

RANCHO SANTIAGO COMMUNITY COLLEGE DISTRICT (RSCCD)
Board of Trustees (Regular meeting)
Santa Ana College (SAC)
1530 W. 17th Street, Johnson Student Center
Santa Ana, California

Monday, October 11, 2021

MINUTES

1.0 PROCEDURAL MATTERS

1.1 Call to Order

The meeting was called to order at 4:51 p.m. by Ms. Tina Arias Miller. Other members present were Mr. David Crockett, Mr. John Hanna, Mr. Zeke Hernandez, Mr. Larry Labrado, and Ms. Elisabeth Neely. Mr. Sal Tinajero arrived at the time noted. Mr. Phillip Yarbrough was not present due an early morning meeting of the Association of Community College Trustees (ACCT) Financial & Audit Committee in San Diego.

Administrators present during the regular meeting were Mr. Cheng Yu Hou, Ms. Iris Ingram, Dr. Marilyn Flores, Mr. Marvin Martinez, Mr. Enrique Perez, and Dr. Pamela Ralston. Ms. Maria Vicencio was present as record keeper.

1.2 Pledge of Allegiance to the United States Flag

The Pledge of Allegiance was led by Mr. Martinez, Chancellor, Rancho Santiago Community College District.

1.3 Approval of Additions or Corrections to Agenda

There were no additions or corrections to the agenda at this time.

NOTE: After Item 4.6 (Agreement with FM3 Research), board members realized an item for board member comments was not listed on the agenda; therefore, a vote was taken on Item 1.3 at that time.

1.4 Public Comment

There were no public comments.

Dr. Arias Miller asked that written public comments received prior to the meeting be attached to the minutes.

1.5 Approval of Minutes

It was moved by Mr. Labrado and seconded by Mr. Crockett to approve the minutes of the regular meeting held September 27, 2021. The motion carried with the following vote: Aye – Dr. Arias Miller, Mr. Crockett, Mr. Hanna, Mr. Hernandez and Mr. Labrado. Student Trustee Neely’s advisory vote was aye.

1.6 Approval of Consent Calendar

It was moved by Ms. Neely and seconded by Mr. Labrado to approve the recommended action on the following items on the Consent Calendar, with the exception of Item 3.1 (Agreement with Center for Transformation and Change) removed from the Consent Calendar by Ms. Neely; and Item 4.6 (Agreement with FM3 Research) removed from the Consent Calendar by Dr. Arias Miller. The motion carried with the following vote: Aye – Dr. Arias Miller, Mr. Crockett, Mr. Hanna, Mr. Hernandez and Mr. Labrado. Student Trustee Neely’s advisory vote was aye.

- 3.2 Ratification of Amendment to Agreement for COVID-19 Testing Services between RSCCD on behalf of Santa Ana College (SAC) and Medica Testing Group, Inc. in association with Eastside Family Medical Associates, Inc.
The board ratified the amendment to the agreement for COVID-19 Testing Services between RSCCD on behalf of SAC and Medica Testing Group, Inc. in association with Eastside Family Medical Associates, Inc.
- 3.3 Approval of Educational Affiliation Agreement between RSCCD on behalf of Santa Ana College and South Pacific Rehabilitation Services, Inc.
The board approved the educational affiliation agreement between RSCCD on behalf SAC and South Pacific Rehabilitation Services, Inc. located in Encino, California, as presented.
- 3.4 Approval of Professional Services Agreement between RSCCD on behalf of Santa Ana College School of Continuing Education and Santiago Canyon College (SCC) Division of Continuing Education and ReachLocal, Inc.
The board approved the professional services agreement between RSCCD on behalf of SAC School of Continuing Education and SCC Division of Continuing Education and ReachLocal, Inc., located in Woodland Hills, CA, as presented.
- 3.5 Approval of a Four-Year Memorandum of Understanding (MOU) between RSCCD on behalf of Santiago Canyon College and Children’s Hospital of Orange County, Regional Center of Orange County, Goodwill Industries of Orange County and California Department of Rehabilitation
The board approved the four-year MOU between RSCCD on behalf of SCC and Children’s Hospital of Orange County, Regional Center of Orange County, Goodwill Industries of Orange County and California Department of Rehabilitation as presented.

1.6 Approval of Consent Calendar (cont.)

3.6 Approval of Professional Services Agreement between RSCCD on behalf of Santiago Canyon College and Sunrise International Education Inc.

The board approved the professional services agreement between RSCCD on behalf of SCC and Sunrise International Education Inc. located in New Jersey, as presented.

3.7 Approval of Renewal Agreement between RSCCD on behalf of Santiago Canyon College and Medical Billing Technologies, Inc

The board approved the renewal agreement between RSCCD on behalf of SCC and Medical Billing Technologies, Inc., as presented.

4.1 Approval of Payment of Bills

The board approved payment of bills as submitted.

4.2 Approval of Budget Transfers, Budget Increases and Decreases

The board approved the budget increases, decreases and transfers for September 15, 2021 through September 27, 2021.

4.3 Approval of Agreement with Knowland Construction Services for Project Inspection Services for Russell Hall Replacement (Health Sciences Building) at Santa Ana College

The board approved the agreement with Knowland Construction services for project inspection services for Russell Hall Replacement (Health Sciences Building) at SAC as presented.

4.4 Award of Bid #1409 Information Technology Systems Heating, Ventilation, and Air Conditioning Upgrade Project at District Operations Center

The board approved award of Bid #1409 Information Technology Systems heating, ventilation, and air conditioning upgrade project at the District Operations Center as presented.

4.5 Approval of Agreement with Facilities Planning and Consulting Services for Facility Utilization Space Inventory Option Net Consulting Services

The board approved the agreement with Facilities Planning and Consulting Services for facility utilization space inventory option net consulting services as presented.

4.7 Approval of Settlement Agreement with Liberty Mutual Fire Insurance Company for Science Center Building Water Claim at Santiago Canyon College

The board approved the settlement agreement with Liberty Mutual Fire Insurance Company for Science Center building water claim at SCC as presented.

1.6 Approval of Consent Calendar (cont.)

5.1 Approval of Amendment to Five-Year Software Support Service Agreement with Ellucian Inc.

The board approved the amendment to the five-year software support service agreement with Ellucian Inc. as presented.

5.2 Approval of First Amendment to Professional Service Agreement with C Augenstein Corporation

The board approved the first amendment to the professional service agreement with C. Augenstein Corporation as presented.

5.3 Ratification of Nomination of Elisabeth Neely to Association of Community College Trustees (ACCT) Student Trustee Advisory Committee

The board ratified the nomination of Elisabeth Neely to ACCT Student Trustee Advisory Committee as presented.

1.7 Recognition of Faculty by Board of Trustees

The board recognized Ms. Claire Coyne for being selected as the 2021 Santa Ana College Distinguished Faculty Member.

Mr. Tinajero arrived at this time.

1.8 Recognition of Naming of Fainbarg Chase Thrive Center by Santa Ana College

The Thrive Center at Santa Ana College has been named in honor of the Fainbarg/Chase family for their contributions to SAC. Dr. Vaniethia Hubbard, Vice President of Student Services at SAC indicated that the center will provide students with the fundamental resources necessary for a decent standard of life and physical, mental and social well-being; and the program will address significant disparities in food and housing security to increase health and academic performances.

2.0 INFORMATIONAL ITEMS AND ORAL REPORTS

2.1 Report from the Chancellor

Mr. Marvin Martinez, Chancellor, provided a report to the board.

2.2 Reports from College Presidents

The following college representatives provided reports to the board:

Dr. Marilyn Flores, Interim President, Santa Ana College
Dr. Pamela Ralston, President, Santiago Canyon College

2.3 Report from Student Trustee

Ms. Neely provided a report to the board.

2.4 Reports from Student Presidents

The following student representatives provided a report to the board on behalf of the Associated Student Government (ASG) organization:

Mr. Julio Luna Barbosa, Student President, Santa Ana College
Ms. Elisabeth Neely, Student President, Santiago Canyon College

2.5 Reports from Academic Senate Presidents

The following academic senate representatives provided reports to the board:

Mr. Jim Isbell, Academic Senate President, Santa Ana College
Mr. Craig Rutan, Academic Senate President, Santiago Canyon College

2.6 Reports from Board Committee Chairpersons and Representatives of the Board

Mr. Hanna provided a report on the October 4, 2021, Board Facilities Committee meeting.

Dr. Arias Miller provided a report on the October 6, 2021 Board Policy Committee meeting.

Mr. Hanna provided a report on the October 7, 2021, Ad Hoc Board Committee for Redistricting meeting.

3.0 INSTRUCTION

Items 3.2 through 3.7 were approved as part of Item 1.6 (Consent Calendar).

3.1 Approval of Professional Services Agreement between RSCCD on behalf of Santa Ana College and Center for Transformation and Change

It was moved by Ms. Neely and seconded by Mr. Hernandez to approve the professional services agreement between RSCCD on behalf of Santa Ana College and the Center for Transformation and Change. Discussion ensued. The motion carried with the following vote: Aye – Dr. Arias Miller, Mr. Crockett, Mr. Hanna, Mr. Hernandez, Mr. Labrado and Mr. Tinajero. Student Trustee Neely’s advisory vote was aye.

4.0 BUSINESS SERVICES

Items 4.1, 4.2, 4.3, 4.4, 4.5 and 4.7 were approved as part of Item 1.6 (Consent Calendar).

4.6 Approval of Professional Services Agreement with FM3 Research

It was moved by Mr. Tinajero and seconded by Mr. Labrado to approve the professional services agreement with FM3 Research. Discussion ensued. The motion carried with the following vote: Aye – Dr. Arias Miller, Mr. Crockett, Mr. Hanna, Mr. Hernandez, Mr. Labrado and Mr. Tinajero. Student Trustee Neely’s advisory vote was aye.

Board members realized there was not an item for board member comments listed on the agenda and reconsidered Item 1.3 (Approval of Additions or Corrections to Agenda) at this time.

1.3 Approval of Additions or Corrections to Agenda

It was moved by Mr. Hanna and seconded by Mr. Tinajero to approve the addition of agenda item 5.4 (Board Member Comments). The motion carried with the following vote: Aye – Dr. Arias Miller, Mr. Crockett, Mr. Hanna, Mr. Hernandez, and Mr. Labrado and Mr. Tinajero. Student Trustee Neely’s advisory vote was aye.

5.0 GENERAL

All items were approved as part of Item 1.6 (Consent Calendar).

5.4 Board Member Comments

Mr. Tinajero commended SAC’s Speech Team on making the finals in a recent virtual Kentucky tournament; and therefore, earning a spot to compete in the Pacific Southwest Collegiate Forensics Association Fall Championship. In addition, he congratulated three Freshman SAC students who placed in the top three spots.

Mr. Hanna thanked the Associated Students for the reception held prior to the board meeting. He indicated he had the opportunity to speak with Ms. Neely regarding some projects she is working on and will be presenting to the board soon.

Mr. Hanna congratulated Ms. Claire Coyne as the 2021 SAC Distinguished Faculty Member.

Mr. Hanna requested a report on compliance of the Athletic Code of Conduct from each college.

Mr. Hanna thanked SAC for hosting the meeting and commented how pleased he is with the Johnson Student Center.

5.4 Board Member Comments (cont.)

Dr. Arias Miller reported she attended the Orange State of the City event on October 6, 2021.

Dr. Arias Miller indicated that she plans to attend the ACCT Leadership Congress and an ACCT workshop, and is looking forward to networking with other trustees and participating in professional development.

Dr. Arias Miller thanked SAC staff for the college items given to each trustee. She indicated that she plans to wear the SAC hat at the ACCT conference for “Pride Day” since ACCT encourages attendees to wear items representing their respective colleges.

Mr. Hernandez asked for the status of the Middle College High School agreement with Santa Ana Unified School District.

Mr. Hernandez asked for a report on the allocation of funds from the Pepsi contract for the past three years.

Mr. Hernandez asked for the prices of items in campus vending machines to be posted on the machines.

RECESS TO CLOSED SESSION

The board convened into closed session at 8:05 p.m. to consider the following items:

1. Public Employment (pursuant to Government Code Section 54957[b][1])
 - a. Full-time Faculty
 - b. Part-time Faculty
 - c. Management Staff
 - d. Classified Staff
 - e. Student Workers
 - f. Professional Experts

2. Conference with Labor Negotiator (pursuant to Government Code Section 54957.6)
Agency Negotiator: Cheng Yu Hou, Vice Chancellor, Human Resources
Employee Organizations: Faculty Association of Rancho Santiago Community College District (FARSCCD)
California School Employees Association (CSEA), Chapter 579
California School Employees Association, Chapter 888
Continuing Education Faculty Association (CEFA)
Unrepresented Management/Confidential Employees

Ms. Neely left the meeting at this time.

RECONVENE

The board reconvened at 9:07 p.m.

Public Comment

There were no public comments.

Closed Session Report

Mr. Crockett reported the board discussed public employment and labor negotiations, and the board took no action during closed session.

8.0 HUMAN RESOURCES

8.1 Management/Academic Personnel

It was moved by Mr. Labrado and seconded by Mr. Crockett to approve the following action on the management/academic personnel docket. The motion carried with the following vote: Aye – Dr. Arias Miller, Mr. Crockett, Mr. Hanna, Mr. Hernandez, Mr. Labrado, and Mr. Tinajero.

- Approve Adjusted Contract Stipends
- Approve Banking Leaves of Absence
- Approve Final Salary Placements for Temporary 1-Year Full-time Faculty Member
- Approve Rescinding Contract LHE Workload Agreement
- Approve Part-time Hourly New Hires/Rehires
- Approve Rescinding Step Increases
- Approve Non-paid Intern Services

8.2 Classified Personnel

It was moved by Mr. Hernandez and seconded by Mr. Tinajero to approve the following action on the classified personnel docket. The motion carried with the following vote: Aye – Dr. Arias Miller, Mr. Crockett, Mr. Hanna, Mr. Hernandez, Mr. Labrado and Mr. Tinajero.

- Approve Professional Growth Increments
- Approve Out of Class Assignments
- Ratify Resignations/Retirements
- Approve Classified Hourly Assignments
- Approve Return to Regular Assignment
- Approve Changes in Temporary Assignment
- Approve Additional Hours for Ongoing Assignment

8.2 Classified Personnel (cont.)

- Approve Substitute Assignments
- Approve Miscellaneous Positions
- Approve Instructional Associates/Associate Assistants
- Approve Volunteers
- Approve SAC/SCC Student Hire Lists

8.3 Approval of Presentation of Faculty Association of Rancho Santiago Community College District (FARSCCD) Initial Bargaining Proposal to Rancho Santiago Community College District

It was moved by Mr. Labrado and seconded by Mr. Hernandez to receive and file FARSCCD's initial bargaining proposal to RSCCD and schedule a public hearing for its October 25, 2021 meeting. The motion carried with the following vote: Aye – Dr. Arias Miller, Mr. Crockett, Mr. Hanna, Mr. Hernandez, Mr. Labrado, and Mr. Tinajero.

8.4 Approval of Presentation of Rancho Santiago Community College District Initial Bargaining Proposal to Faculty Association of Rancho Santiago Community College District (FARSCCD)

It was moved by Mr. Crockett and seconded by Mr. Hernandez to receive and file the district's initial bargaining proposal to FARSCCD and schedule a public hearing for its October 25, 2021 meeting. The motion carried with the following vote: Aye – Dr. Arias Miller, Mr. Crockett, Mr. Hanna, Mr. Hernandez, Mr. Labrado, and Mr. Tinajero.

8.5 Presentation of Rancho Santiago Community College District Initial Bargaining Proposal to California School Employees Association (CSEA) Chapter 579

It was moved by Mr. Hernandez and seconded by Mr. Tinajero to receive and file the district's initial bargaining proposal to CSEA Chapter 579 and schedule a public hearing for its October 25, 2021 meeting. The motion carried with the following vote: Aye – Dr. Arias Miller, Mr. Crockett, Mr. Hanna, Mr. Hernandez, Mr. Labrado and Mr. Tinajero.

8.6 Authorization for Board Travel/Conference

It was moved by Mr. Hernandez and seconded by Mr. Crockett to authorize the submitted conference and travel by a board member. The motion carried with the following vote: Aye – Dr. Arias Miller, Mr. Crockett, Mr. Hanna, Mr. Hernandez, Mr. Labrado and Mr. Tinajero.

7.0 ADJOURNMENT

The next regular meeting of the Board of Trustees will be held on October 25, 2021.

There being no further business, Dr. Arias Miller declared the meeting adjourned at 9:13 p.m.

Respectfully submitted,

Marvin Martinez, Chancellor

Approved: _____
Clerk of the Board

Minutes approved: October 25, 2021

Public Comments to the Rancho Santiago Community College District Board of Trustees
October 11, 2021

President Yarbrough and Members of the Board:

My name is Margaret Manson and I was a district employee for 28 years. While most of my time in the district was in leadership positions, I returned to full time teaching prior my retirement in 2006.

I spoke to the Board on September 13, hoping but not really hopeful, that the Board would consider the impact the change to retiree benefits would make on the lives of long term employees who spent decades working in the district. The comments made by many reflected this impact, including the speaker who indicated that if this happens, it means she will be bankrupt.

I was reminded of the politicians who at the beginning of the pandemic “suggested” that older people should or even be willing to die, for the good of the whole. At the time, I thought this was the “gold standard” of ageism. No, you are not suggesting this for your older retirees, but your seeming disregard for their lives and livelihood fall into this same category of ageism. In truth, the impact of your decision is significant as you demand older retirees and those who may have fragile health issues navigate a new system of health care in addition to paying for medical premiums promised them when they were full-time district employees.

I read the actuarial study of retiree health liabilities completed in July 2018. Obviously the Board was meeting its fiduciary responsibilities in reviewing these costs. However, as you all know well, collective bargaining is a series of compromises and the final budget reflects the values and moral intent of the institution. Bottom line is that there are other ways to meet fiscal needs of the district without selling out one group of employees for the self interest of others.

However, one of my greatest concerns is that now that district leadership and the BOT have clearly shown they are willing to do whatever is necessary to meet personal agendas, nothing is off the table. Already one cabinet level administrator has referred to the high cost to the district in paying Medicare penalties. This comment was made in the context of many retirees not being enrolled in Medical Part B, and the failure of past leadership to inform employees about Medicare requirements. So what is there to prevent the district from deciding that retirees can pay not only their premiums but also any penalties associated with Medicare enrollment? As retirees, we are well aware of this possibility.

I know the moral argument does not often work when the bottom line becomes the most important factor in decision making. But isn't it ironic that an institution that celebrates student success, claims to care about the community and speaks of employees as “family,” is so willing to turn its back on those who are the most vulnerable. Your decision to not honor your decades long promise to your retirees has already resulted in a loss of good will and faith in this institution.

And finally, I attended the Townhall meeting on Monday, October 4, and two questions unanswered left me especially concerned. First, the district currently has no plan in place to reimburse retirees for any penalties they need to pay upfront for Part B of Medicare and secondly, there is apparently no consideration for those retirees who may be facing huge premiums and penalties who may not be able to afford to pay up front and wait for reimbursement. This potential hardship on retirees and the district's seeming lack of concern should concern us all.

President Yarborough and Members of the Board of Trustees:

My name is Carolyn Motokane. I worked as a Counselor, Interim Administrator and Coordinator in credit and non-credit divisions from 1976 until I retired in 2015. I was not aware of the changes in retiree medical benefits prior to receiving the email message from Diane Loya on August 18, 2021.

At a point in my career, I represented RSCCD on the negotiations team that attempted to resolve the issue of Orange Unified School District's claim that they had primacy rights in Ed. Code to our non-credit programs. OUSD demanded we transfer the programs and as well as RSCCD budgets to run these programs. Our negotiations team was well aware of the value of non-credit to help the District's ability to sustain itself during times of fluctuating credit enrollments and reimbursement from the state. Our argument for RSCCD to retain the non-credit program was our 20 year past practice of delivering these classes and the ambiguity of language that allowed Orange Unified School District to reinterpret Ed. Code. After failing to negotiate an agreement, this case was litigated with RSCCD eventually prevailing in court.

Never did I imagine I would have to defend myself and my family against RSCCD's attempt to disregard decades of past practice and to reinterpret contract language to use against its own retirees. It is shameful, hypocritical and deplorable that the same principals we touted to win our case against Orange Unified School District are being totally disregarded by the RSCCD Board and administration. I am calling on you to follow years of past practice and honor your commitment to RSCCD retirees.

Public Comment to the Rancho Santiago Community College District Board of Trustees, October 11, 2021

Good afternoon. My name is Alexandra Sladen, I live in Palm Springs, and I am the spouse of a long-time Rancho employee and now retiree. My spouse was hired in 1978 so is in the group that was promised lifetime health benefits paid for by the District. As a dependent, I have benefitted from the District's insurance plan since 1998.

When I turned 65 in 2019 I was told by the District that I had to enroll in Medicare Part A but that Medicare B was optional since I was covered by the District's plan. Given that information, my own research into Medicare including speaking to representatives, and my unique personal situation I made my own informed decision. I ultimately decided not to enroll in Medicare Part B knowing that should my spouse pre-decease me I would have to pay a penalty for late enrollment should I chose to enroll in Part B instead of buying into the District's plan. I took this calculated risk based on our individual health, family health and longevity histories. I figured why should I pay thousands of dollars over many years for a health insurance plan I did not need. After all, I do not have two car insurance plans or two homeowner insurance plans or two fire insurance plans.

Needless to say, I was dismayed to learn just a month or so ago that my long term health insurance and retirement planning was in jeopardy. There are so many pieces to this that are disturbing. The lack of transparency, the at times callous way in which this information has been communicated, the untrue narrative that has been propagated and the willingness to sell out one group of employees for the benefit of another.

My spouse and I will be OK. We, fortunately, can weather the additional cost of Medicare enrollment, not without some pain but we can do it. There are many others, however, for whom even a couple hundred dollars a month is beyond a hardship. One woman testified that she would go bankrupt.

I strongly urge you to reconsider this decision, use the \$40 million dollar set aside for retiree benefits for the purpose it was intended and keep your word to your dedicated employees and retirees.