Minutes of the
Governing Board Meeting
November 9, 2010

A. CALL MEETING TO ORDER

President Dhillon called the Regular Meeting of the Governing Board of the San José/Evergreen Community College District to order on Tuesday, November 9, 2010, at 5:00 p.m., in the District Board Room, 4750 San Felipe Road, San Jose, CA 95135.

Board Members Present:
Ms. Mayra Cruz
Mr. Balbir Dhillon
Ms. Maria Fuentes
Mr. Richard Hobbs
Mr. Randy Okamura
Mr. Richard Tanaka

Board Members Excused:
Mr. Ron Lind

B. APPROVAL OF CLOSED SESSION AGENDA

M/S/C (Fuentes/Hobbs) to approve the Closed Session Agenda as submitted.

President Dhillon stated that, at the request of the district employee, the Closed Session agenda item regarding Public Employee Discipline/Dismissal/Release would be heard in Open Session before the Board goes into Closed Session to deliberate. He read Resolution No. 110910-2 Resolution of Adoption of Factual Findings for Employee Discipline.

Chancellor Cepeda stated she read the findings of both the district and the hearing officer, and based on the seriousness of the conduct, she supports the district recommendation to terminate the employee.

Mr. Cohn, counsel for Ms. Velasquez spoke on her behalf. He highlighted her long service to the District and facts salient to the Arbitrator's decision. He urged the Board to uphold the Arbitrator's recommendation to suspend, and not to terminate, Ms. Velasquez.

The Board approved Resolution No. 110910-2 by a vote of 5 yeses, 1 absent, to accept the factual findings for employee discipline that were submitted to the Board.

When the Board returned to Open Session, President Balbir read Resolution No.
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110910-3 and announced that the Board upheld the decision of district administration to terminate the employee by a vote of 5 yeses, 1 no, and 1 absent.

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 5:00 p.m. to consider the following items:

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
(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: 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
Mr. Richard Hobbs
Mr. Richard Tanaka
Ms. Linda Lam
Mr. Randy Okamura
Ms. Autumn Young

Board Members Excused:
Mr. Ron Lind

1. PLEDGE OF ALLEGIANCE

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

2. **ADOPTION OF AGENDA**

   M/S/C (Cruz/Hobbs) to approve the agenda as amended: Item I-1 was moved to precede Item H-2.

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

   There were no additional public comments on the Closed Session agenda.

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

   Randy Pratt, EVC Physical Education teacher, expressed his concern about the number of PE classes that have been cut due to budget cuts.

   Rick Wagner, EVC Counselor, expressed his concern about the layoff resolution and how the possible layoff of a classified employee would impact the Counseling Department.

5. **APPROVAL OF THE OCTOBER 12, 2010 MINUTES**

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

F. **CONSENT AGENDA**

   1. **ADOPTION OF THE CONSENT AGENDA**

      M/S/C (Fuentes/Lam) to approve the consent agenda as submitted.

   2. **MANAGEMENT PERSONNEL**

      The Board approved the Management personnel items as submitted.

   3. **FACULTY PERSONNEL ACTIONS - REGULAR**

      The Board approved the Faculty personnel actions as submitted.

   4. **FACULTY PERSONNEL-ADJUNCT/OVERLOAD - SJCC**

      The Board approved the Faculty adjunct/overload SJCC personnel items as submitted.
5. **CLASSIFIED PERSONNEL**

The Board approved the Classified personnel items as submitted.

6. **HOURLY, STUDENT WORK & VOLUNTEER PERSONNEL ACTIONS**

The Board approved the Hourly, Student Work and Volunteer personnel actions as submitted.

7. **DISTRICT BUDGET TRANSFERS AND REVISIONS**

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

8. **SJCC BUDGET TRANSFER ASB DONATION OF RESERVE BOOKS AND MARKERS FOR LIBRARY**

The Board approved the donation as submitted.

9. **RATIFICATION OF CONTRACTS**

The Board ratified the contracts as submitted.

10. **DESTRUCTION OF RECORDS – FISCAL SERVICES**

The Board approved the destruction of records as listed per Section 7080.302 of the Retention of Destruction of Records under Board Policies.

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

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

12. **CURRICULUM RECOMMENDATIONS FOR SAN JOSE CITY COLLEGE**

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

13. **SEARCH COMMITTEE – EVERGREEN VALLEY COLLEGE PRESIDENT**

The Board approved the Evergreen Valley College President Search Committee as submitted.

14. **WORKFORCE INSTITUTE – CALIFORNIA CONSTRUCTION COLLEGE GRANT AWARD**

The Board approved the California Construction College grant award.
15. **ACCEPTANCE OF GRANT FUNDS – EVERGREEN VALLEY COLLEGE**

   The Board accepted Year 1 grant funds awarded to Evergreen Valley College for the grant period effective October 1, 2010 through September 30, 2011 in the amount of $575,000 from the U.S. Department of Education, Title V Hispanic-Serving Institutions Program.

16. **WESTED/E3 INSTITUTE GRANT**

   The Board accepted the WestEd/E3 Institute grant.

17. **CONSORTIUM FOR MIDDLE EASTERN STUDIES GRANT**

   The Board accepted the Consortium for Middle Eastern Studies grant.

18. **CHILD DEVELOPMENT TRAINING CONSORTIUM 2010-2011 INSTRUCTIONAL AGREEMENT**

   The Board accepted the Child Development Training Consortium 2010-2011 instructional agreement.

19. **CALIFORNIA EARLY CHILDHOOD MENTOR TEACHER PROGRAM 2010-2011 AGREEMENT**

   The Board accepted the Letter of Agreement with the California Early Childhood Mentor program.

20. **SJCC TITLE V: HIS AWARD**

   The Board accepted grant funds in the amount of $575,000 from the U.S. Department of Education awarded under the Strengthening Institutions – Hispanic Serving Institutions Program for San Jose City College.

21. **AWARD OF CONSTRUCTION CONTRACT – OLD CENTRAL PLANT BOILER REPLACEMENT – SJCC**

   The Board awarded the construction contract to Thermal Mechanical, Inc., in the amount of not to exceed $160,945.00, being the lowest responsive bid received for the Old Central Plant Boiler Replacement at San Jose City College.

22. **FAMILY PACT SERVICES REQUEST OF FUNDS**

   The Board accepted the revenue and appropriation.

G. **ORAL COMMUNICATIONS**

   a. **Board of Trustees**

      EVC Student Trustee Lam reported that the AS is planning a march at the SF Federal Building on December 3.
Trustee Cruz reported on the recent meetings held by the leadership of the Achieving the Dream team, and stated she was impressed by the work of the math departments, especially the work done by Leandra Martin and Charles Heimler. She stated it’s important to look at where students are, how they are performing and what strategies and next steps are required for them to succeed.

b. Chancellor

Chancellor Cepeda reported this was an active month of media coverage for the district. NBC Bay Area News, KCBS Radio, KKJC Radio and even our own SJCC Times had stories about Measure G.

Chancellor Cepeda also reported on UCLA Chancellor Gene Block’s visit to SJCC, the recent visit by the Achieving the Dream leadership team, and her recent meeting with Chancellor John Hendrickson of West Valley-Mission Community College District. She also discussed the recent Great Shakeout event in the district in which she also participated by going under her desk. The district will be having more events and training for handling emergencies.

c. Presidents

SJCC Interim President Doug Treadway reported that the SJCC journalist students from the SJCC Times newspaper won 14 awards at the Journalism Association of Community Colleges NorCal Convention at San Jose State University, including first place in NorCal for news judgment and layout, copyediting and illustration. SJCC will host a meeting of 30 high school superintendents and principals from Santa Clara County and college administrators and counselors on “What it means to be a college student—moving from access to success.” As SJCC facilities planning and development moves forward, one point of emphasis is upon designing for new teaching and learning systems and methodologies. During the Spring semester math faculty used the prototype classroom, and they are now working with the architects in the design of the new classroom in the multi-purpose building. GE118 is being reconfigured as a technology-enhanced classroom, and it will specifically support learning community approaches. The Achieving the Dream project and the Basic Skills Initiative are collaborating with the Title V project and the Student Success Committee to coordinate services such as textbook lending, loaner laptops and calculators, peer-led team learning and tutoring, counseling and academic and career workshops.

EVC Acting President Kuni Hay thanked Dean Gilkerson and her team for their excellent work in organizing the First Annual Career Fest on Friday, October 15. She congratulated the automotive technology faculty, David Ames and Pat Perkins and outreach specialist, Ingrid Rottman, for receiving a NSF CalWomen Tech Award in late October. She also congratulated EVC Nursing graduate, Garrett Bennett, for receiving a Nursing Excellence Award. He was recognized for his commitment, care, and professionalism when providing patient care. On Friday, October 29, EVC sponsored a Math and
Science Teacher Initiative workshop in collaboration with the State Chancellor’s office and CSU and UC partners. She thanked Dean Zhou and Professor Matusow for developing the first community college AA degree in General Studies with Emphasis in Mathematics for secondary School Teaching. On Friday, November 5, and EVC All College Strategic Planning retreat was held in which 16 classified, 6 students, 12 faculty and 13 administrators participated. Acting President Hay distributed an EVC Strategic Planning history document for information.

d. Constituency Group Representatives

Mr. Joe Barraza, (CSEA representative) stated it’s not a good time for layoffs as the holiday season is now upon us. Mr. David Yancey (FA President) reported on the successful election results and stated its group contributed thousands of dollars and countless hours supporting many campaigns. Chris Frazier (SJCC Academic Senate President) reported that the Senate is reviewing the district travel policy and safety strategies. Henry Gee (EVC Academic Senate President) reported on the Senate’s strategic planning discussions and its work with students, faculty and staff to review programs and direction of the college.

H. ACTION AGENDA

1. NATIONAL AMERICAN INDIAN HERITAGE MONTH RESOLUTION

M/S/C (Cruz/Okamura) to approve a resolution in support of National American Indian Heritage Month.

I. 2 BUDGET UPDATE

Vice Chancellor Hawk provided a budget update. She discussed the changes to SJECCD from the adopted budget. The $1.69 million enrollment growth is ongoing, but the property tax backfill of $1.4 million and mandated costs $265K are one-time only reimbursements. The problem assumptions of the California state budget include $5 billion anticipated revenue and expenditures of $7.5 billion over 9 months, not 12. The structural deficit is getting worse because the one-time solutions include more deferrals. Temporary solutions, such as the one cent sales tax, vehicle license fee increase and higher personal income taxes are expiring in 2011-2012. We also don’t know what impact the new Governor will have on the state budget. The total enrollment for SJECCD for 2010—2011 is projected at 15,082, and only 14,635 is funded with growth funds. Vice Chancellor Hawk stated the Board would receive the 1st quarter report at the November 30 Board Meeting and that report would include recommendations from the District Budget Committee.

Trustee Cruz asked how enrollment management is discussed at both colleges. Chancellor Cepeda answered that enrollment management is reviewed at the colleges, and the administration plans to hold a Board study session on enrollment management soon. Trustee Cruz asked what criteria are being used to determine which courses will be offered and which courses would be canceled. Acting
President Hay answered that EVC works with the shared governance to review the criteria established by the State Chancellor’s Office, GE courses needed for transfer and Basic Skills courses. Usually the stand-alone courses and certificates which are not needed for graduation or transfer are the courses that would be canceled. Interim President Treadway stated that SJCC uses a similar process.

Chancellor Cepeda stated that the Board adopted the district budget at the September 28 Board meeting. In that budget it was determined the district needed to reduce expenses by $1.5 million in order to maintain current reserves. The three strategies in the adopted budget included: 1) course reductions, 2) reduction in the number of operational staffing for Student Support Services and additional reductions to EOPS, and 3) possible salary reductions through labor negotiations. We have a long-term problem in that we need to plan for the next 3-5 years in which we will probably have a negative financial climate.

2. ADOPTION OF RESOLUTION NO. 110910-1 ELIMINATE POSITIONS AND LAYOFF CLASSIFIED EMPLOYEES

Vice Chancellor Garcia discussed the layoff resolution and how the bumping rights of individuals may affect other positions. She stated that even though all the positions indicated may not be impacted, it was important for the employees to receive timely notification that they may be affected. Vice Chancellor Garcia stated she met with CSEA leadership to discuss and come to agreement on the proposed resolution. Trustee Hobbs asked if there was an assessment of the language needs of our students, and if there were separate classifications for those individuals, who have specific language skills unique to our student population. The district has the ability to create separate classifications for positions requiring knowledge of a specific language, and these unique positions shouldn’t be included in bumping rights based on seniority. He stated he would approve the resolution but requested the district code these positions properly so that it doesn’t inadvertently lose the language skills required to serve students.

Vice Chancellor Hawk stated that Student Support Services efficiency was part of a long-term strategy to address the structural budget deficit. Trustee Cruz agreed that although the district must address the structural budget deficit, it’s also important that it meets the language needs of the community. Trustee Fuentes asked if anyone would be out of a job as a result of passing this resolution, or if there would be jobs available for these individuals to move into. Vice Chancellor Garcia answered that if new positions are created, that would allow some of these employees to move into those; however, it a process the district is now going through. Chancellor Cepeda stated that if the district doesn’t act on the budget reductions, it may not have the 5% reserve it requires. The district has to cut $4 million between now and July 1, 2012. This layoff resolution is one of the steps necessary to get us to that number. Interim President Treadway stated that the funding is no longer there for these positions because the colleges have moved on the budget that the Board had adopted.

M/S/C (Okamura/Fuentes) to adopt Resolution No. 110910-1 – Reduction of Classified Services – Eliminate Positions and Layoff Classified Employees.
3. **MOU BETWEEN SJECCD AND LUMINA FOUNDATION FOR EDUCATION**

Chancellor Cepeda discussed the history of its MOU with the Lumina Foundation and the work the colleges have been doing with the Achieving the Dream initiative. However, since there is no record of the Board approving the initial MOU, which was signed by Chancellor Rosa Pérez; it is necessary they do so in order for the district to pay the $130K payment owed the Lumina Foundation of Education for the district’s second year of participation in the program.

SJCC Academic Senate President Chris Frazier responded to Trustee Okamura’s inquiry about faculty concerns regarding the MOU. Mr. Frazier stated that he did not want to denigrate the work of Dr. Martin and Mr. Heimler or the value of Achieving the Dream. However, many faculty, administrators and students are very upset about the costs associated with the MOU because they had been led to believe that participating in ATD would cost the district absolutely nothing. Therefore, the Board is being asked to vote on something that has no plan for institutionalization. Basically, this action is something the Board is doing because the district doesn’t know what else to do; and this is not the correct thing to do in this situation.

M/S/C (Hobbs/Cruz) to approve the MOU between San Jose Evergreen Community College District and Lumina Foundation for Education for the district’s participation in Achieving the Dream and to approve the $130,000 cost for the district’s second year participation in the program.

I. **INFORMATION AGENDA**

1. **BUDGET UPDATE**

   This item was moved to precede H-2.

2. **LEGISLATIVE UPDATE**

   Chancellor Cepeda provided a brief legislative update.

3. **MEASURE G - 2010**

   Bonnie Moss, Vice President at Tramutola & Associated and David Casnocha, Bond Counsel gave a presentation on the outcome of the election and next steps relative to election certification and implementation of Measure G 2010.

   Vice Chancellor Hawk stated the district plans to have the same Citizens Bond Oversight Committee for Measure G 2010 that was used for Measure G 2004. She discussed the search for new members of the Citizens Bond Oversight Committee. In particular, the district is still looking for members in the following three categories: a community member active in a student support organization, a small business owner and a taxpayer association member. Once the district finds community members to fill these positions on the Committee, they will be brought to Board for approval.

   Trustee Okamura thanked Trustee Hobbs, Chancellor Cepeda and Vice Chancellor
Hawk for their hard work in going forward with the bond. At the end of the day, it’s all about the students; and this region is very special in that it recognizes and supports that fact.

4. **2009-2010 ANNUAL FINANCIAL AND BUDGET REPORT (CCFS-311)**

This annual financial and budget report is submitted to the State Chancellor’s Office and was submitted to the Board for information only.

5. **FUTURE AGENDA ITEMS**

- Management audits at the district
- Study session on enrollment management

J. **CONTINUATION OF CLOSED SESSION**

Yes

K. **RECONVENE OPEN SESSION**

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

There were no reportable actions.

L. **ADJOURNMENT**

The meeting adjourned at 10:30 p.m.

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Rita M. Cepeda, Secretary
Board of Trustees
Minutes of the Governing Board Meeting
January 11, 2011

A. CALL MEETING TO ORDER

President Lind called the Regular Meeting of the Governing Board of the San José/Evergreen Community College District to order on Tuesday, January 11, 2011, at 5:00 p.m., in 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
Mr. Ron Lind
Mr. Richard Tanaka

Board Members Excused:
Mr. Randy Okamura

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

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 5:00 p.m. to consider the following items:

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
(Government Code Section 54957 (c))

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

CONFERENCE WITH LABOR NEGOTIATORS
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
Mr. Ron Lind
Mr. Richard Tanaka
Ms. Linda Lam
Ms. Autumn Young

Board Members Excused:
Mr. Randy Okamura

1. PLEDGE OF ALLEGIANCE

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

2. ADOPTION OF AGENDA

M/S/C (Tanaka/Cruz) to approve the agenda as amended: Changes were made to the Consent Agenda.

3. ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION

President Lind reported that an employee has been granted an unpaid leave to expire February 28, 2011, due to a continued ongoing medical situation. The employee has exhausted all available leaves.

President Lind also reported that the Board accepted the Salary Reduction Proposal advanced by the M/S/C.
6. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

There were no public comments.

7. APPROVAL OF THE DECEMBER 3, DECEMBER 14, AND DECEMBER 22, 2010 MINUTES

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

F. CONSENT AGENDA

1. ADOPTION OF THE CONSENT AGENDA

M/S/C (Lease/Young) to removed Consent Agenda items F-2 and F-4, Category 1, from the agenda for separate discussion and vote.

2. MANAGEMENT PERSONNEL

This item was removed from the Consent Agenda for discussion and separate vote.

Chancellor Cepeda announced her recommendation to appoint Dr. Marilyn Brock as the new Interim President for Evergreen Valley College. She reported that Dr. Brock has completed five interim assignments since her retirement in 2004. Most recently, she served as Interim President at Coastline Community College in Fountain Valley, CA. Chancellor Cepeda also thanked Dr. Kuni Hay for stepping in the role of Acting President during the period of transition. Her support and contributions have been invaluable.

M/S/C (Fuentes/Cruz) to approve the Management Personnel actions.

4. CLASSIFIED PERSONNEL

Category 1 of this item was removed from the Consent Agenda for discussion and separate vote.

The Board heard a public comment from Mr. Joe Barraza, who questioned the appropriateness of hiring a senior network technician at the Workforce Institute when other district network technicians support more labs than the network technician at the Workforce Institute would be required to do.

Vice Chancellor Garcia stated that it’s the right of the administrator to assess the needs of their department and determine what level to hire at based on the available position descriptions. After reviewing the existing classifications, the administrator determined the need for the skill set represented by the senior network position. Executive Director Carol Coen explained that, although other network technicians have responsibility for more labs, the Workforce Institute network technician would be in charge of labs with greater complexity. This person would be required to direct the work of other network technicians at a much higher
level.

M/S/C (Tanaka/Dhillon) to approve Consent Agenda item F-4, Category 1. Trustees Fuentes and Lease voted no.

**ADOPTION OF THE CONSENT AGENDA**

M/S/C (Lease/Tanaka) to approve the remainder of the Consent Agenda.

3. **FACULTY PERSONNEL-ADJUNCT/OVERLOAD - SJCC**

   The Board approved the Faculty adjunct/overload SJCC personnel items as submitted.

4. **CLASSIFIED PERSONNEL**

   This item was removed from the Consent Agenda for discussion and separate vote.

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

   This item was removed from the Consent Agenda for discussion and separate vote.

6. **DISTRICT BUDGET TRANSFERS AND REVISIONS**

   The Board approved the resolution authorizing the budget transfers and revisions of funds through December 15, 2010.

7. **RATIFICATION OF CONTRACTS & PURCHASE ORDERS**

   The Board ratified the attached contracts and purchase orders for the period November 10, 2010—December 9, 2010.

8. **PIGGYBACK OFFICE DEPOT CONTRACT**

   The Board authorized the District to piggyback on a contract with Office Depot.

9. **AWARD OF CONSTRUCTION CONTRACT – HAZARDOUS MATERIALS ABATEMENT – FINE ARTS BUILDING – SJCC**

   The Board approved and awarded the construction contract to Eco Bay Services, Inc., in an amount not to exceed $99,660.00.

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

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

a. Board of Trustees

Student Trustee Lam discussed the activities at San José City College, including the preparations for the upcoming March in March event.

b. Chancellor

Chancellor Cepeda wished Trustees Lind and Lease a happy birthday and wished everyone a happy new year. She announced that Dr. Brock’s start date as Interim President at Evergreen Valley College is January 18; and, hopefully, the permanent president would be hired before July 2011, well in advance of the academic year.

Chancellor Cepeda announced that she and Dr. Treadway would be attending the Accreditation Committee meeting on January 12 in San Francisco to discuss their findings at SJCC and EVC and will report those to the Board at the next meeting. She stated that Trustee Lease would be joining her at the upcoming CCLC Annual Legislative Conference in Sacramento, and they would be participating in legislative visits. Trustee Lease will also attend the Effective Trustee Workshop where he will learn more about his role as a trustee.

Chancellor Cepeda announced there would be a celebration on the successful passage of Measure G on Friday, February 11, at Casa Vicky. She thanked the Board for fully sponsoring this important event.

At the January 25 Board Meeting, there will be agenda items to discuss the Board self-evaluation process and the District’s strategic plan. In March or April, the District’s annual report will be made public. Chancellor Cepeda also announced that she and WI Executive Director Carol Coen is scheduled to meet with the Department of Labor about a pilot program for solar energy that would result in a certificate program at our colleges.

c. Presidents

Acting President Hay stated that Intercession included 21 sections, which focused on GE and transfer courses.

Interim President Treadway discussed the work currently underway to address the Accreditation team findings. He also stated he would be working to assist the new president, Dr. Barbara Kavalier, who will commence her new duties on January 24. He is also assisting SJCC in writing an HIS grant that would assist students in science and math. Because Dr. Kavalier will assume her duties on January 24, this meeting is his last as Interim President.

President Lind thanked Interim President Treadway for his service in working
with our district.

d. Constituency Group Representatives

Ms. Jan Tomisaka announced the newly elected CSEA Chapter #363 Executive Officers as follows:

Jan Tomisaka – President
Gene Heck – 1st Vice President/Steward
David Lo – 2nd Vice President
Rosemary Lazetera – Secretary
Marjorie Rico – Secretary
Joe Lugo, Jr. – Treasurer/Steward
Pete Engdahl – Chief Job Steward
Beverly Lynch – Past President/Steward

H. ACTION AGENDA

1. MEASURE G – 2004 PROJECT BUDGET REVISION

Vice Chancellor Hawk stated the Measure G 2004 budget had already been improved by the Board, and the requested budget changes would allow for the demolition of the facility that has asbestos.

M/S/C (Young/Tanaka) to approve the revisions in the Measure G – 2004 project budget and recommendations for realignment.

2. RESOLUTION TO DEVELOP A MEMORANDUM OF UNDERSTANDING WITH THE MILPITAS UNIFIED SCHOOL DISTRICT

Chancellor Cepeda that the $185 million cost to establish the Milpitas Joint-Use Education Center had already been approved by the voters in the Measure G 2004. Approval of the resolution would authorize staff to develop a Memorandum of Understanding with the Milpitas Unified School District.

M/S/C (Dhillon/Fuentes) to authorize staff to develop a Memorandum of Understanding (MOU) between the San Jose Evergreen Community College District and the Milpitas Unified School District for the establishment of the Milpitas Joint-Use Education Center.

3. ADOPTION OF RESOLUTION NO. 011111-2 ELIMINATE POSITIONS AND LAYOFF CLASSIFIED EMPLOYEES

The Board heard public comments from three students expressing their concern that approving the resolution may impact a Vietnamese-speaking counselor at Evergreen Valley College.

Chancellor Cepeda explained the purpose of approving the resolution to eliminate positions and layoff Classified employees. She stated that approval of the resolution
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would grant the district the necessary time to begin the process of negotiations. Hopefully, when the process is completed, there would be no need to lay off employees. Vice Chancellor Garcia explained the action was related to the CalWorks program, which will not be funded. Trustee Fuentes expressed her concern about laying off employees that have language skills the colleges require. Trustee Lease expressed concern about utilizing student volunteers to perform the work of Classified employees. Trustee Dhillon stated the issue of creating special language requirement positions that wouldn’t be impacted by bumping rights was discussed and requested by the Board at a prior meeting. Vice Chancellor Garcia answered that, although she understood the concern, it may not be possible to do so. The position is still a Staff Assistant II position and is subject to the bumping rights allowed in the CSEA contract. Trustee Tanaka expressed concern that the Board may be getting into the micromanagement area, and this is something it shouldn’t do.

M/S/C (Tanaka/Fuentes) to adopt Resolution No. 011111-2 – Eliminate Positions and Layoff Classified Employees and to resolve the language requirements that may be impacted during the layoff process. Trustee Lease voted no.

I. INFORMATION AGENDA

1. BUDGET UPDATE

Chancellor Cepeda stated the Governor’s budget report indicated the state of California has a $28 billion shortfall facing us; $1.4 billion for higher education--$500 million for UC and CSU and $400 million for community colleges.

Vice Chancellor Hawk stated the news is much worse than anticipated. Although there are no mid-year cuts, we are facing major reductions. Growth has not been targeted, but next year there will be a $400 million reduction. Because the drop-off rate for courses required for graduation and transfer is impacted, EVC has 7% drop-off and SJCC 10% drop-off, there will be a large decline in our ability to be funded at our current level. This cut impacts 350,000 students, and will greatly affect how we do business in our district. There is a proposal for a $10 per unit increase beginning in Fall 2011. There are no further funding cuts to student categorical programs at this time. As a district we are facing funding deficits on top of the already $1.5 million we are short to balance our budget. We have significant critical work to do in this district in a very short period of time, and the Board will be asked to make some difficult decisions.

Trustee Cruz expressed her concern about the impact to low-income and AB540 students because of this difficult budget situation. We need to look for areas where we can get revenue so we can move forward on these necessary programs.

2. LEGISLATIVE UPDATE

Chancellor Cepeda announced she would have a report after attending the CCLC Legislative Conference in Sacramento in two weeks.
3. **2010 ACCOUNTABILITY REPORTING FOR COMMUNITY COLLEGES (ARCC): BEYOND COMPLIANCE, TAKING A DEEPER LOOK**

Chancellor Cepeda and Interim Executive Director Bespalov gave a presentation about the Accountability Reporting for Community Colleges (ARCC) report. The ARCC report is mandated by law, and the final report is submitted to legislators. However, at the college level, the goal of the ARCC report is to help stir conversations on student outcomes and help create a culture of evidence. The hope is that good data would ensure better policy decisions that promote student success. The good news is that both colleges have seen substantial increases in completion rates for development courses. As a district, we scored higher than average on most of our measures. For example, as a result of the yearly increases in the percentage of students who obtain 30 credits, both colleges are performing above their peers.

Because we are located in the Silicon Valley, we need to be great, not good. While the U.S. leads developed nations in the percent of its population ages 55 to 64 with an associate degree or higher, its ranking falls to tenth for the 25 to 34 age group. Ours is the only nation where older adults are more educated than younger adults. And while our nation is struggling, the issue of declining education is even more pronounced in California. Aside from losing our global competitiveness, several prominent studies are projecting a major shortage of college-educated workers over the next 10-15 years, as the demand for a college educated workforce outpaces supply. As a result of these projections, President Obama has called upon Community Colleges to increase degree and certificate completions by 5 million by 2020. Our colleges have taken on this call to action, and the Board of Trustees has passed a resolution in support of meeting this 2020 goal.

Around 20% of transfer students in UC and about 35% of transfer students in CSU don't complete their Bachelor's degree. And most transfer students don't earn an Associate's degree before they enroll in a four-year college. One innovative idea to consider is reverse articulation agreements, i.e. an arrangement with four-year colleges to automatically send transcripts of the student's work at the four-year school back to the community college so that these units can be used to earn an Associate's degree. Colleges that have started reverse articulation agreements, such as San Jacinta College, have seen great results.

The greatest reason why students who drop out and don't return is because they need to work. Over 56% of students said that balancing work and school is their major reason for not going back. Therefore, we need to make sure anyone who has earned credits needed for a certificate is awarded that certificate. Many students have probably completed certificate requirements without even knowing it.

Another challenge for us and most other community colleges is developmental education. According to the 2009 Basic Skills Accountability Report survey, only 16% of those tested in mathematics were deemed ready for transfer level math, and only 28% were ready for transfer level English. Our district is currently piloting innovative programs like Early Alert and Learning Communities, which have seen success in other districts.

Academic Senate President Frazier thanked Chancellor Cepeda and Executive Director Bespalov for a very positive message. Trustee Fuentes also commended
them for such a great report that was both exciting and interesting. Trustee Cruz also stated her appreciation for the fantastic presentation.

5. FUTURE AGENDA ITEMS

- Fund development strategies, especially for low-income and AB540 students
- Strategy to determine appropriate level of reserve fund balance

J. CONTINUATION OF CLOSED SESSION

No.

K. RECONVENE OPEN SESSION

ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION

There were no reportable actions.

L. ADJOURNMENT

The meeting adjourned at 8:50 p.m.

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

President Lind called the Regular Meeting of the Governing Board of the San José/Evergreen Community College District to order on Tuesday, March 8, 2011, at 5:00 p.m., in 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
Mr. Ron Lind
Mr. Richard Tanaka

Board Members Excused:
Mr. Randy Okamura

B. APPROVAL OF CLOSED SESSION AGENDA

M/S/C (Fuentes/Lease) to approve the Closed Session Agenda as submitted.

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 5:00 p.m. to consider the following items:

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
E. RECONVENE INTO OPEN SESSION

The Public Session was reconvened at 6:08 p.m.

Board Members Present:
Ms. Mayra Cruz
Mr. Balbir Dhillon
Ms. Maria Fuentes
Dr. Jeffrey Lease
Mr. Ron Lind
Mr. Randy Okamura – (Joined meeting at 8:35 p.m.)
Mr. Richard Tanaka
Ms. Linda Lam
Ms. Autumn Young

Board Members Excused:
None

1. PLEDGE OF ALLEGIANCE

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

2. ADOPTION OF AGENDA

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

Item H-4 was removed from the agenda.
Item E-6 – the words “and the Faculty Association, AFT 6157” were removed from the first paragraph.
Item E-7 – the words “and the California School Employees Association, Chapter 363” were removed from the first paragraph.
Changes were made to the Consent Agenda.
Item H-8, Resolution No. 030811-2 – the following corrections were made:
   Under Target dollar amount for each unit RIF-the number 4 was left out of the SJCC figure
   Under EVC change to 1 supervisor position
   Under Section #1 – changed Program Assistant 8LIBX0202C from 1.0 to .50
   Under vacant positions changed Accounting Technician 8BUSX0206C from 1.0 to .73
Minutes of March 8, 2011 Governing Board Meeting

Under section #2—employees subject to layoff—delete Employee ID# 248831, Instructional Support Assistant, Subject Lead-SJCC

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

President Lind reported the Board approved to amend the Chancellor’s contract as follows: the deadline for the district’s annual report has been extended to April 30, 2011, and the Chancellor’s evaluation has been extended to May 10, 2011.

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

The Board heard public comments from a member from the community about a new program called 2020 Our Future, Our Education and also heard comments from an SJCC student about campus issues.

5. **APPROVAL OF THE JANUARY 25, FEBRUARY 8, AND FEBRUARY 12, 2011, GOVERNING BOARD MEETING MINUTES**

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

6. **PUBLIC HEARING ON THE SAN JOSE/EVERGREEN COMMUNITY COLLEGE DISTRICT’S CONTRACT OPENER PROPOSAL WITH THE FACULTY ASSOCIATION, AFT 6157 FOR 2011-2012**

There were no public comments.

M/S/C (Tanaka/Dhillon) to close the hearing and adopt the opener proposals with the Faculty Association.

7. **PUBLIC HEARING ON THE SAN JOSE/EVERGREEN COMMUNITY COLLEGE DISTRICT’S CONTRACT OPENER PROPOSAL WITH THE CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION, CHAPTER 363 FOR 2011-2012**

There were no public comments.

M/S/C (Tanaka/Cruz) to close the hearing and adopt the opener proposals with the California School Employees Association.

F. **CONSENT AGENDA**

1. **ADOPTION OF THE CONSENT AGENDA**

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

Consent Agenda item F-2 was removed from the agenda for discussion and separate vote.

The following corrections were made to the Consent Agenda:
F-7 – Ayesha Rahim was deleted from the employment list, and Weekly hours for Lisa Kalenda was changed from 40 to varies.
F-8 – Resolution 030811-1 – District Budget Transfer and Revisions – Correction to the resolution under “Adjustments of Existing Resources Fund 10” – the section should reference EVC not SJCC.

2. MANAGEMENT PERSONNEL ACTIONS

This item was removed from the agenda for discussion and separate vote.

3. FACULTY PERSONNEL ACTIONS - REGULAR

The Board approved the Faculty Personnel Actions as submitted.

4. FACULTY PERSONNEL-ADJUNCT/OVERLOAD-EVC

The Board approved the Faculty Personnel-Adjunct/Overload-EVC items as submitted.

5. FACULTY PERSONNEL-ADJUNCT/OVERLOAD-SAN JOSE CITY COLLEGE

The Board approved the Faculty Personnel-Adjunct/Overload-San Jose City College as submitted.

6. CLASSIFIED PERSONNEL ACTIONS

The Board approved the Classified personnel actions as submitted.

7. HOURLY, STUDENT WORK & VOLUNTEER PERSONNEL ACTIONS

The Board approved the Hourly, Student Work & Volunteer personnel actions as submitted.

8. DISTRICT BUDGET TRANSFERS AND REVISIONS

The Board approved a 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.

9. RATIFICATION OF CONTRACTS AND PURCHASE ORDERS

The Board ratified contracts and purchase orders for the period of January 10, 2011 through February 9, 2011.

10. ACCEPTANCE OF GRANT FUNDS – NATIONAL SCIENCE FOUNDATION

The Board accepted grant funds from the National Science Foundation in the amount of $205,867.
11. **CURRICULUM RECOMMENDATIONS FOR SAN JOSE CITY COLLEGE**

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

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

   The Board approved the curriculum recommendation for a new certificate program submitted by Evergreen Valley College.

F. 2. **MANAGEMENT PERSONNEL ACTIONS**

   Trustee Dhillon asked why the Director of EOP&S position was being eliminated. Vice Chancellor Garcia answered that at the January 25 board meeting, the Board approved the lateral transfer of the employee occupying this position to the Director of Student Support Services Programs position. The Director of EOP&S position does not oversee the DSPS program, and the district can realize cost savings by eliminating it.

   Trustee Dhillon asked why the Executive Director of Facilities position was being eliminated; and, if the reason was cost reduction, would it be possible to support the position through bond funds. Chancellor Cepeda answered that the proposal being brought before the Board for approval was about eliminating the Facilities office. Vice Chancellor Garcia explained that the District Office was asked to review ways to cut costs and was given a specific target amount for reduction. After an extensive review, it was determined that eliminating the Facilities office would achieve the DO’s cost reduction goal in a way that would be least harmful to district operations. Vice Chancellor Hawk reminded the Board that this action was reviewed at the facilities study session during the discussion about best practices for providing bond measure support in the future. The district is looking for different delivery models, and outsourcing the bond’s project management is one way to ensure the work is being done professionally while at the same time in a cost-saving manner.

   Trustee Dhillon inquired about the process for placing the non-renewal of contracts and position eliminations on the board agenda. Chancellor Cepeda reviewed and explained the meaning of the six different personnel actions outlined in item F-2 Management Personnel Actions.

   M/S/C (Tanaka/Fuentes) to approve the Management Personnel Actions as submitted. Trustee Dhillon voted no.

G. **ORAL COMMUNICATIONS**

   a. **Board of Trustees**

      Student Trustee Lam discussed the excitement and involvement of EVC students in the upcoming March in March event.
Trustee Lease thanked Executive Director Carol Coen for giving him a tour of the Workforce Institute and stated his belief that we have one of the best workforce institutes in the state. He also discussed his attendance at the Bay Area Trustees meeting, along with Chancellor Cepeda and President Lind, and the shared discussions about budget struggles impacting California community colleges.

Trustee Cruz discussed her recent talk with students from various community colleges about the impact of the budget on AB540 students.

President Lind stated that since almost everyone in the audience is a public employee, it’s obvious that public employees are under attack—nowhere more so than in the state of Wisconsin. He stated he was happy to speak at a public rally in support of public employees. It’s important that all of us, who share concerns for the status and welfare of public employees, do all we can to support the cause.

b. Chancellor

Chancellor Cepeda stated that at the last Board meeting it was requested the Chancellor and Presidents provide brief updates on actions undertaken in response to the Accreditation recommendations. The District Office has focused on the “six shared recommendations”: research and evaluation, financial resources and fiscal solvency, Board/Chancellor relations, Board Governance – Self Evaluation, Board Governance – Ethics policy and update of Board policies, and District/College mapping functions. In response to these recommendations, she conducted a session for district staff on February 9 to review the six shared recommendation and the meaning of the accreditation findings. The Executive Team has identified lead staff persons who would be responsible to advance each of the recommendations. Meetings are being scheduled with each of the colleges to coordinate responses to shared recommendations. The Chancellor met with the Board Self Evaluation Committee, which resulted in the action item at tonight’s board meeting. The public summary report is planned for the May 10 board meeting.

Chancellor Cepeda reported her participation, along with her granddaughter, in the San Jose Tet Parade on February 20. She also conducted two campus forums on the budget: EVC on February 22 and SJCC on February 23. Chancellor Cepeda discussed her participation as a co-chair at the College Board Annual Conference on Student Success on February 25-26. She also participated in HerStory Forum at EVC on March 1, was a guest lecturer for EVC English 101 Class on Immigrant Experience on March 2, and attended the Bay 10 Trustee Meeting with Trustees Lind and Lease on March 3.

c. Presidents

Interim President Brock provided an update of the accreditation activities at Evergreen Valley College. The college committees are beginning the planning process. EVC is also interfacing with the District Office to complete the shared recommendations, and Kuni Hay, Vice President of Academic
Affairs, is taking the lead in this work. She also discussed the success of the English 1B program for perspective transfer students, which is taught by both San Jose State University and EVC faculty. Thirty-six students enrolled and 36 students completed and passed the course. Interim President Brock stated the $10/unit fee increase will be implemented in the Fall, and it remains to be seen what impact this will have on enrollment.

President Kavalier announced that 250 students and ten faculty and staff members from SJCC are registered to participate in the March 14 March in March advocacy event at the State Capitol in Sacramento. She also gave an update on accreditation activities at SJCC. A FAQ (frequently asked questions) one-page document has been posted on the college website and hard copies were distributed to students. An email was sent to all students regarding the accreditation status, and she also provided an update to the Associated Students group. So far, three meetings have been held of the Accreditation Taskforce, and each member is charged with responding to one of the six college-specific recommendations. Action plans have been developed for every recommendation and sub-committees formed to begin preparing the response. Liaisons have also been identified, who would be working with District Office personnel to collect data and prepare responses to the six shared recommendations.

d. Constituency Group Representatives

Associated Students President Ray Porras gave an update on the preparations for the March 14 March in March event in Sacramento. He stated the students were also going to pass out information on voter registration at the event. He also discussed the students’ plans to participate in the Hands Across California event scheduled for April 17.

MSCC President Lauren McKee discussed the group’s desire to work together with the other district constituency groups to find solutions to the budget crisis. She expressed her sensitivity towards what the other groups are going through, especially with the layoff resolution being proposed.

Academic Senate presidents Henry Gee and Chris Frazier provided accreditation updates for their colleges.

FA President David Yancey stated that he was very impressed by President Lind’s speech at the recent rally supporting public workers. There is now a nationwide fight for public employees’ lives, and this is a very important cause for all of us to engage in.

Ms. Jan Tomisaka, President, CSEA, read the following statement:

Chancellor Cepeida, members of the board,

Resolution 030811-2 – We are asking the board to reject this resolution. The district has incorporated a reduction in hours without negotiating the decision with CSEA. Reduction of hours has to be negotiated prior to the board taking action. If the Board adopts a resolution – reducing
hours CSEA will be compelled to file an Unfair labor Practice Charge. We raised this in negotiations and to no avail we bring this to you now.

Once again I sit here saying we did not cause this problem but once again we are asked to be part of the solution. We are losing 20 positions that are staffed and 10 vacant positions. This is just the beginning. Just because they are vacant positions does not mean there is no work attached to them. We keep asking, “where is the work going?” We have been asking the district from the start – who’s going to do the work of those that are laid off, and we are told that we have to do more with less. We know that work is already being divided up among those that are left including faculty and students. The District Office seems to be filling and creating new positions within the district, because they can’t seem to do more with less!!!!

During the process of losing classified jobs, we kept hearing from the District and Admin of: Transparency, Equity and Social Justice — of which were mirages in our eyes. Things started to change yet again at the District -- we had a new Chancellor, new Board Members and all were hoping for a good change. The district finally came to the table to talk about the A la Carte menu, only there were no choices to this menu. We were being told that we had to take a percentage cut to our salaries and if we didn’t, the district was going to take it regardless and there was a deadline to this demand. It wasn’t until after the deadline that we met with the district and we polled our members for the districts latest assault.

We are faced again with RIFs tonight with no end in sight. Were the RIF’s thought through as to the consequences of the loss of some positions or were they directed at individuals? We have tried to work with the district with the hope that classified positions could be saved but there are no guarantees. What incentive do we have to help be the solution to a huge problem? More losses of jobs is not the incentive that classified employees want to hear when we are trying to bargain in good faith. Help us to understand how laying us off is the solution to the districts problems while approving management’s contracts….what do we tell students who come to be helped and people are no longer there? If Governor Brown’s tax extensions are not approved there will be no classified left in this district for them to manage.

H. ACTION AGENDA

1. MEASURE G – 2004 BUDGET REVISION

Chancellor Cepeda explained that a budget revision of $2,454,275 is proposed from the Modernization of Existing Facilities Project to the Utilities Infrastructure Project at Evergreen Valley College to support critical infrastructure work required to maintain heating and cooling capacity on the campus. Included in the project is the replacement of piping to the Cedro and Gullo buildings, Central Plant equipment
upgrades and Utility Tunnel seismic and safety upgrades.

M/S/C (Dhillon/Fuentes) to approve the revisions in the Measure G – 2004 budget revisions and recommendations for realignment.

2. **ADDITIONAL SERVICES AUTHORIZATION – FITNESS CENTER - EVC**

Chancellor Cepeda stated the purpose of this action item is to request the Board approve additional consulting services so that the Fitness Center project at EVC can be upgraded for compliance with LEED silver rating and other changes in the original project scope.

M/S/C (Cruz/ Lease) to approve the amount in the additional service authorization, as a change in the contract with Steinberg Architects, for the Fitness Center project at Evergreen Valley College.

3. **AGREEMENT FOR ENGINEERING SERVICES – UTILITIES INFRASTRUCTURE IMPROVEMENTS – CRITICAL NEEDS PROJECT – EVC**

Chancellor Cepeda stated the purpose of this action item is to request the Board approve a professional services agreement with Salas O’Brien to support critical improvements needed to the existing utilities infrastructure at the EVC campus.

M/S/C (Tanaka/Fuentes) to approve a Professional Services Agreement with Salas O’Brien Engineers, Inc., in the amount of not to exceed $207,150.00, to provide professional engineering services for the Utilities Infrastructure Improvements-Critical Needs project at Evergreen Valley College.

4. **ASSOCIATED STUDENTS REQUEST APPROVAL FOR A BUDGET INCREASE OF $60,000**

This item was removed from the agenda.

5. **MEASURE G-2004 AND MEASURE G-2010 CITIZENS’ BOND OVERSIGHT COMMITTEE APPOINTMENTS**

Chancellor Cepeda discussed her recommendation for the Board to approve two additional appointments to the Citizens’ Bond Oversight Committee membership, Mr. Bob Nunez and Mr. Douglas McNea; one is a small business representative; the other, a taxpayer association representative.

M/S/C (Lease/Tanaka) to approve the appointments of the Citizens’ Bond Oversight Committee members as listed in this board item for a term of up to two years commencing March 9, 2011.

6. **MEASURE G-2004 AND MEASURE G-2010 CITIZENS’ BOND OVERSIGHT COMMITTEE CHAIRPERSON APPOINTMENT**

Chancellor Cepeda recommended the Board appoint Ms. Kathy Kyne as chairperson of the new committee. Ms. Kyne is a senior citizens’ organization
representative and is still in her first term on the committee. She is also the only remaining member of the Measure G-2004 Citizen’s Bond Oversight Committee.

M/S/C (Young/Lam) to approve the appointment of the Citizens’ Bond Oversight Committee Chairperson as listed in this board item for a term of one year commencing March 9, 2011.

7. **BOARD OF TRUSTEES STIPEND**

Chancellor Cepeda stated the Board had already agreed in Closed Session to join in the salary reduction proposal some members of the district are currently participating in. However, to do so, the Board would need to formally approve the reduction to their monthly stipends.

M/S/C (Dhillon/Lease) to approve a reduction in the current Board stipend equivalent to the .0075 percent salary reduction requested of district employees for FY2010-2011.

8. **ADOPTION OF RESOLUTION #030811-2 – REDUCTION OF CLASSIFIED SERVICES – ELIMINATE POSITIONS AND LAYOFF CLASSIFIED EMPLOYEES**

The Board heard twelve public comments from faculty, staff and students requesting the Board not approve the layoff resolution. Most of the comments were in support of the DSP program, which would be negatively impacted if the two DSP positions were eliminated.

President Lind thanked the audience and speakers for their good behavior. He stated that no one likes what the Board is being asked to do. The ultimate goal is that no one would need to be laid off—that the district administration and employee groups would work as a team to prevent the layoffs from having to occur.

Chancellor Cepeda and Interim President Brock expressed their appreciation for the students who came to express their support of the DSP program. President Brock told the students she cared about each and every one of them; however, the state reduction of Cal Works funding has impacted the EOPS and DSP programs. Also, the programs can no longer rely on any funding from the District’s general fund because of the difficult budget situation it is facing. The good news is that the state now allows the district to share resources between programs. The plan is that EOPS and CARE will be working with the DSPS and CalWorks programs.

Trustee Dhillon thanked all the speakers who came in support of the DSP program. He shared that his son is a DSPS student at SJCC and he understands the need to assist disabled students in getting their education. Therefore, he would abstain from participating in the vote because of his personal conflict. Trustee Cruz stated that Assemblymember Beall needs our continued involvement and support in his advocacy for support of students with disabilities. She expressed concern that the skill sets needed to offer counsel and support in one program may not work for a different program. She asked administration to consider this when restructuring the programs. She stated she is saddened we keep cutting programs that support people with disabilities. Trustee Fuentes stated she agreed with the concerns and
comments made about maintaining the DSPS services; and, the more she thinks about how she will vote for the resolution, the more it becomes clear she could not support it. Also, by not supporting the layoff resolution, which is really the second option available for cutting costs, it would cause the three constituency groups, the MSCC, Faculty Association and CSEA, to find a way to achieve the necessary cost reductions without having to eliminate critical positions in the district.

Chancellor Cepeda reminded the Board that the district is at a point in time where it is in jeopardy, and these are the difficult decisions the Board is required to make as a governing board. We don’t know where we’ll end up, but the Board has charged the Chancellor to start the process necessary to bring the district to fiscal solvency. It's been a painful process, but what is presented to the Board this evening is the result of that work.

Trustee Lease expressed how troubled he was with the decision the Board is being asked to make. However, the district and Board must act in a timely manner; and we must all share in this painful decision. Because if the Trustees do not make the right decision, the colleges are at risk of losing their accreditation; and, in the end, the students lose. Therefore, he would be supporting the resolution with a heavy heart.

Trustee Okamura stated tonight’s vote was not something he relished, but he left another work obligation to attend the meeting because of his commitment to the district. At the February 12 Board Study Session, the Board engaged in long, hard discussions on the information that was presented, which included the layoff proposal. At the time, the Board was informed that in order for the district to move forward, they must agree to the plan of action that was presented at the meeting. He stressed, however, that if miraculous funds became available, the district would begin the process of restoration. The hope is that the district could achieve some salary and benefits reductions so that the jobs can remain.

M/S/C (Tanaka/Okamura) to adopt Resolution No. 030811-2 Reduction of Classified Services – Eliminate Positions and Layoff Classified Employees.

The roll call vote is as follows:
Trustee Dhillon - Abstained
Trustee Okamura - Aye
Trustee Tanaka – Aye
Trustee Lind – Aye
Trustee Fuentes – Nay
Trustee Cruz – Nay
Trustee Lease – Aye

Advisory Votes:
Student Trustee Lam – Nay
Student Trustee Young - Aye

9. **ADOPTION OF RESOLUTION NO. #030811-3 ELIMINATE POSITIONS AND LAYOFF CLASSIFIED EMPLOYEES**

Chancellor Cepeda explained the layoff resolution affected one employee at the Workforce Institute because funding for the grant ended. The employee knew at the
time of recruitment that this position would be eliminated once the grant was completed.

M/S/C (Okamura/Cruz) to adopt Resolution No. 030811-3 – Eliminate Positions and Layoff Classified Employees.

10. **PROPOSED METHODOLOGY AND PROCESS FOR BOARD SELF EVALUATION**

Chancellor Cepeda asked members of the Board Self Evaluation Committee, Trustees Cruz, Lease and Okamura, to report on the action the committee is recommended the Board approve.

Trustee Cruz reported that at the January 25 meeting, the Board approved a subcommittee to work with the Chancellor and develop a process for the Board to perform its self evaluation. The committee met on February 24 and reviewed the prior self evaluation conducted in May 2008, discussed the areas of focus they would like to address in the evaluation, and reviewed a self evaluation survey document provided by the Community College League of California. Trustee Lease reported the committee’s decision to recommend that outside reviewers be included in the self-evaluation process, even though it was not necessary to do so. Trustee Okamura discussed the topics included in the self-evaluation survey and what information would be obtained once the evaluations completed the survey. He stated this information would be announced in Board Open Session, and members of the audience would be welcome to comment on the evaluation. In reviewing the outside reviewers list, President Lind asked that the city managers be removed because he didn’t see the relevance of their input for this particular evaluation.

Student Trustee Young asked if it was relevant for student trustees to participate in the self evaluation. Chancellor Cepeda answered that the responsibilities of student trustees are different from those of governing board members; therefore, the self-evaluation survey being considered is not designed to evaluate the role of the student trustees. However, she would research to see if there was an appropriate evaluation form for them to use.

M/S/C (Fuentes/Cruz) to approve the Committee’s proposed self evaluation process.

I. **INFORMATION AGENDA**

1. **BUDGET UPDATE**

Vice Chancellor Hawk reported there are mixed signals about the sales tax extension being placed on the June ballot; but even if it was placed on the ballot, it doesn’t look good for passing. Therefore, it’s our responsibility to start looking at worst case scenarios. The LAO provided information about reductions to the funding of basic skills programs, as well as physical education and recreational courses.
2. **LEGISLATIVE UPDATE**

Chancellor Cepeda gave a brief update about proposed legislation to eliminate support for AB540 students and also provided background on AB130 Achieving the Dream act.

3. **FUTURE AGENDA ITEMS**

- Explanation of Faculty Overload Assignments documented on Board Agendas
- SB 1440 – Where are we regarding implementation of this piece of legislation?

J. **CONTINUATION OF CLOSED SESSION**

No.

K. **RECONVENE OPEN SESSION**

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

There were no reportable actions.

L. **ADJOURNMENT**

The meeting adjourned at 10:29 p.m.

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Rita M. Cepeda, Secretary
Board of Trustees
Minutes of the
Governing Board Meeting
April 12, 2011

A. CALL MEETING TO ORDER

President Lind called the Regular Meeting of the Governing Board of the San José/Evergreen Community College District to order on Tuesday, April 12, 2011, at 5:00 p.m., in 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
Mr. Ron Lind
Mr. Randy Okamura
Mr. Richard Tanaka

Board Members Excused:
None

B. APPROVAL OF CLOSED SESSION AGENDA

M/S/C (Lease/Tanaka) to approve the Closed Session Agenda as submitted.

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 5:00 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
CONFERENCE WITH LABOR NEGOTIATORS
(Government Code Section 54957.6)
District’s Negotiator(s): Kim Garcia
Unrepresented Employees: M/S/C

E. RECONVENE INTO OPEN SESSION

The Public Session was reconvened at 6:05 p.m.

Board Members Present:
Ms. Mayra Cruz
Mr. Balbir Dhillon
Ms. Maria Fuentes
Dr. Jeffrey Lease
Mr. Ron Lind
Mr. Randy Okamura
Mr. Richard Tanaka
Ms. Linda Lam
Ms. Autumn Young

Board Members Excused:
None

1. PLEDGE OF ALLEGIANCE

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

2. ADOPTION OF AGENDA

M/S/C (Dhillon/Tanaka) to approve the agenda as amended:

Items I-3, H-4 and H-8 were moved to after E-7.
Changes were made to the Consent Agenda.

3. 6:15 PUBLIC HEARING – A RESOLUTION OF THE BOARD OF TRUSTEES OF THE SAN JOSE-EVERGREEN COMMUNITY COLLEGE DISTRICT MAKING FINDINGS RELATED TO ENERGY CONSERVATION SERVICES, AUTHORIZING SOLAR EQUIPMENT PURCHASE AND INSTALLATION AGREEMENT, AND AUTHORIZING FILING OF CEQA NOTICE OF EXCEPTION RELATING TO PROJECT

M/S/C (Fuentes/Okamura) to close the public hearing. There were no public comments.
4. **6:20 PUBLIC HEARING ON THE FACULTY ASSOCIATION, AFT 6157 CONTRACT OPENER PROPOSAL WITH SAN JOSE-EVERGREEN COMMUNITY COLLEGE DISTRICT FOR 2011-2012**

M/S/C (Young/Tanaka) to close the public hearing. There were no public comments.

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

There were no reportable actions.

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

The Board heard eleven public comments about the DSP positions that were included in the layoff resolution at the last board meeting as well as a comment from a SJCC Times staff writer.

President Lind informed the public speakers that, because the DSP program was not a part of the current agenda, the Board was unable to respond to their comments.

7. **APPROVAL OF THE MARCH 22, 2011, GOVERNING BOARD MEETING MINUTES**

M/S/C (Young/Lam) to approve the above listed meeting minutes.

H. 4. **MEMORANDUM OF UNDERSTANDING WITH MILPITAS UNIFIED SCHOOL DISTRICT**

Ms. Michelle Dimas, Assistant Superintendent, Milpitas Unified School District, gave an overview of the contents of the MOU and stated MUSD Board would approve the same resolution at its next meeting. The MOU states that Milpitas Unified School District would provide the classrooms and the San José-Evergreen Community College District would provide the infrastructure. The ultimate goal is to move toward a more comprehensive project; but during these tough financial times, the two districts are committed to get moving with the program, however small the start may be.

Chancellor Cepeda commended Vice President Kuni Hay and her team at EVC for their hard work and commitment to the joint program.

M/S/C (Fuentes/Okamura) to approve the Memorandum of Understanding with Milpitas Unified School District (MUSD) to implement the University Studies Pilot Program located at Milpitas High School and establish goals toward establishing and building an Evergreen Valley College Joint-Use Center at Milpitas High School.
I. 3. PRESENTATION ON SILICON VALLEY LATINO REPORT CARD

Mr. Ron Gonzales, President & CEO, Hispanic Foundation of Silicon Valley, reviewed the priorities of the Foundation: educational excellence, healthy aging, Latino leadership development, and convening and engaging the Hispanic community. He also presented the findings of the Silicon Valley Latino Report Card for 2011, which is the first ever portrait of Latinos in the Silicon Valley. The overall grade for Education is C. Latino children have entered kindergarten increasingly ready to learn, but not at the level needed for success by the third grade. Nearly one quarter of Latino high school students drop out of school, and this number is climbing, and just one quarter of Latino high school students have completed the courses needed for transfer to UC/CSU. Latinos have not been able to attain the level of education needed to be competitive in the job market. Mr. Gonzales provided the other grades in the report: Health-B, Financial Stability-D, Housing-D and Environmental Stability-C. Mr. Gonzales encouraged the Board to join with the HFSV and share its vision for improving the educational outcomes in the 2nd report. In particular, the HFSV needs the district’s help in developing strategies to improve the grades of Latino students in the community.

Trustee Okamura thanked Mr. Gonzales for the comprehensive work done by the Foundation. The concerns raised by the report have been issues for a long time; but now that an official report has been provided, perhaps we may begin to see some progress. Trustee Cruz expressed support as the Foundation moves towards the next step. Trustee Fuentes stated her desire that our district would become part of the solution, especially through its excellent staff and campuses. Student Trustee Young asked the district community to focus on college readiness. President Lind inquired about the drop in Algebra scores, and why that decline was so deep compared with the rest of the state. Mr. Gonzales answered that he had no answer to that question, but the Foundation would further review that particular finding. Mr. Gonzales thanked the district for its work on behalf of Latino students and welcomed its participation in the next phase of the Foundation’s work.

H. 8. ADOPTION OF RESOLUTION NO. 041211-4 – ELIMINATE POSITIONS AND LAYOFF CLASSIFIED EMPLOYEES

The Board heard six public comments in opposition of elimination of the Child Development Center at San José City College.

Chancellor Cepeda provided an overview of the assessment and actions regarding the Childhood Development Centers since the June 9, 2009, Board Meeting. At that meeting, a plan was proposed to close the CDC at Evergreen Valley College, and that plan has already been implemented. The second part of the plan was to keep a viable center at San José City College. However, during the 2009-10 academic year, another review was conducted; and the findings determined that the district has insufficient funds to cover all the costs associated with the CDC; the age and condition of the Center would require significant maintenance with no funding to cover the costs; the CDC is not ADA compliant; and during the Fall, 2010 semester the district received a citation indicating that the Center could become a risk to the health, safety or personal rights of children in care if not corrected. Because of these findings, President Kavalier recommends closing the facility. Chancellor Cepeda stated that the layoff resolution the Board is being
asked to approve is due to the closure of the CDC.

Trustee Dhillon asked if bond funds can be used to correct the conditions of the facility. President Kavalier answered that the Measure G-2004 bond included the CDC, and the college is still in the process or prioritizing the Measure G-2010 projects. President Lind inquired about the cost associated with bringing the facility into compliance with safety regulations. President Kavalier answered it would take approximately $100,000, which would include ridding the Center of termites. President Lind asked what the college was currently doing to mitigate the safety concerns. President Kavalier answered that we are fortunate no one has become ill or injured at the Center. Trustee Fuentes asked for information about the children currently being served at the CDC. President Kavalier answered there are currently around 60 students, and she provided a demographic breakdown of those being served at the CDC. Trustee Cruz expressed her disappointment at the possible closure of the CDC, especially because the Board approved a plan that, obviously, wasn't put in place. She asked for the college's strategy for closing the CDC and reopening it in the future. President Kavalier answered that the hope is the college would be able to bring the CDC back as a self-sustaining program. This has already been communicated to the parents; and although the college has received some state funds, more is needed to make the CDC self-sustaining. Trustee Okamura requested the district be more proactive so that we won't continue receiving citations. He also asked if it was possible to downsize the program until possible construction of a new CDC. Trustee Young reminded the Board that the CDC is part of an academic program associated with Early Childhood Education, and everyone needs to refer to it as such. Trustee Fuentes stated that although she appreciates the fact that administration wants to move forward, this program has had a focused process for a long time. One Center was closed due to lack of funds. However, a plan was put in place, which was also approved by the Board, to keep a viable CDC to support a viable education program. Trustee Okamura expressed his agreement with Trustee Fuentes and his concern that the plan, which was originally laid out, was not executed. The plan the Board originally approved provided break-even within two years. What happens if the program needs three years instead? Obviously, the district could use Measure G funds; but whatever funds are used, the Board has made a commitment to have a Child Development Center, a commitment he would like the district to keep. President Lind expressed his concerns about the decline of the Center and the safety concerns that represents. Were we creating a self-fulfilling prophecy by letting the building decline so that we could eliminate the Center? Is there some way we can do something on an interim basis that would allow the program to continue? Trustee Lease recommended that administration partner with Ebay or other institutions who may assist the district with some creative solutions.

M/S/C (Fuentes/Okamura) to continue discussing this item at the May 10 board meeting; and, in the meantime, administration will provide a good review of options for a Child Development Center, including relocating the Center, use of Measure G funds to support the building of a new CDC, and addressing the safety concerns of the current facility.
F. CONSENT AGENDA

1. ADOPTION OF THE CONSENT AGENDA

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

F-2 Management Personnel Actions – Status Change – Martin, Leandra – Acting Vice President of Academic Affairs, end of contract date was changed to 6/30/11.

F-5 Hourly, Student Work & Volunteer Personnel Actions, Sabit, Farhad, Controller, Fiscal Services, end of contract date was changed to 6/30/11; Professional Expert Rahim, Ayesha, contract hours was changed from 40 to Varies.

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 & VOLUNTEER PERSONNEL ACTIONS

The Board approved the Hourly, Student Work & Volunteer personnel actions as submitted.

6. RATIFICATION OF CONTRACTS AND PURCHASE ORDERS

The Board ratified contracts and purchase orders for the period of February 10, 2011 through March 9, 2011.

7. 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.

8. ACCEPT GRANT FUNDS – EVERGREEN VALLEY COLLEGE

The Board accepted grant funds in the amount of $80,000 awarded to Evergreen Valley College’s Nursing Program.
9. **DESTRUCTION OF RECORDS - BOOKSTORE**

The Board approved the destruction of records listed per Section 7080.203 of the Retention and Destruction of Records under Board policies.

10. **CURRICULUM RECOMMENDATIONS FOR SAN JOSE CITY COLLEGE**

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

11. **SJCC ASSOCIATED STUDENTS GOVERNMENT REQUEST TO HAVE ITS PROJECTED 2010-2011 BUDGET AMENDED WITH $60K FROM THE A.S. FOUNDATION ACCOUNTS**

The Board approved the SJCC Associated Students Government’s request to amend its projected 2010-2011 budget by $60,000 from the AS Foundation account (current balance of $72,000.)

G. **ORAL COMMUNICATIONS**

a. **Board of Trustees**

Trustee Lease reported on his attendance at Congresswoman Lofgren's presentation at EVC and the American Leadership Forum. He expressed his concerns about the state budget and how the district will need to engage in prioritizing resources and programs.

Trustee Cruz expressed how pleased she was to see the many students, faculty and staff in attendance at Congresswoman Lofgren’s event at EVC. She also attended Senator Alquist’s budget forum, and it was helpful to be provided the big picture. She also plans to attend the May 12 EVC event in which Assemblymember Nora Campus will provide her analysis of the budget situation.

Trustee Dhillon reported that the Foundation is fired up now, and all the members are excited about getting to work procuring more funds for the district.

b. **Chancellor**

Chancellor Cepeda reported the Board would receive in April and May the district's annual report, communication plan, and strategic directions report. She also discussed the schedules for her performance review and the Board self-evaluation. She also encouraged everyone to attend the Hands Across California event the Associated Students have organized at San José City College on Sunday, April 17.
c. Presidents

President Brock gave an overview of PDD and the college’s work on SLO’s and strategic planning. There was a tremendous amount of energy in the planning part of EVC. The Day of the Green, in which the college welcomes 400 high school students, will be held on April 30. The ATD work is now transitioning to a student success agenda.

President Kavalier congratulated the SJCC journalism students who won six awards at the 56th JACC State Convention, including the General Excellence award, and first-place awards in Broadcast News Writing and Essay Writing. The Times staffers also earned third place in News Tweeting and received honorable mention for News Photo and Front Page Layout. She also thanked the SJCC Associated Students for their hard work in promoting Hands Across California. The focus of PDD was accreditation.

d. Constituency Group Representatives

CSEA President Tomisaka reported on the CSEA Legislative Conference in Sacramento, in which she and Danny Hawkins took a furlough day to lobby legislators on behalf of all. One of the things we asked was that we the people should be allowed to vote on the tax extension and be allowed to make this decision and not be held up by the legislative body.

SJCC Academic President Frazier stated he was encouraged by the accreditation work being done, especially regarding mapping. The 2012 deadline is more realistic now that progress is being made.

EVC Academic President Gee was impressed by how enthusiastic everyone was at PDD. Montgomery Hall was filled with 250 persons until 3:30 p.m. working on strategic planning. President Gee also commended Interim President Brock for her leadership role on the policies and procedures accreditation committee.

MSCC President McKee expressed appreciation for Classified staff and expressed sorrow about the layoffs currently impacting the group.

H. ACTION AGENDA

1. BP 6304 TRAVEL

Chancellor Cepeda reviewed the process used and the various review stages of the draft travel policy and asked the Board to approve it in its current form. Trustee Cruz stated that although she appreciated the amount of work that has gone into reviewing this policy, she was concerned that it took almost two years to get us there.

M/S/C (Dhillon/Cruz) to approve Travel Policy BP 6304.
2. **AWARD TO INDEPENDENT AUDIT SERVICES CONTRACT**

   Trustee Tanaka reported that he and Trustee Dhillon met as members of the Board audit committee, and they both support the award of this contract.

   M/S/C (Dhillon/Cruz) to approve and award the contract for independent audit services to Perry-Smith, LLP in an amount not to exceed $77,850 for FY2010-11, $77,850 for FY2011-12, and $81,000 for FY2012-13.

3. **FY 2011-2012 ISSUANCE OF TAX AND REVENUE ANTICIPATION NOTE (TRAN)**

   Vice Chancellor Hawk discussed the importance of having the ability to borrow funds to meet operational expenses until we receive funds from the County of Santa Clara.

   M/S/C (Okamura/Fuentes) to approve a resolution authorizing the borrowing of funds for Fiscal Year 2011-2012 in an amount not to exceed $20,000,000 through the issuance and sale of a Tax and Revenue Anticipation Note (TRAN) by participating in the Community College League of California Tax and Revenue Anticipation Notes Program.

4. **MEMORANDUM OF UNDERSTANDING WITH MILPITAS UNIFIED SCHOOL DISTRICT**

   This item was moved to follow item E-7.

5. **RESOLUTION OF THE BOARD OF TRUSTEES OF THE SAN JOSE/EVERGREEN COMMUNITY COLLEGE DISTRICT MAKING FINDINGS RELATED TO ENERGY CONSERVATION SERVICES, AUTHORIZING SOLAR EQUIPMENT PURCHASE AND INSTALLATION AGREEMENT, AND AUTHORIZING FILING OF CEQA NOTICE OF EXEMPTION RELATING TO PHOTOVOLTAIC PROJECT**

   Vice Chancellor Hawk gave an overview of the solar energy project, which will be located at EVC and would generate approximately $8 million in energy savings. The majority of those dollars would be realized in the first five years. Vice Chancellor Hawk stated she did anticipate some minor revisions to the contract in the future. The performance criteria is not yet in place. In addition to the contract, the Board is also being asked to adopt the principles which enable it to be exempt from CEQA. Trustee Tanaka stated he didn’t want the solar panels put in a location that may have a negative impact on the neighbors. Trustee Cruz agreed that as the district considers projects such as this one, it is important to talk with the neighboring communities. We’re in a community, and we should include input from other members of the community. Trustee Okamura stated the location of the panels may subject them to vandalism.

   M/S/C (Okamura/Cruz) to approve the findings related to energy conservation
services, authorizing Solar Equipment Master Purchase and Installation Agreement with SunPower Corporation, and authorizing filing of CEQA Notice of Exemption relating to photovoltaic project.

6. **PROGRAM MANAGEMENT/CONSTRUCTION MANAGEMENT SERVICES FOR MEASURE G-2010**

Vice Chancellor Hawk reviewed the process the selection committee used in choosing a consultant for the Measure G-2010 bond. There were six proposals submitted, and three firms were interviewed. The selection committee unanimously selected Gilbane Building Company based on their experience with community college bond programs, the proposed cost structure, the location of their staff and their supporting office in San Jose, and the quality of their presentation and proposal.

Trustee Tanaka stated he could not approve the contract as it was written. He requested that at the next meeting, information would be provided to ensure the correct amount was included in the contract because it was unclear to him what the number actually means. Vice Chancellor Hawk answered that the district did not ask for a cost proposal from the submitted proposals. The proposals that were submitted used different models, and they were constrained because they didn’t have the benefit of knowing what the project list included. The Gilbane contract is primarily for the first year, and this is a “not to exceed” contract that is necessary so that the work can be done in a reasonable amount of time. Trustee Okamura stated that, based on his experience in project management, this contract lacked specifics. He wants to see some form of a cost contract. This district is very disappointed in how we managed our bond money during the previous bonds. He expressed concern that the Board is being asked to approve a rate in which the scope of the work is not really laid out. President Lind asked if the district would be selling the bonds to fund this contract. Vice Chancellor Hawk answered that the bond consultants support the colleges in determining the bond sale schedule based on the project lists the colleges approve. Therefore, this initial investment in the program management is important for this initial work to get underway. President Lind stated he didn’t understand from this contract what the deliverables would be. Trustee Okamura stated that, although he agreed the district does need to move forward, he was uncomfortable approving an agreement through 2018; and he was at the point where he needs to see things detailed on a piece of paper before he would support them. Trustee Tanaka agreed with Trustee Okamura and stated he would not approve something when it’s unclear what the Board is actually being asked to approve. Therefore, he would not support the contract as it is currently written.

M/S (Fuentes/Cruz) to approve the agreement with Gilbane Building Company as the Measure G-2010 Program and Construction Management Firm. Three Trustees voted yes, two voted no, and two abstained. Motion failed.

7. **ENVIRONMENTAL IMPACT AND CEQA CONSULTING SERVICES FOR MEASURE G-2010**

Vice Chancellor Hawk reviewed the selection process used to choose a consultant for the environmental impact reports for Measure G-2010. Two firms responded, and
the selection committee unanimously chose Impact Sciences, Inc.

M/S/C (Fuentes/Cruz) to approve the agreement with Impact Sciences, Inc. to develop the colleges Environmental Impact Reports for Measure G-2010.

8. **ADOPTION OF RESOLUTION NO. 041211-4 – ELIMINATE POSITIONS AND LAYOFF CLASSIFIED EMPLOYEES**

This item was moved to after E-7.

9. **ADOPTION OF RESOLUTION NO. 041211-5 ELIMINATE POSITIONS AND LAYOFF CLASSIFIED EMPLOYEES**

Chancellor Cepeda reported that funding for the WIA funding for the 2011-2012 is uncertain and may face serious reduction. For this reason, it’s important to give employees the required 45-day notice in case the funding is not available to retain their positions.

M/S/C (Dhillon/Tanaka) to adopt Resolution No. 041211-5 – Eliminate Positions and Layoff Classified Employees.

10. **ADOPTION OF RESOLUTION NO. 041211-6 ELIMINATE POSITIONS AND LAYOFF CLASSIFIED EMPLOYEES**

Chancellor Cepeda stated the Tech Prep allocation would be reduced and; therefore, it is necessary to layoff one Classified employee.

M/S/C (Cruz/Tanaka) to adopt Resolution No. 041211-6 – Eliminate Positions and Layoff Classified Employees.

I. **INFORMATION AGENDA**

1. **BUDGET UPDATE**

Chancellor Cepeda discussed her participation, along with a team of nine other prominent community college leaders, in the April 5 Higher Education Advocacy Day in Sacramento. Their strong message to legislators was about the impact of an all cuts budget scenario, which would mean 400,000 fewer students in California Community Colleges. However, it became clear that an all budget cuts scenario seemed to be taking hold even with some democrats; and this would mean an additional $500 million cut on top of the $400 million already in place for community colleges. The legislators asked for help in educating the public because recent polls indicate that Californians are not willing to consider tax extensions or new taxes. In the meantime, the May revise budget will provide us with the next best picture of what we are to expect.

Vice Chancellor Hawk discussed the impact a possible suspension of Prop 98 and declining property taxes would have on the district. At this point, the district needs to develop some contingency plans.
2. **LEGISLATIVE UPDATE**

Chancellor Cepeda reported that Assemblyman Furutani is considering introducing legislation that would make major reforms to community colleges. Among other provisions, the bill would establish a priority enrollment system in statute, give fee authority to the Board of Governors, and set a unit limit for state subsidized coursework. This week, Assembly Higher Education will hear a full agenda of items, including AB 515 (Brownley) which would authorize community college districts to offer fee-based extension courses for credit. The bill has been much debated and was recently amended to specify that the fee-based courses could not supplant state-subsidized courses and to require that the 50% law and 75-25 as well as collective bargaining apply to courses. Two bills were also recently amended that would create a process for community college districts to elect trustees by district area instead of at large.

3. **PRESENTATION ON SILICON VALLEY LATINO REPORT CARD**

This item was moved to after Item E-7.

4. **EVC AND SJCC TITLE V REPORTS**

Mr. Richard Regua, Instructor, Language Arts, at Evergreen Valley College, and Cambios Project Director, provided an overview of Title V objectives, the Cambios 1st year objectives and the innovation and expansion of the Enlace program.

Mr. Robert Gutierrez, Interim Director, Metas Project at San José City College, provided an overview of the Metas project, including the grant components, learning communities, counseling services and Summer Bridge program.

5. **PRESENTATION OF THE CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION, CHAPTER #363 CONTRACT OPENER PROPOSAL WITH THE SAN JOSE-EVERGREEN COMMUNITY COLLEGE DISTRICT FOR 2011-2012**

Vice Chancellor Garcia reported that this item is the sunshine proposal of the CSEA contract, and that the public hearing would be held at the May 10 Board meeting.

6. **FUTURE AGENDA ITEMS**

- Redistricting

7. **CONTINUATION OF CLOSED SESSION**

No.

8. **RECONVENE OPEN SESSION**

**ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION**
Minutes of April 12, 2011 Governing Board Meeting

There were no reportable actions.

L. ADJOURNMENT

The meeting adjourned at 11:00 p.m.

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

Vice President Fuentes called the Regular Meeting of the Governing Board of the San José/Evergreen Community College District to order on Tuesday, May 10, 2011, at 5:00 p.m., in 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  
Mr. Randy Okamura  
Mr. Richard Tanaka

Board Members Excused:
Mr. Ron Lind

B. APPROVAL OF CLOSED SESSION AGENDA

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

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 5:00 p.m. to consider the following items:

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
E. RECONVENE INTO OPEN SESSION

The Public Session was reconvened at 6:20 p.m.

Board Members Present:
Ms. Mayra Cruz
Mr. Balbir Dhillon
Ms. Maria Fuentes
Dr. Jeffrey Lease
Mr. Randy Okamura
Mr. Richard Tanaka
Ms. Linda Lam
Ms. Autumn Young

Board Members Excused:
Mr. Ron Lind

1. PLEDGE OF ALLEGIANCE

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

2. ADOPTION OF AGENDA

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

Items I-4 and H-12 were moved to follow Section G, Oral Communications. A change was made to the Consent Agenda.

3. ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION

The Board will continue to work on the Chancellor’s evaluation for the next two board meetings and will be completed by June 7, 2011.

4. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The Board heard a public comment regarding the layoff of a Vietnamese staff member.
5. **GOVERNING BOARD ORGANIZATION**

M/S/C (Cruz/Lease) to allow all privileges defined in BP 2105 to Student Trustees, with the exception of the privilege to attend closed sessions.

6. **APPROVAL OF THE APRIL 12, 2011, GOVERNING BOARD MEETING MINUTES**

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

7. **6:15 PUBLIC HEARING ON THE CALIFORNIA SCHOOL EMPLOYEE ASSOCIATION, CHAPTER 363 CONTRACT OPENER PROPOSAL WITH SAN JOSE-EVERGREEN COMMUNITY COLLEGE DISTRICT FOR 2011-2012**

There were no public comments during the hearing.

M/S/C (Tanaka/Cruz) to close the hearing.

F. **CONSENT AGENDA**

1. **ADOPTION OF THE CONSENT AGENDA**

M/S/C (Cruz/Lind) to adopt the Consent Agenda as amended:

   Item F-5 Classified Personnel Actions, Section 2b Status Change Reclassified – a correction was made to the position number for the Sr. Division Admin Asst.

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-ADJUNCT/OVERLOAD-SAN JOSE CITY COLLEGE**

The Board approved the Faculty Personnel-Adjunct/Overload-San Jose City College as submitted.

5. **CLASSIFIED PERSONNEL ACTIONS**

The Board approved the Classified personnel actions as submitted.

6. **HOURLY, STUDENT WORK & VOLUNTEER PERSONNEL ACTIONS**

The Board approved the Hourly, Student Work & Volunteer personnel actions as submitted.
7. **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.

8. **RATIFICATION OF CONTRACTS & PURCHASE ORDERS**

   The Board ratified the contracts and purchase orders for the period of March 10, 2011 through April 9, 2011.

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

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

10. **CURRICULUM RECOMMENDATIONS FOR SAN JOSE CITY COLLEGE**

    The Board approved the curriculum recommendations for new courses and a new program submitted by San José City College.

11. **MOU – COUNTY OF SANTA CLARA SOCIAL SERVICES AGENCY AND EVERGREEN VALLEY COLLEGE**

    The Board approved the MOU between the County of Santa Clara, Social Services Agency and Evergreen Valley College.

12. **FINANCIAL AID INACTIVE REPLACEMENT CARD FEE**

    The Board implemented an Inactive Replacement Card fee.

G. **ORAL COMMUNICATIONS**

   a. **Board of Trustees**

      AJCC Student Trustee Young announced it was her last meeting as student trustee. She thanked everyone for their support and expressed how honored she has been to serve the district in many roles. The good news is that she will continue her work in the district Foundation.

      EVC Student Trustee Lam thanked Vice Chancellor Hawk and Vice President Hay for meeting with the Associated Students and answering their questions. It was an important event for students. She also announced the happy news that she has been re-elected to serve as EVC Student Trustee for the next year.

      Trustee Lease reported that KinderCaminata was a wonderful event, and he was very moved by seeing the children on the EVC campus. At some point
these children will attend college, and their memory of this event will encourage them to do so. He also discussed his recent presentation at a neighborhood association that was well received and in which a lot of questions were asked and answered. He announced his father was recently honored for his 60 years of teaching. Trustee Lease reported on his attendance at the CCLC Annual Trustees meeting where he met with the accreditation team and also learned a lot about SLOs and other areas that will assist him as a Trustee. He is also looking forward to tomorrow’s CSEA job shadowing event.

Trustee Cruz reported on her attendance at the CCLC Annual Trustees meeting where she attended a variety of workshops on the Brown Act update, ethics training and Board role for the college foundations. She highlighted the presentation by David Miller, who discussed the importance of embracing the student success agenda. As a district, we have been involved with student success through such activities as CLASS, Achieving the Dream and the equity scorecard. Other areas we need to review are academic acceleration, contextualized learning, feedback and connection to learning for students. Trustee Cruz also reported on her recent visit to the EVC campus, where she visited such programs as ASPIRE, OASSIS, Nursing and Allied Health, Enlace and AFFIRM. She thanked Interim President Brock, Vice President Kuni Hay and Mr. Keith Aytch for allowing her to learn more about EVC programs.

Trustee Dhillon reported on the last Foundation Board meeting. The Foundation is moving in a new direction and is focusing on fundraising. He also reported on his attendance at the CCLC Annual Trustees Conference. He attended a session on health care costs, and there were discussions about how districts can join together in order to take advantage of larger discounts. However, it was evident that the health care system needs a major overhaul.

b. Chancellor

Chancellor Cepeda reported on her participation with critical community partners and other key events. She was a panelist in the Silicon Valley Education Foundation’s Education Summit Program “Save our Schools” that included Cathy Boettcher, Co-chair of the Local Education Planning Council, Muhammed Chaudry, President of the Silicon Valley Education Foundation, Dan Moser, Superintendent of the East Side Union High School District, and Chuck Weis – Superintendent of Schools for Santa Clara County Office of Education. Chancellor Cepeda attended the Trustee Annual Conference in Monterey with Trustees Lease, Cruz and Dhillon, which focused on budget, accreditation and communications strategies in difficult times. Chancellor Cepeda also participated with SilVHER (Silicon Valley Higher Education Roundtable) and helped to draft a “white paper” in preparation for a regional summit on the impact of the fiscal crisis in education throughout the Silicon Valley. This effort will be conducted in collaboration with business and industry partners.

Chancellor Cepeda reported on Kinder Caminata, which was a magnificent
event that raised everyone’s spirits; but most important of all made college going a real goal and not just an imaginary option for hundred of kindergartners in our region.

Mayor Chuck Reed invited the Chancellor to meet with him and his staff, including Deputy City Manager Noberto Duenas, Sr. Policy Advisor Jeff Jansen, WIA Director Jeff Ruster and Ernest Azevedo Executive Analyst. The purpose of the meeting was to provide an overall perspective on the direction of the SJECCD, Trustee Priorities, fiscal challenges and the exploration of ongoing partnerships with the city, including such programs as the SJ Promise, Summer Academies, the Mayor’s Green initiatives and workforce development concerns. The meeting resulting in an agreement to maintain ongoing communication and to schedule specific follow up meetings with campus constituents to address common concerns.

Chancellor Cepeda reported that Monica Gomez has been successful in finding a position as a PIO with a new firm in the Silicon Valley. Her last day was yesterday, and the Chancellor could not convince her to come to the board meeting this evening. In any case, the KinderCaminata video was one of her last projects, and she is most proud of that work. We wish her the best in her new position and appreciate the work she supported for our district since her hire in 2008.

Finally, the Chancellor gave special thanks to a group of colleagues who have worked very hard to support her in providing a number of key deliverables to the board as part of her evaluation including: Annual Report, Strategic Directions Document, Communication Strategic Plan, and Board Self Evaluation. And while all of her executive team provided input and guidance Carol Coen, Rosalie Ledesma, Oleg Bessopav, Monica Gomez, and Jeff Fasbinder actually worked with her on the final production of these materials.

Presidents

SJCC President Kavalier reported that at the April 28 Scholarship Ceremony, 36 scholarships for 55 awards (several scholarships with multiple awards), 37 recipients and $62,355 were awarded. SJCC also received special recognition at the April 29th Judicial Council of California because of our successful educational partnership in developing a multi-optional Judicial Administration Program for incumbent court employees as well as a well-paying workforce initiative for new students seeking employment with the courts. She also reported on the April 25th All-Campus Facility Forum, April 27 Labor Studies and Reel Works Film Series presentation of the Pat Tilman Story, where his mother Mary Tilman was a special guest. A Classified Recognition luncheon was held on April 28, and on May 5 SJCC held the annual newly tenured faculty reception.

EVC Interim President Brock announced that an EVC student, Mr. Francisco Tello has been selected as a recipient of UCSC’s 2011 Karl S. Pister Leadership Opportunity Program Award. Vice President Irma Archuleta will also be recognized as an Educator of the Year by the Association of Mexican
American Educators, on Friday, May 20. Vice President Kuni Hay received the YWCA Silicon Valley Woman Executive of the Year award, and EVC was the only community college who received an award. Ms. Ingrid Rottman was also named an outstanding educator in collaborative services from the California Council for Adult Education. The Day of the Green was very successful, and 289 students attended, as well as 100 parents/family members. Special thanks goes to the 27 faculty, 29 classified, 11 administrators, and 20 student ambassadors, interns, tutors and student leaders, who worked hard to make the event successful.

d. Constituency Group Representatives

CSEA President Jan Tomisaka stated that once again this month CSEA is facing more RIF’s and that is difficult for morale. Members are not sure if they come to work will they get the dreaded call from Human Resources. We continue to ask “WHO WILL DO THE WORK?” Not to lessen the impact of more unit members losing their jobs but our Administrators are participating in the CSEA’s statewide ACE Program (Appreciating Classified Employees) tomorrow. Chancellor Cepeda, Vice Chancellors Garcia and Hawk, President Kavalier, Interim President Brock and the Vice Presidents of both campuses and Deans will be shadowing classified staff during the morning and a luncheon/program will be from 11:00 – 1:00 for the participants. It is nice to see so many willing participants wanting to learn more about what the classified staff contributes to the smooth operations of this district. Ms. Tomisaka also thanked Trustees Dhillon, Fuentes and Lease for participating. Trustees Lind and Okamura were unable to participate with their busy schedules and are still planning on shadowing a classified employee in the next few weeks. We are looking forward to their participation so they can see how much of a difference our unit members make. Next month at the Board meeting we will make a presentation regarding this very special day.

SJCC Academic President Chris Frazier stated the college is working very hard on hiring. He also provided an accreditation update, and thanked President Kavalier for the amazing work she has accomplished in the four months she has been college president.

EVC Academic President Henry Gee provided an update on EVC Facilities Master Plan for the college and the policies that are being reviewed at the college. He is working to accelerate the three policies requested by the Accrediting Commission, i.e. BP 2715 Code of Ethics/Standards of Practice, BP 2435.1 Evaluation of the President of Evergreen Valley College and the President of San Jose City College, and BP 5140 Disabled Students Programs and Services. At some point the revised policies will be presented to the Board for a first reading.

MSCC President Lauren McKee reported the group is reviewing its policies, which are very old; and will be meeting with Vice Chancellor Garcia to assist with the review process. She also announced that 38% of the MSCC are paying monthly dues, and the events at EVC and SJCC to honor Classified Staff have been supported through those funds. MSCC wants to recognize the valuable work Classified staff perform in support of the district. Ms. McKee
recognized Dean Lynette Apen, who is leaving, and will be greatly missed.

I. 4. SJCC CHILD DEVELOPMENT CENTER

President Kavalier and members of her research team that was charged with forming an action plan provided a presentation on the Child Development Center. The presentation included information on the budget and funds needed to close the gap to keep the Center open; the condition of the facilities and status of Measure G 2004 funds; options for relocating to a different facility; possible rentals/alternate site; opportunities for partnerships and college priorities. The CDC is currently serving 59 parents with 62 children: 1 faculty member, 1 classified employee, 2 SJCC students, 1 EVC student, 2 non-students (subsidized) 40 SJCC students enrolled in 9 or more units, 10 SJCC students currently enrolled in less than 9 units and 2 students who have dropped all their classes. In 2010-2011 with total revenue at $448,253 and total expenditures at $658,963, the Center's projected deficit is an estimated $210,710. For 2011-2012 the estimated deficit is $282,676. President Kavalier reviewed three options for the CDC: 1) the CDC stays on the campus, 2) the CDC stays open and moves to Parkway, and 3) the CDC stays open and on campus using leased portables. A fourth option is to close the CDC and work with external partners to design a self-supporting Center. President Kavalier reviewed the potential costs associated with all three options for keeping the Center open. Her recommendation, as well as the recommendation of her research team and SJCC Academic Senate, is to close the CDC.

Student Trustee Young expressed her concern that 64 students depend on the CDC as a lab, and the cost should be treated as such. Other programs have associated lab costs, and the district is doing a disservice to the community by not properly training people for jobs in child care. Trustee Cruz stated that single parents and low-income parents who are also students need the program in order to graduate. By closing the CDC we are failing to provide the quality educational experience our students need. Also, the budget concerns of the here and now may not impact the future, and the presentation provided did not provide information on the plan for the CDC moving forward. Trustee Okamura stated that although he did understand the problems associated with the costs of keeping the Center open, he was concerned that the plans the Board approved two years ago were not followed through.

H. 12 ADOPTION OF RESOLUTION NO. 051011-2 ELIMINATE POSITIONS AND LAYOFF CLASSIFIED EMPLOYEES

The Board heard 12 public comments in opposition of closing the Child Development Center at San José City College. Speakers included Janet Cheng, Director of Health Services, SJCC; Elena Cruz, Child Development Specialist; Kim Vu, Child Development Aide; Marcia Chavez, Supervisor, Child Development Specialist; Students/parents Bianca Broussard, Hershel Sabater, Monique Delgadillo, Christiana Gardner, Luzita Cady, Diane Walter and former student Sabrina Womach. Mr. Joseph King, SJCC Librarian, also discussed the impact of layoffs at the library and expressed his support for
the CDC staff.

Trustee Fuentes stated that the Board is back to the decision of whether or not the Child Development Center is a part of our institution. There is also the fact that many children benefit and need this program. The district’s recommendation to close the Center doesn’t make sense. Early Childhood Education is an important field of study and deserves an important lab facility. She stated she will vote against the district’s recommendation because they could do better. Although there are costs associated with this program, there are costs associated to a lot of other things the district is engaged in. Trustee Fuentes expressed concern by the lack of leadership in working hard to save the program. The Board agreed to close one Center and keep the other one open, and now they are being asked to break that promise. It’s also very embarrassing to be the only district in our area without a lab school. We should be wiser in understanding how essential this field of study is for our community. Trustee Lease stated that although we could use bond funds to build a new Center or make improvements to the current Center, the issue is whether or not the district can fund the ongoing expense of keeping it open. But we have a serious accreditation problem at SJCC and the state has limited resources. It is with a heavy heart that he supports the district’s recommendation to close the Center. Trustee Dhillon expressed his concerns about the safety of the facility for students, faculty and especially the children and also the costs associated with making the facility ADA compliant.

M/S/C (Dhillon/Lease) to adopt Resolution No. 051011-2 – Eliminate Positions and Layoff Classified Employees. Trustees Fuentes and Cruz voted no.

H. ACTION AGENDA

1. SCHEDULE OF GOVERNING BOARD MEETING DATES AND CORRESPONDING DEADLINES FOR 2011-2012

M/S/C (Tanaka/Cruz) to approve the Schedule of Governing Board Meeting Dates and Corresponding Deadlines for 2011-12.

2. CHANGE ORDER #1 – MULTIDISCIPLINARY + ARTS PROJECT - SJCC

Vice Chancellor Hawk gave an overview of the conditions that require additional funding, such as, the City Fire Marshall’s request to add two fire hydrants and the relocation of unforeseen underground site facilities that conflict with the footprint of the new building, additional electrical work required and the reconfiguration of the existing irrigation system. Trustee Okamura asked if the condition with the underground site utilities was known beforehand. Vice Chancellor Hawk answered that every building surrounding this building was relocated, and the electrical lines do not start and finish under this building. And although moving forward we can’t be sure there will be no unforeseen conditions, it’s these types of issues the district is trying to correct by hiring a project management team to assist in the planning of Measure G-2010.
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M/S/C (Okamura/Tanaka) to approve Change Order #1 in the amount of not to exceed $218,898.00 to Blach Construction Company for the Multi-Disciplinary + Arts project at San Jose City College.

3. **CHANGE ORDER #1 – FINE ARTS HAZMAT ABATEMENT - SJCC**

Vice Chancellor Hawk stated the purpose of this change order was to safely remove and dispose of all hazardous materials in the Fine Arts Building at SJCC.

M/S/C (Dhillon/Lease) to approve Change Order #1 in the amount of $19,450.00 to Eco Bay Services, Inc. for the Fine Arts HAZMAT Abatement project at San Jose City College.

4. **ADDITIONAL SERVICES AUTHORIZATION – EVC MODERNIZATION**

Vice Chancellor Hawk reviewed the additional services required to modernize and acquired LEED Silver standard the Acacia/Cedro and P.E. modernization project at EVC. Trustee Okamura made note that this funds could have been used to keep the Child Development Center open.

M/S/C (Tanaka/Dhillon) to approve the additional services authorization in the amount of not to exceed $203,938.00 to WLC Architects, Inc. for the Acacia/Cedro/P.E. modernization project at EVC.

5. **AGREEMENT – INSPECTOR OF RECORD – MULTI-DISCIPLINARY + ARTS PROJECT - SJCC**

Vice Chancellor Hawk reported that several inspectors were asked to submit proposals. The cost for this service was similar from all proposals submitted, but Ram Kirpalani was the inspector that was recommended by the management team. Trustee Tanaka asked if interviews were held before the choice was made. Vice Chancellor Hawk answered that the management team at SJCC interviewed three of the bidders before they made their recommendation. Trustee Dhillon stated that in the past when there were multiple bidders, information on each of the proposals was included in their board meeting packets.

M/S/C (Young/Okamura) to approve the agreement with Ram Kirpalani, Inspector of Record, in the amount of not to exceed $205,800.00 to provide full-time professional inspection services for the Multi-Disciplinary + Arts Project at San José City College.

6. **AGREEMENT – MATERIAL TESTING & INSPECTION SERVICES – MULTI-DISCIPLINARY + ARTS PROJECT - SJCC**

Vice Chancellor Hawk explained that approval of this professional services agreement would meet the need for comprehensive material and testing services for the Multi-Disciplinary & Arts Project at San José City College. This service is needed in order to comply with the requirements of Title 24 and all structural provisions of the Field Act.

M/S/C (Cruz/Fuentes) to approve a Professional Services Agreement with Smith
Emery San Francisco in the amount of not to exceed $115,423.50 to provide comprehensive material testing and inspection services for the Multi-Disciplinary + Arts Project at San Jose City College.

7. AGREEMENT FOR SOILS ENGINEERING TESTING AND INSPECTION SERVICES – MULTI-DISCIPLINARY + ARTS PROJECT - SJCC

Vice Chancellor Hawk stated that approval of this service agreement would provide special soils and geotechnical engineering services required for the Multi-Disciplinary & Arts Project at San José City College.

M/S/C (Dhillon/Cruz) to approve a Professional Services Agreement with Consolidated Engineering Labs in the amount of not to exceed $25,990.00 to provide comprehensive Geotechnical Engineering Services for the Multi-Disciplinary + Arts project at San Jose City College.

8. PROGRAM MANAGEMENT/CONSTRUCTION MANAGEMENT SERVICES FOR MEASURE G-2010

Trustee Okamura thanked Vice Chancellor Hawk for the additional information she provided to answer the Board’s questions from the last meeting. He asked if there was a way to document the different phases and the related costs as each phase is completed. As we are early into the new bond projects, it would be helpful to assess the status of the work and hold our contractors accountable. Vice Chancellor Hawk answered that there are several reviews in any project we undertake so that we can reinvest any savings we receive from one project into another project that may need more funds. Trustee Dhillon inquired about why the contract contained two functions, contract management and construction management. Vice Chancellor Hawk answered that those two coordinated functions provides the best services at the campus level. Trustee Tanaka asked how the $2.2 million contract would be funded. Vice Chancellor Hawk answered that the Board approved over $2 million in change orders this evening. We anticipate seeing real savings as a result of their expertise, including a much better control options with our vendors. Trustee Cruz inquired about any known litigation that the Gilbane Building Company may be involved in, and Vice Chancellor Hawk answered there is no known litigation involving its local company. Trustee Fuentes asked, in the interest of transparency, if Gilbane was involved in any discrimination litigation. Vice Chancellor Hawk answered that nothing showed up in the review of the company.

M/S/C (Okamura/Tanaka) to approve the agreement with Gilbane Building Company as the Measure G-2010 Program and Construction Management Firm. Trustees Fuentes and Dhillon voted no.

9. DELEGATE AUTHORITY TO MODIFY SUNPOWER CONTRACT AND EXECUTE ADDENDA

Vice Chancellor Hawk requested the Board approve giving her authority to move forward with the SunPower contract and bring it to the Board for subsequent ratification.
M/S/C (Cruz/Dhillon) to delegate authority to the Vice-Chancellor Administrative Services to modify the terms and conditions of the SunPower contract approved by the Board of Trustees on April 12, 2011 and execute addenda for additional Operations and Maintenance and Power Output Guaranty.

10. **RESOLUTION IN SUPPORT OF CLASSIFIED SCHOOL EMPLOYEE APPRECIATION MONTH RESOLUTION NO. 051011-5**

Chancellor Cepeda stated that the third full week in May is designated at Classified School Employee Week. The resolution before the Board recognized the important contributions made by classified employees of the San José-Evergreen Community College District and extends the celebration to the full month of May 2011.

M/S/C (Fuentes/Dhillon) to approve Resolution No. 051011-5 Classified School Employee Appreciation Month.

11. **ADOPTION OF RESOLUTION NO. 051011-4 IN SUPPORT OF AB 1130 (SKINNER) INCOME TAXES: TAX RATES**

Chancellor Cepeda reported this resolution was supported by our district’s Faculty Association and other members of our constituency groups. Assemblyman Skinner’s bill is calling for the taxing of the richest 1% in our state to help off-set the terrible budget crisis we are facing.

M/S/C (Tanaka/Cruz) to adopt Resolution No. 051011-4 in support of AB 1130 (Skinner) Income taxes: tax rates.

12. **ADOPTION OF RESOLUTION NO. 051011-2 ELIMINATE POSITIONS AND LAYOFF CLASSIFIED EMPLOYEES**

This item was moved to follow I-4, which was moved to follow Section G, Oral Communications.

13. **ADOPTION OF RESOLUTION NO. 051011-3 ELIMINATE POSITIONS AND LAYOFF CLASSIFIED EMPLOYEES**

Chancellor Cepeda reported that due to state budget reductions, the County of Santa Clara is unable to fund the Keys to Success program at its current level, and the funding has been reduced to $204,000 for FY2011-12. Therefore, the district is recommending the layoff of two Classified positions.

M/S/C (Dhillon/Cruz) to adopt Resolution No. 051011-3 – Eliminate Positions and Layoff Classified Employees.

I. **INFORMATION AGENDA**

1. **BUDGET UPDATE**

Chancellor Cepeda stated the last two CEO conference calls regarding the state
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budget had been canceled as everyone is awaiting the results of the Governor's May revise budget.

2. **LEGISLATIVE UPDATE**

This item was not discussed.


Because of time restraints, Vice Chancellor Hawk was not able to provide a full budget presentation. Instead, she made a significantly abbreviated report. It was proposed that the report be brought back on May 24, including any new “May revise” information.

4. **SJCC CHILD DEVELOPMENT CENTER**

This item was moved to follow Section G, Oral Communications.

5. **BOARD SELF EVALUATION: SUB-COMMITTEE REPORT, FINDINGS AND NEXT STEPS**

Trustee Okamura gave a brief overview of the Board evaluation process and provided a breakdown of the groups who participated in the survey and at what level. Trustee Cruz stated the results of the Board evaluation survey would be used as a baseline that would determine areas of Board focus and improvement. Trustee Lease gave a brief presentation summarizing the findings of the Board self-evaluation summary. He thanked Mr. Oleg Bespalov for his hours of work putting the presentation together. Trustee Lease reported that the Board rated themselves slightly higher than the outside reviewers; but in most cases, the ratings were comparable. He stated the evaluation survey addressed those areas of concern indicated in the accreditation review. Based on these results, the Board plans to develop a workplan that will include board development opportunities to help them improve their performance in those crucial areas. It is expected that the first draft of this workplan will come to the board on May 24.

6. **FUTURE AGENDA ITEMS**

- AB 515 resolution
- Redistricting

J. **CONTINUATION OF CLOSED SESSION**

No.

K. **RECONVENE OPEN SESSION**

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

There were no reportable actions.
L. ADJOURNMENT

The meeting adjourned at 11:20 p.m.

Rita M. Cepeda, Secretary
Board of Trustees