

## Minutes of the PACRA Board of Directors Meeting

March 17, 2011

**Attendance:** Ken Burns, Jim Clayton, Jean Huston, Shirley Jordan, Ted Kilman, Bob Larson, Sandy Nanninga, June Rady, Jean Ruff, Omar Scheidt.

**Absent:** Jim Bowen, JaDene Dugas.

### Approval of Minutes:

MSC June Rady/Ted Kilman to approve the minutes of the February 17, 2011 meeting.

### Announcements:

Bob Larson has put all PACER'S online. They can be located on the Palomar College website on the PACRA web page. Bob will provide a CD/DVD for anyone who would like a copy of the PACER'S. Ted Kilman requested a copy. Bob will provide a copy for the PACRA files.

### Reports/Updates:

**PACRA Benefit Letter:** Ken Burns opened the discussion by restating a brief history of events and passing out to the board a copy of a letter from Ken to President Bob Deegan dated February 18, 2011.

At the PACRA board meeting of February 17<sup>th</sup>, 2011 the board unanimously approved a draft letter written by June Rady with instruction to Ken Burns that PACRA meet again with Bob Deegan to discuss the January 20, 2011 draft letter from John Tortarolo and the draft letter written by June. Ken Burns sent a letter to Bob Deegan on February 18<sup>th</sup> and attached a copy of June's letter and discussed in the body of his letter the differences between the two letters and the suggested changes PACRA would like to see. He also stated that rather than John Tortarolo signing the letter to retirees PACRA was now requesting that Bob Deegan sign the letter. Ken received a draft letter via email from Bob Deegan (undated but received on March 8, 2011.)

Ken suggested a motion be made to:

- Accept Deegan's letter
- Deny Deegan's letter
- Do nothing

June requested further discussion prior to a motion. June passed out a packet to all board members which included:

1. Webster's New World Dictionary definition of the words *commitment* and *contract*.
2. Copy of John Tortarolo's letter to Ken dated October 5, 2010
3. Copy of Bob Deegan's draft letter to retirees dated March 8, 2011
4. Copy of June's current draft letter to retirees dated March 17, 2011 (to be signed by Bob Deegan)

June discussed the content of the three letters presented.

John Tortarolo's letter dated October 5, 2010 states "the district intends to maintain its *commitment* to retiree health benefits as long as it can be financially supported. In making this *voluntary commitment*, the district does not intend to waive rights that it might have with respect to changes should its financial condition require such changes."

President Bob Deegan's letter dated March 8, 2011 states that the district has made a *commitment* to the retirees that the health benefits they and their eligible dependents qualified for at the time of retirement will be maintained by the district. Bob Deegan's letter added the sentence "The Governing Board fully supports this continued commitment to you."

June's letter dated March 17, 2011 is in content exactly the same as Bob Deegan's letter with the following exception; "The Governing Board fully supports this commitment *and the contract it entered into with you at the time of your retirement.*"

June discussed the results of her research into contract law on the Department of Labor website. She further discussed the differences between the dictionary definitions of *commitment* and *contract*. She reiterated that in our meeting with Bob Deegan in January he stated clearly that he agreed with PACRA'S position that the district has a contractual obligation to maintain the health benefits for retirees. June suggested that we ask for a meeting with President Bob Deegan to discuss his letter and ask if he agrees with PACRA'S position on the retiree health benefits – why then is he unwilling to put it in writing? PACRA board members will present to Bob Deegan the current draft letter written by June Rady dated March 17, 2011. As a matter of unfinished business June also brought up the issue of Bob Deegan agreeing to make sure that all references linking the retiree health benefits to those of active employees will be changed. This change is to be reflected in the Faculty contract, Classified contract, Faculty manual, all handbooks and the districts website.

MSC Ted Kilman/Sandy Nanninga. Motion was made that Jean Ruff will contact President Deegan's office and request a meeting to discuss the two letters with him. Omar Scheidt suggested that only President Ken Burns and Vice President June Rady attend the meeting. Bob Larson made an amendment to the motion that anyone who felt compelled could also attend the meeting. Ken Burns called for a vote on the amendment and the vote was unanimous. Ken Burns then called for a vote on the motion and the vote was unanimous.

**Disposition of Dr. Schettler materials:** Ted Kilman took a large box of materials to Katherine Gannett in the Library, but she was not available to meet with him at that time. Ted will meet with Katherine and hopefully convince her to set up an area in the Library for archival of this type of historical data. There is an additional box of historical data for PACRA.

#### **Old Business:**

**Annual Meeting:** Jean Huston called her Church to see if they have a meeting room with an adjoining kitchen in the month of May that we might rent. She stated that they do but that all Saturdays in May are filled. The question was raised as to whether the meeting must be held on a Saturday. Much discussion ensued regarding what facilities might be available at this late date. Jean Huston will contact the Masonic Lodge regarding the availability of its meeting room; Jim Clayton indicated he would contact the Elk's Lodge and Ted Kilman suggested that Ken might want to look into the availability of the Spaghetti Factory in San Marcos. Ken said that he will contact the Emmanuel Faith Church to get details. Ken will talk with Steve Spear about speaking at the annual meeting. Jean Huston volunteered to accept funds for meals.

**Bylaws relating to dues:** Bob Larson presented to the board a copy of the PACRA bylaws with the proposed changes. Bob stated that a change to the dues structure can be voted on at the annual meeting but the bylaws must be sent to the membership prior to the meeting. Bob suggested sending the proposed bylaw changes to the membership along with the proxy for officers. MSC Ted Kilman/June Rady.

**Adjournment:** Meeting was adjourned at 3:20 pm.

Respectfully submitted, Jean Ruff, Recording Secretary