Minutes of the
Governing Board Meeting
August 14, 2012

A. CALL MEETING TO ORDER

President Fuentes called the Regular Meeting of the Governing Board of the San José-Evergreen Community College District to order on Tuesday, August 14, 2012, at 4:30 p.m., in the District Board Room at 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

Board Members Excused:
Mr. Richard Tanaka

B. APPROVAL OF CLOSED SESSION AGENDA

M/S (Lease/Lind) to approve the Closed Session agenda.

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 4:30 p.m. to consider the following items:

PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT
(Government Code Section 54957 (b))
Title: College Presidents

PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Government Code Section 54957(b))
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
Dr. Jeffrey Lease
Mr. Ron Lind
Mr. Randy Okamura
Mr. Mike Casas
Mr. Shawn Sieu-Nguyen

Board Members Excused:
Mr. Richard Tanaka

1. PLEDGE OF ALLEGIANCE

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

After the Pledge, M/S/C (Lind/Okamura) to approve Resolution No. 081412-3 to excuse Trustee Richard Tanaka from attending the August 14, 2012, Governing Board Meeting due to illness.

2. ADOPTION OF AGENDA

M/S (Dhillon/Cruz) to approve the agenda as submitted.

3. ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION

There was no report from the Closed Session meeting.

4. PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

Mr. Gary Cooper, CSEA employee, expressed concerns about his safety in working at the lake at Evergreen Valley College.

President Fuentes stated the Board could not discuss the item since it was not put on the agenda, but she would ask the Chancellor to look into the matter and provide information at the next meeting.

MSCC President Lauren McKee read a statement on behalf of the MSCC Executive Committee and leadership in which she thanked Chancellor Cepeda for addressing her performance goal to promote a district climate of civility, mutual
respects and professionalism. She thanked the Chancellor for holding an off-site retreat and providing training on civility.

5. **APPROVAL OF THE JULY 10, 2012, GOVERNING BOARD MEETING MINUTES**

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

6. **MILPITAS/SAN JOSE-EVERGREEN COMMUNITY COLLEGE DISTRICT JOINT EDUCATION SERVICES CENTER UPDATE**

Chancellor Cepeda introduced Superintendent Cary Matsuoka, and stated that she is very impressed with Superintendent Matsuoka’s leadership in moving forward with the joint SJECCD/Milpitas Educational Center. She stated that from October 26, 2010 to January 11, 2011, a lot of work was done in determining what kind of center both institutions were looking for, and now both institutions are taking the necessary steps to finalize a Memorandum of Understanding (MOU) for approval at a future joint meeting of the MUSD and SJECCD Governing Boards. In 10-15 years this Center may evolve into a new community college.

Superintendent Matsuoka expressed thanks from the Board of Directors and residents of the Milpitas Unified School District. On September 11, 2012, both Boards will receive a draft MOU, which will be finalized and ready for approval at a joint meeting of both Boards on November 13, 2012. The MOU will include the timeline for ground breaking of the Center.

Trustee Lind thanked Chancellor Cepeda and Superintendent Matsuoka for moving this process along. He has been working on getting this Center in place since he ran for the Board in 2000, and at least the MOU will be signed before he ends his Board term. He will continue to keep an eye on the developments. He thanked all participants who have been working to make this a reality. Trustee Cruz thanked Chancellor Cepeda and Superintendent Matsuoka for their work in bringing access to students in Milpitas. Trustee Fuentes expressed her appreciation for all the work that has been done and will continue during the future planning process.

Chancellor Cepeda stated that at one point this was an EVC program. They had been the architect, but now the district, including Vice Chancellor Coen, has taken over the planning.

President Fuentes thanked Superintendent Matsuoka for attending the meeting.

F. **CONSENT AGENDA**

1. **ADOPTION OF THE CONSENT AGENDA**

M/S (Okamura/Cruz) to approve the Consent Agenda as submitted.
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-Regular as submitted.

4. **CLASSIFIED PERSONNEL ACTIONS**

   The Board approved the Classified Personnel Actions as submitted.

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

   The Board approved the Short-Term Hourly, Substitute, Professional Expert & Athletic Support Services, Student Assistant and Volunteer personnel actions as submitted.

6. **FACULTY PERSONNEL-EVC ADJUNCT**

   The Board approved the Faculty Personnel-EVC Adjunct personnel actions as submitted.

7. **FALL 2012 FACULTY REASSIGNED TIME – EVERGREEN VALLEY COLLEGE**

   The Board approved the Evergreen Valley College’s faculty reassigned time for fall semester 2012.

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

   The Board ratified the contracts and purchase orders for the period of June 10, 2012 through July 9, 2012.

9. **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.

10. **AGREEMENT – 2013 STATE CHANCELLOR’S OFFICE TAX OFFSET PROGRAM (COTOP)**

    The Board approved the contract with the State Chancellor’s Office for the District to participate in the 2013 Chancellor’s Office Tax Offset Program (COTOP.)

11. **REVISION #2 TO AWARD OF CONTRACTS FOR BID PROPOSAL #0514-12 FURNITURE & EQUIPMENT FOR THE SJCC MULTI-DISCIPLINARY BUILDING AND CARMENT CASTELLANO FINE ARTS CENTER**
The Board revised the awarded contracts of Bid Proposal #0514-12 to the vendors listed within the agenda item.

12. ACCEPTANCE OF DONATIONS TO SJCC BUSINESS & TECHNOLOGY DIVISION

The Board accepted the donations in the amount totaling $22,485.00 that were given to the SJCC Business & Technology Division in the Cosmetology, Dental Assisting and Laser departments for student use in the classroom laboratories.

13. EMERGENCY WORK DUE TO EVERGREEN VALLEY COLLEGE POWER OUTAGE

The Board approved the emergency work of Cupertino Electric, Inc. due to the Evergreen Valley College power outage.

G. ORAL COMMUNICATIONS

a. Board of Trustees

Student Trustee Casas reported on his attendance at the July 15 off-site retreat and the training he received on civility. On July 26 he and Chuck Stevens attended the White House Summit at Las Positas College, sponsored by the Department of Education. He also reported on student participation on the SJCC Strategic Planning Council. Student Trustee Casas announced that at the last CCLC meeting, he was elected as a member of the League’s Advisory Committee on Education Services.

Student Trustee Sieu-Nguyen reported he was happy to attend the district training retreat as it was an opportunity for him to learn about what the district is doing. A lot of students are unaware of what the district does and how it works, and he plans to assist students in understanding the key role the district plays in supporting students. He also announced his participation on August 15 in a panel for the College Connection Academy. The EVC ASG will be participating in a press conference to bring more awareness of the dangers of texting while driving. The mural project at EVC is almost complete and everyone is invited to look at the work done by students.

Trustee Lind announced that he was elected to the California Labor Federation.

President Fuentes reported on her attendance at the CSEA event in Las Vegas where Gary Cooper received a CSEA Employee of the Year award. Mr. Cooper gave a very powerful speech, and she spoke as well. The CSEA also presented a plaque to the district, which she requested it be hung in the District Board Room. President Fuentes stated the importance of appreciating the important work people do in support of schools.

Trustee Okamura stated he is very excited about the work the district is doing
this year, including the workshop recently conducted regarding civility. Since this is his last year on the Board, he’s experienced both rewards and frustrations. However, he encourages the district to keep working on civility and to keep championing for students. This will be a tough budget year, especially if the tax initiative doesn’t pass.

Trustee Dhillon reported on the tragic shooting event at a Sikh temple in Wisconsin on August 5. One person gave his life to save others. It was a very sad event. He attended a rally on August 9 at the State Assembly, which included Assemblymember Paul Fong. Congressman Mike Honda is committed to bringing change. Education is the answer that will provide the change. Our community needs to be trained in the beliefs and practices of the Sikh religion so that people don’t make the wrong judgments about the Sikh community.

b. Chancellor

Chancellor Cepeda reported that our district’s proposal to present its work on a definition of student success at the October 3 Research Planning Group conference has been accepted. We are working on finalizing the group of presenters for the conference, and the group to attend will come from the Student Success Constituency Group Task Force.

The SJECCD Foundation fundraising event, The Bridge to the Future, is scheduled for this Thursday. The is the Foundation’s first fundraising event which targets business and industry leaders to enlist their support, not only for the event itself, but also as future partners in meeting the educational needs of our community. Kudos to Vice Chancellor Coen, Foundation President Autumn Yong and staff for their outstanding work in organizing this event.

Chancellor Cepeda stated that here hence the Board would receive a monthly report on the work being performed by CampusWorks. She asked Tamela Hawley, Executive Director RIE, to provide a brief status of what is happening in ITSS. Dr. Hawley reported that Dr. Mike Russell has been appointed as the Chief Information Services Officer (CISO) and will begin his work with the district on August 20. Next month Dr. Russell will begin providing the Board with monthly updates. Dr. Russell will begin working on establishing the district’s strategic technology plan. CampusWorks has provided a draft template, and Dr. Russell will begin working with the district and colleges to create a draft plan. The goal is to have this approved by the Board and in place prior to the accreditation site visit in October. During the next six months, Dr. Russell will work with the district in creating usable institutional reporting documents, and he will also assist us in creating effective ways for communication with students, which may include student email.

Trustee Okamura stated that he would like to see a State of the Art IT department. This is the way our district would be able to serve students. It’s important to see what Microsoft and AT&T are doing, and that should be reviewed from our users’ point of view.
Chancellor Cepeda reported that the written reports for accreditation shared recommendations 1, 5, and 6 have already been completed. The goal now is to communicate this information broadly, and she would be reporting this at the upcoming PDD at both colleges on August 30-31. On August 18 she and Vice Chancellor Smith and Fiscal Service Director Fitzsimmons will be participating in a teleconference with Dr. Barbara Beno to answer her questions regarding the district budget.

c. Presidents

EVC President Yong provided an update on accreditation. He stated the draft report has been written, although there will be updates added due to the continued work on SLOs. There will be substantial work done on SLOs during the upcoming PDD. President Yong also reported that Summer Session ended 40% below last summer's numbers, not all full-time faculty received an assignment; and EVC was unable to serve all the students. However, the feedback from students was very positive. So far, orientation is going very well. The College Connection Academy will be starting in the Fall.

SJCC President Kavalier stated the college is looking forward to welcoming back faculty to the campus, and PDD schedule for August 30-31 is now being planned. She also announced the naming ceremony of the Carmen Castellano Fine Arts Center on September 6 and invited everyone to attend. The ceremony will begin at 2:00 p.m. President Kavalier thanked Vice President Nelson and Faculty members Merylee Shelton and Jesus Covarrubias for their hard work in planning this very special event. SJCC has completed the final draft report for accreditation. Faculty are finishing up the editing on the five college representatives and will be working on the six shared recommendations next week.

d. Constituency Group Representatives

SJCC Associated Students Region IV Chuck Stevens stated the Associated Students at SJCC are moving towards becoming a senate so they will mirror the other community colleges across the state. A one-dollar rep fee will be put in place to support the student legislature. A handbook will be provided as well as a panel discussion to explain how that fee will be used.

EVC Academic Senate President Narveson stated the first meeting of the Academic Senate will not be held until September. He reported that 68 students received grades in his summer school history class—an increase from the average 55 students he normally teaches. It was unfortunate his class had a waiting list in excess of 150 students. The accreditation committee is currently working on completing the SLOs, and the work will continue at PDD.

SJCC Academic Senate Vice President, Fabio Gonzales reported that faculty are working on the college's strategic plan and also addressing issues regarding course catalogs and programs. Faculty is excited about the start of the new academic year.
Executive Director Hanfling stated the next two months are a battle for our lives. Politics is what working in the public sector is all about. The FA is working with the CSEA and community colleges to ensure that Proposition 30 passes. We are determined in fight against Proposition 32, which would take away our rights. So along with the excitement of a new school year, the faculty are working to ensure we have the ability to provide opportunity and access for our students.

CSEA President Tomisaka thanked President Fuentes for attending the CSEA 86th Annual Conference in Las Vegas and speaking on in support of Gary Cooper's award as one of CSEA’s top 2012 Members of the Year.

H. ACTION AGENDA

1. MEASURE G-2010 BOND PROGRAM UPDATES, HIGHLIGHTS, SUMMARY REPORTS, CONTRACTS, AND PROJECT ASSIGNMENT AMENDMENTS

Mr. Scott Jewel, Gilbane Project Manager, stated the monthly report was provided to the Board for information. Trustee Okamura thanked him for the new format of the summary report. He also expressed appreciation for the contract awarded to a woman vendor in the Salas O'Brien contract. Trustee Okamura and President Fuentes recommended that the minority business report be presented to the Board each month.

Vice Chancellor Smith read each resolution included in H-1.

M/S/C (Lind/Okamura) to approve:

The selection of the firms listed in each group listed in Item H-B-1-a for issuance of a Master Agreement for Professional Services in their specialty for Measure G-2010 projects.

The selection of firms listed in Items H-B-1-b as pre-approved for their area of professional expertise on Measure G-2010 projects.

Issuance of a PAA to Salas O'Brien in the amount of $54,000 for the SJCC Phase 1 – Mechanical, Electrical, Plumbing and Fire Protection Upgrade Project.

Issuance of a PAA to Salas O'Brien in the amount of $42,580 for Utility Extension for new and existing buildings at SJCC.

Issuance of a PAA for design and construction phase services on the EVC South Campus Development Project to HMC Architects in the amount of $3,575,000.

Issuance of a PAA to Meyer Silberberg Land Architects for Landscaping Programming and Assessment Services at EVC in the amount of $322,770.

Issuance of a PAA to Salas O'Brien in the amount of $70,000 for EVC Phase I – Mechanical, Electrical, Plumbing and Fire Protection Upgrade Project.
Issuance of a PAA to Salas O’Brien in the amount of $180,000 for the EVC Phase 1 – 21 kV Electrical Upgrade Project.

Issuance of a professional service revision to Bellinger Foster Steinmetz Landscape Architecture in the amount of $5,330 for additional services related to the SJCC Track & Field Project.

Issuance of a Prime Contract Change Order OC Jones & Sons Inc. in the amount of ($27,596) for the SJCC Track & Field Project.

Issuance of Revision 1 to Marcy Wong Donn Logan Architecture in the amount of $84,993 for design and construction administration services for the SJCC New Theater – Vocational Technology (Temporary Fitness Center Housing).

2. BOARD RESOLUTION NUMBER 081412-2 FOR LEASE-LEASE BACK PROJECT DELIVERY METHOD FOR THE SAN JOSE CITY COLLEGE NEW THEATER & VOCATIONAL TECHNOLOGY PROJECT

Chancellor Cepeda stated approval of the resolution is a validation action of an approval the Board had already given on July 10, 2012, authorizing the use of the Lease-Lease Back project delivery system for two Measure G-2010 projects, the San Jose City College New Theatre and Vocational Technology project and the Evergreen Valley College South Campus Development project.

M/S/C (Dhillon/Okamura) to approve Resolution Number 081412-2 for Lease-Lease Back Project Delivery Method for the San Jose City College New Theater & Vocational Technology Project.

3. 2015 INITIAL PROJECT PROPOSAL FOR THE ACACIA – ROBLE REPLACEMENT (ENGINEERING & APPLIED TECHNOLOGY) FOR SUBMISSION TO THE STATE CHANCELLOR’S OFFICE FOR CONSIDERATION FOR STATE FUNDING IN THE 2015 FUNDING YEAR

Vice Chancellor Smith reminded the Board about the presentation they received regarding the earthquake fault line beneath the Acacia and Roble buildings at EVC that was recently discovered to be active. As required by law, the District informed the State Chancellor’s Office and is submitting a proposal for state funding of 50% of the budget for the demolition and replacement of space.

M/S/C (Lease/Cruz) to approve the 2015 Initial Project Proposal for the Acacia – Roble Replacement (Engineering & Applied Technology) for submission to the State Chancellor’s Office for consideration for State funding in the 2015 funding year.

4. 2014 – 2018 FIVE YEAR CONSTRUCTION PLAN

Vice Chancellor Smith stated the District is required to submit this plan on an annual basis. President Fuentes inquired if the Milpitas Educational Center was included in this plan. Vice Chancellor Smith answered it is not yet in the plan because it needs to be determined if the Center would be included in SJCC or EVC plan. Once that is
defined, it will be included.

M/S/C (Lease/Okamura) to adopt the 2014 – 2018 Five Year Construction Plan as required by the State Chancellor’s Office as a provision under Community College Construction Act (California Education Code Section 81800.)

5. **FACILITY RENTAL FEES**

Chancellor Cepeda stated the District has a need to periodically review its rental fees to determine whether or not we are in line with other districts in the area. That process has not been done for several years. Also, there was some concern about the consistency of our fees. Therefore, both colleges reviewed their rates and developed the fee schedule the Board is being asked to approve. The District will publish these rates so that information is readily accessible to the public. Vice President Gee stated he had reviewed the rates from other colleges, and our rates were the lowest. Therefore, the rates have been adjusted to the middle range of other colleges.

Trustee Dhillon stated his approval of having the fees published in a way that ensures fairness for everyone. We also need to find ways to encourage the community to use district facilities. Trustee Okamura inquired if security was paid by the public or if we provided security. Vice President Nelson answered that the colleges use their own security. There are 22 home football games scheduled, which will be provided by campus security. President Fuentes stated it is great the district has provided this information, which needs to be posted to our district website.

M/S/C (Lease/Cruz) to approve the facility rental fees effective September 1, 2012.

6. **CHAPTER 5 BOARD POLICIES (STUDENT SERVICES)**

Chancellor Cepeda reported that Chapter 5 Student Services has been reviewed by the district’s constituency representatives. She commended them for their hard work in moving it forward. It’s also important to note that approval of this chapter would ensure the Board achieves its goal of review 20% of its policies every year.

M/S/C (Dhillon/Lind) to approve Chapter 5 Board Policies (Student Services.)

7. **ST. ELIZABETH’S DAY CARE HOME SUB CONTRACT FOR CHILD DEVELOPMENT CENTER – CALIFORNIA DEPARTMENT OF EDUCATION CHILD CARE CONTRACTS**

Chancellor Cepeda stated that approval of this item ensures that St. Elizabeth’s Day Care Home receives the grant money provided by the State Department of Education. However, the district will conduct fiscal agent responsibilities and, therefore, will retain a portion of the funding for indirect costs.

M/S/C (Cruz/Lease) to approve the contract attached in order to sub-contract the State Department of Education Grants to St. Elizabeth’s Day Care Home. Contractor will receive $243,636 funding; campus will retain $10,121 for indirect costs. Trustee
Fuentes abstained from the vote due to conflict of interest because she is a member of the Board of St. Elizabeth’s Day Care Home.

8. **CONTRACT FOR ST. ELIZABETH’S DAY HOME – 2012-2013 FACILITIES RENOVATION REPAIR (FRR)**

Chancellor Cepeda stated the CA Department of Education has awarded $3,866 to St. Elizabeth’s Day Care Home to assist with maintaining a healthy, safe and accessible environment for children in the CDE program.

M/S/C (Okamura/Lind) to approve the award from the California Department of Education to San Jose-Evergreen Community College District for the fiscal year 2012-2013 Facilities Renovation Repair (FRR) funds. Trustee Fuentes abstained from the vote due to conflict of interest because she is a member of the Board of St. Elizabeth’s Day Care Home.

9. **CHILD DEVELOPMENT CONTRACTS AGREEMENT BETWEEN CALIFORNIA DEPARTMENT OF EDUCATION AND SJECCD**

Chancellor Cepeda recommended the Board approve the contract agreements for General Child Care California State Preschool Programs funds in the amount of $253,757, which will be subcontracted to St. Elizabeth Day Care Home to provide child care assistance to registered SJCC students.

M/S/C (Dhillon/Okamura) to approve the contract agreements between SJECCD and California Department of Education for fiscal year 2012-2013. This is a pass through contract to St. Elizabeth’s Day Care Home. Trustee Fuentes abstained from the vote due to conflict of interest because she is a member of the Board of St. Elizabeth’s Day Care Home.

I. **INFORMATION AGENDA**

1. **ANNUAL REVENUE FROM SURPLUS REPORT**

Chancellor Cepeda stated that district procedure AP 6550 requires the Board receive an annual report of sales proceeds. Therefore, the Board is receiving this information report.

J. **CONTINUATION OF CLOSED SESSION**

No.

K. **RECONVENE OPEN SESSION**

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

None.
L. ADJOURNMENT

President Fuentes requested a moment of silence on behalf of the victims of the Sikh Temple shooting on August 5, 2012.

The meeting adjourned at 8:28 p.m.

Rita M. Cepeda, Secretary
Board of Trustees