

Adopted

HARTNELL COMMUNITY COLLEGE DISTRICT

MINUTES

Regular Meeting of the Board of Trustees
CALL 208, Training Room
411 Central Avenue
Salinas, California

May 3, 2011

- OPEN SESSION** Meeting called to order at 5:05 p.m. by Trustee Padilla-Chavez.
- PLEDGE OF ALLEGIANCE** Trustee DePauw led the Pledge of Allegiance.
- ROLL CALL** Erica Padilla Chavez, President
Kevin Healy, Vice President
Candi DePauw
Patricia Donohue
Bill Freeman (arrived immediately after roll-call)
Elia Gonzalez-Castro
Ray Montemayor
Shaundra Taylor, Student Trustee – (advisory vote per Board Policy 1030)
- Phoebe K. Helm, Board Secretary
- PUBLIC COMMENTS** Trustee Padilla-Chavez reminded the assembly that public comments are limited to 15 minutes total, 3 minutes per speaker.
- Trustee Freeman motioned, seconded by Trustee Montemayor, to extend the amount of time allowed for public comments, but the motion failed.
No: DePauw, Donohue, Gonzalez-Castro, Healy, Padilla-Chavez, Taylor (Advisory)
Yes: Freeman, Montemayor
- Francisco Estrada, Juan Gutierrez, and Kimberly Heflin, addressed the recent student elections and expressed their disappointment in the process.
- Tom Alejo, David Benavides, Jr., Jesse Madrigal, Tony Nunez, Richard Guzman, Jenn Laskin, David Serena, and Andrew Taylor spoke in support of the Auto Collision Program.
- CONSENT AGENDA** On a motion by Trustee Healy, seconded by Trustee Gonzalez-Castro by vote of 7-0, and by advisory vote of Aye (Taylor), the Board moved to approve consent agenda items B through J, L and M.
- Pulled for separate discussion and vote were items A and K (Montemayor).

A. MINUTES

On a motion by Trustee Healy, seconded by Trustee Gonzalez-Castro, on a vote of 5-1-1 the minutes of the Regular Meeting of April 5, 2011 were adopted as submitted.
Yes: DePauw, Donohue, Gonzalez-Castro, Healy, Padilla-Chavez, Taylor (Advisory)
No: Freeman
Abstained: Montemayor

Trustee Montemayor stated he pulled the minutes because he wanted to clarify his request from the April meeting regarding two agenda items he requested on the May meeting agenda (update on Auto Collision re: certificates and Vice President of Student Affairs position). Trustee Montemayor said what he meant to request (Auto Collision) was a report from a member of the Discontinuance Committee. Trustee Montemayor requested that this item be placed on the June agenda. Dr. Helm responded the report she would be giving this evening was in response to his request as he stated it at the April meeting; however, the AUC Report was anticipated to be ready for the June meeting.

There was some discussion, initiated by Trustee Freeman, surrounding the placement of items on the agenda. Trustee Padilla-Chavez referenced the procedure she distributed earlier this year and after some discussion, Trustee Healy called for the question and the Board voted on the minutes.

B. DISBURSEMENTS

Approved disbursements from any or all of the following funds: general; debt service; bookstore; child development; capital outlay projects; scheduled maintenance; property acquisition; bond projects; cafeteria; self-insurance; retirees health benefits; associated student body; scholarship, loan, and trust; and intercollegiate athletics.

C. CURRICULUM COMMITTEE

Ratified the Curriculum Committee actions.

C. RECORDS DESTRUCTION

Approved to destruct Class III records, in accordance with Title 5, Article 3, Section 59027. These Class III records must be retained for a period of three years and it is normal business practice to destruct them at the end of that period. The cost to destruct these records will not exceed \$2,600.

E. CONTRACT M.J. JOHNSON

Approved to enter into a contract with M. J. Johnson for grant writing. The term of the agreement is for two years, beginning July 1, 2011 to June 30, 2013 not to exceed \$52,000 per year.

F. AGREEMENT KEENAN AND ASSOCIATES

Approved to extend the agreement with Keenan and Associates for the administration of Workers' Compensation run-off claims. The extension is for one year, beginning July 1, 2011 through June 30, 2012. The administrative cost for this service is \$8,500 (a decrease of \$2,750) and paid from the Self-Insurance Fund.

G. LEASE AGREEMENT UC COOP

Approved to amend the lease agreement between Hartnell Community College District and Regent of the University of California Cooperative Extension, Monterey County from a one-year term to five years beginning April 1, 2011 through March 31, 2016, with a three (3) month written termination clause by either party.

- H. QUARTERLY FINANCIAL STATUS REPORT Reviewed and accepted the Quarterly Financial Status Report (CCFS-311Q) for the quarter ended March 31, 2011.
- I. GRANT US DEPT OF LABOR Ratified the grant application to the U. S. Department of Labor for an Advanced Agriculture and Applied Computer Technologies Training Program and, if awarded, accepted the funds, and authorized the administration to enter into agreements to implement the grant and complete the work. The amount of the grant is \$3.8 million over three years. This program would deliver job training in high growth occupations to eligible Trade Adjustment Assistance workers and others.
- J. GRANT SONG BROWN Ratified the grant application to the Office of Statewide Health Planning and Development, Song Brown Health Care Workforce Training Program, and if awarded, accepted the funds, and authorize the administration to enter into agreements needed to accomplish the work. The grant will enable the Nursing Program to develop and implement a Nursing Residency Program. The term of the grant is July 1, 2011 through June 30, 2013 and is \$50,000.
- K. EQUIVALENCY PROCESS Approved the Equivalency Process for determining faculty qualifications as recommended by the Academic Senate.
- Trustee Montemayor asked for a brief summary on this item and what is accomplished by the process to which Nancy Schur, Academic Senate President, explained.
- L. DISTINGUISHED ALUMNUS Approved Dr. Joseph Hennawi as the 2011 Distinguished Alumnus.
- M. PERSONNEL ACTIONS Approved and/or ratified Personnel Actions. (Appendix A)

ACTION ITEMS

- BUDGET REVISIONS On a motion by Trustee DePauw, seconded by Trustee Montemayor, by vote of 7-0, and by advisory vote of Aye (Taylor), the Board moved to approve budget revisions numbered 9173 to 9227.
- RESOLUTION 11:2 CALLING NOV. 2011 ELECTION On a motion by Trustee Healy, seconded by Trustee Montemayor, by roll-call vote of 7-0, and by advisory vote of Aye (Taylor), the Board moved to adopt Resolution 11:2, Ordering the Election, Requesting County Elections to Conduct the Election, Requesting Consolidation of the Election, and Specifications of the Election Order.
- RESOLUTION 11:3 DESIGNATION OF MAY 2011 AS FOSTER CARE MONTH On a motion by Trustee Gonzalez-Castro, seconded by Trustee Donohue, by roll-call vote of 7-0, and by advisory vote of Aye (Taylor), the Board moved to adopt Resolution 11:3, Designation of May 2011 as Foster Care Month.
- Trustee Padilla-Chavez read aloud the resolution and presented the resolution to Director Elliott Robinson, Department of Social and Employment Services, County of Monterey. Mr. Robinson expressed his appreciation for the partnership between Hartnell and the County for providing services to foster parents and youth. In addition, he thanked, Margie Wiebusch, Lead Coordinator at Hartnell, for going above

and beyond her call of duty. Trustee Padilla-Chavez thanked Margie for her services, also.

**RESOLUTION 11:4
CONFERRING
HONORARY DEGREE**

On a motion by Trustee Gonzalez-Castro, seconded by Trustee Donohue, by roll-call vote of 7-0, and by advisory vote of Aye (Taylor), the Board moved to adopt Resolution 11:4, Conferring an Honorary Degree to Hiromi Nagareda.

Dr. Helm stated that Mr. Nagareda is one of 67 persons identified by the Japanese Cultural Center as having been enrolled in Salinas Junior College in 1941 and that his son, Eric Nagareda, and his family will be invited to accept this honorary degree at this year's commencement.

Trustees Donohue and Padilla-Chavez both expressed their pleasure with this Resolution.

**REDISTRICTING
TRUSTEE AREAS**

On a motion by Trustee Gonzalez-Castro, seconded by Trustee Healy, by vote of 7-0, and by advisory vote of Aye (Taylor), the Board moved to approve the Guiding Principles, as amended, and authorized the administration to take the action needed to move the process forward as required to meet the March 2012 deadline.

There was a discussion on whether the Redistricting Committee should include civic groups/organizations. After a lengthy discussion, the Board amended the principles to remove civic groups/organizations as members of the Redistricting Committee.

The Redistricting Committee shall consist of two representatives from each trustee area and special invitations will be sent to civic groups/organization to strongly encourage their voice and input in the process.

The next step is to advertise, review, and select members of the Redistricting Committee.

INFORMATION ITEMS

**CONSTRUCTION
PROJECTS – UPDATE**

The Board received an updated, written report on the current construction projects. The report is on Page 107 of the May 3, 2011 Meeting Agenda Packet housed at: http://www.hartnell.edu/board/packets/May_2011_Reg_Mtg_Board_Packet.pdf

The Board asked questions related to the boiler/chiller project, the sidewalk project, and what is meant by "Date Closed Out" as stated in the report. Joseph Reyes, Director of Facilities responded to the questions and explained that he plans to amend the report to better clarify "Date Closed Out" because this term is used at different levels (occupancy, contractor, and state) to describe the work. These dates for closing out the work may or may not be the same for the financials of the project.

**FINANCIAL
STATEMENTS**

The Board received the financial statements for the period ending February 28, 2011.

STUDENT ELECTIONS

Dr. Helm reported on the April student elections and explained that students informed her that the elections were not compliant with Article VIII of their constitution and asked Dr. Helm for a resolution as provided. Dr. Helm declared the April election invalid and ordered to reset the election in compliance with the constitution, board

policy, and education code. She commended the students and staff for their courage in bringing this matter to her attention. A new election is scheduled on May 18, 2011.

Trustee Freeman expressed that this issue should have been resolved by the students and not the Superintendent/President – that this is a student issue and he believes students who ran unopposed should remain seated and that having the election reset provided an advantage to other candidate allowing them more time to campaign – that he believes it's unfair.

Trustee Padilla-Chavez stated that the Student Senate's constitution clearly states that in an election dispute, that the Superintendent/President has the authority to resolve that dispute. Further, she stated, she wants to respect the students' authority by not taking on issues that lie with the students' governing body and not this Board. Also, she asked that if students provided receipts, could they get reimbursed for the first election. Dr. Helm responded that the request sounds reasonable.

Trustee Gonzalez-Castro said that this is a learning experience for our students and that she was pleased they discovered the mistakes and fixed them. She stated she respects the students and hopes the Board can find ways to help our students.

COMMUNICATION TO MPC BOARD

The Board received a copy of a proposal on a One Stop Informational Web Page to Defend/Support Education for the Monterey Bay/Tri County Area submitted to Monterey Peninsula College Board of Trustees on behalf of Trustees Freeman and Montemayor. Trustee Healy stated that he does not recall this Board authorizing Trustee Freeman or Montemayor to speak on their behalf regarding this issue and he referred to a recent training the Board received on ethics that addressed this type of behavior.

Trustees Montemayor and Freeman did not attend the MPC meeting when this proposal was submitted and although they support this proposal, they stated they were doing so as public citizens and not as trustees.

Trustee Montemayor asked the opinion of legal counsel and Ms. Alison Neufeld responded that the way in which this proposal was submitted goes against the Board's own policy and principles and that this matter is a cause for concern. Ms. Neufeld will provide a written, legal opinion to this Board.

Trustee Padilla-Chavez stated that she is responsible for bringing this matter forward because it was shared with another public agency. She stated that when members of this Board want to engage in issues, that they do so as public citizens by not by using their Trustee title. Also, if they are uncertain, that they use the resources available to them.

Trustee Healy asked if this proposal was recorded the MPC Board minutes and asked if it is appropriate for this Board to adopt a resolution stating that this Board did not discuss nor endorse this proposal. Staff will look into this matter.

SENATE REPORT Student Senate

J.B. House reported that student will hold elections on May 18th - that an election committee has been formed and will oversee the process step-by-step; that the students participated in Hand Across California – a fundraising event held on April 16th – these

funds are used to support grants and scholarships.

Academic Senate Nancy Schur, Senate President, thanked the Board for approving the Faculty Equivalency and Minimum Qualifications process – revising this process was a lot of work performed by many; that two senate members recently attended the Academic Senate State Plenary Session where they received important information on current matters; and that their elections will be held at their next meeting.

Classified Senate Margie Wiebusch reported that the week of May 15th is CSEA Employee Week and that celebratory events are planned.

PRESIDENT'S REPORT

Dr. Helm reported, as requested, on students earning certificates in the Auto Collision Program –that of the eight who participated in the intensive Summer Program, four students are on target to complete a certificate. In addition, Dr. Helm pointed out that the language in the college catalog can be confusing in that auto mechanics/ technology, shop management and diesel are not under review – only the auto collision program is under review – all of the other courses in the auto technology program including welding and hazardous materials are intact.

Dr. Helm updated the Board, as requested, by stating that had secured the services of Dr. Esteban Soriano, as interim Vice President of Student Affairs for the coming year and that she would bring the item to the Board for ratification at the June meeting.

Dr. Helm stated that the Court of Appeals found on behalf of Hartnell College in the Lawrence/Culver case and that the decision was published which sets legal precedent with regard to the definition of the words *status* and *demotion*.

Dr. Helm shared the recruiting materials used for our construction program and announced major upcoming events: 1) Party in the Library, the annual fundraising event for the Foundation; 2) May 13th Grand Opening Events on the Main and Alisal Campuses; 3) May 14th Open House for Diesel Mechanic Program; 4) May 21, Family Science Health Day and Dedication of the NASA/SEMA Aerospace Learning Lab; and 5) June 2nd Graduation and June 3rd HEP Ceremonies.

BOARD REPORTS

Trustee Elia Gonzalez-Castro thanked Dr. Helm for her report on the Auto Collision and she thanked those who spoke on behalf of this program – that she respects the work of the Academic Senate and she understands that changes can be uneasy for everyone – she hopes that this matter can be resolved in a positive manner. She reported on her recent participation in the CCLC Annual Trustee Conference – that she always learns something new and it reminds her of her role as a Trustee and found that everyone is in the same boat – that each are making difficult decisions because of current economic times. She stated the Board needs to be creative with their resources so that it can continue to meet the services and needs of the community. She stated that she is impressed with Gavilan College's recently developed policy on student success –the college could use this as a model; that she attended a session on redistricting and received a Hartnell College map with distribution data and she shared recommendations from College Opportunities that could help guide the college. In closing, Trustee Gonzalez-Castro announced that the Alisal Center for the Fine Arts is having a Happy Mothers' Day gallery event opening on May 7th.

Trustee Freeman read a portion of the mission statement and stated that the Board is responsible to meet that mission - that everyone wanting to speak this evening should have been allowed to – that one of the speakers said it best that people have certain skills – one may want to be a scientist and others may want to work with their hands – that this is what a community college is about. He reported the conference in Monterey was fun – that he enjoyed seeing people he hasn't seen in several years. Trustee Freeman read a resolution in support of California's May 9-13 Week of Action and the thanked President Obama and Leon Panetta for a job well done this past week.

Trustee DePauw said she appreciated all that Margie Wiebusch does for the foster program; that she appreciates the public comments made this evening; that she attended the conference this past weekend and she met new people and she appreciated the opportunity to attend and learn.

Trustee Montemayor stated that he appreciates the folks who spoke about the Auto Collision Program and student elections. He reported that the Sunrise House Board met with the United Way regarding United Way's annual \$10,000 donation to the Sunrise House. And, he reported that Catholic Charities sponsors an event called Get on the Bus where they take young children see their fathers who are incarcerated the Saturday before Father's Day – he encouraged all to participate.

Trustee Taylor thanked the students who spoke this evening – she appreciated their comments; she thanked Margie for all that she does for the college; that she and others (Nancy Schur and Trustee Gonzalez-Castro) went to Cabrillo College for Hands Across California.

Trustee Healy thanked Dr. Helm for her communication on the Physics Olympics and gave kudos to Dr. Haag and students and he pointed out a headline in the Santa Cruz Sentinel – large cuts are to be made at a neighboring college.

Trustee Padilla-Chavez said she has participated in the Get on the Bus event for the last three years and she is looking for volunteers to help children decompress after this event; that the Monterey County School Board Association had their annual dinner where they honored the Monterey County Agriculture Education, Inc. for their work with all third graders in Monterey County school districts – it was well attended. Trustee Padilla-Chavez reminded the Board of the May 17th Board Retreat and urged the Board to attend because the focus will be student success and developing goals.

**DISCLOSURE OF
CLOSED SESSION
ITEMS**

Trustee Padilla-Chavez disclosed items for Closed Session as authorized per Government Code Sections, 3549.1, 54956.9, 54957 and/or 54957.6:

1. Significant exposure to litigation pursuant to Section 54956.9(b): One Government Tort Claim

**MOVED TO CLOSED
SESSION**

The Board of Trustees and Dr. Phoebe K. Helm, Superintendent/President, moved to Closed Session at 6:57 p.m. to consider legal, personnel, labor and/or contract matters authorized for Closed Session per Government Code Sections 3549.1, 54956.9, 54957, and/or 54957.6.

Alison Neufeld, legal counsel, Vice President, and, Terri Pyer, Associate Vice President, Human Resources, joined the Board during a portion of Closed Session.

**RECONVENED
CLOSED SESSION
AND
REPORT OUT FROM
CLOSED SESSION**

Trustee Padilla-Chavez reconvened the public session at 7:15 p.m. and reported out the following action:

On a motion by Trustee Healy, seconded by Trustee Freeman, on vote of 7-0, the Board moved to deny the Application for Leave to Present a Late Claim (Govt., Code 911.4, 912.2) dated April 6, 2011 in response to the Notice of Government Claim presented March 25, 2011.

ADJOURNMENT

It motioned, seconded, and carried to adjourn the meeting at 7:16 p.m.

Erica Padilla-Chavez
Board of Trustees President

Phoebe K. Helm
Board Secretary

THE FOLLOWING PERSONNEL ACTIONS WERE APPROVED AND/OR RATIFIED AT THE REGULAR MEETING OF THE HARTNELL COLLEGE BOARD OF TRUSTEES OF MAY 3, 2011:

- I. Request to hire short-term employee:
 - A. Approve short-term staffing request:
 - 1. Administrative Assistant – confidential - \$20.56/hr, President’s Office, to assist with the coordination of meetings, workshops, conferences and appointments and general duties while in transition.

- II. Retirements, resignations, releases, and leave requests
 - A. Ratify retirement of regular personnel:
 - 1. William Rawson – Student Services Librarian – Educational Technology & Library Services (#F-69), effective June 3, 2011.

 - B. Ratify resignation of regular personnel:
 - 1. Chante Davis – Science Laboratory Technician – Mathematics & Science (#CC-28), effective June 18, 2011.

 - C. Ratify release of regular personnel for failure to complete probationary period.
 - 1. Barbara Luther – Assistant to the President – (#A56), effective April 15, 2011.

- III. Appointments
 - A. Ratify appointment of classified employee:
 - 1. Ligia Polio, 40 hours per week, 12 months per year, Enrollment Services Specialist – Classified, (#CC-178), Student Affairs, Range 26, Step B, effective March 3, 2011. This action reflects a promotion from 40 hours per week, 12 months per year, Financial Aid Technician – Classified, (#CC-62), Financial Aid, Range 18, Step E.

 - B. Ratify appointment of Professional Experts:

The Nursing and Health Sciences Department comprises four programs: Registered Nursing, Vocational Nursing, Emergency Medical Technician (EMT), and Certified Nursing Assistant. Lab instruction assistants are required to meet Board of Registered Nursing (BRN) requirements for specific student-to-certified-instructor ratios:

 - 1. Tracy Villanueva, \$30/hr (16 hrs/week), EMT assistant, March 24, 2011 – January 24, 2013.
 - 2. Richard Denbow, \$30/hr (16 hrs/week), EMT & HES instructional aide, March 24, 2011 – January 24, 2013.

Hartnell’s theater arts program/The Western Stage (TWS) provides students the opportunity to

learn their craft within a professional context. Assignment is for all 2011 subscription season, runs January 24 – December 17, 2011:

3. John Englehorn, \$16,200 total, master electrician, April 1 – December 17, 2011.
4. Diane Kelsey, \$11,050 total, wardrobe coordinator, April 9 – December 17, 2011.
5. Leslie Lancaster, \$13,500 total, property coordinator, March 31 – December 17, 2011.
6. Casey Rebecca Nunes, \$11,500 total, production stage manager, April 25 – December 17, 2011.
7. Christina Perez, \$15,750 total, assistant costume shop supervisor, March 28 – December 17, 2011.

Administration of Justice 102 PC 832 Arrest and Firearms is designed to satisfy the curriculum standards of the Commission on Peace Officer Standards and Training (POST) as required by Penal Code 832 for spring semester, January 24 - June 2, 2011:

8. Anthony Gutierrez, \$25/hr (16 hrs/week), range safety assistant.

C. Ratify appointment of substitute positions:

1. Leigh Butler, \$35.41/hr (40 hrs/week), Assistant to the President, March 28 – April 1, 2011.

D. Ratify appointment of Student Workers for spring semester 2011:

1. Monica Garnica, EOP&S, Student Worker II
2. Noemi Gomez, MESA, Student Worker III
3. Rebecca Gomez, Child Development Center, Student Worker I
4. Alejandra Saldana, EOP&S, Student Worker II
5. Carlos Saldivar, MESA, Student Worker III
6. Philip Yee, MESA, Student Worker IV