



SAN LUIS OBISPO COUNTY COMMUNITY COLLEGE DISTRICT

## **BOARD OF TRUSTEES**

### **BOARD MINUTES**

Regular Meeting

March 4, 2009

4:00 p.m.

The Board of Trustees of the San Luis Obispo County Community College District met in the Lucia Mar District Board Meeting Room/Orchard MPR, 602-G Orchard Street, Arroyo Grande, California, members having received notice as prescribed by law.

- 1. Call to Order**      The meeting was called to order by Board President, Patrick Mullen at 3:01 p.m.
- 2. Roll Call**            Board Members  
Patrick W. Mullen, President  
Angela Mitchell, Vice President  
Gaye Galvan  
Per Mathiesen  
Marie Kiersch (Absent)
- 3. Approval of Agenda**      **Motion to approve:** Galvan — **Passed** by unanimous vote of those members present to approve the agenda, as presented.
- 4. Recess to Closed Session**      The Board recessed to Closed Session at 3:02 p.m.
- 5. Reconvene in Open Session & Pledge of Allegiance**      The Board reconvened in Open Session at 4:17 p.m. Joe Vanherweg led the pledge of allegiance.

**BOARD MEMBERS PRESENT**

Patrick W. Mullen, President  
Angela Mitchell, Vice President  
Gaye L. Galvan  
Per Mathiesen  
Joe Vanherweg, Student Trustee

**ADMINISTRATION PRESENT**

Dave Pelham, Superintendent/President  
Ed Maduli, Asst Supt / VP Administrative Services  
Cathleen Greiner, Asst Supt / VP Student Learning  
Linda Fontanilla, Asst Supt / VP Student Services  
Annette Loria, Exec Dir, HR and Labor Relations  
June Stephens, Exec Dir, Foundation / Inst Adv  
Deborah Wulff, Dean  
Pamela Ralston, Dean

**VISITORS SIGN-IN**

Amber Lynn Story  
Haila Hafley-Kluver  
Erika Murphy  
Kimberly Schwab  
Kevin Bontenbal  
L.D. Johnston

Patrick Schwab  
Steve Leone  
Bart Topham  
Joshua Shepherd  
Cathy Cyr

Terry Reece  
Peter Dill  
Jennifer Seher  
Pamela Ralston  
Deborah Wulff

**6. PLEDGE OF ALLEGIANCE**

Trustee Vanherweg led the pledge of allegiance.

**7. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION**

Board President Patrick Mullen announced the following actions taken in closed session.

- All classified/management appointments, retirements and dismissals were approved as presented.
- All faculty pre-retirement reduced workloads and tenure were approved as presented.
- Approved the extension of contract for the Chief of Police and Police Sergeant.
- The Board approved, with regret, a five percent reduction of the Superintendent/President's salary as requested by Dr. Pelham.
- Litigation - no action taken.

**Supt/Pres  
Evaluation**

**SUPERINTENDENT/PRESIDENT**

- a. Agency Negotiator: Patrick Mullen  
Instructions Regarding Unrepresented Employees: Superintendent / President;  
general evaluation

**Classified/  
Management  
Personnel  
(Attachment )**

**CLASSIFIED/MANAGEMENT PERSONNEL**

**Motion to Approve:** Mitchell — **Passed** by unanimous vote of those members present to approve the following action pertaining to Classified/Management personnel:

**Appointments, Classified/Management**

- a. Children's Center North County Campus

**Retirements**

- a. Counseling
- b. Financial Aid

**Public Employee Discipline/Dismissal/Release**

- a. Financial Aid

**Academic Personnel**  
(Attachment )

**ACADEMIC PERSONNEL**

**Motion to Approve:** Mitchell — **Passed** by unanimous vote of those members present to approve the following action pertaining to Academic personnel.

Appointments

None

Pre-Retirement Reduced Workload

- a. Counselor Full-Time Tenured

Recommendation for Tenure Contract – 2009 - 2010

- a. Human Development

**Labor Negotiations/  
Terms &  
Conditions**

**LABOR NEGOTIATIONS AND TERMS AND CONDITIONS OF EMPLOYMENT FOR REPRESENTED AND UNREPRESENTED EMPLOYEES**

**Motion to Approve:** Mitchell — Passed by unanimous vote of those members present to approve extended employment contracts for Bart Topham, Interim Direction of Public Safety and John Nichols, Interim Police Sergeant pending approval by CalPERS.

- a. Agency Negotiator: Annette Loria  
Instructions Regarding Classified Employees; Negotiations
- b. Agency Negotiator: Annette Loria  
Instructions Regarding Academic Employees; Negotiations
- c. Agency Negotiator: Patrick Mullen / Dave Pelham  
Instructions Regarding Unrepresented Employees: Superintendent/President, Confidential, Managers, Supervisors; Contract, Superintendent/President; Contract, Police Sergeant and Director, Public Safety

**Litigation**

**Existing Litigation**

**No action taken.**

- a. Conference with Legal Counsel, Anticipated Litigation, Significant Exposure to Litigation Pursuant to Government Code 54956.9(b), Employee Dismissal.

**8. REPORTS FROM EMPLOYEE ORGANIZATIONS**

**Academic Senate**

Academic Senate President Steve Leone presented the following to the board:

- The senate is pleased in their roll with administration in the development of cost reduction strategies.
- The senate is unified with all faculty and supports the positions of the CCFT.
- The senate is pleased with the direction in which things are going.
- The senate received the Legislative Analysts Office report wherein they propose to reclassify all physical education classes to non-credit classes. This action has serious consequences and he (Mr. Leone) said the estimated loss of 413 FTES would result in \$825,000.00 lost revenue from the state, not to mention the impact on faculty and the pedagogy of physical education.
- He invited board members to attend the joint training on shared governance featuring Scott Lay from the College League and Mark Wade Lieu from the statewide Academic Senate. The training will occur on March 24 from 8:00 - 11:30 a.m. and again from 1:30 - 4:00 p.m.
- The state plenary will occur April 16-18 in San Francisco.
- Dr. Pelham said he was also concerned about the proposal to change PE courses to non-credit. Those faculty concerned also coach. He also said beyond that, the recommendation was made without consultation of the faculty and community colleges as a whole. It is not an acceptable proposal.

**CCFT** No Report

**CCCUE** No Report

**Management Senate** Management Senate President, Patrick Schwab presented the following to the Board:

- He is satisfied with the way the budget process is progressing.
- The process has been collaborative.
- Everyone came together regarding summer school.

## 9. REPORTS FROM BOARD MEMBERS

**Trustee Mitchell** Trustee Mitchell presented the following to the board:

- She attended the Valentine Social which was well organized.

**Trustee Mullen** No Report.

**Trustee Galvan** Trustee Galvan presented the following to the board:

- She attended the Paso Robles City Schools meeting.
- She attended the Foundation Valentines Social in the North County.
- She attended the ASCC student round table and was impressed with the quality of questions posed by the students, faculty and staff. The vice presidents are working as a team to help students directly. She said it was refreshing to hear everyone was working for the good of the students.
- She shared suggestions with Dr. Fontanilla to work with the students participating in the march on the capitol and to thank those who voted for the budget.

**Trustee Mathiesen** Trustee Mathiesen presented the following to the board:

- He attended a Cuesta College Business Partners luncheon at the President's office heard repeated compliments from those in attendance regarding the automotive program.
- He thanked June Stephens for funding those types of events.

**Trustee Kiersch** Absent

**Student Trustee Vangerweg** Trustee Vanherweg presented the following to the board:

- The ASCC sponsored a student round table discussion during which much information was exchanged with administrators.
- He thanked the San Luis Obispo Chief of Police for coming to Cuesta and talking to students about changes in social host laws.
- There is a rally in Sacramento on March 16. The ASCC is chartering a bus and will go to Sacramento to participate in the march on the capitol. He anticipates approximately 65 student and faculty participants.

**10. Report from Supt/Pres (Attachment )** In addition to the following written report, Dr. Pelham presented the following to the Board:

- He addressed the Foundation Gift Report.
- He introduced Jeff Mendoza, Supervisor for South County Centers who presented an update on South County activities and programs.
- Mr. Mendoza said Cuesta College was in a unique position to help students and faculty in South County.
- There are currently 44 sections offered in Arroyo Grande and Nipomo in cooperation with the Lucia Mar Unified School District.

- Enrollment is up.
- There is some degree of access to the library, counseling and assessments, and the bookstore. He appreciates that support.
- There are dedicated and talented faculty doing a great deal of work every night to ensure use issues are kept to a minimum.
- Mr. Mendoza said he was grateful for the support of the Board, Dr. Pelham, Sandee McLaughlin, Deans, Chairs, and service departments.

- 11. Communication** (Attachment ) **NOTE:** Members of the Board of Trustees and/or the Superintendent/ President may report the receipt of various items of correspondence that may be of interest to the College District.

The Board received a letter from Ann Kitajima voicing support for the Cuesta College Children's Center (Attachment A)

## **12. Hearing of Public Comment**

Mr. Lionel Johnston, of the "One Cool Earth" organization presented his continued plan for the restoration of the San Luis Obispo Creek. He introduced and recommended informal signage made from a composite material to be used in the creek plan. He said they would run approximately \$1200 - \$1500 a piece. The total for the signage would be approximately \$5000. He is saddened about the recent budget cuts.

Kimberly Schwab, parent and Cuesta College student voiced her support for the Children's Development Center and her concerns regarding summer cuts. (Attachment B)

Joshua Shepherd, ASCC Senator gave notice of the student government trip to SAC to participate in the California Community Colleges Capitol Rally Day on March 16. He said California is 50th in the Nation regarding per student spending. The students will march on the capitol and meet with local legislators as well as education and budget committee members.

## **13. Reports**

### **Hollister Bridge**

Ed Maduli, Assistant Superintendent/Vice President, Administrative Services presented the following to the board:

- The process began in 2001 as a result of storm damage. The District received a grant from FEMA for approximately \$200,000.00 to repair the bridge. In 2002, CalTrans embarked on a bridge inspection campaign. Cuesta College was visited, having only one bridge and it was deemed structurally deficient. A letter was sent to FEMA indicating replacement of the bridge.
- The District has engaged with Wallace Group on this project to meet state and federal requirements.
- An environmental impact study was required as well as a historical and archeological survey.
- 87.6 percent of the funding will come from federal funds and the remainder from the state.
- Signage will be provided by CalTrans.
- The re-routing of traffic through Camp San Luis will be for Maintenance and Grounds only. The back gate access to O'Conner Road will be cut off to other traffic.

### **Accountability Reporting for the Community Colleges**

Ryan Cartnal, Director of Research and Assessment presented the following to the Board:

- The annual report which comes from the Chancellor's office must be reviewed and a response to the report reviewed by the governing board.
- Cuesta College exceeds over others in its peer group on student progress and achievement. The information is not based on student indications but rather performance.
- Mr. Cartnal summarized and briefed the details of the report. (Attachment C)
- The college is doing well and out performing the peer group in most areas with the exception of basic skills. Improvement rate is up but success rate is down.

- ESL improvement rate is a significant concern.
- Trustee Mathiesen asked if this process was equally fluent for all colleges in the peer group. Mr. Cartnal said it was equal for all colleges regardless of whether it was fair or unfair.
- Trustee Mitchell asked Mr. Cartnal to clarify (persistence rate). He said the best scenario would be how many are staying to either achieve transfer status or a two-year degree. There must be a fair ratio between returning students and new students.
- Trustee Galvan asked if Mr. Cartnal could pinpoint the areas of cause for the ESL performance data. He said he could not speak for ESL faculty. The retention committee met today to discuss this issue. The data begins in 2005-2006. Some interventions have been affected but the impact rate data will not show for some time. She suggested there should be flow from K-12 to secondary education.
- Dean of Humanities, Pamela Ralston said that the college is often serving a different demographic than that for K-12. One challenge is that it is only a night program. ESL faculty are keenly aware of this issue. The key is to work with the student to not only be successful but to move on to the next level.
- Dr. Pelham said community colleges have taken hits for students not having the skills to be successful. There are many things available to increase success but they are often expensive and in the current budget environment, the District is beyond cutting fluff from its budget.
- Dr. Fontanilla said Cuesta College is not designated as a Hispanic service institution because its Hispanic population does not exceed 25 percent. Therefore, the college can not take advantage of many of the programs that are available but still advocates for funds whenever possible.
- Trustee Mathiesen asked if the other colleges in the peer group were considered Hispanic serving colleges. Dr. Fontanilla responded saying many are.
- Mr. Cartnal said ESL department is drilling down in an attempt to determine where the drop is occurring.

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| <b>BUSINESS AGENDA</b><br><b>ACTION / DISCUSSION ITEMS</b> |
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**1. Curriculum**

**Motion to approve:** Galvan — **Passed** by those members present to approve the recommendations of the curriculum committee as presented.

Kevin Bontenbal presented the following to the Board:

- He complimented Patrick Lynn for his work on astronomy classes. Many high school students are enrolling and getting interested in astronomy as a result of his dedicated work.
- He also thanked Gary Ruben for his work on ecommerce. They are moving forward on the curriculum. It should take approximately 18 months to implement.
- The committee resolved an issue that existed with CSU and CU regarding the certificate of achievement in General Education.

**2. Tax and Revenue Anticipation Note (TRAN) for 2009-10; SLOCCCD Resolution 08-09**

**Motion to approve:** Mathiesen — **Passed** by those members present by roll call vote, to approve SLOCCCD Resolution 08-09 (TRAN), as presented.

Ayes: Mullen, Mitchell, Mathiesen, Galvan, Vanherweg

Absent: Kiersch

Ed Maduli presented the following to the Board:

- It is unusual to be asking for a second TRAN within one fiscal year. However, the current state deficit of \$41 billion includes a deferral of \$341 million to next year which is in addition to the existing \$231 million. There is an expected \$540 million deferral in apportionment for next year with a loss in cash flow of \$2.5 - \$3.0 million. The second TRAN is required to facilitate the needed cash flow.
- Trustee Mullen queried as to the status of the current \$8 million TRAN.
- Mr. Maduli said the outstanding TRAN would be paid in June 2009. He added that the \$4 million will take us through next year but the existing TRAN is not

enough.

- Responding to Trustee Mullen, Mr. Maduli said the interest rate on the current TRAN is low but he could not predict what it might be for the proposed TRAN.
- Trustee Mullen asked that the current interest rate and total cost for the current TRAN be provided to the board.

**3. SLOCCCD  
Resolution 05-09;  
Commitment to  
Diversity**

**Motion to approve Mathiesen — Passed** by those members present by roll call vote to approve SLOCCCD Resolution 05-09; Commitment to Diversity, as presented.

Ayes - Mullen, Mathiesen, Mitchell, Galvan, Vanherweg  
Absent - Kiersch

Sandee McLaughlin presented the following to the board:

- She expressed her pleasure in working on the Cultural Diversity Committee and the work it has accomplished.
- She introduced Catherine Cyr and Amber Lynn.
- Ms. Lynn expressed her satisfaction with the verbiage in which the resolution was written.
- Dr. Fontanilla said she was honored to be asked to read the resolution. She has a diverse background and is proud to work at an institution that embraces diversity.

**4. SLOCCCD  
Resolution 06-09;  
recognizing  
Women's History  
Month**

**Motion to approve Mathiesen — Passed** by those members present by roll call vote to approve SLOCCCD Resolution 06-09; Women's History Month, as presented.

Ayes - Mullen, Mathiesen, Mitchell, Galvan, Vanherweg  
Absent - Kiersch

- Dr. Pelham asked Dr. Greiner to read the resolution.
- Trustee Galvan asked that a copy of the resolution be provided to each award recipient at the upcoming Women of Distinction recognition.

**5. SLOCCCD  
Resolution 07-09;  
Amending Cuesta  
College's Fee  
Schedule for  
Penalties for Traffic  
Violations**

**Motion to approve Mitchell — Passed** by those members present by roll call vote to approve SLOCCCD Resolution 07-09; Amending Cuesta College's Fee Schedule for Penalties for Traffic Violations, as presented.

Ayes - Mullen, Mathiesen, Mitchell, Galvan, Vanherweg  
Absent - Kiersch

Interim Chief of Police, Bart Topham presented the following:

- SB1407 was enacted on January 1, 2009 which added \$3.00 to the current assessment fees being charged by the county for court construction.
- Agencies around the state have been scrambling to adjust their fees to meet the new requirements.
- Cuesta College has not adjusted its fees for quite some time and the schedule needs to be brought up to date.
- Three Cuesta College Codes (CC) are out of line with other acceptable fees.
- CC011, CC012, and CC013 are excessive and result in a total of nearly \$300.00 for the recipient of the violation because the court assesses additional fees.
- The new fee schedules includes adjustments to these codes which are not however, subject to the increase in assessment fee.

6. **Shokrai Law Consulting Agreement**      **Motion to approve:** Galvan — **Passed** by those members present to approve the Shokrai Law consulting agreement as presented.  
Ed Maduli presented the following to the board:
- The agreement is for professional services to provide fact finding investigations.
  - Annette Loria, Director of Human Resources said the College is required to respond to formal complaints and investigations are needed to complete this requirement. Human Resources does not have the resources to complete them.
  - Completed reports are required within 90 days of a formal complaint.
  - There is no time limit on the agreement and services are initiated at the time of request.
  - Peter Dill asked if there was a legal liability regarding HR if they were to complete the investigation. Ms. Loria said the College has 90 days to complete the current investigation with another anticipated soon. If the complainant is not satisfied with the investigation he/she can file a complaint with the EOC and she is the EOC officer.
  - Trustee Mullen expressed his concern with the hourly rate and travel costs.
  - Ms. Loria said she had inquired into local providers and they are either not capable of completing the investigation or their case load is full. Those conducting the investigations must be familiar with the laws surrounding this type of investigation
  - Mr. Maduli said the claims should be closed quickly. Not doing so extends the District's liability.
7. **2010-2011 Academic / Classified Calendar**      **Motion to approve** Mathiesen — **Passed** by those members present to approve 2010-2011 academic / classified calendar, as presented.
8. **Agenda Items for Next Meeting**      A preliminary listing of proposed agenda items for the April 1, 2009 Regular Board meeting is presented for review.  
The board agreed to the proposed agenda through consensus.

**BUSINESS AGENDA**  
**INFORMATION ITEMS**

9. **College Planning and Budget Development**      Mr. Maduli presented the following to the board:
- The process to address budget reduction is moving forward.
  - The Planning and Budget Committee and Shared Governance Committee have been conducting joint meetings to address these heavy issues.
10. **Quarterly Financial Status Report**      Mr. Maduli presented the following to the board:
- There is no anticipation of any problems with the exception of cash flow due to the deferral in state apportionment.
  - There is an anticipated shortfall in tax revenue and fees. Any shortfalls are passed on to the District.

**11. Update on Smoking/No Smoking Policy 2773**

Mr. Maduli presented the following to the board:

- The change concerns the relocation of the current smoking bench located in Cougar Park.
- The smoking area will be moved approximately 60 feet east, away from the park.

**CONSENT AGENDA**

**NOTE:** The Board of Trustees will be asked to approve all of the following items by a single vote. Any Board member or public individual may ask that an item be removed from the Consent Agenda to be considered and discussed separately. The Student Board Member may vote on any of the items listed under Consent Agenda.

**1. Consent Agenda**      **Motion to approve:** Vanherweg — **Passed** by those members present to approve the consent agenda, as presented.

**2. Approval of Minutes**      Approve Draft Minutes of the February 2009 regular meeting as presented.  
(Attachment )

**3. Approval of Warrant Listings**      Approve warrant listings, as presented:

|              |                        |
|--------------|------------------------|
| 2/2/2009     | \$ 1,493,722.52        |
| 2/4/2008     | \$ 544,490.81          |
| 2/11/2009    | \$ 698,088.70          |
| 2/18/2009    | \$ 697,680.69          |
| 2/23/2009    | \$ 291,051.25          |
| <b>TOTAL</b> | <b>\$ 3,725,033.97</b> |

**4. Approval of Payroll Orders**      Approve Payroll Orders, as presented.

|                                    |                 |       |
|------------------------------------|-----------------|-------|
| <b>Academic/Classified Hourly</b>  | \$ 259,014.34   | 338   |
| <b>Academic/Classified Monthly</b> | \$ 3,562,340.72 | 882   |
|                                    | \$ 3,821,355.06 | 1,220 |

**5. Approval of Gifts to the College**      Approve gifts to the College, as presented.

- a. A Delta 10 inch table saw and a Rockwell 8 inch jointer donated by Raymond Long; RCL Developments for use by the Engineering and Technology Department.
- b. Pipe dies, pipe reamers, pipe wrenches, a Sevco III nail gun, a Sevco III staple gun a Rigid pipe machine, and a Rigid pipe vise donated by Raymond Long for use by the Engineering and Technology Department.
- c. Welding Journal Magazines, Advanced Material & Process Magazines, and welder beanies donated by Aer and Tech Sales for use by the Engineering and Technology Department.
- d. Two cases of wine donated by Cottonwood Canyon Vineyard and Winery for use by the Cuesta College Foundation.
- e. Water color paper (140# and 90#) donated by Dee Carroll (artist) for use by the Fine Arts Department.
- f. Five boxes of books donated by Wes Randolph for use by the Library.

**6. Change Orders for the Theater Arts Building**      Approve Change Orders 01-08, 03-08, 03-09, 05-18, 07-15, 09-03, 09-06, 11-07, 11-08, and 11-09 for the Theater Arts Building for a total of \$20,746.06 as presented.

7. **Declaration of Surplus Equipment**      Declare equipment as surplus and approve of its disposal, as presented.

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**Q. DISCUSSION**

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1. What went well?

- Trustee Mathiesen – The meeting went well; minimum controversy.
- Trustee Galvan – There was substantive discussion.
- Trustee Kiersch – Absent.
- Trustee Mitchell – It looked as though it might be a light agenda but the discussion during the meeting was substantial.
- Trustee Mullen – Corrected his omission of reporting out from closed session the contracts for interim police chief and sergeant.
- Trustee Vanherweg – The meeting went well.

Question 2.

What training is available to the board regarding the accreditation process, and Commission standards?

- Trustee Vanherweg - No comment.
- Trustee Galvan - The board is due for more training.
- Trustee Mitchell - The last training included a consultant.
- Trustee Mullen - Additional training is due.

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**ADJOURNMENT**

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**Adjournment** The meeting was adjourned at 6:34 p.m. Unless otherwise announced, the next meeting of the Board of Trustees will be held on Wednesday, April 1, 2009, in Room 5402, Cuesta College Student Center, Cuesta College San Luis Obispo Campus, San Luis Obispo, California



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Dave Pelham  
Superintendent/President