

**YUBA COMMUNITY COLLEGE DISTRICT
MINUTES OF THE DECEMBER 10, 2008 BOARD OF TRUSTEES
ANNUAL ORGANIZATIONAL MEETING AND REGULAR MEETING**

The Yuba Community College District Board of Trustees met for the Annual Organizational Meeting and Regular Meeting on Wednesday, December 10, 2008 at Yuba College, Marysville, California.

Vice Chair, Alan Flory, opened the meeting at 1:05 p.m. and the Board convened to Closed Session.

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

Absent: None

1. CLOSED SESSION – CHANCELLOR’S OFFICE

- 1A. Public Employee Performance Evaluation
Title: Chancellor
- 1B. 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
- 1C. Public Employee Discipline/Dismissal/Release (G.C. 54957)
- 1D. Public Employee Discipline/Dismissal/Release (G.C. 54957)
- 1E. Conference with Labor Negotiator – District Negotiator: Al Alt
Pursuant to Government Code Section 54957.6
Employee Organization: Yuba College Faculty Association (YCFA)

Closed Session concluded at 3:50 p.m. and the Board convened to the Annual Organizational Meeting.

2. ANNUAL ORGANIZATIONAL MEETING

- 2A. Call To Order
Vice Chair, Alan Flory, called the Annual Organizational Meeting to order at 4:04 p.m.

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

Absent: None
- 2B. Oath of Office/Seating of Trustees Jim Buchan, Brent Hastey, Ben Pearson, and Xavier Tafoya
Chancellor Harrington administered the Oath of Office to Trustees Pearson, Hastey, Buchan, and Tafoya.
- 2C. Election of President/Chair of the Board of Trustees
Trustee Rai nominated Alan Flory for the position of President/Chair of the Board of Trustees for 2009.
Moved, Seconded, Unanimously Carried (Nicholau/Buchan) that the nominations for President/Chair are closed, and that Alan Flory is elected as the President/Chair of the Board of Trustees for 2009.
- 2D. Election of Vice President / Vice Chair of the Board of Trustees
Trustee Hastey nominated Jim Buchan for the position of Vice President/Vice Chair of the Board of Trustees for 2009.

Moved, Seconded, Unanimously Carried (Tafoya/Nicholau) that the nominations for Vice President/Vice Chair are closed, and that Jim Buchan is the Vice President/Vice Chair of the Board of Trustees for 2009.

- 2E. Election of Clerk of the Board of Trustees
Chairman Flory nominated Xavier Tafoya for the position of Clerk of the Board for 2009.
Moved, Seconded, Unanimously Carried (Hastey/Nicholau) that the nominations for Clerk of the Board of Trustees are closed, and that Xavier Tafoya is the Clerk of the Board of Trustees for 2009.
- 2F. Selection of Secretary to the Board of Trustees
Chairman Flory asked that the Board confirm the selection of the Chancellor to serve as the Secretary to the Board of Trustees for 2009. The Board confirmed this selection.
- 2G. Appointment of Board's Foundation Board Liaison For 2009.
Trustee Nicholau nominated Jim Buchan and Alan Flory for the appointments of Board Foundation Liaisons for Yuba College Foundation and Woodland Community College Foundation, respectively.
Moved, Seconded, Unanimously Carried (Nicholau/Rai) that the nominations for the Board Foundation Liaison are now closed and Jim Buchan and Alan Flory are appointed as the Board's Foundation Board Liaisons for 2009.
- 2H. Appointment of Board's Legislative Liaison
Trustee Nicholau nominated Alan Flory for the position of Board Legislative Liaison.
Moved, Seconded, Unanimously Carried (Nicholau/Buchan) that the nominations for the Board Legislative Liaison are now closed and Alan Flory is appointed as the Board's Legislative Liaison.
- 2I. Appointment of Board representative on the Yolo County School Boards Association (YCSBA)
Trustee Buchan nominated Xavier Tafoya for the position of Board representative on the Yolo County School Boards Association (YCSBA) Executive Board.
Moved, Seconded, Unanimously Carried (Buchan/Rai) that the nominations for the Board representative on the Yolo County School Boards Association (YCSBA) Executive Board are now closed and Xavier Tafoya is the Board's representative on the Yolo County School Boards Association (YCSBA) Executive Board.
- 2J. Authorization of Chancellor to Sign Orders on the Funds of the District and District Warrants For 2009.
Moved, Seconded, Unanimously Carried (Nicholau/Buchan) that the Board grant authorization to the Chancellor to sign orders on the funds of the District, and the District Warrants for 2009.
- 2K. Set Dates, Times and Locations For Regular Meetings For 2009
Trustee Flory announced that it was requested that the July 15, 2009 Regular Board Meeting date be revised to July 22, 2009.
Moved, Seconded Unanimously Carried (Nicholau/Rai) that the Board approve the calendar for Regular Board Meetings for 2009 with the revision of the July 15, 2009 meeting to July 22, 2009.
- 2L. Verification of Signatures and Occupations of Members of the Board
Board members provided the information requested on the School Board Authorization Form as required by the Education Code.

The Annual Organizational Meeting adjourned at 4:11 p.m.

3. REGULAR SESSION

- 3A. Call To Order
Chairman Flory called the Regular Session to order at 4:11 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 to discuss items listed on the Closed Session agenda, and the following actions were taken: (1) Item 1A - Chancellor's Performance Evaluation. The Board voted unanimously to approve the Chancellor's contract from January 1, 2009 through December 31, 2011. Chairman Flory commended Chancellor Harrington for requesting that she not receive an increase in salary due to the current economic situation. (2) Item 1C – Public Employee Discipline/Dismissal/Release - the Board voted unanimously for non-renewal of contract of an academic administrator. No action was taken on the other Closed Session agenda items.

3B. Approval of Agenda
Moved, Seconded, Unanimously Carried (Nicholau/Buchan) that the Board approve the agenda as presented.

3C. Open Agenda
Chairman Flory explained the process for addressing items on and off the agenda.

4. APPROVAL OF MINUTES

4A. Approve Minutes of the November 19, 2008 Board Work Session and Regular Board Meeting.
Moved, Seconded, Unanimously Carried (Tafoya/Buchan) that the Board approve the minutes of the November 19, 2008 Board Work Session and Regular Meeting.

5. BOARD/CHANCELLOR REPORTS

5A. Trustee Reports
Student Trustee, Juan Cervantes, reported that students are preparing for finals. He recently met with Chancellor Harrington and discussed the idea of holding a Crossing Borders, Building Bridges event for students. Trustees Tafoya and Rai recently attended the Community College League of California (CCLC) Annual Conference. Trustee Nicholau expressed his appreciation of efforts showing support for professors, and noted that he, too, appreciates the District's certificated and classified personnel. Trustee Buchan continues his work in preparing for the Seventh Grade Boys Fair scheduled to be held January 15, 2009. Trustee Buchan attended the student art display in the library. Trustee Pearson reported that he has lived in the Maxwell area all of his life, and looks forward to representing his constituents as a Board member. Trustee Hastey reported that he was able to attend Chancellor Harrington's Budget Forum on December 9th. He expressed his appreciation to Chancellor Harrington and the Board for their time and support while he goes through the learning curve to learn how the District works. Trustee Rai welcomed Trustees Hastey and Pearson to the Board. Trustee Rai commented that although the district is experiencing difficult financial times, professional development is imperative to stay on the cutting edge and to be of value to the institution. Chairman Flory reported that he has attended several budget meetings, and spent several hours discussing the impact it will have on the YCCD, Los Rios, and K-12 districts in Yolo County. Chairman Flory commended CSEA President, Donna Veal-Spenser, for the cost-saving suggestions provided by members of the classified staff.

5B. Board Foundation Liaison Report
Trustee Buchan reported that the Foundation Holiday Dinner will be held Friday, December 19th. Trustee Buchan shared that he contributes to the YCCD Foundation monthly, and encouraged other trustees to do the same.

5C. Yuba College Academic Senate Report
Yuba College Academic Senate President, Helen Nickolson, expressed displeasure about the November 19, 2008 Board meeting, stating it was District faculty who conducted a vote of no confidence on Director Al Alt, not the Yuba College Academic Senate. President Nickolson expressed concern that the Board is conducting business wrongfully by using Closed Session to discuss all items on Board agendas. President Nickolson requested that a review of Board Policies and Administrative Procedures be conducted, noting that many policies are sparsely worded and some do not have accompanying administrative procedures. She requested that Board minutes be posted to the website, and stated she recently requested copies of minutes from the AB1725 era (beginning 1988), and was asked to submit a Public Records Act Request. President Nickolson added that the relationship between the Board's designee and the Yuba College Senate is not working. She then introduced Yuba College Academic

Senate Vice President, Tim May, who read a Senate statement which said that the Chancellor has misrepresented concerns and actions of the Academic Senate to the Board, and requests the Board appoint a new designee. President Nickolson stated that with accreditation coming up in the near future, she hopes the Yuba College Senate and the Board will work together collegially and not discredit the institution.

5D. Woodland Community College Academic Senate Report

Woodland Community College Academic Senate President, George Galamba, stated the Academic Senate is obligated to deal with issues regarding curriculum, while the union is obligated to deal with issues such as contracts, working conditions, etc., and noted many issues cross over between the two. While they may or may not agree with the issue, the Senate still has the duty to advance faculty concerns. President Galamba stated that it appears the District is sailing into a perfect storm as the District and YCFA negotiations are at impasse and both the state and national economy continue to worsen.

5E. Classified Staff Report

CSEA President, Donna Veal-Spenser, read a prepared statement, urging the Board and administration to work with CSEA and classified staff to resolve the budget crisis. Ms. Spenser noted that a list of cost-saving ideas has been developed by classified staff and shared with administration and the Board. Ms. Spenser thanked Chairman Flory for being open to suggestions about the budget, and added that it is admirable for Chancellor Harrington not to request a salary increase at this time of budget crisis.

5F. Chancellor's Report

With regard to concerns expressed by Professor Nickolson, Chancellor Harrington clarified that the Board's Closed Session meetings are used only to discuss items listed on the Closed Session agenda as permissible by law. The Board holds Work Sessions regularly to discuss in more depth some topics. These sessions are also agendized and are open, public meetings, and everyone is welcome to attend. With regard to the statement made by Trustee Nicholau, referenced in Professor Nicholson's report, Chancellor Harrington noted that trustees often disagree, and that each trustee has his or her own opinion. The Work Sessions provide more time for dialogue to allow Board members to come to consensus on items where they may disagree.

Chancellor Harrington stated that much time has been focused on campus climate and budget, and Administration has worked to make the budget process very transparent. Presidents Mendoza and Fairchilds have held budget forums at their respective campuses, and both College Councils have had discussion about the budget. Additionally, Drs. Harrington and Wright held a budget forum for District Office staff. Chancellor Harrington thanked classified staff for being proactive in reviewing the budget and identifying areas of possible cost-savings for the District, and stated the Board and Administration will avoid layoffs as much as possible, although this cannot be guaranteed. Chancellor Harrington noted the Board has adopted the Principle-Centered Employee Compensation chart, and shared that while her salary range falls in the bottom quartile of her comparable districts, she believes budget savings must start with the District Chancellor, which is why she requested no salary increase this year. Chancellor Harrington noted that managers are reducing travel costs and requested that the Board consider doing the same due to the budget situation.

Chancellor Harrington shared with the Board that she and Dr. Lopez recently met with Mr. Cervantes, Student Trustee, regarding concerns expressed at the last Board meeting, specifically student concerns that unresolved issues between faculty and administration may interfere with their educational programs. She assured Mr. Cervantes that students' educational programs are top priority to everyone in the District.

Chancellor Harrington noted that there are many good and exciting things taking place within the District, including Measure J construction projects and student success. Chancellor Harrington expressed that by working together, the District will get through the current budget crisis. Chancellor Harrington noted that she has met with WCC Academic Senate leadership, has contacted YCFA leadership to set up a meeting, and expressed her continued commitment to meeting with the Yuba College Academic Senate leadership to continue to discuss issues as needed, but that the Academic Senate's need to work with their respective College Presidents.

- 5G. Yuba College President's Report
 President Mendoza provided an update on the activities of students, staff, and faculty at Yuba College and the Clear Lake Campus since the last meeting. Of special note, the Student Art Show is on display through December 18th; the Photography Department Student Exhibition is running through December 20th; Director of Allied Health Programs, Toni Christopherson, was recently featured in *Nurseweek*; and Welding Instructor, Dan Turner, was featured in *Practical Welding Today*. President Mendoza held a Budget Forum at both Yuba College and the Clear Lake Campus, with the goal of keeping staff informed of the challenges ahead, and to seek their ideas for cost reductions and revenue generation. Additional forums and updates will be provided to staff as information becomes available.
- 5H. Woodland Community College President's Report
 President Fairchilds provided an update on the activities of students, staff, and faculty at WCC and Colusa County since the last meeting. Campus activities have included student, staff, and faculty participation in building a holiday float for the Woodland Christmas Parade; a cultural event hosted by the MECHA and PUENTE students to raise money and collect canned goods for the Yolo County Food Bank; continued work in the development of the college's Strategic Plan; and a celebration of diversity in the decorating of the holiday tree in the WCC lobby.
- 5I. Budget Update
 Dr. Wright provided an update on the current state budget situation, noting the state has an \$11.8 billion dollar shortfall in current year and another \$11.8 billion shortfall next year, nearly four times worse than the budget crisis in 2002. Budget resolution will only be accomplished between an increase in revenue and a decrease in spending. Dr. Wright noted that he hopes to have more information in the next four to six weeks, with the Governor's budget coming in early January.
- 5J. Legislative Update
 No new information at this time.

6. **FEATURED PRESENTATION: Yuba College Disabled Students Programs and Services (DSPS)**
 Ms. Therese Hukill-DeRock and Mr. Al Barbara from the DSPS Department provided information on Assistive Computer Technology for disabled students. These tools promote independence in education, employment, daily living, and personal enrichment. Ms. Rebekah O'Neal and Mr. Kavin Conner shared information from their perspectives as students in the program.

The DSPS program addresses the Board's Strategic Directions in the following areas:

- Goal 1.1 Ensure student retention and success
- Goal 2.1 Embrace the statewide basic skills initiative
- Goal 3.3 Create an inclusive environment that values diversity
- Goal 5.3 Design programs and services to support new and diverse populations

Chairman Flory thanked Ms. DeRock, Mr. Barbara, and the students for their informative presentation.

7. CONSENT CALENAR

Moved, Seconded, Unanimously Carried (Tafoya/Buchan) that the Board approve the Consent Calendar as presented.

- 7A. **District Funded Positions**
 7A(1) Approve Short-Term Classified Employees (Temporary Classified and Non-Academic/ Non-Classified) – Assembly Bill 500 – District Funded
 7A(2) **Confirmation of Retirement – Classified Employee**
 7A(2)(a) George Ginger, Custodian – Yuba College
 7B. **Categorically Funded Positions**
 7B(1) Approve Short-Term Classified Employees (Temporary Classified and Non-Academic/ Non-Classified) – Assembly Bill 500 – Categorically Funded
 7B(2) **Confirmation of Employment – Classified Employee (Contingent upon fingerprint clearance)**
 7B(2)(a) Tasha Atteberry, Measure J Bond Projects Accountant – District

OTHER

- 7C. Approval of Warrants
- 7D. Approve expenses of Trustees attending the CCLC Annual Legislative Conference and Board Chair Workshop, January 23-26, 2009 in Sacramento, California.
- 7E. Approval of Increase In Work Year - Classified Position – Categorically Funded – Child Care Assistant (Infant/Toddler), Yuba College - from 10 months to 12 months effective December 1, 2008.
- 7F. Approval of Increase in FTE for Two Foster Care Education Specialist Positions, Yuba College – Categorically Funded – from .75 FTE to 1.0 FTE and .50 FTE to .75 FTE effective December 1, 2008.
- 7G. Approval of Proposed 2009-2010 District Calendar
- 7H. Approval of Addendum to State of California Purchase Card Program Master Services Agreement.

8. ACTION

- 8A. Approve Monthly Unrestricted Budget Report for October 2008
Moved, Seconded, Unanimously Carried (Buchan/Tafoya) that the Board approve the budget revisions as presented.

Chairman Flory called a short recess at 6:11 p.m., and the Board reconvened to Regular Session at 6:20 p.m.

- 8B. Yuba College Faculty Association (YCFA) Request: Board Communication

Yuba College Faculty Association (YCFA) President, Lisa Jensen-Martin, addressed the Board, stating that morale is low, negotiations and mediation have been abandoned by the District, and communication has been lost. Professor Jensen distributed to Board members a list of nine suggestions intended to improve communication, requesting that Board action be taken on this item. Chairman Flory stated that the Board would not take action on information the Board had not had time to review or discuss, and that the information would be taken under advisement. Trustee Hasteley suggested that this item be placed on the January Board agenda. Chairman Flory called to the podium those who had submitted written request cards to address this item.

9. INFORMATION

- 9A. Faculty Positions for 2009-2010
Chancellor Harrington commended the Faculty Staffing Committees at both colleges for their work. Administration recommends that no positions be moved forward for authorization to begin the hiring process at this time, due to the budget crisis. In addition to full-time faculty positions, the areas of Sabbaticals and Coordinator Release Time Assignments are also under review.
- 9B. Revised Annual Financial and Budget Report
- 9C. Tri-County Regional Occupational Program (ROP) – Course Sequencing Plan
Mr. Mendoza presented the Tri-County ROP Course Sequencing Plan, stating that AB 2448 requires the development of the plan and that it be reviewed by the Board.

10. MEASURE J BOND CONSTRUCTION

- 10A. Measure J Bond Construction – Consent
Moved, Seconded, Unanimously Carried (Hasteley/Tafoya) that the Board approve the Measure J Bond Construction Consent Items as presented.
- 10A(1) Award Professional Services Agreement to ImageWorks Architecture, Inc., in the amount of \$90,000, to perform an Americans With Disabilities Act (ADA) Survey and ADA Transition Plan for Yuba College.
- 10A(2) Award Professional Services Agreement to DLR Group Inc. of California for Architectural/ Engineering Design Services for Various Measure J Bond Projects, in the amount of \$495,000.
- 10A(3) Approval of Contract Change Order No. 3 in the amount of \$3,055.25 for Gibson Road Landscape Improvements Project, Woodland Community College, as certified by the architect.

10A(4) Award a Project-Specific Professional Services Agreement to Dovetail Decision Consultants, Inc. (DDCI) in the not-to-exceed amount of \$61,325 for the Colusa County Educational Outreach Facility.

10B. Measure J Bond Construction – Information

10B(1) Monthly Measure J Bond Construction Projects Update

Chancellor Harrington introduced Craig Fernandez, DMJM. Mr. Fernandez reported that the Furniture, Fixtures, and Equipment (FF&E) Faire was a great success at each of the three District campuses; the first major Measure J Bond Construction project, Building 400-Yuba College Theatre, is on schedule and on budget; and the Woodland Community College (WCC) landscape project is now complete and under budget. Chairman Flory noted that he has heard many compliments about the WCC landscaping.

Mr. Fernandez introduced Cheryl Lentini, AIA of Beverly Prior Architects, design firm for the WCC Colusa County Educational Facility. Ms. Lentini delivered a PowerPoint presentation on the schematic design of the project.

Trustee Pearson stated that he has been a student of the outreach facility in Colusa, and is pleased to see the plans for this project and the opportunity to respond to growth in Colusa County.

Chairman Flory thanked Ms. Lentini for her informative presentation.

Mr. Fernandez introduced Ms. Kelly Reynolds, AIA and Mr. Greg Secor of Stafford, King, Wiese (SKW) Architects, design firm for the PE Complex projects, which includes Building 1200 - Athletic Department and Gymnasium (J-14); new soccer field (J-24); upgrade press box/score board (J-26); and pool demolition (J-27). Mr. Secor delivered a PowerPoint presentation on the schematic design of the PE Complex projects.

Chairman Flory inquired if these projects are tied to state funding and whether or not the fields will be lighted. Mr. Fernandez stated that the PE Complex projects are one hundred percent bond funded, and that the fields will be lighted. Chairman Flory commented that synthetic turf can be very expensive. Mr. Fernandez noted that a high-quality turf will be installed, and that a cost benefit analysis is currently being reviewed, considering not only the materials and installation, but also long-term maintenance and upkeep.

Trustee Hastey suggested since both fields will be lined for football and soccer, that both be lined for hockey, as well. Mr. Fernandez stated he would follow up on the feasibility of it.

Chairman Flory thanked Ms. Reynolds and Mr. Secor for their presentation to the Board.

11. OPEN AGENDA AND PUBLIC COMMENT

Regarding Items Not On This Agenda

There were no public comments regarding items not listed on the agenda.

12. ADJOURNMENT

Chairman Flory wished everyone a happy holiday season, and adjourned the meeting at 7:34 p.m.

Respectfully Submitted,



Nicki Harrington, Ed.D.
Chancellor