



GOVERNING BOARD MINUTES
REGULAR MEETING, GOVERNING BOARD
PALOMAR COMMUNITY COLLEGE DISTRICT
GOVERNING BOARD ROOM
COLLEGE CAMPUS
SAN MARCOS, CALIFORNIA
TUESDAY, MARCH 25, 2003, 6:00 P.M. (CLOSED SESSION)
7:00 P.M. (OPEN SESSION)

A. CALL TO ORDER

Darrell L. McMullen, President, called the regular meeting of the Palomar Community College District Governing Board to order at 6:00 p.m.

B. ROLL CALL

TRUSTEES PRESENT:

DARRELL L. McMULLEN, M.B.A., PRESIDENT
RALPH G. JENSEN, B.A., VICE PRESIDENT
MICHELE T. NELSON, PH.D., SECRETARY
NANCY C. CHADWICK, M.S.W., M.P.A., TRUSTEE
MARK R. EVILSIZER, M.A., TRUSTEE
LEO MELENA, A.A., STUDENT TRUSTEE

EXECUTIVE ADMINISTRATORS PRESENT:

Dr. Sherrill L. Amador, Superintendent/President
Diane Lutz, Assistant Superintendent/Vice President, Instruction
Joseph Madrigal, Assistant Superintendent/Vice President, Student Services
Dr. Jack Miyamoto, Assistant Superintendent/Vice President, Human Resource Services
Jerry Patton, Assistant Superintendent/Vice President, Finance and Administrative Services

BB. CLOSED SESSION

The Board went into Closed Session at 6:00 p.m., to discuss:

1. Conference regarding negotiations with PFF/AFT, pursuant to Government Code 54957.6.

BBB. RECONVENE TO OPEN SESSION –

The meeting was reconvened to Open Session at 7:03 p.m. There was no reportable action taken during Closed Session.

STAFF PRESENT:

Barbara Baldrige, Executive Assistant to Superintendent/Governing Board
Chris Barkley, President, Faculty Senate; Associate Professor, English
Leslie Briggs, Academic Department Assistant, Chemistry/Physics and Engineering
Ernie Carson, Programmer Analyst, Information Services

Mary Ann Drinan, Co-President, PFF; Associate Professor/Chair, Economics, History, and Political Science
David Forsyth, Professor, Business Education
Terry Humphrey, Professor/Chair, Behavioral Sciences
Ken Jay, Director of Business Services
Shannon Lienhart, Associate Professor, Mathematics
Linda Locklear, Professor/Chair, American Indian Studies
Maria Miller, President, The Faculty; Professor/Chair, Family and Consumer Sciences
Dr. Roger Morrissette, Assistant Professor, Behavioral Sciences
Jack Quintero, Professor/Chair, English
Donna Renner, Secretary, Confidential and Supervisory Team; Facilities Services Coordinator
Mollie Smith, President, Administrative Association; Interim Director, Vocational Programs
Susan Snow, Associate Professor, Mathematics
Joe Stanford, Professor, Performing Arts
Katie Townsend-Merino, Associate Professor, Behavioral Sciences

GUESTS:

Aaron Holmes, Student
Cheryl Krawczyk, Boise
Ann Suding, Boise
Others present are listed on the sign-in sheets.

QUORUM ESTABLISHED

Following the pledge of allegiance to the flag, Mr. McMullen declared a quorum present, and the meeting proceeded with the order of business.

A TAPED RECORD OF THE PROCEEDINGS OF THIS MEETING IS ON FILE IN THE PRESIDENT'S OFFICE FOR THIRTY DAYS OR UNTIL THE MINUTES OF THE MEETING HAVE BEEN APPROVED BY THE GOVERNING BOARD, WHICHEVER IS LONGER.

C. APPROVAL OF MINUTES

MSC Nelson, Jensen

The Governing Board hereby approves the Minutes of the Regular Meeting of March 11, 2003.

Mr. Evilsizer stated: President McMullen, I wish to address my concern regarding a vote we made at the March 11th meeting on item I-7.

Mr. McMullen: What page is that?

Mr. Evilsizer: The one with all the testimony.

Mr. McMullen: Okay, page 17?

Mr. Evilsizer: That's correct. Actually, it starts on page 16. It's the item number 7 there, Approve Reduction in Force. Subsequent to this vote, I have obtained information regarding new legislation that's effective January 1st, 2003, resulting in the addition of sections 45103.1 and 88003.1 to the Education Code relating to personal services contracting that we did not consider in our decision process. This omission prevented us, in my opinion, from making a fully informed decision on this resolution. I recommend that all affected parties review Ed. Code 45103.1 and 88003.1, collaborate on the implications to our District and our classified employees, and bring this resolution back to the Board for reconsideration at our April 8th meeting. Therefore, I call for a motion to reconsider item I-7, Approve Reduction in Force, and enter on the minutes.

Mr. McMullen: Well, first of all, Mark, I question, did you share that information with anybody prior to right this second?

Mr. Evilsizer: No.

Mr. McMullen: I think it would have helped. Perhaps that could have been chased down and we could have gotten a response from legal counsel.

Mr. Evilsizer: I do have copies, however, of the Ed. Code.

Mr. McMullen: Okay. What's on the table right now is a motion to approve the minutes, not another motion to pull that item in the minutes. That was already voted on. We're just approving the actions that were taken that night. Now, if we find subsequent to this that there is a change, then, of course, we could rescind this item and bring it back up again.

Mr. Evilsizer: Well, it was my understanding that as part of parliamentary rule the motion to reconsider and enter on the minutes can be made at any time by one who voted with the prevailing side, must be seconded, requires only two members, can be applied only to votes that dispose of the main question, cannot be called up on the same date it was made, instantly stops all proceedings.

Mr. McMullen: We have a parliamentary expert here.

Bruce Bishop: Mr. Chair, partially that's correct, but since there's another item pending, which is the approval of the minutes, it would be proper to consider that motion after the present motion is disposed of. Generally, a motion to reconsider can only be made at the meeting following the actual action that was taken and the appropriate motion would be a motion to rescind the action previously taken.

Mr. McMullen: Okay, so that could come back two weeks from now.

Mr. Evilsizer: No, this is the meeting after the action was taken, so it would be this meeting.

Mr. McMullen: Okay, but it would have to come up as a separate item. Let's dispose of our adoption of the minutes. So basically, at this point, we're just going to approve the minutes; and then, we can take up the issue.

The Vote: 4 Aye, 1 Nay (Evilsizer)
Student Trustee Advisory Vote: Aye

Mr. Evilsizer: I do call for a motion to reconsider item I-7 entitled Approve Reduction in Force and enter on the minutes.

MSC Evilsizer, Chadwick to reconsider item I-7 on the March 11, 2003, agenda.

Dr. Nelson: I'll be very honest with you. Since I haven't heard anything about this to this point, I don't understand completely the implications of what you're proposing. I have not read it. This is a (unintelligible) kind of presentation. You have a hard copy in front of you that you've looked at. I don't know what the implications are of this.

Mr. Evilsizer: That's something we have to investigate in full. I think that us not having this information upon which to make an informed decision jeopardizes the District's position on a matter of bringing in part-time contract workers in violation of the intent of this particular Ed. Code. In particular, on page 3, item 3, there's a specific paragraph that states that of ten conditions that must be met with regarding bringing in temporary workers for displacing classified. I have a handout here. Copies of the Ed. Code got passed out, and I wanted to, as a point of reference . . .

Mr. Bishop: Mr. Chair, I must point out since you called on me previously that the only discussion that can take place right now is on whether or not to reconsider the item, not the merits of the item itself – whether or not to reconsider.

Mr. McMullen: We have a motion and a second. Any further discussion?

Ms. Chadwick: Yes, I would like to urge that in view of this additional information that we've not had time to really look at, it seems prudent in terms of trying to reduce the risk to the District to at least have this reviewed by Jack and others in terms of what this means. I feel real uncomfortable with this because having not seen this or read it; I think it's reasonable to do this until we have an opportunity to know what it means. I agree with my colleague, at the end of the dais here, Dr. Nelson, that without knowing what this is, we really probably should try to do this to protect all of the people involved in this, including the District, our students, our faculty and staff. I would like to urge that we vote positively on this.

Dr. Nelson: Is there another way to do this? I'm just inquiring. If we were to table this and have it studied and then brought back, is that a reasonable approach to find out?

Mr. Melena: I think that's what we're doing if we rescind the action. We're bringing it back for further discussion for someone to take a look at it.

Dr. Nelson: I also have a request of my colleague that I would have appreciated knowing this. We are all dedicated to doing the right thing, and knowing this in advance, if we had been able to discuss this and make corrections, I'm certain we all want to do that. But to have it brought forward at this point in time makes it very, very difficult.

Mr. Evilsizer: Well, I did find out about this from somebody outside of our college community, and I think it begs the question that there's something in our decision-making process that's not . . . Why aren't we getting all the information on the applicable Ed. Codes that apply to particular actions that we take? Somehow, we overlooked this new Ed. Code, and it is new law, it was only a result of this new Senate Bill 1419, proposed by Senator Alarcon and became law January 1st. So we obviously overlooked that. But it begs the question, what else are we overlooking or how do we prevent ourselves from not getting all of the information when we do vote on these issues or matters. It was just an oversight and something we can fix and we need to address and that's why I bring this.

Dr. Amador: I did not know about this either, and obviously, I'm not an attorney, so we will have our legal counsel review it. However, I will say that our legal counsel put the Board item together. Jack you may want to speak further. I just want the Board to know that this has gone through our legal counsel.

Dr. Miyamoto: Right. And when we bring Board resolutions – things like this that have legal ramifications, especially in terms of employment – the resolutions certainly are drawn up by our counsel. I can't respond to your citations tonight, but certainly I will look into it.

Mr. Evilsizer: It just looks to me like counsel overlooked this particular item.

Mr. McMullen: I don't know overlooked; perhaps wasn't aware because it wasn't passed September of 02.

Dr. Amador: There's all kinds of interpretations to this, so it needs to be researched. And it's also assuming that we did some of these things. And I don't know, so we will do that investigation.

Mr. McMullen: And I would think it's fair to err on the side of caution.

The Vote was unanimous.
Student Trustee Advisory Vote: Aye

MSC Evilsizer, Chadwick to postpone reconsideration of this item.

The Vote was unanimous.
Student Trustee Advisory Vote: Aye

D. CALL FOR REMOVAL OF ITEMS FROM OR CHANGES TO AGENDA – There were none.

E. REPORT OF THE GOVERNING BOARD PRESIDENT – There was none.

F. REPORTS OF THE GOVERNING BOARD MEMBERS

Dr. Nelson reported that she and Trustee Chadwick attended the State of the City of Poway last week representing the District and were interested to note that they are fiscally sound.

Dr. Nelson also attended the Poway Business Park Association meeting representing the College today. A presentation by was given by EDCO on recycling. It was nice to see in *The Telescope* that we are very much a part of EDCO's recycling program.

Mr. Evilsizer reported that he had attended the state-wide community college march and "Keep the Door Open" rally in Sacramento on March 17 with over 10,000 participants. It was an awesome sight and sound to personally witness that many community college students chanting, holding signs, and jointly denouncing the short-sighted and disproportionate proposals to cut California community college financing and combine that with increasing student fees 118%. He was able to share many thoughts and concerns with Chancellor Nussbaum, Senator Robert Pacheco who is a very strong advocate for community colleges, Jonathan Lightman who is the Executive Director of the Faculty Association of CCC, Scott Lay who is the Budget Director for the Community College League of California, and a number of other community college faculty and students at this event. Also, Ernie Carson and Mike Dimmick were in attendance. Mr. Evilsizer stated that he left this event with the impression that community colleges are a safety net for the poor and working class and sometimes provide the only access to higher education for communities. We must continue to remind our state legislators of this when they decide to allocate educational funds. Now is the time to prioritize those state education dollars to ensure students most in need do not have the door shut on them. Keep our doors open, and keep higher education accessible.

Mr. Evilsizer reported that on Saturday, March 22, he was invited to visit the scholarship awards ceremony for the Adelante Mujer Education and Career Conference held at Palomar College. It was organized by the North County Latinas Association. Over 1,000 female students in grades 6 through 12 were in attendance, along with their mothers and teachers. He heard from some of the participants that the career workshops, motivational Latina speakers, and educational booths all contributed to a terrific conference. He stated that he is glad that Palomar College was able to accommodate such a beneficial and well-attended event. Hopefully, we will attract many of these young students to attend our College here at Palomar.

Mr. Evilsizer reported that in the January-February, 2003, edition of the *California Teacher*, a publication of the California Federation of Teachers, it is noted that Mary Millet was appointed by the CFT as a staff member and as the part-time faculty coordinator for the community colleges. Mr. Evilsizer stated that Ms. Millet joins the ranks of many Palomar faculty and staff who have risen to assume leadership positions in other organizations. Mr. Evilsizer congratulated Ms. Millet.

Ms. Chadwick reported that she spent a good part of today at the Tribal Digital Village 2nd anniversary, an event which she stated was incredible and awesome. It was exciting to watch all the people from Hewlett Packard coming down and looking at what we're doing. This is cutting

edge stuff. She stated that she is learning about it and those who haven't seen this should do so. This is one of three of these systems that is being put in place in the United States, and ours is truly significant because it is reaching out to all of the Indian tribes in our area. When she toured all of our facilities, this was something she had no idea we were doing. The substantial ability it gives to our residents to use higher education is just magnificent. She congratulated those who are involved for all the good work they are doing. She feels privileged to be involved.

Mr. Jensen stated that we need to keep the heat on our legislators on behalf of community colleges.

Mr. Melena reported that the Chamber of Commerce Governmental Affairs Committee and Educational Committee have met during the past two weeks. The focus of the Educational Committee tends to be more on Cal State San Marcos and how they impact the community. He plans to work with his colleagues in drawing some attention to Palomar because a lot of shortfalls of CSUSM are strengths of Palomar. We need to get that word out so that the community understands.

G. REPORT OF THE SUPERINTENDENT/PRESIDENT

Dr. Amador requested that the Board and the audience observe a moment of silence to honor our troops at war.

1. Report of Vice President for Instruction – There was none.
2. Report of Vice President for Student Services

Joe Madrigal reported that this is the second year that Palomar has co-sponsored the Adelante Mujer Conference. Special thanks and commendation were given to Marilyn Surbeck, an employee in the Instruction Office, who was instrumental in making all the room arrangements and working with the committee. She went above and beyond in helping them out.

3. Report of Vice President for Finance and Administrative Services

- a. Purchase Order Reporting

Jerry Patton reported that, as requested at an earlier Board meeting, the purchase order reporting will be consolidated to a one-page summary in the future and still be in compliance with the Education Code. If Board members feel they need more information, they should notify Mr. Patton, and he will make appropriate changes to the report.

- b. Report #3 – Financial/Budget Information

Mr. Patton reported that Senate Bill 18X was signed by the Governor. Due to all the advocacy efforts made by community college students, faculty, and staff, the Governor's budget which would have cut us by \$4.6 million is now \$2.3 million in SB 18X. That is a significant reduction. However, we have a Herculean task ahead of us for 03-04. Plans are to cut \$6.5 million from us during that year. As the Assembly subcommittees begin their deliberations, we should not let up. There has been a lot of work and long hours put in by many people in trying to get the mid-year reductions down, but we must continue these efforts in working toward 03-04.

- c. Student Workers Report

Dr. Amador noted that of the 32 student workers who were being subject to lay-off, all but about three of them have found jobs. Some of them were not seeking employment. We have some vacancies in Facilities and the Bookstore. Some of them went on Work Study, and some found positions in other departments that had vacancies for student workers. Mr. Patton will provide the details in a written report, and Dr. Amador will mail the report to Board members. Ms. Chadwick asked that the report be made available to the campus.

4. Report of Vice President for Human Resource Services

Dr. Jack Miyamoto provided a handout to Board members of the recruitment time for various positions that were vacant at Palomar College in the past as well as comparing recruitment times with other community colleges in the area. He stated that the position of Assistant Superintendent/Vice President for Instruction has been open for 10 weeks and 2 days, which is in sync with the length of time comparable positions have been open at neighboring community colleges:

DURATION OF RECRUITMENT FOR SUPERINTENDENT/PRESIDENT AND ASSISTANT SUPERINTENDENT/VICE PRESIDENT IN OTHER COMMUNITY COLLEGE DISTRICTS

District	Advertisement Period for Superintendent/President	Advertisement Period of Assistant Superintendent/Vice President
Grossmont-Cuyamaca CCD	Minimum of 45 days – sometimes longer	Minimum of 45 days – sometimes longer
Imperial Valley CCD	Previous recruitment – four months due to difficulty finding qualified applicants	Six weeks
Mira Costa CCD	Depending on timelines – typically six to eight weeks	Depending on timelines – typically six to eight weeks
San Diego CCD	Varies - up to three to four months	Varies - up to three to four months
South-western CCD	Consultant determines the timeline – typically more than four weeks	Four weeks

PALOMAR COLLEGE RECRUITMENT

Position Title	Position Opened	Position Closed	Duration of Recruitment
Superintendent/President	12/01/00	03/02/01	13 weeks
Assistant Superintendent/Vice President for Human Resource Services	06/01/98	07/31/98	9 weeks
Assistant Superintendent/Vice President for Finance and Administrative Services	08/01/96	09/30/96	9 weeks
Assistant Superintendent/Vice President for Student Services	04/15/96	06/07/96	8 weeks

Assistant Superintendent/Vice President for Instruction	07/14/95	*09/27/95	10 weeks
Assistant Superintendent/Vice President for Instruction	01/15/03	3/28/03	10 weeks, 2 days

*1st Screening 09/18/95

5. Governance Structure Board Report

Dr. Amador had provided each of the Board members with a copy of a document, "Governance Structure Board Report" and Board Policy 2510, which the Board passed in January, 2003. She had previously provided Board members with the "Governance and Organizational Structure" document prior to the last meeting. One of the Board members had asked to have a discussion of where we are with governance structure in relationship to the budget process. Dr. Amador briefly discussed pertinent portions of the report. The background discusses the development of current governance structure that was approved by the Strategic Planning Council in January, 2003. The Strategic Planning Council was formed by the President's Advisory Council, based on the work of the Strategic Planning Task Force, to become the primary governance body of the College in May, 2002. That resulted in combining the President's Advisory Council and the Educational Master Planning Committee. The four planning councils, each chaired by the vice presidents, were approved in May, 2002. All these councils were reviewed by the College constituent groups before that final structure was created. The governance structure philosophy was approved by SPC in terms of using the values that are in the Strategic Plan. On January 14, the Board passed Board Policy 2510 – Participation in Local Decision-Making, which sets out the parameters that are in AB 1725 and the EERA. That policy took several months before it came up through SPC and was recommended for Board approval. The handout listed the responsibilities of governance group representatives as follows:

- Prepare for and attend meetings
- Participate in discussion
- Communicate with individual constituencies; and
- Contribute to informed decision-making.

The report then listed the membership for the governance groups that are directly related to planning and budget development.

Dr. Amador has communicated to the campus that March is the month in which the planning councils at the vice president level will be developing drafts with priorities for budget development. Instead of planning new things, this is a year when we must go through reductions based on the Governor's budget. During this same time, the Revenue Allocation Committee is being provided with the latest estimated revenue projections based on what we received from the Chancellor's Office. This is a moving target because it is a political process, as well as what goes on in the Chancellor's Office and the legislature and what the Governor does. SB 18X is a perfect example. With good advocacy, that amount was reduced system-wide, which had a positive impact on the College. Also, the Strategic Planning Council approved criteria for budget cuts on February 4. In April, all of the draft plans with priorities from the planning councils will come forward and be reviewed by the Strategic Planning Council, with the intended outcome to have a draft of the budget plan with priorities. In this instance, priorities mean that should more money become available, what would be the first things that would be reinstated. We need those priorities instead of having the issues all opened up again. Dr. Amador stated that she recognizes that this is a very difficult process. We will have to do our very best because we need a tentative budget in June to be able to spend

beginning July 1. It is not likely that we will have an adopted budget by June 30, and probably we won't have one until September or October. We must move on and come up with our own plans so that we are ready for whatever the final decision is. As of the CEO Board meeting that Dr. Amador attended last Friday, it was felt that they would be very surprised if the Governor's January budget is any less. The reason is that property taxes that are coming in are much below what was estimated at the state level. This was confirmed at Mr. Patton's CBO meeting as well. We hope that this does not happen, but we need to be prepared.

The Strategic Planning Council and Revenue Allocation Committee will be meeting in April and through May, but if there is no budget in June – which is unlikely – we will then need to meet during the summer. Dr. Amador will need to call back the Strategic Planning Council and Revenue Allocation Committee because we want to have as open a process as possible throughout the summer. Unfortunately, that is when some people are not here, but Dr. Amador will need to ask the Senate and the other constituent groups to provide representatives so that we can continue that process. September is the legal requirement for the adoption of our budget.

The intent of the planning Councils is to bring constituents together to problem-solve and reach conclusions; however, when there is a lack of resources – the situation we have facing us now – it becomes a political process as well.

The responsibility for governance: It is the responsibility of the Board, administration, and all constituent groups to follow the Board policy and the structure developed to implement it. It should be noted that this new structure is being tested during one of the most difficult times of major budget cuts by the Governor and the first faculty union contract negotiations.

Dr. Amador added that we are all learning from it. We will have to adjust as we go through it. This is the first time that we have this structure. The way to make the structure work is to keep working together. It is very uncomfortable because we're talking about major budget cuts that in an institution where the budget is 87% representing people, people's positions will be affected. Dr. Amador stated that it is her commitment to make that as minimal as possible within the constraints of the budget because the Board, Jerry Patton, and she have the fiduciary responsibility to balance that budget and not go below what is legally required. She also stated that there are no set plans. We want input. There should be lots of discussions happening at the individual councils. When employees say, "Don't do this," they should be prepared to give an alternate solution to provide the budget cut. We have at least two more months. If it is necessary to extend what happens at the vice president planning councils another couple of weeks to get that work done, Dr. Amador stated that she is committed to doing that. We need to have our initial draft plan through the Strategic Planning Council before the end of the school year May 23 so that the faculty may participate as much as possible. At this point, we have not laid-off any full-time faculty, and it is Dr. Amador's hope that we will have to lay-off as few administrators and classified staff as possible within the constraints of all the legal ramifications. To say that this is a pleasant process would be a lie. Dr. Amador stated that she recognizes how upset people are and that she is upset, too. She asked that everyone turn their energy into coming up with solutions and suggestions, not yelling and screaming.

Ms. Chadwick: Mr. President, I know some of these councils meet every other week. Is it possible for councils to meet more often during this crisis?

Dr. Amador: I think actually some of them have changed meetings to accommodate people. We have changed a meeting of Strategic Planning Council. If it's deemed by the group that they need more time, I can't imagine that any vice president would say that they wouldn't meet more often.

Ms. Chadwick: Are most of these groups meeting every other week?

Dr. Amador: Yes, that's the way it's set up.

Ms. Chadwick: It may mean we're going to need to meet weekly for awhile.

Dr. Amador: I think that would be determined by the individual council.

Ms. Chadwick: So they might want to consider that in terms of making sure . . . I know that some of these groups represent a large number of people. Just being able to have a meeting and have enough discussion and input may require additional meetings. And I just say that as a way to try to broaden the input because I like your comments. We need to have this budget process as open and collaborative as possible. Without that, we're gonna continue this difficult process using the subvertive means rather than a positive construction way. I'm very heartened and glad to see how much input has been occurring, and I'm hoping that it will be even more.

Mr. McMullen: Before we have further discussion, I'd like to ask a straw vote – I'd just like to know. Do any of the Board members here feel that we need to change our Board policy or change the direction we're going with these various councils?

(Those who responded indicated "No" and "Absolutely not.")

Ms. Chadwick: We just need to crank 'em up and keep 'em moving.

Mr. McMullen: In other words, keep doing what we're doing. Do it right and do it frequently.

Mr. Evilsizer: I'd like to ask a question of Dr. Amador. These meetings – are they advertised on our web site? Are they available to the general public?

Dr. Amador: Oh, yes. I can't speak whether they are on the web sites. I know the Strategic Planning Council is.

Mr. Evilsizer: I'd really like to make sure we get the word out to the general community and the District that everybody's welcome to come and attend these things and participate in the discussion or at least listen to the debates that are going on – full disclosure.

Ms. Chadwick: The more information the better.

Mr. Patton: The agenda and the minutes are posted on the web site, but you have to look for them. *(Note: From the Palomar College home page, go to Faculty, then Committees Agendas and Minutes, then choose the committee or council in which you are interested.)*

6. Vanguard College Award

Dr. Amador displayed an award presented by PBS, the "2003 O'Bannion Prize, Awarded to Palomar College for Leading the Way to Change in Teaching and Learning." About 3½ years ago, Palomar became a Vanguard College. Due to extensive participation by faculty and staff to meet the goals that were set for the Vanguard Colleges and follow through with performance, this award has been given. The project has come to a close, and Terry O'Bannion, through the League for Innovation in the Community Colleges, was the major driver for that initiative. When he received the award from PBS, he indicated

that he wanted the award to be given to the Vanguard Colleges. Dr. Amador congratulated those involved for their fine work.

C O N S E N T C A L E N D A R

H. **CONSENT CALENDAR** – There were no items on the Consent Calendar.

**R e s u m p t i o n o f
R E G U L A R A G E N D A**

I. **ACTION ON ITEMS REMOVED FROM CONSENT CALENDAR**

There were no items removed from the Consent Calendar.

J. **REPORTS FROM COLLEGE GROUPS**

1. **INFORMATION**

Report of the Faculty Senate

Chris Barkley gave the following report: "We have been very busy in the last few weeks, so my report is a long one tonight. Please bear with me. We believe these are very important issues and I have been directed to read several motions to you verbatim, rather than summarize them.

"The Senate forwarded the names of several faculty volunteers to Human Resources for training as Compliance Officers.

"We approved the holiday schedule as presented at SPC. We also passed the following motion concerning the proposed combination of our Professional Development Coordinator with the Academic Technology Coordinator. Since the Professional Development program is an Academic and Professional Matter, the Senate must be consulted in any change to this program.

'Now, therefore, let it be resolved The Faculty Senate at Palomar College objects to the combining of these two faculty coordinator positions as the intent, responsibilities, and required skills of each position, while complementary, vary significantly, thus requiring two separate positions.'

"The Senate also acknowledged the PFF's right and responsibility to negotiate reassigned time for these positions. I have been asked to hand this out to all members of the Board. I think I only have six of those, I'm sorry, I'll get another copy to you Dr. Amador.

"We passed this motion and I've been asked to read it verbatim:

'That the following statement be read as part of the Faculty Senate report at the March 25, 2003, Governing Board meeting; that copies of this statement and supporting materials be given to all Governing Board members; and that a copy of this statement be delivered to Barbara Baldrige for insertion, verbatim, into the official minutes of that meeting:

The Office of the Attorney General of the State of California has written extensively about legal interpretations of the Ralph M. Brown Act, which establishes open meeting laws in this state. According to this office, "the authority for [closed] sessions has been narrowly construed...the fact that

material may be sensitive, embarrassing, or controversial does not justify application of a closed session...rather, in many circumstances these characteristics may be further evidence of the need for public scrutiny and participation in discussing such matters" ("The Brown Act – Permissible Closed Sessions" sec. 1A).

What the President and Governing Board often state is that closed sessions are necessary in order to discuss confidential personnel matters, and on this matter, the Attorney General has this to say: "The courts and this office have consistently maintained that the personnel exception must be used in connection with the consideration of a particular employee. The exemption is not available for across-the-board decisions or evaluations of employees, classifications, salary structures, etc. In *Santa Clara Federation of Teachers v. Governing Board* (1981), 116 Cal.App.3d 831, the court concluded that the board's consideration of a hearing officer's decision concerning teacher layoff policy must be conducted in open session" ("The Brown Act – Permissible Closed Sessions" sec. 2A).

Using the Attorney General's summary of case law as background, the Faculty Senate would like to inform the Governing Board that if any discussion concerning faculty layoffs and/or academic program reductions take place in closed session, then the President and Governing Board members are probably in violation of the Brown Act, and they make themselves vulnerable to legal action. It should be noticed that a "meeting," as defined in The Brown Act, does not necessitate that a vote be taken ("Open Meeting Laws in California: The Brown Act"). The Faculty Senate maintains that unequivocal position that all such discussions take place in open session.

In the interests of fairness and legality, the Faculty Senate hereby requests that members of the Governing Board familiarize themselves with the Brown Act and case law regarding closed sessions. The Faculty Senate also requests that while in closed session, members of the Governing Board object to topics of discussion that might be inappropriate for such sessions. Finally, the Faculty Senate wants members of the Governing Board to be aware that in cases where Governing Boards have been found to be in violation of The Brown Act, courts have forced districts "to make and preserve tapes of closed sessions...declare[d] actions taken null and void...[and] award[ed] costs and attorneys fees" ("What To Do If...").

References

1. "The Brown Act: Permissible Closed Sessions." Website of the Office of Attorney General, State of California. March 3, 2003. <http://caag.state.ca.us/consumers/text/bapcs.txt>
2. "Open Meeting Laws in California: The Brown Act." The First Amendment Project Website. March 3, 2003. <http://www.thefirstamendment.org/thebrownact.html>
3. "What to Do If..." The First Amendment Project Website. March 3, 2003. <http://www.thefirstamendment.org/whattodoif.html>

"We also passed this motion:

'As a matter of collegiality, fiscal sanity, and decency, and due to the potential negative impact on the educational program, the Faculty Senate urges the District not to lay off or otherwise reduce the number of Academic Department Assistants until such time as the total number of faculty, administrators, and classified staff taking advantage of any supplemental early retirement program has been determined.'

"And this one:

'The Faculty Senate respects the role of PFF to negotiate the specifics of working conditions, but has a responsibility of its own to comment on all issues regarding academic and professional matters. Palomar College is committed to educational excellence and student success. The District proposals to increase

workload and class size run counter to this culture and will negatively impact faculty morale, curriculum and program delivery, and student success. The Faculty Senate supports PFF and urges the District to work with PFF to maintain this commitment.'

"We discussed the need to have faculty representatives on the various Councils who will regularly report to the Senate about what is going on in those Councils, and I again requested Faculty Senators to volunteer. We appointed Judy Dolan to the Administrative Services Council, so now at least one Senator is sitting on 3 of the 4 Councils. At the next SPC meeting, we will be requesting divisional representation on all Councils which would increase the number of faculty on Human Resources Planning Council and allow us to appoint a Senator to that Council as well.

"This week, we approved the necessary changes to the General Studies AA degree which would allow us to be in compliance and still keep that degree. Many of our students choose this degree; and we now have an option whereby, in addition to choosing a specific major and taking 18 units in that major, the student could choose one emphasis from Arts and Humanities, Science and Mathematics, or Social and Behavioral Sciences and take their 18 units within that broader category. Only three units may double-count between the AA general education requirements and the selected emphasis. Also, students may receive only one General Studies major. This is obviously an Academic and Professional Matter; and since we did not have a chance to pass this until yesterday, I ask you to consider this as the information meeting for this issue, and I'm requesting that it be placed on your agenda for your next meeting for action. We're a little bit under a deadline because, if we want to keep this degree and get it into our catalog, we need to make the change right away. This would not in any way affect our GE requirements for the AA in areas such as English, Math, History, Multicultural Studies, but affects only the 18-unit major requirement, which was the stumbling block in why we might have lost our general studies AA degree. And we're trying to keep that because if we don't keep it and later on a year from now decide we want to put it back in, there's a lot of paper work that we have to go through with the Chancellor's Office to reinstate this degree. If you would please consider this, I realize it's not on your agenda for information, but if you would consider my reporting on it as providing you with information, and if I could ask for that to be put on as an action item for next week, I'd appreciate it."

Mr. McMullen: Does anyone have a problem with that? (All responses indicated "no.")

2. **INFORMATION**

Report of the Palomar Faculty Federation

Mary Ann Drinan gave the following report: "At the present time, the Instructional Planning Council is discussing and Administration is acting on possible lay-off notices to be sent to all of the Academic Department Assistants. By considering a budget-cutting proposal that eliminates or reduces the Academic Department Assistants or ADAs, which we call them, the Administration is embarking on a radical course that will both undermine student services and hinder the ability of faculty to effectively carry out their responsibilities. ADAs are at the heart of the College. They not only are highly trained professionals, they are also reservoirs of knowledge about campus programs, procedures, and people. Whenever students need information, the first stop is at the departmental office, and the first person they usually meet is the Academic Assistant, and she always knows the answer to their questions. Whenever bureaucratic procedures trap students or faculty as well, it is usually the ADA who can creatively find a way out of that trap. The campus can easily grind to a halt without them. Cut ADAs and the campus won't have to worry about excess students being enrolled at Palomar because it's very likely that Palomar will lose its personal and friendly style. Students

may not want to be here because there will be that lack of that personal touch that we find with our ADAs. In my department, as with many larger departments, the ADA is really an executive assistant to over 50 people - faculty members - and potentially the channel of communication for thousands of students who are enrolled in our courses. How can you get any more efficient than that? The District's current approach to budget cutting has many gaps in it and to discussions of the budget in this really tough budget year. There really is not a framework in which the constituent groups are informed and participate at the very inception of ideas. It's true that groups do have representatives, but often those representatives don't really have a certain ability to pull things together; and in the constituent groups, the leaders really need to know more about the actions that are being taken. We're concerned that, with the budget reduction proposals, that the various councils are only looking at the budget that is available to them within that council. So Instructional Planning looks at the instructional budget, or Administrative Services looks at administrative budget. And yet, we think there are certain gaps there. There's a potential for gaps to exist because no one's looking at the budget in its entirety, and we think that is a major problem. And so, the PFF Executive Board has unanimously approved the request that there be a task force that takes a look at the budget, line by line, to examine programs and to examine expenditures because we think that is what is necessary to get that big broad picture of the budget. It was interesting that when Williams Andrews, who is a member of the accreditation team, was on campus, Mary Millet and I spent over an hour speaking with him, and he expressed surprise that the College did not have a task force that would examine the budget in total, not look at positions, but take a look at the budget as a whole. And so, we are calling upon the campus to consider that, to study the budget in that line-by-line fashion. And so we want to, again, support our ADAs. We think that they are critical to the basic functioning of this campus, and we urge that other ideas be considered, and that also that this task force be something that is discussed and considered seriously by the District."

Mr. McMullen: Dr. Amador, do we not have such a committee?

Dr. Amador: We have a couple of committees. We have the Strategic Planning Council, which we haven't got to and which is the over-arching committee. We have a Revenue Allocation Committee, and I'm sure Jerry can go line for line on the budget.

Ms. Chadwick: Yes, let's take a look at that.

3. **INFORMATION**

Report of The Faculty

Maria Miller reported that there has not been a meeting since the last Board meeting, but The Faculty will meet again on April 2.

4. **INFORMATION**

Report of the Administrative Association

Mollie Smith reported that the College has a Government Affairs Committee of which she is a member. Her duties as a member include responsibility for the "Letters to the Editor Campaign." She urged everyone present to become involved in this effort by writing letters to the editors of local newspapers. We need to make an effect between now and the Governor's May revision of the budget.

5. **INFORMATION**

Report of the Confidential and Supervisory Team

Donna Renner reported that CAST held a general membership meeting last week. Dr. Jack Miyamoto, who explained potential lay-off and bumping procedures. Ms. Renner expressed the group's appreciation to him for taking time from his busy schedule to meet with the group.

6. **INFORMATION**

Report of the CCE/AFT – There was no report.

7. **INFORMATION**

Report of the Associated Student Government

Leo Melena reported that Spring Fest occurred last week and was very successful. There was a voter registration drive and opportunities for students to send messages to Governor Gray Davis.

The March 17 political rally was very successful. There were several members of the media present to cover the event. Leo thanked the faculty and classified staff for their support.

Mr. Melena reported that the ASG had passed the following resolution:

“Due to the current budget crisis in the State of California and the mid-year cuts proposed by the Governor and the state legislature impacting Palomar College, and

WHEREAS the administration, classified staff, and faculty provide essential leadership services and support necessary for the students of Palomar to realize their educational goals, and

WHEREAS the Associated Student Government, as a representative body of the students of Palomar College is charged to promote intellectual and social growth, personal and academic freedom, student interest, general welfare, and foster a spirit of campus unity,

NOW, THEREFORE, BE IT RESOLVED that the Associated Student Government hereby recommends that it is in the best interests of the students of Palomar College for the Palomar Community College District to take the following actions:

(Mr. Melena paraphrased the following suggestions.)

- more efficiently utilize the recycling program to create revenue for unrestricted use
- automatically charge for the student activities fee as well as the representation fee to be used for students and student concerns
- charge a small amount for the class schedule
- print fewer copies of the class schedule
- combine mailing of such things as payment due, class confirmation, and wait list confirmation and/or make all notices available on line and accessible to all students

BE IT FURTHER RESOLVED that the Associated Student Government shall assist in identifying strategies to allow for the best atmosphere for the students and provide for the realization of their educational goals.

BE IT FURTHER RESOLVED that the Associated Student Government strongly discourages any reductions of student services and programs within the District's authority but recognizes and sincerely regrets the need for such action. (Adopted 19th day of March, 2003.)"

Mr. Melena reported that the ASG will be meeting at the Escondido Center this Wednesday at 1:30 p.m.

This past weekend the ASG had a course on lobbying in Washington, D.C., attending the American Student Association of Community Colleges Lobbying Conference. They spoke with our two Senators, Congressman Randy "Duke" Cunningham's office, and Congressman Darrell Issa. They are hoping that will provide some pressure from the federal level, as well as some other issues, such as Pell Grant, Perkins Loan, and enhanced credit, HR 442.

K. COMMENTS FROM OTHER INDIVIDUALS OR GROUPS

The following persons addressed the Board on the following subjects:

1. Aaron Holmes – The negative effects on student's education by disproportionate cuts.
2. Susan Snow – At the IPC meeting on March 19th, the vast majority of faculty and staff expressed their outrage by the VP of Instruction's announcement that she and the Instructional Deans are proposing the lay offs of 34 classified staff, managers and supervisors.
3. David Forsyth – PeopleSoft reliability and its purchase effect on layoffs.
4. Leslie Briggs – Is it a mismanagement of funds or a sorry excuse for a power play?
5. Ernie Carson – Layoff concerns of classified staff.
6. Terry Humphrey – Role of department chair in decisions re: ADAs.
7. Dr. Roger Morrisette – Faculty/classified staff unified against layoffs.
8. Jack Quintero – Layoffs
9. Katie Townsend-Merino – Process by which ADA layoff is proposed.
10. Linda Locklear – Importance of ADAs and the role people at education centers play in everyday interaction with students.
11. Joe Stanford – Concerns about P.C. governance.

L. UNFINISHED BUSINESS – There was none.

M. NEW BUSINESS

1. RECEIVE BIDS FOR STUDENT UNION FURNITURE

MSC Chadwick, Jensen

The following bid was received by the Palomar Community College District from the firms indicated in response to Notice to Bidders published on January 29 and February 5, 2003:

BIDDER

Krueger International, Inc. (KI)
Green Bay, WI 54308-8100

Krueger International, Inc., is hereby found to be the lowest responsive bidder to the Palomar Community College District on the aforesaid Student Union Furniture, and an agreement per attached price schedule, **Exhibit M-1**, is hereby authorized between this company and the District, subject to compliance with all insurance requirements. Funding source: Student Center Furnishings/Foundation Grant

Ken Jay and Bruce Bishop discussed the reasons why the committee had found this bidder to be the lowest responsive bidder and why other bidders had been eliminated. Mr. Bishop provided written documentation to the Board members regarding the reasons the committee selected Krueger International as the successful bidder. Ann Suding and Cheryl Krawczyk were present and prepared to speak on behalf of Boise, one of the unsuccessful bidders.

The Vote was unanimous.
Student Trustee Advisory Vote: Aye

2. RECEIVE BIDS FOR PRINTING OF THE "VENTURE" SCHEDULE

MSC Chadwick, Nelson

The following bid was received by the Palomar Community College District from the firms indicated in response to Notice to Bidders published on February 3 and February 10, 2003:

BIDDER

Advanced Web Offset, Inc.
Vista, CA 92083

Advanced Web Offset, Inc., is hereby found to be the lowest responsive bidder to the Palomar Community College District on the aforesaid printing of the "Venture" Schedule, and an agreement per attached price schedule, **Exhibit M-2**, is hereby authorized between this company and the District, subject to compliance with all insurance requirements. Funding source: Community Services Advertising account

The Vote was unanimous.
Student Trustee Advisory Vote: Aye

3. APPOINT SUPERINTENDENT/PRESIDENT TO SERVE AS RECORDER AND CUSTODIAN OF CLOSED SESSION MINUTES OF GOVERNING BOARD

MSC Chadwick, Nelson

The Governing Board hereby appoints Dr. Sherrill L. Amador, Superintendent/President, in her capacity as Secretary to the Governing Board, to serve as recorder and custodian of Closed Session minutes of the Governing Board.

At this time, Mr. Evilsizer expressed concern that because Dr. Amador orchestrates much of the discussion in Closed Session, it may be too much of a burden on her to take detailed notes and serve as a recorder and custodian and try to lead discussion and present material to the Board. He suggested considering an alternative to this by having a person who can take notes who isn't part of a bargaining unit here, perhaps a confidential secretary, who would be willing to come in and take notes for the Board, thus freeing Dr. Amador of that task.

The Vote: 4 Aye, 1 Nay (Evilsizer)
Student Trustee Advisory Vote: Abstain

4. DISCUSSION: RECRUITMENT FOR ASSISTANT SUPERINTENDENT/VICE PRESIDENT FOR INSTRUCTION

At this time, Shannon Lienhart addressed the Board on this subject.

N. ADJOURNMENT OF REGULAR MEETING

The Board adjourned its regular meeting at 9:16 p.m.

O. WORKSHOP ON FACILITIES MASTER PLAN

The workshop convened at 9:26 p.m. A 20-year Facilities Master Plan was presented to the Governing Board members by the Educational and Facilities Master Plan Task Force. Michelle Barton first discussed the research and facts that were used to drive the plan. Jim Spencer and Pablo Garcia of Spencer and Hoskins showed slides of the facilities progression through the next 20 years. New buildings and remodeling were discussed. It was emphasized that the order of the progression could be changed to fit the needs of the District.

P. ADJOURNMENT OF WORKSHOP

The workshop was adjourned at 10:35 p.m.