



**GOVERNING BOARD MINUTES**  
**REGULAR MEETING, GOVERNING BOARD**  
**PALOMAR COMMUNITY COLLEGE DISTRICT**  
**ROOM D-10**  
**COLLEGE CAMPUS**  
**SAN MARCOS, CALIFORNIA**  
**TUESDAY, SEPTEMBER 9, 2003, 6:00 P.M.**

**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  
AMADOR SOTO, STUDENT TRUSTEE

**EXECUTIVE ADMINISTRATORS PRESENT:**

Sherrill L. Amador, Ed.D., Superintendent/President  
Berta Cuaron, M.A., Assistant Superintendent/Vice President, Instruction  
Joseph Madrigal, M.A., Assistant Superintendent/Vice President, Student Services  
Jack Miyamoto, Ed.D., Assistant Superintendent/Vice President, Human Resource Services  
Jerry Patton, M.B.A., Assistant Superintendent/Vice President, Finance and Administrative Services

**BB. CLOSED SESSION**

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

5. Public Employee Performance Evaluation, pursuant to Government Code 54957.
  - a. Superintendent/President

**BBB. RECONVENE TO OPEN SESSION**

The Board reconvened to Open Session at 7:00 p.m. There was no reportable action taken during Closed Session.

**STAFF PRESENT:**

Cheryl Ashour, Administrative Assistant to Superintendent  
Barbara Baldrige, Executive Assistant to Superintendent/Governing Board  
Mary Ann Drinan, Co-President, PFF; Associate Professor/Chair, Economics, History, and  
Political Science  
Ken Jay, President, Administrative Association; Director, Business Services  
Barbara Kelber, Associate Professor, English  
Herman Lee, Director, Enrollment Services  
Shannon Lienhart, Associate Professor, Mathematics  
Ed Magnin, Part-time Instructor, Computer Science and Information Systems  
Maria Miller, President, The Faculty; Professor/Counselor  
Wilma Owens, Dean, Career, Technical and Extended Education  
Donna Renner, Secretary, Confidential and Supervisory Team; Facilities Services Coordinator,  
Facilities  
Steve Spear, President, Faculty Senate; Professor, Earth Sciences  
Katie Townsend-Merino, Associate Professor, Behavioral Sciences  
Christine Wick, Senior Grievance Officer, CCE/AFT; Staff Assistant, Business Services

**GUESTS:**

Richard Currier, Legal Counsel

Others present are listed on the sign-in sheets.

**QUORUM ESTABLISHED**

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 Chadwick, Nelson

The Governing Board hereby approves the Minutes of the Regular Meeting of August 26, 2003.

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 no report.**

**F. REPORTS OF THE GOVERNING BOARD MEMBERS**

Dr. Nelson gave the following report:

Thank you. First, I would like to say that the celebration of the opening of the Student Union was absolutely wonderful and uplifting. It was fun, and I very much enjoyed taking part in it.

I just came from the furniture exhibit prior to going to closed session. It was lovely and such pride of the faculty was showing in the accomplishments of their students. The faculty also took me aside to tell me about the scholarship winners, the employment, and all the other wonderful side benefits to the accomplishments of the students. It was fabulous.

And the last thing is that today, I happened to be in a meeting with the Foundation. The members of the Foundation were working on the Gala, and I was struck by how much these people enjoy seeing the fruit of their \$300,000 contribution. They love seeing the examples of how they are benefiting students. They love seeing the lively students that were filling the entire area below and could see where the new furniture will be placed. It is just wonderful, and I think it will be an ongoing attraction to what this Foundation does for this College. Thank you.

Mr. Evilsizer gave the following report:

Thanks Mr. Chair. I had the opportunity to participate or at least observe another graduation ceremony here at Palomar College on Saturday. The Police Academy graduates went through their final ceremony to commemorate their new careers. It is always enlightening to see the dedication and commitment that these students exhibit in pursuit of their career goals. There were over 30 graduates, and there were three women that graduated, and I understand there are a few more in the next class. It was a great program, and five had jobs – they were sworn in as Police Officers on Saturday. It is really nice to participate in those events.

Ms. Chadwick gave the following report:

Thank you Mr. Chair. I, too, had the opportunity, the pleasure actually, of attending the Police Academy graduation, helped hand out certificates, and congratulate people. I echo the comments of my colleagues. This is what we're all about. People come to us from the community and they return to that community. We have resources and opportunities here for them, and it's wonderful to see them take advantage of it.

I also went to the Student Union dedication. A very nice ceremony. I would have liked to have seen some officials there to help us enjoy and participate in this. It's not often we open buildings, and it would have been good to have a few of our local mayors and all the rest of our officials there. I know they were invited; I just was disappointed that they didn't come and share in the joy.

I also stopped by this afternoon on my way here to look at the Cabinet and Furniture exhibit. Very nice; they just continue to do marvelous things.

I went to a meeting Monday, yesterday, of SDICCCA, and we were told that the bill SB 1417 is essentially dead this year. Apparently, Dede Alpert's committee attempted to link the equalization process to the property tax backfill. And, to make a very long story short, San Francisco sort of collapsed the effort and essentially put it to bed. So we've got to now start looking at next year. As you know, this is the last week of the Legislature. So we've got to start working very hard now if we're going to maintain that linkage of those two very critical items for us; and as we get started on this quickly, I'm sure many of you will participate in that. This has got to occur, or we're going to continue to have these people get money from

us, literally, and not be able to make up for it successfully. What can I say about that? I really feel very strongly that this whole equalization process is really a discriminatory matter. There is no reason why any student in a lower-funded district should receive less money than a student in a higher-funded district. That is, on the face of it, discrimination. And we heard at the meeting that these schools, and we all know the districts that are under funded, tend to have the highest diversity. So, in addition, we have the information that links that discrimination clearly to facts. So, at some point, we're going to have to pay special attention to that, and I'm hopeful that all of us can work on this together. I certainly will be.

Mr. Jensen reserved his comments for later.

Mr. Soto reported that he also attended the grand opening of the Student Union.

**G. REPORT OF THE SUPERINTENDENT/PRESIDENT**

Dr. Amador made the following report:

First I do want to thank the Board members for attending the Police Academy graduation. It meant a lot to those students and their families.

We are all especially proud of the Woodworking and Cabinetry Technology program. They were the ones that received many awards for their success in terms of teaching and learning, and I think it certainly shows in terms of the whole program and the products of that program.

It is the policy or practice of this District that the Superintendent/President reviews the Sabbatical leave reports, and I have done so. I reviewed the Sabbatical Leave reports from the faculty for fall, 2002, spring, 2002, and the full year sabbaticals for 2001-02. I found that they met the criteria of our current practices, and all reports have now been placed on file in the Library. There were reports from a field study in Africa, several works in terms of textbooks, and also the on-line CD preparation for courses. There was one book that has been published. We had a couple of faculty in the nursing department who were on sabbatical that worked in a clinic and in a hospital to upgrade their skills. One is a nurse practitioner, so that she would be able to teach those skills. And there were a variety of formal education projects – one receiving a Masters Degree, others taking significant course work. So, it was a wide range of activities which constituted three boxes in my office for awhile. They have been moved into the library, and Judy Cater usually is the one who takes care of cataloging, in case anyone is interested.

Also, I received a report of our unofficial census and where we are with head count. We are not at the point where we can do the FTES exactly; but in terms of head count, we are down .02% or four less students than last fall. So basically, we are what we would call flat. We are up in total head count when you add the noncredit - up by .12%. Herman Lee indicated that these figures are before we have contacted those students who have not paid their fees. So, we don't know the FTES, and the FTES is actually the revenue fees which Jerry will be talking about. But, at this point, it probably wouldn't be prudent in terms of expecting revenues for growth, because we have not grown. We will try to capture growth in spring and the rest of the summer. That's where we stand at this point. By the way, at SDICCCA yesterday, it was reported that, other than the San Diego Community College District which may be up about 1%, everybody else is in the same predicament.

1. Report of Vice President for Instruction

Berta Cuaron introduced Adelina Acevedo, a new faculty member in the dental assisting department, and discussed her education, background, and experience.

2. Report of Vice President for Student Services – There was no report.

3. Report of Vice President for Finance and Administrative Services

Jerry Patton presented a report from the Adopted Budget Overview/Workshop he recently attended. He stated that this report will be on the Administrative Services web page tomorrow. Mr. Patton also gave an overview of the budget he will be presenting to the Board for approval on October 15.

Dr. Nelson asked if the financial aid is one-time, or did it go into the base, and if it would be ongoing. Mr. Patton responded that it is scheduled to be ongoing, but the budget bill also says it is a one-time allocation at this point in time. There will be mid-year cuts, and we expect some reduction sometime in 03-04. The legislators' intent was that it be ongoing.

Mr. Evilsizer asked if there is an opportunity to find a way to bring in more students that want to take special programs, like public safety, since we are below our FTES growth number. He wondered if there is a benefit to backfill or fill a greater number of course offerings. Wilma Owens responded that they anticipated being under about 100 FTES and went out to the fire departments to ask them to bring in students, and they could only fill 45 FTES. Ms. Cuaron reported that, with regard to the fall semester, the division deans were working diligently with department chairs, looking at sections that were closing and adding sections where facilities were available. Difficult decisions about canceling sections that were under-enrolled have been made. They are still making some changes for spring as a result of some of the enrollment that has transpired for the fall semester. They will look at it on a daily basis, responding to student enrollment trends and, where they can within the existing budget, when classes are canceled, add sections that may help offset enrollment losses.

Ms. Chadwick asked how much of the drag in enrollment is related to the fee increase. Herman Lee responded that he did not know the percentage at this time, but he hopes to have a better idea when they get the count of students who have not paid. He can compare that amount with what we experienced last year. This should be in a week or two. Ms. Chadwick stated that it seems that we know what our trends have been in terms of increases, and there should be some linkage there; there's cause and effect.

Mr. Evilsizer asked if there a cost benefit or ratio whereby the financial aid we receive could be used to recruit and fill more student positions. He questioned if there is a higher payback through FTES for that student. Joe Madrigal responded that we are doing exactly that. We are hiring students to recruit other students and retain the existing financial aid students. In fact, Mary San Agustin has already made a commitment to various departments on campus to provide student workers at the labs, to try to process more students for the BOGW waivers, and identify students who qualify for financial aid. There will probably be a cost benefit on the positive side to the College. One concern is whether this is going to be ongoing money or whether it is going to disappear. Just when we gear up, we can find ourselves in a difficult position when they "turn the tap off." They are doing the best they can to not only staff the financial aid office directly but to staff other areas of campus with student workers to provide help there, as well, to identify those students.

4. Report of Vice President for Human Resource Services – There was no report.

**CONSENT CALENDAR**

**H. CONSENT CALENDAR**

**BUSINESS SERVICES**

**1. REVIEW AND APPROVE PURCHASES MADE FOR PRIOR SIXTY DAYS**

MSC Jensen, Nelson

The Governing Board hereby reviews and approves the following **purchase transactions and contracts** entered into on behalf of the Palomar Community College District. All of the following purchases are made against the 2003-2004 fiscal year budget.

Re-Encumbered				
FY 2003 PO's	040000	through	040003	\$ 308,368.83
Purchase Orders	0440025	through	0440047	\$ 113,648.44
Travel	0450012	through	0450014	\$ 586.50
Advertising/Increases	0460000	through	0460003	\$ 2,542.01
Employment Ads	0465004	through	0465005	\$ 9,000.00
Agreement/Services	0470071	through	0470135	\$1,601,679.25
Repairs	0475011	through	0475014	\$ 760.81
Agreement/Annual	0480053	through	0480095	\$ 145,924.22
Utilities	0495024	through	0495053	\$ 52,702.00
Procurement Card - Time Period: 07/23/03 - 08/22/03				\$ 68,558.19

Total \$2,303,770.25

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**2. REVIEW AND APPROVE CONTRACT AND AGREEMENT RENEWALS**

MSC Jensen, Nelson

The Governing Board hereby reviews and approves all **contract and agreement renewals** for the period July 1, 2003, through June 30, 2004, (FY 2003-2004) entered into on behalf of the Palomar Community College District pursuant to resolution 96-18423 and 96-18424, adopted June 24, 1997, as detailed on **Exhibit H-2**.

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

## CONTRACTS

3. **REVIEW AND APPROVE CONTRACTS AND AGREEMENTS MADE FOR PRIOR SIXTY DAYS**

MSC Jensen, Nelson

The Governing Board hereby ratifies and approves all **contracts and agreements for the sixty-day period**, July 1, 2003, through August 31, 2003, and entered into on behalf of the Palomar Community College District, as detailed on **Exhibit H-3**

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

## FISCAL

4. **APPROVE CALIFORNIA COMMUNITY COLLEGES QUARTERLY FINANCIAL STATUS REPORT (CCFS-311Q)**

MSC Jensen, Nelson

The Governing Board hereby approves the **California Community Colleges Quarterly Financial Status Report (CCFS-311Q)** for quarter ending June 30, 2003. **Exhibit H-4**

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

5. **AUTHORIZE DRAWING NEW WARRANT**

MSC Jensen, Nelson

The Governing Board hereby authorizes the Disbursing Officer to **draw a new warrant** as follows:

Warrant # 76-089270 Dated 10/24/02, in the amount of \$943.40, to BNY Western Trust Company, 700 S. Flower Street, Suite 500, Los Angeles, CA 90017. Void due to stale date.

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

## PERSONNEL

6. **APPROVE PERSONNEL ACTIONS/ HISTORY**

MSC Jensen, Nelson

The Governing Board hereby approves the **Personnel Actions/History** report, which includes hires and pay rate changes for **student employees** for the month of **August, 2003, and short-term employees** for the month of **September, 2003**. **Exhibit H-6**

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**7. RATIFY LEAVE OF ABSENCE**

MSC Jensen, Nelson

- a. The Governing Board hereby ratifies the recommendation of the Superintendent/President granting a **100% Personal Leave of Absence without pay and without benefits**, effective September 3, 2003, through March 2, 2004, to **RENE M. ROBELIN**, Master Teacher II, Child Development Center.
- b. The Governing Board hereby ratifies the recommendation of the Superintendent/President granting a **100% Family Leave of Absence without pay and with benefits**, effective September 8, 2003, through November 28, 2003, to **KATHLEEN A. MORRISON**, Program Research Specialist, Educational Television.
- c. The Governing Board hereby ratifies the recommendation of the Superintendent/President granting a **10% Personal Leave of Absence without pay and no effect on benefits**, effective August 23, 2003, through December 20, 2003, to **KELLY PATRICK**, Library Media Technician II, Library Media Center.

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**8. RATIFY CHILDREN'S CENTER TEACHER RECLASSIFICATION**

MSC Jensen, Nelson

The Governing Board hereby ratifies the recommendation of the Superintendent/President regarding the **reclassification** of the following **children's center teacher position**:

- a. **Position:** MASTER TEACHER I  
Department: Child Development Center  
Name: Sia Kaufman  
Position #: 6021                      New?: No  
Remarks: Position was Teacher I, grade C1/3  
Effective: September 1, 2002  
% of position: 100%                      # of Mos: 12  
Sal Grade/Step: **D1/3**                      Salary: **\$1,851.93/month**  
Account(s): U-111000-364300-69200-0000000/100%

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**9. ACTION - RATIFY RESIGNATIONS**

MSC Jensen, Nelson

The Governing Board hereby ratifies the recommendation of the Superintendent/President granting the **resignation** of the following **employees**:

- a. **CECILIA G. ROCHA**, Staff Assistant, Gear Up, effective August 1, 2003 (last day of employment 7/31/2003).
- b. **DORIS C. SEXTON**, Instructional Support Assistant I, Business Education, effective August 2, 2003 (last day of employment 8/1/2003).

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**10. INFORMATION: RETIREMENT**

On behalf of the Governing Board of the Palomar Community College District, the following **retirement** has been accepted by Dr. Sherrill L. Amador, Superintendent/President, as authorized by the Governing Board, under **Group I** (receives the same fully employer-paid lifetime health benefits as provided to active employees and eligible dependents for life of the retiree) of the Retirement Health and Dental Plan approved by the Governing Board December 8, 1987:

- a. **JANE HANKIN**, Academic Department Assistant, Physical Education, effective November 1, 2003.

**11. RATIFY CLASSIFIED EMPLOYMENT**

MSC Jensen, Nelson

The Governing Board hereby ratifies the recommendation of the Superintendent/President regarding the **employment** of the following **classified employees**:

- a. Name: **SHEILA A. ATKINS**  
Position: Academic Department Assistant  
Department: Economics, History, and Political Science  
Position #: 5454                      New?: No  
Remarks: Replacement for Nancy Russell; promotion for Ms. Atkins.  
Sal Grade/Step: **19/5**                      Salary: **\$3,166.88/month**  
% of Position: 100%                      # of Mos: 12  
Effective: September 9, 2003  
Account #(s): A-212200-365100-60910-0000000/100%

b. Name: **CECILIA G. ROCHA**  
Position: GEAR UP Staff Assistant  
Department: GEAR UP/Student Services  
Position #: 6118 New?: No  
Remarks: Rehired under CCE/AFT guidelines; funded - GEAR UP Federal Grant.  
Sal Grade/Step: **23/4** Salary: **\$3,326.32/month**  
% of Position: 100% # of Mos: 12  
Effective: September 15, 2003  
Account #(s): K-212200-471200-64990-1112320/100%

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**12. INFORMATION: CLASSIFIED PROFESSIONAL GROWTH AWARD**

In accordance with the Professional Growth Program for Classified Employees, the following employee is granted a **\$500 annual stipend**, prorated on a monthly basis, effective September 1, 2003:

Employee Name: Kara Garavito  
Position: Supervisor, District Cashiering Services  
Department: Fiscal Services  
Course of Study: Job Related/Degree Related

**13. APPROVE ASSIGNED TIME TO ACADEMIC CONTRACT**

MSC Jensen, Nelson

The Governing Board hereby ratifies the recommendation of the Superintendent/President that the **assigned time** to the following academic contract be approved:

a. Name: **LINDA LOCKLEAR**  
Remarks: 20% release time for Fall, 2003, semester to work with the Hewlett Packard Tribal Digital Village project  
Effective: August 22, 2003, through December 20, 2003  
Account: K-131100-363500-20010-1812112/100%

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**14. GRANT EQUIVALENCY FOR DISCIPLINE**

MSC Jensen, Nelson

Upon the recommendation of the Faculty Senate Equivalency Committee, the Governing Board hereby grants the following individuals **equivalency to minimum qualifications** for the disciplines listed:

Scott Emery – History  
Michael Heckman – Emergency Medical Education  
Amy Bolaski – English  
Carlos Von Son – Chicano Studies  
Anthony Chapman – Fire Technology  
Danny Delgado – Fire Technology  
Richard Tilch – Fire Technology  
Ned Vander Pol – Fire Technology  
Richard Freishtat – Speech  
William Brennen – Cabinet and Furniture Technology

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**15. RATIFY PART-TIME FACULTY EMPLOYMENT**

MSC Jensen, Nelson

The Governing Board hereby ratifies the recommendation of the Superintendent/President regarding the **employment of the following part-time faculty**, at the rates indicated for Fall, 2003 (day and/or evening); said part-time faculty are not scheduled to teach more than a 60-percent load in a single semester:

**FALL, 2003**

**ART**

Culbertson-Bacon, Patricia	Art B.S., Art Education M.S., Art Education	\$38.24
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**BEHAVIORAL SCIENCES**

Lorenzen, Shawn	Philosophy B.A., Comparative Literature M.A., Philosophy of Religion/Ethics	\$38.24
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Phillips, Kimberly	Sociology B.A., Soc Ecology M.A., Sociology: General Sociology	\$38.24
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**BUSINESS EDUCATION**

Nelms, Dawn	Paralegal Studies B.A., Government with a concentration in Pre-Law J.D., Law	\$40.71
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Johnston, Thomas	Real Estate B.S., Social Sciences 2 + Years Experience Community College Instructor Credential in Real Estate	\$37.01
Radspinner, Anne	Real Estate A.A., English Literature B.A., Literature & Writing Studies 2 + Years Experience	\$37.01
<b>CHEMISTRY</b>		
Kolonko, Kenneth	Chemistry M.S., Chemistry Ph.D., Chemistry	\$40.71
Larter, Martin	Chemistry B.S., Chemistry M.S., Chemistry	\$38.24
<b>CHILD DEVELOPMENT</b>		
Doan, Mary	Child Development B.A., Sociology M.S., Infant Development	\$38.24
<b>COMMUNICATIONS</b>		
Eldin, Tania Kamal	Cinema M.F.A., Visual Arts	\$38.24
Turner Jr., Edward	Cinema M.A., Television, Film, and New Media Production	\$38.24
<b>COMPUTER SCIENCE AND INFORMATION SYSTEMS</b>		
Kertland, Brigid	Computer Science and Information Systems M.S.C., Applied Computer Science Technology: Telecommunications	\$38.24
Struckmann, Daniel	Computer Science and Information Systems B.S., General Engineering (Computer Science) 2 + Years Experience	\$37.01
<b>DESIGN AND CONSUMER EDUCATION</b>		
Stotz, Sarah	Family and Consumer Sciences B.S., Dietetics M.S., Nutrition & Dietetics	\$38.24
<b>EARTH SCIENCES</b>		
Gilson, John	Oceanography B.S., Applied Mathematics, Engineering and Physics M.S., Oceanography	\$38.24

West, Eric	Geography B.S., Geography M.A., Geography	\$39.47
 <b>ECONOMICS, HISTORY, AND POLITICAL SCIENCE</b>		
Emery, Scott	History B.A., History M.A., History (Pending)	\$37.01
Rangel, Delfino	History B.A., History M.A., History	\$39.47
 <b>EMERGENCY MEDICAL EDUCATION</b>		
Heckman, Michael	Emergency Medical Education Coursework and 6+ Years Experience in Emergency Medical Education Discipline	\$37.01
Pachek, Jeffrey	Emergency Medical Education A.S., Fire Science 6 + Years Experience	\$37.01
 <b>ENGLISH</b>		
Bolaski, Amy	English B.A., Literature & Writing Studies M.A., Literature & Writing Studies (Pending)	\$37.01
Joseph, Melissa	English B.A., French M.A., English	\$38.24
 <b>ENGLISH AS A SECOND LANGUAGE</b>		
McTyre, Janelyn	English As A Second Language B.A., Architecture M.A., Linguistics & Applied Linguistics	\$38.24
Munoz, Margaret	English As A Second Language (Non-Credit) B.A., Linguistics 2 + Years Experience	\$37.01
Verduci, Marlene	English As A Second Language (Non-Credit) B.S., Education M.A., Spanish Language and Literature	\$38.24
Vienna, Olga	English As A Second Language (Non-Credit) B.A., Foreign Language and Literature with a Concentration in Teaching M.A., Education	\$38.24

**FOREIGN LANGUAGES**

Loiseau, Maurice	French B.A., French M.A., French Ph.D., French	\$40.71
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**GRAPHIC COMMUNICATIONS**

Rollins, Dameon	Graphic Communications B.A., Anthropology M.A., Education	\$40.71
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**LIFE SCIENCES**

Schmid, Elmar	Biology B.S., Biology Ph.D., Biology	\$40.71
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**MULTICULTURAL STUDIES**

Gonzales, Gloria	Multicultural Studies M.A., International Relations	\$38.24
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Von Son, Carlos	Chicano Studies B.A., Social Ecology M.A., Spanish Ph.D., Spanish	\$40.71
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**OCCUPATIONAL AND NONCREDIT PROGRAMS**

Castaing, Christian	Water Technology Education A.A., Water Technology Education 6 + Years Experience	\$37.01
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**PERFORMING ARTS**

Sager, Jennifer	Theater Arts B.F.A., Theater (Acting) M.A., English	\$38.24
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**PUBLIC SAFETY**

Chapman, Anthony	CPR Coursework and 6+ Years Experience in Public Safety Discipline	\$37.01
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Delgado, Danny	Fire Technology Coursework and 6+ Years Experience in Public Safety Discipline	\$37.01
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Glasgow, Charles	Fire Technology A.A., Fire Technology 6 + Years Experience	\$37.01
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McFadden, Michael	Fire Technology A.A., Fire Technology A.A., Paramedic Training 6 + Years Experience	\$37.01
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Tilch, Richard	Fire Technology Coursework and 6+ Years Experience in Public Safety Discipline	\$37.01
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Vander Pol, Ned	Fire Technology Coursework and 6+ Years Experience in Public Safety Discipline	\$37.01
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**REGIONAL OCCUPATIONAL PROGRAM**

Dennison, Joe	Optical Technology B.S., Vocation Education Studies M.A., Education	\$38.24
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**SPEECH COMMUNICATION/FORENSICS/ASL**

Freishtat, Richard	Speech B.A., Speech Communications M.A., Communication Arts & Sciences (Pending)	\$37.01
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Serra, Michele	Speech A.A., General Education B.A., Social Welfare M.A., Communication Studies	\$38.24
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Valencia, Jennifer	Speech B.A., Spanish M.A., Speech Communication	\$38.24
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**TRADES AND INDUSTRY**

Brennen, William	Cabinet and Furniture Technology Coursework and 6+ Years Experience in Trades & Industry Discipline	\$37.01
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The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

<p style="text-align: center;"><b>Resumption of REGULAR AGENDA</b></p>
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**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**

Steve Spear gave the following report:

Since the Faculty Senate meets on Mondays, and two Mondays ago was Labor Day and we did not meet, so all we have done since the last Board meeting, essentially, is to have an orientation meeting, which we did yesterday. Dr. Amador, the Vice Presidents, and most of the Deans were there, as were all of the Senators. Each of us introduced ourselves, and we set a little rule that when you introduced yourself, you had to state one goal for Palomar College over the course of the next year. I kept a tally of those. The maximum number of those was seven, to foster mutual respect and unity in the faculty's voice; six goals for the contract settlement; four goals for simplifying various processes; three goals for making great progress on student learning outcomes; and many single goals that cover all kinds of other issues, but all related to making Palomar College a better place. I want to thank all of the administrators for coming and special thanks to Bruce Bishop for guiding our discussion on Roberts Rules of Order.

We reviewed major issues, community functions, and other items. There was also a general consensus that I inform the Board that the Faculty Senate takes very seriously the matter of the faculty evaluation of Administrators, a project we undertake every year with varying degrees of success. You have on the agenda this evening the disclosure of goals and objectives for the President's personal evaluation. For the faculty to evaluate the President in the manner which would give the most feedback to the Board, does it not seem logical that the faculty should know which criteria the Board deems most significant. If the Board feels that any of these goals and objectives are relevant to the faculty evaluation of the President, then I urge the disclosure of criteria. On behalf of the Faculty Senate, I am not requesting the specific results of any past or future evaluation, of any president we have or will have. I only request that the relevant criteria for that evaluation be made public so that we may do our job in a manner more useful to the District.

**2. INFORMATION**

**Report of the Palomar Faculty Federation**

Mary Ann Drinan gave the following report:

Tonight I think is a time for us all to reflect on the excellence of the faculty at Palomar College, their commitment to teaching, their enthusiasm for their disciplines, and their outpouring of support for our students. Remember the faculty and think about making things right for them. The College's reputation, the success of our students, the health of our state funding, and the very income of the majority of the college employees here tonight is dependent upon the quality of the faculty and the strength of their relationship with their students. You have an opportunity to recognize the significance of faculty contributions tonight and in your deliberations tonight and in the immediate future. Last Friday, at the direction of David Hart, the state-appointed mediator, the PFF negotiations team developed a package proposal that addressed the remaining issues in the faculty contract talks. David Hart facilitated the transmission of that broad proposal to the Governing Board. The proposal is straightforward and has the potential to become the basis of a win-win solution to our mutual issues. We have been at the table for two years, and virtually every

employee at Palomar has gained financially because of the increases that have come through growth and the number of new students that we have attracted to our classes. Isn't it ironic the faculty are the only group that has seen no salary improvement over these three years essentially. It is time to make a correction. As a Board, you have many other issues to manage. You are exploring many initiatives and opportunities within the larger community. So, isn't it time for us to set our own house in order in order to reach out to the larger community. You have an opportunity to take a look at the contract proposal, and we hope that you will use that opportunity and turn it into a solution to our mutual issues. Before I end my report, I'd like to introduce Ed Magnin, who is a part-time faculty member who teaches in CSIS, and he is going to just present a few of the economic realities that our part timers face here at Palomar.

Mr. Magnin presented a report outlining his contributions as a part-time faculty member to Palomar College and the income he receives. **Exhibit J2**

3. **INFORMATION**

**Report of The Faculty**

Maria Miller gave the following report:

We had the Faculty meeting last week on September 3, and we discussed the issue of campus morale. Various ideas and suggestions were presented, and I'll be taking those to Dr. Amador in September. She called a meeting to discuss this issue. But there is one topic that we discussed at length, and that was convocation day. There was unanimous agreement at that faculty meeting that the current format of convocation should be changed and that it should focus on the celebration of teaching rather than a campus business meeting. So I would like to suggest that the convocation be evaluated and that that input be taken seriously for perhaps change and improvements in next year's program.

4. **INFORMATION**

**Report of the Administrative Association** – There was no report.

5. **INFORMATION**

**Report of the Confidential and Supervisory Team** – There was no report.

6. **INFORMATION**

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

7. **INFORMATION**

**Report of the Associated Student Government**

Amador Soto gave the following report:

The ASG is very happy for the official grand opening of the Student Union. Also, September 26 and 27, the ASG will be having their annual retreat in Rancho Bernardo. Finally, there are going to be eight senatorial and two VP positions open for the elections that are going to be taking place the first week of October.

**K. COMMENTS FROM OTHER INDIVIDUALS OR GROUPS**

1. Steve Spear addressed the Board at this time, on behalf of the Earth Sciences and Planetarium staff regarding the Mars viewing planetarium successes and the new high-tech science building.

**L. UNFINISHED BUSINESS – There was none.**

**M. NEW BUSINESS**

**1. APPROVE MEMORANDUM OF UNDERSTANDING WITH SAN DIEGO WORKFORCE INVESTMENT BOARD FOR “ONE STOP” CAREER CENTER NETWORK**

MSC Chadwick, Nelson

The Palomar Community College District hereby approves a Memorandum of Understanding (“MOU”) with the **San Diego Workforce Investment Board**, effective July 1, 2003, and ending June 30, 2004, for the purpose of maintaining a One Stop partnership to operate as a “single service delivery system,” under the Workforce Investment Act (WIA) of 1998. The Superintendent/President of the District is hereby authorized to execute the agreement on behalf of the District. **Exhibit M-1**

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**2. APPROVE CHANGE ORDER NO. 6; ACCEPTANCE AS FINAL & COMPLETE, CONSTRUCTION OF STUDENT UNION ADDITION, PROJECT 513; AUTHORIZE RELEASE OF BID SECURITY IN THIRTY-FIVE DAYS; RELEASE BONDS AND RECORD NOTICE OF COMPLETION**

MSC Chadwick, Nelson

The Governing Board hereby approves **Change Order #6**, pertaining to the **Student Union Addition**, Project 513; original contract approved by the Governing Board on July 15, 2002, as detailed on the accompanying memorandum. Total amount of additive items on change order #6 are \$15,887.00; total amount of deductive items on change order #6 are \$20,887.00; total net cost of change order #6 is (\$5,000.00) and;

The Governing Board hereby accepts the Student Union Addition, Project 513, on the San Marcos campus (hereinafter “Project”) in accordance with the bid awarded by the District, on July 15, 2002, to **Marcotte & Hearne Builders, Inc.**, (the “Contractor”), 6265 Greenwich Dr., Suite 250, San Diego, CA 92122 as complete and final; and the Superintendent/President is authorized to execute and file the Notice of Completion including execution of the verification as Secretary to the Governing Board. The total amount of this contract is \$3,226,493.00; and all money due and owing to the Contractor, with the exception of the ten percent (10%) retention, shall be paid; and following the expiration of thirty-five (35) calendar days from the date this action is recorded, the retention shall be paid to the Contractor, provided no liens are filed within this period. The bid security posted by Marcotte & Hearne Builders, Inc., shall be returned to this Contractor and all bonds shall be released, within the time and in the manner as provided by law. **Exhibit M-2**

The Vote was unanimous.  
Student Trustee Advisory Vote: Aye

**3. APPROVE RESOLUTION IN OPPOSITION TO PROPOSITION 54**

MSC Chadwick, Evilsizer

**Whereas**, the Palomar Community College District Governing Board has a long-standing commitment to promoting access to postsecondary education for all Californians in the most fair and equitable manner; and

**Whereas**, the Palomar Community College District Governing Board is committed to assuring that it reflects the diverse nature of the community's population; and

**Whereas**, the Palomar Community College District Governing Board believes that student diversity on the college campus is defined by a variety of factors including race and ethnicity, gender, socioeconomic characteristics, and geographic representation, among others; and

**Whereas**, it is important that the local governing boards of the community colleges, the Governor and Legislature have available to them those data that are necessary to assess the effectiveness of local and state policies designed to achieve student diversity on the college campus; and

**Whereas**, the District collects race and ethnic data to serve several purposes, including: academic research, assessing the enrollment of students; evaluating the provision of financial aid; assessing outreach efforts to students from groups which historically have not participated in higher education; evaluating diversity in faculty and staff employment; evaluation of international students for residency classification, assessment of capital outlay fees and other issues affected by a student's country of origin; and for institutional planning and research; and

**Whereas**, the voters of California will consider at the October 7, 2003, election a Constitutional Amendment known as the California Race, Ethnic, Color, and National Origin Initiative that would limit the ability of governmental agencies, including the Palomar Community College District, to collect data on race, ethnicity, color or national origin pertaining to its students, faculty, and staff; and

**Whereas**, the Palomar Community College District Governing Board believes that it is imperative to have race and ethnicity information for it to continue to conduct high-quality research and policy analysis on behalf of the local and regional communities served;

**Now Be It Resolved** that the Palomar Community College District Governing Board opposes the imposition of any limitations on its ability to collect those data that are necessary for it to address the evolving needs of a culturally and ethnically diverse student body through effective academic and student services programs; and

**Be It Further Resolved** that the Palomar Community College District Governing Board opposes the California Race, Ethnic, Color, and National Origin Initiative.

Mr. Jensen made the following statement:

E Pluribus Unum is the motto of our country and I happen to believe it. That ideal is one of the things that has made this country the strongest nation on earth. Proposition 54 represents an attempt to thwart the left's agenda to, for whatever dubious reasons, balkanize our country. For that reason, and the fact that I believe that all men are created equal, I cannot in good conscience vote for this resolution.

The Vote: 4 aye, 1 nay (Jensen)  
Student Trustee Advisory Vote: Aye

**4. DISCUSSION: POLICY ISSUE ON DISCLOSURE OF GOALS AND OBJECTIVES IN SUPERINTENDENT/PRESIDENT'S PERSONAL EVALUATION**

At the request of Board Trustee Evilsizer, the Board is asked to review the "policy issue" of whether the personal goals and objectives in the Superintendent/President's evaluation documents should be disclosed to the public despite provision 4 in the Employment Agreement between the Board and the Superintendent/President, past practices in the District, and the privacy rights of the Superintendent/President.

The Board in any discussion will not violate provision 4 in the Employment Agreement between the Board and the Superintendent, will not disclose the personal goals in the Superintendent/President's evaluation documents, and will not disclose any privileged attorney-client communications without approval by the Board in a Board action.

Any change with regard to this policy issue may require a change to the Superintendent/President's Employment Contract and/or Board Policy 7.03.

Board Trustee Evilsizer is invited to submit a document supporting his request so that it may be distributed.

Superintendent/President's Contract, Provision 4:

**4. Evaluation**

The Superintendent/President will receive an annual written evaluation by the Governing Board no later than May 1 of each year. This evaluation will be based on overall performance and mutually agreed upon goals and objectives established each year prior to July 1 and will also include a mid-term progress meeting. All evaluations will be held in a closed session.

Board Policy 7.03:

**BP 7.03**

***Evaluation of the Superintendent/President (85-11108)***

Evaluation of the Superintendent/President should be an ongoing and systematic process conducted both informally and formally. Its purpose is to clarify the expectations placed on this position by the Governing Board and to assess performance based upon these expectations. Improvement of performance, a clearer sense of direction, and reinforcing recognition should be the primary goals of this policy. Formal evaluation shall occur once each year and shall be the responsibility of the Governing Board. The process and criteria used shall be understood by and mutually acceptable to the Board and the Superintendent/President. The formal evaluation shall result in a written record of performance upon which the Board will base its annual review of the contract of the Superintendent/President. GB 2-11-86

Mr. Evilsizer stated:

I'd like to start off, but first I have a public statement that I'd like to read to let my feelings be known about where I stand on this topic. But before I do, I would like to modify this item, if I may, to read "Discussion" only at this time, rather than action, because I feel that I really need to hear from individuals. I have not formulated an alternative policy at this time. I want to stay open minded on this. So I'd like to move that we modify this to "Discussion" only this evening and delete "Action" from the heading.

MSC Evilsizer, Chadwick to change the item to be one of discussion only and delete the action portion.

The Vote was unanimous.

Student Trustee Advisory Vote: Aye

Mr. Evilsizer made the following statement:

I asked for this discussion and action regarding the public disclosure of the goals and objectives for the Superintendent/President for the Palomar Community College District because I believe that secret government is poor government. As a public servant, I strongly support the public's right to know. We are a public institution of higher education, and our operations and salaries are paid for by public tax dollars. We are accountable to the public. I also recognize and support the existing policies expressed in the Superintendent/President contract, provision 4, and Board Policy 7.03, Evaluation of Superintendent/President, 85-1108. These contract and Board Policy statements rightfully declare that evaluations regarding employee performance are confidential. Evaluations are personnel matters and must be kept confidential between the employer and the employee. These evaluations are conducted in closed session. However, I believe that goals and objectives are separate and distinct from evaluations. Goals and objectives are targets for achievements and improvement and, as a target, should be visible. How can we hit targets that are not visible? Regarding the Superintendent/President goals and objectives, some members of our community may view them in a contentious or negative manner. However, I believe those community members who will support the goals will outweigh the detractors. I feel most members can or will positively participate in helping the Superintendent/President succeed in reaching her goals if they know what they are. In our board packet handouts provided to us by Dr. Amador, I took note of the particular item on page 115 of the Trustee Handbook. This is published by the Community College League of California. And it has a couple of paragraphs that address the topic of clear expectations for the Board and CEO team. And I read from the middle paragraph, third sentence, that clear, public expectations provide CEOs with a framework for action, and assure them that their actions will have Board support. It goes on to state in the third paragraph, "Seeing expectations up front can be risky and difficult. It is not easy to articulate a clear set of expectations and adhere to them. It is often simpler to react in response to events. It takes discipline and courage to sit together as a group to think through values, contribute ideas, seek issues from different perspectives, and come up with direction and guidelines. However, making the effort to live by clear expectations is just another way to help the CEO, Board members, and the institution to flourish." And it is this spirit that I would like to engage open discussion on this item for those members who are present this evening, to share their ideas. And as a closing note, as a Governing Board, we will be meeting in two weeks to formulate our own goals. And I hope we won't keep those secret; that's an open and public session. I feel we need to stop putting our heads in the sand, that secrecy breeds suspicion and mistrust; and it's time to show the public that we are not hiding anything. Public disclosure of goals

and objectives, not personnel evaluations and performance reviews, will foster trust, confidence, and place us above suspicion.

Mr. McMullen called upon Mr. Currier, of the Law Firm of Currier and Hudson, legal counsel for the Palomar Community College district, who gave the following remarks:

Thank you very much, Mr. President. It is rare that I get an opportunity to talk in public with you, and I do appreciate the opportunity. I am pleased the matter has been changed from an action/discussion to a discussion item only. I would like to say, before there is a motion or a policy that the Board would consider, I would like either my partner or I to have an opportunity to review it for any legal concerns we have. Every time the Board looks at a policy issue such as this, there are many implications. I'll list first the legal implications. The reason I list that first is because I am a lawyer. But there are legal implications, there are policy implications, there are operational implications, there are financial implications, political implications, and personal implications. I want to try to focus tonight more on the policy considerations as I see them, rather than the legal considerations or implications, because you have already heard from me with regard to that issue.

In this particular case with regard to the Superintendent/President's contact, the contract has been and always will be disclosed as a public record. We have several laws in California that require it. Her entire contract is a matter of public record. In fact, the law, since approximately the mid-1990s, requires the Board to ratify them so everybody gets to see it before it takes effect. Again, what I was indicating was the contract itself, all amendments, all compensation, are a matter of public record.

The issue of the personal goals and objectives of the Superintendent/President is what I want to talk about with regard to policy implications. I'm not talking about District goals and objectives; I'm not talking about Board goals and objectives that certainly ought to be discussed and adopted in open session. I'm not talking about broad criteria. I'm talking about specific goals and objectives that are contained in the evaluation documents. Without going into all the details, I will tell you, as you know, that in the past 30 years, one of my areas of practice is labor relations and assisting you with regard to disciplining of employees as other public entities. But also, a major part of my practice is representing governing boards when the contractual relationship between a governing board and its CEO doesn't go well. And I have been involved, as my partner has been, in a number of high profile cases in Southern California. Just within the last two months, I settled one in Los Angeles County. So I am talking to you this evening not only on a theoretical basis, but also a practical basis, in regard to that situation. If the Board wants to have broad goals and objectives for the Superintendent/President that are similar to the broad goals and objectives that you may have as a District or you may have as a Board, that is certainly something that you may want to consider to be released. But if you want those goals and objectives to be more personal, especially aimed at potential corrective action, my advice to you is that you maintain those in the evaluation documents and that they not be disclosed. I can give you, and have already, a large number of examples of the types of personal goals and objectives that may be placed in evaluation documents for the Superintendent/President. If, in fact, you adopt a policy statement in which you determine that all goals and objectives are going to be released and disclosed to the public, then the great likelihood will be that you will end up with very broad goals and objectives similar to District goals and objectives and Board goals and objectives. And you will be restrained from doing the kinds of things that you may want to do, if in fact you run into some conflict with the Superintendent/President, because it is not unusual at all where there is conflict that the goals and objectives become more directive and more corrective in nature and imply in them that there are performance problems. Those are the kinds of things that should not be disclosed. So again, I believe as you look at this as a policy

issue, if you determine that you want the goals and objectives of the Superintendent/President to be public and disclosed, then you will make them much broader and more generic. They will be very similar, if not the same, as the District goals and objectives or the Board's goals and objectives, and not the kinds of things that you might want to do in the future that make them more personal and, therefore, more confidential. I'd be glad to try to answer any questions.

Mr. Evilsizer:

Mr. Currier, could you cite some examples for us with regard to the types of personal goals or behaviors that create issues?

Mr. Currier:

Yes, but I'm not going to list them all because there are a number of them. And I'm not going to list a source, but I will give you examples of them. One example that I have seen as an objective for a CEO, and I'll paraphrase it to make it short, is to cease all sexual harassment of female employees who work directly under the CEO's supervision. That is not something that you would release to the public. There are others that would be aimed at someone's work habits or behavior. One, for example, that I have seen is that before you give a report to the governing board, you actually read it, understand it, and are able to discuss it at a board meeting. These are the kinds of specific things. I can list a number of them because I have written them. These are the kinds of specific goals and objectives that are personal in nature that should remain confidential. I think you will be restrained and constrained from doing those types of things for fear of potential litigation if, in fact, you have a policy statement that says that all goals and objectives/directives will be made public.

Mr. Evilsizer:

Is there a way to craft language that would exempt some of these types of goals that you are describing, those very personal or behavior?

Mr. Currier:

At this point, I have not seen a policy like that. I don't know what will come out of this discussion; that's why my comment was that I am glad that this is not an action item this evening. But I've never been asked to draft a policy that would somehow make a distinction with regard to those. So, depending on your input, and depending on discussion of the Board, perhaps you would want us to draft something like this, I don't know. But I can tell you that, even when there is not a problem between the superintendent/president and the governing board, governing boards do write very personal objectives. For example, a governing board may see weaknesses in someone's qualifications or experience, and may give specific objectives with regard to that, which are not something that you would want to make public. Because it may very well be that corrective action needs to be taken.

Ms. Chadwick asked:

What are the risks or the liability that the District might assume, or could be liable for?

Mr. Currier:

I'll just list the causes of action that I see in litigation when Superintendent/Presidents file lawsuits against governing boards. I just looked at one the other day that we successfully defended. That is, intentional infliction of emotional distress,

defamation, and invasion of privacy. So the Board is at legal risk, and I don't want to get into all of them, those are the ones right off the top of my head, in which boards get involved in revealing the confidential aspects of the evaluation process.

Mr. McMullen asked:

Do you know of any community colleges in California that have such an open policy on objectives?

Mr. Currier:

No, I'm not aware. I do see where superintendents or superintendent/presidents have vision statements or goals and objectives that are printed, but they are all very broadly stated, and they are like district goals and objectives. I know some CEOs say "my goals and objectives are the same as the district, and there they are." What I am concerned about specifically is the adoption of a policy that makes all goals and objectives disclosable. And that would basically constrain you and restrain you to do the kind of things, absence some kind of distinction, which I have never seen.

Mr. Evilsizer:

Why can't we be bold and maybe try to create some kind of distinction that would hold up legally?

Mr. Currier:

That is a policy issue that you'll need to grapple with as a board, and hopefully before you finalize your grappling with that, we'll have an opportunity to take a look at it. But, I've never seen that.

Ms. Chadwick:

Could we take that risk response that you made a little further? To what extent would we actually be liable? In other words, could you define the risk in some way? Is there a limit in terms of, say, a dollar amount?

Mr. Currier:

Well, I always hate to talk in public session about how my clients can be sued. But let me give you an example.

Ms. Chadwick:

A range.

Mr. Currier:

Okay, a range. There are certain types of court actions and certain types of contract actions that are aimed at the district. And there are certain types of actions, what we call Section 1983, which are a violation of the constitution/privacy rights, in which you are sued as an individual and the district is not. So, depending sometimes in cases like this, your insurance may not pay for that, if it deals with constitutional courts, such as Section 1983 might, and the District may not be liable to pay any damages. The district also is not required by law to pay any punitive damages awarded against an individual board member. I don't like to talk about that and I'm glad this isn't a televised meeting, but frequently in lawsuits, what you get, is you get causes of action against the governing board and district, and you also get causes of action against individual board members. And those causes of action against individual board members frequently include 1983 claims, and they frequently include punitive damages. So, hopefully, it is just a minor contractual dispute, it doesn't go very far

and it settles, but sometimes the amount of damages gets very high. In the case that I very recently settled in Los Angeles County, the CEO at one time was seeking seven figures, then got down to the high several hundred thousands, and we settled it at approximately \$56,000. But it started out in significantly greater amounts.

Ms. Chadwick:

If I may interrupt, the \$56,000, I'm sure, didn't include your fees.

Mr. Currier:

No it did not. Any litigation is expensive.

Ms. Chadwick:

So, I would presume then, that the total of the lawsuit could be five times that or more.

Mr. Currier:

Not five times that, but we were not at trial. We settled it prior to trial. And, basically, it was a decision to settle the issue and not incur the costs of trial, and it also worked out very well, the employee left the employment of the district. But yes, you always have attorney fees. I forgot to mention that; I should never forget to mention it. Yes, there are attorney fees.

Mr. Evilsizer:

Mr. Currier, is there not a risk of incurring legal expenses and costs to this District with not going public with goals and objectives for the Superintendent/President?

Mr. Currier:

I'm not going to repeat my legal advice given in closed session to the Governing Board, Mr. Evilsizer. We're prepared to defend in a lawsuit. That's what I do; I'm a defense lawyer.

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

Dr. Nelson:

I'd like to make some observations please.

This policy discussion about the president's goals is a non-issue. These parts of the president's contract are controlled by legal statute. These are personnel matters.

This board is not going to jeopardize this district by publicly discussing personnel issues whether it be the president, a staff person, or a faculty member. You would not allow it and neither can we.

That my colleague, Trustee Evilsizer, is bringing this policy up at the behest of Dr. Versaci, is an attempt to discredit your College President and is indeed placing this District in harms way. Yet as he and his union advisors know, it is a very powerful tactic being used to obfuscate the fact that the Union is attempting to drag the contract negotiation process out until November, 04, in the hope that you elect three more trustees who will pander to the union.

When I was elected to this board, you welcomed me by explaining to me that you were all a Palomar family.

Yet, healthy families are realistic and pragmatic. We are confronted with a huge budget problem. The state's economy is in trouble, and yet, what do I hear? As I said, healthy families are realistic and pragmatic. They work together to solve problems, face issues, and share responsibility. Blaming and personal attacks are signs of dysfunction.

It is really too bad, it seems to me, that you are not taking pride in what you have accomplished in the last few years with this President. We are now positioned to do great things this year. You have a governance structure in place, a master plan, a strategic plan, and goals that will grapple with real issues. You understand how the budget works and the implications and ramifications for what we do. For the first time, I've seen real understanding of WSCH and FTE, how the budget works, what restricted funds are all about, from your questions over the four years. It felt to me like you really understood. For the first time, you are empowered with information. You have a wonderful year ahead of you. Most of this fabulous and committed faculty is in the classroom blending the magic of their teaching and their incredible preparation to transform student lives.

I hope that you won't let yourselves get derailed by personal attacks and non-issues. The longer you allow yourselves to be manipulated and drag out this negotiation, deplete what's left of morale and risk an ever-worsening state economy, the deeper the hole is that you are digging for this College.

Once again, this is a personnel issue that has been raised. It cannot and will not be discussed in public; and if it were your personnel file, whoever you are, I would protect you, too.

Mr. Evilsizer:

I would like to respond to Trustee Nelson's comments, if I may. First of all, I am not a puppet of the union. I want to make that very clear. Dr. Versaci, who is in the room, did not coerce me or force me in any way to develop the statements that I made at today's meeting. To imply that I have no mind to speak or develop my own thoughts or ideas as a public trustee are offensive to me.

Mr. Jensen:

First, I want to set Rocco Versaci and his comrades, this Board, and the *North County Times* editorial board straight about something. In the correspondence regarding this issue, I have seen a lot of references to our democracy. Well, people, either you have forgotten what you learned in school, or you went to one of those schools where they didn't teach U.S. Government. We are not a democracy. We are, as Ben Franklin said, a republic, if we can keep it. And you all remember what Aristotle said, how a republic deteriorates into a democracy which then degenerates into a tyranny. Now, we are elected by our constituents to make decisions. If the majority of our constituents don't like the decisions we make, they can throw us out come the next election. Well, we know what your agenda has been for a long time. The Board has made its decision regarding President Amador, and that is all you are entitled to know, period. Now, in pursuing your own agenda to discredit Dr. Amador, you would have us expose the College to possible penalties and expensive lawsuits. I ask you, where do your loyalties really lie?

Mr. Currier:

Let me see if I can explain a little bit with regard to the process of evaluations at some of the schools and what can happen. In community college districts such as this district, you do use a committee with regard to both the probationary employee and the permanent employees. But they are committees made up of employees, and these employees are required to keep these matters confidential. There are certain things that may be listed on documents as general criteria. What I was talking about earlier were specific goals and objectives. Let's take for example, if you have a permanent academic employee, and the evaluation turns up to be unsatisfactory, the Board may approve a notice of unsatisfactory performance. And also, through the process, the committee and/or the immediate supervisor and/or the board, may give specific objectives and directives and parameters. Those are not going to be made public. Those are the personal things that I am talking about. So if you have a form that lists broad criteria that is available and applicable to all academic employees, obviously that is public. And at the K-12 level they are even listed in the Ed. Code section dealing with evaluation of certificated employees. What I am talking about and concerned about is the personal goals and objectives that are directed at an individual employee. It may very well be, since you have a system of committees that the committee members will know it, but those things are not going to be known anywhere else. They are going to be placed in a personnel file and are going to be kept confidential. In fact, the District has very good procedures to ensure that those personnel files are confidential. So broad criteria is applicable to everybody, and those things are available on forms. What I am talking about, if you review your policy issue are the specific goals and objectives, but especially the specific goals and objectives that will be aimed at that corrective behavior, or very specific types of misconduct that you don't want to continue. Those things are not made public. They are not made public for a classified employee; they are not made public for an academic employee; they are not made public for CEOs. So if you had a situation in which a contract employee was being evaluated, and the committee determined to place something in there that was corrective in nature, those are not things that would be made public. And certainly with regard to a permanent academic employee, if there was something in the evaluation document, or a notice of unsatisfactory performance, or a notice of unprofessional conduct, which is another notice that the Board from time to time has used, those things are not made public. They are protected by privacy laws. So, criteria generally applicable to everybody, those things are available to the public. My concern is that if you are going to adopt a policy with regard to disclosure of objectives, goals and objectives, what I am talking about are those personal ones that you include on a personal basis for one individual, not generic goals that are district goals, not generic things that are applicable to all academic employees. And, again, my comment is, if you are going to make those public, you going to be restrained and constrained with what you put in it.

Dr. Nelson:

I would like to point out also that we heard all this information in closed session, which is a review. Since Mr. Evilsizer continued to pursue this and bring it public, we're hearing it again.

Mr. McMullen:

That being discussed, is there a request for items to be considered on the next meeting?

Mr. Jensen:

I would like to now state the remarks I reserved for the end.

Mr. McMullen:

Okay.

Mr. Jensen:

I expect I am going to hear howling accusations about what a racist I am, having opposed the resolution to disapprove Prop 54. But, I would ask, and particularly maybe the North County Times, to do a little research before they lambaste me on this one. Ask Linda Locklear or Patty Dixon what a racist I am. Ask Ben Magante, former chairman of the Pauma tribe what a racist I am. Ask Ernie Salgado, the head of the Ahmium Education, what a racist I am. My family has lived in California for 140 years, and I was taught to respect the state's Spanish culture, traditions, and heritage. I can remember Adolfo Camarillo attending barbeques on my grandfather's cattle ranch, where Lake Casitas now is. I wonder how many of you even know who Adolfo Camarillo was. Many of my playmates and friends when I was growing up were Mexican children. When I first heard about the Chicano movement during the 60's, I had a hard time believing that there was prejudice against Hispanics. The Mexican families I knew and grew up with were good, honest, hard-working people, and I have always respected them. Finally, if I had my druthers, our next governor would be a black woman. I'd even forgive her the fact that she was a professor at Stanford. Does that sound like I am a racist to you?

**5. DISCUSSION: AGENDA ITEMS FOR CONSIDERATION AT NEXT MEETING**

The Governing Board hereby approves the listing of the following items on the agenda for consideration at the next meeting:

Mr. Evilsizer requested to see a listing of the legal expenses that the district has incurred with outside counsel for each month in the 2003 calendar year.

Ms. Chadwick requested a report on how admissions are affected by the fee increase and financial aid increase. She asked if any students' applications have been returned unopened by the University of California system and how the student admissions process is impacted. This is something we will need to use as we rally our principal arguments for financial funding. Ms. Chadwick stated that, if we don't attack this in the next legislative session with a structural reform that is required, we are going to be in a terrible situation.

**N. CLOSED SESSION**

The Board recessed at 8:50 p.m. and went into Closed Session at 9:05 p.m., to discuss:

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

Closed Session ended at 9:50 p.m.

**O. RECONVENE TO OPEN SESSION**

The meeting reconvened at 9:52 p.m. There was no reportable action.

**P. ADJOURNMENT**

The meeting was adjourned at 9:50 p.m.

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President

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Secretary