraged her fellow Board members and members of the audience to work together to make the Foundation’s Bridge to the Future event a successful one. Everyone has community contacts they could reach out to and invite to the event. She also encouraged Board members to purchase a $1500 table, which is very doable. It’s important to get the tables purchased and invite people to attend. It’s good to see that our district is on the move.

b. Chancellor

Vice Chancellor Garcia stated that Chancellor Cepeda is not at today’s meeting as she is enjoying a well deserved vacation. She introduced SJCC Interim President Byron Clift Breland.

c. Presidents

EVC President Yong thanked Vice Presidents Gee, Archuleta, and Aytch for leading the college during his absence while visiting his elderly father in Malaysia. He reported that Summer Session is going very well. The college is working on its mid-term accreditation report, and he will be presenting on that later on in the meeting. The college is also planning for Fall Session PDD.

SJCC Interim President Breland thanked everyone for their warm welcome, especially the constituent groups that went out of their way to inform him about the college. President Breland introduced Mr. Duncan Graham, Interim Vice President of Academic Affairs.

d. Constituency Group Representatives

SJCC Student Senate member Chuck Stevens announced Able Ward has been appointed as ASG Interim Student President. The new president and
Student Trustee for 2013-14 will be elected in the Fall.

SJCC Academic Senate President Heimler announced that SJCC Academic Senate filed a complaint concerning shared governance and lack of faculty being included in the decision-making process. He expressed concern about the loss of seven key administrators, which have all been replaced by Interims through appointments made directly by the Chancellor. The Senate’s position is that there are many individuals already in the district who could have been moved to fill these positions. Chancellor Cepeda did not feel that was a good approach to take; and she went with external hires instead of considering internal hires.

EVC Academic Senate President Eric Narveson reported on his two Summer Session courses and that out of 50 students, only two have dropped so far. He also discussed his attendance at the recent Senate Leadership Institute in Sacramento. He expects to be appointed to a few task forces and committees.

FA Executive Director Barbara Hanfling introduced SJCC Instructor Jose Cabrera, who attended the meeting in place of FA President David Yancey. Professor Cabrera discussed his participation in an eleven member team that traveled to Washington, D.C. to lobby for the immigration reform bill. It was special to know our voice was heard and that we could make an impact.

CSEA President Jan Tomisaka welcomed SJCC Interim President Breland. She also thanked Vice Chancellor Smith and the Gilbane Company for addressing the CSEA’s issues and concerns.

H. ACTION AGENDA

1. DISTRICT BUDGET TRANSFERS AND REVISIONS

   M/S/C (Lease/Dhillon) to approve Resolution No. 070913-1 authorizing the budget transfers and revisions of funds within expenditure accounts.

2. MEASURE G-2004 BOND PROGRAM: CHANGE ORDER – SJCC MULTIDISCIPLINARY AND ARTS BUILDING

   This item was removed from the agenda.

3. MEASURE G-2004 BOND PROGRAM: SJCC – RESOLUTION #70913-2 FOR LEASE-LEASEBACK FOR PHYSICAL EDUCATION/GYM PROJECT #122

   Trustee Lease thanked the Gilbane Building Company for the credits the district has received since they have been working with us.

   M/S/C (Mann/Ho) to approve Resolution No. 70913-2 for utilization of the Lease-Leaseback delivery method for the Physical Education/Gym Project #122 which is a
4. **DISTRICT STRATEGIC GOALS 2013 TO 2017**

Vice Chancellor Garcia stated the District Strategic Goals were reviewed with the Board at the last meeting and were now being submitted to the Board for approval.

Trustee Ho commended everyone who participated in the extensive process of developing and reviewing the strategic goals. It is an ambitious agenda we have set for ourselves, but we have the talent to realize these goals.

M/S/C (Mann/Dhillon) to approve the District Strategic Goals for fiscal years 2013-2014 to 2017-2018.

5. **MEASURE G-2010 BOND PROGRAM: EVC-ENERGY EFFICIENCY PHOTOVOLTAIC PROJECT, SUNPOWER CHANGE ORDER #004**

M/S/C (Mann/Lease) to approve Deductive Change Order #004 for SunPower Corporation Systems in the amount of ($24,000) for the Evergreen Valley College Energy Efficiency Photovoltaic Project.

6. **MEASURE G-2010 BOND PROGRAM: RESOLUTION NO. 70913-3 EVC AUTOMOTIVE TECHNOLOGY PROJECT – USE OF LEASE-LEASEBACK DELIVERY METHOD**

M/S/C (Mann/Ho) to approve Resolution No. 70913-3 Lease-leaseback delivery method for the Evergreen Valley College Automotive Technology Project.

7. **MEASURE G-2010 BOND PROGRAM: EVC GULLO STUDENT CENTER ENVELOPE UPGRADE PROJECT – CONTRACTOR AWARD**

M/S/C (Mann/Dhillon) to approve award of a contract to Swenson and Associates for the Evergreen Valley College Gullo Student Center Envelope Upgrade Project in the amount of $3,165,000.

8. **MEASURE G-2010 BOND PROGRAM: EVC ELECTRICAL UPGRADE PROJECT – CONTRACTOR AWARD**

M/S/C (Mann/Lease) to award a contract to Radiant Electric for the Evergreen Valley College Electrical Upgrade Project in the amount of $128,000.

9. **MEASURE G-2010 BOND PROGRAM: SJCC WATER SYSTEM REPAIRS PROJECT**

M/S/C (Mann/Ho) to approve issuance of a construction contract to Preston Pipelines in the amount of $201,000 for the San José City College Water System Repairs Project.
10 MEASURE G-2010 BOND PROGRAM: 2015 FINAL PROJECT PROPOSAL FOR THE ENGINEERING & APPLIED TECHNOLOGY BUILDING AT EVERGREEN VALLEY COLLEGE

M/S/C (Mann/Dhillon) to approve the 2015 Final Project Proposal for the Evergreen Valley College Engineering and Applied Technology project (formerly known as the Acacia – Roble Replacement) for submission to the State Chancellor’s Office for consideration for State funding in the 2015 funding year.

11 MEASURE G-2010 BOND PROGRAM: EVC SOUTH CAMPUS – USE OF DESIGN-ASSIST TRADES AGREEMENTS

M/S/C (Mann/Lease) to approve use of the Design-Assist Subcontracts through Blach Construction consistent with the Lease-leaseback delivery method for the Evergreen Valley College South Campus Development Project.

12 MEASURE G-2010 BOND PROGRAM: SJCC REPURPOSE BOILER PLANT PROJECT

M/S/C (Mann/Dhillon) to approve issuance of a contract to Omni Construction Services, Inc. in the amount of $398,000 for the San José City College Repurpose Boiler Plant Project.

13 MEASURE G-2010 BOND PROGRAM: SJCC UTILITY EXTENSION PROJECT

M/S/C (Dhillon/Mann) to approve issuance of a construction contract to JKL Construction Services in the amount of $2,880,567 for the San José City College Utility Extension Project.

14 2015-2019 FIVE YEAR CONSTRUCTION PLAN

Trustee Fuentes stated she did not see anything in the plan regarding the Child Development Center. When the Board had formerly approved their decision to contract out this program, it was with the understanding that the district would review the status later when the budget situation had improved. President Cruz agreed that she also had that understanding and requested the Board receive a report on the status of the Child Development Center sometime in the future.

M/S/C (Lease/Mann) to adopt the 2015-2019 Five Year Construction Plan as required by the State Chancellor’s Office as a provision under Community College Construction Act (California Education Code Section 81800.) Trustee Fuentes abstained.

15 2013-2014 CHILD DEVELOPMENT CONTRACT – CA STATE PRESCHOOL PROGRAM – 3549 AND RESOLUTION NO. 070913-4

M/S/C (Lease/Mann) to approve the contract agreement and Resolution No. 070913-4 between SJECCD and the California Department of Education for fiscal year 2013-2014. Because Trustee Fuentes is a board member at Saint Elizabeth’s Day Care Home, she abstained from the vote.
16 **2013-2014 CHILD DEVELOPMENT CONTRACT – GENERAL CHILD CARE & DEVELOPMENT PROGRAMS AND RESOLUTION NO. 070913-5**

M/S/C (Mann/Lease) to approve the contract agreement and Resolution No. 070913-5 between SJECCD and the California Department of Education for fiscal year 2013-2014. Because Trustee Fuentes is a board member at Saint Elizabeth's Day Care Home, she abstained from the vote.

17 **ADOPTION OF RESOLUTION NO. 070913-6 ELIMINATION POSITION AND LAYOFF CLASSIFIED EMPLOYEE**

Vice Chancellor Garcia explained the layoff resolution was due to funding changes caused by the Student Success and Support Program initiative that requires matriculation funding can only be used for assessment, orientation, and counseling—educational planning and follow-up. The district has no funding resources available to support the remaining 33% of this position.

Trustee Dhillon inquired about the impact on the program due to this layoff. President Breland answered that the college will need to find an alternative way to fund the position. Trustee Cruz asked if the position is currently occupied and, if so, what would happen to that individual. Vice Chancellor Garcia answered that the position is currently occupied, and the district has some time to explore alternatives for that individual. Approval of this layoff resolution would allow the district to provide the employee with the required 60-day notice and also allow the district time to find a solution for the employee.

M/S/C (Mann/Lease) to adopt Resolution No. 070913-6 Classified layoff due to lack of funds/lack of work as submitted. Trustee Fuentes voted no.

18 **LAND DEVELOPMENT CONSULTANT AGREEMENT**

Trustee Fuentes requested an explanation of what happened that the district now has to increase this project by 27%. Vice Chancellor Smith answered that the project began in January 2012 and was intended to be a one year contract to complete Phases I, II, III and IV. However, the work wasn’t completed due to our lack of readiness. We needed to make a decision on the District Office before moving forward with this work. Therefore, the district would like to extend this contract to take us through to December 2013. A. Plescia & Co. has done an extensive study behind the scenes. Trustee Fuentes stated that the Board Land Development Committee has not met since the RFP came to the Board for approval. She requested the committee meet again soon to review the performance outcomes of this contract, and to do this work before the Board votes on this contract extension. Trustee Dhillon answered that he did not think this would be an appropriate time to do such a review and he is fine with moving forward with approving the contract.

M/S/C (Mann/Lease) to approve an amendment, not to exceed $20,000, to the existing agreement with A. Plescia & Co., an independent contractor providing consulting services for the development of District owned land adjacent to Evergreen Valley College. Trustee Fuentes voted no.
I. INFORMATION AGENDA

1. VOCATIONAL PROGRAMMING UPDATES – HVAC, FMT AND LASER

Mr. Steve Mansfield, SJCC Faculty, provided a historical overview of the HVAC, and Laser departments at San Jose City College. He stated the programs are housed in the 100 and 200 wing buildings, which are inadequate for the classes and also are in serious need of repairs. He reviewed the process through which the faculty had chosen renovation over moving into a new facility, which would allow them to occupy 34K sq. ft. instead of trying to squeeze into 11K sq. ft. Mr. Mansfield thanked Tristan Bezzant and Kevin Lao from Gilbane Building Company, who worked with them on how to become more efficient in the labs. Dr. Sydney Sukuta, Instructor, Laser Technology, showed a video on the SJCC Laser Program. He discussed how many local corporations, such as Coherent, Spectra-Physics, IPG Photonics, Radiance Technologies, are providing input through the Curriculum and Advisory Committee. We share a symbiotic relationship with the companies we train for. However, the SJCC Laser Program is also limited by safety course enrollment bottlenecks due to safety concerns, staff shortages, especially of lab assistants, lack of funding for equipment and an over reliance on donations—over 80%. Although we have been successful at educating the next generation of laser technicians, it would be wise to build a new Vocational Technology Building where faculty can properly teach the workforce of the exploding laser and photonics market.

Trustee Dhillon thanked faculty Steve Mansfield and Sydney Sukuta for the detailed and excellent presentation. Trustee Fuentes stated she had the privilege of visiting the vocational technology programs and witnessed the exceptional teaching that is going on. There is a need for a state of the art building for these programs, and we should review the bond project lists to see how this could be accomplished. President Cruz thanked the faculty for their presentation and the teams they represented. The Board needs to see more of these presentations that provide detailed information of the excellent work being done at our colleges. Trustee Dhillon stated that most of these courses are held in the evening, which prevents faculty from presenting at board meetings. We need to find a way to make it possible for faculty to provide information to the Board.

2. LEGISLATIVE UPDATE

This item was removed from the agenda.

3. ACCREDITATION UPDATE

EVC President Yong provided a review of accreditation standards, process, role of the District Office and Board of Trustees in accreditation, even though it is the colleges, and not the district, who are accredited. He also reviewed accreditation standards 1-4 and noted the work the district has completed to meet those standards, which allowed the colleges to achieve full accreditation. President Yong provided an overview of the six-year process and timeline from 2010, where we submitted an comprehensive report, 2013, where we will submit a midterm report, which will be presented to the Board for approval at the October 8 board meeting, and 2016, where we will be required to submit another comprehensive report.
President Yong also reviewed the work to date that was done in support of 2010 Recommendation 2 regarding SLO’s. Evergreen Valley College has held campus-wide forums and constituent meetings that focused on SLO’s and has also purchased SLO Software, CurricUNET Meta with supplemental SLO Assessment Tracking and Program Review Modules. A key component of meeting accreditation standards regarding SLO’s is that they need to be included in faculty evaluations. CurricUNET would enable the college to track and monitor the SLO process, and it is also compliant with the State Chancellor’s Office. EVC is now working to get feedback from college community on the draft mid-term accreditation report.

SJCC Interim President Breland stated that he had just received the first draft of the mid-term report. The college is also focused on the SLO component and plans to take a team approach in addressing the recommendation. SJCC also plans to submit the mid-term report to the Board at the October 8 board meeting.

President Cruz congratulated both colleges for their hard work in addressing the SLO recommendation to ensure we submit to the Accreditation body what it wants to see from us. However, she expressed concern about the leadership changes at SJCC and how that would impact the work being done towards accreditation. President Breland answered that he is working with Dr. Duncan, and they know what needs to be done and those areas that have not had sufficient leadership. President Cruz also requested that enough communication be allowed to ensure effective participation throughout the colleges. Presidents Yong and Breland answered that this draft report has already been shared with district members and will be shared with all college constituents at the upcoming PDD activities.

4. SAN JOSÉ-EVERGREEN COMMUNITY COLLEGE DISTRICT FOUNDATION INDEPENDENT ANNUAL FINANCIAL REPORT FOR FISCAL YEARS 2010-2011 AND 2011-2012

This item was moved to follow the approval of the Consent Agenda.

5. MEASURE G-2010 BOND PROGRAM: MEASURE G-2010 SUMMARY REPORT

Vice Chancellor Smith reviewed the Measure G-2010 summary report and stated that three projects were delayed because they can’t be completed until the new Gym, a Measure G-2004 project, was completed. President Cruz on behalf of the Board requested a full report on the status of the new Gym at the next regularly scheduled board meeting. Vice Chancellor Smith stated he would provide that report.

J. CONTINUATION OF CLOSED SESSION

No.

K. RECONVENE OPEN SESSION

ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION
None.

L. ADJOURNMENT

M/S/C (Lease/Mann) to adjourn the meeting at 8:50 p.m.

Rita M. Cepeda, Secretary
Board of Trustees
A. CALL MEETING TO ORDER

President Cruz called the Regular Meeting of the Governing Board of the San José-Evergreen Community College District to order at 4:30 p.m. on Tuesday, August 13, 2013, at the District Board Room, 4750 San Felipe Road, San Jose, CA 95135.

Board Members Present:
Ms. Mayra Cruz
Mr. Balbir Dhillon
Ms. Maria Fuentes
Dr. Jeffrey Lease
Ms. Wendy Ho
Mr. Craig Mann

Board Members Excused:
None

B. APPROVAL OF CLOSED SESSION AGENDA

M/S/C (Dhillon/Lease) to approve the Closed Session agenda.

C. PUBLIC COMMENTS ON CLOSED SESSION AGENDA

There were no public comments.

D. RECESS TO CLOSED SESSION TO CONSIDER AND/OR TAKE ACTION UPON ANY OF THE FOLLOWING ITEMS

The Board recessed to Closed Session at 4:30 p.m. to consider the following items:

PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT
(Government Code Section 54957(b))
Title: Chancellor

PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Government Code Section 54957(b))
E. RECONVENE INTO OPEN SESSION

The public session was reconvened at 6:10 p.m.

Board Members Present:
Ms. Mayra Cruz
Mr. Balbir Dhillon
Ms. Maria Fuentes
Dr. Jeffrey Lease
Ms. Wendy Ho
Mr. Craig Mann
Mr. Rudy Nasol
Mr. Mike Casas

Board Members Excused:
None

1. PLEDGE OF ALLEGIANCE

President Cruz led the Board and members of the audience in the Pledge of Allegiance to the Flag.

After the Pledge of Allegiance, President Cruz announced that the Board would be having a moment of silence in honor of the individual who had lost her life at San José City College this morning. The Board and college community are sad about this tragic event, and our hearts go out to the family, friends and others impacted by this tragic loss.

2. ADOPTION OF AGENDA

M/S/C (Lease/Mann) to adopt the agenda as submitted.

3. ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION

President Cruz reported that effective July 1, 2013; the Chancellor’s contract is to be modified to include a one year extension to June 30, 2016, and an annual step increase of 4% for a salary of $274,213.72 per year.

Trustee Nasol stated he was very satisfied with the performance of the Chancellor. She has been very responsive to the concerns he has brought to her, and there is a plan for the following year to continue to move this district forward. Trustee Lease stated that since he became a board member in 2010, the Chancellor has achieved many great things with the bond measure, accreditation, student success policy, White House summit, strategic planning, the district Foundation; and she continues to lead this district to higher levels. The district has achieved financial stability and is a role model throughout the state. He is looking forward to working with the Chancellor in the coming year. Trustee Fuentes thanked Chancellor Cepeda for all she has accomplished since she has been with the district. The district is in a much stronger place because of the initiatives she undertook. Trustee Ho congratulated Chancellor Cepeda on what was a banner year. She expressed gratitude for the
Chancellor’s leadership and the team effort at the district. Trustee Mann also thanked Chancellor Cepeda for her leadership and the amazing achievements over the past year. Trustee Dhillon expressed faith in the leadership of Chancellor Cepeda and her excellent team. President Cruz expressed her appreciation for the person and leader we have in Chancellor Cepeda. With her leadership, the Board expects the district to become the premier institution for advancing opportunity, equity and social justice by 2017. It’s great to know we are taking the right steps to achieve our vision.

Chancellor Cepeda thanked the Board for its support for her leadership. She stated the many achievements of the district over this past year would not have been possible without the excellent team surrounding her. She thanked everyone for their commitment and hard work in the district.

4. PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

The Board heard public comments from the following individuals:

EVC Academic Senate President Narveson addressed the Board about Item G-12, Curriculum Management Software. He asked permission to discuss the item early since he had to leave the meeting early due to a personal situation. He discussed his involvement as a former member of the curriculum committee for 12 years and 9 years as chair. He stated his support for the purchase of CurricUNET because of the SLO tracking system, which is what the college needs to satisfy the accreditation recommendations. It is also positive that the majority of the colleges in our system and the State Chancellor’s Office are also using this system. He recommended the Board approve this purchase.

EVC Professor Eric Moberg congratulated EVC Honors Student Stanford Shrei for Most Outstanding Student Project.

Mr. Jeff Campbell, SACNAS Activities Coordinator, reported on the problems students were having with assistance in putting on the board agenda an item to approve student travel the SACNAS National Conference in San Antonio, TX, October 2-6, 2013. The early registration for a discount deadline is tomorrow. President Cruz requested Chancellor Cepeda resolve this issue on behalf of the students. Chancellor Cepeda stated she will work with the students to make this happen.

5. INTRODUCTION OF NEW SJECCD FACULTY AND STAFF

The college presidents and vice chancellors reported and introduced new district hires from June 1, 2013, through August 13, 2013.

Interim SJCC President, Dr. Byron Cliff Breland introduced new SJCC:

Lisa Brillon – Senior Division Administrative Assistant, Counseling Department
Duncan Graham – Interim Vice President of Academic Affairs
Lamel Harris – Director, Kinesiology & Athletics
Jagrup Kahlon – Faculty, Medical Assisting
Victor Krimsley – Interim Dean of Business, Math, Sciences and Workforce
Development
Hasan Rahim – Faculty, Math & Science
Lucas Randall – Faculty, Math & Science

EVC President, Henry Yong, introduced new EVC hires:
Lan Bui – Business Services Supervisor
Maria Theresa Carpio – Transfer/Articulation Officer
Martha Hardin – Counselor
Antoinette Herrera – Dean, Nursing & Allied Health
Gary Johnson – Instructor, Nursing & Allied Health
Merryl Kravitz – Dean, Language Arts
Tin Quach – Instructor, Mathematics
Thomas Quade – Supervisor, Grounds
Ivanna Ramirez – Administrative Secretary, Office of VP of Student Affairs
Raquel Rojas – Faculty, Language Arts, English, Enlace

Vice Chancellor Coen, Workforce Institute, introduced new WI hires:
Suzanne Clark – Project Supervisor, Clean and Efficient Energy
Binh Nguyen – Project Supervisor
Marina Dadayan – Business Services Supervisor

Vice Chancellor Smith, Administrative Services, introduced new DO hires:
Ricardo Fontanilla – District Police Officer I

Vice Chancellor Garcia, Human Resources, introduced new HR hire:
Michelle Moreno – HR Assistant

6. **6:15-8:00 P.M. – BROWN ACT STUDY SESSION**

Ms. Laura Schulkind, Liebert Cassidy Whitmore conducted a study session on the Brown Act. Some of the items she reviewed include: overarching principles, transparency in government, public access, board authority to impose content neutral rules on public comment, time management for board meetings, special and emergency meetings, confidentiality of closed session; board agendas and documents, permissible communications with administrators, regulating public comments, board response to public comments, and disorderly conduct at board meetings. In response to particular board questions regarding communication with the Chancellor, Ms. Schulkind stated that the best format for the Chancellor to provide information to the board is through a written report to all the members. Also, in order to avoid creating a serial (illegal) board meeting through email communications when a board member requests information, the Chancellor can provide the question and answer to all members as a one-way communication. However, she should not provide the name of the board member who asked a particular question since that would allow all board members to know the stance of that member before the Open Session meeting. Ms. Schulkind also provided information to the board regarding their oral communications reports. These reports should focus on district business and not personal political activities and opinions. Public comments should always be welcome, but they must be comments within
the subject matter jurisdiction of the district. Therefore, public comments regarding President Obama’s job performance is something the Board may prohibit at the meeting. Also, the board has the right to limit the time of public comments, as long as the public is given the opportunity to comment on the Closed Session agenda, Open Session agenda and items not on the agenda. It’s important for the board to decide the process they want to use for hearing public comments. Ms. Schulkind also reviewed what information is required for the board agenda. The Closed Session agenda cannot have placeholders and must not cloak items that should be part of the public discourse. Ms. Schulkind provided an exercise to show board members whether or not a topic was for Closed or Open Session. She also reminded the board that Open Session backup documents are public records, and the agenda must advise where these documents may be inspected.

At the end of the training session, President Cruz thanked Ms. Schulkind for the excellent information and asked her fellow board members to think about what they have learned at this meeting.

F. CONSENT AGENDA

1. ADOPTION OF THE CONSENT AGENDA

Adjunct Faculty Phil Crawford requested Consent Agenda item F-4 be removed from the agenda. Since the Board did not approve this action, President Cruz requested Mr. Crawford provide comments about that agenda item. Mr. Crawford expressed concerns about the individuals listed under Evergreen Valley College who are part of the South Bay Police Academy and are not under the district’s CBA. Vice Chancellor Garcia answered that these individuals are not district employees and, therefore, not part of the Collective Bargaining Agreement. However, as part of the JPA agreement, they use our payroll system in the same manner as they use our facilities. President Yong stated that 99% of these individuals will not be teaching at EVC, but they will be teaching at any of the consortium colleges. Putting them on our agenda for board approval has been our practice historically.

M/S/C (Mann/Nasol) to approve the Consent Agenda as submitted.

2. MANAGEMENT PERSONNEL ACTIONS

The Board approved the Management Personnel Actions as submitted.

3. FACULTY PERSONNEL ACTIONS – REGULAR

The Board approved the Faculty Personnel Actions – Regular as submitted.

4. FACULTY PERSONNEL-EVC ADJUNCT ACTIONS

The Board approved the Faculty Personnel-EVC Adjunct Actions as submitted.
5. **CLASSIFIED PERSONNEL ACTIONS**

The Board approved the Classified Personnel Actions as submitted.

6. **HOURLY, STUDENT WORK AND VOLUNTEER PERSONNEL ACTIONS**

The Board approved the Short-Term Hourly, Substitute, Professional Expert & Athletic Support Services, Student Assistant and Volunteer personnel actions as submitted.

6. **CURRICULUM RECOMMENDATION FOR SAN JOSE CITY COLLEGE**

The Board approved the new course and certificate proposed by San Jose City College.

7. **RATIFICATION OF CONTRACTS AND PURCHASE ORDERS**

The Board ratified the contracts and purchase orders for the period of June 10, 2013 through July 9, 2013.

8. **GRANT AGREEMENT – YOUTH EMPOWERMENT STRATEGIES FOR SUCCESS 2013-14**

The Board approved the 2013-14 grant agreement between the San Jose-Evergreen Community College District (SJECCD) and the Foundation for California Community Colleges (FCCC) for continuation of the Youth Empowerment Strategies for Success – Independent Living Program (YESS-ILP.)

9. **SUBGRANT AGREEMENT – CCC STUDENT MENTAL HEALTH – TRANSITION AGED FOSTER YOUTH PROJECT 2013-14**

The Board approved the 2013-14 Subgrant Agreement between the Foundation for California Community Colleges (FCCC) and the San Jose-Evergreen Community College District (SJECCD) for the CCC SMHP-TAFY Project.

10. **DESTRUCTION OF RECORDS – FISCAL SERVICES**

The Board approved the destruction of records as listed per Section 7080.3002 of the Retention and Destruction of Records under Board Policies.

11. **APPROVAL OF AGREEMENT WITH THE STATE CHANCELLOR’S OFFICE FOR THE 2014 STATE CHANCELLOR’S OFFICE TAX OFFSET PROGRAM (COTOP)**

The Board approved the contract with the State Chancellor’s Office for the District to participate in the 2014 Chancellor’s Office Tax Offset Program (COTOP.)

12. **SJCC PRESIDENT’S SEARCH COMMITTEE COMPOSITION**

The Board approved the San Jose City College President Search Committee
G. ACTION AGENDA

1. CONTRACT MODIFICATION - CHANCELLOR

President Cruz announced that on behalf of the Board of Trustees and Chancellor Cepeda, the Board and Chancellor have completed the Chancellor’s 2012-2013 evaluation. While the evaluation is confidential, consistent with our mutual interest in transparency, we make this joint statement regarding the completion of the 2012-2013 evaluation.

First, and most importantly, the Board is unanimous in its recognition of Chancellor Cepeda’s many accomplishments this year, as well as her expertise, dedication to, and leadership of the San José-Evergreen Community College District. The Board will continue to work as partners with our Chancellor to build on the work already done and to ensure that our District continues in its path towards excellence.

In addition, both the Board and Chancellor Cepeda wish to thank the members of the college community who participated in the 360° survey. We all found the responses informative and valuable. It is our mutual hope that our approach to the Chancellor’s evaluation will reinforce at all levels of the District that the evaluation process is to be embraced as an opportunity for reflection and professional growth.

M/S/C (Mann/Nasol) to approve the modifications to the Chancellor’s contract reported in agenda item E-3.

2. RESOLUTION NO. 081313-1 APPROVING DISTRICT BUDGET TRANSFERS AND REVISIONS

M/S/C (Ho/Mann) to approve the resolution authorizing the budget transfers and revisions of funds within expenditure accounts and authorizing the appropriation of the receipt of unanticipated revenues in certain programs.

3. MEASURE G-2010 BOND PROGRAM: EVC INTERIM POLICE FACILITY & G-2010 OFFICES, BHM CONSTRUCTION CHANGE ORDER #003

M/S/C (Mann/Dhillon) to approve Change Order #003 to BHM Construction, Inc. in the amount of $21,950 for the Evergreen Valley College Interim Police Facility & G-2010 Offices.

4. MEASURE G-2010 BOND PROGRAM: SJCC SITE FENCE PROJECT

M/S/C (Mann/Lease) to waive the minor irregularity in the Crusader Fence Co. response to Bid Document G2010.0057 and approve award of a contract to Crusader Fence Co, Inc. in the amount of $374,357 for the Site Fencing Project at San Jose City College.
5. **MEASURE G-2010 BOND PROGRAM: EVC MECHANICAL UPGRADE PROJECT – CONTRACTOR**

Trustee Dhillon inquired why the low bidder, EMCOR Services, withdrew their bid. Mr. Mark Miller, Project Manager, Gilbane Building Company, answered that their bid did not include allowances for unforeseen conditions. That component is included in all bids so that we can act on conditions that may occur during the project. The district’s procedures do not allow contractors to resubmit their bids.

M/S/C (Mann/Lease) to approve award of a contract to Heathorn & Associates Contractor, Inc. dba American Air Conditioning, Plumbing and Heating for the Evergreen Valley College Mechanical Upgrade Project in the amount of $378,454.

6. **MEASURE G-2010 BOND PROGRAM: EVC 21kV ELECTRICAL UPGRADE PROJECT – NOTICE OF COMPLETION**

M/S/C (Mann/Lease) to approve the notice of completion for the Evergreen Valley College 21kV Electrical Upgrade Project.

7. **MEASURE G-2010 BOND PROGRAM: EVC – CENTRAL PLANT AND POLICE STATION RENOVATION RFP #G2010.0033, PROJECT #32306 CHANGE ORDER #001**

M/S/C (Dhillon/Mann) to approve Change Order #001 for Swenson & Associates in the amount of $17,192 for the Evergreen Valley College Central Plant and Police Station Renovation Project.

8. **MEASURE G-2004 BOND PROGRAM: SJCC MULTI-DISCIPLINARY & FINE ARTS BUILDING, FINAL NO-COST CHANGE ORDER #5**

Trustee Fuentes expressed concern about the kind of Change Orders that allow the contractor to get 50% of the project savings. Trustee Nasol answered that this is a design build project, and as such it’s normal that the savings are shared 50/50 by the district and the contractor. This is actually an incentive for the design built team to complete the project in the most cost effective manner.

M/S/C (Nasol/Lease) to approve Change Order #5 to Blach Construction for the Multi-Disciplinary and Fine Arts Building at San Jose City College in the credit amount of ($578,697.46.) This change order represents a credit back to the District for 50% of the total project cost savings.

9. **MEASURE G-2004 BOND LIST REVISION**

M/S/C (Nasol/Mann) to approve the revisions to the Measure G-2004 bond list.

10. **MEASURE G-2010 BOND LIST REVISION #5**

M/S/C (Lease/Nasol) to approve the revisions to the Measure G-2010 bond list.
11 **AGREEMENT WITH KIEFER CONSULTING FOR WEBSITE REDESIGN AND IMPLEMENTATION**

M/S/C (Ho/Mann) to award a contract not to exceed $277,800 to Kiefer Consulting for website redesign and implementation.

12 **CURRICULUM MANAGEMENT SOFTWARE**

Adjunct Faculty Phil Crawford stated that this contract was not approved by the Academic Senate at San José City College. However, after reviewing the item at the district's docket review meeting on Monday, he realized the problem was due to the failure of the senate's own internal process. As a matter of process, the faculty wants these contracts to be reviewed by the Academic Senate.

Due to the confusion of how public comments should be handled for agenda items, President Cruz stated she would work with Trustee Lease to find a new way of managing it.

M/S/C (Lease/Nasol) to award a contract to GoverNet for $160,000 for the purchase of CurricUNET, an integrated curriculum management system.

H. **INFORMATION AGENDA**

1. **ANNUAL REVENUE FROM SURPLUS REPORT**

The Board received information in accordance with District Policy AP 6550 on sale proceeds.

2. **APPROACH DOCUMENT FOR ENTERPRISE RESOURCE PLANNING (ERP) CONVERSION**

Dr. Mike Russell, CampusWorks, Inc., CISCO, stated that one of the objectives given to CampusWorks was to provide IT leadership; and included in the deliverables was the replacement of the Enterprise Resource Planning system. CampusWorks, with the assistance of district leadership and Elucian, the ERP vendor, has put together an approach document with a preliminary project plan outlining estimated costs and timelines to deliver the product. The plan uses a vendor partnership approach, which would dramatically reduce costs of the conversion compared to using a single vendor. This plan will be submitted to the Board for approval at the September 10 meeting.

Trustee Fuentes expressed concern about staff, especially Classified staff, which does the primary work in the IT area. The Board has approved a lot of dollars towards technology, but how is the district working to develop the skills of the staff? She requested that at the September 10 meeting, the district would provide this information. Dr. Russell answered that one of the things CampusWorks is doing is knowledge transfer. If a system has a problem, we want to have an IT support team that could support the system. A key component of what we are doing is training.
I. CONTINUATION OF CLOSED SESSION
   No.

J. RECONVENE OPEN SESSION
   ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION
   None.

K. ADJOURNMENT
   M/S/C (Lease/Ho) to adjourn the meeting at 9:23 p.m.

Rita M. Cepeda, Secretary
Board of Trustees
Minutes of the Special Governing Board Meeting
August 24, 2013

A. CALL MEETING TO ORDER

President Cruz called a Special Meeting of the Governing Board of the San José/Evergreen Community College District to order on Saturday, August 24, 2013, at 9:00 a.m. in the District Board Room, 4750 San Felipe Road, San Jose, CA 95134.

Board Members Present:
Ms. Mayra Cruz
Mr. Balbir Dhillon
Ms. Wendy Ho
Dr. Jeffrey B. Lease
Mr. Craig Mann
Mr. Rudy Nasol

Board Members Absent:
Ms. Maria Fuentes

2. INFORMATION ON PUBLIC COMMENTS AND DISABILITY ACCESS

Information was provided in the agenda.

3. PLEDGE OF ALLEGIANCE

President Cruz led the Board and members of the audience in the Pledge of Allegiance to the Flag.

4. ADOPTION OF THE AGENDA

M/S/C (Lease/Dhillon) to adopt the agenda as submitted.

5. PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

There were no public comments.
6. **9:00 a.m. – 4:30 p.m. – CARVER GOVERNANCE MODEL STUDY SESSION**

Ms. Miriam Carver, Miriam Carver Consulting, led the Board to a study session on the Carver Governance Model. Topics addressed at the meeting are listed below. (Please note that a full description of the below topics covered at the meeting, including further information on the Carver Governance Model, can be found in the book entitled, *Reinventing Your Board – A Step-by-Step Guide to Implementing Policy Governance* by John Carver and Miriam Carver, Revised Edition, 2006, by John Wiley & Sons, Inc.)

Making sense out of committees (Pages 19-20)
Creating board policies in a new light (Page 65)
How board leadership differs from executive leadership (Pages 103-104)
Evaluating the board itself (Pages 105-112)
Just what is governance and board leadership? (Page 109)
Evaluating the chief executive (Page 110)
How to maintain board discipline (Page 111)
Making the most of a “chief executive officer” and management (Page 120-122)
The board’s critical relationship with the “owners” (Page 151)
Distinguishing where you are going from how you’ll get there (Page 179)
Getting started on the board’s future work (Page 179)
How the board can stay safely out of details (Pages 179-181)
Defining and demanding, not picking and tinkering (Page 199)
Doing long-range visioning, not long-range planning (Page 219)
Board talking to boards – a network of leadership (Page 219-221)

Ms. Carver stated that if the Board is considering moving forward with the Carver Governance Model, it should take the following next steps:

1) Learn Policy Governance
2) Develop Policies
3) Do a Legal Check of Policies – including setting a date for rolling out new policies
4) Plan Agenda for the Year

After the training session, the Board thanked Ms. Carver for her presentation and response to the Board’s questions. Trustee Mann stated that if approval of the Carver Governance Model had been on the Action Agenda today, he would approve it. Trustee Ho also approved the model and stated it would take discipline from the Board to get the work done. However, if the district wants to be the premier educational institution by 2017, it needs to do a better job in the way it assumes its governance role. Trustee Lease stated that since he became a board member three years ago, the Board has been moving to create a governing structure similar to the Carver model. He appreciated the framework and step-by-step approach contained in the model and would support moving forward with it. President Cruz noted that policy development is a decision the Board needs to make. Once the Board is makes it clear where it wants to go, it will then be important to get the input from staff and constituency representatives. Trustee Nasol thanked Ms. Carver for the very educational approach to board governance. He liked the approach and is supportive, especially since time is of the essence in developing policy for the district. President Cruz stated that since the Board is
making positive comments, she advised the Chancellor to put this item on the September 10 agenda for approval. She also requested that Ms. Carver submit a proposal of the work the Board needs to do to move forward in implementing this model. Ms. Carver stated that she would be happy to submit a proposal.

B. APPROVAL OF CLOSED SESSION AGENDA

M/S/C (Lease/Dhillon) to approve the Closed Session agenda.

C. PUBLIC COMMENTS ON CLOSED SESSION AGENDA

There were no public comments.

D. RECESS TO CLOSED SESSION TO CONSIDER AND/OR TAKE ACTION UPON ANY OF THE FOLLOWING ITEMS

The Board recessed to Closed Session at 4:35 p.m. to consider the following items:

PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT
(Government Code Section 54957 (b))
Title: Vice Chancellors

PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Government Code Section 54957(b))

CONFERENCE WITH LABOR NEGOTIATORS
(Government Code Section 54957.6)
District's Negotiator(s): Kim Garcia
Employee Organization: CSEA

CONFERENCE WITH LABOR NEGOTIATORS
(Government Code Section 54957.6)
District's Negotiator(s): Kim Garcia
Employee Organization: FA

CONFERENCE WITH LABOR NEGOTIATORS
(Government Code Section 54957.6)
District's Negotiator(s): Kim Garcia
Employee Organization: MSC

E. RECONVENE TO OPEN SESSION

1. ANNOUNCEMENT OF REPORTABLE ACTIONS TAKEN IN CLOSED SESSION

There were no reportable actions.
F. ADJOURNMENT

The meeting adjourned at 5:10 p.m.

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Dr. Rita M. Cepeda, Secretary
Board of Trustees
Minutes of the
Governing Board Meeting
September 10, 2013

A. CALL MEETING TO ORDER

President Cruz called the Regular Meeting of the Governing Board of the San José-Evergreen Community College District to order on Tuesday, September 10, 2013, at 4:30 p.m. at the District Office Board Room, 4750 San Felipe Road, San Jose, CA 95135.

Board Members Present:
Ms. Mayra Cruz
Mr. Balbir Dhillon
Ms. Maria Fuentes
Dr. Jeffrey Lease
Ms. Wendy Ho
Mr. Craig Mann

Board Members Excused:
Mr. Rudy Nasol

B. APPROVAL OF CLOSED SESSION AGENDA

M/S/C (Lease/Mann) to approve the Closed Session agenda.

C. PUBLIC COMMENTS ON CLOSED SESSION AGENDA

There were no public comments.

D. RECESS TO CLOSED SESSION TO CONSIDER AND/OR TAKE ACTION UPON ANY OF THE FOLLOWING ITEMS

The Board recessed to Closed Session at 4:30 p.m. to consider the following items:

PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT
(Government Code Section 54957(b))
Title: Vice Chancellors and EVC President

PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Government Code Section 54957 (b))

CONFERENCE WITH LABOR NEGOTIATORS
(Government Code Section 54957.6)
E. RECONVENE INTO OPEN SESSION

The public session was reconvened at 6:00 p.m.

Board Members Present:
Ms. Mayra Cruz
Mr. Balbir Dhillon
Ms. Maria Fuentes
Dr. Jeffrey Lease
Ms. Wendy Ho
Mr. Craig Mann

Board Members Excused:
Mr. Rudy Nasol

1. PLEDGE OF ALLEGIANCE

President Cruz led the Board and members of the audience in the Pledge of Allegiance to the Flag.

After the Pledge of Allegiance, President Cruz requested a moment of silence in memory of Mr. Rick Dirck, who passed away on July 20. Mr. Dirck was an SJCC adjunct faculty member in the Language Arts Department from 1996 to 2013 and taught courses in basic skills, composition and critical thinking. He also tutored students in the Reading and Writing Center at the Cesar Chavez Library. He will be missed by our students and campus community.

President Cruz also announced that Trustee Rudy Nasol informed her he would not be able to attend the board meeting due to a family emergency. The Board approved resolution No. 091013-3 to excuse his absence.

2. ADOPTION OF AGENDA

M/S/C (Lease/Mann) to adopt the agenda as submitted.
3. **ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION**

President Cruz reported a modification to the Vice Chancellors’ contract for Vice Chancellors Carol Coen, Kim Garcia and Doug Smith. These modifications are effective July 1, 2013, and include contract extensions to June 30, 2016, and an increase of vacation accrual to 400 hours.

4. **PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA**

Mr. Jeff Campbell, SACNAS Activities Coordinator, thanked the Board for approving the students out of state travel and allowing them to work with the Chancellor so that they could take advantage of the early registration rate for the SACNAS National Conference in San Antonio, TX, October 2-6, 2013. He introduced students Francisco Estrada Vasquez, Edith Martinez, Mara Leandro, Javier Ramirez, who would be traveling to the conference. He also reported that SJCC would be receiving its second annual Community College Chapter of the Year award, and it is a pleasure to bring that award back to this district.

Mr. Larry Harris, SJCC Student, commended the Board for their political and community activities and stated he disagreed with the parliamentarian who instructed the Board to withhold from speaking on their non-district related political activities at board meetings.

5. **APPROVAL OF THE JULY 9, 2013, AUGUST 13, AND AUGUST 24, 2013, GOVERNING BOARD MEETING MINUTES**

M/S/C (Ho/Dhillon) to approve the above listed meeting minutes.

6. **6:10 P.M. PUBLIC HEARING ON THE FY2012/2013 ADOPTED BUDGET & TRANSFER OF FUNDING BETWEEN CATEGORICAL PROGRAMS**

M/S/C (Mann/Ho) to open the public hearing.

There were no public comments.

M/S/C (Ho/Lease) to close the public hearing.

F. **CONSENT AGENDA**

1. **ADOPTION OF THE CONSENT AGENDA**

M/S/C (Mann/Dhillon) to approve the Consent Agenda as submitted.

2. **MANAGEMENT PERSONNEL ACTIONS**

The Board approved the Management Personnel Actions as submitted.

3. **FACULTY PERSONNEL ACTIONS – REGULAR**

The Board approved the Faculty personnel actions as submitted.
4. **CLASSIFIED PERSONNEL ACTIONS**

The Board approved the Classified Personnel Actions as submitted.

5. **HOURLY, STUDENT WORK AND VOLUNTEER PERSONNEL ACTIONS**

The Board approved the Short-Term Hourly, Substitute, Professional Expert & Athletic Support Services, Student Assistant and Volunteer personnel actions as submitted.

6. **RATIFICATION OF CONTRACTS AND PURCHASE ORDERS**

The Board ratified the contracts and purchase orders for the period of July 10, 2013 through August 9, 2013, as noted in the documents attached to the agenda.

7. **PIGGYBACK STEELCASE, INC. CONTRACT THROUGH ONE WORK PLACE L FERRARI (AUTHORIZED DEALER)**

The Board authorized the District to ‘piggyback’ on the National Joint Powers Alliance (NJPA) contract with Steelcase, Inc. through One Work Place L. Ferrari (an authorized dealer.)

8. **WORKFORCE INSTITUTE – BUTTE-GLENN COMMUNITY COLLEGE DISTRICT AGREEMENT FOR PROFESSIONAL SERVICES**

The Board approved the Butte-Glenn Community College District Agreement for Professional Services in the amount of $146,691.

9. **ACCEPTANCE OF GRANT FUNDS – ENROLLMENT GROWTH FOR ASSOCIATE DEGREE NURSING**

The Board accepted grant funds in the amount of $221,000 awarded to Evergreen Valley College’s nursing program from the State Chancellor’s Office, Nursing Education Program, Enrollment Growth for Associate Degree Nursing (RN) Program.

10. **ACCEPTANCE OF REVISION #2 TO CALIFORNIA DEPARTMENT OF EDUCATION CONTRACT CSPP-2566 AND RESOLUTION 091013-4**

The Board accepted revision #2 of California Department of Education Contract CSPP-2566 increasing the contract amount by $37,000, changing the contract from $134,644 to $171,644 and adopted Resolution No. 091013-4 confirming revision #2 to state contract.

11. **ACCEPTANCE OF REVISION #2 TO CALIFORNIA DEPARTMENT OF EDUCATION CONTRACT CCTR-2305 AND RECOMMENDATION TO ADOPT RESOLUTION NO. 091013-5 CONFIRMING REVISION #2**

The Board accepted revision #2 of California Department of Education Contract CCTR-2305 decreasing the contract amount by $19,000, changing the contract
from $151,765 to $132,765 and to adopt Resolution No. 091013-5 confirming resolution #3 to state contract.

12. WORKFORCE INSTITUTE – 2013/2014 WIA OVERALL OCCUPATIONAL SKILLS TRAINING POOL CONTRACT

The Board approved the 2013-2014 WIA Overall Occupational Skills Training Pool Contract.

G. ORAL COMMUNICATIONS

a. Board of Trustees

Trustee Lease stated the Foundation’s Bridge to the Future event was a great success. The room was packed, with standing room only. He commended Vice Chancellor Coen and her team for their hard work in organizing this event. Hopefully, this is the start of something good, as people are already lining up to participate next year.

Trustee Fuentes provided an update on the Board Student Success Committee. She reported that the CCLC (Community College League of California) has approved our District’s proposal to conduct a workshop on Student Success at this year’s November 21 – 23 CCLC Annual Convention in San Francisco. The title of our workshop is “Tailoring Student Success Act Implementation to Meet Underserved Student’s Needs.” Our Student Success Committee will be presenting on Friday, November 22 from 4:10 p.m. to 5:20 p.m. Everyone who is available is welcome to attend. The next meeting of the Student Success Committee has not yet been scheduled but will be held sometime in October.

Trustee Ho reported on her attendance at the welcome reception held for President Breland, which was organized by Professor Merylee Shelton. It was a great outpouring of love from the community. She anticipated the upcoming Chancellor’s community advisory committee would receive the same level of enthusiasm. The Foundation’s Bridge to the Future event was a terrific celebration, and the Trustees connected with people interested in supporting our district. Trustee Ho also reported on the Board Accreditation Committee, which met for the first time last Thursday. The committee reviewed its charge, and reports were provided by both colleges on the accreditation history and timeline of events, self study reports, and the status of the mid-term report, which is currently being reviewed by the Board to be approved at the October 8 meeting. Trustee Ho thanked the college presidents and their staff for the countless hours they dedicated to writing and reviewing these reports.

President Cruz congratulated both colleges on holding excellent PDD activities. It was a joy to participate and experience these events at both colleges. The speakers were amazing and moved a lot of us in different ways. Unfortunately, due to illness, President Cruz was unable to attend the
Foundation’s Bridge to the Future event. However, reports of the event indicate it was very successful and beneficial for the Foundation. President Cruz also thanked Professor Shelton for inviting her to attend President Breland’s welcoming event. She stated she had never seen so many elected officials in one place. It was very special to witness the support that was evident during that reception.

b. **Chancellor**

Chancellor Cepeda stated that, in the interest of time, she would provide a legislative update during the Information reports later on in the meeting. The college presidents will also present the draft mid-term accreditation reports as well.

c. **Presidents**

EVC President Yong reported on the marketing activities of the college. He also distributed a brochure on the 49ers ad for the recruitment of students. EVC is working on ways to maintain our connection to the community in 2013-14.

SJCC Interim President Breland reported that students have started classes and it’s been a smooth opening for the school year. He congratulated SACNAS students for their upcoming award and their many accomplishments. He also thanked Trustees Cruz and Ho for attending his welcome reception. He thanked Professor Shelton for hosting that event as well as the community for its warm welcome.

d. **Constituency Group Representatives**

SJCC Student Senate member Chuck Stevens reported that SJCC will hold student elections on September 17 through September 19 and should be able to report the name of the new Student Trustee at the next board meeting. On September 17 the college will celebrate Constitution Day. Also, AB1358 passed through the Senate floor, although there are some amendments.

MSCC President Lauren McKee thanked the Board for approving the management personnel actions and for supporting the MSC group. It’s important that the Board sustain its relationship and hear the issues and concerns of the district’s MSC employees.

SJCC Academic Senate President Charles Heimler reported the senate is organizing itself and is in the process of forming committees. The main business of the college began last week when students arrived for classes.

EVC Academic Senate President Eric Narveson reported that his classes are so full that students had to be turned away. He thanked Professor David Hendricks for organizing the Constitution Day barbecue at EVC on September 17.
FA President David Yancey reported on how special the welcoming event for President Breland was as many local political and community leaders attended. He also reported that AB 955 is moving along even though the FA doesn’t support it. He thanked Chancellor Cepeda and the Board for providing an early response that the district doesn’t support a two-tiered educational system. The FA is still working hard to get this bill vetoed.

CSEA President Jan Tomisaka introduced Mr. Faustino Villa, who will be replacing Mr. Gene Heck as CSEA Vice President. Mr. Villa works in Maintenance and Operations at San José City College.

**H. ACTION AGENDA**

1. **SJECCD BOARD OF TRUSTEES: PROCESS FOR THE IMPLEMENTATION OF A DIFFERENT GOVERNANCE AND POLICY MODEL**

   President Cruz provided an overview of the journey undertaken by the Board to improve its governance process and leadership. This work began years ago but became especially crucial when the Board was informed, through the accreditation review process and resulting recommendations, that it had a lot of work to do in the areas of governance, policies, leadership in fiscal areas, and relationship with Chancellor. As a result, the Board sought to learn more about governance approaches and how it could improve as a group to speak with one voice, while at the same time allowing individual members the freedom to express their opinions. On August 24, 2013, the Board participated in a special study session conducted by Ms. Miriam Carver on the Carver Policy Governance Model. The approach of this model would include a comprehensive set of principles, where the Board is accountable to the “owners,” which includes the whole community represented by the district’s Trustee areas. The Board is to delegate authority to the Chancellor and empower her to accomplish the goals they have set and on which they would evaluate her. The Board makes its decisions as a total group; it is group authority and not the authority of individual members. After the study session, the Board expressed interest in pursuing this model of governance. Therefore, approval of this action would allow the Board to direct the Chancellor to move ahead with the next steps of the process to incorporate the Carver Policy Governance Model. Trustee Mann stated that the training he received was a revisit for him since he had participated in training by Dr. John Carver many years ago. It is not a very complex governance model, but it will ensure the Board is transparent with the public, while at the same time allowing the Chancellor to assume her rightful role in the district. Trustee Ho stated the Carver Policy Governance Model affirms the Board’s role and responsibilities as members, and she supports moving forward with the next steps. Trustee Dhillon stated that, although the training was very good, he did not understand what the required action of the Board is at this time. What are we going to do differently? The Board’s role and the CEO’s role are separate. By taking this action, what is the Board achieving? Trustee Cruz answered that part of the process for implementation would be for the Trustees and various constituency groups to learn more details about the Carver Policy Governance Model. It was discussed at the end of the August 24 study session that the Board wanted to proceed with the process and, hopefully, that process would lead the Board to making a decision. Trustee Fuentes stated she did not attend the August 24 meeting due to scheduled...
vacation that weekend. She stated that although she agreed with the concepts outlined in the model, there are certain portions of the model that she felt would not allow her to fulfill her duty as a representative of the district. She requested that additional training take place before the Board is asked to approve pursuing this governance model. Chancellor Cepeda answered that the recommendation is to initiate a process, and training is included in that process. Also, it is only after the Board has established an agenda that the Carver Policy Governance Model could be rolled out.

SJCC Academic Senate Heimler expressed concern that the Board study session occurred during August when faculty members are not here to attend meetings. He also inquired about how many other California community colleges use this particular governance model. He stated that if the Board members present at this meeting are confused about the action, what is he supposed to report to the SJCC Academic Senate. FA President Yancey stated that what the Board is attempting to do would be a dramatic cultural change for the district, and the recommendation to adopt this governance model now looks very official, like a done deal. This is not normally how such a drastic change would be handled by this district. President Cruz answered that there are certain things that need to happen before the Board can get to the place where it could implement this model. This action is the beginning of that process. Trustee Lease stated that this action is really about the Board doing what it needs to do to be more effective as a Board. It clearly defines roles and responsibilities. The Board has been working on how to get better for over two years and is asking district members to come along on this journey. Trustee Dhillon stated he did not support this action as written and would not support the motion.

M/S/C (Mann/Lease) to initiate a process to adopt the Carver Policy Governance Model. Trustees Dhillon and Fuentes voted no.

2. **FISCAL YEAR 2013/2014 ADOPTED BUDGET**

Vice Chancellor Smith presented information on the Adopted Budget for FY 2013-14, as well as the unaudited actual for FY2012-13. The beginning fund balance for FY2012-13 was $8.8M, 11.6% and ending fund balance was $11.1M, 14.5%. The FY2013-14 Adopted Budget begins with the carryover of the FY2012-13 ending fund balance, and we are anticipating an EFB of $10.3M, 12.8%. The major assumptions include: remaining a basic aid district, non-participation in 1.63% state growth and 1.57% COLA, EPA $1.4M and Basic Aid $1.8M, property tax increase of 2.6%, modest increase of benefits costs, step and column increases included and OPEB debt service final major increase of $1.1M. Vice Chancellor Smith reviewed the historical ending fund balances beginning in FY2008-09 and the projections through FY2013-14. He also provided a five-year history of property taxes for the district area. Budget variables that will provide budget changes include: collective bargaining agreements, redesign position requests, changing of property tax dollars, and budget spent out. Vice Chancellor Smith reported the good news that the district’s fund balance is good, the structural balance is good; but since it took us five years to get to this place, it will also take time to fully recover. We need to stick together as an organization, fund the priorities and use time as a budget strategy.

Trustee Fuentes inquired that, since the district has a healthy reserve, what is being
done to restore some of the courses that were cut due to the district’s fiscal situation. Mr. Narveson is turning students away, and the district now has the money to do something about it. She requested input from those in the audience. President Yong answered that Evergreen Valley College began this year with declining enrollment, around 4% lower than where we were last year. The college is now reviewing this situation and is stepping up in its marketing efforts. President Breland answered that San José City College is in the same situation and is also reviewing what actions could be taken to improve its enrollment. However, we are not the only district experiencing reduced enrollment. Gavilan College is the only college in this area with increased enrollment. EVC Academic President Narveson answered that he is teaching a general education course that is always in demand, but that may not be the case for other classes where there is decreased enrollment. SJCC Academic Senate President Heimler stated that SJCC faculty expected a decline in enrollment this Fall due to the district’s action to reduce Summer School. We need to better figure out how to manage enrollment. Chancellor Cepeda stated that the district has an enrollment policy. The question we ask ourselves is “How many students can we teach with the resources we have?” Trustee Lease thanked the staff for providing clarity and stated that sometimes decreased enrollment is the result of factors unrelated to the number of classes available. Chancellor Cepeda stated that often, when there is an improvement in the job market, students will drop out. Also, an increase in tuition may cause a decrease in enrollment.

M/S/C (Lease/Ho) to adopt the Fiscal Year 2013/2014 budget as presented.

3. RESOLUTION NO. 091013-01 APPROVING DISTRICT BUDGET TRANSFER AND REVISIONS

M/S/C (Lease/Mann) to approve the resolution authorizing the budget transfers and revisions of funds within expenditure accounts.

4. RESOLUTION NO. 091013-2 IN SUPPORT OF NATIONAL HISPANIC HERITAGE MONTH

Chancellor Cepeda stated that our district recognizes and supports the diverse population of our district members and community. The college hosts many events in support of National Hispanic Heritage Month and approval of this resolution shows the support the Board has for the district’s diversity.

M/S/C (Ho/Mann) to approve Resolution No. 091013-2 in support of National Hispanic Heritage Month.

5. MEASURE G-2004 BOND PROGRAM: EVC DISTRICT WAREHOUSE CARPORT PROJECT

M/S/C (Dhillon/Mann) to approve issuance of a construction contract to Integra Construction in the amount of $144,947 for the EVC District Warehouse Carport Project.

6. ENVIRONMENTAL IMPACT AND CEQA CONSULTING SERVICES FOR MEASURE G-2004 BOND PROGRAM – JOINT-USE 21ST CENTURY POST-
SECONDARY EDUCATIONAL CENTER

M/S/C (Dhillon/Lease) to approve the agreement with Impact Sciences, Inc. to develop the Environmental Impact Report for the Measure G-2004 Joint-Use 21st Century Post-Secondary Educational Center.

7. MEASURE G-2010 BOND PROGRAM: EVC INTERIM POLICE FACILITY & G-2010 OFFICES – NOTICE OF COMPLETION

M/S/C (Dhillon/Mann) to approve the Notice of Completion for the Evergreen Valley College Interim Police Facility & G-2010 Offices Project.

8. MEASURE G-2010 BOND PROGRAM: JAGUAR GYM ROOF REPLACEMENT

M/S/C (Ho/Dhillon) to approve ICA revision No. 02 in the amount of $5,055 to Simpson Gumpertz and Heger, inc. for additional design services for the Jaguar Gym Roof Replacement Project.


M/S/C (Mann/Lease) to approve Change Order 001 in the deductive amount of ($35,828) to US National for the Technology Center/GE Building Painting Project at San Jose City College.

10 MEASURE G-2010 BOND PROGRAM: PROJECT ASSIGNMENT AMENDMENT (PAA) EVC-02 MEYER & SILBERBERG LAND ARCHITECTS FOR LANDSCAPE IRRIGATION, TREE MAINTENANCE AND ADA PAVING UPGRADES DESIGN SERVICES

M/S/C (Mann/Dhillon) to approve Project Assignment Amendment EVC-02 with Meyer & Silberberg Land Architects in the amount of $182,300 for design services related to Landscape Irrigation, Tree Maintenance and ADA Paving Upgrades at Evergreen Valley College.

11 MEASURE G-2010 BOND PROGRAM: EVC AUTO TECHNOLOGY BUILDING UTILITIES EXTENSION & UPGRADE PROJECT

M/S/C (Mann/Lease) to approve the award of a construction contract to Rodan Builders Inc. in the amount of $699,000 for the EVC Auto Technology Building Utilities Extension & Upgrade Project.

12 MEASURE G-2010 BOND PROGRAM: TECHNOLOGY DESIGN CONSULTANT AWARD

M/S/C (Mann/Ho) to approve issuance of a Project Assignment Amendment EVC-01 in the amount of $210,000 to TMAD Taylor and Gaines as Design Professional for Technology Consulting Services (assessment and design programming phase.)
13 **MEASURE G-2010 BOND PROGRAM: SJCC WATER SYSTEM REPAIRS PROJECT #G2010.0053, PROJECT #31308 CHANGE ORDER NO. 001**

M/S/C (Mann/Lease) to approve Change Order No. 001 for Preston Pipelines, Inc. in the amount of $12,566 for the San Jose City College Water System Repairs Project.

14 **ST. ELIZABETH’S DAY HOME CONTRACT & AGREEMENT FOR CHILD DEVELOPMENT SERVICES**

M/S/C (Lease/Mann) to approve the Independent Contractor Agreement and Agreement for Child Development Services with St. Elizabeth’s Day Home for the 2013-2014 fiscal year in the amount of $274,952.64. Trustee Fuentes abstained because she is a board member of the St. Elizabeth’s Day Home.

15 **AMENDMENT TO THE 2012-2013 INDEPENDENT CONTRACTOR AGREEMENT WITH ST. ELIZABETH DAY HOME**

M/S/C (Mann/Lease) to approve the Amendment to the St. Elizabeth Day Home for the 2013-2013 Fiscal Year to increase the amount from $273,363 to $284,539.95, a net increase of $11,176.95. Trustee Fuentes abstained because she is a board member of the St. Elizabeth’s Day Home.

I. 6 **ERP CONVERSION PROJECT**

Chancellor Cepeda requested the Board move Item I-6 prior to H-16 so that the Board could receive information about the ERP Conversion Project before making a decision. The Board approved moving the item.

Ms. Liz Murphy, CEO, CampusWorks, reported that at the August 13 board meeting the Board was provided information on the vendor partnership approach for the ERP conversion project. Using this approach, the cost could be reduced from the $10 million in bond funds to $5 million. Also, after a thorough review and analysis, it was determined that Colleague, the current system, can do the job for the District and its colleges if the District converts to the current version of the product that runs on the SQL Server database. Ms. Murphy reviewed three options: Option No. 1 – Ellucian takes the lead; projected cost is $3,966,000; Option No. 2 – Do RFP – project cost is $4,090,000 and Option No. 3 – CampusWorks as Lead – projected cost is $3,759,000. In all three options, Ellucian is the sole source vendor and software licenses, including maintenance and services, would cost $700,000.

The Board heard a public comment from Mr. Peter Fitzsimmons, Director of Fiscal Services, who discussed the hours he spends each day in Datatel, which is very difficult to use. However, he attended a demonstration of this upgrade and was very impressed by the increased ease and functionality of this tool. He expressed support for the upgrade.

H. 16 **ERP CONVERSION PROJECT**

Although the Board has been presented with three options for the ERP Conversion
Project and has yet to choose an option, each option does utilize Ellucian software as a sole source. Therefore, in order for the district to take advantage of approximately $150,000 savings by purchasing the software before the September 30, 2013, expiration date, it is recommended the Board approve the software purchase.

M/S/C (Lease/Mann) to approve an Ellucian sole source addendum to existing contract for software required for the ERP Conversion Project in an amount not to exceed $700,000.

17 CONTRACT MODIFICATION – VICE CHANCELLORS AND EVC PRESIDENT

M/S/C (Mann/Ho) to approve the modification of the Vice Chancellors’ and EVC President’s contract as reported after the Closed Session meeting.

18 SALARY SCHEDULE FOR EXECUTIVE MANAGEMENT

Trustee Ho reported the Board approved this change to the pay schedule in an effort to make the district more attractive and competitive for it to recruit the best administrative leaders.

M/S/C (Ho/Lease) to adopt a salary schedule for Executive Management to be effective July 1, 2014.

I. INFORMATION AGENDA

1. LEGISLATIVE UPDATE

Chancellor Cepeda distributed a copy of the updated Legislative Report provided by Ms. Rosalie Ledesma, Executive Director of Governmental Relations. She stated the district would be submitting a letter in support of AB 1285 (Fong) Student Financial Aid: Cal Grant Funding. The Board has already submitted a resolution in opposition to AB 955 (Williams) Community Colleges: Intersession Extension Program as this would create a two-tiered system. She reported that AB1358 (Fong): Student Body Association: Student Representation Fee passed the Assembly. This bill was opposed by the CCLC; however, our students supported it and their advocacy has been very effective.

2. ACCREDITATION UPDATE

Board Accreditation Committee Chair Ho stated that, as she had previously reported, the committee met for the first time last week and reviewed the committee charge, timeline of accreditation site visits and reports, and updates on the mid-term reports. It was a pleasure to learn about the internal processes and timelines for this important work. She thanked presidents Brelan and Yong and their teams for the huge amount of work they have done and they will present the draft mid-term reports at this meeting.

3. EVC ACCREDITATION MIDTERM REPORT – FIRST READING
EVC President Yong thanked the Board for their interest, especially in forming a committee on accreditation. At the first committee meeting, there was a review of the difference between the mid-term and follow-up accreditation reports. In the follow-up report, the colleges had to address the deficiencies that came up during the accreditation team site visits. Those reports were rather specific. The mid-term report, however, is submitted while we are in the middle of the accreditation cycle. In EVC’s mid-term report, the college is not addressing how it is fixing deficiencies. Instead, it is providing an update of the progress that is taking place. This is a comprehensive report, which includes a lot of evidence and documentation. President Yong requested the Board review the draft report and provide feedback and recommendations so that the final report would be ready for approval at the October 8 board meeting.

4. **SJCC ACCREDITATION MIDTERM REPORT – FIRST READING**

SJCC Interim President Breland stated that the draft report submitted to the Board is a result of the hard work of the college’s many constituency groups. The Accreditation Oversight Task Force has been meeting regularly and receiving feedback from the college groups, and this feedback has been incorporated into the draft mid-term report. The Task Force met with the Academic Senate, and the report was also reviewed and discussed during PDD, with a request for comments. The result of all that work is before the Board for their review and feedback. President Breland gave special thanks to Professor Celia Cruz and Mr. Duncan Graham for their hard work in writing the report.

Chancellor Cepeda stated that both reports are being presented as a first reading, and would be submitted to the Board for approval at the October 8 meeting. The deadline to submit the final mid-term reports to the Accreditation Commission is October 15.

President Cruz inquired if the change in leadership at SJCC would impact its accreditation. Interim President Breland answered that, yes, there would be some impact. Therefore, the college will provide information about the status of its administrative team.

Trustee Ho emphasized the need for everyone to understand that submitting these mid-term reports is not the end of the accreditation work. It continues. On October 16, we will all still be engaged with this process. We want to ensure that the next accreditation visit validates the progress we have made and will continue to make.

5. **CIVILITY STATEMENT – FIRST READING**

Chancellor Cepeda reviewed the district's Civility Statement, which will be submitted for approval at the October 8 board meeting. The statement is, “Civility Begins with Me! Everyone Has Worth and Dignity.” The Civility Task Force is now working on activities to ensure this statement is incorporated throughout the district. Chancellor Cepeda thanked Mr. Sam Ho for the detailed work he has done in documentation.

President Cruz stated that in the spirit of this statement, we want to ensure that what
happens in the Board Room reflects that statement. Trustee Fuentes discussed the importance of having mutual respect and to do whatever we can do to ensure we speak respectfully to others. FA President Yancy stated that civility does not mean you cannot disagree with someone, but you can disagree without being disagreeable.

6. **ERP CONVERSION PROJECT**

   This item was moved to precede Item H-16.

7. **MEASURE G-2010 BOND PROGRAM: MEASURE G-2010 SUMMARY REPORT**

   Vice Chancellor Smith reviewed the cautions on SJCC projects for Campus Site Improvements and Utility Extensions and Emergency Generator, and Auxiliary Gym, Pool and Locker Room Demo, and Mr. Mark Miller, Project Manager, Gilbane Building Company, reviewed the cautions on EVC projects for the South Campus Development and Autotech. The South Campus Development project is 15% over budget, and there is now a review to identify opportunities for cost-saving measures.

J. **CONTINUATION OF CLOSED SESSION**

   No.

K. **RECONVENE OPEN SESSION**

   **ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION**

   None.

L. **ADJOURNMENT**

   M/S/C (Lease/Ho) to adjourn the meeting at 9:25 p.m.

Rita M. Cepeda, Secretary
Board of Trustees
Minutes of the  
Governing Board Meeting  
October 8, 2013

A. CALL MEETING TO ORDER

President Cruz called the Regular Meeting of the Governing Board of the San José- Evergreen Community College District to order on Tuesday, October 8, 2013, at 4:30 p.m. at the District Office Board Room, 4750 San Felipe Road, San Jose, CA 95135 and the Crown Plaza Hotel, Old Town Alexandria, 901 N. Fairfax Street, Alexandria, VA 22314.

Board Members Present:
Ms. Mayra Cruz
Mr. Balbir Dhillon
Ms. Maria Fuentes
Dr. Jeffrey Lease
Ms. Wendy Ho – Participated via teleconference
Mr. Craig Mann
Mr. Rudy Nasol

Board Members Excused:
None

B. APPROVAL OF CLOSED SESSION AGENDA

M/S/C (Fuentes/Nasol) to approve the Closed Session agenda.

Roll call vote was as follows:

Ms. Mayra Cruz - aye
Mr. Balbir Dhillon - aye
Ms. Maria Fuentes - aye
Dr. Jeffrey Lease - aye
Ms. Wendy Ho – aye
Mr. Craig Mann - aye
Mr. Rudy Nasol - aye

C. PUBLIC COMMENTS ON CLOSED SESSION AGENDA

There were no public comments.

D. RECESS TO CLOSED SESSION TO CONSIDER AND/OR TAKE ACTION UPON ANY
OF THE FOLLOWING ITEMS

The Board recessed to Closed Session at 4:30 p.m. to consider the following items:

CONFERENCE WITH LABOR NEGOTIATORS  
(Government Code Section 54957.6)  
District’s Negotiator(s): Kim Garcia  
Employee Organization: CSEA

CONFERENCE WITH LABOR NEGOTIATORS  
(Government Code Section 54957.6)  
District’s Negotiator(s): Kim Garcia  
Employee Organization: FA

CONFERENCE WITH LABOR NEGOTIATORS  
(Government Code Section 54957.6)  
District’s Negotiator(s): Kim Garcia  
Employee Organization: M/S/C

E. RECONVENE INTO OPEN SESSION

The public session was reconvened at 6:10 p.m.

Board Members Present:  
Ms. Mayra Cruz  
Mr. Balbir Dhillon  
Ms. Maria Fuentes  
Dr. Jeffrey Lease  
Ms. Wendy Ho – Participated via teleconference  
Mr. Craig Mann  
Mr. Rudy Nasol

Board Members Excused:  
None

1. PLEDGE OF ALLEGIANCE

President Cruz led the Board and members of the audience in the Pledge of Allegiance to the Flag.

2. ADOPTION OF AGENDA

M/S/C (Lease/Nasol) to adopt the agenda as amended.

Item I-1 Workforce Institute Annual Report was moved to follow the approval of the Consent Agenda.

A correction was made to Item H-8 Measure G-Bond Program: Project Assignment Amendment (PAA) EVC-03 Bellinger Foster Steinmetz Landscape Architecture design services for Center for Arts Plaza and Drop-off – The recommendation
action should read EVC-03, not EVC-02.

A change was made to the Consent Agenda.

A change was made to the item E-5 Approval of the September 10, 2013, Governing Board Meeting Minutes.

Roll call vote was as follows:

Ms. Mayra Cruz - aye
Mr. Balbir Dhillon - aye
Ms. Maria Fuentes - aye
Dr. Jeffrey Lease - aye
Ms. Wendy Ho – aye
Mr. Craig Mann - aye
Mr. Rudy Nasol - aye

3. **ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION**

There were no reportable actions.

4. **PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA**

There were no public comments.

5. **APPROVAL OF THE SEPTEMBER 10, 2013, GOVERNING BOARD MEETING MINUTES**

M/S/C (Dhillon/Lease) to approve the above listed meeting minutes as amended: Item H-18 the salary schedule for Executive Management is to be effective July 1, 2014, not July 1, 2013.

Roll call vote was as follows:

Ms. Mayra Cruz - aye
Mr. Balbir Dhillon - aye
Ms. Maria Fuentes - aye
Dr. Jeffrey Lease - aye
Ms. Wendy Ho – aye
Mr. Craig Mann - aye
Mr. Rudy Nasol – abstained. He was not in attendance at the meeting.

F. **CONSENT AGENDA**

1. **ADOPTION OF THE CONSENT AGENDA**

M/S/C (Mann/Lease) to approve the Consent Agenda as amended.

F-6 – Faculty Personnel-EVC Adjunct Faculty – EVC Adjunct Faculty Non-
Minutes of October 8, 2013, Governing Board Meeting

Instructional Fall 2013 – Pereida, Rosa, EOPS Counselor, was pulled from the agenda as one step in the process was missed. This item will be resubmitted to the Board.

Roll call vote was as follows:

Ms. Mayra Cruz - aye
Mr. Balbir Dhillon - aye
Ms. Maria Fuentes - aye
Dr. Jeffrey Lease - aye
Ms. Wendy Ho – aye
Mr. Craig Mann - aye
Mr. Rudy Nasol - aye

2. MANAGEMENT PERSONNEL ACTIONS

The Board approved the Management Personnel Actions as submitted.

3. SUPERVISORY-CONFIDENTIAL PERSONNEL ACTIONS

The Board approved the Supervisory-Confidential Personnel Actions as submitted.

4. FACULTY PERSONNEL ACTIONS - REGULAR

The Board approved the Faculty Personnel Actions-Regular as submitted.

5. FACULTY PERSONNEL-SJCC ADJUNCT

The Board approved the Faculty Personnel Actions-SJCC Adjunct as submitted.

6. FACULTY PERSONNEL-EVC ADJUNCT FACULTY

The Board approved the Faculty Personnel Actions-EVC Adjunct as amended.

7. CLASSIFIED PERSONNEL ACTIONS

The Board approved the Classified Personnel Actions as submitted.

8. HOURLY, STUDENT WORK AND VOLUNTEER PERSONNEL ACTIONS

The Board approved the Short-Term Hourly, Substitute, Professional Expert & Athletic Support Services, Student Assistant and Volunteer personnel actions as submitted.

9. RATIFICATION OF CONTRACTS AND PURCHASE ORDERS

The Board ratified the contracts and purchase orders for the period of August 10, 2013 through September 9, 2013, as noted in the documents attached to the agenda.
10. **MOU – SILICON VALLEY STEPPING STONES GRANT PARTNERSHIP**

   The Board approved the MOU and accepted grant funds in the amount of $19,576 from West Valley-Mission Community College District.

11. **LETTER OF INTENT TO SUPPORT CITY COLLEGE OF SAN FRANCISCO**

   The Board approved the signing of a Letter of Intent to assist the City College of San Francisco should the Accrediting Commission for Community and Junior Colleges decide to terminate CCSF’s accreditation.

12. **WORKFORCE INSTITUTE – 2013-2014 WIA WORK2FUTURE YOUTH CONTRACT**

   The Board approved the 2013-2014 WIA Youth contract in the amount of $509,706.

13. **WORKFORCE INSTITUTE – 2013-2015 WIA OVERALL OCCUPATIONAL SKILLS TRAINING POOL/ELIGIBLE TRAINING PROVIDER LIST (ETPL) CONTRACT**

   The Board approved the 2013-2015 WIA Overall Occupational Skills Training Pool/Eligible Training Provider List (ETPL) contract in the amount of $5,000.

14. **CURRICULUM RECOMMENDATIONS FOR EVERGREEN VALLEY COLLEGE**

   The Board approved the curriculum recommendations for new courses submitted by Evergreen Valley College.

15. **CURRICULUM RECOMMENDATIONS FOR SAN JOSE CITY COLLEGE**

   The Board approved the new courses and Associate in Science for Transfer degree proposed by San Jose City College.

16. **OUT OF COUNTRY TRAVEL**

   The Board gave retroactive approval for out of country travel to Professor Lana Strickland and approved funds in the amount of $500.

17. **OUT OF STATE TRAVEL FOR STUDENTS**

   The Board approved travel for Evergreen Valley College students to attend out of state conferences.

1. **WORKFORCE INSTITUTE’S 2012-2013 ANNUAL REPORT**

   Vice Chancellor Coen presented the Workforce Institute’s annual report. She provided an overview of the workforce situation in the Silicon Valley. In consulting with businesses in the area, we are hearing about a skills shortage. There is currently a hollowing out of mid-wage jobs and where almost one fifth of the labor force is underemployed. Although these are challenging times, there is a great
opportunity for revenue as we provide training, pursue grant money and focus on healthcare. Vice Chancellor Coen reviewed demographic information and discussed the many opportunities the Workforce Institute, through collaboration with our colleges, has to step in and meet the needs of our community. All jobs now require some level of technology, and we are in the position to provide that training, especially certificate programs. The state of California is creating business incentives through the Governor's Economic Development Incentive, sales tax exemption, hiring tax credit and California Competes Credit.

Vice Chancellor Coen introduced members of the Workforce Institute staff, who provided updates in the following areas:

Dr. Ingrid Thompson, Associate Director, reviewed the grant proposal opportunities for Evergreen Valley College, San Jose City College and the Workforce Institute. Some of the proposals have not yet been submitted or awarded to us. The WIA Adult Training programs, which help at-risk students and dislocated adult workers, represent a successful model for a transitioning workforce.

Mr. Bill Dahl, Corporate Account Supervisor, reviewed the Workforce Institute’s goals of introducing the Workforce Institute to private and public businesses as the one-stop resource for workforce training and development, and to develop new business through continuous outreach to private and public businesses. He discussed the success of the prospective client breakfast and lunch briefings.

Mr. Binh Q. Nguyen, Project Supervisor, reviewed the work2future WIA Youth Program, which serves at-risk young adults; and he reported that the program reached its goal of enrolling 200 students, and of those students, 138 of them were became employed or enrolled in college.

Vice Chancellor Coen presented the business report on behalf of Ms. Marina Dadayan, Business Services Supervisor. The total cumulative cash contribution to the district from FY 2004 through FY 2013 is $2.09 million. She also reported that the Workforce Institute would focus on adult non-credit education, healthcare, and pathways to engineering.

Trustee Fuentes stated how impressed she was and thanked the presenters for the work being done at the Workforce Institute. Our community is very fortunate for the opportunities provided at the Workforce Institute. Our community needs skills in order to take advantage of the job opportunities.

G. ORAL COMMUNICATIONS

a. Board of Trustees

Trustee Lease reported on his attendance at the ACCT Annual Meeting in Seattle, Washington, on October 2-5, 2013. Normally, when he attends a national meeting, he would provide a PowerPoint presentation of the highlights. However, at this meeting, he provided an oral report of sessions he attended that were of interest to our district, such as:
1) Reauthorization of the Higher Education Act, which focused on new and innovative proposals surrounding Higher Education at the federal level and what community colleges can expect. The session included a discussion on Pell grants. The DOE is going to rate institutions so we need to be proactive in offering solutions of how best to collect data, use it and rank it.

2) Entrepreneurship and Revitalization – One district in San Diego provides maintenance funding for its 1.6 billion bond measures, leasing unused existing facilities; and another district purchased 80 acre mall to serve as multi-use learning site.

3) Value Proposition for Community College Athletes – Focus was on debate over value of athletics and data-driven results from around the country and also how to align athletic program outcomes with institutional mission and outcomes.

4) How to Create and Implement a Participatory Governance System – Montgomery College instituted a new system: the Carver Model, which gave all members of the college community a voice in expressing opinions, giving feedback and making recommendations about important college matters & decisions. The key is focused roles (Trustee, staff, president) – panel discussion.

5) Voluntary Framework of Accountability – launched October 1 – first comprehensive national accountability system created by community colleges for community colleges; existing measures to not adequately measure unique mission of community colleges. The Voluntary Framework of Accountability includes:
   a. Student progress and outcomes
   b. Workforce, economic and community development
   c. Student learning outcomes

6) Utilizing Board Ends Policies to Drive Student Success – focus on Carver Model and how it has successfully helped move the needle on student success using data to monitor board ends policies that drive the colleges’ strategic plan.

7) Taking Trusteeship to the Next Level – CCLC and ACCT – flexible and comprehensive competency based educational program for governing boards. The program covers: accreditation, governance, student success, fiscal responsibility and board evaluation through state conferences, local education, and online programs that include ACCT Trustee Webinar offerings.

8) Strength in Numbers – Benefits of Multi District Collaboration – Six community college districts: SDICCCA – San Diego and Imperial Counties Community Colleges Association – Trustees and CEOs working together addressing common challenges in legislation, strengthening leadership, improving governance, and faculty pipelines.

9) ACCT version of “the View” – CEO’s of all accreditation bodies – Federal pressure really forcing hand for accountability, everyone complains accreditation recommendations seem viewed as slap in the face or negative vs. heads up.

Trustee Dhillon also reported on his attendance at the ACCT Annual Meeting.
in Seattle, Washington. He received a lot of good information, and his focus was on how to deal with all the differences board members experience on how to develop policy goals. It was helpful to see that some districts adhere to a traditional model; and others move away from that. However, traditional models seem to work fine. As our Board considers its own model and we members have different points of view on how to govern, it’s good to know a Board can be successful with whatever model it chooses.

Trustee Fuentes announced the next Board Student Success Committee meeting is confirmed for Tuesday, October 29, at 5:00 p.m. at the SJCC Technology Center, Room T-112. Everyone is welcome to attend.

Trustee Ho reported that the September 19 community advisory breakfast hosted by the Chancellor was packed, and many attendees stated they would like longer meetings in the future. She thanked Chancellor Cepeda and Mr. Sam Ho for putting together another excellent event. She also thanked the Faculty Association for inviting her to the picnic at the park as it was special to be around the faculty in a more casual setting.

President Cruz reported that she also attended the FA picnic, and it was a very large and successful event. Unfortunately, due to illness, President Cruz was unable to attend the Foundation’s Bridge to the Future event. She hopes we can continue our activities with corporations who can invest in the work we are doing at the colleges.

b. Chancellor

Chancellor Cepeda reported on the “big picture” and stated that every now and then it is important for an organization to step back and review how its people operate and communicate internally. She outlined some of the key achievements made in the areas of enrollment management, technology, district reorganization and redesign, governance, i.e. learning about the roles and functions for Trustees, administrative staff and constituents; work in developing and implementing the district’s civility statement, the district’s fiscal stability, accreditation, informed decision making, i.e. Student Success Scorecard, bond management, and student success. These are just a few of the many achievements of the work that was accomplished by district members over the past year.

c. Presidents

EVC President Yong announced that Speaker Pro Tem Nora Campos will be touring Evergreen Valley College on the morning of Tuesday, October 15. Everyone is invited to attend.

SJCC Interim President Breland reported that SJCC is continuing its work on student success as a number of four-year institutions are currently on the campus talking to students about transfer. He congratulated ESL student Bibiana Vega for receiving a $20K scholarship to attend UC Santa Cruz. Her story is posted on the college website. President Breland thanked Vice Chancellor Coen for her work in organizing the Adult Education Symposium
SJCC Student Senate member Chuck Stevens announced that Mr. Alex Ward has been voted in as the new Student Trustee. The new online balloting system now being used for student elections is amazing. Newly elected SJCC Student Trustee Alex Ward introduced himself to the Board and stated that he is looking forward to joining the Board at the next meeting.

MSCC President Lauren McKee reported the MSC group is having an Empowerment retreat this Friday. The Chancellor’s executive team will also participate. The group will be discussing leadership and the many different types of leadership that operate in a proactive way.

SJCC Academic Senate President Charles Heimler announced that he is starting his 18th year as a Jaguar and looks forward to another 18 years. The Academic Senate did an audit on the Measure G bond programs, particularly the process of decision making and planning on the Theatre and Vocational Technology Building. We have filed a shared governance complaint with the State Chancellor’s Office, and they referred us to the State Academic Senate Office.

EVC Academic Senate President Eric Narveson reported the senate was working on a new equivalency form for minimal qualifications. The last one had a number of faults with it. The senate will also be reviewing the faculty recommendation list at the next meeting. Physical Education courses are now listed as Kinesiology courses. This is a move that is being made throughout the college as it is a more modern version of PE. New online courses regulations require physical testing other than what’s provided online, and we are now exploring that requirement.

FA President David Yancey expressed his appreciation for being a part of the October 4 Adult Education Symposium, as he has heard from colleagues who were not being included in the planning process. It was a positive step to participate in this symposium as the FA represents all non-credit faculty. Mr. Yancey will continue to work with Vice Chancellor Coen on continuing to include the FA as the program progresses. Mr. Yancey thanked those who attended the FA picnic, including Assemblymember Paul Fong, and apologized for those who got there after the meat was gone.

H. ACTION AGENDA

1. RESOLUTION NUMBER 100813-1 APPROVING DISTRICT BUDGET TRANSFERS AND REVISIONS

M/S/C (Mann/Lease) to approve the resolution authorizing the budget transfers and revisions of funds within expenditure accounts, authorizing the appropriation of the
receipt of unanticipated revenues in certain programs, and authorizing the reversal of appropriations in certain programs due to the non-receipt of program revenues.

Roll call vote was as follows:

Ms. Mayra Cruz - aye
Mr. Balbir Dhillon - aye
Ms. Maria Fuentes - aye
Dr. Jeffrey Lease - aye
Ms. Wendy Ho – aye
Mr. Craig Mann - aye
Mr. Rudy Nasol - aye

2. **VETERANS’ SUCCESS INITIATIVE: EXECUTIVE ORDER 13607 PRINCIPLES OF EXCELLENCE AND “8 KEYS TO SUCCESS”**

M/S/C (Mann/Dhillon) to support the implementation of the Veterans’ Success Initiative; Executive Order 13607 Principles of Excellence and “8 Keys to Success.”

Roll call vote was as follows:

Ms. Mayra Cruz - aye
Mr. Balbir Dhillon - aye
Ms. Maria Fuentes - aye
Dr. Jeffrey Lease - aye
Ms. Wendy Ho – aye
Mr. Craig Mann - aye
Mr. Rudy Nasol - aye

3. **EVC 2013 ACCREDITATION MIDTERM REPORT**

M/S/C (Mann/Nasol) to approve the 2013 Accreditation Midterm Report for Evergreen Valley College.

Roll call vote was as follows:

Ms. Mayra Cruz - aye
Mr. Balbir Dhillon - aye
Ms. Maria Fuentes - aye
Dr. Jeffrey Lease - aye
Ms. Wendy Ho – aye
Mr. Craig Mann - aye
Mr. Rudy Nasol - aye

4. **SJCC 2013 ACCREDITATION MIDTERM REPORT**

M/S/C (Mann/Dhillon) to approve the 2013 Accreditation Midterm Report for San José City College.

Roll call vote was as follows:
Ms. Mayra Cruz - aye
Mr. Balbir Dhillon - aye
Ms. Maria Fuentes - aye
Dr. Jeffrey Lease - aye
Ms. Wendy Ho – aye
Mr. Craig Mann - aye
Mr. Rudy Nasol - aye

Trustee Nasol commended both colleges for the excellent reports they have submitted for approval. As a member of the Board Accreditation Committee, which recently held its first meeting that attended by both presidents and their accreditation teams, he was able to hear information about the very important work that led to the completion of these reports. Kudos to both colleges.

5. **SJECCD CIVILITY STATEMENT ADOPTION**

Chancellor Cepeda reviewed the work of the district’s Civility Task Force in developing the statement and activities for the district to implement the statement. She thanked the task force for their hard work, especially Mr. Sam Ho for his administration of the group.

Trustee Nasol stated the need for the whole district to “live” this statement.

President Cruz requested the audience say the statement out loud, and they did so. “Civility begins with me. Everyone has worth and dignity.”

M/S/C (Mann/Lease) to adopt the SJECCD Civility Statement.

Roll call vote was as follows:

Ms. Mayra Cruz - aye
Mr. Balbir Dhillon - aye
Ms. Maria Fuentes - aye
Dr. Jeffrey Lease - aye
Ms. Wendy Ho – aye
Mr. Craig Mann - aye
Mr. Rudy Nasol - aye

6. **MEASURE G-2004/MEASURE G-2010 CITIZENS’ BOND OVERSIGHT COMMITTEE APPOINTMENTS**

M/S/C (Lease/Fuentes) to approve the recommended Citizens’ Bond Oversight Committee applicants to fill the current vacancies on the committee.

Roll call vote was as follows:

Ms. Mayra Cruz - aye
Mr. Balbir Dhillon - aye
Ms. Maria Fuentes - aye
7. **MEASURE G-2010 BOND PROGRAM: CHANGE ORDER 001 WATERPROOFING ASSOCIATES, INC. FOR JAGUAR GYM ROOF REPLACEMENT PROJECT AT SAN JOSE CITY COLLEGE**

M/S/C (Nasol/Lease) to approve Change Order 001 in the amount of ($183,745) to Waterproofing Associates, Inc. for Jaguar Gym Roof Replacement Project at San Jose City College.

Roll call vote was as follows:

- Ms. Mayra Cruz - aye
- Mr. Balbir Dhillon - aye
- Ms. Maria Fuentes - aye
- Dr. Jeffrey Lease - aye
- Ms. Wendy Ho – aye
- Mr. Craig Mann - aye
- Mr. Rudy Nasol - aye

8. **MEASURE G-2010 BOND PROGRAM: PROJECT ASSIGNMENT AMENDMENT (PAA) EVC-03 BELLINGER FOSTER STEINMETZ LANDSCAPE ARCHITECTURE DESIGN SERVICES FOR CENTER FOR ARTS PLAZA AND DROP OFF**

M/S/C (Lease/Mann) to approve Project Assignment Amendment EVC-03 with Bellinger Foster Steinmetz Landscape Architecture in the amount of $201,250 for design services related to Center for Arts Plaza and Drop-off at Evergreen Valley College.

Roll call vote was as follows:

- Ms. Mayra Cruz - aye
- Mr. Balbir Dhillon - aye
- Ms. Maria Fuentes - aye
- Dr. Jeffrey Lease - aye
- Ms. Wendy Ho – aye
- Mr. Craig Mann - aye
- Mr. Rudy Nasol - aye

9. **MEASURE G-2010 BOND PROGRAM: PROJECT ASSIGNMENT AMENDMENT TO BELLINGER FOSTER STEINMETZ LANDSCAPE ARCHITECTURE FOR EVC CENTRAL CAMPUS DESIGN SERVICES**

M/S/C (Nasol/Mann) to approve issuance of Project Assignment Amendment EVC-02 to Bellinger Foster Steinmetz Landscape Architecture in the amount of $226,750 for design services related to Central Campus Site Improvement project at
Evergreen Valley College.

Roll call vote was as follows:

Ms. Mayra Cruz - aye
Mr. Balbir Dhillon - aye
Ms. Maria Fuentes - aye
Dr. Jeffrey Lease - aye
Ms. Wendy Ho – aye
Mr. Craig Mann - aye
Mr. Rudy Nasol - aye

10 MEASURE G-2010 BOND PROGRAM: EVC – CENTRAL PLANT AND POLICE STATION RENOVATION RFP#G2010.0033, PROJECT #32306 CHANGE ORDER #002

Trustee Nasol inquired about the status of construction. Mr. Mark Miller, Gilbane Project Manager, answered that it is about 30% complete.

M/S/C (Lease/Mann) to approve Change Order #002 for Swenson & Associates in the amount of $23,956 for the Evergreen Valley College Central Plant and Police Station Renovation Project.

Roll call vote was as follows:

Ms. Mayra Cruz - aye
Mr. Balbir Dhillon - aye
Ms. Maria Fuentes - aye
Dr. Jeffrey Lease - aye
Ms. Wendy Ho – aye
Mr. Craig Mann - aye
Mr. Rudy Nasol - aye

11 MEASURE G-2010 BOND PROGRAM: SJCC PHOTOGRAPHY LAB RELOCATION #G2010.0046, PROJECT #31121 CHANGE ORDER NO. 001

Trustee Nasol inquired why the needed repairs are not already covered by the contract. The project is already behind schedule. Didn’t the contract already include the means to fix it? Does the district have recourse to be reimbursed? Mr. Scott Jewel, Gilbane Project Manager, answered that he is currently looking into that possibility.

M/S/C (Lease/Ho) to approve Change Order No. 001 for Premier Builders, Inc. in the amount of $12,832 for the San Jose City College Photography Lab Relocation Project.

Roll call vote was as follows:

Ms. Mayra Cruz - aye
Mr. Balbir Dhillon - aye
Minutes of October 8, 2013, Governing Board Meeting

Ms. Maria Fuentes - aye
Dr. Jeffrey Lease - aye
Ms. Wendy Ho – aye
Mr. Craig Mann - aye
Mr. Rudy Nasol - aye

12 MEASURE G-2010 BOND PROGRAM: SJCC UTILITY EXTENSION PROJECT #G2010.0052, PROJECT #31110 CHANGE ORDER NO. 001

M/S/C (Mann/Lease) to approve Change Order No. 001 for JKL Construction Services Inc. in the amount of $16,453 for the San Jose City College Utility Extension Project.

Roll call vote was as follows:

Ms. Mayra Cruz - aye
Mr. Balbir Dhillon - aye
Ms. Maria Fuentes - aye
Dr. Jeffrey Lease - aye
Ms. Wendy Ho – aye
Mr. Craig Mann - aye
Mr. Rudy Nasol - aye

13 MEASURE G-2010 BOND PROGRAM: SJCC WATER SYSTEM REPAIRS PROJECT #31308, CHANGE ORDER NO. 002

M/S/C (Lease/Dhillon) to approve Change Order No. 002 for Preston Pipelines, Inc. in the amount of $6,850 for the San Jose City College Water System Repairs Project.

Roll call vote was as follows:

Ms. Mayra Cruz - aye
Mr. Balbir Dhillon - aye
Ms. Maria Fuentes - aye
Dr. Jeffrey Lease - aye
Ms. Wendy Ho – aye
Mr. Craig Mann - aye
Mr. Rudy Nasol - aye

14 MEASURE G-2010 BOND PROGRAM: SJCC TRACK & FIELD REPLACEMENT PROJECT #G2010.0021, PROJECT #31304-01, CHANGE ORDER NO. 002

M/S/C (Dhillon/Lease) to approve Change Order No. 002 for O.C. Jones & Sons Inc. in the amount of $3,179 for the San Jose City College Track & Field Replacement Project.

Roll call vote was as follows:

Ms. Mayra Cruz - aye
Mr. Balbir Dhillon - aye
Ms. Maria Fuentes - aye
Dr. Jeffrey Lease - aye
Ms. Wendy Ho – aye
Mr. Craig Mann - aye
Mr. Rudy Nasol - aye

15 MEASURE G-2010 BOND PROGRAM: NEW DISTRICT OFFICE BUILDING RENOVATION DESIGN-BUILD CONTRACT G-2010 BOND PROGRAM

M/S/C (Lease/Mann) to approve the agreement with XL Construction/DES Architects to be the Design-Builder of the New District Office Building Renovation.

Roll call vote was as follows:

Ms. Mayra Cruz - aye
Mr. Balbir Dhillon - aye
Ms. Maria Fuentes - nay
Dr. Jeffrey Lease - aye
Ms. Wendy Ho – aye
Mr. Craig Mann - aye
Mr. Rudy Nasol - aye

I. INFORMATION AGENDA

1. WORKFORCE INSTITUTE’S ANNUAL REPORT

This item was moved to follow the approval of the Consent Agenda.

2. CALIFORNIA COMMUNITY COLLEGES STUDENT SUCCESS SCORECARD – REQUIRED BOARD INFORMATION

Dr. Tamela Hawley, Executive Director, Office of Research and Institutional Effectiveness, provided a report on the Student Success Scorecard and the Road to Completion. She introduced Mr. Keith Aytch, EVC Vice President of Academic Affairs, Mr. Duncan Graham, SJCC Vice President of Academic Affairs, Ms. Irma Archuleta, EVC Vice President of Student Services, and Dr. Elaine Burns, SJCC Vice President of Student Services. She thanked them for their hard work in putting together the report.

Dr. Hawley reviewed the history of the ARCC report developed as a result of AB 1417 (Pacheco.) However, the Student Success Taskforce’s recommendation was to create a scorecard; therefore, the ARCC Advisory Group designed a new scorecard. She reviewed the different requirements between the ARCC report and the Scorecard. The ARCC report required information about student progress and achievement, persistence rate, pre-collegiate improvement/basic skills/ESL and career and technical completion. The Scorecard requires information regarding student progress and achievement, persistence rate, 30 unit achievement rate, math/English basic skills progression rate and CTE completion rate. Basic skills progress is measured by whether or not a student attempted a below college level
English, ESL or math course and successfully completed with a C or higher grade a college level course in the same subject area. Thirty unit completion is measured by whether or not a student earned at least 30 units (any units) anywhere in the California community college system. Persistence is measured by whether or not a student earned 6 units, attempted math or English, and enrolled in credit courses three consecutive primary terms anywhere in the California community college system. Student progress and achievement (SPAR) is measured by whether or not a student earned an AA, AS certificate or transferred to a four-year college or is transfer prepared (60 transferable units with 2.0 GPA.) Career and technical completion is measured by whether or not a student completed more than eight units in a three-year period in the same CTE discipline and earned a AA/AS or certificate, transferred to a four-year college or became transfer prepared. The cohort membership includes: first-time students with intent to complete, first-time status defined as taking a credit course anywhere in the California community college system for the first time, student has a valid social security number, student took at least six units anywhere in the system during the first three years and the student attempted math or English in the first three years. The cohort breakouts for analysis include: College prepared – first attempted English or math course was college level; College unprepared/remedial – first attempted English or math course was below college level and Overall – any student in the cohort. Dr. Hawley provided an overview of the ethnic and gender of students at both colleges. Ethnic breakdown – 54% female; 46% male. Ethnicity – Hispanic/Latino 36%, Asian 34%, White 13%, African American 6%, Pacific Islander 1%, Native American 1%, and Other/unknown 9%. She also provided a breakdown of educational goals and number of units.

Dr. Hawley presented a Student Success Scorecard Outcomes for both Evergreen Valley College and San Jose City College. The breakdown analyzed the completion rates, persistence rates, 30 units completed, remedial English, remedial math, ESL and CTE for the 2002-2003 cohorts and the 2006-2007 cohorts. For all categories, with the exception of remedial math and CTE, Evergreen Valley College shows higher percentage rates for cohort 2006-2007. Dr. Hawley compared these results with the Bay 10 average, and the Bay 10 average shows a slightly higher improvement percentage rate between cohort 2002-2003 and cohort 2006-2007. San Jose City College also shows higher percentage rates for cohort 2006-2007 than cohort 2002-2003, with the exception of the completion rate, which has dropped from 48.80% to 43.50%. Dr. Hawley also provided a student progress and achievement by ethnicity. For Evergreen Valley College, all ethnic groups achieved a higher percentage rate in cohort 2006-2007 compared to cohort 2002-2003, with the exception of Hispanic, which dropped from 36.20% to 33.40%. In rating persistence by ethnicity, Evergreen Valley College showed a drop in cohort 2006-2007 for American Indian/Alaskan Native and Pacific Islander. At San José City College, cohort 2006-2007 showed a lower percentage rate of achievement for African American, American Indian/Alaskan Native, Hispanic and White. In rating persistence by ethnicity, San José City College showed a decrease for American Indian/Alaskan Native and Asian students. Implications for student success at SJECCD indicate the length of time for basic skills progression, unprepared students persisting but not completing, prepared students not persisting, and five year improvement shows positive impact of support programs. Scorecard data are not perfect as limited definitions don’t define the reality of the full student experience at our colleges, doesn’t reflect SJECCD student success definition and policy and
past cohorts don’t reflect the current interventions. However, the leadership will meet to analyze the data and the student survey and will continue to work with student success committee and metrics.

President Cruz stated that the information provided is very valuable for us as a district because we have a picture of where we are. We are all looking forward to activities and interventions that will help our students succeed. She stated we need to go deeper in terms of our knowledge about who are students really are. What’s the dialogue? What is the change we are hoping to see?

3. **BOARD POLICY CHAPTER 6 (BUSINESS AND FISCAL SERVICES) FIRST BOARD READING**

Chancellor Cepeda stated the district continues its work to ensure the Board reviews 20% of its policies every year. This chapter is being presented as a first reading so that the Board could provide input before it is submitted in final form for approval.

4. **MEASURE G-2004 BOND PROGRAM: PHYSICAL EDUCATION BUILDING PROJECT STATUS PRESENTATION, SAN JOSE CITY COLLEGE**

SJCC Interim President Breland stated this information was being provided to address the Board’s concerns about the status of the PE building at San José City College. He introduced Lamel Harris, Director, Kinesiology and Athletics, Coach Percy Carr and other faculty of the SJCC Athletics department.

This project was approved as part of Measure G-2004, but the design-build proposals were never reviewed. In 2011 the PE Building Project was re-initiated and the second request for design build proposals were issued, but all were rejected. In 2012 the contract was awarded to LAPS Architects, and the programming was completed in April 2012; the design in 2012. The current tasks to complete this project include a contract amendment with LPAS, request for qualifications for LLB contractors and updating of the baseline schedule. The project has been changed to a lease-lease back project. This project will now be coordinated with G-2010 bond projects.

5. **MEASURE G-2010 BOND PROGRAM: MEASURE G-2010 SUMMARY REPORT**

Vice Chancellor Smith reviewed the Measure G-2010 summary report. There are no changes at San Jose City College. The campus site improvements, utility extensions and emergency generator and Aux. gym, pool and locker room demo projects are still on caution.

Athletics faculty member Doug Robb expressed concern about the impact of administrative decisions regarding Buildings 100, 200, 300, going back to Measure I in 1998. It has been confusing as to what the administration really wants. He requested that SJCC administration ensures that faculty in the PE department has their voices heard.

Trustee Fuentes expressed appreciation for the presentation on the redesign and all
Minutes of October 8, 2013, Governing Board Meeting

the planning that went into it. It is important and essential that the Board has this information about the process that was used at the campuses and how faculty, staff and students were involved in that process. We want to have an inclusive process and work together as a community. That’s why presentations such as these are important so that we can all see how the college community was involved in the process.

J. CONTINUATION OF CLOSED SESSION

No.

K. RECONVENE OPEN SESSION

ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION

None.

L. ADJOURNMENT

M/S/C (Lease/Mann) to adjourn the meeting at 9:10 p.m.

Rita M. Cepeda, Secretary
Board of Trustees
A. CALL MEETING TO ORDER

President Cruz called the Regular Meeting of the Governing Board of the San José-Evergreen Community College District to order at 4:30 p.m. on Tuesday, October 22, 2013, at the District Board Room, 4750 San Felipe Road, San Jose, CA 95135 and the Texas Station Hotel, 2101 Texas Star Lane, North Las Vegas, NV 89130.

Board Members Present:
Ms. Mayra Cruz
Mr. Balbir Dhillon
Ms. Maria Fuentes
Dr. Jeffrey Lease
Ms. Wendy Ho
Mr. Craig Mann
Mr. Rudy Nasol – Participated via teleconference

Board Members Excused:
None

B. APPROVAL OF CLOSED SESSION AGENDA

M/S/C (Fuentes/Mann) to approve the Closed Session agenda.

C. PUBLIC COMMENTS ON CLOSED SESSION AGENDA

There were no public comments.

D. RECESS TO CLOSED SESSION TO CONSIDER AND/OR TAKE ACTION UPON ANY OF THE FOLLOWING ITEMS

The Board recessed to Closed Session at 4:30 p.m. to consider the following items:

CONFERENCE WITH LABOR NEGOTIATORS
(Government Code Section 54957.6)
District’s Negotiator(s): Kim Garcia
Employee Organization: CSEA

CONFERENCE WITH LABOR NEGOTIATORS
(Government Code Section 54957.6)
District’s Negotiator(s): Kim Garcia
Employee Organization: FA

CONFERENCE WITH LABOR NEGOTIATORS
(Government Code Section 54957.6)
District’s Negotiator(s): Kim Garcia
Employee Organization: M/S/C

E. RECONVENE INTO OPEN SESSION

The public session was reconvened at 6:09 p.m.

Board Members Present:
Ms. Mayra Cruz
Mr. Balbir Dhillon
Ms. Maria Fuentes
Dr. Jeffrey Lease
Ms. Wendy Ho
Mr. Craig Mann
Mr. Rudy Nasol – Participated via teleconference
Mr. Zohaib Javed
Mr. Alex Ward

Board Members Excused:
None

1. PLEDGE OF ALLEGIANCE

President Cruz led the Board and members of the audience in the Pledge of Allegiance to the Flag.

2. ADOPTION OF AGENDA

M/S/C (Mann/Dhillon) to adopt the agenda as amended:

President Cruz requested an Action Item be added so that the Board of Trustees can choose dates for additional meetings for Carver Policy Governance Model training.

A correction was made to the Consent Agenda.

Roll call vote was as follows:

Ms. Mayra Cruz - aye
Mr. Balbir Dhillon - aye
Ms. Maria Fuentes - aye
Dr. Jeffrey Lease - aye
Ms. Wendy Ho – aye
Mr. Craig Mann - aye
Mr. Rudy Nasol - aye
3. **GOVERNING BOARD ORGANIZATION**

President Cruz administered the Oath of Office to newly elected Student Trustees Mr. Zohaib Javed for Evergreen Valley College and Mr. Alex Ward from San José City College.

Mr. Ward provided an overview of his leadership activities and stated he was looking forward to serving on the Board. Mr. Javed indicated that he is a recent high school graduate, still 17 years old, and is in his first semester at Evergreen Valley College. Trustee Nasol congratulated and welcomed the district’s new Student Trustees to the Board.

4. **ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION**

No reportable actions were taken in Closed Session.

5. **PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA**

The Board heard a public comment from SJCC student Andrew Phelps who requested that the new Transfer AA degree in Psychology include a course on domestic violence and its impact.

President Cruz suggested Mr. Phelps discuss the matter with President Breland.

6. **APPROVAL OF THE OCTOBER 8, 2013, GOVERNING BOARD MEETING MINUTES**

M/S/C (Lease/Mann) to approve the above listed meeting minutes as submitted.

Roll call vote was as follows:

Ms. Mayra Cruz - aye
Mr. Balbir Dhillon - aye
Ms. Maria Fuentes - aye
Dr. Jeffrey Lease - aye
Ms. Wendy Ho – aye
Mr. Craig Mann - aye
Mr. Rudy Nasol - aye

Advisory votes
Mr. Zohaib Javed – aye
Mr. Alex Ward – abstained

**F. CONSENT AGENDA**

1. **ADOPTION OF THE CONSENT AGENDA**

M/S/C (Mann/Ho) to approve the Consent Agenda as amended.
Item F-5.3.a – Volunteer Work – Community Volunteers – Burke, Thomas, and position title was changed from Instructional Assistant to Classroom Aide.

Roll call vote was as follows:

Ms. Mayra Cruz - aye
Mr. Balbir Dhillon - aye
Ms. Maria Fuentes - aye
Dr. Jeffrey Lease - aye
Ms. Wendy Ho – aye
Mr. Craig Mann - aye
Mr. Rudy Nasol – aye

Advisory votes
Mr. Zohaib Javed – aye
Mr. Alex Ward - aye

2. MANAGEMENT PERSONNEL ACTIONS
The Board approved the Management Personnel Actions as submitted.

3. FACULTY PERSONNEL—EVC ADJUNCT FACULTY
The Board approved the Faculty Personnel—EVC Adjunct Faculty as submitted.

4. CLASSIFIED PERSONNEL ACTIONS
The Board approved the Classified Personnel Actions as submitted.

5. HOURLY, STUDENT WORK AND VOLUNTEER PERSONNEL ACTIONS
The Board approved the Short-Term Hourly, Substitute, Professional Expert & Athletic Support Services, Student Assistant and Volunteer personnel actions as amended.

6. CURRICULUM RECOMMENDATION FOR SAN JOSE CITY COLLEGE
The Board approved the new programs and courses proposed by San Jose City College.

7. 2013-2014 SPACE INVENTORY REPORT
The Board approved the 2013-14 Space Inventory Report.

G. ACTION AGENDA

1. ERP CONVERSION PROJECT
M/S/C (Mann/Dhillon) to award Dasher Technologies the hardware setup and
configuration portion of the ERP Conversion project in the amount not to exceed $818,000.

Roll call vote was as follows:

Ms. Mayra Cruz - aye
Mr. Balbir Dhillon - aye
Ms. Maria Fuentes - aye
Dr. Jeffrey Lease - aye
Ms. Wendy Ho – aye
Mr. Craig Mann - aye
Mr. Rudy Nasol – aye

Advisory votes
Mr. Zohaib Javed – aye
Mr. Alex Ward - aye

2. SCHEDULE FOR ADDITIONAL BOARD TRAINING ON THE CARVER POLICY GOVERNANCE MODEL

President Cruz distributed a list containing three options for three board meeting dates in which the Board would receive additional training on the Carver Policy Governance Model. The Board members agreed to receive training at the regularly scheduled board meeting of Tuesday, December 10, and two additional special meetings on Wednesday, December 11 and Friday, December 13. These public sessions will be held at the District Board Room from 4:30 p.m. to 10:00 p.m.

Roll call vote was as follows:

Ms. Mayra Cruz - aye
Mr. Balbir Dhillon - aye
Ms. Maria Fuentes - aye
Dr. Jeffrey Lease - aye
Ms. Wendy Ho – aye
Mr. Craig Mann - aye
Mr. Rudy Nasol – aye

Advisory votes
Mr. Zohaib Javed – aye
Mr. Alex Ward - aye

H. INFORMATION AGENDA

1. MEASURE G-2010 BOND PROGRAM: PROJECT MANAGEMENT SUPPORT

Mr. Casey Michaelis, Gilbane Project Executive, reviewed the Measure G-2004 projects that are still open and in need of project management assistance. He stated that Gilbane Building Company has been requested by the district to revise the Measure G-2010 project management agreement to include the Measure G-2004 projects which are not yet completed. Trustee Nasol inquired if Gilbane has included
a fee assessment for this additional work into the new contract. Mr. Michaelis answered that Gilbane would be submitting a revision to its current agreement, which would augment the staff so that the Measure G-2004 projects can be completed. Mr. Michaelis stated that the PM/CM agreement revision would be presented to the Board for approval at the November 12 meeting.


Chancellor Cepeda stated this study session was presented in compliance with BP 2740 Board Education and is part of the San José-Evergreen Community College District Board Training and Development Schedule approved by the Board on April 23, 2013. The purpose of this particular training session is to provide an overview on AB 1725, the bill which specifically requested that the Board of Governors of the California Community Colleges implement a procedure designed to “ensure faculty, staff and students the right to participate effectively in district and college governance,” and, further, to ensure “the right of academic senates to assume primary responsibility for making recommendations in the areas of curriculum and academic standards.” [Education Code §70902(b)(7)]. Chancellor Cepeda, along with the district’s constituency leaders, provided a presentation on the various components of AB 1725.

Chancellor Cepeda stated that the ultimate aim of AB 1725 is to create a spirit of collegiality and educational excellence. It’s not a simple process to implement; goodwill and thoughtful individuals must be engaged in the process. AB 1725, enacted in 1989, established the California Community Colleges as segment of California Higher Education, defined the mission of community colleges and the priorities of that mission, defined the role/governance relationship between the Board of Governors (system) and the Board of Trustees (local,) and offered funding to enable colleges to improve program quality and meet standards (program based funding) such as 75/25 full-time credit faculty. Participants in governance and their roles are: The System (Board of Governors,) The District (Board of Trustees,) Administrators (Designees of the Board) and Staff (Title V, Section 51023.5,) Faculty (Title V, Section 53200,) and Students (Title V, Section 51023.7). Participating effectively in district and college governance requires inclusive involvement in the decision-making process. It does not imply total agreement. It does not require the same level of involvement by all. And final decisions rest with the local Board of Trustees or designee. “Shared governance” is not a term that appears in law or regulation. Ed Code §70902(b)(7) calls on the Board of Governors to enact regulations to “ensure faculty, staff and students…the right to participate effectively in district and college governance” and, further, to ensure “the right of academic senates to assume primary responsibility for making recommendations in the areas of curriculum and academic standards.” The intent of the Legislature in enacting this section of AB 1725 was “to authorize more responsibility for faculty members in duties that are incidental to their primary professional duties” and to assure that “increased faculty involvement in institutional governance and decision making” does not conflict with faculty rights in collective bargaining (Section 4n). This shared involvement in the decision making process does not necessarily imply total agreement nor does it abrogate the ultimate decision making responsibility of the local governing board.
Mr. Eric Narveson, EVC Academic Senate President, reviewed the senate’s role and faculty responsibilities in critical areas, 10+1 and definitions, such as “rely primarily upon mutual agreement.” The “rely primarily” procedure is normally supposed to accept recommendations of the senate in any areas so designated, unless there are exceptional circumstances and compelling reasons. The “mutual agreement” procedure implies that the Board is supposed to reach written agreement with the senate in any areas so designated. If no agreement is reached, “existing policy remains in effect unless continuing with such policy exposes the district to legal liability or causes substantial fiscal hardship.” (SJECCD BP 2510.1) SJECCD participatory governance policy, aka 10+1, is outlined in BP 2510.2 Participation in Local Decision-Making, approved by the Board of Trustees on January 10, 2006. This policy outlines where the Board relies primarily upon the Academic Senates. These areas include: Curriculum, degree and certificate requirements, grading policies, educational program development, standards or policies regarding student preparation and success, district and college governance structures, as related to faculty roles, faculty roles and involvement in accreditation processes, including self study and annual reports, and processes for institutional planning and budget development. In instances where the Board elects to rely primarily upon the advice and judgment of the Senates and recommendations are not accepted, the Board shall communicate the reason in writing to the President of each Academic Senate within 30 days of the decision. The Board shall also attempt to reach mutual agreement with the Academic Senates for the policies for faculty professional development activities, processes for program review, and other academic and professional matters as mutually agreed upon between the Board of Trustees and the Academic Senates.

Mr. Phil Crawford, SJCC Academic Senate, provided the SJCC Academic Senate faculty perspective and his own perspective as a faculty member, who has been teaching at the district since 1969. SJCC faculty does not believe the representatives they send to the District Council are empowered to represent the Senate. He also expressed concern that students are not in attendance at District Council and other participatory governance meetings. And we need their voice. Our district also falls below the 75/25 full-time credit faculty requirement. Ten percent of courses are taught in overload. The district is shrinking the number of full-time faculty, and that is a big problem since there is no conversation about this. It’s very easy to replace retiring full-time faculty with adjunct faculty. However, adjunct faculty is not involved in program review and department meetings. This does not bode well for our students. Mr. Crawford thanked the Board for the time in which he could express the concerns of SJCC faculty. He also stated that faculty has concerns about the Board’s use of the Carver Policy Governance Model, and he would express those concerns at a later board meeting.

Mr. David Yancey, President, AFT 6157, reviewed the role of the Faculty Association and consultation with Academic Senates. The power of the Academic Senate is well founded in Government Codes and in AB 1725, passed in 1988 and strengthened by Title V in 1990. Authority for faculty unions stems from the collective bargaining rights under the Rodda Act of 1975. The main sphere of responsibility for unions is wages, benefits and working conditions. It is important to note, however, that the faculty union also derives some of its power from Title V as well. Title V, Section 53203, which speaks to the power of the Senates to appoint faculty to committees, etc., allow that, notwithstanding, this section the “collective
bargaining representative may seek to appoint faculty members to committees, task forces, and other groups." Therefore, we are also represented on local governance bodies, such as the College Council, District Council, District Budget Committee and hiring committees where the Board of Trustees makes a determination the union will serve. There are stated areas where the law requires consultation between the two bodies: tenure evaluation procedures, faculty evaluation policies and procedures, academic calendar, policies on leaves, hiring policies and procedures and faculty service areas (FSA’s). But the ultimate authority in these areas lies with the union. It is clear that faculty is best served when the Academic Senate and the Union organizations are strong and collaborative. Both groups can strengthen the work of the other. Clear communication and information sharing is essential to a strong faculty voice. Mr. Yancey stated that it has been and will continue to be the policy and practice of the AFT 6157 to reach out to the Academic Senates on both campuses to continue to work together on, not only the required areas of consultation, but also to build the voice of both groups to ensure that our educational mission is founded upon sound and well developed educational reasoning.

Mr. Charles Stevens, SJCC ASG member, reviewed the role of students in participatory/shared governance. SJECCD BP 2510 Participation in Local Decision-Making, states that the Board will usually not take action on a matter having a “significant effect on students.” District policies that have a significant effect on students include: grading policies, codes of student conduct, academic disciplinary policies, curriculum development, courses or programs which should be initiated or discontinued, process for institutional planning and budget development, standards and policies regarding student preparation and success, student services planning and development, student fees within the authority of the district to adopt and any other district and college policy, procedure, or related matter that the Board of Trustees determines will have a significant effect on students. Mr. Stevens outlined the concerns that overlap for students and faculty. He stated the importance of students being included in the various district committees that work in these areas.

Mr. David Micetich, CSEA Executive Committee, reviewed the CSEA’s role in participatory governance. There are no Classified Senates. CSEA serves as the primary consultation body through an established set of policies and procedures to ensure participation in the governance process. When a call goes out for the CSEA to participate in committees, the CSEA President makes the announcement to our members; and, based on feedback and expertise in that particular area, committee appointments are made. Some members are hesitant to participate on committees because of their extensive work responsibilities that make it difficult to leave their workstation. Sometimes a phone would not get answered if the CSEA member was away at a committee meeting. There is some frustration in our membership about the level in which they could participate, but we also hope the process of inclusion would continue to be upheld.

Ms. Lauren McKee, MSCC President, provided an overview of the Management, Supervisory and Confidential employees’ role in participatory governance. This role is outlined in BP 2510 under the category of staff. Ms. McKee stated that each group in the district contain an important ingredient and have the same level of importance. The MSC group has chosen not to become a union. The group has a “meet and confer” relationship with the Chancellor and her executive team. It is so important that our voice is heard. The MCSS executive committee has 11 members, which are
elected by the whole membership. Some members pay dues, although it is not required for membership in the group. The MSC appreciates that, once again, the group is represented on District Council and screening committees. Ms. McKee thanked the Board for listening to the concerns of the MSC group.

President Cruz thanked each participant in the presentation for providing such a detailed account of their group’s roles and responsibilities in the district’s participatory governance process. Since she has been on the Board, this is the first time she has heard a presentation on this topic.

Student Trustee Ward suggested that if students were provided stipends, they would be more willing to serve on committees and attend district meetings. Mr. Stevens also agreed that participation in screening committees is very time-consuming, and if students were provided a stipend, they’d be more willing to serve on committees. Chancellor Cepeda answered that Student Trustees do receive stipends and mileage reimbursement but other students receive support through the ASG budgets. This topic is also under discussion system-wide.

Trustee Lease thanked the presenters for the excellent collective presentation they provided.

I. CONTINUATION OF CLOSED SESSION

   No.

J. RECONVENE OPEN SESSION

   ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION

   None.

K. ADJOURNMENT

   M/S/C (Mann/Lease) to adjourn the meeting at 7:30 p.m.

Rita M. Cepeda, Secretary
Board of Trustees
A. CALL MEETING TO ORDER

President Cruz called the Regular Meeting of the Governing Board of the San José-Evergreen Community College District to order on Tuesday, November 12, 2013, at 4:30 p.m. at the District Office Board Room, 4750 San Felipe Road, San Jose, CA 95135.

Board Members Present:
Ms. Mayra Cruz
Mr. Balbir Dhillon
Ms. Maria Fuentes
Dr. Jeffrey Lease
Ms. Wendy Ho
Mr. Craig Mann
Mr. Rudy Nasol

Board Members Excused:
None

B. APPROVAL OF CLOSED SESSION AGENDA

M/S/C (Fuentes/Mann) to approve the Closed Session agenda.

C. PUBLIC COMMENTS ON CLOSED SESSION AGENDA

There were no public comments.

D. RECESS TO CLOSED SESSION TO CONSIDER AND/OR TAKE ACTION UPON ANY OF THE FOLLOWING ITEMS

The Board recessed to Closed Session at 4:30 p.m. to consider the following items:

CONFERENCE WITH LABOR NEGOTIATORS
(Government Code Section 54957.6)
District’s Negotiator(s): Kim Garcia
Employee Organization: CSEA

CONFERENCE WITH LABOR NEGOTIATORS
(Government Code Section 54957.6)
E. RECONVENE INTO OPEN SESSION

The public session was reconvened at 6:15 p.m.

Board Members Present:
Ms. Mayra Cruz
Mr. Balbir Dhillon
Ms. Maria Fuentes
Dr. Jeffrey Lease
Ms. Wendy Ho
Mr. Craig Mann
Mr. Rudy Nasol
Mr. Zohaib Javed
Mr. Alex Ward

Board Members Excused:
None

1. PLEDGE OF ALLEGIANCE

President Cruz led the Board and members of the audience in the Pledge of Allegiance to the Flag.

At the beginning of the meeting, President Cruz requested a moment of silence in solidarity for the victims and loss of life resulting from the typhoon that hit the Philippines this weekend. Many members of our district have family members and friends who were impacted by this devastating event.

2. ADOPTION OF AGENDA

M/S/C (Mann/Lease) to adopt the agenda as amended:

A change was made to the Measure G-2010 Bond Programs Consent Agenda.

3. ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION

There were no reportable actions.

4. PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

The Board heard a public comment from Mr. Ian Burgess, who discussed the recent NBC investigative report about the Measure G-2010 bond funds. In
particular, he expressed concern that the Board acted outside the bond language supported by the voters in the passage of Measure G-2010, that there was little discussion on this matter before the decision was made, and that the Board has not dedicated sufficient resources in the field of technology at San José City College.

Mr. Michael Bulea also made a public comment about what he views as a misappropriation of bond measure funds through a “bait and switch” tactic by building a new Theatre instead of the Vocational Education building as outlined in the original bond language.

Mr. Larry Harris, SJCC Times, expressed concern about the NBC Investigative Unit report from Mr. Kovaleski and that this report did not adequately reflect the decision-making process used to make the determination to build a new Media Arts Center instead of a new Vocational Technology building. He gave a PowerPoint presentation of a portion of the NBC report, which included comments made by Professors Mansfield and Heimler. Mr. Harris stated that the Board has legal flexibility in determining projects to be funded because the bond is not college specific but is a district-wide bond. For example, EVC has an automotive building, which is a vocational technology building. Also, the NBC report excerpts from Professor Mansfield led viewers to assume he was unhappy with the decision. However, in Mr. Harris’ interview with him and also at the July 9 board meeting, Professor Mansfield stated that the CTE faculty is happy with the refurbishment of the 100 and 200 wings because it gives them the square footage they require.

5. **APPROVAL OF THE OCTOBER 22, 2013, GOVERNING BOARD MEETING MINUTES**

M/S/C (Mann/Lease) approve the above listed meeting minutes as submitted.

F. **CONSENT AGENDA**

1. **ADOPTION OF THE CONSENT AGENDA**

M/S/C (Mann/Lease) to approve the Consent Agenda as submitted.

2. **MANAGEMENT PERSONNEL ACTIONS**

The Board approved the Management Personnel Actions as submitted.

3. **SUPERVISORY-CONFIDENTIAL PERSONNEL ACTIONS**

The Board approved the Supervisory-Confidential Personnel Actions as submitted.

4. **FACULTY PERSONNEL ACTIONS - REGULAR**

The Board approved the Faculty Personnel Actions-Regular as submitted.

5. **CLASSIFIED PERSONNEL ACTIONS**

The Board approved the Classified Personnel Actions as submitted.
6. **HOURLY, STUDENT WORK AND VOLUNTEER PERSONNEL ACTIONS**

The Board approved the Short-Term Hourly, Substitute, Professional Expert & Athletic Support Services, Student Assistant and Volunteer personnel actions as submitted.

7. **RATIFICATION OF CONTRACTS AND PURCHASE ORDERS**

The Board ratified the contracts and purchase orders for the period of September 10, 2013 through October 9, 2013, as noted in the documents attached to the agenda.

8. **CURRICULUM RECOMMENDATIONS FOR SAN JOSE CITY COLLEGE**

The Board approved the new course proposed by San José City College.

9. **WORKFORCE INSTITUTE – BUTTE GLENN COMMUNITY COLLEGE DISTRICT AGREEMENT FOR PROFESSIONAL SERVICES**

The Board approved the amended Butte-Glenn Community College District Agreement for Professional Services in the amount of $32,919.75.

10. **STUDENTS OUT OF STATE TRAVEL**

The Board approved out of state travel for students Alex Ward, Charles Stevens, Ashley King, and Jonathan Calameteos.

G. **MEASURE G BOND PROGRAMS CONSENT AGENDA**

1. **ADOPTION OF THE MEASURE G BOND PROGRAMS CONSENT AGENDA**

M/S/C (Mann/Lease) to approve the Measure G Bond Programs Consent Agenda as amended: Item G-12 was removed from the Measure G Bond Programs Consent Agenda to the Action Agenda for further discussion and separate vote. Trustee Fuentes voted no.

2. **MEASURE G-2004 BOND PROGRAM: BOND LIST REVISION**

The Board approved the revisions to the Measure G-2004 bond list, as presented.

3. **MEASURE G-2004 BOND PROGRAM: PROJECT MANAGEMENT SUPPORT**

The Board approved Amendment #4 to Gilbane’s PM/CM agreement to provide CM services for fiscal year 2013/2014 on the remaining Measure G-2004 bond projects for a not-to-exceed amount of $736,415.
4. **MEASURE G-2004 BOND PROGRAM: EVC DISTRICT WAREHOUSE CARPORT PROJECT**

The Board approved Change Order No. 001 for Integra Construction, Inc. in the amount of $73,553 for the EVC District Warehouse Carport Project.

5. **MEASURE G-2004/MEASURE G-2010 CITIZENS’ BOND OVERSIGHT COMMITTEE APPOINTMENT**

The Board appointed the Citizens’ Bond Oversight Committee applicant as submitted to fill the current vacancy on the committee.

6. **MEASURE G BOND LIST REVISION #6**

The Board approved the revisions to the Measure G-2010 bond list as presented.

7. **MEASURE G-2010 BOND PROGRAM: SJCC – PHOTOGRAPHY LAB RELOCATION #G2010.0045, PROJECT #31121, CHANGE ORDER NO. 002**

The Board approved Change Order No. 002 for Premier Builders, Inc. in the amount of $13,180 for the San José City College Photography Lab Relocation Project.

8. **MEASURE G-2010 BOND PROGRAM: SWENSON & ASSOCIATES CHANGE ORDER #003 FOR EVC – CENTRAL PLANT AND POLICE STATION RENOVATION**

The Board approved Change Order #003 for Swenson & Associates in the amount of $39,284 for the Evergreen Valley College Central Plant and Police Station Renovation Project.

9. **MEASURE G-2010 BOND PROGRAM: CHANGE ORDER 001 RADIANT ELECTRIC, INC. – ELECTRICAL UPGRADE PROJECT AT EVERGREEN VALLEY COLLEGE**

The Board approved Change Order 001 in the deductive amount of ($22,312) to Radiant Electric, Inc. for the Electrical Upgrade Project at Evergreen Valley College.

10. **MEASURE G-2010 BOND PROGRAM: CHANGE ORDER 001 SWENSON AND ASSOCIATES – GULLO STUDENT CENTER ENVELOPE UPGRADE PROJECT**

The Board approved Change Order 001 in the amount of $50,672.00 to Swenson and Associates for the Gullo Student Center Envelope Upgrade Project at Evergreen Valley College.

11. **MEASURE G-2010 BOND PROGRAM: SJCC – UTILITY EXTENSION PROJECT #G2010.0052, PROJECT #31110, CHANGE ORDER NO. 002**

The Board approved Change Order No. 002 for JKL Construction Services Inc. in
the amount of $7,193 for the San José City College Utility Extension Project.

12. MEASURE G-2010 BOND PROGRAM: GULLO STUDENT CENTER ENVELOPE UPGRADE PROJECT

This item was moved to the Action Agenda for discussion and separate vote.

13. MEASURE G-2010 BOND PROGRAM: US NATIONAL CORP. – NOTICE OF COMPLETION FOR TECH CENTER & GE BUILDING PAINTING PROJECT AT SAN JOSE CITY COLLEGE CAMPUS

The Board approved the Notice of Completion for the Tech Center & GE Building Painting Project.

H. ORAL COMMUNICATIONS

a. Board of Trustees

Trustee Nasol stated that his wife was devastated by the typhoon in the Philippines and had packed bags of food to be delivered to the victims. He requested that everyone find a way to donate so that the victims would be able to recover from this tragic event.

Trustee Lease reported on his visits to the campus since the last board meeting. He attended the website revamping kick off meeting and thanked the district members who had worked so hard on this project. He also participated in Nora Campos’s visit to Evergreen Valley College and reported that she expressed interest in the college developing a Bachelor’s Degree in Nursing program.

Trustee Fuentes reported on the Board Student Success Committee meeting, which was held on October 20. She will provide a more detailed report at a later meeting. There was a lot of participation from the colleges and District Office, and the committee is making a lot of progress.

President Cruz thanked Chancellor Cepeda, the college presidents and Ms. Joy Pace for joining her in a training session for our new Student Trustees. It was a good session, and our new board members received a lot of helpful information about our district. She also reported on her attendance at the Somos Mayfair event, and how she enjoyed hearing about their work in addressing the achievement gap of students in their community and their collaborative efforts, particularly with EVC, over the years. It is always great to see the work they have done and to also have parents attending the event.

b. Chancellor

Chancellor Cepeda provided an update of the Organizational Redesign plan for 2013-2017. She stated that this redesign would be implemented to
support the Board approved vision statement that “By the year 2017, SJECCD becomes the premier institution for advancing opportunity, equity and social justice for everyone through educational excellence.” The purpose of this redesign is to reaffirm that San José-Evergreen Community College District is organized through its institutional structures and staffing to be student-centered and focused on student success; to examine and analyze current organizational structures at the unit level using the guiding principles to align with future goals; and to connect each unit with one another to create an institution that addresses, not only the needs of today, but also to support advancement and evolution in the years to come. Chancellor Cepeda reviewed the Guiding Principles used in this process, which were vetted through the constituency groups through the District Council and approved by the Board of Trustees. She explained that one of the guiding principles was to “honor any and all provisions of the Collective Bargaining Agreements.” Chancellor Cepeda reviewed the timeline for the redesign planning process from July 2012 through Spring 2014. She also provided a numerical analysis of positions by unit and the proposed implementation timetable for 2013-14 to 2016-17. The total number of positions divided into new and repurposed: 142.3 positions are proposed; 105.4 new positions (74%) and 36.9 repurposed (26%). Of these total positions, 113.3 (80%) are Classified and 29 (20%) are Managers/Supervisors. Of the proposed 22 management positions, 50% are repurposed. The largest number of positions (109.3) proposed is found in the Classified ranks. The Classified rank also has the largest number of new positions at 88.4 FTE.

Chancellor Cepeda reviewed the lessons learned while going through the redesign process, which include: Reframing redesign to include all employee groups because a separate table for faculty leads to the wrong conclusion about redesign, providing some link or designation of proposed positions in direct relationship to the implementation of the Board’s Student Success Policy; being very explicit about the five year phased in implementation timeline with the framework of resource availability; calendaring more forums in the Spring semester scheduled at different times and days to provide additional opportunities for face-to-face discussions; scheduling time to discuss findings from the survey at the colleges, Workforce Institute and District Office and ensure that these discussions begin at the unit/department level and conclude at the College Council and District Council levels; and this additional review will yield other critical themes that will be implemented. In addressing these lessons learned, Chancellor Cepeda displayed a draft of the proposed revised table, which includes full-time and part-time faculty. She also reviewed some future steps that will be implemented, including the district-wide survey which is a tool to provide feedback on the proposed organizational charts.

c. Presidents

EVC President Yong reported on the college’s meeting with the City of San Jose Environmental Services Division about starting a certificate program in waste water management. The discussion led to EVC providing some courses which would be offered on site at their location. He also reported that the EVC Health Center is now offering flu shots, at the low cost of $2.
SJCC Interim President Breland thanked the faculty who worked so hard to put together the Associate in Arts in Communication Studies and Associate in Arts in Psychology for transfer degrees, which the Board approved at the last meeting. He also thanked the Associated Student Government leaders for putting together the fun Halloween celebration, and student, faculty, staff as well as Trustee Lease, participated in. It was a great success.

d. Constituency Group Representatives

SJCC Student Senate member Chuck Stevens thanked the Board for approving the student out of travel so that student leaders could attend the National Center for Student Leadership conference in New Orleans. The ASG is working very hard to ensure they provide excellent student leadership, and the information they hope to receive at this conference is a step in that direction.

SJCC Academic Senate President Charles Heimler expressed appreciation that President Cruz and Trustee Nasol acknowledged the tragic event in the Philippines and its impact on the people who live there. He himself is personally impacted because he knows people living there. Mr. Heimler reported that the State Academic Senate plenary attended training on the new accreditation standards. We will all be seeing a lot of information about strategies concerning the Accrediting Commission. The focus is on student success, and faculty is concerned that the accreditation process may have gone down the wrong road. SJCC faculty is engaged in teaching courses and also serving on the many committees, especially screening committees for the many hires currently taking place at the college.

EVC Academic Senate President Eric Narveson reported that the Senate submitted its hiring recommendations to President Yong, and it is recommending ten new positions. Equivalency training will be provided next week so that faculty would be on the same page regarding the equivalency form. St. Andrews Day is next week, and some people, including himself, will be dressed in kilts. Mr. Narveson invited all district members to attend that celebration at EVC.

CSEA, Chapter 363 President Jan Tomisaka announced the results of the CSEA members’ election on the Collective Bargaining Agreement for 2012-2013. The vote was 149 yes, 0 no. She also reported that on Saturday CSEA members held a brown bag event where they filled bags with food for distribution to the Philippines. She thanked Vice Chancellor Smith for joining them in their efforts to give back to the community.

ACTION AGENDA

G. 12 MEASURE G-2010 BOND PROGRAM: GULLO STUDENT CENTER ENVELOPE UPGRADE PROJECT

Trustee Nasol stated he removed this item from the Measure G Bond Programs
Consent Agenda to discuss his concerns, which he had mentioned when the Board approved the previous change order, that this project went through an RFP process and awarded to this firm. Yet, so far, the change orders for this project have increased the cost of this project from $95,490 to $353,350—a 250% change in the contract. The extent of the water damage should’ve been realized from the onset of this project, especially since the building has been leaking for years. With that kind of leakage, it is easy to assume there was extensive structural damage. Therefore, it was important to hire a consultant to assess the overall condition of the building. Trustee Nasol expressed concern about the piecemeal approach used to address the problems with this building and asked for clarification if this was the intent of Gilbane Building Company to approach it this way. Mr. Mark Miller, Gilbane Project Manager, answered that because of the nature of this project due to the leakage, they did exercise caution and used a measured approach in doing a damage assessment. The first change order for $178,460 was on the evaluation that not only the roof, but also the walls were impacted. When that decision was made, there was a certain amount of construction analysis done but not enough to get the project going. This change order is required to avoid any issues due to unforeseen conditions. Trustee Nasol stated that although he understood the approach used, he is still concerned about the scope of work outlined in the RFP not addressing all the potential issues concerning a building. Trustee Dhillon expressed his concern about the excessive amount of the change order and if there were any other experts identified to do this work. Vice President Gee answered that it was originally a project designed for someone to look at the roof, but it will now cost us to have someone look behind the walls and do an assessment of that damage. We were not giving Allana Buick and Bers a blank check, but they need to find out how extensive the problems were. The DSA has not closed out this project.

M/S/C (Lease/Mann) to approve Project Assignment Amendment (PAA) Revision No. 003 in the amount of $79,400 to Allana Buick and Bers for additional design and construction administration services for the Evergreen Valley College Gullo Student Center Envelope Upgrade Project. Trustees Dhillon and Fuentes voted no.

1. **RESOLUTION NUMBER 111213-1 APPROVING DISTRICT BUDGET TRANSFERS AND REVISIONS**

M/S/C (Lease/Mann) to approve the resolution authorizing the budget transfers and revisions of funds within expenditure accounts, authorizing the appropriation of the receipt of unanticipated revenues in certain programs, and authorizing the reversal of appropriations in certain programs due to the non-receipt of program revenues.

2. **RESOLUTION NO. 111213-2 TO SUPPORT SOUTH BAY CONSORTIUM FOR ADULT EDUCATION**

Trustee Ho stated that she is excited about this resolution as it is a step in the right direction for our district.

M/S/C (Dhillon/Ward) to approve Resolution No. 111213-2 in support of the South Bay Consortium for Adult Education.
3. **RESOLUTION NO. 111213-3 IN HONOR OF NATIVE AMERICAN HERITAGE MONTH**

   M/S/C (Mann/Lease) to approve Resolution No. 111213-3 to designate November 2013 as Native American Heritage Month.

4. **RESOLUTION NO. 111213-4 IN HONOR OF SIKH AMERICAN AWARENESS AND APPRECIATION MONTH**

   Trustee Dhillon thanked the district for including this resolution for approval by the Board. For the past three years, the California State Assembly has designated the month of November as Sikh American Awareness and Appreciation Month. Trustee Dhillon provided a brief overview of Sikh history in the state of California.

   M/S/C (Lease/Mann) to approve Resolution No. 111213-4 to designate November 2013 as Sikh American Awareness and Appreciation Month.

5. **THE CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION, CHAPTER 363 CONTRACT REOPENER PROPOSAL WITH SAN JOSE-EVERGREEN COMMUNITY COLLEGE DISTRICT 2012-2013**

   Because two articles have been added to this reopener proposal, Vice Chancellor Garcia announced the Board of Trustees must approve this item using roll call vote.

   M/S/C (Lease/Mann) to adopt the reopener proposals.

   Roll call vote was as follows:

   Advisory votes:

   Student Trustee Zohaid Javed – aye
   Student Trustee Alex Ward – aye
   Ms. Mayra Cruz - aye
   Mr. Balbir Dhillon - aye
   Ms. Maria Fuentes - aye
   Dr. Jeffrey Lease - aye
   Ms. Wendy Ho – aye
   Mr. Craig Mann - aye
   Mr. Rudy Nasol - aye

6. **RATIFICATION OF THE SAN JOSE-EVERGREEN CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION, CHAPTER 363 COLLECTIVE BARGAINING AGREEMENT 2012-2013**

   M/S/C (Mann/Ho) to approve the District and California School Employees Association, Chapter 363, tentative agreements.

7. **BP 2210 OFFICERS**
Trustee Fuentes inquired why the revised policy includes language that requires Board candidates to serve two years before consideration as president. Although the rest of the process allows for openness and transparency, which is good, this language provides a barrier for certain people to run for president. She requested the language be removed from the policy. Trustee Nasol agreed as this requirement would prohibit new board members, who may have a lot of experience, from becoming Board president. Trustee Ho stated that the language states that members with two or more years experience shall be “especially considered.” It does not prohibit those members who have served less than two years from being nominated. President Cruz agreed that the language is a suggestion, not a rule.

M/S/C (Ho/Lease) to approve BP 2210 (Officers). Trustees Fuentes and Nasol voted no.

8. **CHAPTER 6 BOARD POLICIES (BUSINESS AND FISCAL AFFAIRS)**

M/S/C (Mann/Ho) to approve Chapter 6 (Business and Fiscal Affairs).

J. **INFORMATION AGENDA**

1. **FY2012-2013 ANNUAL FINANCIAL AND BUDGET REPORT (CCFS-311)**

Vice Chancellor Smith stated that this report is submitted to the State Chancellor’s Office annually, per California Code of Regulations Section 58305(d), and the information is compiled system-wide by the State Chancellor’s Office.

2. **FY2013-2014 FIRST QUARTER BUDGET REPORT ENDING SEPTEMBER 30, 2013**

Vice Chancellor Smith provided a report on the FY2013-14 First Quarter Report. He provided a synopsis of the ending fund balance from 2006-2007 through 2012-2013 as well as estimated projections for 2013-2014 through 2016-2017. For FY2012-2013 we achieved $72,348,058 total revenue, $2.1 million over state apportionment, which is basic aid status. For 2013-2014, we are projecting $72.3 million revenue, $3.2 million excess, which means we will still be a basic aid district. Mr. Smith provided an analysis of the relationship between the County assessed valuation and District property taxes. He stated the district priorities include actions to take care of staff, to fund redesign initiatives, to fund Board student success and institutional effectiveness initiatives and to manage an appropriate fund balance with structural integrity. The Board principles are being considered in the new initiatives, such as, using a student centered approach, being compliant with accreditation planning and resource standards, distinguishing between one-time and ongoing resources, adding back slowly and strategically to maximize program initiatives and to seek efficiencies and revenue opportunities.

Trustee Fuentes requested information on the County assessed valuation for our district area only. Vice Chancellor Smith answered that he did not have this information readily available, but will bring it back to the Board at a later meeting.
3. **MINORITY-OWNED AND WOMEN-OWNED BUSINESS REPORT**

Chancellor Cepeda stated that District Administrative Procedure 6380 stipulates that the District’s goal is to remove any and all barriers to a full and equal opportunity for minority-owned, small business-owned and women-owned businesses to provide products and services to the District. In answer to the Board’s request, at this meeting information would be provided to the Board outlining the actions taken by the District to improve in this area.

Vice Chancellor Smith thanked Mr. Sam Ho for stepping up and working with the District and Gilbane staff in the outreach efforts over the past year. Mr. Sam Ho introduced District and Gilbane staff members who contributed to this work. Mr. Anthony Oum, Assistant Director, Fiscal Services, Ms. Cynthia Giesing, District Purchasing Agent, Mr. Carlos Marques, District Purchasing Agenda and Mr. Casey Michaelis, Gilbane Executive Manager, Mr. Mark Miller, Gilbane Project Manager and Ms. Sunny Singh, Gilbane Outreach Manager, for their efforts in organizing and supporting district events to increase recruitment. Ms. Giesing reviewed the definitions for minority-owned, women-owned and small businesses, the certification process, barriers and strategies to overcome the barriers. Ms. Sunny Singh, Gilbane Outreach Manager, reviewed the events held to support the district’s outreach goals, including the Equal Opportunity Open House on February 16, 2012, the Blue Book of Building & Construction “GC Showcase” on May 10, 2012, National Association of Women in Construction Meeting on May 23, 2012, Outreach Lunch & Learn on September 10, 2012, Equal Opportunity Open House on February 28, 2013, Chancellor’s Community Advisory Group on April 4, 2013, Chancellor’s Community Advisory Group on September 19, 2013, Open House on October 17, 2013. Mr. Ho showed a video of the Open House held in the District Board Room on October 17, which was a fully packed room. It was a very exciting event. Ms. Singh ended the presentation by providing a Business Enterprise Certification comparison analysis for both Measure G-2010 and Other funds for FY2010-11, FY2011-12 and FY2012-13 broken down by the types of business (disabled, minority, small, women, other) race of business (Native-American, African-American, Hispanic, Asian/Pacific Islander, and Non-Ethnic/White) and diversity of women by race. She stated that the good news is reflected in the numbers.

Trustee Dhillon thanked the staff for the nice presentation. The staff is moving in the right direction; however, he would like to see more information on what percentage of projects goes to women and minority owned businesses. We still need to do a lot more work to make this happen. He asked what we consider a small business to be. Ms. Giesing answered that the district does not certify. The vendor has to do get their own certification. The state of California will certify a small construction business if they do less than $2 million in business annually and have less than 100 employees. And, unfortunately, there aren’t as many women who own construction businesses.

Trustee Fuentes stated that the Board doesn’t really have a role in going out into the community to recruit vendors. She expressed her disappointment in the overall results. The events the district holds are nice, but we are not really doing enough in our efforts to recruit small businesses. Trustee Ho inquired about the outreach method the district is using. Mr. Ho answered that this is one area the district needs to provide more focus because it seems the same people are showing up for the
same events. Trustee Nasol reported that he attended the October 17 outreach event, and it was a very positive experience. However, we need to ensure the vendors we use reflect the diversity of our population. For instance, over 60% of the population of the City of Milpitas is Asian, but how many of our contractors are Asian? He requested that Gilbane, facilities staff and general contractors would help the small, minority and women owned businesses overcome some of the barriers that hinder them.

Chancellor Cepeda answered that she appreciated the comments made by the Board about the further work that needs to be done. However, the numbers show a 40% increase from the last report provided to the Board, and a 66% increase in the bond managed projects. Although we still have a lot of work to do, especially in the area of women-owned businesses, we also recognize that what we do is never enough. We must continue to improve while also keeping things in perspective.

Trustee Lease thanked Chancellor Cepeda for the excellent foundation that has been put in place that resulted in a 40% change in one year.

President Cruz thanked Mr. Sam Ho and the whole team for the work that has been accomplished. There is room for improvement as this work is accomplished in steps, but it seems this district is moving in the right direction.

4. LEGISLATIVE UPDATE

Ms. Rosalie Ledesma, Executive Director of Governmental and External Relations, reviewed the updated legislative report. She stated the district is following closely those bills that impact the community college system and that impact our students. She reviewed a few bills the district has supported, including AB 1199 (Fong) and reported that this bill on community college stabilization funding died in committee. She reported that the Assembly Speaker Pro Tem Nora Campos visited Evergreen Valley College and expressed interest in BA of Nursing Degrees at community colleges. The State Chancellor’s Office has put together a task force for this review. Ms. Ledesma also reviewed the Legislative Plan for 2014, and Options 4 and 5 were added by the Board Committee on Student Success. This is being presented for information at this meeting but will be submitted to the Board for approval at the next meeting.

Trustee Fuentes thanked Ms. Ledesma and Mr. Manny Diaz for their hard work in putting this information together. As a result of this work, we are putting our district in a great position to impact legislation that is related to our policy on student success.

5. MEASURE G-2010 BOND PROGRAM: SEISMIC STUDY OF ROBLE AND ACACIA CLUSTERS AT EVERGREEN VALLEY COLLEGE

Mr. Mark Miller, Gilbane Project Manager, provided the Board with an update on the seismic evaluation of the Roble and Acacia buildings at Evergreen Valley College. The Board received a report on November, 29, 2011 that the Evergreen fault was an active fault and those two buildings sat in a no-build zone. The steps that were reviewed at that meeting included the preparation of cost estimates to address replacement or relocation of affected buildings, the notification of the state and
applying for funding, board notification and conducting an engineering study of building safety. The analysis was done by Thornton Tomasetti and was completed in October 2013. Their findings indicate that Roble and Acacia “were designed for the current code at the time of their design and, therefore, from a legal standpoint it is in compliance with the code that implies safety as long as the use has not changed and the buildings are not altered. We only consider those portions of Roble and Acadia to be unsafe in the event of the probabilistic seismic event. We consider all of Roble and Acacia to be safe for typical conditions such as gravity loads and wind storms.” Therefore, the buildings do not need to be removed from service by law or code. The 2025 Facilities Master Plan anticipated replacing Roble and Acacia. Mr. Miller reviewed various future options, and Gilbane will continue to develop data for and details of options. They will also continue to pursue the state for funding through the State Chancellor’s Office.

President Cruz inquired what the Board needs to do in the future to inform the public. Vice President Gee answered that the college does have a public forum on Thursday where they will talk with the campus community and answer questions. We will continue to keep them apprised of what we are doing. Mr. Miller stated that these buildings are safe and are not going to fall down under current use.

6. **MEASURE G-2010 BOND PROGRAM: MEASURE G-2010 SUMMARY REPORT**

Vice Chancellor Smith reported this update was provided for information.

K. **CONTINUATION OF CLOSED SESSION**

No.

L. **RECONVENE OPEN SESSION**

**ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION**

None.

M. **ADJOURNMENT**

M/S/C (Mann/Lease) to adjourn the meeting at 9:43 p.m.

Rita M. Cepeda, Secretary
Board of Trustees
A. CALL MEETING TO ORDER

Vice President Lease called the Regular Meeting of the Governing Board of the San José-Evergreen Community College District to order at 6:10 p.m. on Tuesday, November 26, 2013, at Evergreen Valley College, 3095 Yerba Buena Road, San Jose, CA 95135 in the Gullo II Building.

Board Members Present:
Mr. Balbir Dhillon
Ms. Maria Fuentes
Dr. Jeffrey Lease
Ms. Wendy Ho
Mr. Craig Mann
Mr. Rudy Nasol
Mr. Zohaib Javed
Mr. Alex Ward

Board Members Excused:
Ms. Mayra Cruz

B. APPROVAL OF CLOSED SESSION AGENDA

There was no Closed Session meeting.

C. PUBLIC COMMENTS ON CLOSED SESSION AGENDA

There were no public comments.

D. RECESS TO CLOSED SESSION TO CONSIDER AND/OR TAKE ACTION UPON ANY OF THE FOLLOWING ITEMS

There was no Closed Session meeting.

E. RECONVENE INTO OPEN SESSION

1. PLEDGE OF ALLEGIANCE

Vice President Lease led the Board and members of the audience in the Pledge of Allegiance.
Allegiance to the Flag.

2. **ADOPTION OF AGENDA**

M/S/C (Mann/Dhillon) to adopt the agenda as amended:

Information Item H-1 was moved to precede the approval of the Measure G Bond Programs Consent Agenda.

3. **ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION**

There was no Closed Session meeting.

4. **PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA**

Mr. Larry Harris, SJCC Student, provided a clarification on the comments he made at the November 12 board meeting. For the record, he wanted it known that he was speaking as a member of the public and not on behalf of the SJCC Times as this would be a violation. He apologized to his classmates for that action. However, there may be times in the future where he would feel the need to speak the truth no matter what the consequences may be.

5. **APPROVAL OF THE NOVEMBER 12, 2013, GOVERNING BOARD MEETING MINUTES**

M/S/C (Fuentes/Lease) to approve the above listed meeting minutes as amended.

The following statement was mistakenly left out of the draft minutes but would now be added to the Public Comments on Matters Not on the Agenda section:

Mr. Larry Harris, SJCC Times, expressed concern about the NBC Investigative Unit report from Mr. Kovaleski and that this report did not adequately reflect the decision-making process used to make the determination to build a new Media Arts Center instead of a new Vocational Technology building. He gave a PowerPoint presentation of a portion of the NBC report, which included comments made by Professors Mansfield and Heimler. Mr. Harris stated that the Board has legal flexibility in determining projects to be funded because the bond is not college specific but is a district-wide bond. For example, EVC has an automotive building, which is a vocational technology building. Also, the NBC report excerpts from Professor Mansfield led viewers to assume he was unhappy with the decision. However, in Mr. Harris’ interview with him and also at the July 9 board meeting, Professor Mansfield stated that the CTE faculty is happy with the refurbishment of the 100 and 200 wings because it gives them the square footage they require.

F. **CONSENT AGENDA**

1. **ADOPTION OF THE CONSENT AGENDA**

M/S/C (Mann/Ho) to approve the Consent Agenda as submitted.
2. **MANAGEMENT PERSONNEL ACTIONS**

   The Board approved the Management Personnel Actions as submitted.

3. **CLASSIFIED PERSONNEL ACTIONS**

   The Board approved the Classified Personnel Actions as submitted.

4. **HOURLY, STUDENT WORK AND VOLUNTEER PERSONNEL ACTIONS**

   The Board approved the Short-Term Hourly, Substitute, Professional Expert & Athletic Support Services, Student Assistant and Volunteer personnel actions as submitted.

5. **CURRICULUM RECOMMENDATION FOR SAN JOSE CITY COLLEGE**

   The Board approved the new certificate and courses proposed by San Jose City College.

6. **RATIFICATION OF THE CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION, CHAPTER 363 COLLECTIVE BARGAINING AGREEMENT**

   The Board approved the District and California School Employees Association, Chapter 363 tentative agreements.

**H 1. EVERGREEN VALLEY COLLEGE PRESENTATION TO THE BOARD**

President Henry Yong welcomed the Board of Trustees to the Evergreen Valley College campus and expressed his delight in showcasing the many programs the college has that support the Board’s commitment to student success. He stated that Ms. Irma Archuleta, Vice President of Student Affairs and Mr. Keith Aytch, Vice President of Academic Affairs would introduce faculty and administrative staff to present on their various programs.

Vice President Archuleta introduced Ms. Elizabeth Tyrrell, Director of CalWORKs. Ms. Tyrrell stated that CalWORKs (California Work Opportunity and Responsibility to Kids) acts as a liaison between County implementation of welfare rules and State regulations; prepares and processes all the monthly, quarterly, and semester basis paperwork related to the County, and announced that, based on new Title V regulations, beginning January 1, 2014, these students would receive priority registration. In 2012-2013 the EVC program served 185 students and 462 children. Some of the services provided include: County covering costs of textbooks, supplies, transportation and childcare, providing linkages to community resources and providing students a mentoring program. EVC’s mentoring program is a unique program in Santa Clara County. Also sponsored by CalWORKs is an eight-year partnership with the Second Harvest program at EVC. Over 1,254 families have been served food at EVC since 2005. In 2012-13, 213 families were served, and 629 local children were also helped through our food program last year.
Ms. Cam Martin, staff assistant, reviewed the Student Support Services FasTrack Program. She emphasized the creativity of the students, the Wall of Stars, study sessions, tutoring, arts and crafts and the food shared by these students. From the 2012-13 program, 108 students returned in the Fall 2013. Thirty-eight students graduated or transferred and only 14 either moved away or did not return for personal reasons.

Ms. Tina Iniguez, Program Coordinator, Youth Empowerment Strategies for Success Program (YESS) and the Foster & Kinship Care Education (FKCE) programs provided information on the assistance provided by the grants. The YESS grants provide workshops on financial literacy, education, employment and daily living skills to current and former foster youth. The FKCE grant provides workshops that are tailored for relative caregiver’s. The workshops are free of charge and provide guidance to relative caregivers.

Ms. Beverly Stewart, Counseling Faculty, and Ms. Ingrid Rottman, Outreach Specialist, presented on the Early Admission Program (EAP) from 2009-2013. The EAP is designed to ensure a smooth transition from high school to Evergreen Valley College. In the EAP process, average applications received are 600, average assessment tests completed are 500, average attendance at Orientation Day are 325, including Day of the Green orientation and registration, and the average freshman enrollment is 410. EVC recruits from East Side Union High School District, San Jose Unified High School District, Milpitas High School District, Gilroy High School District and Morgan Hill High School District. Ms. Rottman showed a map of every high school where EVC outreach has taken place. This program continues to be very successful in its efforts and a key component of student success. Trustee Nasol stated the importance of reaching out to middle school and high school students to assist them in the big transition to college.

Mr. Keith Aytch, Vice President, Academic Affairs, introduced Jackie Keane and Kara Potter, Nursing Faculty, who presented on the EVC Nursing Program. Ms. Keane reviewed the application process and stated that this year EVC had 700 applicants for the generic program, 100 applicants for the LVN Transition and 100 applicants for BRN students. Of the 700 applicants for the generic program, we only had 80 open spots. The EVC program is accredited by the Board of Nursing, and our students can take the test to become an RN. EVC is one of twenty eight community colleges who are accredited by this national body. The program is a four-semester program. However, the challenge is that EVC can enroll more students if more hospitals were willing to work with our students through internships.

Trustee Nasol commended the EVC graduate who was his nurse while he was receiving treatment at Kaiser Permanente. He received excellent care. It’s unfortunate that EVC can only accept so many students. He commended the Nursing Program staff for its very successful program. Trustee Fuentes inquired about the success rates of our own students getting into the Nursing Program and stated she was also interested in the ethnic breakdown of the program’s current students and the language skills of those students. Ms. Keane answered that English is required to be spoken in hospitals. Therefore, we encourage students to go to tutoring and take the ESL courses. However, because we are a community
college, our courses are open to everyone.

Dr. Merryl Kravitz, Dean, Language Arts, and Mr. William Nguyen, Program Coordinator, presented on EVC’s tutoring services. Drop-in tutoring is provided by qualified instructor-recommended student tutors as well as faculty in three convenient locations on campus (Campus Tutoring, Math and Science Resource Center, and the Biology Lab in Sequoia.) At these locations, approximately 600 students visit per week for 1200 hours worth of tutoring. There are also one-on-one and small group tutoring sessions provided. For students seeking help who could not access campus tutoring in person, EVC also provides online tutoring via email. Tutors and/or instructional assistants work alongside instructors in the classroom to provide supplemental instruction for basic skills courses since this is where the achievement gap is largest. EVC is seeing results for these efforts. In Spring of 2013, 80% of students in Math 311 who have been tutored had passing grades in comparison with the 67% who did not avail themselves of tutoring services. For ESL 323, 74% of students who had been tutored passed the course, and only 58% passed the course who did not receive tutoring. EVC also provides groups, such as Conversation and Grammar Groups, and special events, such as Night on Caffeine, which are offered each semester to assist students with final exam preparation and assignments.

Mr. Michael Hyers, Dean, Math, Science and Engineering, introduced Mr. Michael Hernandez, Faculty, Business and Workforce Development, who presented on the EVC Automotive Technology Program. Mr. Hernandez reviewed the collaborative Summer Hybrid and Electric Vehicle technology course taught by EVC, DeAnza College and San Jose State University. Industry experts came in and talked about hybrid cars and all electric cars. He also reported that an EVC student had an article written about him in The Coupe Bros. where his Honda was showcased. This car was brought outside Gullo II for the Board and members of the public to view. EVC is still waiting to hear from the State Chancellor’s Office about the California Energy Commission alternative fuel grant. EVC’s automotive program is also ASE certified by the National Institute for Automotive Service Excellence. EVC has also partnered with American Honda Motor Co. Inc. to certify that our students are qualified to service Honda cars. The automotive faculty is very excited about the new automotive technology building that is being built to house our automotive programs.

Dr. Celso Batalha, Instructor, Physics, reviewed the academic use of the observatory. In the astronomy laboratories there are currently two sections with 50% of class time in the Montgomery Hill Observatory. Astronomy visits are scheduled during the semester; Physics 4C Laboratory has one scheduled visit per semester, and Earth Sciences have two visits per semester. Research training is provided to our students interested in embracing an astronomy career and transferring to UC or CSU. Dr. Batalha provided an overview of the facilities and equipment. The Observatory is a state of the art dome building, with an impressive 7” refractor, a roll off roof building with a 14” reflector, classroom with 10 portable telescopes used by astronomy lab students and visitors during star parties, and has several eyepieces, lenses and a digital camera that was purchased in 2000. EVC has also engaged the community with Star Parties on the first Friday of every month, Lunar Geology program children under 14, supervised projects for boys and girls scouts, and collaborative efforts with the Villages Golf and Country Club. One
of the goals of the program is to reach out to high schools and other community organizations to promote research development.

Chancellor Cepeda stated that at the recent CCLC conference this week, the discussion was around the whole notion of student success. EVC couldn’t have planned a better presentation that focuses on how to achieve student success by ensuring our students are nurtured, engaged, connected and valued. This presentation was a beautiful illustration as to what a college is all about. Our Trustees can see how their investments, particularly in our facilities, have made significant contributions toward achieving our goal of student success. Trustee Fuentes thanked the EVC faculty and staff for the excellent presentation and all they do on behalf of our students. Trustee Lease also thanked EVC for the great presentation and stated he would find a way to bring his family to the observatory.

G. MEASURE G BOND PROGRAMS CONSENT AGENDA

1. ADOPTION OF THE MEASURE G BOND PROGRAMS CONSENT AGENDA

M/S/C (Nasol/Mann) to adopt the Measure G Bond Programs Consent Agenda.

2. MEASURE G-2010 BOND PROGRAM: SJCC – UTILITY EXTENSION PROJECT #G2010.0052, PROJECT #31110 CHANGE ORDER NO. 003

The Board approved Change Order No. 003 for JKL Construction Services Inc. in the amount of $8,282 for the San Jose City College Utility Extension Project.

3. MEASURE G-2010 BOND PROGRAM: SJCC – UTILITY EXTENSION PROJECT #G2010.0052, PROJECT #31110 CHANGE ORDER NO. 003

The Board approved Revision #02 to PAA# SJCC-02 for LPAS, Inc. dated October 10, 2013 for the G-2004 Physical Education/Gym Project #122.

H. INFORMATION AGENDA

1. EVERGREEN VALLEY COLLEGE PRESENTATION TO THE BOARD

This item was moved to precede the approval of the Consent Agenda.

2. MEASURE G-2004 BOND PROGRAM: JOINT-USE 21ST CENTURY POST-SECONDARY EDUCATION CENTER STATUS PRESENTATION

Vice Chancellor Coen reported on the progress to date on the Joint Use 21st Century Post-Secondary Education Center. She stated the goal was to provide the Board with a quarterly update that would assure them our district is moving forward with the Milpitas educational center. She reported that a project steering committee, composed of herself, Kishan Vujjeni, Dean of Business & Service Careers at SJCC, and Vice Chancellor Smith, with project support from Casey Michaelis, Principal in Charge, Andrew Spiller, Project Manager and Ann Kennedy, Finance Manager, have held regular meetings since June and have made significant progress on many
fronts, including accountability measures planning to ensure the project is moving forward. The steering committee is also working on a communications process, such as what is occurring at this meeting. Both Boards signed the Ground Lease/Joint-Use Agreement in June 2013. The agreement required a site appraisal, which has now been established at $8.9 million for four acres $2.2 million/acre. The appraised value establishes the percent usage by each district and the operating costs, and that work will be managed by both district’s attorneys jointly. The agreement also established the formation of an Educational Program Committee, Design Committee and Joint Use Committee. The work plan includes the lease agreement, land appraisal, curriculum development (programming), start-up costs, ongoing costs and maintenance and operations. We are now at the programming phase, and those members who will be using the facility will be included in the design planning. Accomplishments to date include determining the design-build project delivery method, preliminary site evaluation for parking and site acreage needs, the selection of an EIR consultant, who has already begun the technical studies, and the selection of the programming architect. The Educational Programming Committee has already been established and includes members of both districts. It is currently conducting an updated survey to identify program needs. Initially, the survey was sent to the parents of the high school students in Milpitas but will now include public and community members. A hard copy of the survey will be sent again to the parents in both English and Spanish. The intention is that this information will help inform us exactly of what our programming requirements should be. That process will take nine weeks. The Design Committee representing both districts will develop facility requirements. Vice Chancellor Coen reviewed the timeline from when the Memorandum of Understanding was signed in November 2012 to the scheduled opening of the facility in the Summer/Fall of 2016.

Trustee Nasol inquired about the timeline for when the EIR would be submitted. Vice Chancellor Coen answered that Mr. Andrew Spiller is the Gilbane representative leading us in the draft EIR document, which will be submitted to both Boards for approval. They have just started with the initial investigation of the site. Vice Chancellor Smith stated that we will have to define the “what” before they can test the implications. Trustee Nasol stated that both Boards would need to know the findings to see if there is an impact. He requested in the timeline a date be included as to when we could anticipate receiving the EIR because the EIR is the critical part of this project.

3. **EEO & DIVERSITY PLAN (FIRST READING)**

Chancellor Cepeda stated that this EEO & Diversity Plan is being presented to the Board for a first reading and would be submitted to the Board for approval next month. We need to submit a revised plan every three years. The report addresses areas of equal employment opportunity, non-discrimination, and diversity. She thanked members of the District EEO & Diversity Advisory Committee including Ms. Barbara Hanfling, FA representative and faculty members Clem Lundie, Marjorie Clark, and other members Adrienne Burns, Joe Lugo, Elaine Burns, and Charles Stevens for their assistance and hard work in reviewing and developing this plan over the past few years. She also thanked former members of the Committee including Victoria Lugo, Arturo Ocampo, and Vince Owen who are no longer working at the District. She thanked Sam Ho for his critical work in moving this process forward.
Trustee Wendy Ho commended Director Sam Ho and the district committee for putting this plan together. However, she asked some technical questions, such as the need for a narrative for adjunct faculty demographics to be included in the report. Why is this information omitted when adjunct faculty are such a large part of our campus community? She also inquired about the percentage of applicants who chose not to self-identify their ethnicities on employment applications. Mr. Ho answered that demographic information for adjunct faculty is provided in the attachments, and that he will add the narrative for adjunct faculty demographics to the plan when it is brought to the Board for approval at the next meeting. He also stated that about 16% of applicants district-wide chose not to self-identify according to attachment C. Trustee Fuentes inquired how this plan compares to our previous plan. Mr. Ho answered that this plan mainly provides guidelines, policies and principles relating to EEO, non-discrimination, and diversity, and does not include the hiring process as it was included in the previous SJECCD’s plan dated 1996. There was a period of delay in revising the plan due to the passage of Proposition 209 in 1996. In the latter half of the 2000’s, the State Chancellor’s Office had contracted with a group to develop the workforce availability data (for instance, if 50% of our available workforce is of a certain ethnic group for a certain position, yet we receive only 10% of applications from that ethnic group, we have to ask ourselves the reason for that disconnect to ensure broad recruitment efforts), but because the resulting availability data were not reliable, the State Chancellor’s Office in spring 2012 requested that community colleges work on completing their EEO plans without the plan components that are dependent on availability data; and submit to the Chancellor’s Office their plans in 2013.

Mr. Ho thanked the Board for their commitment to equity, opportunity and social justice which are in alignment with the principles of the EEO Plan (EEO, non-discrimination, and diversity). Our Board, Chancellor, and the leadership team have the track record and the heart for advancing these principles; and that we are the best in this effort.

E. 4. PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

Vice President Lease allowed a late submission request for a public comment from Ms. Klayri Guzman, who thanked the Board for allowing the SACNAS students to attend out of state travel.

I. CONTINUATION OF CLOSED SESSION

No.

J. RECONVENE OPEN SESSION

ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION

None.
K. ADJOURNMENT

M/S/C (Mann/Nasol) to adjourn the meeting at 8:30 p.m.

______________________
Rita M. Cepeda, Secretary
Board of Trustees
A. CALL MEETING TO ORDER

President Cruz called the Regular Meeting of the Governing Board of the San José-Evergreen Community College District to order at 4:30 p.m. on Tuesday, December 10, 2013, at the District Office Board Room, 4750 San Felipe Road, San Jose, CA 95135.

Board Members Present:
Ms. Mayra Cruz
Mr. Balbir Dhillon
Ms. Maria Fuentes
Dr. Jeffrey Lease
Ms. Wendy Ho
Mr. Craig Mann
Mr. Rudy Nasol
Mr. Zohaib Javed
Mr. Alex Ward

Board Members Excused:
None

B. APPROVAL OF CLOSED SESSION AGENDA

There was no Closed Session meeting.

C. PUBLIC COMMENTS ON CLOSED SESSION AGENDA

There were no public comments.

D. RECESS TO CLOSED SESSION TO CONSIDER AND/OR TAKE ACTION UPON ANY OF THE FOLLOWING ITEMS

There was no Closed Session meeting.

E. RECONVENE INTO OPEN SESSION

1. PLEDGE OF ALLEGIANCE

Student Trustee Ward led the Board and members of the audience in the Pledge of
Allegiance to the Flag.

2. **ADOPTION OF AGENDA**

M/S/C (Mann/Dhillon) to adopt the agenda as submitted.

3. **GOVERNING BOARD ORGANIZATION**

M/S (Mann/Ho) to elect Trustee Jeffrey Lease as President.
Motion by Trustee Fuentes to elect Trustee Balbir Dhillon as President. Trustee Fuentes commended Trustee Dhillon for his excellent work on Board committees and his knowledge and experience of matters of concern to the Board. Motion was not seconded; therefore, the motion failed.

The Board voted unanimously to elect Trustee Jeffrey Lease as President.

President Lease presented outgoing President Cruz with a commemorative gavel plaque for her service as Board president. He thanked her for the leadership she provided and the many accomplishments achieved during her tenure as Board president. President Cruz thanked the Board and district for a very good year and all the work that has been accomplished. She stated she was very excited about the important work in governance that the Board will achieve in the year ahead.

Motion by Trustee Fuentes to elect Trustee Rudy Nasol as Vice President. She stated that Trustee Nasol’s knowledge of the district and his relationships with community members and governmental officers makes him a great candidate for this role. Motion was not seconded; therefore, the motion failed.

M/S/C (Mann/Cruz) to elect Trustee Wendy Ho as Vice President. Trustee Dhillon voted no.

M/S/C (Mann/Ho) to appoint Chancellor Rita Cepeda as Secretary. President Lease thanked Chancellor Cepeda for the excellent work she did in providing documents for the Board.

M/S/C (Mann/Cruz) to appoint Trustee Rudy Nasol as Board representative to vote in election for members of the County Committee on School District Organization.

4. **ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION**

There was no Closed Session meeting.

5. **PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA**

There were no public comments.

6. **APPROVAL OF THE NOVEMBER 26, 2013, GOVERNING BOARD MEETING MINUTES**

M/S/C (Cruz/Ho) to approve the above listed meeting minutes as submitted.
F. consent agenda

1. adoption of the consent agenda

M/S/C (Mann/Ho) to approve the Consent Agenda as submitted.

2. management personnel actions

The Board approved the Management Personnel Actions as submitted.

3. supervisor-confidential personnel actions

The Board approved the Supervisor-Confidential Personnel Actions as submitted.

4. classified personnel actions

The Board approved the Classified Personnel Actions as submitted.

5. hourly, student work and volunteer personnel actions

The Board approved the Short-Term Hourly, Substitute, Professional Expert & Athletic Support Services, Student Assistant and Volunteer personnel actions as submitted.

6. resolution number 121013-1 approving district budget transfers and revisions

The Board approved the resolution authorizing the budget transfers and revisions of funds within expenditure accounts, authorizing the appropriation of the receipt of unanticipated revenues in certain programs, and authorizing the reversal of appropriations in certain programs due to the non-receipt of program revenues.

7. ratification of contracts and purchase orders

The Board ratified the contracts and purchase orders for the period of October 10, 2013, through November 9, 2013, as noted in the attached documents.

8. curriculum recommendations for san jose city college

The Board approved the new courses proposed by San Jose City College.

9. eeo & diversity plan adoption

The Board adopted the district’s EEO & Diversity Plan.

G. measure g bond programs consent agenda

1. adoption of the measure g bond programs consent agenda
M/S/C (Cruz/Ho) to adopt the Measure G Bond Programs Consent Agenda.

2. **MEASURE G-2010 BOND PROGRAM: CHANGE ORDER #004 – SWENSON & ASSOCIATES – EVC CENTRAL PLANT AND POLICE STATION**

   The Board approved Change Order #004 for Swenson & Associates in the amount of $84,958 for the Evergreen Valley College Central Plant and Police Station Renovation Project.

3. **MEASURE G-2010 BOND PROGRAM: EVC PARKING LOT AND STREET MAINTENANCE PROJECT CONTRACT AWARD – GALEB PAVING, INC.**

   The Board approved issuance of a construction contract to Galeb Paving, Inc, in the amount of $756,000 for the Parking Lot and Street Maintenance Project at Evergreen Valley College.

4. **MEASURE G-2004 BOND PROGRAM: EVC SOCCER FIELD PHASE 1 BLEACHER PROJECT CONTRACT AWARD – GUERRA CONSTRUCTION GROUP**

   The Board approved issuance of a construction contract to Guerra Construction Group in the amount of $608,900 for the Soccer Field Phase 1 Bleacher Project at Evergreen Valley College.

5. **MEASURE G-2020 BOND PROGRAM: EVC AUTOMOTIVE TECHNOLOGY PRECONSTRUCTION CONTRACT AWARD – C. OVERAA & COMPANY**

   The Board approved an agreement with C. Overaa & Company for the preconstruction services in the amount of $45,848 and construction service fee percentages to be applied to the Guaranteed Maximum Price for the Automotive Technology project at Evergreen Valley College.

   Before the Board of Trustees began the study session portion of the meeting, Chancellor Cepeda announced the Board would be recognized for their participation in the district’s strategic planning process. She introduced Dr. Tamela Hawley, Executive Director, Research and Institutional Effectiveness, who presented the Board with commemorative tee shirts, mugs and puzzle pieces. The puzzle pieces imply that the Board and district members are all included in the process and implementation of the six components of the strategic plan. Dr. Hawley stated that prizes would be awarded to district members caught in the act of being strategic.

### H. INFORMATION AGENDA

1. **CARVER POLICY GOVERNANCE MODEL TRAINING**

   Ms. Miriam Carver, consultant, Miriam Carver Consulting, began the study session by asking members of the Board for comments, questions, and expectations that needed to be addressed at this point. Trustee Fuentes requested information about how this method would help the Board achieve the mission of the district and its
colleges and better serve our students and district community. Ms. Carver answered that the only reason the Board would consider using this approach is that it will help them address critical issues as well as future issues. Policy governance would be a major shift for this Board. The goal of the next three study sessions is to bring the Board much closer to being able to make that shift; however, the timing of when the move is made is really up to the Board.

Ms. Carver began with a review of the components of the Carver Policy Governance Model, presented at the August 24, 2013, Special Governing Board Meeting. She stated that at this meeting the focus would be on the Chancellor’s role and authority and the Board’s need to determine executive limitations to that authority. The CEO is the Board’s only employee who is to be held accountable for organizational performance. Therefore, the CEO needs to have a lot of authority, and the parameters of that authority are to be established clearly by the Board. Ms. Carver discussed the difference between “ends” and “means” as prescribed by the Carver policy governance model. Ends describe outcomes as expected by the named consumers or targeted group. They describe the purpose of the college district but not the accountability. The Board acts on behalf of the owners, who are the general public. It’s the Board’s job to describe who the owners are and what the district should provide to them. This determination will allow the Board to decide worth and priorities as to where the district should put its resources. The definition of means is anything that is not ends. The Board does have responsibility for “means” because the Board is responsible for everything. However, the Board delegates operational means to the CEO and sets executive limitations, which describe what the Board deems unacceptable and which the Board would not approve. Therefore, it is important for the Board to make clear to the CEO what they would consider to be unacceptable and would allow her to work within those parameters to achieve the ends as prescribed by the Board. And the Board would evaluate the CEO’s performance based on the ends that the Board determines.

Ms. Carver reviewed a document created by John and Miriam Carver entitled, Sample Board Policies for Carver’s Policy Governance® Model. In particular, she focused on some of the sample policies which were written to set executive limitations for the Chancellor. These sample broad policy statements also included subheadings containing items associated with each policy.

The Board reviewed and discussed the following executive limitations policies as described in the Sample Board Policies for Carver’s Policy Governance Model. (This document had also been attached to the board meeting agenda and was distributed at the meeting to all attendees.) The focus of this meeting was to begin the review of executive limitations policies. (Please note that all words in bold/italics below indicate edits made by the Board of Trustees at this meeting.)

**Policy Title: Global Executive Constraint** – (Found on pg. 3 of the document)

The CEO will not cause or allow any organizational practice, activity, decision, or circumstance which is either unlawful, imprudent or in violation of commonly accepted business and professional ethics *and practices and principles of social justice.*

The Board determined that the above broad statement was sufficient and did not
need further clarification.

**Policy Title: Treatment of Staff** – (Found on pg. 5 of the document)

With respect to the treatment of paid and volunteer staff, the CEO will not cause or allow conditions that are unfair, undignified, *uncivil* or unclear.

The Board determined the above statement was sufficient and did not need to add the recommended subheading items because those areas are determined by the laws and regulations of the state of California.

**Policy Title: Asset Protection** – (Found on pg. 9 of the document)

The CEO will not cause or allow corporate *district* assets to be unprotected, inadequately maintained, or unnecessarily risked.

The Board determined the above statement was adequate and did not need to add the recommended subheading items since those areas are determined by the laws and regulations of the state of California.

**Policy Title: Global Governance-Management Connection** – (Found on pg. 24 of the document)

The board’s sole official *means authoritative* connection to the operational organization, its *ends* achievements and *means* conduct will be through a Chief Executive Officer, titled *Chancellor*.

The Board determined this statement was sufficient as edited.

**Policy Title: Unity of Control** – (Found on pg. 25 of the document)

Only officially passed motions of the board that make or amend Executive Limitations or Ends policies are binding on the CEO.

Accordingly:

1. Decisions or instructions of individual board members, officers, or committees are not binding on the CEO except in rare instances when the board has specifically authorized such exercise of authority.
2. In the case of board members or committees requesting information or assistance without board authorization, the CEO can refuse such requests that require, in the CEO’s opinion, a material amount of staff time or funds or is disruptive.

The Board determined this statement was sufficient and made no revisions.

**Policy Title: Accountability of the CEO** – (Found on pg. 26 of the document)

The CEO is the board’s only link to operational achievement and conduct, so that all authority and accountability of staff, as far as the board is concerned, is considered
the authority and accountability of the CEO.

Accordingly:

1. The board will never give instructions to persons who report directly or indirectly to the CEO.
2. The board will not evaluate, either formally or informally, any staff other than the CEO.
3. The board will view CEO performance as identical to organizational performance, so that organizational accomplishment of board stated Ends and avoidance of board prescribed means will be viewed as successful CEO performance.

The Board determined this statement was sufficient and made no revisions.

As the meeting was coming to an end, Ms. Carver stated the focus of Wednesday’s study session would include a discussion about “ends.” She requested, in preparation of the meeting, that the Board think about the ends for the San José-Evergreen Community College District by asking the following questions: Who receives a positive impact because of our colleges? (And remember that the “who” is never the staff, faculty, Board, or businesses with whom the district does business.) The answer lies in who receives the benefit and the reason why the colleges were created in the first place. The discussion will not be about programs, services or curricula but will revolve around who is better off because you have the colleges and how that impacts the decisions the Board will make on behalf of the district.

I. CONTINUATION OF CLOSED SESSION

No.

J. RECONVENE OPEN SESSION

ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION

None.

K. ADJOURNMENT

M/S/C (Cruz/Nasol) to adjourn the meeting at 10:02 p.m.

Rita M. Cepeda, Secretary
Board of Trustees
Minutes of the Governing Board Meeting
December 11, 2013

A. CALL MEETING TO ORDER

President Lease called the Special Meeting of the Governing Board of the San José-Evergreen Community College District to order at 4:30 p.m. on Wednesday, December 11, 2013, at the District Office Board Room, 4750 San Felipe Road, San Jose, CA 95135.

Board Members Present:
Ms. Mayra Cruz
Mr. Balbir Dhillon
Ms. Maria Fuentes
Dr. Jeffrey Lease
Ms. Wendy Ho
Mr. Craig Mann
Mr. Zohaib Javed
Mr. Alex Ward

Board Members Excused:
Mr. Rudy Nasol

3. PLEDGE OF ALLEGIANCE

President Lease led the Board and members of the audience in the Pledge of Allegiance to the Flag.

4. ADOPTION OF AGENDA

M/S/C (Cruz/Dhillon) to adopt the agenda as submitted.

5. RESOLUTION NO. 121113-1 TO EXCUSE TRUSTEE RUDY NASOL FROM THE MEETING

M/S (Ho/Cruz) to Resolution No. 121113-1 to excuse Trustee Rudy Nasol from the December 11, 2013, Special Governing Board Meeting, due to illness.

5. PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

There were no public comments.

6. CARVER POLICY GOVERNANCE MODEL TRAINING

At this meeting, Ms. Miriam Carver, consultant, led the Board in a discussion of “ends” as prescribed in the Carver Policy Governance Model. A significant
component of the model is identifying the difference between “ends” and “means.” The ends describe the organizational purpose of the district by the effect that is created for the consumer. Therefore, the ends are determined through asking such questions as: Who is the consumer? What difference is being made in that person’s life or that targeted group’s life? Why do we have a community college district? A significant portion of the Chancellor’s job description is determined by how she accomplishes the ends. The means include everything that is not defined in the ends category, such as specific programs and activities that are used to support the ends. As governance leaders, the Board is responsible for both ends and means. In essence, the Board is accountable for everything. Therefore, the purpose of this study session was to focus on determining the ends of the San José-Evergreen Community College District so that the Board of Trustees could move forward in creating a special category of board governance policies which would enable them to provide excellent governance leadership. Also, these policies would enable the Board to delegate authority to the Chancellor and hold her accountable for achieving the ends which they have adopted.

After much discussion and deliberation, the Board determined that the following draft statement best reflects their broad definition of the district’s ends. However, it was noted that this statement is still in draft form and is a working document. The statement is as follows:

*All students, especially those with educational and/or socioeconomic challenges, will have the skills and capabilities to be successful in the next stage of their life, sufficient to justify the use of available resources.*

1. **Priority goes to job skills sufficient to get, keep and progress in jobs with local employers, particularly in high wage/high growth areas, for all students, especially**
   - Under-prepared students
   - Older displaced students
   - Young people at the start of their careers
2. **Students will have the language proficiency skills to succeed in college.**
3. **Students will be able to be successful in transferring to a four-year institution.**

After the ends discussion, the Board continued to review some executive limitation policies from the Sample Board Policies for Carver’s Policy Governance® Model. (Please note that all words in bold/italics indicate the edits that were made by the Board of Trustees at this meeting.)

**Policy Title: Treatment of Consumers** (Found on pg. 4 of the document)

With respect to interactions with consumers or those applying to be consumers, the CEO will not cause or allow conditions, procedures, or decisions that are unsafe, undignified, unnecessarily intrusive, uncivil or unclear.

The Board determined the above statement was adequate and did not need to add the recommended subheading items since these areas are determined by the laws and regulations of the state of California.
Policy Title: Financial Condition and Activities (Found on pg. 7 of the document)

With respect to the actual, ongoing financial conditions and activities, the CEO will not cause or allow the development of fiscal jeopardy or material deviation of actual expenditures from board priorities established in Ends policies.

The Board kept this statement as is; there were no revisions.

The Board determined the above statement was adequate and did not need to add the recommended subheading items since these areas are determined by the laws and regulations of the state of California.

Policy Title: Compensation and Benefits (Found on pg. 10 of the document)

With respect to employment, compensation, and benefits to employees, consultants, contract workers, and volunteers, the CEO will not cause or allow jeopardy to fiscal integrity or to public image or would negatively affect the Ends policies. The CEO will not:
1. Change the CEO’s own compensation and benefits, except as his or her benefits are consistent with a package for all other employees.
2. Promise or imply permanent or guaranteed employment with the exception of tenured employees.
3. Establish current compensation and benefits that deviate materially from the geographic or professional market for the skills employed.
4. Create obligations over a longer term than revenues can be safely projected, in no event longer than one two years and in all events subject to losses in revenue.

The Board determined that the above broad statement and first four lines of the draft document were sufficient as edited above.

Due to the late time, Ms. Carver suggested continuing the work on the policies at the special board meeting scheduled for Friday, December 13, 2013.

7. ADJOURNMENT

M/S/C (Ho/Cruz) to adjourn the meeting at 10:05 p.m.
A. CALL MEETING TO ORDER

President Lease called the Special Meeting of the Governing Board of the San José-Evergreen Community College District to order at 4:40 p.m. on Friday, December 13, 2013, at the District Office Board Room, 4750 San Felipe Road, San Jose, CA 95135.

Board Members Present:
Ms. Mayra Cruz
Mr. Balbir Dhillon
Ms. Maria Fuentes
Dr. Jeffrey Lease
Ms. Wendy Ho
Mr. Craig Mann
Mr. Rudy Nasol
Mr. Zohaib Javed
Mr. Alex Ward

Board Members Excused:
None

3. PLEDGE OF ALLEGIANCE

President Lease led the Board and members of the audience in the Pledge of Allegiance to the Flag.

4. ADOPTION OF AGENDA

M/S/C (Ho/Cruz) to adopt the agenda as submitted.

5. PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

There were no public comments.

B. INFORMATION AGENDA

1. CARVER POLICY GOVERNANCE MODEL TRAINING

President Lease stated the Board needs to be clear about the ends it wants the district and Chancellor to achieve. The Carver Policy Governance Model provides the framework in which the Board can state its values. Although the Board would vote as to whether or not it wants to approve the Carver Policy Governance Model
as its model for policy governance at a future meeting, he requested that his fellow Trustees treat this special study session as if this model would be approved by the Board. In this manner, the Board would get a lot of work done on the draft policies. The current board policies will not go away as many of them contain California state regulations and procedures determined by the State Chancellor’s Office. However, the Board would be creating its own set of governance policies. He asked the Board to stay focused and on subject at this meeting so they could make progress in reviewing the recommended policies.

Trustee Fuentes expressed concern about how the implementation of the Carver Policy Governance Model could be used to silence the voices of individual board members, especially if the Board President determines the conversation needs to “move on” even though a board member might have questions or want further discussion on an item. President Lease answered that individual members will be allowed to express themselves. However, they will not be allowed to make the same statements over and over again as this is unnecessary and will continue to hinder the Board from making its decisions. Therefore, filibusters will not be allowed in board meetings.

Trustee Dhillon expressed concern about the Board’s apparent urgency in moving forward with the Carver Policy Governance Model. The Chancellor has already provided the Board with a document written by the Community College League of California, and that document clearly delineates the role and function of the Board and the Chancellor. The Board should be adopting and implementing that document as it is legally compliant with the laws and regulations of the State of California. Chancellor Cepeda answered that the document she distributed to the Board contains guidelines and is not a document that deals with governance policies. The Board has no such policies yet, and this is why it is pursuing a model they could use to manage its own governance. President Lease stated that the Board is not throwing out policies that govern what it must legally do.

Ms. Miriam Carver, consultant, led the Board through a review of the governance process policies and also completed the executive limitations policies not completed during the last two meetings.

Please note that attached to the minutes of this meeting, two documents using the template of the Sample Board Policies for Carver’s Policy Governance® Model (one red-lined indicating all changes made by the Board at the meeting and one document submitted as a final draft.) Both documents will show the policy work the Board has achieved at the December 10, December 11 and December 13, 2013, meetings.

**Policy Title: Global Governance Commitment** (Found on pg. 14 of the document)

The purpose of the board, on behalf of the residents of the district, is to see to it that the San José-Evergreen Community College District (a) achieves appropriate results for appropriate persons at an appropriate cost (as specified in board Ends policies), and (b) avoids unacceptable actions and situations (as prohibited in board Executive Limitations policies).
The Board accepted the above statement as revised and there were no subheading items.

**Policy Title: Governing Style** (Found on pg. 15 of the document)

The board will govern lawfully *and in a manner that does not threaten its accreditation*, with an emphasis on (a) outward vision rather than an internal preoccupation, (b) encouragement of diversity in viewpoints, (c) strategic leadership more than administrative detail, (d) clear distinction of board and chief executive roles, (e) collective rather than individual decisions, (f) future rather than past or present, and (g) proactivity rather than reactivity.

The Board accepted the above statement as revised and also accepted the six descriptive items contained in page 15 of the document.

**Policy Title: Board Job Description** (Found on pg. 16 of the document)

Specific job outputs of the board, as an informed agent of the ownership, are those that ensure appropriate organizational performance.

The Board determined that, although the broad statement and subsections of this policy read well, they would need to do a comparison of the district’s current Chapter Two board policies. Therefore, this policy needs further review.

**Policy Title: Agenda Planning** (Found on pg. 17 of the document)

To accomplish its job products with a governance style consistent with board policies, the board will follow an annual agenda which (a) completes a re-exploration of Ends policies annually and (b) continually improves board performance through board education and enriched input and deliberation.

The Board stated that this is a new area for them. Ms. Carver answered that they really should devote one full board meeting for agenda planning. Chancellor Cepeda stated that her office already produces an annual schedule for board meeting items which are required by law for Board approval as well as a schedule when various topics, requested by the Board, would be scheduled. However, the Carver Policy Governance Model would require items not currently scheduled for board meetings. Therefore, this policy would need more extensive review by the Board.

**Policy Title: Chief Governance Officer's Role** (Found on pg. 18 of the document)

The Chief Governance Officer (CGO) assures the integrity of the board’s process.

The Board reviewed the above broad statement and the specific items added to the broad statement and concluded they would need to review this further. Current board policies outlined in Chapter Two address the role of the Board President. Trustee Dhillon stated that the State Chancellor's Office did outline the roles of the Board and Chancellor. We also have constrictions from the CA Government Code. Therefore, it was unclear why we would need this policy as there would be concern
about whether or not this particular policy would be legal. Trustee Ho answered that the Board would not do anything illegal and would do the proper due diligence to ensure these policies would be legally compliant. Trustee Nasol discussed the importance of running board meetings in compliance with the Robert’s Rules of Order. President Lease stated that, if the Board uses Robert’s Rules of Order, than the Board needs to know it. Therefore, the Board would need further training.

Ms. Carver stated that if the Board fully complied with the Robert’s Rules of Order, the meetings would be very formal. This might not be the manner in which the Board wants to run its meetings. However, using the Carver Policy Governance Model, it would be best to include this governance policy, which would determine Board behavior at meetings. Ms. Carver also stated that she and her husband, John Carver, developed this policy governance model and is willing to share the draft policies they have developed with boards who wish to implement the model. However, she would not allow any board to state they are using the Carver Policy Governance Model, if, in actuality, they are not. Therefore, this Board needs to decide whether or not they plan to use the model. If they choose not to, then they would not be allowed to call their governance process the Carver Policy Governance Process.

Policy Title: Board Secretary’s Role (Found on pg. 19 of the document)

The Board Secretary is an officer of the board who purpose is to ensure the integrity of the board’s documents.

The Board determined that this policy (broad statement and specific items) would not be required.

Policy Title: Board Members’ Code of Conduct (Found on pg. 20 of the document)

Chancellor Cepeda stated that the Board recently approved a Code of Ethics policy to address a recommendation made by the Accrediting Commission. Therefore, the Board does have a detailed and specific ethics policy, which they could incorporate into this governance policy. President Lease also stated the Board is legally compliant to adhere to the district’s Conflict of Interest Code and each member submits an annual Form 700 Statement of Economic Interests, which requires them to disclose their economic relationships.

After reviewing the broad statement and specific items reflected in the draft policy, the Board determined to use the broad statement and these particular subheadings contained in the recommended draft policy:

The board commits itself and its members to ethical, businesslike, and lawful conduct, including proper use of authority and appropriate decorum when acting as board members.

1) Board members must have loyalty to the ownership, unconflicted by loyalties to staff, other organizations, and any personal interest as a consumer.

2) Board members will respect the confidentiality appropriate to issues of a sensitive nature.
3) **Board members will be properly prepared for board deliberation.**

4) **Board members will support the legitimacy and authority of board decisions, irrespective of the member's personal position on the issue.**

**Policy Title: Board Committee Principles** (Found on pg. 21 of the document)

Board committees, when used, will be assigned so as to reinforce the wholeness of the board’s job and so as never to interfere with delegation from board to CEO.

After reviewing the above broad statement and specific items reflected in this draft policy, the Board determined they would use it as written. The Board will need to determine whether or not certain committees they have already established pose a conflict by interfering with the Chancellor’s role.

**Policy Title: Cost of Governance** – (Found on pg. 23 of the document)

Because poor governance cost more than learning to govern well, the board will invest in its governance capacity.

After reviewing the above broad statement and specific items reflected in this draft policy, the Board determined they would use it as written. However, they will need to fill in the blanks by determining the dollar amount of resources that would be allocated. The expectation is that this information would be provided to the Board by the district’s Vice Chancellor of Administrative Services.

When Ms. Carver finished reviewing the governance process policies, she returned to some of the executive limitation policies for further review.

**Policy Title: Emergency CEO Succession** (Found on pg. 8 of the document)

In order to protect the board from sudden loss of CEO services, the CEO will have no fewer than two other executives sufficiently familiar with board and CEO issues and processes to enable either to take over with reasonable proficiency as an interim successor.

The Board determined this broad policy statement was sufficient as written. Chancellor Cepeda stated this policy is already a standard procedure that she has used during her tenure as Chancellor.

**Policy Title: Communication and Support to the Board** (Found on pg. 11 of the document)

The CEO will not permit the board to be uninformed or unsupported in its work.

After reviewing the above broad statement and specific items reflected in this draft policy, the Board determined they would use it as written.

**Policy Title: Ends Focus of Grants or Contracts** (Found on pg. 13 of the document)
The CEO will not enter into any grant or contract arrangements that fail to emphasize the production of ends and the avoidance of unacceptable means.

The Board determined this broad policy statement, with the minor edit, was sufficient and would not need any further specific subheadings to support the statement.

After a review of the policies, President Lease requested that Chancellor Cepeda produce a draft document that would reflect the revisions to the policies that the Board has made during the last three meetings. Chancellor Cepeda stated that she would provide that document and attach it to the December 13 meeting minutes.

C. ACTION AGENDA

1. POLICY GOVERNANCE MODEL AGREEMENT BY BOARD OF TRUSTEES

M/S/C (Nasol/Ho) to agreement in principle with the draft document the Board has completed during the last three board meetings and also to agree this draft document would be further reviewed at a future board meeting. Trustee Fuentes abstained. Trustee Dhillon was not present for the vote.

ADJOURNMENT

D.

M/S/C (Nasol/Ho) to adjourn the meeting at 8:34 p.m.

Rita M. Cepeda, Secretary
Board of Trustees
Our first seminar acquainted you with the Policy Governance® model. Now you will move from the abstract model to concrete board policies. The "blitz" session is so-named because your board will be able to produce many (often most) of its new policies in a couple of days. (ENDS policies are not amenable to such rapid development). In this session, we will deal with the three non-Ends (therefore, means) categories: GOVERNANCE PROCESS, BOARD-MANAGEMENT DELEGATION and EXECUTIVE LIMITATIONS.

My consultant role will be different from the initial seminar. I will be more a facilitator than a teacher; you will do most of the work. Having read all policy samples before you come will help greatly. It is best that all board members participate in the full day, but it is very important that all board members attend for at least a part of the day in order to get a personal taste of the process. Board members who are unable to attend any of the policy development can aid the effort immeasurably by agreeing ahead of time to accept the work of those who do attend (unless they have serious ethical reservations about the product). Non-attenders can damage board progress if they demand that the board go over everything done in their absence.

Here are some points to remember about policymaking under the Policy Governance model:

- Although the simple word “policies” is a familiar one, do not confuse these policies with the format, nature, or meaning of policies with which you are familiar. These are very different.

- Your staff will continue to have more and lengthier documents than the board. Producing board policies is not a matter of approving staff documents or of plunging the board into staff methods and practices. Board policies are the board's policies, not a sanctioning of staff's.

- Consequently, although staff ideas and insights concerning board policies can be valuable, they are neither the driving force nor the point of origin. Board policies are written statements of the board's values and perspectives. The board does not approve these policies so much as generate them.
A very few, brief board policies can govern an extensive amount of detail. Such policies enhance accountability because they save the board from an impossible task. But as these policies have great leverage, they must be treated with great care and respect.

It is important that the board not "fly by the seat of its pants." Before discussing any issue that comes up, you must first determine the type of issue and to whom the issue belongs. The new policy system will help make those decisions. Just because an issue is relevant somewhere in the organization does not justify the board’s talking about it. Inappropriate involvement is damaging.

The policies you produce in this session, along with others you will create in the future, must remain the centerpiece of your board work. Never take an action or engage in a process without relating the matter to existing policies. Your policies will be brief and few, so keeping the system consistent will not be difficult. You can change your policies anytime your judgment dictates, but you cannot wander away from them and expect to build excellence.

Remember: All board decisions fit into this comprehensive, yet succinct set of policies. Look at your policies as the total library of board decisions currently in effect.

Our agenda is open to change, but you can expect it to go something like this:

- **Model Review** - quick review of the principles and concepts. Bring your questions from last session.

- **Development of Executive Limitations Policies** - these policies establish prudence and ethical boundaries on staff action, thereby limiting executive authority.

- **Development of Board-Management Delegation Policies** - these are the policies which set out the nature of executive delegation - though not its content - and accountability.

- **Development of Governance Process Policies** - these policies deal with the process, products, and commitments of governance itself, including committees, owner linkage, and discipline.

- **Framing the Ends Policies** - we will set the stage for your later Ends work and its relationship to strategic planning.

Board members should continue to develop skills as governors. Refer to *Boards That Make a Difference* (John Carver), *Reinventing Your Board* (JC and Miriam Carver), *John Carver on Board Leadership* (JC), and *Board Leadership* (bimonthly periodical, executive editors JC and MC), and the *Carver Policy Governance Guides* (JC and MC). For continuing skills, use *The Board Member’s Playbook* (MC and Bill Charney). If applicable, refer to *Corporate Boards That Create Value* (JC with Caroline Oliver). All are published by Jossey-Bass, a Wiley Company.
POLICY TITLE: GLOBAL EXECUTIVE CONSTRAINT

The CEO will not cause or allow any organizational practice, activity, decision, or circumstance which is either unlawful, imprudent or in violation of commonly accepted business and professional ethics and practices and principles of social justice.

THIS POLICY FORMS THE LARGEST (I.E., BROADEST AND THEREFORE MOST OPEN TO INTERPRETATION) OF ALL POLICIES IN THE EXECUTIVE LIMITATIONS POLICY CATEGORY. ANY FURTHER EXECUTIVE LIMITATIONS POLICIES WILL MERELY BE A NARROWING OF THE PROVISIONS OF THIS POLICY. THE NEXT SEVERAL PAGES THAT FOLLOW ARE EXAMPLES OF SUCH FURTHER NARROWING. REMEMBER THAT THE CEO IS GRANTED THE AUTHORITY TO USE ANY REASONABLE INTERPRETATION OF THE BOARD’S WORDS HE OR SHE Chooses.
POLICY TYPE: EXECUTIVE LIMITATIONS

POLICY TITLE: TREATMENT OF CONSUMERS

With respect to interactions with consumers or those applying to be consumers, the CEO will not cause or allow conditions, procedures, or decisions that are unsafe, undignified, or unnecessarily intrusive, uncivil or unclear.

The CEO will not

1. Elicit information for which there is no clear necessity.

2. Use methods of collecting, reviewing, transmitting, or storing client information that fail to protect against improper access to the material elicited.

3. Operate facilities without appropriate accessibility and privacy.

4. Allow consumers to be unaware of what may be expected and what may not be expected from services.

5. Leave consumers uninformed of this policy, or without a way to be heard for persons who believe they have not been accorded a reasonable interpretation of their protections under this policy.
POLICY TYPE: EXECUTIVE LIMITATIONS

POLICY TITLE: TREATMENT OF STAFF

With respect to the treatment of paid and volunteer staff, the CEO will not cause or allow conditions that are unfair, undignified, disorganized, or unclear or uncivil.

The CEO will not

1. Operate without sufficient, written personnel rules.
   A. Subject staff to rules that are not clear and available.
   B. Withhold from staff an effective and unbiased method to deal with grievances
   C. Subject staff to wrongful conditions, nepotism, or preferential treatment based on personal reasons

2. Retaliate against any staff member for non-disruptive expression of dissent.

3. Allow staff to be unprepared to deal with emergency situations.
POLICY TITLE: FINANCIAL PLANNING/BUDGETING

Financial planning for any fiscal year or the remaining part of any fiscal year will not deviate materially from board’s Ends priorities, risk fiscal jeopardy, or fail to be derived from a multi-year plan.

The CEO will not allow budgeting that:

1. Risks incurring those situations or conditions described as unacceptable in the board policy “Financial Condition and Activities.”

2. Omits credible projection of revenues and expenses, separation of capital and operational items, cash flow, and disclosure of planning assumptions.

3. Provides less for board prerogatives during the year than is set forth in the Cost of Governance policy.
POLICY TYPE: EXECUTIVE LIMITATIONS

POLICY TITLE: FINANCIAL CONDITION AND ACTIVITIES

With respect to the actual, ongoing financial condition and activities, the CEO will not cause or allow the development of fiscal jeopardy or material deviation of actual expenditures from board priorities established in Ends policies.

The CEO will not

1. Expend more funds than have been received in the fiscal year to date unless the debt guideline (below) is met.

2. Incur debt in an amount greater than can be repaid by certain, otherwise unencumbered revenues within xx days.

3. Use any long term reserves.

4. Conduct interfund shifting in amounts greater than can be restored to a condition of discrete fund balances by certain, otherwise unencumbered revenues within xx days.

5. Allow payroll and debts to be settled in an untimely manner.

6. Allow tax payments or other government ordered payments or filings to be overdue or inaccurately filed.

7. Make a single purchase or commitment of greater than $———, nor split orders to avoid this limit.

8. Acquire, encumber or dispose of real estate.

9. Allow receivables to be unpursued after a reasonable grace period.
POLICY TYPE: EXECUTIVE LIMITATIONS

POLICY TITLE: EMERGENCY CEO SUCCESSION

In order to protect the board from sudden loss of CEO services, the CEO will have no fewer than two other executives sufficiently familiar with board and CEO issues and processes to enable either to take over with reasonable proficiency as an interim successor.
POLICY TYPE: EXECUTIVE LIMITATIONS

POLICY TITLE: ASSET PROTECTION

The CEO will not cause or allow corporate district assets to be unprotected, inadequately maintained, or unnecessarily risked.

The CEO will not

1. Allow board members, staff, and the organization itself to be inadequately insured against theft, casualty, and liability losses.

2. Allow unbonded personnel access to material amounts of funds.

3. Subject property, plant, and equipment to improper wear and tear or insufficient maintenance.

4. Unnecessarily expose the organization, its board or staff to claims of liability.

5. Make any purchase: (a) wherein normally prudent protection has not been given against conflict of interest; (b) of over $________ without having obtained comparative prices and quality; (c) of over $________ without a stringent method of assuring the balance of long term quality and cost. Orders shall not be split to avoid these criteria.

6. Allow intellectual property, information and files to be exposed to loss or significant damage.

7. Receive, process or disburse funds under controls that are insufficient to meet the board-appointed auditor's standards.

8. Compromise the independence of the board’s audit or other external monitoring or advice. Engaging parties already chosen by the board as consultants or advisers is unacceptable.

9. Invest or hold operating capital in insecure instruments, including uninsured checking accounts and bonds of less than AA rating at any time, or in non interest-bearing accounts except where necessary to facilitate ease in operational transactions.

10. Endanger the organization's public image, credibility, or its ability to accomplish Ends.

11. Change the organization’s name or substantially alter its identity in the community.

12. Create or purchase any subsidiary corporation unless: (a) more than 80% is owned by this organization; (b) initial capitalization by this organization is less than $________ or ____% of the reserve fund; (c) no staff member has an ownership interest; and (d) there is no reasonable chance of resultant damage to the reputation of this organization.
POLICY TYPE: EXECUTIVE LIMITATIONS

POLICY TITLE: COMPENSATION AND BENEFITS

With respect to employment, compensation, and benefits to employees, consultants, contract workers, and volunteers, the CEO will not cause or allow jeopardy to fiscal integrity or to public image or would negatively effect the Ends policies. The CEO will not

1. Change the CEO’s own compensation and benefits, except as his or her benefits are consistent with a package for all other employees.

2. Promise or imply permanent or guaranteed employment with the exception of tenured employees.

3. Establish current compensation and benefits that deviate materially from the geographic or professional market for the skills employed.

4. Create obligations over a longer term than revenues can be safely projected, in no event longer than one two years and in all events subject to losses in revenue.

5. Establish or change retirement benefits so as to cause unpredictable or inequitable situations, including those that:

   A. Incur unfunded liabilities.

   B. Provide less than some basic level of benefits to all full time employees, though differential benefits to encourage longevity are not prohibited.

   C. Treat the CEO differently from other key employees.
POLICY TYPE: EXECUTIVE LIMITATIONS

POLICY TITLE: COMMUNICATION AND SUPPORT TO THE BOARD

The CEO will not permit the board to be uninformed or unsupported in its work.

The CEO will not

1. Withhold, impede, or confound information relevant to the board’s informed accomplishment of its job.
   
   A. Neglect to submit monitoring data required by the board in Board-Management Delegation policy “Monitoring CEO Performance” in a timely, accurate and understandable fashion, directly addressing provisions of board policies being monitored, and including CEO interpretations consistent with Board-Management Delegation policy “Delegation to the CEO,” as well as relevant data.

   B. Allow the board to be unaware of any actual or anticipated noncompliance with any Ends or Executive Limitations policy, regardless of the board’s monitoring schedule.

   C. Allow the board to be without decision information required periodically by the board or let the board be unaware of relevant trends.

   D. Present information in unnecessarily complex or lengthy form or in a form that fails to differentiate among information of three types: monitoring, decision preparation, and other.

   E. Let the board be unaware of any incidental information it desires including anticipated media coverage, threatened or pending lawsuits and material internal changes.

   F. Let the board be unaware if, in the CEO’s opinion, the board is not in compliance with its own policies on Governance Process and Board-Management Delegation, particularly in the case of board behavior that is detrimental to the work relationship between the board and the CEO.

2. Withhold from the board and its processes logistical and clerical assistance.

   A. Allow the board to be deprived of a workable, user-friendly mechanism for official board, officer, or committee communications.

   B. Allow the board to be deprived of pleasant and efficient settings and arrangements for board and committee meetings.
3. Impede the board’s holism, misrepresent its processes and role, or impede its lawful obligations.

A. Deal with the board in a way that favors or privileges certain board members over others except when (i) fulfilling individual requests for information or (ii) responding to officers or committees with respect to duties charged to them by the board.

B. Allow the board to do its work without the necessary items on its Required Approvals agenda. Necessary items are those decisions delegated to the CEO yet required by law, regulation, or contract to be board-approved, along with applicable monitoring information.

C. Hinder access to the board for any person who alleges unethical or unlawful action or circumstance in the organization or by its representatives.
POLICY TYPE: EXECUTIVE LIMITATIONS

POLICY TITLE: ENDS FOCUS OF GRANTS OR CONTRACTS

The CEO will not enter into any grant or contract arrangements that fail to emphasize the production of ends and the avoidance of unacceptable means.

The CEO will not

1. Allow grantees to be unaware of restrictions on particular methods and activities to preclude grant funds from being used in imprudent, unlawful or unethical ways.

2. Make grants to grantees that do not have, in the CEO’s opinion, the capacity to produce appropriately targeted, efficient results.

3. Fund specific methods except when doing so for research purposes, when the result to be achieved is knowledge about differential effectiveness of various methods.

[THIS POLICY APPLIES TO FOUNDATION BOARDS OR OTHER GRANTORS. IF USED BY AN ORGANIZATION THAT CONTRACTS OUT SERVICES, APPROPRIATE WORDING CHANGES WILL MAKE IT APPLICABLE, SUCH AS CHANGING “GRANTEE” TO “SERVICE PROVIDER” OR “VENDOR AGENCY.”]
POLICY TYPE: GOVERNANCE PROCESS

POLICY TITLE: GLOBAL GOVERNANCE COMMITMENT

The purpose of the board, on behalf of [identify the ownership here, the residents of the district], is to see to it that [name of organization here, the San José-Evergreen Community College District] (a) achieves appropriate results for appropriate persons at an appropriate cost (as specified in board Ends policies), and (b) avoids unacceptable actions and situations (as prohibited in board Executive Limitations policies).

THE "MORAL OWNERSHIP" IDENTITY IS TO BE INSERTED IN THE BLANK PROVIDED. THIS COULD BE "GENERAL PUBLIC," "PEOPLE OF MONTGOMERY COUNTY," "MEMBERSHIP," "CITIZENS OF SAN FRANCISCO," "PERSONS CONCERNED ABOUT X," OR OTHER SUCH BASE OF OWNERSHIP.
POLICY TYPE: GOVERNANCE PROCESS

POLICY TITLE: GOVERNING STYLE

The board will govern lawfully and in a manner that does not threaten its accreditation with an emphasis on (a) outward vision rather than an internal preoccupation, (b) encouragement of diversity in viewpoints, (c) strategic leadership more than administrative detail, (d) clear distinction of board and chief executive roles, (e) collective rather than individual decisions, (f) future rather than past or present, and (g) proactivity rather than reactivity.

Accordingly:

1. The board will cultivate a sense of group responsibility. The board, not the staff, will be responsible for excellence in governing. The board will be the initiator of policy, not merely a reactor to staff initiatives. The board will not use the expertise of individual members to substitute for the judgment of the board, although the expertise of individual members may be used to enhance the understanding of the board as a body.

2. The board will direct, control and inspire the organization through the careful establishment of broad written policies reflecting the board's values and perspectives. The board's major policy focus will be on the intended long-term impacts outside the staff organization, not on the administrative or programmatic means of attaining those effects.

3. The board will enforce upon itself whatever discipline is needed to govern with excellence. Discipline will apply to matters such as attendance, preparation for meetings, policymaking principles, respect of roles, and ensuring the continuance of governance capability. Although the board can change its governance process policies at any time, it will observe those currently in force scrupulously.

4. Continual board development will include orientation of new board members in the board's governance process and periodic board discussion of process improvement.

5. The board will allow no officer, individual, or committee of the board to hinder or be an excuse for not fulfilling group obligations.

6. The board will monitor and discuss the board's process and performance at each meeting. Self-monitoring will include comparison of board activity and discipline to policies in the Governance Process and Board-Management Delegation categories.
POLICY TYPE: GOVERNANCE PROCESS

POLICY TITLE: BOARD JOB DESCRIPTION

Specific job outputs of the board, as an informed agent of the ownership, are those that ensure appropriate organizational performance.

Accordingly, the board has direct responsibility to create:

1. The link between the ownership and the operational organization.

2. Written governing policies that address the broadest levels of all organizational decisions and situations.
   A. Ends: Organizational products, impacts, benefits, outcomes, recipients, and their relative worth (what good for which recipients at what cost/priority).
   B. Executive Limitations: Constraints on executive authority that establish the prudence and ethics boundaries within which all executive activity and decisions must take place.
   C. Governance Process: Specification of how the board conceives, carries out and monitors its own task.
   D. Board-Management Delegation: How power is delegated and its proper use monitored including, if applicable, the CEO role, authority, and accountability.

3. Assured successful organizational performance on Ends and Executive Limitations.

[A BOARD CAN SET ANNUAL TARGETS ABOUT INTEGRITY OR COMPLETENESS IN THESE AREAS EITHER BY EXPANDING THIS POLICY OR ESTABLISHING A SEPARATE POLICY TITLED, FOR EXAMPLE, “ANNUAL GOVERNANCE PLAN.”]

[OTHER JOB "PRODUCTS" OF THE BOARD WHICH MAY BE APPROPRIATE FOR SOME ORGANIZATIONS MAY INCLUDE, E.G., “LEGISLATIVE CHANGE,” “DONOR FUNDING,” OR OTHER OUTPUTS FOR WHICH THE BOARD CHOOSES TO HOLD ITSELF DIRECTLY RESPONSIBLE.]

[BE SURE TO INCLUDE ANY DECISION AREAS THAT EXECUTIVE LIMITATIONS POLICIES HAVE DENIED TO THE CEO.]
POLICY TYPE: GOVERNANCE PROCESS

POLICY TITLE: AGENDA PLANNING

To accomplish its job products with a governance style consistent with board policies, the board will follow an annual agenda which (a) completes a re-exploration of Ends policies annually and (b) continually improves board performance through board education and enriched input and deliberation.

1. The cycle will conclude each year on __________ so that administrative planning and budgeting can be based on accomplishing a one year segment of the board’s most recent statement of long term Ends.

2. The cycle will start with the board’s development of its agenda for the next year.

   A. Consultations with selected groups in the ownership, or other methods of gaining ownership input will be determined and arranged in the first quarter, to be held during the balance of the year.

   B. Governance education, and education related to Ends determination, (e.g. presentations by futurists, demographers, advocacy groups, staff, etc.) will be arranged in the first quarter, to be held during the balance of the year.

3. Throughout the year, the board will attend to consent agenda items as expeditiously as possible.

4. At any meeting prior to which monitoring reports have been received, the board will ascertain by vote whether a majority of members judge the individual reports to have demonstrated fulfillment of a reasonable interpretation of the applicable policy.

5. CEO remuneration will be decided after a review of monitoring reports received in the last year during the month of ……….
POLICY TITLE: CHIEF GOVERNANCE OFFICER’S ROLE

The Chief Governance Officer (CGO) assures the integrity of the board's process.

Accordingly:

1. The assigned result of the CGO’s job is that the board behaves consistently with its own rules and those legitimately imposed upon it from outside the organization.

   A. Meeting discussion content will be on those issues which, according to board policy, clearly belong to the board to decide or to monitor.

   B. Information that is for neither monitoring performance nor board decisions will be avoided or minimized and always noted as such.

   C. Deliberation will be fair, open, and thorough, but also timely, orderly, and kept to the point.

2. The authority of the CGO consists in making decisions that fall within topics covered by board policies on Governance Process and Board-Management Delegation, with the exception of (a) employment or termination of a CEO and (b) where the board specifically delegates portions of this authority to others. The CGO is authorized to use any reasonable interpretation of the provisions in these policies.

   A. The CGO is empowered to chair board meetings with all the commonly accepted power of that position, such as ruling and recognizing.

   B. The CGO has no authority to make decisions about policies created by the board within Ends and Executive Limitations policy areas. Therefore, the CGO has no authority to supervise or direct the CEO.

   C. The CGO may represent the board to outside parties in announcing board-stated positions and in stating chair decisions and interpretations within the area delegated to her or him.

   D. The CGO may delegate this authority, but remains accountable for its use.
POLICY TITLE: BOARD SECRETARY’S ROLE

The Board Secretary is an officer of the board whose purpose is to ensure the integrity of the board’s documents.

1. The assigned result of the Secretary’s job is to see to it that all board documents and filings are accurate and timely.

   A. Policies will be current in their reflection of board decisions. Decisions upon which no subsequent decisions are to be based, such as consent agenda decisions, motions to adjourn, and staff or board member recognitions need not be placed in policy.
   B. Policies will rigorously follow Policy Governance principles.
   C. By laws elements necessary for legal compliance and for consistency with the principles of Policy Governance will be known to the board.
   D. Requirements for format, brevity, and accuracy of board minutes will be known to the CEO.

2. The authority of the Secretary is access to and control over board documents, and the use of staff time not to exceed X hours per year.
POLICY TYPE: GOVERNANCE PROCESS

POLICY TITLE: BOARD MEMBERS' CODE OF CONDUCT

The board commits itself and its members to ethical, businesslike, and lawful conduct, including proper use of authority and appropriate decorum when acting as board members.

1. Board members must have loyalty to the ownership, unconflicted by loyalties to staff, other organizations, and any personal interest as a consumer.

2. Board members must avoid conflict of interest with respect to their fiduciary responsibility.
   
   A. There will be no self-dealing or business by a member with the organization. Members will annually disclose their involvements with other organizations, with vendors, or any associations that might be or might reasonably be seen as being a conflict.
   
   B. When the board is to decide upon an issue, about which a board member has an unavoidable conflict of interest, that member shall absent herself or himself without comment from not only the vote, but also from the deliberation.
   
   C. Board members will not use their board position to obtain employment in the organization for themselves, family members, or close associates. Should a board member apply for employment, he or she must first resign from the board.

3. Board members may not attempt to exercise individual authority over the organization.
   
   A. Board members' interaction with the CEO or with staff must recognize the lack of authority vested in individuals except when explicitly board authorized.
   
   B. Board members' interaction with public, press or other entities must recognize the same limitation and the inability of any board member to speak for the board except to repeat explicitly stated board decisions.
   
   C. Except for participation in board deliberation about whether the CEO has achieved any reasonable interpretation of board policy, members will not express individual judgments of performance of employees of the CEO.

4. Board members will respect the confidentiality appropriate to issues of a sensitive nature.

5. Board members will be properly prepared for board deliberation.

6. Board members will support the legitimacy and authority of board decisions, irrespective of the member’s personal position on the issue.

7. Board members will contribute [no less than $xxxx][no fewer than 100 hours as operational volunteers as directed by staff] each year.
POLICY TYPE: GOVERNANCE PROCESS

POLICY TITLE: BOARD COMMITTEE PRINCIPLES

Board committees, when used, will be assigned so as to reinforce the wholeness of the board’s job and so as never to interfere with delegation from board to CEO.

Accordingly:

1. Board committees are to help the board do its job, not to help or advise the staff. Committees ordinarily will assist the board by preparing policy alternatives and implications for board deliberation. In keeping with the board’s broader focus, board committees will normally not have direct dealings with current staff operations.

2. Board committees may not speak or act for the board except when formally given such authority for specific and time-limited purposes. Expectations and authority will be carefully stated in order not to conflict with authority delegated to the CEO.

3. Board committees cannot exercise authority over staff. Because the CEO works for the full board, he or she will not be required to obtain approval of a board committee before an executive action.

4. Board committees are to avoid over-identification with organizational parts rather than the whole. Therefore, a board committee that has helped the board create policy on some topic will not be used to monitor organizational performance on that same subject.

5. Committees will be used sparingly and ordinarily in an ad hoc capacity.

6. This policy applies to any group which is formed by board action, whether or not it is called a committee and regardless whether the group includes board members. It does not apply to committees formed under the authority of the CEO.
POLICY TYPE: GOVERNANCE PROCESS

POLICY TITLE: BOARD COMMITTEE STRUCTURE

A committee is a board committee only if its existence and charge come from the board, regardless whether board members sit on the committee. The only board committees are those which are set forth in this policy. Unless otherwise stated, a committee ceases to exist as soon as its task is complete.

[THIS IS NOT A LIST OF SUGGESTED COMMITTEES, BUT SIMPLY AN ILLUSTRATION OF HOW LEGITIMATE BOARD COMMITTEES SHOULD BE DESCRIBED]

1. Public Positions Advisory Committee
   B. Authority: To incur costs of no more than $1,000 direct charges and no more than 50 hours of staff time.

2. Legislative Change Advisory Committee
   A. Product: Options and implications for board consideration regarding long term legislative or regulatory effects to be achieved by the board—by no later than September 30, 2004.
   B. Authority: To incur costs of no more than $3,000 direct charges and no more than 70 hours of staff time.

3. Nominating Committee
   A. Product: Properly screened potential board members—by no later than May 20 each year.
   B. Authority: To incur costs of no more than $1,000 direct charges and no more than 20 hours of staff time per annum.

4. Audit Committee
   A. Product: Specification of scope of audit prior to outside audit—by no later than January 10 each year.
   B. Authority: To incur no more than $30,000 direct charges and use of no more than 50 person-hours staff time per annum.
POLICY TYPE: GOVERNANCE PROCESS

POLICY TITLE: COST OF GOVERNANCE

Because poor governance costs more than learning to govern well, the board will invest in its governance capacity.

Accordingly:

1. Board skills, methods, and supports will be sufficient to assure governing with excellence.
   
   A. Training and retraining will be used liberally to orient new members and candidates for membership, as well as to maintain and increase existing member skills and understandings.
   
   B. Outside monitoring assistance will be arranged so that the board can exercise confident control over organizational performance. This includes, but is not limited to, fiscal audit.
   
   C. Outreach mechanisms will be used as needed to ensure the board’s ability to listen to owner viewpoints and values.

2. Costs will be prudently incurred, though not at the expense of endangering the development and maintenance of superior capability.
   
   A. Up to $___________ in fiscal year __________ for training, including attendance at conferences and workshops.
   
   B. Up to $___________ in fiscal year __________ for audit and other third-party monitoring of organizational performance.
   
   C. Up to $___________ in fiscal year __________ for surveys, focus groups, opinion analyses, and meeting costs.
The board’s sole official \textit{Means authoritative} connection to the operational organization, its \textit{Ends} achievements and \textit{Means} conduct will be through a Chief Executive Officer, titled \underline{Chancellor}.
POLICY TYPE: BOARD-MANAGEMENT DELEGATION

POLICY TITLE: UNITY OF CONTROL

Only officially passed motions of the board that make or amend Executive Limitations or Ends policies are binding on the CEO.

Accordingly:

1. Decisions or instructions of individual board members, officers, or committees are not binding on the CEO except in rare instances when the board has specifically authorized such exercise of authority.

2. In the case of board members or committees requesting information or assistance without board authorization, the CEO can refuse such requests that require, in the CEO’s opinion, a material amount of staff time or funds or is disruptive.
POLICY TITLE: ACCOUNTABILITY OF THE CEO

The CEO is the board’s only link to operational achievement and conduct, so that all authority and accountability of staff, as far as the board is concerned, is considered the authority and accountability of the CEO.

Accordingly:

1. The board will never give instructions to persons who report directly or indirectly to the CEO.

2. The board will not evaluate, either formally or informally, any staff other than the CEO.

3. The board will view CEO performance as identical to organizational performance, so that organizational accomplishment of board stated Ends and avoidance of board proscribed means will be viewed as successful CEO performance.
POLICY TYPE: BOARD-MANAGEMENT DELEGATION

POLICY TITLE: DELEGATION TO THE CEO

The board will instruct the CEO through written policies which prescribe the organizational Ends to be achieved, and describe organizational situations and actions to be avoided, allowing the CEO to use any reasonable interpretation of these policies.

Accordingly:

1. The board will develop policies instructing the CEO to achieve specified results, for specified recipients at a specified relationship between cost and results. These policies will be developed systematically from the broadest, most general level to more defined levels, and will be called Ends policies. All issues that are not Ends issues as defined above are Means issues.

2. The board will develop policies that limit the latitude the CEO may exercise in choosing the organizational means. These limiting policies will describe those practices, activities, decisions and circumstances that would be unacceptable to the board, even if they were to be effective. These policies will be developed systematically from the broadest, most general level to more defined levels; they will be called Executive Limitations policies. The board will never prescribe organizational means of the CEO.
   a. Below the global level, a single limitation at any given level does not limit the scope of any foregoing level.
   b. Below the global level, the aggregate of limitations on a given level may embrace the scope of the foregoing level, but only if justified by the CEO to the board’s satisfaction.

3. As long as the CEO uses any reasonable interpretation of the board’s Ends and Executive Limitations policies, the CEO is authorized to establish all further policies, make all decisions, take all actions, establish all practices and develop all activities. Such decisions of the CEO shall have full force and authority as if decided by the board.

4. The board may change its Ends and Executive Limitations policies, thereby shifting the boundary between board and CEO domains. By doing so, the board changes the latitude of choice given to the CEO. But as long as any particular delegation is in place, the board will respect and support the CEO’s choices.
POLICY TYPE: BOARD-MANAGEMENT DELEGATION

POLICY TITLE: MONITORING CEO PERFORMANCE

Systematic and rigorous monitoring of CEO performance will be solely against the board’s required CEO job outputs: organizational accomplishment of any reasonable interpretation of board policies on Ends and organizational operation within the boundaries established in board policies on Executive Limitations, reasonably interpreted.

Accordingly:

1. Monitoring is simply to determine whether or not expectations expressed in board policies have been met. Information that does not disclose this will not be considered to be monitoring information.

2. The board will obtain disclosure about the CEO’s interpretations of the board policy being monitored from the CEO himself or herself.

3. The board will obtain data disclosing whether or not the CEO’s interpretations have been accomplished using one or more of three methods: (a) by internal report, in which the CEO discloses the data to the board; (b) by external report, in which an external, disinterested third party selected by the board collects the data; and (c) by direct inspection, in which data are collected by the board, a designated board member or by designated board members.

4. In every case, the board will determine: (a) the reasonableness of the CEO’s interpretations, using a “reasonable person test” rather than with interpretations favored by board members or the board as a whole. The board is the final arbiter of reasonableness. The board will also assess: (b) whether data demonstrate the accomplishment of the interpretation.

5. All policies that instruct the CEO will be monitored at a frequency and by a method chosen by the board. The board can monitor any policy at any time by any method, but will normally use a routine schedule.

<table>
<thead>
<tr>
<th>Policy</th>
<th>Method</th>
<th>Frequency</th>
<th>Month</th>
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</thead>
<tbody>
<tr>
<td>Actual Financial Condition</td>
<td>Internal</td>
<td>Quarterly</td>
<td>1,4,7,10</td>
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<tr>
<td>Financial Planning</td>
<td>External</td>
<td>Annually</td>
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<tr>
<td>Treatment of Staff</td>
<td>Internal</td>
<td>Annually</td>
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</tr>
<tr>
<td>Ends 2</td>
<td>Internal</td>
<td>Annually</td>
<td>7</td>
</tr>
</tbody>
</table>

POLICY TYPE: ENDS

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Pending further board determinations, *Ends* of the organization will remain as previously stated explicitly by the board or as found implicitly in previously adopted board documents.

All students, especially those with educational and/or socioeconomic challenges, will have the skills and capabilities to be successful in the next stage of their life, sufficient to justify the use of available resources.

1. **Priority goes to job skills sufficient to get, keep and progress in jobs with local employers.**
   - Under-prepared students
   - Older displaced students
   - Young people at the start of their careers

2. **Students will have the language proficiency skills to succeed in college.**

3. **Students will be able to be successful in transferring to a four-year institution.**

[This policy is intended only to hold the board's previous intentions in place while it sets out on the long, never-ending task of exploring, debating and adopting actual *Ends* policies. Since your chief executive has been given the authority to make *Ends* decisions as long as they are consistent with the board's *Ends* policies (see "Delegation to the Chief Executive" policy), it would be an oversight—a "hole" in the system—for the board not to have even one broad *Ends* policy in place. It is very important, however, for the board to commit itself to begin immediately on the *Ends* journey. That will not be quickly done as in this blitz process, but may take months to have a useful product and in a larger sense will go on in perpetuity. Once operating on the system, *as you are now in a position to do*, linking with the ownership, *Ends* development, and continual skill-maintaining practice and training are virtually the only time-consuming work of the board.]

You are now engaged in Policy Governance, a powerful tool to express board leadership while valuing staff leadership as well. The hard part is just beginning. But it is also the most rewarding, the most far-reaching and the fullest expression of your trusteeship. Adopt whatever mechanisms of discipline are required to keep you on course, including evaluation of your process every board meeting. Like any improvement effort, this one will not sustain itself. Your commitment and discipline are necessary to make it work. Almost every rule, principle or concept needed to make the process successful is included in the
policy language you have just worked out. When in doubt, do not overlook the simple expedient of simply going to your policies to see what you have already said. Link with other boards that are working in this way to exchange ideas and support and even gimmicks that help.
Our first seminar acquainted you with the Policy Governance® model. Now you will move from the abstract model to concrete board policies. The "blitz" session is so-named because your board will be able to produce many (often most) of its new policies in a couple of days. (ENDS policies are not amenable to such rapid development). In this session, we will deal with the three non-Ends (therefore, means) categories: GOVERNANCE PROCESS, BOARD-MANAGEMENT DELEGATION and EXECUTIVE LIMITATIONS.

My consultant role will be different from the initial seminar. I will be more a facilitator than a teacher; you will do most of the work. Having read all policy samples before you come will help greatly. It is best that all board members participate in the full day, but it is very important that all board members attend for at least a part of the day in order to get a personal taste of the process. Board members who are unable to attend any of the policy development can aid the effort immeasurably by agreeing ahead of time to accept the work of those who do attend (unless they have serious ethical reservations about the product). Non-attenders can damage board progress if they demand that the board to go over everything done in their absence.

Here are some points to remember about policymaking under the Policy Governance model:

- Although the simple word “policies” is a familiar one, do not confuse these policies with the format, nature, or meaning of policies with which you are familiar. These are very different.

- Your staff will continue to have more and lengthier documents than the board. Producing board policies is not a matter of approving staff documents or of plunging the board into staff methods and practices. Board policies are the board's policies, not a sanctioning of staff's.

- Consequentally, although staff ideas and insights concerning board policies can be valuable, they are neither the driving force nor the point of origin. Board policies are written statements of the board's values and perspectives. The board does not approve these policies so much as generate them.
A very few, brief board policies can govern an extensive amount of detail. Such policies enhance accountability because they save the board from an impossible task. But as these policies have great leverage, they must be treated with great care and respect.

It is important that the board not "fly by the seat of its pants." Before discussing any issue that comes up, you must first determine the type of issue and to whom the issue belongs. The new policy system will help make those decisions. Just because an issue is relevant somewhere in the organization does not justify the board’s talking about it. Inappropriate involvement is damaging.

The policies you produce in this session, along with others you will create in the future, must remain the centerpiece of your board work. Never take an action or engage in a process without relating the matter to existing policies. Your policies will be brief and few, so keeping the system consistent will not be difficult. You can change your policies anytime your judgment dictates, but you cannot wander away from them and expect to build excellence.

Remember: All board decisions fit into this comprehensive, yet succinct set of policies. Look at your policies as the total library of board decisions currently in effect.

Our agenda is open to change, but you can expect it to go something like this:

- **Model Review** - quick review of the principles and concepts. Bring your questions from last session.

- **Development of Executive Limitations Policies** - these policies establish prudence and ethical boundaries on staff action, thereby limiting executive authority.

- **Development of Board-Management Delegation Policies** - these are the policies which set out the nature of executive delegation - though not its content - and accountability.

- **Development of Governance Process Policies** - these policies deal with the process, products, and commitments of governance itself, including committees, owner linkage, and discipline.

- **Framing the Ends Policies** - we will set the stage for your later Ends work and its relationship to strategic planning.

Board members should continue to develop skills as governors. Refer to *Boards That Make a Difference* (John Carver), *Reinventing Your Board* (JC and Miriam Carver), *John Carver on Board Leadership* (JC), and *Board Leadership* (bimonthly periodical, executive editors JC and MC), and the *Carver Policy Governance Guides* (JC and MC). For continuing skills, use *The Board Member’s Playbook* (MC and Bill Charney). If applicable, refer to *Corporate Boards That Create Value* (JC with Caroline Oliver). All are published by Jossey-Bass, a Wiley Company.
POLICY TYPE: EXECUTIVE LIMITATIONS

POLICY TITLE: GLOBAL EXECUTIVE CONSTRAINT

The CEO will not cause or allow any organizational practice, activity, decision, or circumstance which is either unlawful, imprudent or in violation of commonly accepted business and professional ethics and practices and principles of social justice.
POLICY TYPE: EXECUTIVE LIMITATIONS

POLICY TITLE: TREATMENT OF CONSUMERS

With respect to interactions with consumers or those applying to be consumers, the CEO will not cause or allow conditions, procedures, or decisions that are unsafe, undignified, uncivil or unclear.
POLICY TYPE: EXECUTIVE LIMITATIONS

POLICY TITLE: TREATMENT OF STAFF

With respect to the treatment of paid and volunteer staff, the CEO will not cause or allow conditions that are unfair, undignified, disorganized, unclear or uncivil.
POLICY TYPE: EXECUTIVE LIMITATIONS

POLICY TITLE: FINANCIAL PLANNING/BUDGETING

Financial planning for any fiscal year or the remaining part of any fiscal year will not deviate materially from board’s Ends priorities, risk fiscal jeopardy, or fail to be derived from a multi-year plan.

The CEO will not allow budgeting that:

1. Risks incurring those situations or conditions described as unacceptable in the board policy “Financial Condition and Activities.”

2. Omits credible projection of revenues and expenses, separation of capital and operational items, cash flow, and disclosure of planning assumptions.

3. Provides less for board prerogatives during the year than is set forth in the Cost of Governance policy.
POLICY TYPE: EXECUTIVE LIMITATIONS

POLICY TITLE: FINANCIAL CONDITION AND ACTIVITIES

With respect to the actual, ongoing financial condition and activities, the CEO will not cause or allow the development of fiscal jeopardy or material deviation of actual expenditures from board priorities established in Ends policies.
POLICY TYPE: EXECUTIVE LIMITATIONS

POLICY TITLE: EMERGENCY CEO SUCCESSION

In order to protect the board from sudden loss of CEO services, the CEO will have no fewer than two other executives sufficiently familiar with board and CEO issues and processes to enable either to take over with reasonable proficiency as an interim successor.
POLICY TYPE: EXECUTIVE LIMITATIONS

POLICY TITLE: ASSET PROTECTION

The CEO will not cause or allow district assets to be unprotected, inadequately maintained, or unnecessarily risked.

The CEO will not

1. Allow board members, staff, and the organization itself to be inadequately insured against theft, casualty, and liability losses.

2. Allow unbonded personnel access to material amounts of funds.

3. Subject property, plant, and equipment to improper wear and tear or insufficient maintenance.

4. Unnecessarily expose the organization, its board or staff to claims of liability.

5. Make any purchase: (a) wherein normally prudent protection has not been given against conflict of interest; (b) of over $________ without having obtained comparative prices and quality; (c) of over $________ without a stringent method of assuring the balance of long term quality and cost. Orders shall not be split to avoid these criteria.

6. Allow intellectual property, information and files to be exposed to loss or significant damage.

7. Receive, process or disburse funds under controls that are insufficient to meet the board-appointed auditor's standards.

8. Compromise the independence of the board’s audit or other external monitoring or advice. Engaging parties already chosen by the board as consultants or advisers is unacceptable.

9. Invest or hold operating capital in insecure instruments, including uninsured checking accounts and bonds of less than AA rating at any time, or in non interest-bearing accounts except where necessary to facilitate ease in operational transactions.

10. Endanger the organization's public image, credibility, or its ability to accomplish Ends.

11. Change the organization’s name or substantially alter its identity in the community.

12. Create or purchase any subsidiary corporation unless: (a) more than 80% is owned by this organization; (b) initial capitalization by this organization is less than $________ or ____% of the reserve fund; (c) no staff member has an ownership interest; and (d) there is no reasonable chance of resultant damage to the reputation of this organization.
POLICY TYPE: EXECUTIVE LIMITATIONS

POLICY TITLE: COMPENSATION AND BENEFITS

With respect to employment, compensation, and benefits to employees, consultants, contract workers, and volunteers, the CEO will not cause or allow jeopardy to fiscal integrity or to public image or would negatively affect the Ends policies.

The CEO will not

1. Change the CEO’s own compensation and benefits, except as his or her benefits are consistent with a package for all other employees.

2. Promise or imply permanent or guaranteed employment with the exception of tenured employees.

3. Establish current compensation and benefits that deviate materially from the geographic or professional market for the skills employed.

4. Create obligations over a longer term than revenues can be safely projected, in no event longer than two years and in all events subject to losses in revenue.
POLICY TYPE: EXECUTIVE LIMITATIONS

POLICY TITLE: COMMUNICATION AND SUPPORT TO THE BOARD

The CEO will not permit the board to be uninformed or unsupported in its work.

The CEO will not

1. Withhold, impede, or confound information relevant to the board’s informed accomplishment of its job.

   A. Neglect to submit monitoring data required by the board in Board-Management Delegation policy “Monitoring CEO Performance” in a timely, accurate and understandable fashion, directly addressing provisions of board policies being monitored, and including CEO interpretations consistent with Board-Management Delegation policy “Delegation to the CEO,” as well as relevant data.

   B. Allow the board to be unaware of any actual or anticipated noncompliance with any Ends or Executive Limitations policy, regardless of the board’s monitoring schedule.

   C. Allow the board to be without decision information required periodically by the board or let the board be unaware of relevant trends.

   D. Present information in unnecessarily complex or lengthy form or in a form that fails to differentiate among information of three types: monitoring, decision preparation, and other.

   E. Let the board be unaware of any incidental information it desires including anticipated media coverage, threatened or pending lawsuits and material internal changes.

   F. Let the board be unaware if, in the CEO’s opinion, the board is not in compliance with its own policies on Governance Process and Board-Management Delegation, particularly in the case of board behavior that is detrimental to the work relationship between the board and the CEO.

2. Withhold from the board and its processes logistical and clerical assistance.

   A. Allow the board to be deprived of a workable, user-friendly mechanism for official board, officer, or committee communications.

   B. Allow the board to be deprived of pleasant and efficient settings and arrangements for board and committee meetings.
3. Impede the board’s holism, misrepresent its processes and role, or impede its lawful obligations.

A. Deal with the board in a way that favors or privileges certain board members over others except when (i) fulfilling individual requests for information or (ii) responding to officers or committees with respect to duties charged to them by the board.

B. Allow the board to do its work without the necessary items on its Required Approvals agenda. Necessary items are those decisions delegated to the CEO yet required by law, regulation, or contract to be board-approved, along with applicable monitoring information.

C. Hinder access to the board for any person who alleges unethical or unlawful action or circumstance in the organization or by its representatives.
POLICY TYPE: EXECUTIVE LIMITATIONS

POLICY TITLE: ENDS FOCUS OF GRANTS OR CONTRACTS

The CEO will not enter into any contract arrangements that fail to emphasize the production of ends and the avoidance of unacceptable means.

[THIS POLICY APPLIES TO FOUNDATION BOARDS OR OTHER GRANTORS. IF USED BY AN ORGANIZATION THAT CONTRACTS OUT SERVICES, APPROPRIATE WORDING CHANGES WILL MAKE IT APPLICABLE, SUCH AS CHANGING “GRANTEE” TO “SERVICE PROVIDER” OR “VENDOR AGENCY.”]
POLICY TYPE: GOVERNANCE PROCESS

POLICY TITLE: GLOBAL GOVERNANCE COMMITMENT

The purpose of the board, on behalf of [the residents of the district], is to see to it that [the San José-Evergreen Community College District] (a) achieves appropriate results for appropriate persons at an appropriate cost (as specified in board Ends policies), and (b) avoids unacceptable actions and situations (as prohibited in board Executive Limitations policies).

THE "MORAL OWNERSHIP" IDENTITY IS TO BE INSERTED IN THE BLANK PROVIDED. THIS COULD BE "GENERAL PUBLIC," "PEOPLE OF MONTGOMERY COUNTY," "MEMBERSHIP," "CITIZENS OF SAN FRANCISCO," "PERSONS CONCERNED ABOUT X," OR OTHER SUCH BASE OF OWNERSHIP.
POLICY TYPE: GOVERNANCE PROCESS

POLICY TITLE: GOVERNING STYLE

The board will govern lawfully and in a manner that does not threaten its accreditation with an emphasis on (a) outward vision rather than an internal preoccupation, (b) encouragement of diversity in viewpoints, (c) strategic leadership more than administrative detail, (d) clear distinction of board and chief executive roles, (e) collective rather than individual decisions, (f) future rather than past or present, and (g) proactivity rather than reactivity.

Accordingly:

1. The board will cultivate a sense of group responsibility. The board, not the staff, will be responsible for excellence in governing. The board will be the initiator of policy, not merely a reactor to staff initiatives. The board will not use the expertise of individual members to substitute for the judgment of the board, although the expertise of individual members may be used to enhance the understanding of the board as a body.

2. The board will direct, control and inspire the organization through the careful establishment of broad written policies reflecting the board's values and perspectives. The board's major policy focus will be on the intended long-term impacts outside the staff organization, not on the administrative or programmatic means of attaining those effects.

3. The board will enforce upon itself whatever discipline is needed to govern with excellence. Discipline will apply to matters such as attendance, preparation for meetings, policymaking principles, respect of roles, and ensuring the continuance of governance capability. Although the board can change its governance process policies at any time, it will observe those currently in force scrupulously.

4. Continual board development will include orientation of new board members in the board's governance process and periodic board discussion of process improvement.

5. The board will allow no officer, individual, or committee of the board to hinder or be an excuse for not fulfilling group obligations.

6. The board will monitor and discuss the board's process and performance at each meeting. Self-monitoring will include comparison of board activity and discipline to policies in the Governance Process and Board-Management Delegation categories.
POLICY TYPE: GOVERNANCE PROCESS

POLICY TITLE: BOARD JOB DESCRIPTION

Specific job outputs of the board, as an informed agent of the ownership, are those that ensure appropriate organizational performance.

Accordingly, the board has direct responsibility to create:

1. The link between the ownership and the operational organization.

2. Written governing policies that address the broadest levels of all organizational decisions and situations.
   
   A. Ends: Organizational products, impacts, benefits, outcomes, recipients, and their relative worth (what good for which recipients at what cost/priority).

   B. Executive Limitations: Constraints on executive authority that establish the prudence and ethics boundaries within which all executive activity and decisions must take place.

   C. Governance Process: Specification of how the board conceives, carries out and monitors its own task.

   D. Board-Management Delegation: How power is delegated and its proper use monitored including, if applicable, the CEO role, authority, and accountability.

3. Assured successful organizational performance on Ends and Executive Limitations.

[A BOARD CAN SET ANNUAL TARGETS ABOUT INTEGRITY OR COMPLETENESS IN THESE AREAS EITHER BY EXPANDING THIS POLICY OR ESTABLISHING A SEPARATE POLICY TITLED, FOR EXAMPLE, “ANNUAL GOVERNANCE PLAN.”]

[OTHER JOB "PRODUCTS" OF THE BOARD WHICH MAY BE APPROPRIATE FOR SOME ORGANIZATIONS MAY INCLUDE, E.G., “LEGISLATIVE CHANGE,” “DONOR FUNDING,” OR OTHER OUTPUTS FOR WHICH THE BOARD CHOOSES TO HOLD ITSELF DIRECTLY RESPONSIBLE.]

[BE SURE TO INCLUDE ANY DECISION AREAS THAT EXECUTIVE LIMITATIONS POLICIES HAVE DENIED TO THE CEO.]
POLICY TYPE: GOVERNANCE PROCESS

POLICY TITLE: AGENDA PLANNING

To accomplish its job products with a governance style consistent with board policies, the board will follow an annual agenda which (a) completes a re-exploration of Ends policies annually and (b) continually improves board performance through board education and enriched input and deliberation.

1. The cycle will conclude each year on __________ so that administrative planning and budgeting can be based on accomplishing a one year segment of the board’s most recent statement of long term Ends.

2. The cycle will start with the board’s development of its agenda for the next year.
   
   A. Consultations with selected groups in the ownership, or other methods of gaining ownership input will be determined and arranged in the first quarter, to be held during the balance of the year.

   B. Governance education, and education related to Ends determination, (e.g. presentations by futurists, demographers, advocacy groups, staff, etc.) will be arranged in the first quarter, to be held during the balance of the year.

3. Throughout the year, the board will attend to consent agenda items as expeditiously as possible.

4. At any meeting prior to which monitoring reports have been received, the board will ascertain by vote whether a majority of members judge the individual reports to have demonstrated fulfillment of a reasonable interpretation of the applicable policy.

5. CEO remuneration will be decided after a review of monitoring reports received in the last year during the month of ……….
POLICY TITLE: CHIEF GOVERNANCE OFFICER’S ROLE

The Chief Governance Officer (CGO) assures the integrity of the board's process.

Accordingly:

1. The assigned result of the CGO’s job is that the board behaves consistently with its own rules and those legitimately imposed upon it from outside the organization.
   
   A. Meeting discussion content will be on those issues which, according to board policy, clearly belong to the board to decide or to monitor.
   
   B. Information that is for neither monitoring performance nor board decisions will be avoided or minimized and always noted as such.
   
   C. Deliberation will be fair, open, and thorough, but also timely, orderly, and kept to the point.

2. The authority of the CGO consists in making decisions that fall within topics covered by board policies on Governance Process and Board-Management Delegation, with the exception of (a) employment or termination of a CEO and (b) where the board specifically delegates portions of this authority to others. The CGO is authorized to use any reasonable interpretation of the provisions in these policies.
   
   A. The CGO is empowered to chair board meetings with all the commonly accepted power of that position, such as ruling and recognizing.
   
   B. The CGO has no authority to make decisions about policies created by the board within Ends and Executive Limitations policy areas. Therefore, the CGO has no authority to supervise or direct the CEO.
   
   C. The CGO may represent the board to outside parties in announcing board-stated positions and in stating chair decisions and interpretations within the area delegated to her or him.
   
   D. The CGO may delegate this authority, but remains accountable for its use.

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POLICY TITLE:  BOARD SECRETARY’S ROLE

The Board Secretary is an officer of the board whose purpose is to ensure the integrity of the board’s documents.

1. The assigned result of the Secretary’s job is to see to it that all board documents and filings are accurate and timely.
   A. Policies will be current in their reflection of board decisions. Decisions upon which no subsequent decisions are to be based, such as consent agenda decisions, motions to adjourn, and staff or board member recognitions need not be placed in policy.
   B. Policies will rigorously follow Policy Governance principles.
   C. By laws elements necessary for legal compliance and for consistency with the principles of Policy Governance will be known to the board.
   D. Requirements for format, brevity, and accuracy of board minutes will be known to the CEO.

2. The authority of the Secretary is access to and control over board documents, and the use of staff time not to exceed X hours per year.
POLICY TYPE: GOVERNANCE PROCESS

POLICY TITLE: BOARD MEMBERS' CODE OF CONDUCT

The board commits itself and its members to ethical, businesslike, and lawful conduct, including proper use of authority and appropriate decorum when acting as board members.

1. Board members must have loyalty to the ownership, unconflicted by loyalties to staff, other organizations, and any personal interest as a consumer.

2. Board members must avoid conflict of interest with respect to their fiduciary responsibility.

3. Board members may not attempt to exercise individual authority over the organization.
   A. Board members' interaction with the CEO or with staff must recognize the lack of authority vested in individuals except when explicitly board authorized.
   B. Board members' interaction with public, press or other entities must recognize the same limitation and the inability of any board member to speak for the board except to repeat explicitly stated board decisions.
   C. Except for participation in board deliberation about whether the CEO has achieved any reasonable interpretation of board policy, members will not express individual judgments of performance of employees of the CEO.

4. Board members will respect the confidentiality appropriate to issues of a sensitive nature.

5. Board members will be properly prepared for board deliberation.

6. Board members will support the legitimacy and authority of board decisions, irrespective of the member’s personal position on the issue.

POLICY TYPE: GOVERNANCE PROCESS

POLICY TITLE: BOARD COMMITTEE PRINCIPLES

Board committees, when used, will be assigned so as to reinforce the wholeness of the board’s job and so as never to interfere with delegation from board to CEO.

Accordingly:

1. Board committees are to help the board do its job, not to help or advise the staff. Committees
ordinarily will assist the board by preparing policy alternatives and implications for board deliberation. In keeping with the board’s broader focus, board committees will normally not have direct dealings with current staff operations.

2. Board committees may not speak or act for the board except when formally given such authority for specific and time-limited purposes. Expectations and authority will be carefully stated in order not to conflict with authority delegated to the CEO.

3. Board committees cannot exercise authority over staff. Because the CEO works for the full board, he or she will not be required to obtain approval of a board committee before an executive action.

4. Board committees are to avoid over-identification with organizational parts rather than the whole. Therefore, a board committee that has helped the board create policy on some topic will not be used to monitor organizational performance on that same subject.

5. Committees will be used sparingly and ordinarily in an ad hoc capacity.

6. This policy applies to any group which is formed by board action, whether or not it is called a committee and regardless whether the group includes board members. It does not apply to committees formed under the authority of the CEO.
POLICY TYPE: GOVERNANCE PROCESS

POLICY TITLE: BOARD COMMITTEE STRUCTURE

A committee is a board committee only if its existence and charge come from the board, regardless whether board members sit on the committee. The only board committees are those which are set forth in this policy. Unless otherwise stated, a committee ceases to exist as soon as its task is complete.

[THIS IS NOT A LIST OF SUGGESTED COMMITTEES, BUT SIMPLY AN ILLUSTRATION OF HOW LEGITIMATE BOARD COMMITTEES SHOULD BE DESCRIBED]

1. Public Positions Advisory Committee
   
   
   B. Authority: To incur costs of no more than $1,000 direct charges and no more than 50 hours of staff time.

2. Legislative Change Advisory Committee
   
   A. Product: Options and implications for board consideration regarding long term legislative or regulatory effects to be achieved by the board—by no later than September 30, 2004.
   
   B. Authority: To incur costs of no more than $3,000 direct charges and no more than 70 hours of staff time.

3. Nominating Committee
   
   A. Product: Properly screened potential board members—by no later than May 20 each year.
   
   B. Authority: To incur costs of no more than $1,000 direct charges and no more than 20 hours of staff time per annum.

4. Audit Committee
   
   A. Product: Specification of scope of audit prior to outside audit—by no later than January 10 each year.
   
   B. Authority: To incur no more than $30,000 direct charges and use of no more than 50 person-hours staff time per annum.
POLICY TYPE: GOVERNANCE PROCESS

POLICY TITLE: COST OF GOVERNANCE

Because poor governance costs more than learning to govern well, the board will invest in its governance capacity.

Accordingly:

1. Board skills, methods, and supports will be sufficient to assure governing with excellence.
   
   A. Training and retraining will be used liberally to orient new members and candidates for membership, as well as to maintain and increase existing member skills and understandings.

   B. Outside monitoring assistance will be arranged so that the board can exercise confident control over organizational performance. This includes, but is not limited to, fiscal audit.

   C. Outreach mechanisms will be used as needed to ensure the board’s ability to listen to owner viewpoints and values.

2. Costs will be prudently incurred, though not at the expense of endangering the development and maintenance of superior capability.

   A. Up to $____________ in fiscal year ____________ for training, including attendance at conferences and workshops.

   B. Up to $____________ in fiscal year ____________ for audit and other third-party monitoring of organizational performance.

   C. Up to $____________ in fiscal year ____________ for surveys, focus groups, opinion analyses, and meeting costs.
POLICY TYPE: BOARD-MANAGEMENT DELEGATION

POLICY TITLE: *GLOBAL GOVERNANCE-MANAGEMENT CONNECTION*

The board’s sole official means authoritative connection to the operational organization, its Ends achievements and Means conduct will be through a Chief Executive Officer, titled Chancellor.
POLICY TYPE: BOARD-MANAGEMENT DELEGATION

POLICY TITLE: UNITY OF CONTROL

Only officially passed motions of the board that make or amend Executive Limitations or Ends policies are binding on the CEO.

Accordingly:

1. Decisions or instructions of individual board members, officers, or committees are not binding on the CEO except in rare instances when the board has specifically authorized such exercise of authority.

2. In the case of board members or committees requesting information or assistance without board authorization, the CEO can refuse such requests that require, in the CEO’s opinion, a material amount of staff time or funds or is disruptive.
POLICY TYPE: BOARD-MANAGEMENT DELEGATION

POLICY TITLE: ACCOUNTABILITY OF THE CEO

The CEO is the board’s only link to operational achievement and conduct, so that all authority and accountability of staff, as far as the board is concerned, is considered the authority and accountability of the CEO.

Accordingly:

1. The board will never give instructions to persons who report directly or indirectly to the CEO.

2. The board will not evaluate, either formally or informally, any staff other than the CEO.

3. The board will view CEO performance as identical to organizational performance, so that organizational accomplishment of board stated Ends and avoidance of board proscribed means will be viewed as successful CEO performance.
POLICY TITLE: DELEGATION TO THE CEO

The board will instruct the CEO through written policies which prescribe the organizational Ends to be achieved, and describe organizational situations and actions to be avoided, allowing the CEO to use any reasonable interpretation of these policies.

Accordingly:

1. The board will develop policies instructing the CEO to achieve specified results, for specified recipients at a specified relationship between cost and results. These policies will be developed systematically from the broadest, most general level to more defined levels, and will be called Ends policies. All issues that are not Ends issues as defined above are Means issues.

2. The board will develop policies that limit the latitude the CEO may exercise in choosing the organizational means. These limiting policies will describe those practices, activities, decisions and circumstances that would be unacceptable to the board, even if they were to be effective. These policies will be developed systematically from the broadest, most general level to more defined levels; they will be called Executive Limitations policies. The board will never prescribe organizational means of the CEO.
   a. Below the global level, a single limitation at any given level does not limit the scope of any foregoing level.
   b. Below the global level, the aggregate of limitations on a given level may embrace the scope of the foregoing level, but only if justified by the CEO to the board’s satisfaction.

3. As long as the CEO uses any reasonable interpretation of the board’s Ends and Executive Limitations policies, the CEO is authorized to establish all further policies, make all decisions, take all actions, establish all practices and develop all activities. Such decisions of the CEO shall have full force and authority as if decided by the board.

4. The board may change its Ends and Executive Limitations policies, thereby shifting the boundary between board and CEO domains. By doing so, the board changes the latitude of choice given to the CEO. But as long as any particular delegation is in place, the board will respect and support the CEO’s choices.
POLICY TYPE: BOARD-MANAGEMENT DELEGATION

POLICY TITLE: MONITORING CEO PERFORMANCE

Systematic and rigorous monitoring of CEO performance will be solely against the board’s required CEO job outputs: organizational accomplishment of any reasonable interpretation of board policies on Ends and organizational operation within the boundaries established in board policies on Executive Limitations, reasonably interpreted.

Accordingly:

1. Monitoring is simply to determine whether or not expectations expressed in board policies have been met. Information that does not disclose this will not be considered to be monitoring information.

2. The board will obtain disclosure about the CEO’s interpretations of the board policy being monitored from the CEO himself or herself.

3. The board will obtain data disclosing whether or not the CEO’s interpretations have been accomplished using one or more of three methods: (a) by internal report, in which the CEO discloses the data to the board; (b) by external report, in which an external, disinterested third party selected by the board collects the data; and (c) by direct inspection, in which data are collected by the board, a designated board member or by designated board members.

4. In every case, the board will determine: (a) the reasonableness of the CEO’s interpretations, using a “reasonable person test” rather than with interpretations favored by board members or the board as a whole. The board is the final arbiter of reasonableness. The board will also assess: (b) whether data demonstrate the accomplishment of the interpretation.

5. All policies that instruct the CEO will be monitored at a frequency and by a method chosen by the board. The board can monitor any policy at any time by any method, but will normally use a routine schedule.

<table>
<thead>
<tr>
<th>Policy</th>
<th>Method</th>
<th>Frequency</th>
<th>Month</th>
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<tr>
<td>Actual Financial Condition</td>
<td>Internal</td>
<td>Quarterly</td>
<td>1,4,7,10</td>
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<tr>
<td></td>
<td>External</td>
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<tr>
<td>Financial Planning</td>
<td>Internal</td>
<td>Annually</td>
<td>10</td>
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<td>Treatment of Staff</td>
<td>Internal</td>
<td>Annually</td>
<td>6</td>
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<td>Other ELs . . . .</td>
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<tr>
<td>Ends 2</td>
<td>Internal</td>
<td>Annually</td>
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POLICY TYPE: ENDS

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Pending further board determinations, Ends of the organization will remain as previously stated explicitly by the board or as found implicitly in previously adopted board documents.

All students, especially those with educational and/or socioeconomic challenges, will have the skills and capabilities to be successful in the next stage of their life, sufficient to justify the use of available resources.

1. Priority goes to job skills sufficient to get, keep and progress in jobs with local employers, particularly in high wage/high growth areas, for all students, especially:
   a. Under-prepared students
   b. Older displaced students
   c. Young people at the start of their careers
2. Students will have the language proficiency skills to succeed in college.
3. Students will be able to be successful in transferring to a four-year institution.

[This policy is intended only to hold the board's previous intentions in place while it sets out on the long, never-ending task of exploring, debating and adopting actual Ends policies. Since your Chief Executive has been given the authority to make Ends decisions as long as they are consistent with the board's Ends policies (see "Delegation to the Chief Executive" policy), it would be an oversight--a "hole" in the system--for the board not to have even one broad Ends policy in place. It is very important, however, for the board to commit itself to begin immediately on the Ends journey. That will not be quickly done as in this blitz process, but may take months to have a useful product and in a larger sense will go on in perpetuity. Once operating on the system, as you are now in a position to do, linking with the ownership, Ends development, and continual skill-maintaining practice and training are virtually the only time-consuming work of the board.]

You are now engaged in Policy Governance, a powerful tool to express board leadership while valuing staff leadership as well. The hard part is just beginning. But it is also the most rewarding, the most far-reaching and the fullest expression of your trusteeship. Adopt whatever mechanisms of discipline are required to keep you on course, including evaluation of your process every board meeting. Like any improvement effort, this one will not sustain itself. Your commitment and discipline are necessary to make it work. Almost every rule, principle or concept needed to make the process successful is included in the policy language you have just worked out. When in doubt, do not overlook the simple expedient of simply going to your policies to see what you have already said. Link with other boards that are working in this way to exchange ideas and support and even gimmicks that help.