

**SOLANO COMMUNITY COLLEGE DISTRICT  
GOVERNING BOARD**

**UNADOPTED MINUTES  
November 19, 2008**

**1. CALL TO ORDER**

A meeting of the Solano Community College District Governing Board was called to order at 7:00 p.m., on Wednesday, November 19, 2008, in the Administration Building, Room 626, Solano Community College, 4000 Suisun Valley Road, Fairfield, California 94534-3197, by Phil McCaffrey, Governing Board President.

**2. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA**

At the request of Board President McCaffrey, ASSC President Lillian Nelson led those present in the pledge of allegiance to the flag of the United States of America.

**3. ROLL CALL**

Members Present:

Phil McCaffrey, President  
A. C. "Tony" Ubalde, Jr., Rel.D., Vice President  
James M. Claffey  
Denis Honeychurch, J.D.  
Pam Keith  
Stephen Murphy, J.D.  
A. Marie Young  
David R. Brannen, Student Trustee  
Lisa J. Waits, Interim Secretary

Members Absent:

None

Others Present:

Ross Beck, Director of Public Relations, Marketing and Communications  
Richard Christensen, Director of Human Resources  
Jay Field, Vice President, Technology and Learning Resources  
Don Mourton, Ph.D., Interim Vice President, Student Services  
Nora O'Neill, Executive Coordinator, Superintendent/President and Governing Board

**4. APPROVAL OF AGENDA**

Moved by Trustee Young and seconded by Trustee Murphy for approval of the Agenda as presented. The motion carried unanimously.

**5. COMMENTS FROM MEMBERS OF THE PUBLIC**

Board President McCaffrey recognized Ms. Monica Brown, a member of the public. Ms. Brown spoke in connection with Item 9(d), Substantive Change in Location Reports, Vallejo Center and Aeronautics Center (Nut Tree). She addressed the outreach programs of the College, specifically the practice of sending letters to high school seniors inviting them to consider attending Solano Community College. Ms. Brown suggested that the College send these letters to students throughout Solano County beginning at the sixth grade and pointed out that the high school students take the high school exit exam in the tenth grade. She stated that the College needs to get the information out to the public about its great facilities, such as the Vallejo Center and the Aeronautics Center, and get the idea into the students' heads that Solano Community College exists. She believes students think of Solano Community College as an extension of high school. She acknowledged that the College often participates in local fairs and festivals and encouraged the College to participate in every fair and festival; however, she stated that the Open House that was held last spring was not advertised in a timely manner as there was not enough lead time for students to plan to attend.

Ms. Brown pointed out that Jonathan Edwards, Education Reporter for the Daily Republic, needs more articles; and, the College should take advantage of that opportunity to let the public know what is going on at Solano Community College. She pointed out that the posters advertising the Learning Community were good examples of what should go out to the high schools. She said that the College should go out into the community and bring people to Solano Community College.

Trustee Honeychurch commented that getting information to students while they are in the 11<sup>th</sup> grade is better than their senior year. Interim Superintendent/President Waits stated that the K-16 Bridge Program would start with seniors and then maybe move back into grade school.

Board President McCaffrey thanked Ms. Brown for her comments.

**6. REPORTS (NO ACTION REQUIRED):**

(a) Associated Students of Solano College (ASSC)

Ms. Lillian Nelson, ASSC Student Body President, reported the following:

- The ASSC is having difficulty with their holiday food drive this year and haven't received much food. They have implemented club competition with monetary rewards for the clubs bringing in the most food. Some clubs are considering buying the food, with the winner donating the monetary prize to the Solano County Food Bank. Ms.

Nelson encouraged everyone to donate to the food drive and noted that the cut-off date for donations is December 5, 2008.

- Ms. Nelson introduced the following ASSC Senators, who stated their name, campus department they represent and their major:

<u>Name</u>	<u>Senate Representative</u>	<u>Major</u>
Antonio Algeré	Academic Curriculum Senator	Human Services
Alma Delgado	Vocational Curriculum Senator	Business
Anthony Rivera	Governing Board Rep	Spanish and History
Cecilia Panduro	Student Services Senator	Undeclared
Kevin Mallory	Fine & Applied Arts Senator	French and Music
Michael LaRiviere	Legislative Advocate	Biotechnology
Michael Nelson	Business Services Senator	Social Studies
Anna Erickson	Health & P.E. Rep Senator	Undeclared

(b) Academic Senate

Dr. Jeff Lamb, Academic Senate President, reported the following:

Meeting with Superintendent/President Waits: Discussed various items including accreditation, institutional planning and budget, the final exam schedule mishap, curriculum, outreach, and a rumor about the State budget and SCC reserve funds.

- Jeff presented VP Waits with an application form and information on a joint ASCCC and CCLC presentation to our college on budget processes.
- Discussed forums to get faculty input on the upcoming possible 7% cuts. Dr. Waits has proposed that we hold a forum this semester, with subsequent forums in the spring.
- Dr. Waits accepted a suggestion Jeff passed along from Erin Farmer that the college actively survey the community about the kinds of courses they might like the College to offer. This would not only allow the College to serve the community's needs, but would help improve the College's image across the county.
- At the Academic Senate Plenary, a report was made that the State had the legal right to take back reserves in excess of the 3-5% state recommended amounts.

Jeff advised that he has been working with Josh Stein, Tracey Schneider and Rob Simas on creating a Strategic Proposal for an Institutional Researcher and Grant Writer position for Solano College. For now, they have identified need, written draft language on the job description, drafted plans to propose the formation of an Academic Senate Grants Committee and, generally, have been "dreaming" about how helpful this would be for the College. Jeff will pass on the documents as they move through the process.

State Senate Plenary: As a response to a recent legal decision, which interprets Title 5 as prohibiting the failing of a student from a course based on one incident of academic dishonesty, the Senate passed a resolution to create a working group to develop a position paper promoting stronger faculty guidance in this area.

- The Senate voted to create a resource library compiling SLO materials from all colleges. This information sharing will aid in the development and refining of SLOs and reaffirm its opposition to use student attainment of SLOs in faculty evaluations.
- A presentation was made entitled, "You Can Do It! Effective Governance that Addresses Accreditation Deficiencies (aka Getting off Probation)."
- In the course of chatting with faculty colleagues at other institutions, as well as during a keynote address from Bill Scroggins, CEO at the College of the Sequoias, they learned that at least two colleges have discontinued the services of Zampi and Associates in order to save money and reduce contention between faculty and administration. The Ohlone College Senate representative noted that their college had spent approximately \$3 million in legal fees in just a few years. And CEO Scroggins reported that one of the first things he did when he took over as CEO was fire the firm because it was too costly and did not serve the faculty and students' interests.
- Attendees also heard from several faculty members that their CIOs reported they had learned at their recent conference "CCCCIO Fall 2008 Conference: CIOs Open the Golden Gate" that the State can confiscate local district reserves beyond the minimum required by the State. This raised concerns that it might mean our district could lose a substantial sum that would have served students, faculty and staff.
- Several workshops were dedicated to senate leadership in institutional planning and budget development. While the Senate does not control the budget, attendees were reminded that the senate can and should take a leadership role in the College's budget processes. Considering the fact that colleges may face budget cuts of 7-10%, the first question should be, "How can all constituent groups participate in the decisions as to how these cuts will occur?" Some other districts, Santa Rosa JC, for example, have already established faculty advisory committees in anticipation of cuts.
- Information presented at a breakout session on the state of Information Competency at various colleges confirmed that Solano is among the leaders in local implementation of an Information Competency requirement.
- The State Academic Senate also passed a series of resolutions that may impact accreditation. One recommends that the ASCCC conduct research to gather data from colleges and share this research across the system. Another recommends that ACCJC develop and implement more complete and thorough training for accreditation teams.

Last Senate Meeting:

- Curriculum Senator discussed Informational Competency
- Articulation Officer informed the Senate that they had received information from for-profit universities, who want to buy the SCC's name so they can put the College's name on their brochures. The Senate recommended against this.
- There will now be Flex Cal time devoted to DSPS.

- Institutional Review Board task force has met
- The Senate was given a presentation on the Vacaville Fire Training Center
- Learning Communities Coordinator Brad Pascal put together advertising posters about the Learning Community.

Student Success Stories:

- Women's basketball team received national honors
- TEMPEST won another award
- French students went to France
- Theatre has won 22 Arty awards and 2 Ellie awards
- Cosmetology honoring faculty and staff with free services
- Latest "Dancing Fire Newsletter" is now out throughout the campus.

President McCaffrey inquired about the technical visit of the ASCCC and CCLC. Dr. Lamb stated there are three kinds of technical visits – Informational, Conflict and a third type that he could not remember at that moment. He said that the College's visit will be Informational.

Dr. Lamb ended his comments with a reminder about the blogspot he has created for the Academic Senate. The address is: [sccsenate.blogspot.com](http://sccsenate.blogspot.com). A copy of the full and complete Academic Senate report to the Board is available at that blogspot. President McCaffrey suggested a link to the Academic Senate blogspot be placed on the College's homepage.

(c) Shared Governance Council

Interim Vice President of Student Services Don Mourton reported on the November 12, 2008, Shared Governance Council meeting. At that meeting, the need to have accreditation be an ongoing process at the College and how to develop a format to address that process was discussed. It was agreed that the Shared Governance Council was the best environment for this accreditation responsibility to take place. To accomplish this, the Shared Governance Council will set aside a couple of meetings during the year to address accreditation issues only.

Also discussed at that meeting was the process for handling the Strategic Proposals that have been presented to the Shared Governance Council. A subcommittee developed a ranking system to assist in deciding which proposals can be funded and which ones cannot be funded at this time.

(d) Superintendent

Interim Superintendent/President Lisa Waits gave a PowerPoint presentation covering Student Success, Title III Grant requests and the 2008/2009 Budget. She stated that the numbers contained in the presentation were based on the budget that the Governor signed earlier this year. In discussing major financial issues that the College faces, Dr. Waits pointed out that her figures were projected using the 9,182 FTES base and did not address any of the anticipated budget cuts that have been suggested by the Governor, the pending labor negotiations which needed to be finalized, and the increased operational expenses in connection with new Measure G bond projects. She discussed possible fiscal impacts to the 08/09 budget based on the Governor's

proposed mid-year cuts, the 07/08 property tax shortfall, the unfunded liability in connection with the retiree health benefits and changes in the 50% Rule. She also pointed out that the College lost \$75,000 in Categorical Funding. Dr. Waits closed her comments by outlining State budget issues as well as possible College budget responses to the State's situation. Finally, Dr. Waits advised that she had sent information via email to everyone on campus about the Governor's proposal, which included a \$2.7 million budget cut for Solano Community College, and stated that there will be more campus forums so all will know where the College stands.

- ***Bond Update***

Stan Dobbs, Independent Contractor for the Maintenance and Operations Department, advised that he had prepared a PowerPoint presentation for the Board, which included nice pictures of the current Measure G projects; however, somehow his presentation was lost in the computer when Dr. Waits' presentation was installed in that same computer subsequent to his presentation being installed. He stated that he will bring that report to the December 3, 2008, Governing Board meeting.

President McCaffrey asked Mr. Dobbs about a problem he had heard about concerning DSPS in Building 400. Mr. Dobbs advised that he was aware of the problem, and the staff was working on it. President McCaffrey inquired about the status of the Faculty Lounge, and Mr. Dobbs replied that the Faculty Lounge has been completed, with the exception of the installation of a new refrigerator and microwave, which should be arriving soon. President McCaffrey also inquired as to whether or not the new Faculty Lounge had wireless capability. Mr. Dobbs stated that it did have wireless capability.

## **7. CONSENT AGENDA – ACTION ITEMS**

### *Superintendent/President*

- (a) Minutes for the Special Meeting of October 22, 2008 and Regular Meeting of November 5, 2008

### *Human Resources*

- (b) Employment – 2008-09; Approval of Job Description

### *Administrative and Business Services*

- (c) Warrant Listings
- (d) Construction Change Order No. 3B Approval for Alten Construction, Inc.– Bid No. 08-003
- (e) Construction Change Order No. 1 Approval for Quality Sound – Bid No. 08-003
- (f) Construction Change Order No. 21 Approval for W.A. Thomas, Co., Inc., – Bid No. 06-005

Trustee Keith requested the removal of the approval of the November 5, 2008, Minutes as she had some changes she wanted made to those minutes but forgot to bring her write-up to the meeting. She stated she will bring those changes to the December 3, 2008, Governing Board meeting.

Moved by Trustee Young and seconded by Trustee Keith for approval of the Consent Agenda as presented, with the removal of the November 5, 2008, Minutes contained in Item 7(a). The motion carried unanimously, with the noted correction.

## **8. ITEMS REMOVED FROM CONSENT AGENDA**

None

## **9. NON-CONSENT AGENDA ITEMS – ACTION ITEMS**

### Superintendent/President

#### (a) City of Fairfield Waterline Easement

Stan Dobbs, Independent Contractor for the Maintenance and Operations Department, explained what the City of Fairfield is seeking with this waterline easement and stated that originally there was a concern about the timing of the work vis-à-vis campus operations. Mr. Dobbs stated that the City has agreed to commence the work the day after school closes in May, 2009. He feels competent that they will have the work completed one week before school begins in Fall, 2009. He advised that the City has agreed to additional paving of the road as well as moving the walking path to a safe point for pedestrians to cross the road at the first stop sign on campus.

Board President McCaffrey asked about the safety of the crossing, especially at night. Mr. Dobbs stated that the City will run conduit that will allow the College to install lights.

Trustee Honeychurch stated that he had only just received the easement agreement as it was not included in the Board's meeting packet. He pointed out that this particular property was in his Governing Board District. He said he was concerned about safety and about the fact that an appraisal of the valuation of the property covered in the easement request was not done. Trustee Honeychurch stated he would like to have time to give this matter more thought and suggested the subject be tabled to the December 3, 2008, Governing Board meeting. Trustee Honeychurch stated that he did not want the negotiations on this matter to be done in public and said he had a lot of questions.

Trustee Young stated that she received her copy of the easement agreement at her Cluster Meeting with Dr. Waits the day before this meeting and pointed out that usually items of this nature come to the Board as information and return to the Board for action at the following Governing Board meeting. She has not had sufficient time to digest all of the information on this subject.

Board President McCaffrey asked Mr. Dobbs if it will cost anything to delay this decision two weeks. Mr. Dobbs responded that it should not cost anything and stated the engineers are trying to finalize the plans. Board President McCaffrey directed Dr. Waits to obtain the answers to the Trustees' questions.

Mr. Dobbs informed the Board that Mr. Jay Trottier, from the City of Fairfield, was present at the Board meeting and could address some of the Trustee's questions. Mr. Trottier also requested to address the Board. Mr. Trottier stated that the City of Fairfield began working with former Superintendent/President Gerry Fisher about one and one-half years ago for an accommodation for this easement. They have been working under the assumption that they would move through this accommodations situation; consequently, an appraisal was not done. He said that, in lieu of having an appraisal, they thought there would be some accommodation on the part of the City of Fairfield through the construction process to do a number of things for the College; namely, paving the four lanes at the entrance to the campus, which would cost approximately \$170,000, and installing a bike path, which would cost approximately \$25,000.

Mr. Trottier advised that they looked at what the value was across the fence line and divided it by 50% to be an easement. He said he felt they were pretty close to what the validated costs are today. Mr. Trottier stated that former Superintendent/President Fisher told him that he did not mind doing the easement accommodation because of all of the transfer of information and the good will that has existed between the City of Fairfield and the College over a number of years. He said Mr. Fisher was to convey that information to the Board.

Mr. Trottier advised that a formal appraisal process could be done, but that was not what they had done for the last couple of years and asked the Board to consider the accommodation in light of the time crunch involved with this project. He pointed out that time was of the essence as the project needed to be designed and put out to bid, as soon as possible, in order to be able to start the work on May 29, 2009, and have it completed by August 15, 2009. Otherwise, the project would have to be delayed another year.

Trustee Young asked for clarification as to what would be done first – the survey or the appraisal. Mr. Trottier stated that there was no sequence, and both the survey and the appraisal could be done at the same time. He advised that, typically, in a purchase of easement or land, an appraisal is done; however, they did not do one because, when he asked Mr. Fisher one and one-half years ago for the accommodation, Mr. Fisher told him that the accommodation was fine. Mr. Trottier advised that a legal description of the property was done; so, a survey was done. Trustee Honeychurch told Mr. Trottier that he was sorry he was misled and reiterated that he needed more information before making a decision on this project.

Moved by Trustee Murphy and seconded by Vice President Ubalde to table this subject to the December 3, 2008, Governing Board meeting for further discussion and consideration.

*Administrative and Business Services*

- (b) Proposed Agreement with KC Engineering for Inspection Services for the Vacaville Center

Mr. Lester Young, of Kitchell CEM, presented this item for Board approval.

Moved by Trustee Young and seconded by Trustee Keith to approve the Proposed Agreement with KC Engineering for Inspection Services for the Vacaville Center. The motion carried unanimously.

Academic Affairs

(c) Consideration of Sabbatical Leaves

The Sabbatical Leave Committee recommended the following instructors be granted Sabbatical Leaves for the 2009-2010 academic year:

Abla Christiansen – Spring 2010  
George Daugavietis – Spring 2010  
Erin Farmer – Fall 2009  
Ferdinanda Florence – Spring 2010

Moved by Trustee Young and seconded by Trustee Honeychurch to approve the Sabbatical Leave requests. The motion carried unanimously.

(d) Substantive Change in Location Reports, Vallejo Center and Aeronautics Center (Nut Tree)

Moved by Trustee Keith and seconded by Trustee Young to approve the Substantive Change in Location Reports for the Vallejo Center and Aeronautics Center at the Nut Tree. The motion carried unanimously.

(e) Request for Approval of Curriculum Actions as Submitted by the Curriculum Committee, a Subcommittee of the Academic Senate

Ms. Erin Farmer, Curriculum Committee Chair, presented this item for Board approval.

Moved by Trustee Young and seconded by Trustee Keith to approve the request for approval of Curriculum actions as submitted by the Curriculum Committee, a subcommittee of the Academic Senate. The motion carried unanimously.

Student Services

(f) Resolution Declaring December 1, 2008, as World Aids Day

Dr. Shirley Lewis, Director of Student Development, presented a resolution to the Governing Board declaring December 1, 2008, as World Aids Day. She stated that, even though there has been a decrease in the number of people in the world living with HIV, it is still increasing in the United States and Solano County and said that Solano Community College shares the

community's concern. Dr. Lewis advised that, on December 1, 2008, there will be a candlelight vigil at the Town House, 401 Georgia Street, in Vallejo, from 6:00 to 9:00 p.m. There will be free HIV testing at the County Public Health Office on Tuolumne Street in Vallejo as well as at the College's Health Center on the Fairfield campus. Also a display will be set up in Building 100.

Moved by Trustee Honeychurch and seconded by Vice President Ubalde to approve Resolution No. 08/09-14, declaring December 1, 2008, as World Aids Day at Solano Community College. The motion carried unanimously with roll call vote as follows:

STUDENT TRUSTEE ADVISORY VOTE: David R. Brannen concurred.

AYES –Trustee Keith, Trustee Murphy, Vice President Ubalde, Trustee Young, Trustee Claffey, Trustee Honeychurch and Board President McCaffrey

NOES – NONE

ABSENT – NONE

## **10. INFORMATION ITEMS – NO ACTION REQUIRED**

### (a) 2008-09 Associated Students of Solano College (ASSC) Budget

ASSC Student Body President Lillian Nelson presented the 2008-09 Associated Students of Solano College Budget, pursuant with SCCD Board Policy 3000. Ms. Nelson pointed out some specific changes in the presentation from the previous year's budget and stated this was due to the campus-wide change to the Banner system. She stated that the majority of the ASSC budget goes to institutional support.

### (b) Proposed Change to Policy No. 1037 Discussion

Board President McCaffrey proposed a change to Board Policy No. 1037, Order of Business, to include the CTA, CSEA and Local 39 under Item 6, Reports. He said it has been requested several times throughout the year to include the Unions under Item 6, Reports, in lieu of them using the Blue Card process. Trustee Keith inquired as to what other organizations are on the policy, and Student Trustee Brannen advised that the other organizations were campus entities that actually report to the Board. Trustee Keith inquired as to whether or not other colleges do this, and Board President McCaffrey replied that yes about 40 of the community colleges do this and others are looking at it. Student Trustee Brannen asked Board President McCaffrey if he has that research available, and Board President McCaffrey stated that he would get that information for him.

### (c) Proposed In-House Attorney Discussion

Board President McCaffrey presented the subject of the College hiring an in-house attorney. He stated that he had called Napa Valley College Superintendent/President Chris McCarthy, who told him that having an in-house attorney was working well for them. Board President McCaffrey said that having an in-house attorney would cost between \$150,000 and \$175,000, and commented that this was one way to look at cutting the budget.

Trustee Murphy stated that he guessed Napa Valley College still needed to hire outside legal advice. Board President McCaffrey replied that, at Napa Valley College, their in-house attorney covers everything. Trustee Young stated she agreed with Trustee Murphy that having an in-house attorney may still require the need for outside legal advice, especially when specialized legal advice is needed; and, she suggested that Board President McCaffrey look at colleges that have an in-house attorney to see how often they have to go to outside lawyers for special legal advice. Board President McCaffrey pointed out that the College spent \$600,000 last year in legal fees.

Trustee Keith stated that she will need a lot more information before she could make a decision on this subject. Student Trustee Brannen wondered what caliber of counsel the College would receive for that amount of money. Trustee Honeychurch agreed that more information was needed.

Trustee Ubalde inquired as to whether or not Interim Superintendent/President Waits had been asked to consider areas where the College could cut down the legal expenses with the present law firm limiting their numbers. Board President McCaffrey stated that the Interim Superintendent/President and the Executive Council have been looking at possible ways to cut down on these legal fees. Trustee Honeychurch stated that one way the College could cut down on the legal costs would be to not have the lawyer at the negotiating table. He also pointed out that the legal costs for this past year were skewed because of extensive HR costs for one particular termination.

Trustee Honeychurch advised that he is familiar with the practice of having an in-house attorney from his experience in the K-12 schools of Fairfield. He pointed out that, when it comes to going to trial, an in-house attorney does not go to trial and outside counsel needs to be hired to go to trial. Trustee Ubalde stated that the research on this matter should not just be of other colleges and that information from the Interim Superintendent/President regarding cutting the legal expenses should also be considered. Board President McCaffrey asked Dr. Waits and the Executive Council to look at the necessity of having an attorney at each negotiating session.

Trustee Claffey suggested looking into what kind of legal support the College could get from the County Counsel's office. Trustee Honeychurch pointed out that the County Counsel's office will charge for their work and that it takes a considerable amount of time for them to provide legal advice.

## **11. ANNOUNCEMENTS**

There were no announcements.

## **12. ITEMS FROM THE BOARD**

Trustee Young reported that she attended the following College and community events:

- On November 8, she attended a black-tie dinner in celebration of Solano County's Black Chamber of Commerce 18 Years of Community Excellence, which was held at

Dan Foley Cultural Center in Vallejo. Honored guests included Vallejo Mayor Osby Davis, Veronica Bethel Stone, and Solano County Black Chamber of Commerce President Peggy Cohen. The event was sponsored by MB Community Consulting.

- On November 13, she attended the North Vallejo Health Collaborative planning meeting. The Grand Opening of the Health Center, which will be located on the campus of the Elsa Widemann Elementary School in Vallejo, is scheduled for January, 2009.
- On November 15, she attended and was recognized at the Omega Psi Phi Fraternity, Inc., Northern California Founders Day Scholarship Banquet as 2008 Theta Pi Chapter of Vallejo Omega Citizen of the Year. The event was held at the Lion Gate Hotel in Sacramento, with over 300 people in attendance, and was part of the Fraternity's 2008 Achievement Week program.
- On November 16, she attended and was recognized at Mt. Calvary Baptist Church in Fairfield as Theta Pi Chapter Citizen of the Year for 2008. The Fraternity concluded their 2008 Achievement Week program by recognizing their award winners at the end of Sunday's church service, with approximately 800 people in attendance.
- On November 17, she attended the Vallejo 2009 Juneteenth Celebration Planning Committee meeting, which was held at the Campfire Boys and Girls Club in Vallejo.

Trustee Honeychurch advised that his statement related to the Education Code and Board Policy, specifically Board Policies 1008 and 1012. He stated that his point of information was that he read in the newspaper that the Governing Board meeting for the swearing in of the new board members was to be the second meeting in December. He pointed out that Board Policies 1008 and 1012, covering this matter, contradict each other; i.e., Policy 1012 refers to the first Friday in December following the election as being the first Board meeting for new board members. However, he stated that Policy 1008 calls for the term of board members to commence at the first Governing Board meeting in December following the General Election in November. Trustee Honeychurch commented that the current plan of the Administration to swear in new Board members at the second meeting in December is contrary to both Board Policies 1012 and 1008. He pointed out that the Ed Code states the term of office begins on the first Friday in December. He said this may have been violated in the past; but, stated given the Board Policies and the Ed Code, he is baffled that the College is not following its own policy.

Trustee Honeychurch said that Policy 1008 clearly stated that the term of office for new Board members began with the first Board meeting in December and said that he was raising the question in open session because it is a Brown Act violation.

Trustee Keith stated it seemed to her that if the new Board members are not seated at the first Board meeting in December, a special meeting would have to be called in order for the College to be in compliance with the Ed Code that states new Board members have to be seated on the first Friday in December. She pointed out that at the December 6, 2006, Governing Board meeting, Jerry Wilkerson's term had ended and he was not present, it was Steve Murphy's first meeting, and she was absent due to illness. Trustee Keith reminded the Board that it was at that

meeting when the Board decided to dismiss Dr. Perfumo. She also stated that, if the new board has to be seated by the first Friday in December, a special meeting will need to be called to accomplish that.

Board President McCaffrey said that, in 2002 and 2004, the swearing in of new Board members was done at the last meeting in December.

Dr. Waits suggested that the clarification of this matter be obtained in writing from Zampi's office. Trustee Honeychurch stated that he believed this was a trust problem. Board President McCaffrey directed Interim Superintendent/President Waits to get the specific clarification from the lawyer in Zampi's office. Dr. Waits asked how she should communicate the information from the lawyer to the Board. Board President McCaffrey told her that she should call all of the Board members. Trustee Honeychurch suggested she send it via email.

Trustee Young stated that, if the policies go through several committees for review before presenting the final version to the Governing Board, how is it that no one picked up on the contradiction between the two policies.

Trustee Honeychurch stated that Policy 1008 clearly states that new Board members are sworn in at the first meeting in December. He said that the ruling policy is the Board Policy which states that terms begin on the first Friday in December, which is in line with the Ed Code.

Trustee Keith inquired as to what subjects were scheduled to be on the agenda at the first Board meeting in December. Dr. Waits mentioned the water easement issue. No one else identified any items.

It was agreed that Dr. Waits would look into the matter with the lawyer's office and get back to the Board with specific information from the lawyer.

Trustee Murphy read the following statement:

“A little over a month ago we had a rather unforgettable meeting on October 15. Shortly prior to that meeting, Lisa Waits put on paid administrative leave the VP of Finance and proposed an independent audit of the District's finances, after months of public complaints by faculty and staff representatives that there were issues with financial information provided in contract negotiations.

“That meeting was marked by former President Stan Arterberry's severe criticism of the four Board members who supported Lisa Waits, and the severe criticism of Lisa Waits by certain Board members.

“Over the next three meetings, speakers followed former President Stan Arterberry's lead in attacking these actions related to the District's finances.

“Every speaker had one common and troubling omission. Not one of them made the simple obvious assertion that they thought District's finances had been well maintained, and that any accurate audit would merely confirm this. This would have been the most

obvious and most relevant assertion. Its absence in all the criticisms, in each high-voltage attack, speaks louder than words.

“This is the last meeting before we hear the results of the initial independent audit. Tonight none of the vilifiers are here to suggest they will soon be proven justified by any accurate audit.

“Sadly, I suspect they will not be here next meeting either. The implications of this are disturbing. The criticisms of Lisa Waits’ actions were marked by the absence of any concern as to the District’s financial maintenance but there is little doubt that this issue will be central to our accreditation review, and the division that characterized this process may well have a serious effect on the authority of this Board, itself.”

### **13. CLOSED SESSION**

Board President McCaffrey stated that there would be no Closed Session.

### **14. ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:33 p.m.

LJW/no

BOARD MINUTES 11-19-08.FINAL

APPROVED

\_\_\_\_\_  
PHIL McCAFFREY  
PRESIDENT

\_\_\_\_\_  
LISA J. WAITS, Ed.D.  
INTERIM SECRETARY

**SCCD Board minutes are summarized per *SCCD Board Policy 1045 and 1046*. To listen to the full deliberation of the Board, please contact the Office of the Superintendent/President within thirty (30) days.**