Minutes of the
Governing Board Meeting
March 8, 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, 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
Minutes of March 8, 2011 Governing Board Meeting

(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
Unrepresented Employees: M/S/C

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
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 Cepeda, 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.
Minutes of March 8, 2011 Governing Board Meeting

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.

Rita M. Cepeda, Secretary
Board of Trustees