

Yuba Community College District Board of Trustees
Minutes of the May 13, 2009 Board Work Session and Regular Meeting

The Yuba Community College District Board of Trustees met for Closed Session at the Comfort Suites Inn, 1034 North Beale Road, Marysville, California and for a Work Session and Regular Meeting at Yuba College, 2088 North Beale Road, Marysville, California on May 13, 2009.

1. CLOSED SESSION

- A. Public Employee Appointment – Yuba College President
- B. Conference With Legal Counsel – Anticipated Litigation
Significant Exposure to litigation pursuant to G.C. Section 54956.9(b) – Two potential cases
- C. Public Employee Discipline/Dismissal/Release – Government Code 54957
- D. Conference with Legal Counsel – Existing Litigation
Government Code Section 54956.9(a)
Nancie Greene v. Yuba Community College District, et al.
Superior Court of California, Sacramento, Case No. 34-2008-00001822
- E. Conference with Labor Negotiator – District Negotiator: AI Alt
Pursuant to Government Code 54957.6
Employee Organization: Yuba Community College District Police Officers Association
- F. Conference with Real Property Negotiator
Pursuant to Government Code 54956.8
Property: Located West of Husted Road and North of “E” Street in Williams, CA.
Assessor’s Parcel Number (APN) for the Parent Parcel is 016-070-101.
District Negotiators: Dr. Willard Wright, Dr. Angie Fairchilds, George Parker, Lisa Allred (AALRR)
Negotiating parties: Vann & Ruggieri Land Investments, LLC: Steve Tofft, Owners Representatives
Under Negotiation: Negotiating Parameters

Board Chairman, Alan Flory, opened the meeting at 8:11 a.m., and reviewed the items to be discussed in Closed Session. There being no public comment regarding the Closed Session agenda items, the Board convened to Closed Session.

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

2. WORK SESSION

Board Chairman, Alan Flory, called the Work Session to order at 2:45 p.m.

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

- A. Initial Study Mitigated Negative Declaration (IS/MND)
Chancellor Harrington introduced Mr. Randy Chafin, EDAW/AECOM. She noted that in 2007, the District solicited land in Sutter County. After review of twelve possible properties, the District narrowed the options to two potentially suitable sites and contracted with EDAW to conduct a feasibility study of both properties with a recommendation of the current property. Mr. Chafin provided an overview of the California Environmental Quality Act (CEQA) process, noting that the IS/MND study is part of that process. Notice of the District’s plan to build must be made public, and a thirty-day public comment period begins. The District then responds to any environmental concerns brought forward during that time. Mr. Mike Parker, EDAW-Project Manager, reviewed with the Board the concerns, findings, and District responses to six comment letters received from public agencies. No letters were received from members of the public in general. Mr. Ken Anderson, of KD Anderson, summarized traffic impact concerns expressed by the City of Yuba

City and answered Board questions. Chancellor Harrington noted areas being addressed, and that the IS/MND Report would be placed on the June Board agenda for final approval. The impact the FEMA report might have on the project was also discussed.

Chancellor Harrington added there is much enthusiasm in Sutter County about the District's plan to build an educational facility. She noted that Sutter County is one of only eight counties in the state that does not have a community college educational facility. The population in Yuba City is the largest in the District, greater than that in Woodland or Marysville, and the high school dropout rate is higher in Sutter County (28%) than in Yuba County (21%). Additionally, the city of Live Oak is an underserved area in general, because it is one of the farthest away from the Yuba College campus.

Chancellor Harrington thanked Messrs. Chafin and Parker for their work on the IS/MND Report, and Mr. Anderson for his report on the traffic study.

B. Yuba College Sutter County Educational Facility

Student Trustee, Juan Cervantes, arrived at the meeting at this time.

Mr. Craig Fernandez, DMJM/AECOM, provided an overview of the planning process for the District's new Sutter educational facility and a comparative look at the evolution of the Sutter campus from its initial concept as an Outreach Facility to its current planning and requirements for the facility to achieve Educational Center status. Mr. Fernandez reviewed the proposed building design and square footage for both the District Offices and the Educational Facility. The educational facility is designed for nineteen classrooms, each sized to serve thirty-six to forty students. Faculty offices are designed in pods with a common waiting area, each office meeting the new District standard of 100 sq. ft. Mr. Fernandez reviewed the project timeline, noting that the programming phase began in July 2008, with design expected to be complete by June 2010, and the campus opening in January 2012.

Dr. Willard Wright, Vice Chancellor Administrative Services, shared with the Board that the analysis of student demographics, enrollments, and the new SB 361 funding formula were all part of the basis for modifying the project from 50,000 sq. ft. to 80,000 sq. ft. This modification will make it possible for the District to qualify for increased funding by providing both the needed classroom space and student services to qualify as an approved Educational Center. An enrollment of 1000 FTES or more is anticipated for the first full year of operation. Cost for the expansion is projected at up to \$10 million.

Dr. Wright reviewed several possible funding options, including American Recovery and Reinvestment Act (ARRA) Grant; ARRA Low/No Interest Loan; Qualified School Construction Bonds (QSCB); Lease-Lease Back Financing; and traditional long-term borrowing. Discussion followed about the benefits and risks involved in borrowing funds for the expansion of the Sutter Facility. Chancellor Harrington stated that by constructing the facility to accommodate the anticipated 1000 FTES, the District would be funded an additional \$1 million annually for Educational Center status, and a portion of that could be used to make a loan payment if needed. She added that the Sutter Educational Facility would then also have funds from the \$1 million for operational costs. Chairman Flory expressed concern that the state is in a fiscal crisis and did not recommend the District incur a substantial loan payment without having a plan for repayment in place. Chairman Flory requested a cost analysis be prepared that includes both operational and staffing expenses for the Sutter County educational facility.

Trustee Hastey commented that one of the problems currently encountered at Yuba College is that the District Offices are located at the college. He added that if there is FTES growth in the future, the Sutter Educational Center may eventually become another college in the District. Chancellor Harrington noted that the footprint of the building will be designed for build-out capability in future years to accommodate growth in the region. By having two separate buildings, a complex of buildings can be added in future years if needed.

Chancellor Harrington shared with the Board that the architects are waiting for clarification on facility design and it is the recommendation of administration to proceed with the facility as outlined in the presentation. Trustee Rai commented that it is more prudent to think about the future, and stated that the District should build an Educational Center. Trustees Hasteley and Buchan concurred. Chairman Flory voiced that he did not agree that the District should design the facility to be an Educational Center at this time if it requires borrowing money. Dr. Harrington noted that if not built at center status, the facility's operational costs of approximately \$300,000 would be a cost to unrestricted funds. At center status, the district receives \$1 million annually, which would fund not only the loan payment, but also the operational costs of the facility. Trustee Hasteley asked that this item be put on the June Board agenda as an Action item. Dr. Harrington stated she would also bring to the Board a breakdown of operational costs for the Board's review.

The Board Work Session adjourned at 4:29 p.m.

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3. REGULAR SESSION

A. Call to Order

Chairman Flory called the meeting to order at 4:31 p.m.

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

Absent: Ben Pearson

Chairman Flory announced that the Board met in Closed Session to discuss items listed on the Closed Session agenda, which included interviewing four finalists for the position of President of Yuba College. No actions were taken.

B. Special Recognition

(1) Resolutions recognizing the contribution of Yuba Community College District Retirees: Richard Bliss, Stephen Cato, Richard Correa, Connie Elder, David Freiler, Kay Gasson, George Ginger, Bruce Kirk, Paul Mendoza, Rod Perry, James Prager, Celeste Sager, Kay Sims and Willard Wright.

Resolutions were presented in honor of the retirees listed above.

C. Approval of Agenda

Chairman Flory noted the following revisions to the agenda:

Item 5B(1) – Accept Initial Study/Mitigated Negative Declaration for Sutter Facility Site – **DELETED**

Moved, Seconded (Buchan/Rai) Carried, that the Board approve the Agenda with the revision noted.

Absent: Pearson

D. Open Agenda

Chairman Flory explained the process for addressing items on and off the agenda.

4. APPROVAL OF MINUTES

Moved, Seconded, (Tafoya/Hastey) Carried that the Board approve the Minutes of the April 15, 2009 Board Work Session and Regular Meeting.

Absent: Pearson

5. MEASURE J BOND CONSTRUCTION

A. Measure J Bond Construction – Consent

Moved, Seconded, (Hastey/Rai) Carried, that the Board approve the Measure J Bond Construction Consent Calendar as presented.

Absent: Pearson

(1) Approve Change Order No. 1 for Integrated Energy Management System Upgrade,

Woodland Community College
(2) Accept Project As Complete – Parking Lot Renovation Related To J-39 Geology Classroom Renovation Project, Woodland Community College

B. Measure J Bond Construction – Action

(1) **DELETED** - Accept Initial Study/Mitigated Negative Declaration for Sutter Facility Site

C. Measure J Bond Construction – Information

(1) Monthly Measure J Bond Construction Projects Update

George Parker, Director of Facilities Planning, noted that with regard to the Initial Study/Mitigated Negative Declaration Report for the Sutter Facility Site that was discussed at the Board's Work Session, the public comment period will be continued for the next thirty days.

6. **OPEN AGENDA AND PUBLIC COMMENT**

No request cards were submitted for public comment on items not on the agenda.

7. **REPORTS**

A. Trustee Reports

Student Trustee, Juan Cervantes, noted that this was his last meeting of the year. Trustees Buchan, Flory, Hastey, Rai and Tafoya attended the CCLC 2009 Annual Trustees Conference in Rohnert Park. Trustees Nicholau, Rai, and Buchan attended the retirement luncheon for President Mendoza and stated that it was a wonderful event celebrating President Mendoza's many years of service. Trustees Buchan, Hastey, Nicholau and Rai attended the open forums held for the four Presidential finalists. Trustee Buchan attended the student bridge building contest and noted there were twenty-three contestants; participated on the Yuba College presidential search committee; enjoyed a barbeque lunch prepared by students of the Culinary Arts Program, and attended a noon concert by Professor Robert Matthews and Instructor Aya Ueda. Trustee Hastey attended the Great Valley Conference, stating that this organization focuses on what is happening in the Central Valley. He also shared that he recently had a great experience in taking his pet to the Yuba College Veterinary Technician program, and was impressed by the professionalism of the Program Coordinator, Scott Haskell, and the students. Trustee Rai attended the EOP&S Banquet. The Board thanked Student Trustee, Juan Cervantes, for his service during the 2008-2009 academic year, and wished him the best in his future endeavors. The Board also extended its best wishes to President Mendoza and Dr. Wright for their upcoming retirements and thanked them for their service to the District.

B. Board Foundation Liaisons Report – No report.

C. Yuba College Academic Senate Report

Yuba College Academic Senate President, Helen Nickolson, stated that a presentation would be given later in the meeting by the Study Abroad Project Team, and expressed the Senate's endorsement of the Team.

D. Woodland Community College Academic Senate Report

Woodland Community College Academic Senate President, George Galamba, shared with the Board that he attended the Academic Senate Plenary Session last month, including a presentation addressing prerequisites. He noted that the WCC Academic Senate has many goals for the next year, three of which are (1) the planning and budgeting process; (2) Educational Master Plan; and (3) Distributive Education.

E. Classified Exclusive Representative

Donna Veal-Spenser, CSEA President, provided an update on activities of the classified staff. Of special note, May 17th – 23rd is Classified School Employees Week. At the Clear Lake Campus, staff, faculty and students participated in the Annual Scholarship Hike-A-Thon, raising nearly \$1700. Proceeds from the event will be used to fund the Clear Lake Campus Osher Scholarship

fund as well as the Clear Lake Campus General Scholarship fund from which approximately fourteen different scholarships are awarded each year.

F. Chancellor's Report

Chancellor Harrington extended her thanks to Student Trustee, Juan Cervantes, and congratulated him on his recent nomination as President of the Associated Students of Yuba College (ASYC) for 2009-2010. She announced that May 6-12 was National Nurse's Week and extended her appreciation to all nurses; also May 18-23 is Classified School Employees Week and the Chancellor expressed her thanks to all District classified staff for their work in the District and dedication to supporting students. Chancellor Harrington extended her best wishes to President Mendoza and Dr. Wright on their upcoming retirements and thanked them for their service to the District. Chancellor Harrington noted that she, too, attended the Trustee Conference in Rohnert Park, the retirement dinner for President Mendoza, and the on-campus retirement event. She distributed the Spring 2009 YCCD Newsletter, thanking Dr. Lopez for his work on the publication, and shared with the Board that even with the slowdown in the economy, distribution of the newsletter had increased by approximately 7,000 residents.

G. Yuba College President's Report

President Mendoza provided an update on campus activities since the last meeting. He thanked everyone for their best wishes on his upcoming retirement.

H. WCC President's Report

President Fairchilds provided an update on campus activities since the last meeting. Of special note, adjunct faculty member Dave Althausen recently retired from the District due to failing health. Mr. Althausen has been a member of the adjunct faculty for over thirty-four years. A scholarship is being established in his name to honor his service and many contributions to the college and the District. President Fairchilds noted that Mr. Althausen was the impetus behind the adjunct faculty recognition program and the Outstanding Adjunct of the Year Award, which will be renamed "The Althausen Award".

8. **BUDGET UPDATE**

Dr. Wright provided a brief budget update, noting that the state deficit for 2009-2010 is \$15 billion before the May 19 election. If Propositions A through F do not pass, there will be a \$26 billion state deficit. This shortfall is due to the economy and lack of revenues. Dr. Wright encouraged everyone to vote in the upcoming May 19 special election.

9. **LEGISLATIVE UPDATE**

Dr. Lopez provided an update on legislative issues, noting that the Governor will release two versions of the May Revise, one to address the budget if Propositions A through F pass; the other to address the budget if Propositions A through F do not pass. Dr. Lopez commented that a recent research study by the Public Policy Institute reports that California will face a shortage of nearly one million college graduates by the year 2025 and presents the view that this gap could be cut in half by modest investments in programs aimed at (a) expanding college attendance rates; (b) increasing transfer rates from community colleges to four-year institutions, and (c) boosting graduation rates at four-year institutions.

10. **FTES REPORT**

Dr. Espinoza presented a comparison of Spring 2008 to Spring 2009 FTES indicating a 3.1% increase in FTES for Spring 2009 over Spring 2008 as of April 6, 2009. Based on carryover FTES from Summer 2008, Fall 2008 Final FTES, Spring 2009 FTES and 2008-2009 projected Flex FTES, it is projected that FTES for 2008-2009 will be 8410.41. None of the projected 880.43 FTES from Summer 2009 will be needed in order to reach the District's growth level goal of 8222.67 FTES.

11. **YUBA COLLEGE PRESIDENTIAL SEARCH UPDATE**

Chancellor Harrington stated that the Yuba College Presidential Search process culminated this week in four open forums for the campus and community, as well as open forums held via Tandberg with the Clear Lake Campus. The Chancellor extended her personal thanks to the members of the Yuba College Presidential Search Committee for their work throughout the process. She added that she reviewed the

feedback forms collected from attendees at each of the forums and found the comments to be very informative. These comments will also be helpful in the orientation process for the new President.

12. YCCD VICE CHANCELLOR ADMINISTRATIVE SERVICES SEARCH UPDATE

Chancellor Harrington shared with the Board that the interviews for this position are scheduled to be held May 15th and 18th.

13. CONSENT CALENDAR

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

Absent: Pearson

A. Categorically Funded Positions

- (1) Approve Short-Term Classified Employees (Temporary Classified and Non-Academic/Non-Classified) – Assembly Bill 500
- (2) Permanent Employment
 - a. Confirmation of Retirement
 - i. Kay Gasson, Student Services Assistant-DSPS – Woodland Community College

B. District Funded Positions

- (1) Approve Short-Term Classified Employees (Temporary Classified and Non-Academic/Non-Classified) – Assembly Bill 500
- (2) Permanent Employment
 - a. Confirmation of Employment - Management Position
 - (i). Molly Khatami, Director of Planning, Research/Student Success – Woodland Community College
 - (ii.) Kuldeep Kaur, Director of Fiscal Services – District
 - b. Confirmation of Employment - Classified Employee
 - (i). Jose Casmiro, Custodian – Yuba College
 - (ii). Jeffery Payne, Custodian – Yuba College
 - (iii). Tim Flowers, Custodian – Yuba College
 - (iv). Peter Skillman, Information Systems Technical Webmaster – District

C. OTHER

- (1) Approval of Warrants
- (2) Approve Certification of 2009-10 Perkins IV Title IC Allocation Agreement
- (3) Approve Educational Broadband Service Short Term Lease Agreement
- (4) Approve Resolutions and Agreements for Services Authorizing the Issuance of 2009-2010 Tax and Revenue Anticipation Notes (TRANS)

14. ACTION

- A. Approve Monthly Unrestricted Budget Report for March 2009

Moved, Seconded, (Tafoya/Hastey) Carried that the Board approve the budget revisions as presented.

Absent: Pearson

- B. Adopt Resolution Declaring May 17-23, 2009 Classified School Employee Week

Moved, Seconded, (Buchan/Hastey) Carried that the Board adopt the Resolution declaring May 17-23, 2009 Classified School Employee Week in the Yuba Community College District.

Absent: Pearson

- C. Approve Application for FY 2009-2010 Tech Prep Program Certification

Dr. Espinoza shared with the Board that the Perkins IV-Tech Prep grant is a program that allows YCCD to deliver information to students, teachers, and parents about career technical education at the college level. It also allows YCCD to articulate 2+2 agreements with area high schools and ROPs in career technical education courses that lead to certificates and degrees at YCCD colleges. This educational service has been a part of YCCD for the last ten years and has been very successful.

Moved, Seconded, (Hastey/Rai) Carried that the Board approve the 2009-2010 Tech Prep application for certification and submission to the State Chancellor's Office.

Absent: Pearson

- D. Approve Revised 2009 Calendar of Regular Meetings

This item will expand the Board's Summer Planning Session to two days, July 21 & 22, 2009. Chairman Flory requested that the first day (July 21, 2009) be held at Woodland Community College and the second day (July 22, 2009) be held at Yuba College.

Moved, Seconded, (Buchan/Hastey) Carried that the Board approve the 2009 Revised Calendar of Regular Meetings.

Absent: Pearson

- E. Adopt Resolution In Support of Propositions 1A through 1F

Trustee Nicholau stated that in the past the Board has avoided Resolutions on legislation not initiated by the community colleges, or that directly impact them. Dr. Lopez stated that whether or not Propositions 1A through 1F pass will have a direct impact on all community colleges. If Propositions 1A through 1F do not pass, community colleges will be hit with an additional \$6 billion dollar deficit, and YCCD would suffer an additional one percent of that amount. The Community College League of California fully supports the Resolution and has encouraged all community college districts to support it as well. Trustees Rai and Tafoya concurred that community colleges would benefit from support of these propositions. Trustee Hastey expressed that while it may be difficult as an individual and a member of the community to support the Propositions, as a Trustee he is in support of the Propositions and that the Board, as a unit, should adopt the Resolution.

Moved, Seconded, (Hastey/Rai) Carried that the Board adopt the Resolution In Support of Propositions 1A through 1F.

Nicholau: Abstain

Pearson: Absent

- F. Approve Extension of Classified Employee Layoff – CalWORKs Program – Woodland Community College

Moved, Seconded, (Hastey/Rai) Carried that the Board authorize the classified employee layoff to be effective August 6, 2009.

Absent: Pearson

- G. Adopt YCCD Equal Employment Opportunity (EEO) Plan

Trustee Tafoya thanked Director Alt for all of his hard work on the plan. Director Alt noted that the EEO Plan is the policy level document. The Board will receive regular updates on implementation of the EEO Plan.

Moved, Seconded, (Rai/Tafoya) Carried that the Board adopt the District Equal Employment Opportunity (EEO) Plan as submitted.

Absent: Pearson

- H. Approve the Study Abroad Program Proposal in Concept

President Mendoza stated that the Board received information during an Academic Senate report given in March 2008 about work being conducted by an Academic Senate subcommittee to determine faculty interest in the development of a Study Abroad program.

Instructors Betsy Julian and Aya Ueda presented information about the next level of consideration toward establishing a Study Abroad Program and requested that the Board grant authority for the committee to work with faculty to develop short-term Study Abroad courses and continue investigating expansion of the program.

Chairman Flory asked if the Study Abroad courses could be accomplished through Community Education. He expressed concern with the fiscal impact of the program, recalling that the Board set aside Sabbatical Leave until the state budget crisis is over. Ms. Julian noted that Community Education cannot offer the same academic rigor and transferability, and with regard to cost, the District would pay the Extra Pay (EP) cost, but not the travel expenses.

Faculty also asked that the Board approve the committee's transition from a project team to a standing committee. Chancellor Harrington commended the work of the Study Abroad Committee and for involving faculty from multiple disciplines. However, she shared with the Board that after discussion with President Mendoza about this item, he agreed that the process for establishing a Project Team had not been followed. The process for establishing a team or committee, as delineated in the College Council Handbook, involves discussion at the executive staff level, assignment of an executive staff member to serve as team sponsor, development of a purpose statement, identified outcomes, membership consisting of faculty, management, classified staff, and student representation where applicable. Chancellor Harrington stated that she would be happy to work with the Study Abroad Team to assist them in the process to develop a complete purpose statement, establish membership, and identify outcomes so that they can move forward as a recognized Project Team. She added that a Study Abroad Program is not listed as one of Yuba College's strategic goals, nor as one of the Yuba College Academic Senate's goals. The work of the faculty involved is to be commended, but it has not been shared beyond the Academic Senate with the Deans and Directors, College Council, Chancellor's Executive Team, or any other Shared Decision-Making Group where all these issues can be addressed so that what the Board receives are recommendations for Board Policy. She committed to work with the group to assist them since they are between Presidents. She also suggested that the Board include this in its Summer Planning Session agenda when the discussion on the District's mission takes place.

Moved, Seconded, (Rai/Nicholau) Carried that the Board supports the concept of Study Abroad and directs the Study Abroad committee to work with the Chancellor to move through the proper process to establish a project team and/or standing committee and complete their work.

15. **INFORMATION**

A. Quarterly Fiscal Status Report

The Quarterly Report was presented. There were no questions.

B. Study Abroad Faculty Proposal for English 22R: Literary London

English Professor Rich Edmonds provided information about a short-term intensive Study Abroad field trip to London, January 2, 2010 through January 14, 2010. Discussion took place regarding course units, emergency procedures, insurance coverage, program/travel expenses, etc.

The Board thanked Professor Edmonds for his presentation and the detailed information provided. It was noted this course was being proposed as part of the Study Abroad Program.

16. **ADJOURNMENT**

Chairman Flory adjourned the meeting at 7:31 p.m.

Respectfully submitted,

Nicki Harrington, Ed.D.
Board Secretary