

Minutes of the Governing Board Meeting December 8, 2009



San José/Evergreen
Community College District

A. CALL MEETING TO ORDER

President Okamura called the Regular Meeting of the Governing Board of the San José/Evergreen Community College District to order on Tuesday, December 8, 2009, at 5:00 p.m., in the District Board Room.

Board Members Present:

Ms. Mayra Cruz
Mr. Balbir Dhillon
Ms. Maria Fuentes
Mr. Richard Hobbs
Mr. Ron Lind
Mr. Randy Okamura
Mr. Richard Tanaka

Board Members Excused:

None

B. APPROVAL OF CLOSED SESSION AGENDA

M/S/C (Cruz/Lind) to approve the Closed Session Agenda as submitted.

C. PUBLIC COMMENTS ON CLOSED SESSION AGENDA

None.

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

The Board recessed to Closed Session at 5:00 p.m. to consider the following items:

PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT

(Government Code Section 54957 (b))

Title: Acting Chancellor

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

(Government Code Section 54957 (b))

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

(Government Code Section 54956.9 (c))

CONFERENCE WITH LABOR NEGOTIATORS

Minutes of December 8, 2009, Governing Board Meeting

(Government Code Section 54957.6)
District's Negotiator(s): Sandra Dillon
Employee Organization: FA
Or
Unrepresented Employee Title:

COMPLAINTS OR CHARGES AGAINST A DISTRICT EMPLOYEE
(Government Code Section 54957)

E. RECONVENE INTO OPEN SESSION

The Public Session was reconvened at 7:20 p.m.

Board Members Present:

Ms. Mayra Cruz
Mr. Balbir Dhillon
Ms. Maria Fuentes
Mr. Richard Hobbs
Mr. Ron Lind
Mr. Randy Okamura
Mr. Richard Tanaka
Ms. Autumn Gutierrez
Mr. Mike Rendler

Board Members Excused:

None

1. PLEDGE OF ALLEGIANCE

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

2. This item was moved to after the discussion and vote on Item H-6

H. 6. ADOPTION OF RESOLUTION NO. 120809-1 ELIMINATE POSITIONS AND LAYOFF CLASSIFIED EMPLOYEES

The Board heard public comments on item H-6.

Acting Chancellor Hawk informed the Board that the state of California would not be funding categorical programs this year and probably not for the next three years. The proposed operating budget is also being decreased by over 3%. The budget reduction of categorical programs, EOPS and DSPS, is up to 50%. The only way the district could achieve the proposed reductions is to eliminate staff.

Interim Vice Chancellor Dillon gave an overview of the previous district layoffs, 77

Minutes of December 8, 2009, Governing Board Meeting

CSEA and 18 MSC. Presidents Burke and Coon reviewed their processes for determining which positions to target for elimination.

Trustee Fuentes asked if the Board decides to not adopt the resolution, what would be the impact to the district. Acting Chancellor Hawk answered that in order to continue funding these programs, the district would need to take \$1.7 million from general funds. This would mean the district would not have reserve funds going into 2010-2011. Trustee Okamura reminded the Board that the district has an obligation with the employee retirement bond agreement to maintain a 5% reserve. The district may be able to get through on a 4% reserve, but it cannot be in a situation with no reserve funds. Trustee Fuentes said her main concern was the vital work being done by those positions being targeted for elimination. Cutting these positions is not in the best interest of the district. There may be other ways the district can streamline expenses. Trustee Cruz said she was also concerned that essential services are reflected on the list of proposed eliminations. Trustee Lind said he doesn't feel comfortable with the piece-meal approach towards these proposed reductions, and he wants to see the bigger context for how the district is being funded. Trustee Hobbs said he would need time to reassess this information. Trustee Okamura stated that the Board was given information that was very challenging, and they will try to work through it; but it does not appear the Board is ready to approve the layoff resolution at this time.

The Board unanimously voted to not adopt Resolution No. 120809-1: Reduction of Classified Services – Eliminate Positions and Layoff Classified Employees.

E. 2. GOVERNING BOARD ORGANIZATION

The Board elected the President, Vice President, Secretary, and Board Representative to vote in election for members of the County Committee on School District Organization for 2010 as follows:

M/S/C (Okamura/Fuentes) to elect Trustee Dhillon as President

M/S/C (Tanaka/Lind) to elect Trustee Hobbs as Vice President

Acting Chancellor Hawk was elected as Secretary at the November 17 Board Meeting

M/S/C (Cruz/Tanaka) to elect Trustee Okamura as Board Representative to Vote in Election for Members of the County Committee on School District Organization.

3. ADOPTION OF AGENDA

M/S/C (Hobbs/Cruz) to approve the agenda as amended:

Items H-2 and I-1 were moved to after the Consent Agenda.

Item H-7 was pulled from the agenda.

Revision to Item H-10 – the date of Chancellor Pérez's retirement letter was corrected to November 9, 2009.

Minutes of December 8, 2009, Governing Board Meeting

4. ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION

None

5. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

6. BOARD RECOGNITION OF SPECIAL ACHIEVEMENTS

None

7. APPROVAL OF NOVEMBER 10, 17, AND 24, 2009 MINUTES

M/S/C (Lind/Fuentes) to approve the above listed minutes.

F. CONSENT AGENDA

M/S/C (Okamura/Hobbs) to approve the consent agenda as amended:

Item F-9 was pulled from the agenda.

Revision to Item F-13 – additional background information was added.

1. MANAGEMENT PERSONNEL

The Board approved the management team personnel actions as submitted.

2. FACULTY PERSONNEL

The Board approved the faculty personnel actions as submitted.

3. CLASSIFIED PERSONNEL

The Board approved the classified personnel actions as submitted.

4. SHORT-TERM HOURLY, SUBSTITUTE AND PROFESSIONAL EXPERT EMPLOYMENT

The Board approved the short-term hourly, substitute and professional expert employment personnel actions as submitted.

Minutes of December 8, 2009, Governing Board Meeting

5. STUDENT ASSISTANT EMPLOYMENT

The Board approved the student assistant employment personnel actions as submitted.

6. VOLUNTEER PERSONNEL

The Board approved the volunteer personnel actions as submitted.

7. DISTRICT BUDGET TRANSFERS AND REVISIONS

The Board approved the resolution authorizing budget transfers and revisions of funds to/from revenue and expenditure accounts.

8. RATIFICATION OF CONTRACTS

The Board approved District vendor contracts for the period of October 10, 2009 through November 9, 2009.

9. CHANGE ORDER# 1 – AWARD OF SINGLE SOURCE PURCHASE ORDER – PIANOS AND KEYBOARDS FOR THE EVC ART COMPLEX

This item was pulled from the agenda.

10. AWARD OF PIGGY-BACK CONTRACT - COMPUTERS FOR WORKFORCE INSTITUTE

The Board awarded the WSCA Master Price Agreement B27160 contract for computers for the Workforce Institute to Dell Marketing for \$107,068.96.

11. AGREEMENT FOR GEOTECHNICAL ENGINEERING SERVICES – PROPOSED FITNESS CENTER – EVC

The Board approved an agreement to provide professional Geotechnical Engineering services in an amount of not to exceed \$17,700.00 with URS Corporation for the proposed Fitness Center at Evergreen Valley College.

12. SJCC CONTRACT APPROVAL: CAREER PATHWAYS REGIONAL PROJECT

The Board approved this contract for the period of August 1, 2009 through June 30, 2010.

13. SJCC CONTRACT APPROVAL: JOB DEVELOPMENT TRAINING FOR TRANSIT CAREER LADDERS PROJECT

The Board approved this contract for the period of August 1, 2009 through June 30, 2010.

Minutes of December 8, 2009, Governing Board Meeting

14. 2009/2010 QUARTERLY FINANCIAL REPORT – FIRST QUARTER (311Q)

The Board approved the District's First Quarter 311Q Financial Report submitted to the State Chancellor's Office.

15. REQUEST TO RECEIVE FUNDS: CHILD DEVELOPMENT PROGRAM & CALIFORNIA STATE PRESCHOOL PROGRAM

The Board accepted these grants for the period of July 01, 2009 through June 30, 2009.

16. REQUEST TO RECEIVE FUNDS: ECONOMIC AND WORKFORCE DEVELOPMENT

The Board accepted grant funding of \$60,000 over two years.

I. 1. PRESENTATION ON LEED BUILDING STANDARDS

Gilbane Building Company gave a presentation on LEED (Leadership in Energy and Environmental Design,) a nationally recognized green building certification system. The Board discussed the current ratings of existing buildings as well as LEED goals for future buildings. They also asked about the cost benefits of achieving gold versus silver levels. Vice Chancellor Hawk stated the administration is looking for guidance from the Board about the minimal standards they would find acceptable. The Board recommended that all future bonds projects should achieve a minimum LEED Silver level.

H. 2. APPOINTMENT OF SEARCH FIRM

The Board heard presentations from the Association of Community College Trustees and the Community College Search Services regarding their strategies for conducting the district search for a permanent chancellor.

M/S/C (Hobbs/Fuentes) to appoint Community College Search Services to conduct the search for a permanent Chancellor for the San José/Evergreen Community College District.

G. ORAL COMMUNICATIONS

a. Board of Trustees

Trustee Fuentes thanked all those who attended the Board meeting and expressed their opinions and concerns. She said it is really helpful to the Board to hear directly from their constituents, whether or not there is agreement on what is being said.

Trustee Cruz discussed the Student Success Institute she attended with President Coon on behalf of the district. She said that the Student Success Initiative and Achieving the Dream, as well as the equity scorecard, deal with

Minutes of December 8, 2009, Governing Board Meeting

the district's focus on student success issues. We must keep our focus on opportunity, equity and social justice. It's very important for the district to keep thinking about how its approaches and practices help design quality programs that help our students succeed.

Trustee Hobbs thanked the district staff for organizing the Delores Huerto visit. It's important the district to recognize the need for ongoing advocacy regarding labor issues.

b. Chancellor

None

c. Presidents

None

d. Constituency Group Representatives

The CSEA thanked the Board for postponing the RIF and listening to the CSEA staff concerns.

Senate presidents Frazier and Gee discussed the accreditation work being done on both campuses.

H. ACTION AGENDA

1. APPOINTMENT OF ACTING CHANCELLOR

M/S/C (Okamura/Dhillon) to appoint Vice Chancellor Jeanine Hawk as Acting Chancellor through the duration of Chancellor Pérez's extended medical leave.

2. APPOINTMENT OF SEARCH FIRM

This item was moved after Consent agenda.

3. 2008-2009 ANNUAL FINANCIAL AND DISTRICT RETIREE BENEFIT PLAN AUDIT REPORTS

M/S/C (Lind/Okamura) to receive the Independent Financial Audit and the District Retiree Benefit Plan Audit reports for Fiscal Year 2008/2009 conducted by Vavrinek, Trine, Day & Co.

4. 2008/2009 DISTRICT BOND FINANCIAL AND PERFORMANCE AUDIT REPORT

M/S/C (Fuentes/Hobbs) to receive the Independent Financial and Performance Audit Report of Measure G expenditures for FY 2008/2009 performed by Vavrinek, Trine, Day & Co.

Minutes of December 8, 2009, Governing Board Meeting

5. RATIFICATION OF INVENTORY

M/S/C (Cruz/Hobbs) to approve the District Inventory of \$13,840,723.91.

6. ADOPTION OF RESOLUTION NO. 120809-1 ELIMINATE POSITIONS AND LAYOFF CLASSIFIED EMPLOYEES

This item was moved after item E-1.

7. ADOPTION OF RESOLUTION NO. 120809-2 FACULTY SERP

This item was pulled from the agenda.

8. MEASURE G BOND PROJECT BUDGET REVISIONS

M/S/C (Lind/Okamura) to review and approve revisions in the Measure G project budgets.

9. MULTI-DISCIPLINARY CLASSROOM AND ARTS BUILDING – SJCC

President Burke gave a presentation on the proposed Multidisciplinary and Arts Building Design at SJCC. He assured the Board that the proposed building would meet the minimum LEED Silver level that the Board has recommended.

M/S/C (Cruz/Lind) to review the design of the proposed Multi-Disciplinary Classroom and Arts building at San José City College and authorize approval of the project to the next phase of implementation.

10 RETIREMENT OF CHANCELLOR ROSA G. PÉREZ

M/S/C (Okamura/Hobbs) to accept Chancellor Rosa G. Pérez's retirement effective June 30, 2010. Trustee Fuentes abstained from the vote because the Board has not yet received legal advice on the matter.

I. INFORMATION AGENDA

1. PRESENTATION ON LEED BUILDING STANDARDS

This item was moved to after the Consent agenda.

2. BOARD OF TRUSTEES TRAINING ON APPROPRIATE INVENTORY PRACTICES

The District's auditing firm Vavrinek, Trine, Day & Co., LLP distributed a Summary of Inventory Practices information sheet to the Board of Trustees and informed them of their role and responsibility for ensuring the district has proper inventory practices and controls in place.

Minutes of December 8, 2009, Governing Board Meeting

3. BOARD POLICY DEVELOPMENT

Because of time constraints, this item will be discussed at the next Board meeting.

4. CALENDAR OF EVENTS

Information was provided on calendar of events held at Evergreen Valley College and San Jose City College.

5. FUTURE AGENDA ITEMS

None

J. CONTINUATION OF CLOSED SESSION

Yes

K. RECONVENE OPEN SESSION

There were no reportable actions.

L. ADJOURNMENT

The meeting adjourned at 1:05 a.m.

Jeanine Hawk, Acting Secretary
Board of Trustees