

MINUTES OF THE BOARD OF TRUSTEES
SOUTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT
SEPTEMBER 15, 1997
LIBRARY 105/MCKINNEY THEATRE, SADDLEBACK COLLEGE

The open session of the regular meeting of the Board of Trustees was called to order in Library 105 by Vice President Williams at 6:00 p.m. **CALLED TO ORDER**

Four speakers addressed the board on topics concerning C.S.E.A. litigation against the district involving the Classified Senates, and the lack of due process within the district. **PUBLIC COMMENTS**

The open session was adjourned to closed session. The Board of Trustees met in closed session from 6:10 p.m. to 7:10 p.m. All trustees were present with the exception of President Frogue. **CLOSED SESSION**

The open session of the regular meeting of the Board of Trustees was reconvened in McKinney Theatre at 7:15 p.m. by Vice President Williams who announced that President Frogue was unable to attend the board meeting. Trustee Lang led the pledge of allegiance and Trustee Fortune asked for a moment of silence. **RECONVENED**

Members of the Board of Trustees

John Williams, Vice President
Dorothy Fortune, Clerk
Joan Hueter, Member
Dave Lang, Member
Teddi Lorch, Member
Marcia Milchiker, Member
Rick Travis, Student Member

PRESENT

Absent

Steve Frogue, President

Administrative Officers

Robert Lombardi, Chancellor
Tony Carcamo, Vice Chancellor, Fiscal Services
William Jay, Vice Chancellor, Human Resources
Kathleen O'C. Hodge, Vice Chancellor, Educational Services
Ned Doffoney, President, Saddleback College
Raghu Mathur, President, Irvine Valley College

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Faculty Association
Sherry Miller-White

Academic Senate
Kate Clark
Miki Mikolajczak

California School Employees Association
No representation

Classified Senates/Council
Mahshid Hajir

Associated Student Government
Tim Gertz
Mike Kindyval

Vice President Williams stated that item 14, Synthetic Refunding of 1989 Certificates of Participation Issue, will be moved to follow the consent calendar item to accommodate speakers. Motion by Trustee Fortune, seconded by Trustee Lang, to approve the agenda as presented, including a replacement page for item 16b. Motion carried unanimously. Student Trustee Travis cast an affirmative advisory vote.

**APPROVAL
OF AGENDA**

Motion by Trustee Fortune, seconded by Trustee Milchiker, to approve minutes of the August 18, 1997, regular meeting and September 8, 1997, special meeting of the Board of Trustees. Motion carried unanimously. Student Trustee Travis cast an affirmative advisory vote.

**APPROVAL
OF MINUTES**

There were no actions to report from closed session.

CLOSED SESSION

Vice President Williams introduced Spencer Covert, legal counsel for the district, who indicated that the board asked him to comment on a statement in the minutes of the August 28, 1997, meeting of the Interim Senate/Cabinet of the Associated Students of Irvine Valley College. He reported that the statement regarding pending litigation over the appointment of an interim president at Irvine Valley College and Brown Act issues, which indicated that board members were fined

**STATEMENT BY
DISTRICT LEGAL
COUNSEL**

and forced to expel Raghu Mathur, was false. Mr. Covert noted that the district is still waiting for the final superior court decision and, that when the judgement is received, there is a sixty day period during which the district has the option to appeal the issue.

Nearly 50 community members, students, faculty, and staff addressed the board on issues including Board President Frogue, the withdrawn class on the JFK assassination, previous board actions, poor ventilation in specific buildings at Saddleback College, lack of board response to a community member's letters, a demand for cure and correct of particular board actions, freedom of speech, appointment of the IVC president, reform, and faculty salaries. Resolutions and statements read by speakers will be retained in the public record of this meeting in the Chancellor's Office.

**PUBLIC
COMMENTS**

Item 25 was removed from the consent calendar for separate discussion. Motion by Trustee Lang, seconded by Trustee Milchiker, to approve the consent calendar as amended. Motion carried unanimously. Student Trustee Travis cast an affirmative advisory vote.

**CONSENT
CALENDAR**

Vice Chancellor Carcamo introduced Mr. Steve Heaney, principal with Stone & Youngberg LLC, who explained their proposed financing program involving outstanding debt which would result in an upfront payment to the district in exchange for a commitment to refund the 1989 COPs in 1999 on the date at which they may be called for optional redemption. Mr. Heaney noted that many issuers throughout the state and nation have utilized the program to take advantage of the current low interest rate environment where outstanding issues cannot be advance-refunded because of federal restrictions. Following discussion, Trustee Lorch asked administration to provide the board with a list of business ventures that have made money for SOCCCD, and Trustee Lang asked that, if the proposed financing program is utilized, legal counsel involved in drafting the transaction documents ensure that the district's tax exempt status is not jeopardized.

**SYNTHETIC
REFUNDING OF
1989 COPS
ISSUE**

Motion by Trustee Hueter, seconded by Trustee Lang, to accept the grant award to Saddleback College in the amount of \$1,749,657 and first-year funding amount of \$350,000 from the United States Department of Education for the Title III Strengthening Institutions Grant. President Doffoney distributed a fact sheet on the grant and noted that it will not only allow the college to create an Interdisciplinary Language Skills Center to help develop learning techniques for high risk students with language liabilities that limit their academic success, but also to create a Student Data Collection program and sophisticated Student Tracking and Referral program that will provide easy access to data for student services faculty, staff, managers, and students. Motion carried unanimously.

**GRANT
ACCEPTANCES**

The board approved the award of funds to IVC in the amount of \$69,400 for the Tech Prep Local Consortia, Phase VI Project, and approved travel, lodging, and registration expenses up to \$2,000 for non-district personnel to attend teacher-training workshops and conferences in accordance with the grant terms.

The board approved the Saddleback College Great Teachers' Seminar for an amount not to exceed \$7,500.

**GREAT TEACHER'S
SEMINAR**

The board approved consulting agreements with Kenneth Miller, M.D., to direct the Paramedic Training Program at Saddleback College for a fee not to exceed \$17,500 plus travel expenses; with the individuals listed to serve as Coordinators for C.N.A. testing for a fee not to exceed \$10,000 per year; and with Nancy Brom to provide specialized education services in Gerontology Nursing for an amount of \$50 per hour, not to exceed \$2,000.

**CONSULTANT
AGREEMENTS**

The board approved/ratified payment of honoraria by Saddleback College to Dr. Mark Milliron in the amount of \$500 for his presentation during Fall 1997 in-service; to Carol Waxman in the amount of \$500 for her presentation during the Humanities Hour on October 8, 1997; to Marian Walkingstick in the amount of \$300 for her presentation on June 6, 1997, during the four week NEH funded faculty development seminar; and to Dr. Michael Stone in the amount of \$300 for his presentation on October 23, 1997, during Red Ribbon Week.

HONORARIA

that classified staff positions were reduced by 17 and administrative and classified management positions by three in that time frame. President Mathur referenced a summary prepared by Vice President Loeffler which indicates that IVC has vacancies in classified staff amounting to over \$550,000. He indicated that approximately \$101,000 was budgeted to address the most critical classified staffing needs, but because of college growth, addition of new buildings, and technology training needs, many other crucial positions need to be filled. Trustee Fortune said the August 18, 1997, motion the board approved directed management to seek reduction of administrative expenses by 5%, as well as a 2.5% cut in the classified budget, but tonight's report by administrators states they cannot find any ways of becoming more fiscally efficient in these two areas. Professor Clark stated that, by vote of the IVC Academic Senate, she was asked to convey to the board the Senate's opposition to cuts in classified, classified management, and administrative staff at IVC. Chancellor Lombardi supported existing positions and acknowledged additional staffing needs, but added that jobs and tasks do change and perhaps some individuals could be retrained to be better utilized in other positions.

Vice Chancellor Carcamo provided additional details on the receipt of the prorated amount of proceeds from the settlement between the Orange County District Attorney and Merrill Lynch.

RECEIPT OF FUNDS FROM SETTLEMENT

The board approved the award of Bid 218D for a five-year contract for the removal of hazardous waste in the district to Ecology Control for the amounts indicated.

AWARD OF BID

The board approved the award of Bid 979 to Burge Corporation in the amount of \$306,313 to remove architectural barriers at Saddleback College, and hiring Tim Mead, AIA, to provide architectural service during the construction phase of the project for a fee of \$11,830.

ARCHITECTURAL BARRIER REMOVAL PROJECT

The board approved the rejection of all bids submitted in relation to Bid 981 for the Saddleback College campuswide boiler upgrade project.

REJECTION OF BID

The board approved/ratified transfers of appropriations as delineated.

BUDGET TRANSFERS

<p>The board adopted Resolution 97-44, Saddleback College Statewide Medical Assistant Project, to amend the 1997-98 General Fund Restricted Budget by \$95,000, and Resolution 97-46, IVC Americorps Project, to amend the 1997-98 General Fund Restricted Budget by \$100,000.</p>	<p>BUDGET AMENDMENTS</p>
<p>The board approved purchase orders 71928 through 72565 totaling \$2,363,627.37.</p>	<p>PURCHASE ORDERS</p>
<p>The board approved checks 84211 through 85081 totaling \$2,437,947.26; credit card purchases totaling \$6,628.65; Saddleback College Community Education checks 3507 through 3519 totaling \$29,165.05; and IVC Community Education checks 4885 through 4905 totaling \$13,152.70.</p>	<p>PAYMENT OF BILLS</p>
<p>The board adopted Resolution 97-45 authorizing payment of compensation to Student Trustee Travis who was absent from the August 18, 1997, board meeting due to illness.</p>	<p>AUTHORIZATION TO PAY TRUSTEE</p>
<p>The board approved the trustees' requests for travel and/or mileage as indicated.</p>	<p>TRUSTEE TRAVEL/ REIMBURSEMENT</p>
<p>Motion by Trustee Milchiker, seconded by Trustee Lorch, to ratify travel and lodging expenses for Mr. Vishwas More in the amount of \$246.90 for his visit to the district to speak at the August 18, 1997, board meeting. Trustee Hueter objected to paying Mr. More's expenses on the basis that his comments were not relative to the board's current task of hiring a president for Irvine Valley College, and Trustee Lang indicated he felt it was attempt to legitimize the process the board is using. Trustees Hueter and Lang noted that they were unaware of the invitation to speak extended to Mr. More by President Frogue, and expect all board members to be consulted before a speaker is invited to make a presentation to the board. Trustee Milchiker stated that she would vote in favor of the item but agreed that the invitation to speak was not handled appropriately. Motion carried with Trustees Hueter and Lang casting negative votes. Student Trustee Travis abstained.</p>	<p>REIMBURSEMENT FOR BOARD GUEST SPEAKER</p>

Motion by Trustee Fortune, seconded by Trustee Lorch, to rescind the action taken on July 14, 1997, to approve offering the class *Warren Report on the JFK Assassination* through Saddleback College Community Education. Trustee Milchiker stated that she is concerned that the considerable negative publicity over the proposed controversial speakers has challenged the academic integrity of the institution, and that perhaps the board president has lost his ability to govern through all the controversy brought to the district. Trustee Lorch reemphasized that the class was offered as a noncredit course through community education. Trustee Lang stated that he hopes that the district has learned that anytime the South Orange County Community College District lends its name to an event or offers a program under its auspices that the district's academic integrity and reputation are on the line. Trustee Lang and other trustees agreed that the district needs to closely examine the kind of individuals invited to our campuses, what they stand for, and what they have to say. Trustee Fortune noted, to set the record straight, that the class was originally approved July 14, 1997, along with 73 other community education classes, with the two negative votes cast because those trustees were concerned whether or not it was legal for a trustee to teach a class, and that Trustee Frogue had taught the class previously in 1988 without controversy. She added that four speakers for the class were placed on the August 18 agenda for approval and were approved but with the stipulation that no general funds would be used to pay the speakers' expenses. Trustee Fortune indicated that when considerable opposition was voiced against the speakers, Trustee Frogue withdrew the class without a board vote because no vote was required. Vice President Williams read a statement from President Frogue for the record (attached to the minutes). Motion carried unanimously.

**RESCISSION OF
APPROVAL TO
OFFER CLASS**

Several individuals giving reports congratulated Raghu Mathur for his recent appointment as President, Irvine Valley College.

REPORTS

Trustee Lang read a prepared written report which is attached to the minutes.

**TRUSTEES'
REPORTS**

Student Trustee Travis reported that several students have complained to him about the temperature in certain classrooms, as well as the unsafe condition of the football field. He requested a review of the guest speaker policies for the Community Education program and for student government and student groups, as well as a review of policies concerning posting materials on both campuses.

Trustee Fortune expressed regret at any offense that might have been caused to the Jewish community by offering the Warren Report on the JFK Assassination class.

Trustee Williams stated that although the controversial class has been rescinded, he hopes as the district moves forward that it will move cautiously where the issue of freedom of speech is concerned. He referenced a newspaper article that reported on SOCCCD faculty salaries and suggested that donations be made to the college foundations for student scholarships if any faculty members feel they are overpaid. Trustee Williams indicated that a statement attributed to him concerning a district savings of \$1 million through the district reorganization was incorrect. He noted that he had said nearly \$1 million was reallocated to the classroom from reassigned time for chair duties and other duties. Trustee Williams commented that he believes many individuals are misreading the Brown Act and that our agendas appear to comply with about 50% of other public agency agendas in Orange County.

Tim Gertz, ASG Secretary of State, reported on current and upcoming activities, including a Clubs Fair this week for student organizations, professional associations, and honor society; a blood drive on October 7; Red Ribbon Week, October 23-29; and a gangs and violence lecture on October 27.

ASG REPORTS

Mike Kindyval, representing ASIVC, stated that the students believe that offering the JFK Assassination class was not in the best interest of students or the community and that it reflected a personal ideology; that there was little or no community interest in offering such a course; and that the general sentiment of the students at IVC is opposition to Mr. Frogue's ideas and lack of confidence in him as board president.

Professor Mikolajczak reported that associate faculty members met on August 21 and September 5 and plan to meet on the first Friday of every month at noon in Library 114. She indicated that they selected four associate faculty senators, and that associate faculty members Richard Lewis and Patti Weeks will work with colleagues at IVC to assist in including associate faculty in the IVC Academic Senate. Professor Mikolajczak read a Senate adopted resolution stating that the board failed to follow established procedures in the hiring process for the position of IVC President (copy on file in the public record of the meeting in the Chancellor's office).

**ACADEMIC
SENATES'
REPORTS**

Professor Clark stated that the senates have been working collaboratively and will continue to do so, beginning with devising a faculty evaluation component including peer review that is necessary for accreditation at both colleges. She expressed concern that the entry level wage for new faculty at SOCCCD is not competitive with other community colleges, and the district continues to lose employees to Rancho Santiago CCD and Coast CCD because their starting salary is significantly higher.

Professor Miller-White defended recent board actions to place academic administrators back in the classroom, and noted that most teachers want to teach. She encouraged those who do not want reform to quit and take a teaching job elsewhere. Professor Miller-White asserted that the press intentionally slanted facts in recent articles on the district and should print a correction with the real facts. She urged everyone to stop bickering, place the needs of students first, and move forward.

**FACULTY
ASSOCIATION
REPORT**

Ms. Hajir referred to a previously distributed letter and again invited the board members to meet with the IVC Classified Senate on September 24 or 25 to discuss the role of the classified staff.

**CLASSIFIED
SENATE
REPORT**

President Doffoney indicated that he had submitted a written report but would like to introduce John Ozurovich, Director of Physical Plant, to update the board on heating and air conditioning in certain buildings on campus. Mr. Ozurovich reported that although new chillers, cooling tower, and electrical switchgear had been installed in the last couple of years increasing cooling capacity by 50%, there is a finite amount of air available that isn't always sufficient to ventilate buildings properly, especially when classrooms are overcrowded. He

**PRESIDENTS'
REPORTS**

added that the tank that holds the chilled water generated at night to reduce utility costs is not large enough to cool the campus during extremely high temperatures and humidity, and if the chillers run during the day as well, the added cost is roughly \$15,000 to \$20,000 per month. Mr. Ozurovich commented that since August 1, Operations has received over 550 hot and cold complaints that were attended to by three HVAC mechanics. President. Doffoney stated that there was discussion concerning overhauling the entire BGS building air conditioning system during summer 1998 but, because of the scope of the project, the renovation will not occur until summer 1999, contingent upon approval by the state architect. He congratulated Geof English for receipt of the prestigious Betty Connors Award from the Western Alliance of Arts Administrators for his exemplary services to the art community; Associate Faculty Member Celia Vanderpool, who teaches aviation technology, for receipt of "A Woman in Aerospace Award"; and KSBR who was recently featured on OCN for its outstanding program.

President Mathur thanked those who supported his selection as President, Irvine Valley College, and urged everyone to continue to work together as a team. He reported that IVC is offering 4.5 percent more sections this fall as compared to fall last year; weekly faculty contact hours are up 9.7 percent; weekly student contact hours are up 8.5 percent; and enrollment per section has increased from 35.8 students to 36.3. He congratulated President Doffoney and Saddleback College for receipt of more than \$1.7 million in Title III grant funds and noted that IVC plans to focus more attention on securing grant funding. He commended Vice President Loeffler and his staff for utilizing cost-effectiveness in remodeling the old library building during the summer which now provides space for ten new classrooms, a larger laser lab, the astronomy lab program, a re-entry women's center, a multi-cultural center, an honors program center, an academic senate office, and additional parking for staff and students.

Chancellor Lombardi reported that as a result of his upcoming trip to the State Chancellor's Office, he hopes to have a better understanding of the growth formula and how he can perhaps eventually encourage a thorough review to ensure that SOCCCD fits appropriately into the schedule. He noted that during an earlier discussion on faculty salary he was reminded that although faculty members begin at a low salary level, the structure was developed by the charter board so that if a teacher stays in the classroom he or she is eventually very well compensated.

**CHANCELLOR'S
REPORT**

Motion by Trustee Hueter, seconded by Trustee Milchiker, to approve the submitted academic personnel actions. Motion carried unanimously.

**PERSONNEL
ACTIONS**

Motion by Trustee Lang, seconded by Trustee Hueter, to approve the submitted classified personnel actions. Motion carried unanimously.

Motion by Trustee Fortune, seconded by Trustee Lang, to accept the gifts as listed in the agenda item. Motion carried unanimously.

GIFTS

The meeting was adjourned at 11:25 p.m.

ADJOURNMENT



Robert A. Lombardi, Secretary