



SAN LUIS OBISPO COUNTY COMMUNITY COLLEGE DISTRICT

BOARD OF TRUSTEES

BOARD MINUTES

Regular Meeting

October 7, 2009

4:00 p.m.

The Board of Trustees of the San Luis Obispo County Community College District met in Regular Session in room 5401, Student Conference Center, San Luis Obispo Campus, San Luis Obispo, 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 2:06 p.m.

2. **Roll Call -
Establish
Quorum** Board Members
Patrick W. Mullen, President
Angela Mitchell, Vice President
Gaye Galvan
Per Mathiesen
Marie Kiersch (arrived at 4:00 p.m.)

3. **Approval of
Agenda** **Motion to approve:** Mitchell — **Passed** by unanimous vote of those members present to approve the agenda, as amended.

Trustee Mitchell proposed moving Item O.4, 2009-10 Proposed General Fund and Special Funds Final Budget ahead of items O.2 and O.3 to put the issue in context regarding the budget being contingent upon the approval of items O.2 and O.3.

4. **Recess to
Closed
Session** The Board recessed to Closed Session at 2:08 p.m.

5. **Reconvene in
Open Session
& Pledge of
Allegiance** The Board reconvened in Open Session at 4:07 p.m. Trustee Mitchell led the pledge of allegiance.

BOARD MEMBERS PRESENT

Patrick W. Mullen, President
Angela Mitchell, Vice President
Gaye Galvan
Per Mathiesen
Marie Kiersch (present for open session)
Josh Shepherd, Student Trustee

ADMINISTRATION PRESENT

Dave Pelham, Superintendent/President
Sande McLaughlin, Exec Dean, NCC and SCC
Annette Loria, Exec Dir, HR and Labor Relations
June Stephens, Exec Dir, Foundation / Inst Adv
Deborah Wulff, Dean
Pamela Ralston, Dean
Gil Stork, Interim Dean

VISITORS SIGN-IN
(Attachment A)

6. ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

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

- Approved all public employee appointments.
- Approved public employee appointment change.
- Provided instructions to the President and staff regarding current labor negotiations.
- The boards agreed by general consent to move Business Agenda Item O.4 up in the order of business to immediately follow Item O.1. The remaining sequence of the agenda is unchanged.

Public Employee Performance Evaluation a. Agency Negotiator: Patrick Mullen
Instructions Regarding Unrepresented Employees: Superintendent / President;
general evaluation

Public Employee Appointment **Motion to Approve:** Galvan — **Passed** by unanimous vote of those members present to approve the following public employee appointments:

- a. Short-term, Hourly Employees
- b. Case Worker, WED & CP
- c. Toddler & Preschool Instructional Assistant
- d. Case Worker, WED & CP

Public Employment **Motion to Approve:** Galvan — **Passed** by unanimous vote of those members present to approve the following public employee actions:

Appointment Change

- a. Division Department Assistant, Student Life and Leadership

Labor Negotiations/ Terms & Conditions **Labor Negotiations and Terms and Conditions of Employment for Represented and Unrepresented Employees**

- a. Human Development 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:

7. REPORTS FROM EMPLOYEE ORGANIZATIONS

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

- The Senate continues work on defining a program as it pertains to Cuesta College.
- The purpose is to prevent discontinuance of any program that does not follow due

process.

- The report has been received from Scott Lay and Mark Wade Lieu who conducted the level two assistance visit on participatory governance. The report will be presented to Shared Governance and Planning and Budget.
- The Senate officially opposes the academic manager position of Director Public Safety. The position was not determined by the Senate consultation process. He requested the Board reconsider this position by the November Board.
- The faculty at large are concerned about the proposed cuts in DSPPS. The state reduction in funding of 52 percent deeply affects the standards of student preparation. Faculty members do not have the ability to provide the needed service that this target student population requires. He appealed to the Board to consider the many consequences that will impact the students.

CCFT

CCFT President, Allison Merzon presented the following to the Board:

- She has been working on best practices for over a year as they pertain to faculty evaluations. Information has been shared with the VP, Academic Affairs and division chairs. They surveyed the members to get feedback regarding guidelines to the evaluation process and hold one another accountable.
- Negotiations have been going on for almost a year. Everything was going quite well until they started on Article 4 (salary, fringe, and benefits). The differences are philosophical in nature. One difference is the theory that increases in step and column and longevity are pay raises. Upon hire, step and column placement recognizes service and expertise in a specific discipline. Step moves recognize commitment to the institution. Column moves recognize gains in experience. Longevity recognizes service and quality. At Cuesta College, on campus service provided at Cuesta is all that is taken into consideration. No outside work or experience is considered.
- Base salary is about livable wage. Cuesta faculty are 10 of 14 for average salary using the comparable college list. When a student is in the lowest percentile, they are failing. An increase in salary or formula plans for a commitment to the base salary and makes it a livable wage.
- From 1995 to 2008/09 there have been increases mostly in COLA. The average has been 2.9 percent. The faculty have not seen a salary raise that's equitable to COLA every year since 1995. The last salary increase in 2007/08 of 3 percent was retroactive which effectively cut it to 1.5 percent. The COLA distributed in 2007/08 was 4.5 percent. The District gave more away to the college than to the people who work here.
- Salaries are linked to people and colleges are made of people. It's the people who need to be valued and it is the relationships with those people that matter. The Board has the opportunity to weigh in more on the value of the people who work here. They are the ones who continue to make it work. The people have honored their commitment to the college and it is time for the college to do the same. She has always been a team player but in her experience, she never asked anyone to take one for the team just because she said so.
- The long-term budget solution is not to cut people but to hold people accountable to budgetary expenditures. The District has exacerbated the current budget crisis by running amuck financially for years past.
- Cuts to DSPPS will create insurmountable issues for this institution. The faculty cannot do the work. They do not have the training and they won't. The students and the college will suffer. The \$267,000 in savings will be pittance compared to the legal and moral issues the District will face.
- Surely we can trim \$450,000 from a \$63 million budget to save one another and our humanity.

CCCUE

CCCUE President, John Fetcho presented the following to the Board:

- Mr. Mullen, Ms. Mitchell, Mrs. Kiersch, Mrs. Galvan, Mr. Mathiesen, Mr. Shepherd, College and community members, good afternoon.
- I stand before you today disillusioned. CCCUE has been working diligently with the District, trying to find ways to balance the budget in the most sensible manner possible. We recognize that the economy is in the worst shape since the Great Depression, and that the state has drastically cut back the funds that Cuesta receives for daily operations, however, our perception is that Cuesta College administrators are balancing the budget on the backs of the permanent classified employees yet again. Professionals who have faithfully served Cuesta's students and our community, an integral part of what has given Cuesta College the excellent reputation we now enjoy state wide.
- The Board of Trustees is now being asked to destroy the lives of many of these faithful employees. You will decide whether or not to maintain the covenant that these employees agreed to when they became a Cuesta employee. You, the Board of Trustees, are our employer. You have a responsibility to ensure that these employees have a viable job and are able to provide home, health and welfare for their families. These employees are asking that you will do the proper thing for Cuesta's students and our community. Will you hold that responsibility sacredly?
- I have to ask you, how many of you have contacted our legislators or the governor? Have each of you written letters or made a phone call letting them know how the state's actions are destroying our ability to provide service to our students and community? Why has there not been a Board resolution condemning the state legislature and the governor for their unconscionable method of balancing the state's budget? The impact of these cuts is already diminishing many of the services that Cuesta provides.
- So what can we do together?
- CCCUE has proposed a furlough program to preserve permanent classified jobs and to continue to provide the professional level of services that Cuesta College students and the local community members expect and deserve.
- We also expect the District to continue to reduce the level of temporary hourly employees working at all campus sites. We ask you to scrutinize the list of hourly employees you are being asked to hire today, particularly keeping in mind the permanent classified members you have already agreed to eliminate or reduce.
- We are urging the District to institute a hiring freeze for the remainder of this fiscal year; we should not be hiring new employees when experienced employees are being laid off.
- Finally, you - the Board of Trustees, can scrutinize the budget, assuring the employees of Cuesta College and our community that every dollar that can be saved will be, to ensure the education our students deserve.
- Ask yourselves, how can our administrators tell you their goal is to reduce the temporary employee budget by 65%, and yet as of October 1, the beginning of the second quarter, that goal has not yet been reached? Equally alarming ...how can Personnel and Consultant Services increase from 1.7 million dollars last year to over 3.1 million dollars this year... Additionally, "Other Services and Expenses" have risen from 1.2 million dollars to 2.2 million dollars. Again, as you lay off permanent employees, keep in mind that these two line items alone increase our spending by 2.4 Million Dollars!! There is a rumor that some of these expenditures are related to the WIA grant we received, however, without a line-item we are left to wonder. . . what are these expenses and are they coming at the expense of our current employees. We respectfully request that you look at all the expenditures very closely with a complete understanding of what they are. That breakdown is not

included in the budgetary document included in this month's board packet.

- Your permanent classified employees are depending on you. The students are depending on you. Your communities are depending on you. Please, do not violate the trust that we have all have put in you.

Management Senate

Management Senate President, Jay Chalfant presented the following to the Board:

- He expressed sincere sympathy to everyone whose jobs may be affected by the Board's actions tonight.
- The Management Senate understands these reductions were initiated at the state level, but very clearly recognize the local impact and its severity. The group is deeply concerned about the ability of Cuesta to continue to serve all of its students and regrets the decisions which were made at the state level.
- Management Senate recently updated and renewed its scholarship criteria supporting students who are pursuing a degree in leadership or business. This effort was largely lead by Maryanne Zarycka and he thanked her for her commitment to this issue.
- The Management Senate recently hosted a presentation by the safety committee regarding safety risk and prevention programs the committee develops locally for the college. The goal of the presentation was to increase participation in various departments. Participation is important because the college receives up to \$15,000 per year in rebates from SIPE.
- He thanked Administrative Services and the Fiscal Department for their enduring commitment to producing a balanced budget. He commended the clarity of the report. The Management Senate sincerely believes clear communications over the college's finances, both revenue and expenditure are essential to developing a common knowledge that will allow us all to work collaboratively.
- The Management Senate would like to continue to develop the idea of the college conducting regular fiscal seminars. Numbers continue to change and there are often conflicting statements. That is not constructive and everyone needs to have a common understanding of the financial situation we are in. The goal is that these seminars would help defray an "us versus them" perspective and help everyone more clearly see that we are all in this together.

Trustee Mullen said he supported the idea of fiscal seminars to help get everyone on the same page and further promote transparency.

Dr. Pelham said the meetings will be developed in the near future.

8. REPORTS FROM BOARD MEMBERS

Trustee Mitchell

Trustee Mitchell presented the following to the board:

- She responded to Mr. Fetcho's previous remarks and said she often writes to legislators, as does Trustee Galvan. She also responds with more than the regular boiler plate message, and is always thinking of Cuesta when she corresponds with them.
- She asked Ms. Merzon if the group's best practices were on their web site. Ms. Merzon said she would post them.

Trustee Mullen

Trustee Mullen presented the following to the board:

- He is attending the ACCT Annual Congress in San Francisco tomorrow, during which he will participate on a foundation panel.

Trustee Galvan

Trustee Galvan presented the following to the board:

- She attended the attended the grand-opening of the veteran's office on the SLO

campus. She commended Trustee Shepherd on his speech and said the students are lucky to have him as a leader.

Trustee Mathiesen

No report.

Trustee Kiersch

No report.

Student Trustee Shepherd

Trustee Shepherd presented the following to the board:

- The ASCC joined the efforts of the student services support committee in marking the recent grand-opening of the veteran's service office on campus. He had the pleasure of speaking at the opening. The center has already proven to be an effective resource for Cuesta's veteran students.
- The ASCC has four new executive members.
- Tomorrow the ASCC is participating in the Chumash Challenge, which is a high ropes course. This is a team building exercise.
- ASCC is working with the Foundation on their student giving program. This effort will provide a donation driven fund to assist students who are in financial crisis. This will be an invaluable resource for students when they need it most.
- He has been working with Kelly Griggs, President, Cal Poly Student Government, to compose joint goals for the year to be taken to the student community liaison committee. This committee is the interface between the Cuesta student body and the community-at-large
- Dennis Judd, History gave a tour of the Hollister Adobe to ASCC members. The ASCC recognizes the historical significance of the adobe and its relevance to Cuesta and importance to the region.
- They have been working on developing stronger communications with college constituency groups, which includes meeting with faculty members and administrative groups.
- On October 13 a student forum will be held with San Luis Obispo Police Chief Deborah Linden to discuss new laws regarding noise violations and parties. They are working diligently to increase student involvement since it is a potentially serious issue.
- He and three others will attend a leadership development conference in Sacramento on October 13-16.
- A student leadership round table discussion will occur on October 27.
- He is stressing student advocacy. The current issues are much larger than Cuesta and require a much larger then Cuesta response. He plans to continue on a course to show state politicians that students take education seriously. He intends to show Cuesta students they can make a difference.

9. Report from Supt/Pres

In addition to the following written report, Dr. Pelham presented the following to the Board:

- He thanked everyone involved in the budget process and is grateful for the level of participation. It has helped the college as a whole.

10. Communication

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.

None.

11. Hearing of Public Comment

Trustee Mullen indicated that requests for public comment regarding a specific issue addressed in the agenda will be presented when that agenda item is presented for discussion.

Peter Dill, Co-Chair Planning & Budget, presented the following to the board:

- He is concerned about the board's decisions tonight. It seems that it is being made in the dark. He even has the sense that decisions are being made prior to the meeting, which would be a violation of the Brown Act. He thinks decisions are being made without satisfactory information or are premature in nature.
- He considered the board's conversation regarding the COPs vacuous. Nothing has been said about a bond measure, under which the Vice President of Administrative Services would be directed to finance everything under the bond. The opportunity to fund everything under the COPs was rejected. There was no real discussion regarding what actually did go into that decision. He admitted the difference between the COPs and a bond, the latter being paid for by tax payers and the COPs being held by the District.
- At the Planning & Budget meeting yesterday there was a close vote which approved advocating for other options. One option is to layoff a lot of part-time employees. There have been no supporting figures as a result of this action. He asked Toni Sommer if she had the figures. Ms Sommer said the combined action at the board's last meeting and that considered tonight would amount to a \$527,000. He wanted to know how much had been saved in faculty part-time savings. Ms. Sommer said the District budgeted approximately \$6.9 million for faculty last year. Actual expenditures were approximately \$9 million. The District overspent nearly \$2 million. What currently appears in the budget is the actual \$6 plus million. There was a slight change made to move some to categorical programs. The plan is to spend to that budget. The District has already spent nearly \$3 million to part-time faculty. There is no savings to part-time faculty, but there is less spending.
- He said his point was the board is making decisions without all the information.

Trustee Mullen reminded everyone that there was a large number of requests for public comment and to keep presentation and responses to 3 minutes.

Nicole McKinney presented the following to the board:

- She supports DSPS and in particular Judy Rittmiller. They are her family. Judy is a major part of the program and extremely influential on the students. Louis Rossa-Quade was key to her success in biology. Michelle Bach-Peters took time to get her registered. She would have failed if it were not for the efforts of Mary Hastings and college success classes. Kelly Hannula does an amazing job taking notes for her. Without this support she would have to drop out.
- She would not be here today if it were not for these people and many others from DSPS.

Kirk Westlake presented the following to the board:

- He is a fourth year student at Cuesta College. He has required support services since the first grade. Without the services of DSPS he would not be able to attend college.
- If hours and staff are cut, fewer options will be available to him and many others. DSPS has the best supportive and academic leaders he has ever had. These are powerful issues. They help us in ways that cannot be explained. Please keep the staff and hours.

Haena Won presented the following to the board:

- Due to recent reduction in classes, she has been forced to take classes in Los Angeles.
- She heard the board fired nine English teachers and cut 25 classes. She said she cannot take the required English classes she needs to transfer.

Michelle Lopez presented the following to the board:

- During the summer, Cuesta College decided to increase student fees to \$26. This has made it harder to afford classes. This slows student's progress.
- She asked the board to not increase fees any higher.

Ali Elmasri presented the following to the board:

- She is a deaf student.
- She cannot afford to lose the support services which allow her to be successful in college.
- She needs an interpreter. She feels she will be denied her education if severe cuts are made.
- She fully supports DSPS.

Corinna Veasart presented the following to the board:

- She is a deaf/blind student.
- She has attended Cuesta College for nine years. She cannot be successful without the services of DSPS.
- A reduction in services will severely impact students.
- We cannot succeed without DSPS.

Adam Rivera presented the following to the board:

- DSPS reductions will adversely affect students.
- Who is liable for potential lawsuits for any of the students effected; Cuesta or the state of California.
- What is the cost benefit?
- Could the unit charge be increased to help offset these cutbacks?

Matthew McKibben presented the following to the board:

- He is a 37 year old reentry student. He failed out of college the first time around.
- He denied his disabilities at that time and failed. Tutoring has been his key to success.
- He thinks sports and recreation should be cut before other services. Students are here to develop the mind and not the body for sports.

Marcus John presented the following to the board:

- He is a current student and supports DSPS.
- He is disgusted about the amount of money that is proposed to be cut. It is easy to discriminate against a person. He said people are here to get an education and many will not be able to do that if DSPS programs are cut.
- He doesn't care about the reasons. There are almost 1000 students who use DSPS services at Cuesta College. How will they move on and be successful? This is a civil rights issue now and there is no reason to withdraw these services. He has two signers who attend classes with him and a note taker. There aren't enough support staff now. The proposed reduction of DSPS services is unacceptable and if the Board approves these cuts they will be willfully neglecting to provide sufficient services to these students.

Pearl Veasart presented the following to the board:

- She has two children who have been Cuesta students and she's an advocate for student's rights. She is here to collaborate and offer suggestions and safeguard that which everyone here fully supports.
- What you are hearing tonight is frustration. She understands the board did not make the decision to reduce the funding for these important student services. The state is responsible. The District must be careful however, is in how the cuts are applied. This is a civil and human rights issue. When classes are cut across the board it affects everyone; but when a group like DSPS is targeted it focuses the burden on a specific target.
- If the legislature has done this, the District needs to tell them it is unacceptable. There is no point of us being frustrated with the board and you being in the middle.

12. Reports

None

BUSINESS AGENDA ACTION / DISCUSSION ITEMS
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1. Curriculum

Motion to approve: Galvan — **Passed** by those members present to approve the Curriculum Committee recommendations for new and revised curriculum, as presented.

Kevin Bontenbal presented the following to the Board:

- The first curriculum meeting of the semester was held last month. The results of that meeting are presented to the board this evening for approval.
- Many new courses are work experience courses. These were previously identified as experimental courses. Faculty can propose a course and if it is determined viable it is finalized.
- The accounting business courses are in response to what is referred to as the lower division transfer pattern (LDTP). In the past the college has had many articulation agreements with different CSU campuses. The initial idea was that courses would develop a certain articulation pattern at the CSU level. Some institutions have chosen to keep articulation agreements and some have migrated to the LDTP. These courses have been revised to meet those standards so they will be eligible.
- He held an orientation for new and returning committee members.
- Work continues on Curricunet, an automated curriculum platform. He and Angie Lau will be attending a user's group at Ohlone College later in the month.
- There has been miscoding of basic skills courses in the past. This has affected the way in which some of this information has been reported. They are working on cleaning this up.

2. 2009-10 Proposed General Fund and Special Funds Final Budget (Item O.4 was moved up on the agenda as previously approved by the board)

Toni Sommer presented the following to the Board:

- Cuesta College is an interesting organization. Generally, the District has no control over the vast majority of its revenue. It has been suggested tonight that the District raise tuition. That cannot be done. Community colleges do not even see it. Revenue is controlled by the state and is received through apportionment aside from tuition. There is still a requirement to meet all regulations even as people outside the organization are making decisions that affect it financially.
- In January the Governor puts out a preliminary budget. By and large community colleges fared well with the understanding that they provided the base for rebuilding and reinforcing the economy. A 17 month budget was approved. As we moved through spring the economy continued to deteriorate. There was an attempt to mitigate some budget issues through propositions. The voters rejected those proposals in May and the state had to rework the budget. The revised budget was passed on July 8, 2009. Community colleges were impacted more severely because they had gone through the last revise relatively unscathed.
- College administration began to work with Shared Governance Council and Planning and Budget to develop possible solutions to mitigate budget reductions. Meetings were also held over the summer by the President and constituent leaders to further develop plans to solve the budget crisis. The budget kept shrinking and fluctuating. Proposed cuts ranged between \$1.5 and \$6 million. The final general budget fund cut was \$1.6 million. This was much better than what was anticipated.
- Fiscal Services had to take a budget that had undergone little scrutiny in past years, and not only deal with budget cuts, but reign in overspending in areas

where the budget had not been adjusted for several years. She has been the interim vice president since April and does not possess the skill set to cover budgets where overspending has occurred. She works within set budgets where spending must adjust to available funds or it does not occur. She is unsure of where funds originated to cover budget overages in the past but tonight she has presented a balanced budget that meets the dollars of current revenue.

- Figures continue to come from the Chancellor's office; some information being received as late as this morning regarding categorical funds. She previously proposed, and the board had agreed, the budget would reflect general funding and would not include categorical funding because the information was not available to deal with those issues. They would be addressed as the information became available. The District has only since been notified regarding DSPS funding within the last 48 hours. She was proactive and gained access to unofficial figures approximately a week ago but that was not sufficient time to build a final document.
- The budget presented tonight absorbs over expenditures. Ms. Sommer paused to address the term over expenditures. She said they were not actually over expenditures, but in the process of rolling the budget for several years, there were areas that were under budgeted and spending exceeded the specified amount to keep programs viable. This budget corrects for that and the reduction from the state to the general fund. It takes into account recommendations from Planning and Budget and constituent groups. The initial proposal for eliminations was much larger and adjusted as more sources for funding were realized. She stressed that there is no extra money in this budget and it must be strictly adhered to. Everyone must come together and use it as a spending plan to get through the next year. Mid-year cuts should be anticipated.
- Development of the zero-based budgeting program will begin next month and scenarios will also be developed working with projected cuts of 5, 10, and 20 percent.
- The line item for \$900,000 in Workforce Investment Act (WIA) funds is pass through money and the balance of that is the banner contract.
- Trustee Mitchell inquired about line item 5100 on page 18. Ms. Sommer said there are three WIA grants. Some work was done during the summer and some has been done this fall.
- When the cuts to DSPS were addressed, particular attention was paid to the federal and state laws and the requirements to which the college must abide. She has a daughter who requires the services of DSPS, so she knows the frustration and emotion that surround these issues. Part of the rationale was to set aside funding for accommodations. At this particular point there is not enough money, but funding will be adjusted as money becomes available. Accommodation is based on demand. On average the college spends approximately \$200,000 per year on accommodations. It is the goal of the District to put any future funding that might materialize towards accommodations, realizing their moral and civil responsibility.

Trustee Mullen asked if the temporary assignments contained in the consent agenda were DSPS appointments. Ms. Sommer said they were in fact to support accommodations. There is no set amount and the goal is to keep programs functional based on need. With the proposed layoffs presented this evening, there is no, and she repeated, no savings to the District. They reflect the reduction in funding to the District from the state. Earlier in the year it was discussed that categorical programs cuts would be resolved within the program.

There was no way to anticipate the severity to which that cut would be realized. EOPS was cut 40 percent, so this is not unique to DSPS. A philosophical decision was made to not reduce the amount of general fund support towards these programs. The District could have reduced the general fund contribution as it was reduced in revenue but did not. The state portion has been reduced. Ms. Sommer confirmed with Trustee Mullen that any approved reductions or eliminations would reflect the cuts in state funds and not the amount of support that has been historically provided by the District from its general fund. She told Trustee Mullen that every employee in DSPS, including management is affected through either work reduction or elimination.

- Ms. Sommer said tasks currently being satisfied by classified personnel will not be assigned to hourly personnel.
- Legal and moral obligations will be met with hours set aside for accommodation.
- She said, based on continuing issues with the state budget, the District budget may be good through December.

Trustee Mitchell inquired about items contained on page O.4.20. Ms. Sommer said she would gladly address any questions about line items and where figures sometimes get buried. Trustee Mitchell asked about the increase in line item 5900 of approximately \$1 million. Ms. Sommer said that reflects grant funding and is restricted funds. Cuts occurred in hourly hires, supplies, travel, postage and general operations. Trustee Mitchell noted the summary of key points reflects a cut to part-time faculty of \$490,000. Ms. Sommer said part-time faculty, as in other areas such as hourly, had not been appropriately budgeted. Based on the fact the FTES cap was lowered, which should be reflected in fewer offerings, a decision was made not to cut the budget as it had historically been, understanding that it had not been adequate in the past. As the District spends less, it will not experience savings in the future but something that has already been budgeted for. The same applies to the hourly budget.

- Ms. Sommer said zero-based budgeting will provide the same starting point for everyone. Information is coming down quickly and time is running out as well. The District is in a situation where time is actually money.
- The summary of key points is posted on the Planning & Budget web site.
- The summary captures the complexities of this issue very well.

Trustee Mitchell pointed out the fact the state has reduced the amount of funding the District receives for DSPS from \$950,000 to \$472,000. This is separate from the additional funding provided by the District from the general fund. Ms. Sommer said there was no indication that the initial proposed cuts of 16 to 30 percent would be increased so drastically to 52 percent.

Dr. Pelham said the District was only informed yesterday about additional cuts in funding. The impact on students and staff are horrible. It is the last thing the college wants to facilitate and the commitment is still there, but it will take Herculean efforts on the part of the staff to ensure the needs of the students are met, legally and morally.

Trustee Mathiesen said the state is \$7.4 billion out of budget. Based on that trend, in four years the state will be \$38 billion out of budget. Taxes are going to have to be raised, so think about who you vote for during the next election.

Trustee Galvan said she has been on the county school board for 29 years. She has lobbied for disabled for a long time. No one understands the services and the need for services more than she. She has seen the many changes occur

over the years. She has served on the board for that long because of the work being done with the students. The people who make these cuts in funding never see the faces of the people who are affected by those cuts. She suggested the people who are present this evening present their story to the legislators by producing a video. That way they will actually place a face to the person and the story. Make a strong point and force them to make decisions based on real information.

Sue Porter asked since the department is being cut by 50 percent whether the director will be cut 50 percent as well.

Trustee Mullen said he was not comfortable with making a decision on this issue without hearing additional comments and discussion regarding Items O.2 and O.3.

Motion to Table Item O.4: Mathiesen / Mitchell, **Passed** by those members present to table item O.4.

Motion to Take from the Table Item O.4: Mullen / Mathiesen, **Passed** by those members present to take from the table item O.4.

Toni Sommer presented the following to the Board:

- Assuming the \$73,000 is available, the District is cutting into those funds by postponing a decision. A balanced budget is possible but the reductions budgeted at this point will not be as great. The District does have a budget with layoffs. Given the information available, the way to balance the budget shortfalls was through layoffs. Further action may be required to keep it balanced. This immediate action will affect hourly dollars. The District must forward a balanced budget to the Chancellor's office by October 15. She will change the reductions by one month and encroach on current available hourly dollars.
- She requested any motion to approve include the need to make changes based on the items tabled by the board this evening.

Trustee Mullen said he understands this budget is balanced for a month and may have to be adjusted through additional cuts later on.

Motion to approve: Mitchell / Mathiesen, **to include any adjustments required, based on the provisions of the actions taken by the Board on this date regarding items O.2 and O.3. Passed** by those members present to approve the 2009-10 Proposed General Fund and Special Funds Final Budget to include any adjustments required, based on the provisions of the actions taken by the Board on this date regarding items O.2 and O.3.

**3. O.2 SLOCCCD
(District) Resolution
17-09; Classified
Layoff**

Public Comment

Sarah Little presented the following to the board:

- She has been a DSPS student since the 5th grade. She came to Cuesta from San Jose and DSPS has become her family. It is how she succeeds. She failed at other institutions because their DSPS programs were crap. Without the services provided by DSPS her success in college will diminish significantly. Without tutoring she will fail.
- She is an auditory learner; therefore she requires books on tape and needs a note taker. She also requires extra time on tests.
- She asked what will happen to her if DSPS hours are cut.
- She expressed appreciation for Judy Rittmiller and Michelle Bach-Peters

Bob Requarth presented the following to the board:

- He thanked the college for having such a great DSPS program. His son uses the services, which provide him with an opportunity that would not otherwise exist.

Karen Reyes presented the following to the board:

- She said she was speaking tonight as a parent.
- All three of her sons have attended Cuesta College. The youngest was an enrichment student and is currently serving in the Navy. Her middle son completed and is an accomplished athlete. Her third son is an athlete as well but required the services of DSPS. She sent him to Cuesta so he could excel.
- He maintained a 3.0 GPA and was accepted at five universities. Today he is 25; a Cal Poly graduate, married with children, and works as a local social worker serving foster youth. He is a legacy student, but got his start at Cuesta and was successful because of Cuesta.
- Each of these students can be successful if we choose to support them.
- If her son was attending Cuesta College next year and was denied these services, she would be the first one to provide him with the necessary information to file a lawsuit.
- She loves Cuesta but she would fight for every one of her child's rights.

Isacc Roque presented the following to the board:

- He said the board was stuck between a rock and a hard place.
- He is a member of the ASCC and participated in a meeting last week involving Dr. Fontanilla and Dr. Greiner, during which they discussed DSPS. Their discussions mirrored what is being said tonight.
- He reiterated previous statements requesting the board fully investigate and explore every possible option available.

Mike Napoli presented the following to the board:

- He is a 25 year part-time faculty. He lost fringe benefits and a class, but compared to this he has lost nothing.
- He provided an anecdote of two student athletes who were deeply impacted by DSPS. One student had been recruited by Cal Poly to play tennis but had to drop out. She then came to Cuesta to play tennis. He recognized that she had difficulty processing information and demanded she meet with DSPS personnel. She was immediately impressed with the staff and worked with them for two years. She received a scholarship and now manages three restaurants in San Diego. The other student was a freshman with a 1.9 GPA on academic probation. With was the result of an undiagnosed disability. He was accessed by a counselor and at the end of two years was maintaining a 2.83 GPA and receiving awards. He received a full ride to Idaho where he graduated with a business degree.
- There comes a time when money is insignificant and the individual is most important. He would like to see a town hall meeting and have all the administrators answer all their questions.
- When you go after a program like this, you strike at the very heart of the college.

Anna Linn presented the following to the board:

- Said she just saw SLOCCCD Resolution 02-09 for \$25 million to finance Theater Arts and North County Learning Resource Center.
- She would rather have teachers than a theater arts building.
- Trustee Mullen said the District didn't have any choice.

- She said at least the District has \$25 million to build a theater arts building and hopefully it will raise enough money to keep the college open.
- She supports hiring freezes at Cuesta College. Certain positions need to be filled but the District shouldn't cut teachers and then hire in other areas.
- She said enrollment is up 4.9 percent across California and Cuesta's enrollment has increased over 3000 since 2001. She does not see how these students are going to be served with class cuts and budget cuts. Cutting jobs affects the community as well.
- She would rather go without air conditioning than layoff another teacher. She would rather see the cafeteria closed. She thinks there are places in the budget to cut to save teachers and other jobs.

A statement was delivered on behalf of Tawny Villegas who presented the following to the board:

- She is a blind student at Cuesta with a 3.7 GPA who has completed her web development certificate, and will soon complete her AA degree in general education.
- She programs web sites by listening to the program.
- She is an incredible mind.
- Regarding the cuts to Judy Rittmiller and Kelly Whitten, she asked who is going to accommodate students like Tawny who needs four extra hours to complete tasks. The board is violating law by denying these students access to education. It is not a matter of if, but when the students will file suit. Should she sue the state for reducing funding by 50 percent or the college for not doing a good job with the 50 percent it does have.
- If the College was found liable in a class action suit the entire college would be put at risk.

Ruth Turner presented the following to the board:

- She is a note taker and spends a lot of time in the hub of action that is DSPPS.
- She has worked with students for three years.
- She is not clear on what accommodation means and what will be provided.
- Not enough tutors are available this year. The students are already not getting what they need.
- This handful of people is serving the students and the others within the department. These students have to wait for a lot of services.
- Students are dropping out because they are overwhelmed. These students have intense needs.
- The college has certain responsibilities and one is to be sensitive to the individual personalities of students, whether it is in communicating their needs or an attempt to maintain dignity in a very difficult situation.

Carla Maitland presented the following to the board:

- She is the Division Assistant for DSPPS.
- The department assisted 727 students in the 2008-2009 academic year, but apportionment was only received for 715. That number is 3.5 percent of the total student population. Of those students, 45 graduated with an AA degree. Some students received multiple degrees. They have overcome their disabilities and disadvantages.
- The District must not deny services. Many students are co-dependent upon those services. To eliminate or reduce those services is not logical and will not work.

Judy Rittmiller presented the following to the board:

- She is a support service assistant. Her job is to give extended time to DSPS students.
- She presented a stack of files representing the number of students who have to have extra time for testing.
- She summarized the amount of testing, readers, and scribes that were needed in spring 2009.
- Her job is to give extended time on exams and final assessments and high school seniors. If she is cut to four hours a day her job will be impossible. Support will also be going away. The work trickles down and grows exponentially with each step.
- Faculty will not do this.
- Cuesta is legally responsible to provide these services. The students will suffer and lawsuits will be much more costly than finding the money to support these students.

The meeting was recessed at 6:43 p.m.

The meeting reconvened at 6:50 p.m.

Kelly Whitten presented the following to the board:

- He explained his position and the extensive work he does supporting students.
- The state requires the college to provide these services whether the money is there or not.
- The proposals before the board tonight are a mistake.

Travis Sitler presented the following to the board:

- He has attended Cuesta College for four years. DSPS is great and it has enabled him to study and take tests as other students would. He is upset regarding the 50 percent cut in DSPS funding.
- The unemployment rate for blind people is 70-80 percent. He does not want a hand out. He wants to support his own family in his own way.
- He recognized and thanked the DSPS staff.

Joanne Murphy presented the following to the board:

- She is a three-year student. She attributes her success to her tutors, note takers, and the audio technology provided to her at Cuesta.
- She has an auditory processing disability.
- She is distressed at the announced loss of this program, and feels for the other students as well.

Nicole Williams presented the following to the board:

- She has attended Cuesta College since 2005.
- She battled a virus that attacked her brain and had to learn to walk and think again. She has short term memory damage.
- She wanted to give up several times but the support staff in DSPS kept encouraging her to keep going.
- This drastic cut will result in less services being provided and the students will suffer tremendously.

Ilene French presented the following to the board:

- She thanked all the students who came to the meeting tonight and shared their stories.
- She has been here for 20 years and does not know what will happen to the program.

Marie Larsen presented the following to the board:

- She is the Division Chair for Mathematics, and the mother of a disabled, second year student at Cuesta College.
- Every semester approximately 300 DSPS students require double test taking. It is not that the Math Department would not like to provide this service, but they do not have the people or the space.
- She said it was difficult to follow the previous statements made by the students.
- She is hoping for success for her son. He needs a scribe and DSPS will help him succeed. She understands the budget but some things still mystify her. She believes the board should postpone their decision on this matter. She does not think the cuts are possible while abiding the laws and living by Cuesta's slogan - Thousands of Success Stories. It cannot happen.

Mary Hastings presented the following to the board:

- She has been serving students for 24 years. Next year tutoring will celebrate 40 years of service. She dealt with the reduction of her position in order to prevent the elimination of the tutoring program. Tutoring was offered during summer for the first time last year.
- Tutoring meets many needs. Over 1000 access the program each year, but she has been responsive to the demands of the budget. Support for North County is decimated. Student's requests go unfilled.
- She asked the board to consider the future of this highly successful and cost effective program.

Jerome Hunt presented the following to the board:

- He began attending Cuesta in 2001. A herniated disk required him to seek out the services of DSPS. They provided adaptive furniture and extra time for testing and work. Without them he would have given up a long time ago.
- He asked the board to not reduce or eliminate the program because it would have a serious ripple effect.

Paula Robinson presented the following to the board:

- She is slated for layoff in DSPS. She asked everyone who was subject to a potential layoff to stand.
- She urged the board to prevent any layoffs and in particular, spare Michelle Bach-Peters. She is the face of DSPS. She is the first person the students come in contact with. They are often frightened, confused, or suffering from some other discomfort. Michelle belays their concerns. She manages hundreds of student files.
- She asked why there was such a rush to take action. Dr. Pelham says we continue to struggle to get the final numbers. The complete picture will probably not be known until November, at which time additional funds for DSPS would be received.
- She asked the board to postpone any decision until December when the numbers are more solid.

Michelle Bach-Peters presented the following to the board:

- She read a letter from Kathy Peters which stated the college was already out of compliance in many areas. Many restrooms are not compliant. With budget cuts, these items will remain unfixed and students will lost the ability to compensate for their disabilities. Ilene French troubleshoots for students. She works with others to come up with solutions for the students. A 50 percent cut will not allow her to do her job. Many rely on out-of-class testing.

Faculty will have to legally provide this service and they do not know how.

- DSPS services are critical to the success of our students. The college is opening itself up legally. DSPS changes lives. Where will these students go?
- Please do not cut DSPS.

Lisa Curtis presented the following to the board:

- She has spent 8 years in DSPS. A temporary disability required her to use a wheelchair. That allowed her to see quickly that Cuesta is out of compliance regarding mobility, and that is only one of nine issues. Limited access will get worse.
- The biggest concern is the law. This is discriminatory and will destroy the accessibility of a small percentage of students. Cuesta has already received charges from OCR. In cases of action they do not care whether an institution can afford it. This will open the District up to massive lawsuits. The entire institution will be held in violation. Civil litigation may follow, and government funding may be frozen.
- There is an indication that that will most likely happen. There is a rumor that DSPS is overstaffed. That is not the case.

Karen Waska presented the following to the board:

- She is a specialist in DSPS. She is seeking support for the students.
- She said reductions and eliminations would greatly impact the capabilities of the students.
- DSPS has qualified staff now, but cuts will dramatically compromise their ability to function. This action would have untold ramifications. She asked how the institution would provide services. There are hours put aside for accommodation. She reviews documentation from outside sources: assessments, match programs with limitations, referrals, and collaborates with faculty and teaches a 3-unit class. She asked what hours would be set aside for her to provide these services.
- She quoted the Cuesta College vision statement and asked the board to keep that vision in focus as they made their decisions.

Donna Lipe presented the following to the board:

- She is in the federal work study program.
- There is an impressive staff at Cuesta College. The enthusiasm of the teachers is impressive as well. So many people helped her through the process. Each is enthusiastic about what they do.
- Cuesta College does a great job of recruiting and retaining staff, but she is shocked to see what is going on around campus. They all had their hours cut and the help is simply not there for students.
- Her classmates rely on DSPS services, and they are fearful about what may happen.
- She asked the board to reverse payroll cuts and not take any action regarding DSPS.

Hedy Carra presented the following to the board:

- She retired from Cuesta College last May after 25 years of service.
- She read various letters from students and parents and provided copies to the board.
- She said everyone has a right to an education. These students choose to fight and overcome major obstacles in their lives. Some of the most dedicated students at Cuesta are DSPS students. Proposing cuts to DSPS is ludicrous.

- The DSPS staff work tirelessly to meet every student's needs.
- If DSPS is cut 50 percent and the faculty are allowed fewer hours for their students, then Cuesta will fail as an education system while failing to advocate for the disabled student community.

Robin Powers presented the following to the board:

- She is a DSPS specialist.
- The number of disabled people will not stay static; it will increase and we are cutting staff. This is a frightening thought. These students go through a lot just to get through her door. They are our kids and our neighbors. They want their lives back and don't want a handout. They want to come to Cuesta. This staff helps them.
- She can do her job only with the help of those the college is considering cutting.
- She asked the board to wait to make any decisions. We have to be smarter than the state.

Mark Tomes presented the following to the board:

- He is a learning disabilities specialist.
- He told Trustee Mathiesen he pays very close attention to those who are setting taxes but also who is paying them.
- He is a former trustee with the Atascadero Unified School District. He encouraged the board to police their conversations more closely in closed session. It is obvious to him that the board discussed budget issues as well as the COPs item in the last board meeting.
- He is disconcerted that the agenda was rearranged to address the final budget before these issues were discussed. He believes it allowed Ms. Sommer to frame the discussion and justify the cuts. He thinks others saw through that as well.
- It is not just the state doing this to the District. Many of our budget problems are self-inflicted. FTES were improperly reported, it took nine months to get a plan out of the president's office dealing with budget cuts despite dire predictions.
- In November DSPS will receive more money and that is not being taken into consideration. A survey was conducted and 48 community colleges responded, indicating that Cuesta College DSPS was the only one being held to the exact figures from the Chancellor's office. They are allowing that projected money to be worked into the budget.
- There is a false sense of security that there is money for accommodations. All it takes is one student to file a lawsuit. The OCR in San Francisco considers Cuesta College a hostile environment for disabled students.
- The solution is to wait a couple of months.

Leonard Gott presented the following to the board:

- He has 5 disabilities. What the board is proposing is taking his choice of being here out of his hands. It will not allow him to attend college.
- He implored the board to reconsider.

Barbara Miller presented the following to the board:

- She is a faculty member and hopes the board is listening and learning things they did not know. Math needs DSPS. They need extended test time. She cannot accommodate students. She cannot proctor these students. Math is the biggest user of the program.
- For these students, math is impossible for them without DSPS. They need

this program.

- She asked the board to postpone their decision.

Dr. Pelham confirmed Dr. Fontanilla was connected to the meeting via telephone. He said it is the administration's recommendation the board move forward on this issue. This process takes 45 days and if additional funds are realized, those funds will be targeted for student services, but to delay this action would push the final action another 45 days. Any additional reductions or eliminations may have to be deeper than originally anticipated due to the loss in savings.

Trustee Mathiesen asked how many faculty were in DSPS. Dr. Fontanilla said (6) six. He said this program has too successful and there is no extra money to cover additional requirement. Trustee Mathiesen asked if DSPS enrollment could be limited. Dr. Pelham said no. Trustee Mathiesen asked if another department, perhaps the Math department because they are their biggest client, set aside additional funds to help mitigate some of these issues. Dr. Pelham said charging internally for services does occur at some schools, but it is not a change that could happen quickly. The entire budget would have to change.

Trustee Mitchell asked Dr. Fontanilla how the money that was being provided by the state for DSPS was being budgeted. Dr. Fontanilla said the state would allocate up to 55 percent of the college's base allocation. This left the college with \$472,000. Funding will come in November for the deaf and hard-of-hearing but there is no way to determine how much that will be. All but \$73,000 of the \$472,000 went towards staffing. The \$73,000 will be used for accommodation. Any remaining funding will be used for accommodations.

Trustee Mitchell asked what the total salaries were for the three positions contained in the proposal for eliminations. Ms. Sommer said it was approximately \$86,000 with a little more than 7 months remaining in the fiscal year. They have already been funded this far into the year and most are not 12 month employees.

Trustee Mullen asked if these positions could be reduced like the others previously presented to the board instead of eliminating them.

Dr. Fontanilla said much consideration was made regarding the services that would be provided to students and the impact to the program as a whole with eliminations.

Trustee Mullen asked if it was an option at all to bridge the District to November if no positions are eliminated and only reductions are made. Ms. Sommer said she could not predict how it would come out fiscally. She sees the rationale in waiting. Layoffs can be pulled back if more funding becomes available. The process would be in place and if funding was not realized, deeper cuts most likely would not be necessary.

Trustee Shepherd thanked everyone for their testimony. He said he found it curious that the board was considering this action when the Cuesta employees that make the most money have only been cut by 5 percent.

Trustee Mathiesen said if all colleges have the same response like that which has been presented this evening, Sacramento might pay attention, but he feels Cuesta is standing in a field alone. He said other colleges would probably not respond in such a manner because their programs are much smaller and this does not have the severe impact that it does at Cuesta.

Trustee Kiersch said the board has heard from a number of people about their

experiences. These experiences need to be told to the governor, the members of the assembly and the senate. These stories have the most impact when they come from the students. The board members continuously contact them; this must come from the students. She asked the remaining board members to delay the vote on this issue. Several others have asked the same. There are too many unanswered questions to make a decision this evening. She said she had been on the board for 20 years and this is one of the most emotional meetings she has experienced. She is asking for this tonight and wants it honored; that we do not vote on this tonight.

Trustee Mitchell said Cuesta has an excellent Advancement Department and suggested they would be happy to put together a video for the students and Youtube it and contact television and radio. She appreciates all the work and effort each person at Cuesta devotes to the success of students. She said the board's hands were tied. The college depends on the state for revenue and they cannot simply ignore \$180,000 with the hope that it will show up.

Trustee Galvan said if the board approved this tonight, it would not be effective until November 23. If additional money is realized the action can be rescinded. If the board does not take action, they will be back in December making deeper cuts. She said, based on the information provided, the wisest decision would be to act on this item tonight with the understanding that the decision can be rescinded.

Responding to Trustee Mullen, Dr. Fontanilla said notification of any additional funds could be received by the second week of November, but she would hope it would not be past the third week.

Ms. Sommer said the proposed reductions and eliminations are considered in the final budget presented this evening. Funds would have to be taken from an alternative source. She cautioned the board regarding the 50 percent rule when redirecting additional general funding to other programs. The District is required by law to spend 50 percent of general funding directly in the classroom. There is approximately \$200,000 proposed in cuts. If that is moved back, there is a chance deeper cuts may have to occur.

Trustee Mullen said given the lack of state funding the program will have to change and still meet federal mandates. He asked if reducing the positions instead of eliminating them would work. Money could come from the \$73,000 set aside for accommodation. Dr. Fontanilla said she is concerned that money will not be available when it is needed.

Ms. Sommer said any delay would reduce the saving by two months. Trends have not played out.

Trustee Shepherd recommended reducing managers and others an additional 5 percent to make up the difference. Ms. Sommer said that money would be from the general fund and in turn would be going towards categorical programs. The 50 percent rule is in effect again.

Responding to Trustee Mathiesen's suggestion to use funds from other departments, Dr. Pelham said Academic Affairs does not have the money to absorb the extra costs.

Motion to amend resolution 17-09: Mullen; Amend to reduce the workload for the three positions to 50 percent of their current workload until December, position (1) 8 hours to 4 hours, position (2) 8 hours to 4 hours, and position (3) 5 hours to 2.5 hours.

Karen Reyes asked if the board had received today, any information or creative recommendations relevant to this issue from any constituency. Dr. Pelham said the board was informed about a vote concerning Planning and Budget Committee, and information regarding negotiations.

Trustee Mathiesen called for the question.

Annette Loria said each of the three positions has a separate contract. Taking this action from a layoff to reduction; is it coming from their FTE, contract work year, or both? Ms. Loria confirmed that it was being taken from their FTE. Trustee Mullen confirmed it was to come from hours and not length of contract: position (1) 8 hours to 4 hours / 11 month, position (2) 8 hours to 4 hours / 11 month, and position (3) 5 hours to 2.5 hours / 9 month.

Motion to amend resolution 17-09: Mullen/Mathiesen, **Failed** by those members present by roll call vote:

Mullen - yes, Mitchell - no, Mathiesen - yes, Galvan - no, Kiersch - abstain, Shepherd - no.

Motion to table the question: Mullen/Mathiesen, **Passed** by those members present the motion to table to time certain item 0.2.

**4. SLOCCCD (District)
Resolution 18-09;
Classified
Reduction**

Motion to approve SLOCCCD Resolution 18-09 for the following positions: (1) Accountant, (1) Art Gallery Director, (1) Financial Aid Clerk II, and (1) Student Services Assistant, Academic Support: Mitchell/Galvan. **Passed** by those members present by roll call vote to approve SLOCCCD Resolution 18-09 for the following positions: (1) Accountant, (1) Art Gallery Director, (1) Financial Aid Clerk II, and (1) Student Services Assistant, Academic Support.

Yes (6), No (0)

Responding to Mary Hastings, Annette Loria said the supervisor position listed in Resolution 18-09 is not part of DSPS but should have been listed as DSPS/Academic Support under that director. It is a supervisor position but still a classified position. Dr. Fontanilla said this position is funded from academic support/general fund MOE support to DSPS.

Ms. Sommer said general fund money was moved to DSPS. The District has not decreased the amount of general fund money support to DSPS. It is the same amount as last year. Consideration of faculty in the reduction of DSPS was not an option. Faculty was moved to general fund dollars in DSPS. The budget is not there now to cover the position.

Motion to table the question: Kiersch / Shepherd, **Passed** by those members present to table to time certain, the remaining positions contained in SLOCCCD Resolution 18-09.

Trustee Mullen asked for a roll call vote.

Mullen - yes, Mitchell - yes, Mathiesen - no, Galvan - no, Kiersch - yes, Shepherd - yes

**5. The Cuesta College
Classified United
Employees
(CCCUE) Initial
Proposal for 2009-
2010 Negotiations**

Motion to accept: Mathiesen / to include salary/benefits and only one of the two articles listed. **Motion Dies for lack of a Second.**

Trustee Mitchell said the bargaining unit was asking to negotiate two provisions but they are only allowed to negotiate one plus salary/benefits.

Karen Reyes said because of the inability to negotiate COLA/benefits increases

covering July 1, 2009 through June 30, 2010 with the San Luis Obispo County Community College District (District)

and the fact that the District is proposing salary reductions and initiating layoffs; they are requesting an additional re-opener, Article 12 Discipline and Article 18 Layoff.

Responding to Trustee Shepherd, Dr. Pelham said, based on the collective bargaining agreement, the CCCUE is allowed to open negotiations with salary/benefits plus one additional article in the contract.

Ms. Reyes said they are requesting the additional article because of issues already impacting the members. They are trying to create balance. The reason for the additional article is members are facing layoffs and they want to clean up language regarding layoffs and some disciplinary issues. This will not cost the District extra money, just clean up current language.

Trustee Mathiesen said this sets a precedent he is not ready to set.

Trustee Mitchell said the District limits the number of articles negotiated to expedite negotiations and prevent personnel resources from being tied up for an extended amount of time.

6. Memorandum of Understanding with Allan Hancock for P.O.S.T. Training

Motion to approve: Mitchell **Passed** by those members present to approve the Memorandum of Understanding with Allan Hancock for P.O.S.T. Training, as presented.

- Steve Leone asked how many FTES this would generate, considering the college is trying to limit that number.
- Toni Sommer said Allan Hancock receives the FTES. Cuesta is giving them the permission to conduct the classes within its district.

7. Accreditation Evaluation Response Report

Motion to approve: Galvan **Passed** by those members present to approve the Accreditation Evaluation Response Report to include the minor revisions presented.

Dr. Greiner presented the following to the board:

- She presented the proposed report for board approval.
- Two minor amendments will be included before the report is sent to the Commission.
- She thanked everyone who worked so diligently and successfully on this report.
- Trustee Mullen thanked everyone involved in putting this response together. Responding to nine recommendations is comprehensive.
- Trustee Galvan thanked everyone and said the report was a great piece of work.
- Trustee Shepherd asked if there was any dissatisfaction by the individuals compiling the report.
- Steve Leone said there was no dissatisfaction among the committee members regarding the written report but some concerns about the amount of work that has been done to satisfy the recommendations. The report is an honest reflection of the work that has been done. Some changes have been made to the timeline on page 49 and an additional plan to sustain progress in long range strategies. The report can only address what the college has accomplished and discussion of plans. The report is honest and includes a plan for sustainability.

- 8. Board Policy Review, Revise BP 6005 Admissions** Beth-Ann Dumas presented the following to the Board:
- This board policy allows faculty to develop, within their divisions to develop course age qualifications for Cuesta College enrichment students; those still attending high school.
 - There is also a petition process.
 - Anyone K-12 can end up in a Cuesta classroom.
 - A student must obtain permission from the County Superintendent. The District cannot supplant county public school attendance. If the District denies attendance a student can also appeal to the County Board.
- 9. Consultant Agreement - Discrimination Complaint Agreement** **Motion to approve:** Galvan — **Passed** by those members present to approve the consultant agreement - discrimination complaint agreement, as presented.
- Annette Loria presented the following to the Board:
- The District recently received a complaint filed against an employee and has the responsibility to respond within 90 days.
 - This request is presented to the Board due to the lack of resources available to sufficiently investigate and respond to this issue. Another consultant is currently working another claim.
 - This claim is complicated and will require a lot of time and resources.
- 10. Interim Dean Workforce Economic Development** **Motion to approve:** Mathiesen — **Passed** by those members present to approve the consulting contract for Interim Dean, Workforce Economic Development, as presented.
- Annette Loria presented the following to the Board:
- This contract allows Gil Stork to serve as interim dean.
 - His earnings are capped through STRS and this consulting agreement allows the District to ensure his income stays below the designated level.
 - Karen Reyes asked what percentage Dr. Stork was receiving.
 - Ms. Loria said he was moving from 80 to 20 percent.
 - Peter Dill said the department would not have much support based on 20 percent.
 - Dr. Stork said STRS would not allow an exemption because they only consider the vice president positions for emergency backfill. He has agreed to cut his paid time to one day per week and volunteer additional time in the office on the two additional days he teaches on campus. He will ensure the paper continues to flow and has committed to the evaluation process.
 - Dr. Greiner thanked Dr. Stork for his generosity and additional service to Cuesta College. This is consistent with his history of contributing to the community and the college.
- 11. Agenda Items for Next Meeting** A preliminary list of proposed agenda items for the October 7, 2009 Regular Board meeting is presented for review.
- The Board approved by consent, the agenda items for the next meeting.

<p>BUSINESS AGENDA INFORMATION ITEMS</p>

- 12. College Planning and Budget Development** No report.

- 13. **Cuesta College Student Enrollment Information** Ryan Carnal presented the Student Enrollment Report (Attachment B)
- 14. **Resolution in Support of CCFT's Efforts to Address the Cuesta College Budget Crisis** Cuesta College Academic Senate resolution demonstrating support for the efforts of the CCFT and CCFT President, Allison Merzon, to address the budgetary crisis at Cuesta College.
Steve Leone and Beth-Ann Dumas read the resolution to the Board.
- 15. **Quarterly Financial Report 311-Q** Chris Green presented the report to the Board.
- 16. **Strategic Planning Timeline** Dr. Greiner said this was an aggressive timeline which is needed to ramp up efforts surrounding strategic planning. Campus forums were recently convened to collect information to be used in the process.

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:** Galvan — **Passed** by unanimous vote of those members present to approve the consent agenda, as presented.
- 2. **Approval of Minutes** Approve Draft Minutes of the September 2, 2009 regular board meeting, as presented.
- 3. **Approval of Warrant Listings** Approve warrant listings, as presented:

8/31/2009	\$	438,930.51	
9/2/2009	\$	1,048,300.98	
9/9/2009	\$	630,065.27	
9/14/2009	\$	577,493.74	
9/16/2009	\$	1,206,781.65	
9/21/2009	\$	307,898.37	
9/23/2009	\$	108,665.00	
TOTAL	\$	4,318,135.52	
- 4. **Approval of Payroll Orders** Approve Payroll Orders, as presented.

Academic/Classified Hourly	\$ 203,943.25	260
Academic/Classified Monthly	\$ 3,463,805.85	844
	\$ 3,667,749.10	1104
- 5. **Approval of Gifts to the College**
 - a. Approve gifts to the College, as presented.
 - b. A copy of "Alice's Adventures in Wonderland" donated by Kathy DeCou for use by the Library.
 - c. A copy of "More Than My Share" donated by Starr Jenkins, Merritt Star Books for use by the Library.
 - d. A digital camera donated by Erika Murphy for use by the Childhood

Development Center.

- e. Surgical gloves and supplies donated by John Uhran, CT International for use by the Nursing and Allied Health Departments.
- f. A \$25 gift certificate donated by Bobbi Conner, The Natural Alternative for use by Professional Development.
- g. Movie passes (4) donated by Jim Reed, Park Cinemas for use by Professional Development.
- h. A \$40 gift certificate donated by Rosa's Ristorante Italiano for use by Professional Development.
- i. A dress making form donated by Judy Sanchez for use by the Human Development Department.
- j. Scada software (\$95,000) donated by Fred Gard, NSI Upstream for use by the Engineering Technology Department to support the development of the Solar Program.
- k. A flat screen monitor donate by Marcia Scott for use by the Nursing and Allied Health Departments.
- l. A flat screen monitor donate by Gary Scott for use by the Nursing and Allied Health Departments.

- 6. **Board Policy 2430, Delegation of Authority to the Superintendent/President** Approve board policy 2430, delegating authority to the Superintendent/President, SLOCCCD, Cuesta College, as presented.
- 7. **Employee Appointments** Approve salary/wages for unrepresented employee appointments.
- 8. **Change Orders for the Theater Arts Building (CPAC)** Approve change orders (01-15, 03-15, 03-17, 03-18, 03-19, 04-07, 05-24, 05-25, 06-06, 07-19, 07-20, 09-11, 09-12, 10-05, 10-07, 23-02, and 24-03) for the CPAC, totaling \$73,608.86, as presented.
- 9. **Change Orders for the Hollister Bridge Replacement Project** Approve change orders (01-02, 01-03, 01-04, 01-05, and 01-06) for the Hollister Bridge Replacement Project, totaling \$23,109.39, as presented.

Q.	DISCUSSION
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- 1. What went well?
 - Trustee Mathiesen – He realized tonight that he did not know enough about what was going to be discussed. The discussion prompted him to ask more questions.
 - Trustee Galvan - The meeting went too long. The Board needs to enforce the 3 minute rule on public comment. In the past two weeks she has attended several functions. She knows the county pretty well.
 - Trustee Kiersch - The meeting went too long but it is hard to cut people off when they are speaking. She felt they were being lectured to. The people have to understand the Board is not against DSPPS. We are in favor of the program.
 - Trustee Shepherd - He felt he was not as prepared as he would have liked to be. He appreciated all the comments. It is a struggle for him at every board meeting, being removed from the administration of the college. He is very involved with local government and committees and is increasing his ASCC role. He recommended a buzzer/timer for public comment.

- Trustee Mitchell - She said it is frustrating when there is a mandate to provide a program and the revenue source for that program is cutoff or reduced. She said some of the staff may not understand how DSPS is funded. The Board wants the best for Cuesta; board members are the college's strongest advocates. She is very active in the community.
- Trustee Mullen - It is a struggle to keep the meetings to a reasonable length of time.
- Peter Dill said he had never been to a meeting like this. He said the board did an excellent job tonight and tolerated a very difficult situation.

ADJOURNMENT

Adjournment The meeting was adjourned at 10:10 p.m. Unless otherwise announced, the next meeting of the Board of Trustees will be held on Wednesday, November 4, 2009, at 4:00 p.m., in room 5401, Student Conference Center, San Luis Obispo Campus, San Luis Obispo, California.

Dave Pelham
Superintendent/President