

**YUBA COMMUNITY COLLEGE DISTRICT  
MINUTES OF THE JANUARY 21, 2009 BOARD OF TRUSTEES  
WINTER WORK SESSION AND REGULAR MEETING**

The Yuba Community College District Board of Trustees met for the Winter Planning Session on Wednesday, January 21, 2009 at the Comfort Suites, Marysville California, and the Regular Meeting at Yuba College, Marysville, California.

1. **WINTER WORK SESSION**

Chairman Alan Flory called the Winter Work Session to order at 9:05 a.m.

Present: Jim Buchan, Alan Flory, Brent Hastey, George Nicholau, Ben Pearson, Leela Rai, Xavier Tafoya

Absent: None

**New and Revised Board Policies (BP)** – The Board reviewed and discussed the following Board Policies:

BP 3410 – Nondiscrimination – As revised.

BP 3505 – Emergency Response Plan – New policy.

BP 3530 – Weapons on Campus – As revised.

BP 4107 – Institutional Animal Care – New Policy.

BP 5500 – Standards of Conduct – The Board recommended a minor wording revision to change Chancellor to *District Chancellor*.

BP 5800 – Prevention of Identity Theft in Student Financial Transactions – New policy.

BP 6450 - Wireless or Cellular Telephone Use – New policy. Needs further review and discussion.

BP 7310 – Nepotism – As revised.

**Four Year Plan Update** - The District is in the second year of its four year plan, and in its first year as a multi-college district as Woodland Community College became accredited July 1, 2008. Presidents Fairchilds and Mendoza, and Vice Chancellors Espinoza and Wright each highlighted accomplishments to date, priorities for the second half of the current year, and plans for the third and fourth years. Dr. Alt provided a review and status update on the draft EEO Plan, and Dr. Adrian Lopez updated the Board on the status of the draft Diversity Plan. Dr. Harrington noted that while the Board had requested, these two plans be adopted in January, she recommended they be brought back in February again as information items and then in March for action to allow additional time for input.

**YCFA Suggestions for Board Communication** - The Board reviewed and discussed the YCFA Suggestions for Board Communication with outcomes as follows:

*Restore YCFA Report At Board Meetings.* It was noted that while this practice took place in the past, the District has four unions and YCFA's contract allows them to agendaize items as needed. Additionally, the Board Meeting agenda format has been revised to place Measure J Bond Construction and Featured Presentation earlier on the agenda, and Reports later to allow staff time to attend the meeting. The suggestion was also made for the Board to host some informal reception time for faculty and staff. Chancellor Harrington thanked YCFA President, Lisa Jensen-Martin for meeting with her and noted she will continue to work on this area.

*Produce A Current Administrative Procedure Handbook That Is Jointly Signed By The Administration And Faculty Leaders.* YCCD subscribes to the CCLC Policies and Procedures Service, and receives updates twice a year. Administrative Procedures are adopted by administration and can be revised at any time. The Academic Senate is consulted if an Administrative Procedure deals with academic or professional matters. Suggestions for revisions of new Administrative Procedures can be made by faculty or staff at any time.

*Schedule Board Meetings A Little Later So That Classified Staff And The Community Can Attend.* Chairman Flory stated that since Board members travel due to the size of the district, scheduling the meetings to begin at a later time is not practical. However, the Board meeting agenda format has been revised based on this request so that Measure J Bond Construction and the Featured Presentation are earlier on the agenda, and Reports, Action items, etc., are now later on the agenda, making it easier for those wishing to attend to be present.

*Post Agendas And Minutes Electronically So That Everyone Will Have Access.* Beginning January 2009 Board agendas and minutes are posted to the District web site.

*Conduct A Series Of Meetings Immediately Between The Board, Chancellor And Faculty Representatives From Both Colleges.* It was suggested that Presidents Fairchilds and Mendoza reinstate the Fireside Chats at their respective colleges as a venue for open communication with both faculty and classified staff. Chairman Flory noted that conflicts that cannot be resolved should be brought to the Chancellor's attention, and she in turn will bring the issue to the Board to be addressed. Board members noted that issues need to be resolved at the college level.

*YCFA Meet Regularly With A Designee Of The District (Preferably A Rotating Schedule Of Trustees) That Is Separate From The Chief Negotiator.* This will be addressed for the next negotiations cycle.

*The Board Evaluate How It Conducts Board Meetings Especially In Relation To Closed Session And Possible Brown Act Violations.* The Board complies with the Brown Act in its placement of items on Closed Session agendas and these are the only items allowable for discussion in Closed Session.

*Conduct An Annual Survey At Each Site To Get A Better Idea Of The Campus Climate; The Survey Results Would Go Directly To The Board.* Chairman Flory stated that these will be addressed as they come along and are part of the District Research Office's function.

*Contract Negotiations Between The Faculty And District Are Immediately Restored.* The District and YCFA have reached a Tentative Agreement for the 2008-2011 Agreement.

**Joint Session With YCCD Foundation Board** - The Board met jointly with the YCCD Foundation Board for its annual meeting over a working lunch. Each Board provided an update to the other to ensure the Foundation is in alignment with the Strategic Directions of the Board of Trustees. Director of Information Technologies, Karen Trimble, provided a PowerPoint presentation on new technology.

**Special Facilities Planning / Measure J** - Craig Fernandez, DMJM, introduced Mr. Hormoz Janssens, of Interface Engineering, who provided an overview of the function and services provided by Energy Service Companies (ESCOs) for potential application to the Measure J Bond Program, and the findings from the Central Utility Plan Feasibility Study.

Chairman Flory adjourned the Winter Planning Session at 2:51 p.m., and the Board returned to Yuba College to convene to Closed Session.

**YUBA COMMUNITY COLLEGE DISTRICT  
MINUTES OF THE JANUARY 21, 2009 BOARD OF TRUSTEES  
REGULAR MEETING**

The Yuba Community College District Board of Trustees met on Wednesday, January 21, 2009 for the Regular Meeting at Yuba College, Marysville, California.

2. **CLOSED SESSION**

- A. Conference with Legal Counsel – Anticipated Litigation (G.C. 54956.9(b))  
Significant exposure to litigation pursuant to Section 54956.9(b) – One potential case
- B. Conference with Labor Negotiator – District Negotiator: Al Alt  
Pursuant to Government Code Section 54957.6  
Employee Organization: Yuba College Faculty Association (YCFA)
- C. Conference with Legal Counsel – Existing Litigation (G.C. 54956.9(a))  
Dozier v. Yuba Community College District, et. al.  
U.S. District Court Case No. 2:08-CV-02298-FCD-JFM

Closed Session ended at 4:00 p.m. and the Board convened to Regular Session.

3. **REGULAR SESSION**

- A. Chairman Alan Flory called the meeting to order at 4:08 p.m.

Present: Jim Buchan, Alan Flory, Brent Hastey, George Nicholau, Ben Pearson, Leela Rai, Xavier Tafoya, and Juan Cervantes, Student Trustee

Absent: None

Chairman Flory announced that the Board met in Closed Session on January 7, 2009 and also earlier in the day, and took action to approve the Consent Order and authorize Legal Counsel and Risk Managers to pay the amount of \$25,000.00 for legal fees and \$1.00 for nominal damages to Plaintiff in Case No. CV02298FCD.

- B. Approval of Agenda  
**Moved, Seconded, Unanimously Carried (Tafoya/Buchan) that the Board approve the Agenda as presented.**
- C. Open Agenda  
Chairman Flory explained the process for addressing items on and off the agenda.

4. **APPROVAL OF MINUTES**

**Moved, Seconded, Unanimously Carried (Hastey/Nicholau) that the Board approve the Minutes of the December 10, 2008 Annual Organizational Meeting and Regular Meeting.**

5. **MEASURE J BOND CONSTRUCTION**

- A. Measure J Bond Construction – Consent  
**Moved, Seconded, Unanimously Carried (Tafoya/Pearson) that the Board approve the Measure J Bond Construction Consent Calendar as presented.**
  - (1) Permission to proceed to bid (J-10) Bldg 800 Life Sciences & Nursing Project, Yuba College.
  - (2) Authorization for modification to professional services agreement with Sandis Civil Engineers, Surveyors, and Planners in the amount of \$92,880.00, for additional professional services, Yuba College.

- (3) Authorization for modification to A/E Agreement with ImageWorks Architecture, Inc., in the amount of \$173,800.00, for multiple projects, Yuba College.
- (4) Authorization to enter into a professional services agreement with EDAW|AECOM for an Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed site for the Colusa County Educational Outreach Facility (J-42) of Woodland Community College.
- (5) Authorization for modification to A/E agreement with LPA Sacramento, Inc. in the amount of \$184,000.00, for additional design services (J-25) Allied Health & Public Safety Building, Yuba College.
- (6) Authorization for modification to A/E agreement with Hammel, Green, and Abrahamson, Inc. in the amount of \$426,395.00, for additional design services (J-06) Bldg 400 Theatre, Yuba College.
- (7) Authorization to request qualifications and proposals from Energy Service Companies (ESCOs) for design and construction of a Central Utility Plant (J-11), for Yuba College, and those other related capital improvements as determined by the District.
- (8) Accept project as complete – Gibson Road Landscape Improvements (J-40), Woodland Community College, as of December 3, 2008, as certified by the architect.
- (9) Accept project as complete – Campus Police Office relocation (J-39), Woodland Community College, as of December 12, 2008, as certified by the architect.

**B. Measure J Bond Construction – Action**

No Action Items Were Presented

**C. Measure J Bond Construction – Information**

- (1) Monthly Measure J Bond Construction Projects Update  
 Craig Fernandez, DMJM, provided an informational update on the work of the Bond Program. Highlights included (1) classroom and office space standards program-wide; (2) Building 1000 WiFi at Yuba College; (3) Campus Police Relocation at WCC; and (4) Geology Lab at WCC.

**6. FEATURED PRESENTATION – YCCD Veterans Affairs**

Ms. Maureen Smith, Veterans Affairs/Disabled Student Program and Services Technician, provided information about the vital role the college and District fulfill in meeting the special needs of our veterans and citizen soldiers. The Servicemen’s Readjustment Act of 1944 (the G.I. Bill) was designed to provide greater opportunities to returning war veterans of World War II. The bill provided federal aid to help veterans adjust to civilian life in the areas of hospitalization, purchase of homes and businesses and especially education. The act provided tuition, subsistence, books and supplies, equipment and counseling services to veterans to continue their education. In 1984 the G.I. Bill was revamped by Congressman G.V. Montgomery and since then has been called the Montgomery G.I. Bill. Since 1944, more than twenty million veterans and their dependents have participated in G.I. bill education and training programs totaling billions of dollars. Yuba College has, at the outset of the G.I. Bill, participated in assisting veterans in obtaining benefits due to them, especially educational benefits. Ms. Smith noted that the number of veterans and dependents served has sharply increased since September 11, 2001. Nearly seven hundred veterans and dependents were enrolled at Yuba Community College District and received some form of Veterans Education Benefits during academic year 2007, and this increase is expected to continue as those now serving return to civilian status. Students Wanda Boley, spouse of disabled US Navy Vietnam Veteran, and Eric Edwards, U. S. Army Operation Enduring Freedom Veteran and spouse of Active Duty Air Force member, shared with the Board their positive experiences in dealing with the Yuba College Veterans Affairs Office and the Yuba Community College District.

The Veterans Affairs Program addresses the Board’s Strategic Directions in the following areas:

- |          |   |
|----------|---|
| Goal 1.1 | Ensure student retention and success                                |
| Goal 3.3 | Create an inclusive environment that values diversity               |
| Goal 5.2 | Enhance student access  |
| Goal 5.3 | Design programs and services to support new and diverse populations |

Tanna Thomas, YCCD Instructional Support Analyst and member of the California Community College Board of Governors, shared that the Board of Governors is very interested in veterans returning to

college, and is currently assessing best practices among the 110 California community colleges and also looking to secure funding from Washington D.C.

**7. OPEN AGENDA AND PUBLIC COMMENT**

Yuba College Faculty Association (YCFA) President, Lisa Jensen-Martin, thanked the Board for inviting her to the Winter Planning Session and for having discussion on the suggestions for communication distributed to the Board at the December 10, 2008 Board meeting. President Jensen-Martin thanked the Board for revising the Board meeting agenda to allow presenters to address the Board first, then Reports later to allow staff time to come to the meeting. She assured the Board that the Academic Senate Presidents will meet with college presidents regularly. President Jensen noted that she and Chancellor Harrington worked together over the holiday break to facilitate the set up of a meeting to bring negotiators back together, and that at the end of the meeting, held Friday, January 16, a tentative agreement between YCFA and the District was reached.

**8. REPORTS**

**A. Trustee Reports**

Student Trustee, Juan Cervantes, noted that spring classes have begun. Trustee Pearson reported that he and President Fairchilds recently met with Colusa County Superintendent of Schools, Kay Spurgeon, and provided Ms. Spurgeon an update on Measure J projects. Trustee Buchan noted that the Seventh Grade Boys Career Fair was successful, and thanked those faculty who donated time to participate in the event, and Melody Deal, Facilities and Transportation, for her assistance. Trustee Nicholau expressed his thanks to students Wanda Boley and Eric Edwards for sharing their college experience with the Board. Trustee Hastey reported that he attended the YCCD Foundation Annual Holiday Dinner. Trustee Rai commended the Veterans Affairs Program, noting that Ms. Smith's enthusiasm has had a direct effect on the success of the program. Trustee Flory reported that he attended a celebration for Ken Freeman, Director of the Small Business Development Corporation, who was honored by Yolo County Supervisor Matt Rexroad as *Woodlander Of The Month*.

**B. Board Foundation Liaisons Report**

Trustee Buchan reported that the Foundation Annual Holiday Dinner held in December was not as well attended as in the past. He noted that the joint meeting with the Foundation Board held earlier in the day was a very good meeting.

**C. Yuba College Academic Senate Report**

Yuba College Academic Senate President, Helen Nickolson, thanked President Mendoza for the holiday reception held in December, and noted that Professor Robert Wachman and Rita Montejano, Administrative Secretary, Nursing, were both honored for 20 years of service. She noted, also, that she and YC Academic Senate Vice President, Tim May, were scheduled to meet every two weeks with President Mendoza.

**D. Woodland Community College Academic Senate Report**

WCC Academic Senate President, George Galamba, noted an Educational Master Plan subcommittee is currently being established. He also reported that a Shared Governance Forum was held at WCC on January 14<sup>th</sup>. Mark Wade Lieu, President, California Academic Senate for California Community Colleges, and Scott Lay, President, CCLC, were guest speakers at the event.

**E. Classified Exclusive Representative Report**

CSEA President, Donna Veal-Spenser, reported that the first CSEA meeting of the year was held earlier in the day. She also noted that CSEA would be forwarding nominations for CSEA Member Of The Year.

**F. Chancellor's Report**

Chancellor Harrington thanked Ms. Smith and the students for their excellent presentation. Chancellor Harrington announced that Tim Hodge, Assistant Director Maintenance & Operations, was presented the Yuba-Sutter Environmental Initiative Award on behalf of the District. The award was presented by the Regional Waste Management Authority in recognition of the District's waste reduction efforts in 2008. Chancellor Harrington thanked Trustee Buchan for his work on the

Seventh Grade Boys Career Fair. She also thanked Lisa Jensen-Martin for her willingness to meet to discuss the suggestions for communication. Chancellor Harrington expressed appreciation for all of the ideas and input that has been forwarded with regard to the budget, stating that the goal is to be very transparent and open about the entire process. She noted that administration is hoping to avoid staff reductions.

G. Yuba College President's Report

President Mendoza thanked Ms. Smith for her presentation to the Board, and also commended Campus Operations Specialist II, Susan Downing, for the great job she does at Beale AFB. Vice President Academic and Student Services, Kevin Trutna, noted that at the May 2008 commencement, students were asked to name one person who impacted them the most – students named Maureen Smith – Kevin presented her with *Way To Go Award*. President Mendoza complimented Trustee Buchan on the success of the Seventh Grade Boys Career Fair. He introduced new librarian, Elena Heilman.

H. Woodland Community College President's Report

President Fairchilds provided an update on activities of students, staff, and faculty at WCC and Colusa County since the last meeting. Of special note, WCC had a successful site visit by the Department of Veterans Affairs as part of the process to authorize WCC to provide services to veterans. Additionally, YCCD Small Business Development Center (SBDC) Director, Ken Freeman, was recognized by County Supervisor Matt Rexroad for his many hours spent helping small, locally-owned businesses. Mr. Freeman received a plaque at a celebration lunch attended by Trustee Flory, Mayor Skip Davies, former Mayor Dave Flory, City Manager Mark Deven, and Chamber of Commerce staff and Board members.

9. **BUDGET UPDATE**

Dr. Wright stated that although the state has not enacted specific revenue reduction legislation, administration has openly discussed the highly probable state revenue shortage with managers and staff including elected leaders of the respective bargaining units. Areas of cost reduction include holding open positions vacant and reducing expenditures. To date, cost containment for current year is \$369,000 and \$900,100 for 2009-10. Chancellor Harrington noted that the governor's new proposal will defer about one-third (\$115 million) of the payments to community colleges scheduled for January / February until July. In addition, many counties are deferring tax payments in the effort of collecting as much interest as possible. These deferments (approximately \$3 million at YCCD) are forcing the need for additional Tax Revenue Anticipation Notes (TRANS). With the deferment of payments, loss of interest, and having to pay interest, community colleges are losing a lot of money.

Chairman Flory noted that an ad hoc audit committee was needed for review of the audit. Trustees Flory and Buchan will serve in this capacity.

10. **LEGISLATIVE UPDATE**

Dr. Lopez provided an update on legislative issues, noting that included in the 2009 Community College Legislative Program for Board of Governors (BOG) approval is the Property Tax Backfill, which would provide community colleges with an automatic backfill of property taxes similar to the one currently in place for K-12 school districts. Dr. Lopez noted that the League has provided talking points on the Governor's budget proposal.

11. **CONSENT**

Chairman Flory noted that discussion at the Winter Work Session regarding new and revised Board Policies indicated the following amendment: Board Policy 5500–Standards of Conduct requires a minor wording revision; Board Policy 6450–Mobile Communication Devices requires further research and is being removed from the approval list.

**Moved, Seconded, Unanimously Carried (Buchan/Rai) that the Board approve the Consent Calendar as amended at the Board Work Session.**

- A. Categorically Funded Positions
  - (1) Approve Short-Term Classified Employees (Temporary Classified and Non-Academic/ Non-Classified) – Assembly Bill 500
- B. District Funded Positions
  - (1) Approve Short-Term Classified Employees (Temporary Classified and Non-Academic/ Non-Classified) – Assembly Bill 500
  - (2) Confirmation of Retirement – Management Employee - Linda Southard, Director of Fiscal Services

**OTHER**

- C. Approval to begin the hire process – Classified position, Administrative Secretary I, WCC categorically funded (CalWORKs), 12 months.
- D. Approve increase in FTE from .59 FTE to 1.0 FTE for the Clerical Assistant (EOP&S/CARE) position at WCC, effective January 1, 2009.
- E. Approval of Warrants
- F. Approval of new and revised Board Policies 3410, 3505, 3530, 4107, 5500, 5550 as revised at the Work Session, 5800, and 7310.
- G. Approval to accept the CIMS-8770 Mini-Grant in the amount of \$3,506.00.

**12. ACTION**

- A. Approve Monthly Unrestricted Budget Report for December 2008  
**Moved, Seconded, Unanimously Carried (Tafoya/Buchan) that the Board approve budget revisions as presented.**
- B. Approve Change in Board Resolution for the Adoption of the Elite Choice Governmental 457(b) Deferred Compensation Plan and the Elite Choice 403(b) Tax Sheltered Annuity Plan  
**Moved, Seconded, Unanimously Carried (Rai/Buchan) that the Board approve the change to the Board Resolution for the adoption of the Elite Choice Governmental 457(b) Deferred Compensation Plan and the Elite Choice 403(b) Tax Sheltered Annuity Plan.**
- C. Approve Non-Resident Tuition for 2009-2010  
**Moved, Seconded, Unanimously Carried (Nicholau/Pearson) that the Board adopt the nonresident tuition rate of \$190 per unit and assess the foreign students and additional fee of \$20 per unit for 2009-2010.**
- D. Sabbatical Leave recommendations for 2009-2010  
**Moved, Seconded, Unanimously Carried (Tafoya/Nicholau) that the Board support the recommendation of the Leave Approval Committee for Professors Robert Mathews and Sara Sealander, but delay authorization due to state fiscal conditions until Spring 2010 when finances will be reassessed.**
- E. Approve changes to college curriculum  
 Professor Larry Michel, Chair of the Curriculum Committee, commented that changes to college curriculum normally comes to the Board in the spring; however, changes in Title 5 now require approval before a course can be offered. He indicated that work will begin in the spring to identify Student Learning Outcomes on the recently revised course outline form  
  
**Moved, Seconded, Unanimously Carried (Buchan/Tafoya) that the Board recognizes the work on behalf of the Yuba College Curriculum Committee to maintain a current college curriculum that meets students needs and approves the changes to the college curriculum as presented.**
- F. Nomination for California Community College Trustee (CCCT) Board of Directors – 2009  
  
 There were no nominations/volunteers to serve on the CCCT Board of Directors for 2009.

13. **INFORMATION**

A. Yuba College Presidential Search Process

Dr. Narcisa Polonio, ACCT Vice President of Research, Education and Board Leadership Services, provided information about the Presidential Search process and timeline with the Board.

14. **ADJOURNMENT**

The meeting adjourned at 6:25 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Nicki Harrington".

Nicki Harrington, Chancellor