

**RANCHO SANTIAGO COMMUNITY COLLEGE DISTRICT**

2323 North Broadway, Room #107  
Santa Ana, California 92706

**Monday, January 12, 2009**

**MINUTES OF REGULAR MEETING**  
**BOARD OF TRUSTEES**

The meeting was called to order at 4:31 p.m. by Dr. David Chapel. Other members present were Mr. Brian Conley, Mr. Paul Garcia, Mr. John Hanna, Mr. Mark McLoughlin, and Mr. Phillip Yarbrough.

Administrators present during the regular meeting were Mr. John Didion, Mr. Peter Hardash, Dr. Eddie Hernandez, Jr., Dr. Erlinda Martinez, and Mr. Juan Vázquez. Ms. Anita Lucarelli was present as record keeper.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mr. Alex Flores, Student President at Santa Ana College.

**PUBLIC PRESENTATIONS**

There were no public presentations.

**APPROVAL OF MINUTES**

It was moved by Mr. Yarbrough, seconded by Mr. Conley, and carried unanimously to approve the minutes of the meeting held December 8, 2008, with the correction of Mr. Paul Garcia in attendance and the following correction (read into the record by Mr. Hanna):

*“Mr. Hanna also completed a NIMS/SIMS training course at the conference and received a certificate of completion. He was informed at the conference that all trustees must complete this course. Mr. Hanna asked the chancellor to confirm this and work out arrangements so other board members could take the class and obtain their required certificate.”*

**CONSIDERATION OF THE CONSENT CALENDAR**

It was moved by Mr. Conley, seconded by Mr. Yarbrough, and carried unanimously to approve the recommended action on the following items as listed on the Consent Calendar:

Affiliation Agreement Amendment (RENEWAL): County of Orange - Criminal Justice Academies

The board approved this amendment with the County of Orange in Orange, California.

**CONSIDERATION OF THE CONSENT CALENDAR** - (cont.)

Affiliation Agreement: QuickCAPTION – Santa Ana College/Santiago Canyon College

The board approved this agreement with QuickCAPTION for real time computer aided captioning services for the remainder of the 2008-09 academic year.

Clinical Affiliation Agreement for Nursing: Competent Care Home Health Nursing

The board approved this agreement with Competent Care Home Health Nursing in Costa Mesa, California.

Payment of Bills

The board approved the payment of bills as submitted.

Budget Transfers and Budget Increases/Decreases

The board approved budget transfers, increases, and decreases during the months of July through November 2008.

Stale Dated Check Over Two Years Old

The board approved reissuing payroll check #00955367 to David R. Garcia issued on May 28, 2004, in the amount of \$522.48.

Change Order #1: Bid #1063/SCC Science Building – State Funded

The board ratified Change Order #1 for Bid #1063 as presented.

Change Order #12: Bid #1051/SAC Maintenance & Operations Building

The board ratified Change Order #12, EMAE International, Inc., for Bid #1051 for the construction of the Classroom and Maintenance & Operations Buildings at Santa Ana College as presented.

Change Order #13: Bid #1051/SAC Classroom Building

The board approved Change Order #13, EMAE International, Inc. for Bid #1051 for the construction of Classroom and Maintenance & Operations Buildings at Santa Ana College as presented.

Lease: St. Peter Evangelical Lutheran Church

The board approved a lease with St. Peter Evangelical Lutheran Church for space to conduct child care services and authorized the chancellor or his designee to sign the lease.

Notice of Completion: Bid #1083/SAC Art Gallery Lighting Replacement

The board approved the Notice of Completion for the Art Gallery lighting replacement at Santa Ana College's C Building as presented.

**CONSIDERATION OF THE CONSENT CALENDAR** - (cont.)

Bid #1095: Santa Ana College Audio Visual Equipment and Installation

The board accepted the bid and awarded Bid #1095 to CCS Presentation Systems for Santa Ana College audio visual equipment and installation as presented.

Purchase Orders

The board approved the purchase order listing for the period November 16, 2008, through December 6, 2008.

Resource Development Items

The board approved the budgets and authorized the chancellor or his designee to enter into related contractual agreements on behalf of the district:

- California Mathematics Diagnostic Testing Project (SAC) \$ 28,420
- Disabled Student Programs and Services (DSPS) (SCC) \$480,204
- Entrepreneurship Career Pathways (YEP) – CITD (District) \$ 50,000
- Entrepreneurship Career Pathways (YEP) – SBDC (District) \$ 50,000
- State Preschool – Child Development Services (SAC) \$632,526
- UCI Graduate Student/Faculty Internship (SAC/SCC) \$ 25,000

Resolution No. 2009-01 – California Department of Education (CPRE-8242)

The board approved the resolution agreement with the California Department of Education and authorized the chancellor or his designee to sign contract documents for the 2008-2009 fiscal year.

**INFORMATIVE REPORTS**

Dr. Eddie Hernandez (Chancellor)

Dr. Hernandez stated that Items 5.3 (Non-Resident Tuition Fee for 2009-2010) and 5.5 (Pooled Money Investment Board [PMIB] Suspension of Interim Loans for State-funded General Obligation and Lease Revenue Bond Projects) were pulled from the Consent Calendar due to additional information received from the State Chancellor's Office on January 9. Revised copies of both items were distributed to board members.

Dr. Hernandez thanked representatives from the constituency groups for their support during the difficult budget process.

He reported that he and Mr. Hardash will be giving a presentation regarding budgeting in a multi-college district at the ACCCA meeting on January 16.

In spite of the reduction of intersession, Dr. Hernandez reported the colleges have met their enrollment goal and CAP projection. He explained that the colleges have proven to be cost efficient with fewer students taking more units. Dr. Hernandez thanked the college presidents,

deans, faculty, and department chairpersons for selection of classes offered during the spring semester.

Dr. Hernandez stated that the Board of Governors is expected to vote today on a facility construction list for a future state bond measure. The State Chancellors Office has placed SAC Science building and SCC Fine & Performing Arts building on the state project list for 50% state funding. He thanked staff for their work on making this possible.

Mr. Larry Labrado and Ms. Lisa Woolery arrived at this time.

Dr. Hernandez reported that last week he, Dr. Chapel, and Ms. Weidner attended the Orange County Legislative Task Force (OCLTF) meeting. Task Force members agreed their priority is to encourage legislators to approve a state budget.

In addition, he reported at the OCLTF meeting it was announced that a student rally will be held on January 27 in Pasadena. It is hopeful a student rally may be held at Santa Ana College at a future date.

Dr. Hernandez stated that the OCLTF website is currently under construction and plans to feature college links, photos, and legislation for advocacy purposes. The website will represent the Orange County community college districts, be maintained by South Orange County CCD. It is expected to be available soon.

In addition, Dr. Hernandez reported that discussion at the OCLTF meeting included environmental sustainability relating to construction projects and community colleges leading this new field of education.

Dr. Hernandez extended birthday wishes to Ms. Woolery.

Mr. Paul Garcia (Student Trustee)

Mr. Garcia thanked the chancellor for providing answers to his questions regarding the textbook price guarantee offered by the colleges, update on the textbook task force, and services provided to students interested in financial aid.

Students at Orange Education Center (OEC) and Centennial Education Center (CEC) have asked Mr. Garcia to research how non-credit students would be able to attain medical services on campus. Mr. Garcia explained that SAC and SCC students pay a health fee; therefore, have the opportunity to visit the health center at each campus and receive medical services. OEC and CEC students do not pay a health fee nor do they have a health center on campus.

Dr. Erlinda Martinez (President – Santa Ana College)

Although the instructional program was reduced by 15%, Dr. Martinez reported that enrollment figures have increased 1.6% from the previous spring semester. She commended staff for efficiency in selecting the courses offered. It appears there are fewer students taking more classes. Currently, SAC has 9,333 students enrolled and 350 students were dropped due to lack of tuition payment. The college did not record how many students were re-enrolled after fees were paid. It is projected that the college will meet CAP.

Dr. Martinez is using January as a time with staff to plan for new buildings and maintenance and landscaping projects.

Dr. Martinez updated the board on the standings of the men's and women's basketball teams and reported that SAC's wrestling team took second place in the state final competition.

Dr. Martinez discussed various upcoming events at Santa Ana College.

Mr. Juan Vázquez (President – Santiago Canyon College)

Although the instructional program was reduced by 15%, Mr. Vázquez reported that enrollment figures have increased approximately 1% from the previous spring semester. As of January 7, SCC has 6,994 students enrolled and 220 students were dropped due to lack of tuition payment. The college did not record how many students were re-enrolled after fees were paid. He indicated fewer students enrolled are taking more classes.

Mr. Vázquez invited board members to attend the softball field grand opening on January 28 at 2:30 p.m. and the game against San Diego City College at 3 p.m.

Dr. Chapel asked if class sizes had increased. Mr. Vázquez indicated last year the average class size was 22 to 23 students per class; this year the average class size is 28 to 32 students per class. Dr. Chapel asked if certain classes had restrictions on enrollment. Mr. Vázquez answered affirmatively.

Mr. Yarbrough commended the board and college presidents for their efforts in meeting CAP.

Mr. Hanna is pleased that students re-enrolled after being dropped for non-payment of tuition fees. He asked the college presidents if it is possible to track students who had been dropped and later returned to pay fees. Since the district is transitioning from one computer system to another, Dr. Martinez and Mr. Vázquez indicated the information is not currently available but is hopeful it will be accessible upon completion.

Mr. Hanna asked if the amount of uncollected tuition fees had decreased. Mr. Hardash indicated \$1.6 million in uncollected tuition fees had decreased by approximately \$500,000. It is hopeful this amount will continue to decrease.

Ms. Tina Lam (Student President – Santiago Canyon College)

Ms. Lam was not in attendance.

Mr. Alejandro Flores (Student President – Santa Ana College)

Mr. Flores reported that students plan to attend the student rally in Pasadena on January 27 to advocate against cancellation of classes and budget reductions.

Upcoming plans include hosting a budget forum and a grand opening for the renovated student lounge.

Mr. Yarbrough asked Mr. Flores to keep him informed of opportunities to meet with students regarding the budget. In addition he asked Mr. Flores to keep the board informed of students' sentiments regarding budget reductions.

Mr. Morrie Barembaum (Academic Senate President – Santiago Canyon College)

Mr. Barembaum reported the senate has not met during the holiday break but plans to meet again at the spring retreat on February 4.

Mr. Raymond Hicks (Academic Senate President – Santa Ana College)

Mr. Hicks reported the senate has not met during the holiday break but faculty is aware of the budget situation.

Mr. Hicks stated that SAC served as the host college for the National Association of Community College Entrepreneurs held last week at the Anaheim Hilton Hotel. Twelve representatives from the district were able to attend the conference and plan to meet to share ideas.

### **CLOSED SESSION**

It was agreed to adjourn to closed session at 5:07 p.m.

### **RECONVENE**

The board reconvened at 6:08 p.m.

Dr. Chapel announced that the board discussed personnel items including contract negotiations, employees as listed on the Human Resources dockets, public employee discipline/dismissal/release, and the chancellor's evaluation during closed session.

### **PUBLIC PRESENTATIONS**

There were no public presentations.

### **APPROVAL OF ACADEMIC PERSONNEL**

It was moved by Ms. Woolery, seconded by Mr. Labrado, and carried unanimously to approve the academic personnel docket with the revised page and attached addendum.

### **APPROVAL OF CLASSIFIED PERSONNEL**

It was moved by Ms. Woolery, seconded by Mr. Labrado, and carried unanimously to approve the classified personnel docket with the attached addendum.

### **PUBLIC DISCLOSURE OF COLLECTIVE BARGAINING AGREEMENT BETWEEN RANCHO SANTIAGO COMMUNITY COLLEGE DISTRICT AND CONTINUING EDUCATION FACULTY ASSOCIATION (CEFA)**

It was moved by Ms. Woolery, seconded by Mr. Labrado, and carried unanimously to approve amendments to the collective bargaining agreement with the Continuing Education Faculty Association.

### **BOARD TRAVEL/CONFERENCES**

It was moved by Ms. Woolery and seconded by Mr. Conley to approve the submitted conferences and travel by board members. Ms. Woolery asked that her name be removed from the trip to Sacramento since she will not be attending the CCLC 2009 Annual Legislative Conference.

The motion carried unanimously to approve the submitted conferences and travel by board members.

### **NON-RESIDENT TUITION FEE FOR 2009-2010**

It was moved by Mr. Labrado and seconded by Mr. Yarbrough to establish the non-resident tuition fee at \$190 per unit, the capital outlay fee at \$15 per unit, and the application fee at \$25 for 2009-2010 as presented. Dr. Hernandez explained that recent communication from the state necessitated a change in the amount of the fee. A revised copy of Item 5.3 was distributed.

The motion carried unanimously to establish the non-resident tuition fee at \$190 per unit, the capital outlay fee at \$15 per unit, and the application fee at \$25 for 2009-2010 as presented.

**POOLED MONEY INVESTMENT BOARD (PMIB) SUSPENSION OF INTERIM LOANS FOR STATE-FUNDED GENERAL OBLIGATION AND LEASE REVENUE BOND PROJECTS**

It was moved by Mr. Conley and seconded by Mr. Labrado to approve as revised the continuation of construction of Santiago Canyon College Science Center using Measure E funds until the PMIB funds the project with the understanding that RSCCD takes the risk that there is no guarantee if and when state funds will be made available in the future.

Dr. Hernandez indicated there was an error in the original item on the amount of money set aside for these projects. A revised copy of Item 5.5 was distributed. Dr. Hernandez explained the effect the PMIB suspension of interim loans for state-funded general obligation and lease revenue bond projects would have on district projects.

Mr. Hanna expressed support for the staff's recommendation. He indicated if construction stopped, litigation fees may be costly. He stated the board has made a commitment to the community to complete SCC's Science Building. Mr. Hanna does not support taking monies set aside for SAC projects to complete SCC's Science Building.

If the state approves \$8 million towards projects, Mr. Hanna asked for ideas of what the district is able to accomplish with this amount of money. He would like this information before board members' visit to Sacramento on January 24.

Ms. Woolery asked if the district would be reimbursed the \$8 million when the state budget was stronger. Dr. Hernandez indicated it is hopeful the state will meet its commitment, but nothing is absolute. He stated the district did not enter contracts without a commitment from the state. If the state is unable to keep its commitment, the district would seek funding elsewhere. Dr. Hernandez encouraged board members to contact legislators and advocate on behalf of the district and its commitments. Ms. Woolery asked if plans had been considered if the district did not receive a reimbursement of these funds. Dr. Hernandez answered negatively but indicated future plans would be presented to the Board Facilities Committee.

Mr. Labrado asked that SCC's gymnasium be among projects given to legislators for the economic stimulus package.

The motion carried unanimously to approve as revised the continuation of construction of Santiago Canyon College Science Center using Measure E funds until the PMIB funds the project with the understanding that RSCCD takes the risk that there is no guarantee if and when state funds will be made available in the future.

## **BUDGET UPDATE**

Dr. Hernandez introduced Mr. Hardash who gave a presentation on the most recent budget information.

Mr. Hardash reported the governor's staff presented the governor's proposed budget on December 31, 2008, although budget details were not released until January 9, 2009. The state budget's shortfall is currently anticipated to be approximately \$41.6 billion for the 2008-09 and 2009-10 years.

He reported the governor's budget proposal includes \$17.4 billion in expenditure reductions, \$14.3 billion in new taxes and fees, and \$9.7 billion new borrowing to balance the budget. In addition, the governor's budget proposal would reduce Proposition 98 funding for K-14 education by \$6.6 billion (\$7 to \$8 million for RSCCD) in 2008-2009. The proposed budget would allow K-14 districts to reduce their required reserves by half for 2008-09 and 2009-10. This would allow RSCCD to reduce its reserve by \$4.5 million; however, reserves are required to be reinstated by July 1, 2010.

Mr. Hardash stated the proposed budget would include deferment of the January/February 2009 apportionment until July 2009 (approximately \$6 million for RSCCD). In addition, the July apportionment would be deferred until October 2009 (approximately \$5 million for RSCCD).

Due to the apportionment deferral and lowering of required reserves, Mr. Hardash anticipates that other districts may have cash flow problems. RSCCD may be forced to borrow from internal funds and the O.C. Treasury. In addition, he anticipates there will be a substantial loss of interest earnings on cash reserves.

The governor's proposed budget for 2009-10 includes funding Proposition 98 at the same level as the reduced 2008-2009 level. The proposed budget includes 3% FTES growth funds for the community college system, suspension of mandated cost programs, and support for property tax backfill for community colleges; however, it does not include a cost of living allowance (COLA).

Mr. Hardash reported the governor proposes calling a special election in June 2009 for approval of the governor's proposed new revenues relating to mental health, early childhood, and lottery programs.

The legislative analyst's office (LAO) suggests larger cuts to K-14 categorical programs and less reliance on deferrals and the general apportionment fund. In addition, the LAO questions the legality of borrowing to balance the budget and recommends a special election sooner than June 2009.

Mr. Hardash reported the legislature's budget deal was presented to the governor on December 18, 2008. The governor vetoed the budget deal on January 6, 2009. The budget deal addressed \$18 billion of the anticipated \$41.6 billion shortfall and did not provide special protection for education.

Mr. Hardash anticipates that a balance of state taxes and expenditures will result in funding reductions of approximately \$12 to \$14 million to RSCCD over the next 17 months. Optimistically, RSCCD may expect a \$7 to \$8 million reduction in state funding for 2008-09 and 2009-10; pessimistically, RSCCD may expect a \$20+ million reduction in state funding for the same period.

Since it may be too late for mid-year budget reductions, Mr. Hardash anticipates most budget reductions will occur in 2009-10. Currently, district staff is evaluating personnel costs, consultant agreements, independent contractor agreements, memberships, leases/site costs, categorical programs, grant funded programs, travel budgets, business-related cell phone reimbursements, supply and equipment accounts, program and service staffing levels, and state-mandated obligation of full-time faculty.

Mr. Hardash indicated that state leadership is under pressure to adopt a budget since the state may deplete its general fund cash. He distributed a letter from the California State Controller that indicated the state may begin issuing registered warrants as IOUs as early as February 1, 2009.

RSCCD will continue to monitor action by the state legislature. Once action has been taken, RSCCD will evaluate the effects of the state budget, inform employees, and take appropriate action.

Mr. Garcia expressed concern over the unavailability of Cal Grants. Mr. Hardash indicated the district will continue issuing Cal Grants and is hopeful the state will reimburse its IOUs once the budget is passed. Dr. Hernandez stated there is risk involved that the state may not reimburse the district; the option is not to issue Cal Grants to students, but he is not willing to make that recommendation.

Mr. Hardash confirmed with Ms. Woolery that the district is reviewing every possibility of reducing the budget.

Mr. Yarbrough commented that although mid-year reductions are not mandatory, it appears the district may initiate mid-year budget reductions due to the 2009-10 anticipated shortfall. Discussion ensued regarding the ramifications of reducing the district's budget reserve.

Mr. Hanna asked if the state chancellor's office indicated it would grant waivers. Mr. Didion explained the dilemma that would be involved if waivers were granted and encouraged board members to contact legislators for assistance.

### **BOARD MEMBER COMMENTS**

Mr. Hanna commended Coach Flo Luppani on the recent SAC women's basketball game. Although the team lost to Cypress College, they played well.

Mr. Hanna expressed disappointment upon learning of the arrest of two former SAC football players. He thanked the chancellor for forwarding the staff's evaluation of the circumstances. Mr. Hanna expressed concern over the following comment in the chancellor's email "*current information indicates that no action is needed since this was by all accounts a crime that took place off campus during a non-college sponsored event. Thus it is outside the district's disciplinary jurisdiction. The athletic directors and student services staff at both colleges agree with this conclusion.*"

After reviewing Board Policy 5201 (Standards of Student Conduct), Mr. Hanna felt the staff's evaluation was inconsistent with the policy due to limiting the offense to an occurrence on campus. In addition, he felt the policy may be inconsistent with state law since its language limits the sexual assault to students or college personnel. Mr. Hanna indicated current state law requires signed waivers for felonies of this nature. He asked for policies pertaining to the athletic/exercise science department's student athletic codes of conduct indicating that athletics is a privilege, not a right, and certain conduct on and off campus is required.

Mr. Hanna requested the Board Policy Committee review BP 5201 and the student code of conduct for the athletic/exercise science department. Mr. Conley indicated he would call a Board Policy Committee meeting to pursue this request.

Mr. Conley will be attending the CCLC Legislative Conference in Sacramento on January 24-26 and hopes to meet with legislators regarding the budget. Although he received tickets to the inauguration in Washington, D.C., he is unable to attend.

Mr. Labrado asked for an update on his prior request for the procedure a company takes to become a vendor.

Mr. Labrado indicated at the Board Facilities Committee meeting he requested a list of SAC projects to present to legislators during his Washington, D.C. visit in February as part of a stimulus package. He asked for a similar list for SCC projects.

Dr. Chapel reported that the OCLTF is researching ecological sustainability as a new educational opportunity. The OCLTF is working toward: 1) Developing curriculum that provides ecological awareness; 2) providing new careers in ecological sustainability; 3) creating public awareness of ecological sustainability; and 4) designing eco-friendly buildings. As board representative to OCLTF, Dr. Chapel will provide more information as made available.

**NEXT MEETING**

The next regular meeting of the Board of Trustees will be held on Monday, February 2, 2009, at the District Office, 2323 N. Broadway, Santa Ana, California.

**ADJOURNMENT**

There being no further business, Dr. Chapel declared this meeting adjourned at 7:10 p.m. in honor of Ms. Woolery's birthday.

Respectfully submitted,

---

Eddie Hernandez, Jr., Ed.D.  
Chancellor

Approved: \_\_\_\_\_  
Clerk of the Board