

# Minutes of the Governing Board Meeting March 10, 2009



San José/Evergreen  
Community College District

## A. CALL MEETING TO ORDER

Trustee Okamura called the Regular Meeting of the Governing Board of the San José/Evergreen Community College District to order on Tuesday, March 10, 2009, at 5:00 p.m., in the Technology Center, T-415, at San José City College.

### Board Members Present:

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 (Tanaka/Fuentes) to approve the Closed Session Agenda as submitted.

## C. PUBLIC COMMENTS ON CLOSED SESSION AGENDA

The Board convened to conduct a hearing on the appeal by employee #901 of the decision by the Chancellor to terminate this employee.

The employee withdrew his request for an appeal. The Board unanimously voted to affirm the termination action by the Chancellor and this decision is now final.

## 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 DISCIPLINE/DISMISSAL/RELEASE  
(Government Code Section 54957 (b))

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CONFERENCE WITH LEGAL COUNSEL –  
EXISTING LITIGATION

(Government Code Section 54956.9)

Name of Case:

Or

Case Name Unspecified; Disclosure would jeopardize:

( ) Service of Process or (X ) Existing Settlement Negotiations

CONFERENCE WITH LABOR NEGOTIATORS

(Government Code Section 54957.6)

District's Negotiator(s): Sandra Dillon

Employee Organization: CSEA

Or

Unrepresented Employee Title:

**E. RECONVENE INTO OPEN SESSION**

The Public Session was reconvened at 7:00 p.m.

Board Members Present:

Mr. Balbir Dhillon

Ms. Maria Fuentes

Mr. Richard Hobbs

Mr. Ron Lind

Mr. Randy Okamura

Mr. Richard Tanaka

Mr. David Coatney

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. ADOPTION OF AGENDA**

M/S/C (Lind/Fuentes) to approve the agenda as amended.

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

None

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

The Board heard public comments from members of the district and community about their support of the Child Development Centers and their concerns that the centers may be shut down. Those who addressed the Board on this topic were: Angelique Newman, Constance Newman, Malakai Baleros, Theola Baleros, Lynette Gentleman, Heather Garcia, Mytra Vu, Lorena Mata, and Sara Perez.

President Okamura thanked the speakers and other attendees for being well-behaved and passionate in expressing their support of the Child Development Centers. He said that because this item was not on the agenda, the Board could not address the topic at this meeting. However, the Board will receive the district's plan for cutting costs at the April Board Meeting; and they will take action on the administration's proposals at that time.

**5. BOARD RECOGNITION OF SPECIAL ACHIEVEMENTS**

None

**6. APPROVAL OF JANUARY 27, 2009 MINUTES**

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

**F. CONSENT AGENDA**

M/S/C (Fuentes/Hobbs) to remove Item F-1, Management Personnel Actions, for discussion.

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

Revisions were made to:

F-2-A – Faculty Personnel – Assigned to San José City College – Employment Added missing faculty member and removed faculty member from second contract to third contract fourth year.

The Board discussed item F-1; in particular, the non-renewal of classified management contracts of the Director, Child Development Centers and the Executive Director of the Foundation. Chancellor Pérez said that state law mandates that any consideration coming before the Board which may result in the termination of the position, the district needs to notify the employees by March 15. This does not mean that employees who receive March 15 letters cannot be given a contract renewal. However, in the case of both the Child Development Centers and the Foundation, the district would like to have an opportunity to consider the future of those programs. Trustee Fuentes said this is a difficult time when the district is faced with having to make cuts. However, the non-renewal of both contracts is a signal that the district is planning to cut these programs. Why is the Board being asked to renew the contracts of 12 other employees but not those other two if the decision hasn't yet been made? Why are the other areas not also being considered? Trustee Dillon said his understanding is that this is simply a

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notice, and no decision has yet been made. Trustee Hobbs said he has been on the Board a long time and has always opposed the closing of the Child Development Centers. He said this is still his stand, but he is open for any restructuring of the program and will approach the April Board meeting with an open mind. President Okamura said this is a difficult topic, and we are still awaiting information on the legislative cuts. He said he was willing to allow the Chancellor and her staff to come up with recommendations.

Trustee Fuentes made a motion that the non-renewal of contracts would also include the 12 employees listed for contract renewals since this will allow all programs to be reviewed for potential cuts equally. This motion was not seconded; therefore, it was not carried.

M/S/C (Dhillon/Lind) to approve Consent Agenda Item F-1.

### 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.

### 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 BETWEEN EXPENDITURE ACCOUNTS**

The Board approved maintaining existing policy authorizing the D.O. to process end-of-year expenditure transfers without Board approval.

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**8. DISTRICT BUDGET INCREASES, DECREASES, TRANSFERS TO/FROM CONTINGENCIES**

The Board authorized the D.O. to process year-end budget increases, decreases, and transfers to and from contingencies and fund balances as permitted by Board policy.

**9. RATIFICATION OF CONTRACTS**

The Board approved District vendor contracts for the period of January 10, 2009 to February 9, 2009.

**10. CHANGE ORDER #6 – LAKE RENOVATION – EVC**

The Board approved Change Order #6 in the amount of not to exceed \$11,330.52 with HRS, Inc., for the Lake Renovation project at Evergreen Valley College.

**11. AWARD OF CONTRACT – UPGRADE AND REPLACE STANDBY GENERATORS – EVC**

The Board awarded the construction contract in the amount of not to exceed \$714,000.00 to Radiant Electric for the Upgrade and Replacement of Standby Generators at Evergreen Valley College.

**12. AWARD OF CONTRACT – VARIOUS SITE IMPROVEMENTS – SJCC**

The Board awarded the construction contract in an amount yet to be determined to the lowest responsive bidder yet to be determined for the Various Site Improvements project at San José City College.

**13. AWARD OF CONTRACT – MODERNIZATION PHASE 2 – EVC**

The Board awarded the construction contract in an amount yet to be determined to the lowest responsive bidder yet to be determined for the Modernization Phase 2 project at Evergreen Valley College.

**14. RESOLUTION TO ADOPT AND COMMIT TO THE IMPLEMENTATION OF A MAINTENANCE AND COMPREHENSIVE DISTRICT-WIDE RECYCLING PROGRAM**

The Board adopted a resolution to adopt and commit to the implementation of a maintenance and comprehensive district-wide recycling program pursuant to the State of California's Integrated Waste Management Act.

**15. AGREEMENT FOR GEOTECHNICAL INVESTIGATION & GEOLOGICAL HAZARD ASSESSMENT SERVICES – SJCC**

The Board approved an agreement with United Soils Engineering, Inc., in the amount of not to exceed \$15,330.00 to provide comprehensive geotechnical

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investigation, geological hazard assessment for the proposed Multi-Disciplinary Classroom / Visual & Performing Arts project at San José City College.

### 16. QUARTERLY FINANCIAL REPORT – 2008/2009 SECOND QUARTER (311Q)

The Board approved this information on the District's 2008/2009 Second Quarter Report submitted to the State Chancellor's Office.

### 17. CURRICULUM RECOMMENDATION FOR EVERGREEN VALLEY COLLEGE

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

### 18. ACCEPT AUGMENTATION FUNDS – ENROLLMENT GROWTH AND RETENTION FOR REGISTERED NURSING PROGRAMS

The Board accepted grant augmentation funds awarded to Evergreen Valley College in the amount of \$58,392 from the Chancellor's Office for California Community Colleges for the Enrollment Growth and Retention for Registered Nursing Programs grant.

### 19. CURRICULUM RECOMMENDATIONS FOR SAN JOSE CITY COLLEGE

The Board approved the curriculum recommendations for new courses submitted by San Jose City College.

## G. ORAL COMMUNICATIONS

### a. Board of Trustees

Trustee Lind gave an update of the labor conferences he attended in Sacramento. Trustee Hobbs expressed his appreciation for the work the district is doing regarding AB540 students. He discussed his support of the Dream Act, and said we all have an obligation to reach out to those students who are vulnerable and marginalized.

President Okamura discussed the process he and Vice President Dhillon developed regarding the appointment of a new Trustee for District Area 7. He said there were eight viable candidates. Per the Board's decision at last month's meeting, it was determined that all the candidates be interviewed at one meeting.

M/S/C (Fuentes/Lind) to interview the candidates at a special Board Meeting on March 17.

President Okamura distributed to the Board members a list of 10 potential questions to ask the candidates during the interview. He asked Board members to choose one of the questions from the list or to develop their own

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questions and send them to him. The questions will then be compiled and distributed to all Board members. However, the questions will be kept confidential so that the candidates will not know beforehand what they will be asked.

He said after the eight candidates are interviewed, Board members will commence with voting, using a ballot process in which the candidate who receives a major of the Board vote, which is 4, will be the chosen candidate.

b. Chancellor

Chancellor Pérez expressed her support for the March 16 march in Sacramento. She also discussed her recent visits to both campuses and how impressed she was by how full the classes were and how students seemed to be staying in class.

c. Presidents

President Burke announced he expected over 100 students to be attending the March 16 march in Sacramento. He also discussed the success of the recent Achieving the Dream Conference in San Francisco and stated this group has the most potential of any national effort to substantively change the success metrics of student of color in the immediate future.

President Coon announced he had an even larger group of students planning to go to the March 16 march in Sacramento. He also expressed how impressed he was with the Achieving the Dream Conference in San Francisco.

d. Constituency Group Representatives

Mr. Henry Gee, President, Academic Senate, EVC, talked about the smoke-free campus proposals that has passed through the various constituency groups on the college and will be ready for Board approval soon.

Mr. Christopher Frazier, President, Academic Senate, SJCC, said that he was impressed how during tough financial times people are rallying around each other. His classes are full with about 35040 students, and that is very exciting.

Mr. Jesse Velasquez, President, CSEA, read a statement he sent districtwide via email in response to the Chancellor's email about the status of the district budget and potential budget cuts.

## H. ACTION AGENDA

None

**I. INFORMATION AGENDA**

**1. CALENDAR OF EVENTS**

Information was provided to the Board on calendars of events held at Evergreen Valley College and San José City College.

**2. FUTURE AGENDA ITEMS**

Vice President Dhillon requested that smoke-free policies at both campuses be discussed at a future meeting.

**3. OVERVIEW OF THE DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT – SJCC FACILITIES MASTER PLAN – 2021**

Information was provided by Maas Companies on the Draft Supplemental Impact Report related to the updated Facilities Master Plan and in accordance with the requirements of the California Environmental Quality Act (CEQA).

Vice Chancellor Root said that the Board would receive the district's recommendations sometime in the future as a result of the findings of this report.

**4. UPDATE ON DISTRICT BUDGET**

Mr. Root presented a summary of the status on the district budget in five areas.

1. Final State Budget Action.

The State's fiscal challenge was defined as a \$42 billion problem over an 18 month period ending June, 2010. The legislature passed a solution that included:

- a. \$13.3B in cuts
- b. \$1.8B in fund shifts and delayed payments.
- c. \$14.4B in temporary tax increases
- d. \$11.4B in borrowing
- e. \$1.3B from the State reserve.

The affect on community colleges was to cut \$39.8M in COLA, a loss of \$520,000 to our district; \$36M was swept from unspent prior-year entitlement funds; \$3M was cut in mandated cost reimbursements; \$340M was deferred as payments to community colleges, with the January, February, March and April payments from this year deferred until July and the June payment deferred to October, 2009. Next year, there will be no COLA, but funding is included for a 3% growth factor. No fee increases on students were enacted. A very important component left out of the final action was to fund the shortfall in community college estimated revenue from property taxes—a loss of at least \$950,000 in revenue this year for our district alone.

2. Fiscal Challenge to the District

The beginning balance for this fiscal year of \$6.9M (8% reserve) is estimated to decrease to an ending reserve of \$5.0M (5.8%) at year-end. The administration is targeting a budget savings of \$1.3M by holding vacancies

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and cutting discretionary expenditures, but the loss of state General Apportionment revenue due to lack of property tax backfill will offset most of the savings. And the budgeted ending reserve was originally intended to go to \$4.5M.

Looking ahead to next fiscal year, the beginning balance of \$5.0M is projected to end at \$3.2M if no further budget reduction actions were to be adopted. Carrying that balance forward to FY2010/11, the district's reserve would descend to a minus \$327,000. These fund reserve declines are caused by lack of COLA and structural cost increases including an assuming rate increase in PERS and STRS. Mr. Root highlighted the assumptions used in these projections.

### 3. Budget Priorities

The administration will propose a lay-off plan in April that will assist in restoring projected budgets over the next two years to a reserve level of 5% or above. This is the first stage of several cuts necessary. The layoffs will be proposed according to several key factors:

- The course schedule is not assumed to be reduced in FY2009/10.
- Core student support services will be maintained.
- Quality will be sustained in the classroom by filling critical faculty vacancies with full-time faculty.
- Downsize operations where the least harm is done to the district's ability to achieve its primary mission and goals.

### 4. Administration's Multi-Stage Budget Plan

Stage one of the plan will be to present for approval in the April board meeting a layoff plan that achieves approximately one-half of the necessary additional budget savings over the next two years. Stage two will be to review for possible cuts those programs that are not directly involved in with the district's instructional mission, such as Child Development Centers and the district subsidy to the Foundation. The combined district support for these two functions alone amounts to almost \$1.5M over two fiscal years. If these cuts were adopted, the district would still have only a 4%% reserve at the end of 2010/11. Stage three would occur during the Tentative Budget, when the administration has a firmer grasp of projected state revenue for next year. Stage four would occur during the fall, when further reductions might be necessary. There will be periodic reports to the board on the status of the budget as the result of district cuts.

Trustee Fuentes said she would like to receive a report that shows all the vacancies, where we are keeping positions, and what savings this represents. She also requested that this report include anticipated retirements.

Trustee Dhillon said even though we don't fully know the budget decision, we need to take action now. He asked the district to provide a report outlining the real budget—once that is known—and a number of different options the Board can review.

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Trustee Lind asked what the ramifications would be if the district doesn't maintain a 5% reserve fund.

Chancellor Pérez said the district will continue to provide updates to the Board as the state budget becomes clearer and will also address their budget questions in future presentations to the Board.

### **J. CONTINUATION OF CLOSED SESSION**

None

### **K. RECONVENE OPEN SESSION**

None

### **L. ADJOURNMENT**

The meeting adjourned at 9:37 p.m.

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Rosa G. Pérez, Secretary  
Board of Trustees