MINUTES

NOTICE AND SPECIAL MEETING OF THE BOARD OF TRUSTEES
SANTA BARBARA COMMUNITY COLLEGE DISTRICT

August 1, 2011

SPECIAL MEETING
Room A-211
4:00 p.m.

MacDougall Administration Center
Santa Barbara City College
721 Cliff Drive
Santa Barbara, CA 93109

The District Office is located at 721 Cliff Drive, Santa Barbara, CA 93109. It is wheelchair accessible. The following services are available when requests are made by 4:00 p.m. of the day before the Board meeting: American Sign Language interpreters or use of a reader during a meeting; large print agenda or minutes in alternative format; or assistive listening devices. Please contact the Office of the Superintendent/President at (805) 730-4011 if you need assistance in order to participate in a public meeting or if you need the agenda and public documents modified as required by Section 202 of the American with Disabilities Act.

The Office of the Superintendent/President, Room A110 in the MacDougall Administration Center, is the location where documents that are public records relating to any item under discussion on a Board agenda (including documents distributed with the agenda and those distributed to all or a majority of the members of the Board within 72 hours prior to a Board meeting) are available for public inspection.

Board agendas and supporting documents are also posted on the college website at http://www.sbcc.edu/boardoftrustees/.

1. GENERAL FUNCTIONS

1.1 CALL TO ORDER

President Haslund called the meeting to order at 4:00 pm.

1.2 ROLL CALL

Board members present:
Marty Blum
Marsha Croninger
Peter Haslund, President
Joan Livingston
Luis Villegas, Vice President

Board members absent:
Morris Jurkowitz
Lisa Macker

Management present:
Dr. Jack Friedlander, Acting Superintendent/President and Secretary of the Board of Trustees
Ms. Marilyn Spaventa, Acting Executive Vice President
Dr. Ofelia Arellano, Vice President Continuing Education
Dr. Paul Bishop, Vice President Information Technology
Ms. Sue Ehrlich, Vice President Human Resources and Legal Affairs
Mr. Joe Sullivan, Vice President Business Services

1.3 WELCOME

President Haslun extended a cordial welcome to all.

1.4 HEARING OF CITIZENS

Linda Nelson thanked the Board and welcomed Dr. Jack Friedlander.

Mark Alavardo, Executive Director of Pueblo: Asked the Board that if there is a concern with Continuing Education and the Spanish speaking students, hopes that the Board will take a strong look at that issue.

Jane Dyruff, (spoke during item 5.1 and 5.2): Requested the fees being charged for the courses being submitted for approval today and also the formula used to determine those fees.

AGENDA ITEMS TAKEN OUT OF ORDER

3.1-e CERTIFICATED ADMINISTRATOR RECOGNITION OF CAREER LONGEVITY

3.1-p CLASSIFIED LONGEVITY CAREER INCREMENTS

1.5 MINUTES OF THE REGULAR MEETINGS OF MARCH 24, 2011 AND JUNE 9, 2011

Upon motion by Trustee Livingston, seconded by Trustee Croninger the Board approved the minutes of the regular meetings of March 24, 2011 and June 9, 2011.

1.6 COMMUNICATIONS

The following reports were presented to the Board of Trustees about various matters involving the District. No action was taken unless listed on a subsequent agenda.

a. REPORT BY ACADEMIC SENATE

Dr. Dean Nevins

Congratulated Jack on being selected Acting Superintendent/President, looks forward to working with him. Has been pondering the question asked by Trustee Croninger regarding “What kind of college do we want to become?” Dr. Nevins has expressed on several occasions that this issue is the most important issue facing the faculty and the college as a whole. The Academic Senate authorized the creation of a summer work group that would come together to arrive at some common understanding of some large scale principles for cost reductions and compilation of a list which would indicate what information divisions and departments would need to have those conversations. Group meetings were held last Wednesday and Thursday and all full time and part time faculty were invited. The meeting was very well attended and quite a few things were decided. Thanked Dean McLellan and Dean Scharper for coming and also, thanked Jack Friedlander because he was there for both days and he was a very valuable resource which helped them reach the bar conclusions. The meeting’s purpose was to get the process started — not to decide things, because they need to go out to the faculty as a whole, but what kind of decisions, what kind of data they’re going to need to have those conversations. Dr. Nevins did send out an email which he copied to the entire board and he had received some comments from faculty and overwhelmingly, there was a positive response from faculty and especially, with the notion of moving forward in a unified manner. Looks forward to working with all the trustees to transition to a better SBCC.
Ms. Galvan reported on the following: July 15, Express to Success Program, funded through our Title V grant, sponsored an open house of their new facility. July 15-17, the SBCC School of Modern Languages hosted another successful American Sign Language Summer Immersion Institute. SBCC and the SBCC Theatre Group won three awards in this year’s Santa Barbara Indy Theatre Awards competition. Congratulated faculty member and director Katie Laris and performers Ed Lee and Megan Connors. Ignacio Ponce and Magdalena Torres and several students were in Sacramento representing SBCC at the state-wide Rice Diversity Awards. Also noted various articles that had appeared in the local media. Reported the passing of SBCC colleague Steven “Silvy” Silverberg. Silvy worked as an Instructional Computer Lab Coordinator for the Business Division and celebrated 10 years of service to the college in May.

Dr. Friedlander reported on the following:

1. Appreciates the relationship being established with the Board President Dr. Haslund, thanked him for his support during this time.
2. During this time as Acting Superintendent/President, Dr. Friedlander will be appointing an Acting Executive Vice President of Educational Programs and Ms. Marilynn Spaventa has agreed to step into this role.
3. Expressed his concern as to what the implications would be for SBCC if the Federal government doesn’t raise the debt ceiling and they are really quite severe. On August 19, Pell grants totaling $9 million are to be disbursed to students. By the next study session a decision will have to be made by the Board as to whether or not the college would be willing and able to advance the money to students.
4. Acknowledged Kip Evert-Burks for his 10 years of service, Linda Winans for her 10 years of service, Juan Carlos Ramirez Macias for his 25 years of service, and Marc Sullivan for his 15 years of service to the college.
5. WOW is something new this year, it’s the Week of Welcome (Friday and Saturday prior to the start of classes) where students are invited to attend various classes and there are optional events that they can participate in on Friday afternoon. To date there are 190 students who have signed up for this event. It will provide another opportunity for students to get to know each other, to network, to connect with one another and to get to know key staff in an informal environment, and acquire information about the college, living away from home and needing to be successful at SBCC.
6. New faculty orientation will begin on August 15 and will continue throughout the week. In-Service will take place on August 18 and invited the Board to attend the morning session and to also participate in the lunch that will be provided.
7. August 19, students in the Express to Success program will be participating in an orientation and in workshops that focus on the particular learning community in which they are enrolled in the 2011 Fall semester. They will be getting to know each other as well as faculty and staff. Dr. Peter MacDougall will be attending as well as two other members of the Board of Governors will attend the lunch session and will have the opportunity to meet the students.
8. Summer enrollments were up in the unit count. As classes are closing, we should be flat or down a bit from last year.
9. Again thanked everyone for their support during this transition.
e) REPORT FROM BOARD MEMBERS

Trustee Livingston welcomed Dr. Jack Friedlander as Acting President. Expressed her concerns on the role of the Board President and would like to discuss this more fully as a Board at the policy level. Made a personal tribute to Dr. Serban on her legacy and the leadership she provided the college.

Dr. Haslund reported that he would start discussing the search process at the August 11 meeting, both short term and long term, and he would place the item on the agenda. A fall retreat is need and is working on finding a date and time that is convenient for all board members.

2. GOVERNING BOARD

2.1 Request by member of the public to place matters directly on a Board agenda pursuant to AP 2340:
    Item requested by Ms. Kandy Luria-Budgor

EXTENSION OF CONTRACT FOR EMPLOYMENT FOR DR. ANDREEA SERBAN,
SUPERINTENDENT/PRESIDENT, SANTA BARBARA CITY COLLEGE.

Ms. Kandy Luria-Budgor was not present at the meeting, so this item was not discussed.

2.2 REQUEST FOR LEGAL INTERPRETATION, TRUSTEE EDUCATION AND INFORMATION-ONLY AGENDA ITEM REGARDING THE SCOPE, PROTECTIONS AND APPLICATION OF "BROWN ACT" GOVERNMENT CODE SECTION 54963 (E)(2) THRU (3) AS FOLLOWS
    (ITEM REQUESTED BY TRUSTEE LIVINGSTON):

Ms. Livingston reported this item arose out of activities that have taken place over the last several months. When the Board went into closed session there was frustration on her part and had requested that this item be put on the agenda to ask for legal guidance.

Mr. Craig Price reported that there is no delineation in the law that they can resort to, to provide anything specific, that means there is no legislative history that sheds light on it, there are no appellant decisions and there are no opinions from the Attorney General’s office. It gets down to individual situations that board members have to decide on a case by case basis, potentially seeking the advice of counsel. A safe harbor as was mentioned is going to the District Attorney’s office. Mr. Price provided various examples of situations that could take place and how the board member could handle it without breaking any confidentiality.

2.3 APPROVAL OF PROPOSAL FOR CONDUCTING ANALYSIS OF REDISTRICTING FOR SANTA BARBARA COMMUNITY COLLEGE DISTRICT

Upon motion by Trustee Villegas, seconded by Trustee Blum, the Board approved the proposal and hiring of CCLC and Redistricting Partners to conduct the analysis of redistricting for Santa Barbara Community College District, as contained in the agenda and attachment.

2.4 DISCUSSION OF BOARD’S RESPONSE TO THREE RECENT IMPORTANT COMMUNICATIONS (ITEM REQUESTED BY TRUSTEE VILLEGAS)

Trustee Villegas reported that he had requested that this be put on the agenda because he wasn’t sure how the college was moving forward on a number of items since the July 14 meeting. Obviously the item regarding the Superintendent/President is no longer necessary and part of his concern was that he felt the college was not moving fast enough or meeting to discuss on how they were going to react to the documents that were presented at that meeting. Specifically the Brown Act violation and the letter received from the Accreditation Commission based on a complaint that had been filed.
Mr. Price reported that the Board determination in the announcement of Dr. Haslund not to report out the results of the evaluation was based on the legal opinion that came from him and the same opinion was shared by Mary Dowell. There was no immediate threat of a lawsuit; there was demand for a cure or correction, so the bottom line is that there isn’t any requirement for anything to be done. Mr. Price and Ms. Dowell examined and re-examined the reasons why Dr. Haslund was advised that it was not a reportable action. Those reasons can be put into a memo to the Board and could be shared as a public document. When the status quo of someone’s employment is not changed then Gov’t Code Section 54957.1 does not require anything to be reported out. Mr. Price feels confident that there was no Brown Act violation that occurred and that the Board followed the letter of the law in respect to the non-reporting of the outcome of the evaluation. Trustee Villegas asked that Mr. Price put the information in a memo to the Board explaining what he had reported on, for the record to have that as part of the documentation as reference and reply to the perceived Brown Act violation. Mr. Price reported that he would get that to the Board later this week.

President Haslund reported that the second part of this item had to do with the letter received from the Accrediting Commission, regarding the Board and the promise of a special visit in September. Trustee Villegas noted that this was requested because he had no clue as to what was going on in reference to responding to that and or this Board preparing for that potential visit and/or discussion.

Mr. Craig Price suggested that Dr. Friedlander should contact the Accrediting Commission about the current status of the complaint and ask Dr. Beno what areas of the complaint in particular are of such a status that they are going to be the subject of inquiry and discussion at the upcoming visit. Dr. Friedlander stated he would contact Dr. Beno and ask the questions that are being asked today and try and get some clarity and report back to the Board at the August 11 study session, as to what is expected of the college during this visit.

3. HUMAN RESOURCES & LEGAL AFFAIRS – Ms. Sue Ehrlich, Vice President Human Resources & Legal Affairs

3.1 HUMAN RESOURCES & LEGAL AFFAIRS CONSENT ITEMS

The position of Sr. Office Asst, Wake Center was removed from this agenda.

Upon motion by Trustee Livingston, seconded by Trustee Blum, the Board approved the Human Resources and Legal Affairs consent items, as contained in the agenda and attachments.

3.1-e CERTIFICATED ADMINISTRATOR RECOGNITION OF CAREER LONGEVITY

Sue Ehrlich, Vice President Human Resources and Legal Affairs read Dr. Serban’s remarks on the 25 years of service of Dr. Jack Friedlander, Executive Vice President. Dr. Friedlander was presented with a certificate of appreciation and a gift certificate on behalf of the Board and college community.

3.1-i CLASSIFIED APPOINTMENTS

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3.2 HUMAN RESOURCES & LEGAL AFFAIRS ACTION ITEMS
a. RECOMMEND APPROVAL OF WORKING SCHEDULE FOR CERTIFICATED PERSONNEL FOR THE 2011/2012 ACADEMIC YEAR

Upon motion by Trustee Livingston, seconded by Trustee Villegas, the Board approved the working schedule for Certificated Personnel for the 2011/2012 academic year, as contained in the agenda and attachment.

4. EDUCATIONAL PROGRAMS – Ms. Marilyn Spaventa, Acting Executive Vice President Educational Programs


The International Education Committee recommended the following Study Abroad Program proposals for summer 2012 and for fall 2012:

Summer 2012:
Photography & Printmaking in Havana, Cuba – Linda Lowell & Stephanie Dotson

Fall 2012:
Spanish language, Culture and Literature, Chile & Argentina – Sonia Zuniga-Lomeli

Upon motion by Trustee Croninger, seconded by Trustee Blum, the Board approved the Study Abroad program proposals for summer and for fall 2012, as contained in the agenda.

5. CONTINUING EDUCATION – Dr. Ofelia Arellano, Vice President Continuing Education

5.1 RECOMMEND APPROVAL OF NEW COURSES AND/OR COURSE MODIFICATIONS TO BE SUBMITTED FOR STATE APPROVAL, CONTINUING EDUCATION DIVISION

Upon motion by Trustee Livingston, seconded by Trustee Villegas, the Board approved the proposed courses to be submitted for state approval, as contained in the agenda and attachment.

5.2 RECOMMEND APPROVAL OF NEW OR MODIFIED COMMUNITY SERVICE (COMMUNITY EDUCATION) COURSES, CONTINUING EDUCATION DIVISION

Upon motion by Trustee Livingston, seconded by Trustee Villegas, the Board approved the new or modified Community Service (tuition fee based) Continuing Education courses, contained in the agenda and attachment.

5.3 RECOMMEND APPROVAL OF MODIFICATION OF THE TUITION FOR ALL FEE-BASED COMMUNITY SERVICES CLASSES IN CONTINUING EDUCATION TO INCLUDE 14% INDIRECT COSTS EFFECTIVE WINTER 2012

Upon motion by Trustee Villegas, seconded by Trustee Blum, the Board approved the modification of the tuition for all fee based community services classes in Continuing Education to include 14% indirect costs effective winter 2012, as contained in the agenda and attachment. Trustee Croninger voted no on this item.

6. BUSINESS SERVICES – Mr. Joe Sullivan, Vice President Business Services

6.1 BUSINESS CONSENT ITEMS

Upon motion by Trustee Croninger and seconded by Trustee Blum, the Board approved the Business Services consent items, as contained in the agenda and attachments.
a. RATIFICATION OF PURCHASE ORDERS, attachment 6.1-a

b. RATIFICATION OF PAYMENTS AS SUMMARIZED BELOW (Detailed report may be viewed in the Accounting Office, A-130)

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* This includes the ACH payments (including direct deposit payments)

c. ACCEPTANCE OF SBCC RESPONSE LETTER, SANTA BARBARA COUNTY GRAND JURY EMPLOYMENT BENEFITS FINDINGS AND RECOMMENDATIONS, attachment 6.1-c

d. APPROVAL OF SERVICE AGREEMENT, BATCH ACCESS SYSTEM, COLLEGESOURCE, INC., EFFECTIVE 6/1/11, $3,500.00, attachment 6.1-d

e. APPROVAL FACILITY USE AGREEMENT, REALITY CARPINTERIA, SPORTS PAVILION & 18 CLASSROOMS 8/4/11-8/3/12 (EACH AND EVERY SUNDAY EXCEPT 12/25/11), $13,144.00, attachment 6.1-e

f. AUTHORIZATION TO ESTABLISH NEW SPECIAL FUND 81 TRUST ACCOUNTS: #619851, attachment 6.1-f

g. APPROVAL OF DESIGN SERVICES AGREEMENT AMENDMENT NO. 2, HUMANITIES BUILDING MODERNIZATION, DLR GROUP/MWCOT, $11,000.00, (discussed at 7/25/11 Facilities Committee meeting), attachment 6.1-g

h. APPROVAL OF ADD SERVICE 3, DRAMA/MUSIC MODERNIZATION, GKK WORKS, DAILY SITE MANAGEMENT 7/14/11-9/30/11 PLUS TWO MONTHS PROJECT CLOSEOUT, $161,040.00, (discussed at 7/25/11 Facilities Committee meeting), attachment 6.1-h

i. APPROVAL OF CHANGE ORDER NO. 1, FACILITIES & STUDENT SERVICES GAS LINE REPLACEMENT, BID# 673, $9,848.00, (discussed at 7/25/11 Facilities Committee meeting), attachment 6.1-i

j. ACKNOWLEDGEMENT OF NOTICE OF COMPLETION, PHYSICAL SCIENCES – ROOM 130 COOLING, BID # 672, COMPLETED 6/3/11, (discussed at 7/25/11 Facilities Committee meeting), attachment 6.1-j

k. ACKNOWLEDGEMENT OF NOTICE OF COMPLETION, FACILITIES & STUDENT SERVICES GAS LINE REPLACEMENT, BID # 673, COMPLETED 6/24/11, (discussed at 7/25/11 Facilities Committee meeting), attachment 6.1-k

l. APPROVAL OF SECOND AMENDMENT TO LEASE, HOLLMAN PROPERTY COMPANY (FORMERLY VOLENTINE, INC.,) 5160 HOLLISTER AVENUE/COSMETOLOGY CENTER TERM OF LEASE EXTENDED TO 8/31/12, $16,185.00 per month, (discussed at 7/25/11 Facilities Committee meeting), attachment 6.1-k

m. ACKNOWLEDGEMENT OF 2013-17 FIVE YEAR CONSTRUCTION PLAN, SANTA BARBARA CCD, CHANCELLOR, CALIFORNIA COMMUNITY COLLEGES, (discussed at 7/25/11 Facilities Committee meeting), attachment 6.1-m

n. APPROVAL DESIGN SERVICES AGREEMENT AMENDMENT NO. 3, DRAMA/MUSIC MODERNIZATION, JOHN S. FISHER & ASSOCIATES, $69,000.00, (discussed at 7/25/11 Facilities Committee meeting), attachment 6.1-n


q. APPROVAL OF MATERIALS TESTING AND INSPECTION SERVICES AGREEMENT AMENDMENT NO. 3, DRAMA/MUSIC MODERNIZATION, TWINING LABORATORIES, $55,000.00, (discussed at 7/25/11 Facilities Committee meeting), attachment 6.1-q

6.2 BUSINESS ACTION ITEMS

a. ADOPTION OF RESOLUTION NO. 1 (2011-12) AUTHORIZING ROUTINE INTERNAL BUDGET TRANSFERS

Upon motion by Trustee Livingston, seconded by Trustee Villegas, the Board approved Resolution No. 1 (2011-12) authorizing 2011-12 routine internal transfers as contained in the agenda and attachment. The vote follows:

Ayes: Marty Blum, Marsha Croninger, Peter Haslund, Joan Livingston, Luis Villegas

Noes: None

Absent: Lisa Macker and Morris Jurkowitz

b. ADOPTION OF RESOLUTION NO. 2 (2011-12) PROVIDING FOR 2011-12 BUDGET REVISIONS DUE TO RECEIPT OF UNBUDGETED REVENUE.

Upon motion by Trustee Livingston, seconded by Trustee Villegas, the Board approved Resolution No. 2 (2011-12) authorizing 2011-12 budget revisions for unbudgeted revenue as contained in the agenda and attachment. The vote follows:

Ayes: Marty Blum, Marsha Croninger, Peter Haslund, Joan Livingston, Luis Villegas

Noes: None

Absent: Lisa Macker and Morris Jurkowitz

c. APPROVAL OF 2011-12 CHILD DEVELOPMENT PROGRAMS CONTRACT (CSPP-1557), CALIFORNIA DEPARTMENT OF EDUCATION, $176,063.00, INCLUDING EXHIBIT A AND FEDERAL CERTIFICATIONS FORM AND ADOPTION OF RESOLUTION NO. 3 (2011-12)

Upon motion by Trustee Livingston, seconded by Trustee Villegas, the Board approved the referenced Agreement and adoption of Resolution No. 3 (2011-12) authorizing the Superintendent/President to sign Agreement CSPP-1557 on behalf of the District, as contained in the agenda and attachment. The vote follows:

Ayes: Marty Blum, Marsha Croninger, Peter Haslund, Joan Livingston, Luis Villegas

Noes: None

Absent: Lisa Macker and Morris Jurkowitz
6.3 BUSINESS INFORMATION ITEM

a. THE IRS HAS CHANGED THE STANDARD MILEAGE RATE TO 55.5 CENTS PER MILE FOR USE IN COMPUTING THE REIMBURSEMENT FOR BUSINESS USE OF AN AUTOMOBILE, EFFECTIVE 7/01/11.

7. INFORMATION TECHNOLOGY – NONE

8. ADJOURNMENT

Upon motion by Trustee Blum, seconded by Trustee Croninger, the Board approved adjourning this meeting setting the next Regular Meeting of the Board of Trustees on Thursday, August 25, 2011 at 4:00 p.m. in A211. A Study Session will be held on August 11, 2011 at 4:00 pm in A218.

APPROVED BY THE BOARD OF TRUSTEES ON September 22, 2011

[Signatures]

President, Board of Trustees

Superintendent/President
Secretary/Clerk of the Board