REGULAR MEETING OF THE BOARD OF TRUSTEES
SANTA BARBARA COMMUNITY COLLEGE DISTRICT

March 24, 2011

REGULAR 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; 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.

1.2 ROLL CALL

Members present:
Marty Blum
Marsha Croninger
Peter Haslund, President
Morris Jurkowitz
Joan Livingston
Lisa Macker
Luis Villegas, Vice President
Nicole Ridgell, Student Trustee

Others present for all or a portion of this meeting:
Dr. Andreea M. Serban, Superintendent/President and Secretary of the Board of Trustees
1.3 WELCOME

President Haslund extended a cordial welcome to all.

1.4 HEARING OF CITIZENS

MR. ERIC TOGAMI: Esteem members of the Board, President Serban and Trustee Ridgell, thank you for allowing me to address you this afternoon. My name is Eric Togami. I've attended Santa Barbara City College since this last fall. I'm a 19-year-old honor student majoring in history, and I maintain a 4.0 GPA. Well, it is true that I haven't had an overly extensive amount of time on campus that some of my peers might have, it doesn't take a rocket scientist to recognize an outstanding school when you see one. As a student originally from Fresno, I can say with some degree of certainty that I have no vested interest in the outcome of this speech; I plan to transfer to another college this fall as much as it pains me to leave this beautiful city behind. I instead speak on behalf of future students who do not have the opportunity to have their voices heard at this critical juncture in time. Naturally curious about all things political, I closely followed this last election cycle. On November 2nd, in the midst of a progressively bleak economic situation, a typical voting bloc ousted the members of the Board who had for years allowed the administrators on campus to do their jobs to an exceptionally effective degree, allowing the faculty to teach the students to learn and thereby the best learning environment possible. During the campaign, it was proposed that there was somehow a problem with the college, generally creating what I perceive to be a false sense that it wasn't being run very well, and that is a problem. I think that during the times of fiscal uncertainty people tend to blame the status quo for their problems, not realizing there are factors outside the control of any one
college or any one individual that caused the instability. I believe that it is this exploitation of fear that leads us to our current predicament. From what I can gather, there is no person more qualified, more dedicated to do their work than President/Superintendent Serban. Since her arrival at SBCC, she has worked tirelessly to include and engage the various constituencies on campus into the decision-making process, which has resulted in an exceptionally enriched collegial atmosphere. What I believe the new members of the Board overlook consistently is her instrumental leadership in the accreditation process, succeeding where other community colleges have failed, with no fewer than nine commendations for excellence. While President/Superintendent Serban's accomplishments and contributions to this college are far more numerous to discuss in their entirety, I would like to briefly look at just a few that stand out in my mind. During the campaign, one of the biggest points of contention was the situation regarding the reserves specifically that the college was cutting programs instead of expending money. In economic times such as we find ourselves, nearly unprecedented in terms of graveness, it is naive to expect that the State will always come through with the funding required in the right time frame. As we saw earlier this year, the budget wasn't approved until months after its deadline, tying up funds that otherwise would not have come to the college. What would we have done without putting aside enough money to sustain our monthly burn rate? Sure, if there's enough money left over to devote to secondary goals like Adult Education, by all means spend it, but we should never endeavor to tap into our reserves to fund programs that aren't really consistent with the primary mission of the California community colleges as defined by the California Education Code. Another major criticism I have heard is that she hasn't done enough to foster innovation in educational programs. Nothing could be further from the truth. I think that it is truly a credit to her dedication to this end that we have been able to not only stay fiscally solvent but continue to lead the field in innovation of developing technology for teaching and learning in the classroom and online. Commendation 7 of the aforementioned nine commendations for the accreditation process includes a specific citation of SBCC's, and I quote, "proactive commitment to both technology in both instructional and administrative areas." I would urge all members of the college, be they administrators, faculty or students, to look around you. Yes, there has been some stuff, absolutely necessary fiscal decisions that had to have been made. But keep in mind that we are the only community college in California that hasn't had to resort to major layoffs, hasn't had to cut whole departments of learning, hasn't had to undertake the disruptive measures other colleges that have had to undertake, and has respected a program review process that has allowed every department equal opportunity to request funding for their needs. And I believe that we have a President/Superintendent Serban to thank for that. It is in the presence of such credentials that I think demonstrates to me, at best, the profound lack of thought and, at worst, misguided political zeal on the part of the new Board members who I feel have hindered the operation of the college through micromanagement and direct subversion of institutional channels. The hiring of outside legal counsel and the new Board members' affinity for closed sessions leads me, and many others like me, to believe that they may be embarking on a course of action to remove the president. The discovery of this news is what really brings me here today. It deeply saddens me to think that the college I selected not only for its affordability but its reputation for being the jewel among the California community colleges will not be the same school that I leave behind in just a year later this fall. It deeply saddens me to think that the political ambition would hinder fostering of a great collegial atmosphere led by President/Superintendent Serban. New members of the Board, I would ask you today to tell me that you don't have a politically-motivated agenda to remove President/Superintendent Serban and that you believe, like I do, that you cannot have a great Santa Barbara City College without a great president/superintendent like Dr. Andreea Serban. I would like to thank, at this time, to personally thank the President for continuing to ensure that my education is of the foremost quality and that the rest of the Board members and Trustee Ridgell for their time. Thank you.

MRS. JOYCE POWELL: Thank you, Peter. I've not been here for awhile. It's kind of nice to being on this side of the table instead of that one because there is a lot of stuff going on, some good and some bad. Morrie and Louise look a little grayer. Joan looks better than ever. Actually, I'll give you a clue, I'm not near to talk about the News Press editorial yesterday about the redistricting, I may come later on and talk about that, because Peter knows, for example, if it's going to involve Carpinteria, I'm
going to be here to talk about it. But today, I have words of advice for the four new Board members. Three of you are here. Four of you are here. I'm sorry. City College is facing budgetary resource allocation issues. This is not a surprise, it happens every year, but it's going to be really hard for the four of you to budget this year because you were elected as reform candidates, so you are on the hot spot. So, here's my advice, it will actually make your lives a lot easier if you will practice shared governance. Let the college faculty, the staff, the administrators do their work. That's what they are good at and that's what they are paid for. They will develop solutions, and they will follow their own protocols. Now, these protocols didn't just spring up overnight, they developed over time, and you have to respect them and what the staff does. As Board members, you cannot get too involved in the planning process too early, because if you do, it leaves you no place to go when segments of the college disagree. There are segments of the college naming the credit program and Continuing Ed are just two of them. Santa Barbara City College isn't monolithic, you have to be fair to all of these people, and if you get involved in the planning processes in the early stage, you have no place to go politically or any other ways when these segments start disagreeing. So, that's key. You have to practice learning how to share governance. It's not easy. It can be really useful to you as a Board if you will do it, because you don't want to create problems with staff morale. You don't want to set up animosities between people. You probably don't realize yet that everything you say and everything you do on this campus gets talked about, it gets reacted to, not always in the way you intend it. It's easy to be misunderstood. And Santa Barbara's a small town. Anything you say here, it will be out there. Now, the other thing you have to remember is the campus staff, the people have been a long time are pros. The Board members are amateurs. I mean, you represent the public, you are still an amateur, and you always will be, you can't get away from that. And it behooves you to remember that. It took me some time to learn that, but I did learn it in the 32 years that I was on the Board. It doesn't mean that you are giving up your authority; it means the Board can run more efficiently because you are letting the staff work more efficiently. Last of all, I want you to value your superintendent/president. You have a wonderful superintendent/president in Andreea Serban. Why would you even think about replacing a woman, someone who is in her most productive career years, someone who is respected in the community and on the campus, someone who is recognized at the state level for her work, somebody who has a background in technology, someone who already owns a house in Santa Barbara. As I said, I worked with four different superintendent/presidents. They all had different styles, but they all were pretty dedicated to the institution. And I was chastised once thoroughly, I think, maybe, by the second one that I worked with, because I used the phrase "winners and losers" in a Board meeting, an open Board meeting. This was not a smart thing to do. So, afterwards he said to me, "You know, at Santa Barbara City College, after a negotiation," he said, "We don't talk about winners and losers" - Sue I think remembers it - he says, "We talk about people who are a little bit unhappy and then there are other people who are a little more unhappy." I think they were very wise words. Now, the college has a long-term and a well-deserved reputation for stability, fiscal prudence and practicality. Please don't mess that up. Thank you.

MR. IGNACIO ALARCÓN: Good afternoon, members of the Board. I'm making use of public comments because I'm not representing the Academic Senate position. The Senate has not taken a position yet. As a member of the faculty, I am very worried about some possible options that have been talked about for the building of the budget 2011-2012. We have very healthy reserves at this college because of several years of hard work and sacrifices from all of us. It is a relief that we can use some of them to weather this crisis. However, to kick the can off until next year would be reckless and irresponsible. I hope that as a whole the Board will not follow the course of simply saying no reductions until next fiscal year. Some hard choices will need to be made so that we ultimately save the very programs we don't want to hurt. Not acting now would paint us into a much more difficult corner where even more painful decisions will have to be made. Thank you.

MR. DEAN NEVINS: Board President Haslund, members of the Board and President Serban, I am here -- before you to present 730 signatures from community members, including Lee Luria, Léni FéBland, Leslie Ridley-Tree, students, staff and faculty express support for and appreciation of President Serban -- I will present this to the Board president to share with the entire Board, but we are happy to make copies for any additional Board member who would like to have one. For the record, this is the letter that the people signed.

March 7, 2011, to the Santa Barbara City College Board of Trustees:

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We, the people of Santa Barbara City College and the community it serves, including representatives of the student body, faculty classified staff and managers, hereby affirm our support for the Superintendent/President Andreea M. Serban and urge you to provide her, as soon as possible but no later than April 1st, 2011, the satisfactory evaluation she merits for the 2010-11 academic year thereby adding an additional year to her contract.

Among the many reasons Superintendent/President Serban should be positively evaluated include: An extremely positive ACCJC accreditation visit with, as mentioned earlier, nine commendations praising the college and administration for promoting dialogue, successful fiscal management, inclusiveness in decision-making, community service programs, use of state-of-the-art technology and focusing on student achievement and success. This would not have occurred without President Serban's leadership.

Item two, outstanding fiscal management. Unlike many of our counterpart California community colleges, we have tackled successfully three difficult years with no layoffs or furloughs of regular employees. With many budgets augmented from the general fund, with additional funding for tutors and restored funding for readers, with additional funding for all priority equipment and technology requests, with solid reserves and no need for borrowing, State cuts to all categorical programs have been offset in order to fund their essential needs and ensure the support for the success of our neediest students. Processes that President Serban has put into place, including the program review, have ensured a campus-like dialogue that links planning to budgeting to evaluation in a manner that increases consultation and consensus across the entire institution.

Number three, Title V Federal Grant. In February 2009, SBCC gained the status of Hispanic-serving institution, which, among many other benefits, made us eligible to apply for federal grants here towards strengthening institutional capacity and building programs to increase the success of unrepresented students. In September 2010, for the first time in the history of the college, we received a three-million-dollar Title V Grant. Not only is this our first federal Title V Grant, but this is the first grant of this level of magnitude in the history of the college. This funding allows the college to develop, express its success basic skills education.

Number four, support for numerous student success initiatives including the Partnership for Student Success, Human Presence Institutes, Express to Success, Accelerated Transfer and Degree Initiatives, Early Advantage Partnership with Brandman University, partnership with CSU Channel Islands to offer a bachelor of science business program at SBCC and many others.

Number five, Measure V Rollout. Dr. Serban provided excellent leadership for the preparation needed to obtain higher rating by Standard & Poor's and the subsequent successful sale of our first issuance of bonds for the 47-million-dollar, dialogue, prioritization and completion of any projects, an effective re-budgeting of Measure V funds in light of lack of matching state funds compared to the original bond.

Item six, Effective and important engagement at the state level in the community to develop or enhance existing programs and promote the college. Dr. Serban's been very effective -- has very effective relationships with the leaders of our local K12 and higher education institutions, both the businesses and key local and state organizations.

Number seven, Centennial Celebration. Dr. Serban has led the work to celebrate our Centennial anniversary. The events and centennial book have further enhanced the legacy of SBCC and our exceptional reputation as a premier community college.

Item number eight, Leadership in times of unprecedented fiscal crisis that has allowed SBCC not only to survive but to thrive through new technology, new programs, numerous grants, new ways for students to complete courses of programs, joint programs, collaborations and partnerships with academic institutions, civic organizations and private companies.

In addition to the many successes our college has experienced since the beginning of Dr. Serban's
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presidency, in June 2008, Dr. Serban possesses and articulates a clear vision for the future that we embraced. She engaged in ongoing dialogue with the college community through forums, the faculty, students, staff and other college committees, open sessions and meets with the faculty, staff and students to discuss issues.

We, the People of Santa Barbara City College and the community it serves, therefore, urge you to affirm your support for Superintendent/President Serban and add another year to her existing contract as soon as possible before she is lured away by another community college. Behind every community college is a great president and now more than we ever we need Dr. Serban at SBCC.

Signed 730 people.

MR. CARLOS MARTINEZ: (Interpreted through Carlos Cerecedo, Certified Interpreter.) Good afternoon, Board of Directors, President Serban and all of you present. My name is Carlos Martinez. I'm the president of the Student Council for Education for Adults. In the interest of time, only this time, I will speak representing the student council, which I represent. For your information, this letter that I read will also be sent to the national organizations who defend the human rights and the rights of immigrants, such as MALDEF, the Mexican/American Legal Defense and Education Fund; CHIRLA, Coalition for Humane Immigrant Rights of Los Angeles; NAELEO, National Association of Latino Elected and Appointed Officials; the offices of civil rights and other organizations that I'm sure would be interested in the subject that I will expose to you this afternoon. The first issue has to do with racism and discrimination, which is being felt with a great deal of strength against the Latin community.

In Arroyo Grande, the FBI's investigated a cross that was set on fire at the yard of a family -- a black family a few days ago. At city hall here in Santa Barbara a sign of graffiti was just painted with a Nazi symbol sending a signal of feeling with racial connotations. In the state of Kansas, the republican representative Virgil Peck has publicly said as follows, quote, "It looks to me if shooting immigrating feral hogs works, maybe we have found a solution for our illegal immigration problem," end quote. Quote, "We are extremely disappointed in what has taken place, the takeover of the Wake Center as a trade school for undocumented immigrants. It is quite apparent that the Adult Ed classes are being systematically eliminated in favor of the immigrant classes that are funded by the State." This now from the Independent newspaper." The Latin community has not seen yet any new classes in the year of vocational careers at Wake Center. But what we are uncomfortable with is the way in which the Latin students are being referred to, and that it is racial profiling unless Mrs. White there has to ask for birth certificates or passports for all adults who attend the Wake Center. I'm not sure if it will be very pleasant for the people that are taking jewelry classes or the persons that are taking MindSupermind to have presented their American passport before being allowed to enter the classes. Last March 15 in the newspaper The Daily Sound, Betty White writes as follows, quote, "I'm really concerned that Adult Ed is being dismantled and turned into a classic trade school for immigrants. Are most of these students here legally?" Quote, "We don't need more gardeners, health care workers, et cetera, especially if they are here illegally. A number of seniors supplement their retirement by making jewelry, painting and sewing items to sell. Many seniors need these classes for socialization with their peers," unquote. This last note leaves me breathless. "I wasn't aware that our public schools in Santa Barbara were meant just for that. But even though we are not against it, we simply ask for equity in the class offerings." What we have just heard is many of the tactics that are day by day are being done based in racism sentiments with intentions to discriminate in color and ethnicity. This cannot be tolerated by our institution. Therefore, in the name of my classmates of the student council and of the immigrant community without importance of their nationality, without care for their nationality, I will ask these Board of Trustees to make a resolution or a policy that says in explicit manner that the Santa Barbara City College does not tolerate racism nor discrimination, and that's why we are asking as follows, quote, "Zero tolerance policy against racism and discrimination," end quote. In the same note, Mrs. White says as follows, "Dr. Arellano, through promoting the Hispanics to showing up at the meetings promotes more antagonism," unquote. Concerning this I would like to apologize to Ms. Arellano because she has nothing to do with our group. We, the students, have our own agenda, our own interests, and our own rights to promote. Besides we do have people that are well-prepared and very competent. But in response to the fact that we, Hispanics, are participating in these gatherings we create antagonism, the articles of this are the
ones who really create antagonism. To participate and to offer opinions and viewpoints in front of these respectful Board of Trustees is the right that any person that lives in our school district and is not only for those who feel somehow privileged. From here on we will be present at these meetings. And another subject that you are going to be discussing today, the Latin community asks if you please are going to televise these meetings, in the spirit of all inclusivity, we will appreciate it will be translated into Spanish so that our families, including our children that someday are going to be at this college, could listen and learn how this institution functions. And lastly, we respectfully request that you evaluate in a favorable manner the president of the college, Dr. Serban, as soon as possible and that you grant her contract so she will continue working in our institution without interruptions.

In conclusion, in a respectful manner, I request these three points: Zero-tolerance policy against racism discrimination at Santa Barbara City College. That the meetings of this Board of Trustees be translated in Spanish for television; a quick, favorable evaluation and approval to the contract of the president, Dr. Serban. Thank you very much. I have some copies available for the articles I mentioned. Thank you.

**MR. MARK MCINTIRE:** First of all, I would like to thank the members of the Board of trustees for the warm, appreciative messages that they have sent to me for the work I'm trying to do with my radio show to expand and present to the community all of the best programs and the brightest people we have here in Santa Barbara, and believe me, we will find a way to continue doing that despite any fiscal roadblocks thrown in our way. But my main reason for being here is to try to sell you a road. Seriously. Well, actually not the road itself, but the idea of the road. Listening to all of the opposing points of view concerning the governance of the college, I was going through my old term papers the other night, I found one from a very, very bright history student that I had in my critical thinking writing class. And she wrote about conciliation and acts of conciliation, and the name of the road that she invoked was the Via del conciliation with a Z, by the way. And those of you who have been to Rome know this road, it connects the Vatican state to the city of Rome. And it was constructed by, no less than Benito Mussolini. Go figure. And it was the celebration of the signing of the Latin Treaty in 1929, which recognized Vatican state. Now, it occurred to this student that if -- and this is the thesis of her paper, she said, "If Benito Mussolini and the Pope can sign a document of conciliation, then should we not be able to in our civic dialogue, in our meetings, in our boards and our government be able to do the same? And that's what I'm proposing to you. Not to buy the actual road, but to actually buy the spirit of conciliation. And we have marvelous talent, political, intellectual, and social. And so I propose -- and I know you're not going to accept my word, because writing press releases for the Board of Trustees is way above my pay rate. But I would propose something like this -- and I've given copies to the Board secretary for distribution, and I'll simply read it, and I'm reading this because I think the community needs a united Board with its College President to go forward from this point on, and I think any statement that you can concoct that has these principles would serve the purpose. And I'll simply -- I'll skip the preamble. I'll get right to the resolves. We resolve to set aside any personality antagonisms that may impede a unified college leadership. We resolve to sincerely collaborate with each other in decisions without any preconditions or premeditations. We resolve to compromise our divergent views on governance for the college for the greater good of the college and the civic community. We resolve to sincerely conciliate any future differences that may impede full and effective campus governance from this point forward. We, the undersigned, ask all persons of good faith in our community to assist us in the adherence of these reasonable principles of conciliation. I hope you will consider something like that, because I think that the unity of the Board with the president is probably the road we should be going. Thank you very much.

**MS. CORNELIA ALSHEIMER:** Honorable members of the Board of trustees, President Dr. Haslund, Dr. Serban, there's not a lot what I remember from the four years of Latin I took in high school. One sentence, however, stuck with me. A statement traced back to the year 222 made by Gnaeus Domitius Annius Ulpianus, a lawyer and chief advisor to the Roman emperor, a statement which is used to this day and hasn't lost any of its importance, pacta sunt servanda, "Agreements must be kept." Pacta sunt servanda. The agreement I would like to apply this to is the contract between the Instructors' Association and the college district represented by you. Later today in closed session you will be presented with the current status of negotiations between our two respective teams, and I was hoping you would allow me to point your attention to two items, which you might be talking about. There are a variety of aspects where both teams have reached agreement on. In our numerous
meetings, we had a number of good debates, sometimes a bit heated, but good. You know me, I can be really passionate about things, but they were also productive. As always, negotiations are a give and take on both sides. We all make concessions and I'm sure you have followed our negotiation progress with great interest. We are not done yet, so I do not want to break the unwritten rule to not publicly spill the beans on anything which both teams already have achieved tentative agreements on, and there are also still a number of items from our original proposal in discussion. But back we are to my first sentence, "Agreements must be kept," because the proposed item I want to talk about today is the process about what to do if our contract is not kept, what to do if one of the two parties to this contract believes that this agreement has been violated. Well, we are lucky, those things do not happen too often, but they do happen, and so we need to have a process on how to deal with it. Currently, this process is laid out in Article 6 of the contract in the form of our grievance procedure. This procedure has four steps; and for the newer Board members on the Board, you, the Board of Trustees, you are the last step in this process. If the IA or an individual faculty member sees a clause of this contract violated and files a grievance, then your word is final and binding. After you, the association or the faculty member is left to sue the college and let the court system decide this matter, a process which is expensive, time-consuming and oftentimes has only one group of winners, the attorneys. Therefore, the IA has proposed to extend this grievance procedure with binding arbitration. A proposal, (a) costs no money but is intended to save some, (b) has been practiced by other colleges and other public entities for decades; and (c) would be a win-win agreement for both sides. Honorable members of the Board of Trustees, the faculty, represented by their Instructors' Association, believe that this proposal is a good one. We strongly believe that the benefits of binding arbitration should be considered more seriously. This is not about having an arbitrator on campus every week. In good faith, the district and the IA negotiate and sign a contract with the intent that this contract will be kept and honored. After all, pacta sunt servanda. However, in situations where there is a serious problem, why not try to solve such a matter outside of the courtroom. Please take this under consideration. This said, the second item I would like to discuss here today is a proposal, which in January was brought to the negotiation table by the district. And I must admit I have a serious problem with it. I'm talking about the district proposal in reference to Article 12 of the contract. Article 12 formulates those very modest, the appointment priorities the college has in place for our part-time faculty; and more specifically, this new proposal relates to section 12.7, which covers the question of what happens if an adjunct faculty member feels his or her right, according to Article 12 being violated? Currently, Article 12 can be grieved. However, this grievance is not allowed to go over all four steps of the current grievance procedure, according to Article 6. You will remember, this very Article 6 I was just talking about. But - and this is unique in our contract - adjunct faculty are expressly limited to only grieve a violation of their reappointment rights up to step two of this fourth step grievance procedure. One would ask why is this? Why would each and every provision in the contract be grievable through the regular grievance process, and only when it comes to adjunct faculty and their reappointment priorities, we have a limitation. After all, pacta sunt servanda. With this new proposal, we are now asked to completely disconnect our modest adjunct reappointment rights from the contractual grievance process. No grievance allowed whatsoever. Instead, we're offered a replacement process, which looks very similar, but I assure you it is not. What is proposed here is a disconnection of the adjunct faculty reappointment rights from the protection of the contractual grievance procedure, and this is not acceptable. Let me tell you, in these days, part-time faculty need rather more and not less protection. If you ever want real-life examples, let me know. I can give you plenty. To this day I do not understand why reappointment rights for part-time faculty deserve less protection than, for example, salary class transfer or reduced workload programs. I am asking today to, please, remove all limitations of Section 2.7 of this contract for adjunct faculty. They deserve the full protection of this contract. Pacta sunt servanda. Thank you.

1.5 MINUTES OF THE REGULAR MEETING OF FEBRUARY 24, 2011

Discussion took place between the Trustees regarding the length of the minutes. Trustees Livingston, Villegas and Jurkowitz indicated that they prefer the longer version of the minutes. Trustee Villegas recommended that this discussion take place at a study session. Superintendent/President Serban asked that the minutes be approved.

Upon motion by Trustee Livingston, seconded by Trustee Villegas, the Board approved the minutes of the regular meeting of February 24, 2011. Trustee Croninger voted no on this item.
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 – Ignacio Alarcon

Mr. Alarcon reported on the following: The Planning and Resources Committee of the Academic Senate organized a faculty forum of the college priorities for building the budget 2011-2012. This forum was facilitated by Emeritus Professor John Kay, it was very well attended. The faculty lecture of Dr. Mike Young was held on March 17, hoped everyone enjoyed Mike's enthusiasm and passion for his discipline and for teaching it. At the Academic Senate meeting yesterday, Joe Sullivan spoke about the budget's recent history and scenarios based on the possible assumptions. Thanked Joe for taking the time and being such a good sport. Most seem to agree that the best-case scenario is fading away quickly, but the more ominous scenarios are more likely. On April 6, the Academic Senate will have an extraordinary meeting, and Dr. Ofelia Arellano will come to the Senate to discuss the landscape of Continuing Ed. At this meeting, the Academic Senate will also discuss the possible criteria to be considered for reduction of class offerings. By April 13, it is expected that the Academic Senate will act on recommendations about the budget development in preparation of the College Planning Council's meeting on April 19. Wasn't going to mention Article 12, but since Ms. Alsheimer brought it up, wanted to remind the Board that this was where the faculty and the Academic Senate have asked the IA to consult with department chairs. There will be a very important meeting coming up with several of the department chairs this coming Friday to do precisely that with IA executive board representatives.

b. REPORT BY ASSOCIATED STUDENTS – Ruby Limon

This has been a busy and engaging month for the Student Senate. On March 14, we joined other community colleges and four-year institutions at the capitol for the annual "March in March." A group of 20 students from EOPS, DSPS, Phi Theta Kappa and the Student Senate along with Dr. Partee traveled to Sacramento to protest against cuts to higher education. The Student Senate has reinstated "Coffee with the Senators," where students meet Senators over coffee and bagels to discuss concerns and/or ideas that will improve our campus. The Student Senate, Phi Theta Kappa and International Student Ambassadors have come together to raise money to send to Japan. Their goal is to raise $10,000 and with only five days of tabling, they have raised $5,105. The Student Senate is also organizing its Slip 'n Slide event to create Student Senate awareness. The event will be on April 21 on the west campus. A $1.00 donation will be asked per student and funds will go towards Hope for Japan. During spring break, eight senators with Dr. Partee will travel to Sacramento to attend the Statewide Student Senate Spring General Assembly. This is a three-day conference where they participate in different breakout sessions, where they learn about the Brown Act, parliamentary procedures and effective leadership. On April 17, Santa Barbara City College students will be participating in the Foundation for California Community Colleges, "Hands Across California." The launch of an intense media outreach will take place in the next few weeks, and Vice-President of Senate Affairs, Ola Smith, is an active intern with the Foundation for California Community Colleges and is Santa Barbara City College's contact person.

c. REPORT ON CLASSIFIED EMPLOYEES – Liz Auchincloss

Ms. Auchincloss reported on the following: Reported on negotiations. They have concluded their negotiations, Article 6, reopening of their contract. They had two very cordial meetings with the district and they came to a tentative agreement that their chapter ratified unanimously. Urged the Board to also ratify it today, it is item 2.3 on the agenda. The consultation group has talked about the budget, and won't report on that right now because the budget forum hasn't occurred yet. The classified budget forum will be held next Tuesday, and then we should get
more of a comprehensive view of how the staff feels about what's going on with the budget, but these are hard times, so whatever we do, we need to come together, and it's important. I mean, if we are going to have cuts of, maybe, ten, $11 million, we have to do it as a team. And the last thing to report on, today, thanks to our new risk manager, Lorenzo Zwaal, we had an emergency preparedness training session for security, some facilities, people, some grounds people and members of the safety committee. Bill Harz, who works in the geology department, brought his truck, the Wooly II, and trained a lot of people on how to put it together and take it apart as a resource in case we ever needed it on campus in an emergency situation. It's a really magnificent operation that he's put together over the years. Thanked Lorenzo and Joe Sullivan for arranging the training.

d. REPORT ON CURRENT EVENTS (INCLUDED IN SUPERINTENDENT/PRESIDENT’S REPORT) – Joan Galvan on vacation

e. REPORT FROM SUPERINTENDENT/PRESIDENT – Dr. Andreea M. Serban

1. Thanked staff, faculty, students and community members for their support.
2. The news on the state budget is grimmer every day. The latest communication received today makes it seem very unlikely that there will be a June election, and the governor this morning spoke of, quote-unquote, "initiatives" during a conference of the California State Association of Counties, leading many to believe that a November playbook is a distinct possibility. At the same time, a new poll by the Public Policy Institute of California found only 46 percent of California residents were inclined to vote yes on the governor's tax extension. This is the worst polling to date on this topic and there's no reason June versus November will make a difference. So we are quickly approaching that "all cuts" budget scenario which for SBCC means an ongoing cut in our general fund revenues of at least $6.8 million to as much as possibly $10.5 million starting year 2011-12. Appreciates the work of all of our staff and faculty and thanked Ignacio Alarcon and Liz Auchincloss, for their leadership for the faculty and staff, and this is indeed a time to fully come together and take the action needed to preserve the core mission of this college and the employment of our permanent employees' to whom we are fully committed.
3. On March 25 we will host our first Human Presence Institute Symposium in which our faculty will demonstrate some of the technology techniques they learned in their area workshops, Twitters, Skype, Flip Cams, and other technology designed to teach our students in formats with which they are familiar and comfortable. The State Chancellor's Office informed us that our human presence learning environment was awarded the Technology Focus Award for 2010. This is a statewide award that recognizes projects that have been identified and solved significant problems to the benefit of students, faculty and staff. Congratulated Dr. Doug Hersh, Dr. Dave Wong and the staff who have made this initiative a reality.
4. March 23 the Luria Library hosted its highly-popular third annual Edible Books Festival, and once again, the entries were all creative and delicious.
5. Thanked Dr. Mike Young for a really fascinating faculty lecture. Understands why students who take his classes learn to really enjoy physics.
6. Was very pleased to hear that the SBCC students who attended the "March in March" in Sacramento on March 14 learned so much about the political process by attending this event. Our students' voices are so important for the legislature to see and hear when they consider all the budget cuts. Thanked Ruby Limon for her leadership and Dr. Ben Partee and Marsha Wright for serving as advisors and chaperones.
7. Phi Theta Kappa inducted 125 new members on March 4, is proud of these students not only for their academic achievement but for all of their outreach efforts.
8. The Community College League hosted the luncheon awards event for the Phi Theta Kappa, All California Academic Team on March 21. Students Hanna Stromgren and Patience Ncube achieved this high status and were among the honorees last month. Senator Lowenthal introduced all the PTK team members on the senate floor of Monday's session. Scott Lay announced that USA Today will publish an article about this event and
9. The joint meeting held with the Santa Barbara City Council on March 2 went very well. Thanked Randy Bublitz and Marsha Wright for excellent presentation on our SBCC programs and also thanked all of the staff members who prepared materials that were included as part of the agenda.

10. Congratulated Kathy Molloy for being named the 2011 Stanback-Stroud Diversity award recipient by the Academic Senate for California Community Colleges, this is a tremendous recognition at the State level. Ms. Molloy joins Dr. Eskandari and Dr. Arnold who were 2002 and 2010 recipients, respectively.

11. Congratulated the employees who are on the agenda for recognition of their years of service. We always appreciate the employees who are here a long time, because it speaks well for our great work environment and our commitment to our employees.

12. Superintendent/President Serban has been officially appointed to the U.S. National Commission for UNESCO. This appointment is made by the U.S. Secretary of State based on extensive screening of nominations received. This is truly a prestigious appointment. But the reason it is important for her is because the U.S. National Commission for UNESCO, which stands for United Nations Educational, Scientific, Culture Organization, it's looking at the global perspective, and it supports humanitarian development and values in terms of contribution of the United States to the world. We are a global institution, and we need to be aware and instill in our students global values. And feels really honored to be the only community college representative in this prestigious group, and certainly, will represent Santa Barbara City College in the best possible way.

13. Superintendent/President Serban was selected for the third year in a row, as one of the Top 50 Women in Business by the Pacific Coast Business Times.

14. The Board of Directors of the National Association of Professional Women has selected Superintendent/President Serban as the 2010-11 Professional Woman of the Year.

15. Superintendent/President Serban reported on the various events she attended in the community that were positive and reinforce the strength of higher education in our community:
   - February 26; Inauguration of Dr. Nancy Ledford as the President of Antioch University.
   - March 4; Attended the Westmont College breakfast where former Secretary of State Condoleezza Rice gave a very inspiring speech.
   - March 4; Hosted a dinner theater for our donors and truly enjoyed Tartuffe, our theater arts department gave a great performance.

16. Superintendent/President Serban reported on upcoming events;
   - March 26 we will be hosting the Easter Relays.
   - April 18 the annual Rotary Club of Montecito will hold their scholarship award luncheon in the GDR. The Montecito Rotary Club has been an extraordinary supporter; they have endowed a number of scholarships for our career technical vocation programs.
   - April 15 the Student Annual Art show will have its opening in the Atkinson Gallery.

17. Superintendent/President Serban reported on the passing of a couple of members of the college community:
   - Continuing Education instructor Kathy Lear passed away on February 28. She worked for 15 years in Continuing Education teaching computer classes.
   - SBCC student Richard Barassi passed away on March 5. He was an automotive technology major and in his honor, a flag-lowering ceremony was hosted on March 17.

f. REPORT FROM BOARD MEMBERS

Trustee Livingston noted that Liz’s report about emergency preparedness reminded her that there’s a state requirement for Board members to be certified in emergency procedures and didn’t know if the new Board members had been scheduled for this. Superintendent/President Serban noted that the new Board members will need to have to have the training and she will look into scheduling it.
2. GOVERNING BOARD

2.1 BALLOTING FOR 2011 ELECTION OF CANDIDATES FOR CALIFORNIA COMMUNITY COLLEGE TRUSTEES (CCCT) BOARD OF DIRECTORS.

Trustee Villegas reported on the intent of the CCCT Board when nominating officers to keep in mind diversity; not only diversity with ethnicity, gender, etc, but also ethnicity in geography. Trustee Villegas provided some information on the applicants that were running for the board of directors. Each Trustee read off the names of the candidates they selected for this board of directors and after totaling the votes the following ballot was submitted for the California Community College Trustees (CCCT) Board of Directors:

- Jim Moreno, Coast CCD
- David Wheeler, Yuba CCD
- Laura Casas Friar, Foothill-DeAnaza CCD
- Nancy Chadwick, Palomar CCD
- Mary Figueroa, Riverside CCD
- Robert Jones, Los Rios CCD
- Paul Gomez, Chaffey CCD
- Pauline Lara, Kern CCD

2.2 TELEVISING REGULAR BOARD MEETINGS STARTING WITH THE APRIL 28, 2011 MEETING

Upon motion by Trustee Blum, seconded by Trustee Croninger, the Board approved televising regular Board meetings starting with the April 28, 2011 meeting. Trustee Villegas asked staff to take into consideration the request that was made by the citizens in terms of the Spanish translation. Superintendent/President Serban noted that the cost for that was not included in this proposal. However, staff will look into it.

2.3 MODIFICATION OF COLLECTIVE BARGAINING AGREEMENT BETWEEN SANTA BARBARA COMMUNITY COLLEGE DISTRICT and CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION (CSEA) and its CHAPTER 289.

President Haslund reported that this item would be voted on after the Board came out of closed session.

Upon motion by Trustee Livingston, seconded by Trustee Blum, the Board approved the modification of Collective Bargaining Agreement between Santa Barbara Community College District and California School Employees Association (CSEA) and its Chapter 289.

2.4 CLARIFYING BOARD PROCESS RELATED TO CEO EVALUATION

Mr. Craig Price, with the firm of Griffith and Thornburgh, provided the legal opinion regarding the CEO evaluation to the Board of Trustees. He will be present to introduce the opinion and to respond to questions.

Mr. Craig Price is here from Griffith & Thornburg to respond to questions about the legal opinion that he rendered. Mr. Price: asked myself, why am I here, and especially with a resounding 4-3 vote to have me come here. As somebody that's been involved for many years here locally in public education, I care about it. And it seems to me from -- mainly, from where I followed in the press and so on, that you have hit a bit of a stumbling block, a speed bump, not a wall. And whether the clearance could have been created by other counsel, your own very excellent counsel, Sue, or Liebert Cassidy, that was for you to decide. If the majority of you decided that it would be beneficial to bring somebody aboard locally that had some experience in the Brown Act and the issues that
were posed, and so, I said, "You know, I would like to try and help out if I can." I just want you to know, I don't have any prior associations with any of you, except, of course, Marty; everybody has been in touch with Marty, at various school things and city council, school board things. My associations, as far as any Board members for the college, have included people that were unelected in November. So I just want you to know that I'm not coming here from the standpoint of having any association. I've done local education law in this community for a number of years. I think 16 years. I've served on a local school board. I've helped create the first educational foundation in Santa Barbara. It was in Montecito, probably 1979 or 1980. I don't have the fortune of being of an educator myself, like other members of my family, so I'm more of a hanger on'er, and the closest I can get to it is by doing legal work. And compared to all the things that I did for most of my career in court, getting to the point where I can represent a number of local school districts is just excellent and it's stimulating. The issues are stimulating, and I really like the people, and that's why I do it. So, to the extent that I can be of any benefit in helping you work through the issues, then that's what I'm here for. My representation, like that of any lawyer who comes as the attorney for the college, is to represent the Board. That means the Board as a whole, not any one, two, three or four of you. It's to represent the Board. If the Board takes an action, even if it's a split vote and the attorney is directed to do something, file a suit, give an opinion, some of the people don't wish for that result, then the representation of the Board, obviously, is to go with what the majority has tasked the attorney to do. The advice that any attorney representing the Board is charged with giving is not the advice that either some segment of the Board wants to hear, because it leads the way along a path that they want to go on; nor is it intended to go in the direction that the attorney thinks that the Board would like to hear. Because, you know, if I tell you what you want to hear, then that's going to, maybe, make it better for me to be employed the next time or so on. I've heard it said, and I truly believe, that in many cases, the best advice that you can get from an attorney is that which you don't want to hear, because you know you are getting at least the truth or at least what that attorney happens to think. So, I don't come in or didn't come in addressing these questions that were sent to me by Dr. Haslund with any bias or any desire to do anything other than try and address the questions. You've also heard it said, and maybe you've experienced it, that if you go to three or four different lawyers with a question, you are going to get three or four different answers. I know that's true in many cases.

I really don't think in terms of evaluating the issues that, hopefully, will allow you to go forward and get over the speed bump is that kind of situation. These are primarily Brown Act issues. I guess, the employment contract comes into it a bit. And I mean, there are some really difficult issues that I wouldn't be able in a position to tackle, many, many difficult issues. People talk about being Brown Act experts and so on. I don't think, frankly, that there's enough substance in the Brown Act compared to taxation, compared to special education law, compared to bond law to really qualify for somebody to be a so-called expert. There are 50 or 60 different sections spelled out in the Government Code that make up the Brown Act. And like any law, starting from the Constitution and working down, mankind does not have the capability in most instances, at least, of writing a law that is self-explanatory, and for that, lawyers are eternally grateful. And so we resort, or our clients need to resort, to the court system to get those things straightened out. And it's a result, in addition to reading the Brown Act itself, which comes out of the California Government Code, we have any number of appellate decisions and some Supreme Court decisions, we have many opinions from the California Attorney General. So really, for the most part, what it takes is to read the act and follow-up and do the online thing - we don't even have to go in the library anymore – and see what the cases say. And a lot of these cases, they are well-known to people that practice in this area, and I had occasion to be involved with the Brown Act for eight years or something like that, and I've tried cases on behalf of school districts where there were allegations involving the Brown Act that have been involved. I have some background and at least feel qualified to answer these particular questions.

Trustee Livingston requested the opportunity for discussion before we go into the substance of what Mr. Price provided. Trustee Villegas did not think that this meeting is the correct forum to get into a whole big discussion. This should be brought to the study session and perhaps Mr. Price can join us.
at that study session, because this is a study session topic, open discussion about the report. Trustee Villegas thought the questions provided to Mr. Price were somewhat misleading and maybe just misstated.

Trustee Livingston wanted to put into the record that the minutes that we just approved Trustee Livingston saying, "I don't think we ever had a contract that allows an individual to -- a trustee to go out and solicit services." Trustee Haslund responded saying, "I can assure you, president of this Board, is not going to do anything on his own." And eight days later we have a letter from President Haslund soliciting your legal services with questions that were never vetted through any sort of Board process. So, while you may have done a wonderful job answering three questions that were posed, somehow, between President Haslund saying, "I'm never going to do anything on my own," until the letter where he did do something on his own, I think this is a threshold problem that we have here. I really don't want to go into the substance of this answer, because I don't even know why these questions were asked, or what this alleged roadblock is, because this has never come before Board discussion. We don't know what is going on with the subcommittee, we don't know the issues, we don't know what the charge to the subcommittee was, and has been refused to even be discussed by the subcommittee. I don't want to spend any time hearing about the legal opinion on the three questions that you posed unilaterally on your own without any Board discussion.

Mr. Price: I didn't want to walk you through the opinion in the first place, because, for whatever it is worth, you have read it. I'm happy to come back, I'm at your disposal. If you want to ask me any questions now, because, perhaps, you have different questions, then if I can answer them, I will or I can come back. But my understanding was that I received a signed contract, and in that contract and in standard conformance with the way these things work, because your Board meets in regular session once a month plus your study sessions, there needs to be contact between the attorney and the client other than during those times when the Board meets and has a very busy agenda. As a result of a lot of history, not just here, but in the law, that contact ordinarily is with the chief executive, and that would be the president/superintendent. That's who I normally work with in my other districts.

Trustee Livingston: Exactly. And this is my threshold issue, President Haslund said eight days prior that he wasn't going to act on his own; eight days later he did, and he legitimately contracted for your services. You aren't in any way being culpable on this. The missing link is, where did President Haslund come up with this consensus that he wanted Board input, and then -- certainly a question that I would like to ask is, how much has this cost us so far in legal expenses?

Trustee Croninger: I have to say, Joan, that I disagree with what you are saying. But the problem is that is a matter of discussion that we had in closed session, and under the Brown Act, we are not allowed to discuss what we said in closed session. So my suggestion would be, to the extent we have these disagreements, we are going to take them back to closed session and discuss them, because that's what the Brown Act tells us to do. I'm not at liberty to just discuss this in this context, otherwise I would.

Trustee Livingston: We created a subcommittee, and the only question I had and the public had is what was the charge to the subcommittee. And I was informed, "I'm not going to tell you what the charge to that subcommittee is," and the subcommittee went out and acted on its own, wouldn't talk about what they were doing, and all I wanted to know, as a threshold, is what did we tell at eleven o'clock at night, at a very long Board meeting, what was the charge for a subcommittee. Now, if that's closed session, it happened in a closed session, should it have happened? Because it wasn't on the agenda, we created a subcommittee, we reported out saying there was no action taken; yet, the subcommittee mysteriously was created, and now no one can tell me what the charge to that committee was.

Trustee Villegas: The committee was created at the end of the closed session after a long discussion about the process of evaluation for the CEO of the college. The charge of the ad hoc
committee was to look at the process, look at other processes that exist and come back to the Board with the recommendation. That has always been the charge of the ad hoc committee. And the ad hoc committee had met twice and reviewed a sample of the survey, et cetera, and was going to come back to the Board. That's why I believe it is more proper to discuss it in the study session and allow the ad hoc committee to come back to the Board with some recommendations. But that has always been the charge, that's always been open, that's always been well-known.

Trustee Livingston: That was my understanding of it. And what didn't happen was there was no direction that this process evaluation had to be a closed session item. That's where I depart from. And I read your legal opinion, and it may be, at the direction of the Board, but there's no direction of the Board nor were goals included. Goals tend to be a more sensitive topic to discuss. But we did not charge the subcommittee with setting goals for the evaluation, just merely to do a clerical task of reviewing data that is out there in open public documents. So, if there's any roadblock, what I don't understand is how did this turn into such a secret committee that we could only talk about this in closed session. And who has the control over whether this is a closed session. We stopped a discussion of one item because it wasn't clarified, no one would say what the charge to the committee was at the meeting, and we have a CEO who's being evaluated that said, "What is going on here?" And when I see something like that, whether it's Brown Act or not, I see common law and decency. But if we have something that nobody really knows what's going on, the last thing we want to do is resolve this in closed session without the employee even being present. So, if you can find a technicality that says, "Oh, we could have the secret meeting and she didn't have to be present," I don't think that's how we want to do business at Santa Barbara City College. Now, you are looking at me as if, "What is she talking about?" Well, this is the problem, you sent questions over to an attorney who very competently responded to them, but we aren't asking the same question, and there was no Board discussion as to what or was our legal roadblock here. And so, until we resolve what the legal questions are among us, I don't think we should be hiring attorneys on the initiative of a single person.

Trustee Macker: I'm just very confused about the characterization I'm hearing from Trustee Livingston. I think Luis articulated really clearly what the ad hoc committee's purpose was from the beginning. I think it was clearly understood by all of us in the room it's limited in scope, and I wouldn't call it -- I can't remember -- clerical in scope. The idea was that they were going to look at the process, and, perhaps, revamp it and get other ideas; bring those back to the full Board for input, goals and all of that, something that we don't need seven of us talking about; just the three of them were going to talk about it. It's pretty simple, it's straightforward, it's transparent, it's what we announced at other meetings as to what we were going to do. I believe Mark McIntire was the one that asked for clarification of this committee several meetings ago, and that's what we said, and that's what it is.

Trustee Livingston: It isn't what you said. I have a copy of that.

Trustee Macker: Lastly, there was a bump in the road, there was a different opinion between different Board members in regard to the Brown Act. And for that reason, we needed to engage some legal services; we couldn't move forward until we did. That's my understanding.

Trustee Croninger: And I was just going to say that the issues that Trustee Livingston has articulated are the very reason and the essence of the opinion that we received. So, I think it would be helpful for Mr. Price to explain how that opinion applies to the question you just raised about doing it in closed session versus doing it in open session.

Trustee Livingston: That wasn't addressed. We are paying money for this, and we don't have any consensus, and it went through no open discussion about how this should even come about. So, if we can't get any agreement on it, the issue is why in the world we're having closed session on something we all I agree -- and I agree with you, Lisa, that's exactly why I thought, we were just going to have a process, we are going to look at things, we had to work with Dr. Serban, because
that's part of the contract. But why, all of a sudden all of this information has to only be revealed to
the Board in closed session?

Trustee Villegas: That was where the confusion arose. It was brought into a closed session, and
quite frankly, it didn't have to be, in my opinion, brought to a closed session, because what we were
discussing was just a process and a tool. There was no evaluation of the CEO taking place. And
so, therefore, it could have been done. I think that was the Board's error, is putting it on the agenda
and making it part of a closed session when it didn't have to be. So that's when the difference of
opinion arose, "What are we doing in closed session if all we are doing is looking at a tool?" "Well,
we are doing more than that." "No, we aren't." And there was, I think, the impression given to the
public that we were doing this CEO evaluation, when, in fact, we weren't. I think that's what created
confusion. And for that reason, I would like to table this discussion, review this report back at a
study session, so the full Board, after the committee presents to the Board at the study session, and
we bring this all into the open.

Trustee Croninger: I'd just like to suggest again that the essence of the legal opinion that we have
received answers what Trustee Villegas has just said, you know, what is the answer? Should it be
in closed session? Should it be in open session? What is the content of this process? And we
would all benefit by reviewing that answer now. We do need to get on with developing this
evaluation process in order to meet the required dates for an evaluation that are applied -- that apply
to our own policies and under Dr. Serban's contract. So, we can't afford to continue to delay that
process.

Trustee Villegas: The concern I have with that is - and I'll give you an example - is the legal opinion
that was given was based on some questions that, quite frankly, I don't think were accurate. For
example, one of the questions was, "We have established an ad hoc committee of three Board
members to facilitate the evaluation process." That ad hoc committee was not facilitating an
evaluation process, and it gives the impression that the ad hoc committee is going to evaluate the
CEO. So, it was somewhat inaccurate. And in terms of just, "Should the evaluation instrument itself
be crafted in open or closed session?" It doesn't have to be crafted in closed session.

Trustee Croninger: This is the answer that we have. If Craig Price could explain more, for all of us, I
think we would benefit.

Trustee Macker: I would really like him, as long as he's here, to have him go through this. It's such
a debate. He's here, he's present at the podium, if he could just go through his responses, that
would be helpful.

Trustee Jurkowitz: Without getting technical about the Brown Act or anything like that, I think the
problem we are having now it's a rush to judgment. We quickly rushed; the new members of the
Board came on, in order to have a closed session. And I think what we should have done is we
should have discussed this as a Board in a study session and tried to form a new evaluation
process. That should be for the 2011-12 year. I don't know how we are going to form new
processes, and it's obviously from Craig's letter, that the Superintendent/President has a right to be
part of this process of how we evaluate her. That's obvious. So, here we are rushing to try and
change something that we couldn't possibly do in a timely manner for something that is due in June.
Now, I agree with you, it's something we want to do, but I don't know how you change a process and
get it completed in, say, April or May, and then decide, "Well," in June, "Is this a fair evaluation of
this Superintendent?" Well, we can agree we want to change it, but we can't change it 30 days
before the evaluation comes in. And I think there was a rush to do that, and it's created this
confusion. And whenever you rush to do something, you are going to make some mistakes and
create some bad will.

Trustee Haslund: Mr. Price, I would like, if it's possible, to have your take on the conversation that
you have been overhearing, but briefly, because we do have to move on. And I think Luis is right,
we should take this up at a later point. But maybe you have some commentary that would help us move forward.

Mr. Price: Some brief thoughts. The requirement for the completion of the evaluation by the end of the fiscal year, of course, is in the President's contract, and obviously, the evaluation report and the accreditation study recommends that that certainly be continued in the future. But, now, I'm not suggesting this, I'm just thinking about options out loud. If the Board doesn't feel it's going to be in a position to adequately grapple with the evaluation process this year, then, with the agreement with the President/superintendent, it can be deferred; there isn't any rule of law that says it needs to be completed. In term of the evaluation process itself, there is, I believe -- well, let me back up. Certainly, the Board policies call for there to be performance goals that are developed with the President/superintendent. And if I'm to assume that there are no such performance goals that are on the table right now against which the President is to be evaluated, then, obviously, that is a problem, because you are not going to be able to come up with them in April and expect somebody to measure up to certain goals by the end of June. However, performance goals are very different from generic leadership qualities that are identified in just about every survey. And of course, I know that your college pays a lot of attention to the League and the advice that you get from the League, and they have an evaluation instrument. And that instrument, which I looked at online, because I was curious, provides for really two different things; one is an evaluation that is based on target performance goals that are developed jointly between the President and the Board; and the other is the more generic qualities of leadership. So, I don't know, there are probably a hundred or so bullet points. And the League recommends that those generic leadership qualities be looked at and then have the Board and President reduce those to 20 or 30 finite things, which are different than specific performance goals. If you want to get on with the process, it seems to me that you should be talking among yourselves, and you should be doing that in closed session in deciding what it is that you want to do for this year initially so you can have some sort of consensus, hopefully, that can be developed to be able to go and talk to the President about, and then collaborate with her on what that process is going to look like and hear whether she agrees or disagrees with it and why. In terms of having the closed session -- having the evaluation itself be in closed session, I know there's a distinction made, Mr. Villegas, between the lead up to the evaluation, however you phrased it, and the evaluation itself, and I understand that distinction. And there's no rule why, if you want to talk about an evaluation instrument, you can't do that in open session; there isn't any rule against that. However, in terms of what the law has to say about that, it says that there are multiple aspects to an evaluation, which includes developing the process, for example, what is going to be looked at, and that each aspect of that process is appropriate for a closed session. The Brown Act originally really focused on protecting the privacy of the individual who is being evaluated. But the law is also making it clear that it has a dual purpose of also allowing a free, full and candid discussion. This is generic, this isn't just your President, you know that; it's for anybody, anyone you might review in closed session so that trustees aren't inhibited in any way in your discussion. In this one case that I included in the opinion, Duvall versus Board of Trustees, it happened to be a superintendent evaluation, the claim was, in part, that the leadup to the evaluation shouldn't have been in closed session. And what the Court said was, "Well, look, the way that trustees formulate what they are going to be evaluating gives a clue to what they are thinking about or maybe thinking about, and so there should be liberty to have those discussions in closed session, too." I mean, an obvious and silly example is, do we want to put in the form, "Needs to be on time." Well, you are not going to tell a satisfactory employee that they need to be on time. But if you put that in as something that you are going to do, then that's conveying a certain message. And if you are going to talk among yourselves whether you should say, "needs to be on time," some of you at least might prefer having it be in closed session. So, it's really up to the Board, the whole of the Board, whether or not you want to talk about any aspect of the process outside a closed session. Certainly, there's an obligation to collaborate and make every effort to attempt to reach an agreement with the President on the evaluation process itself that is going to be followed and on the evaluation itself. And as part of that process, the Board needs to work with the Superintendent/President on that, and ordinarily that's going to be in closed session. The law doesn't require it to be in closed session, if your Board voted and the President said, "I don't want it to be in closed session." But the purpose of the
personnel exception is to allow things like performance evaluations to be done in closed session to protect both the Board and the employee that's being evaluated. So, that's enough for one breath.

Trustee Blum: From my point of view we just have one purpose right here, we should all be pulling in the same direction. I'm kind of surprised that we aren't. But we all -- to pull back and think of what we are supposed to be doing, and that is to evaluate our CEO. It's pretty straightforward. And I think pointing fingers at people and all that sort of thing is very unproductive. I don't think we had a rush to anything. My goodness. If this Board looks like it's rushing, I'm just totally amazed. I can't even -- I don't have words for anything, because we aren't rushing to anything. We should be methodically figuring out, with our CEO, how to do an evaluation, because that's what we are supposed to do. I'm sort of embarrassed that we are doing all this and we are having such trouble doing that. We should all be pulling in the same direction, anyway, for the success of our students, and our job is to evaluate the CEO. It's really not complicated. If you don't want an instrument -- the three of us sat down on two occasions and we found a good instrument from the Community College League. If you don't want us to do that, we should just have a closed session and sit down and talk. It's not -- I was going to say, it's not rocket science, but then we saw that lecture that it was rocket science. But it's just -- we just need to talk about it, it's not hard, and I'm kind of -- I don't want to keep arguing about it. I've always said, I only have a certain number of fights in me, and I'm not going to waste it on fighting about this. We just need to move forward and evaluate the CEO with the CEO. It's not -- you know -- I'm sorry that we are squabbling over this. We should've been --

Trustee Livingston: I just would like to back up to a statement that you said, because you hit on a key issue, that it's the Board's decision. What we had was a unilateral choice to create a closed session; there was no Board input; and that's my concern is we were getting unilateral decisions to go into this as a closed session. If we choose as a Board that we want to evaluate certain aspects as a closed session, that's a Board decision. You did say that is how the Board goes forward. But the concern that was happening in this process is we had unilateral acts, including a unilateral act to hire you after reassurances that you wouldn't do something like that, even though you had a legal right to do it. So, Marty, I'm with you on that, we need to pull together. We do need to decide as a Board, number one, are we on target with what the charge of the committee was, how do we break down that process, should part of it be closed session evaluation process, should part of it be open session evaluation process. But that's a Board's decision; it isn't a unilateral decision or a subcommittee. It wasn't charged to a subcommittee to come up with those sorts of decisions. So, that would be my only concern. I'm with you, let's get back to dealing with those. It's a Board decision, and we may decide we want to do it as a closed session. That's not off the table. But it's a Board decision, not a unilateral decision.

Trustee Macker: I would just like to ditto what Marty said, also. You know, there's people have advised us that everything we say is taken out, you know, into the community and we are listened to. Some things here are pretty simple. You know, I don't see this as a rush to -- when we came in in December and said, "Yeah, that's one of our chief jobs," is to evaluate the president. It is. It is as simple as that. It's not complicated. That's one of our chief jobs. And when we had come on, the four new members came on the Board, that was one of the first things we wanted to do, is to get up to speed on that part of our jobs. A lot more got read into it, you know, there's some stumbling about closed sessions. But I would just urge everybody to, can I say, chill a little bit on this, and let's just proceed, you know, in a normal, uncomplicated fashion and trust us to do our jobs, and that we are just looking to make the right decisions in a timely manner, not rushed, but to start on an evaluation instrument and evaluation process. Six months before the evaluation's due is not, to me, rushing; it's just proceeding along.

Superintendent/President Serban: There are some comments being made as if there was no process in place, and I think that's part of what is creating the problem. There was an evaluation process that was in place and was used every year. I send you all an email, I put in writing the process. So, there are statements made as if there was no process in place. I want to be very clear for the public that there is an evaluation process that has worked, and there's an obligation both in
Board policy 2435 and 2430 that the evaluation process for my position is to be developed and jointly agreed by the Board and myself. There was an evaluation process, it's been followed, and it's been agreed with the Board. If the new Board wants to develop a process, that is certainly the prerogative of the Board. But I want to be very clear for the public that I have been evaluated, there is a process. I think there was, frankly, some concern as to why as you been in office only 13 days, you all of a sudden want to change the process without even considering what the process was. Well, if that was not the case, I wouldn't know, because you asked me to leave the room. So, I think what would be great is to understand what truly the intention is, was the timeline, why the prior process wasn't good enough. If it wasn't good enough, what are you trying to improve with the new process? And frankly, for every employee, we don't apply to any of our employees a change in the middle of the fiscal year, because when they started the fiscal year, there was a certain expectation as to what the fiscal year is going to look like. But I want to reiterate, I have been evaluated. According to the timeline, you have the dates, it's been noted, and so, that's, I think, part of the confusion here and of how this has been handled. I think we all want to clarify this issue moving forward, because it does create a lot of anxiety that, frankly, you could easily be addressed through a clear and absolutely fully understood process.

Trustee Jurkowitz: And that's why I was talking about a rush to judgment. We have evaluated the Superintendent, we know the date of her evaluation. If the Board wants to change how we are going to evaluate her, I think that's the Board's prerogative, but that was the rush to judgment, try and change the process quickly, and it became impossible. And I didn't create the rush, I didn't call the closed session. You fellows called the closed session. It's pretty simple. And the campus was in shock with what was going on, and we do have the right to change the parameters of how we are going to evaluate this Superintendent. To clarify what I said, the rush was to try and do it in a compressed period of time. And is it fair to change it after three quarters of the year has already gone by? That's my point.

Trustee Macker: I don't think there was any intention to change it for this current year. It was looking forward to the future. We are all aware there was a process. It's looking forward to the future. And when we came on mid-year, I think one of the first things we wanted to do was to understand what we're -- what came out of the evaluation for the prior June. I mean, is it our role is to work with the President and to understand the President and her goals, the goals that have been set for her and the institution. The very first thing we need to do, 12 days, ten days after we are elected, is to look at that file and understand what that was about. And that was part of the reason for the closed session. To me, that seems completely natural and normal is the first thing you want to do is see, well, what are her goals, how are we working together? That's part of the process. That had to be done in closed session.

Trustee Jurkowitz: Your intention wasn't that, I don't think it was received by the others on the Board as being that.

Trustee Haslund: That's unfair. I'm trying desperately to call this part to a close.

Trustee Villegas: I would like to do that, as well. As I mentioned before, I would like to move it to a study session. But given what Mr. Price has said, given what Marty has said, maybe we should dissolve the ad hoc committee and all work as a Board together.

Trustee Livingston: I did ask how much this cost. I would like to know how much this exercise cost.

Trustee Blum: At the same time we find out how much this cost, I want to know how much the court reporter cost, because I didn't call for a court reporter.

Trustee Livingston: That's fine. This was a contracted legal service that the Board entered into, and I would like to keep a running total of that. Could you tell us what this has cost to date?
Mr. Price: No, I can't, because I've not prepared a bill as of yet. And quite frankly, to the extent that is a concern of this Board, then I won't charge anything, because that's not why I'm here. If that would satisfy you, then that's just fine with me.

Trustee Villegas: So moved.

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

3.1 HUMAN RESOURCES & LEGAL AFFAIRS CONSENT ITEMS

Upon motion by Trustee Macker, seconded by Trustee Blum, the Board approved the Human Resources & Legal Affairs consent items, as contained in the agenda and attachment. Trustee Croninger abstained from the vote because her husband is on the list as a volunteer for the Music concert band.

CLASSIFIED LONGEVITY CAREER INCREMENT

Randy Bublitz, Department Chair and Associate Professor in Culinary Arts spoke on the 15 years of service of Isidro Carrillo, Lab Teaching Assistant. Mr. Carrillo received a certificate of appreciation on behalf of the Board and the college community.

Dr. Ben Partee, Dean Educational Programs, spoke on the 10 years of service of Brad Hardison, Director Financial Aid. Mr. Hardison received a certificate of appreciation on behalf of the Board and the college community.

Angel Cardena, Department Chair and Assistant Professor in Computer Network Engineering spoke on the 10 years of service of Behzad Masooman. Mr. Masooman received a certificate of appreciation on behalf of the Board and the college community.

4. EDUCATIONAL PROGRAMS – Dr. Jack Friedlander, Executive Vice President, Educational Programs

4.1 RECOMMEND APPROVAL OF NEW COURSES AND COURSE MODIFICATIONS

Upon motion by Trustee Livingston, seconded by Trustee Villegas, the Board approved the Curriculum Advisory Committee recommendations of new courses and course modifications.

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

5.1 RECOMMEND APPROVAL OF PROPOSED COURSES TO BE SUBMITTED FOR STATE APPROVAL, CONTINUING EDUCATION DIVISION

Upon motion by Trustee Livingston, seconded by Trustee Villegas, the Board approved the Continuing Education proposed courses to be submitted for state approval.

5.2 RECOMMEND APPROVAL OF NEW OR MODIFIED TUITION FEE-BASED CONTINUING EDUCATION DIVISION COURSES

Upon motion by Trustee Livingston, seconded by Trustee Villegas, the Board approved the new or modified tuition fee based Continuing Education courses.

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

6.1 BUSINESS CONSENT ITEMS

Upon motion by Trustee Blum, seconded by Trustee Livingston, 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. AUTHORIZATION TO DECLARE SURPLUS/DISPOSE OF SURPLUS EQUIPMENT:


d. ENGAGEMENT OF GLENN, BURDDETTE, PHILLIPS & BRYSON FOR DISTRICT AND PARKING AUDIT SERVICES, $30,800.00, attachment 6.1-d

e. ENGAGEMENT AND AGREED-UPON-PROCEDURES OF GLENN, BURDDETTE, PHILLIPS & BRYSON FOR MEASURE V AUDIT SERVICES, $6,250.00, attachment 6.1-e

f. APPROVAL OF CONTRACT, BOG CALIFORNIA COMMUNITY COLLEGES CHANCELLOR’S OFFICE, “I CAN AFFORD COLLEGE” STATEWIDE FINANCIAL AID AWARENESS CAMPAIGN, CONTRACT #C09-0104, $2,800,000.00, 4/1/11-3/31/12, attachment 6.1-f

g. AUTHORIZATION TO ACCEPT BIDS AND AWARD CONTRACT: PRINTING OF CLASS SCHEDULES, BID # 664, AMERICAN/FOOTHILL PUBLISHING CO., INC., FALL/SPRING NEWSPRINT $23,720.00, FALL/SPRING ELECTROBRITE $26,993.00, SUMMER NEWSPRINT $2,965.00, SUMMER ELECTROBRITE $3,806.00, attachment 6.1-g

h. AUTHORIZATION TO ACCEPT BIDS AND AWARD CONTRACT: BIOLOGICAL SCIENCES MICROSCOPES, BID # 665, OLYMPUS AMERICA, INC., $126,302.05, attachment 6.1-h

i. RETROACTIVE APPROVAL OF LICENSE AGREEMENT WITH MARJORIE LUKE THEATRE FOR “SBCC LEGENDS OF JAZZ CONCERT”, $1,394.25, PERFORMANCE DATES 3/21/11, attachment 6.1-i

j. APPROVAL OF LICENSE AGREEMENT WITH MARJORIE LUKE THEATRE FOR “SBCC SPRING 2011 CONCERT BAND”, $1,853.75, PERFORMANCE DATES 5/7 & 5/8/11, attachment 6.1-j

k. APPROVAL OF LICENSE AGREEMENT WITH MARJORIE LUKE THEATRE FOR “SBCC SPRING 2011 SYMPHONY CONCERT”, $1,716.25, PERFORMANCE DATES 5/5 & 5/6/11, attachment 6.1-k

l. APPROVAL OF STUDY ABROAD PROGRAMS: INTERCULTURAL COMMUNICATION AND DOCUMENTARY FILM MAKING, GRANADA, SPAIN & MOROCCO, TOUR RESOURCE CONSULTANTS, SUMMER 2011, attachment 6.1-l

m. APPROVAL OF CHANGE ORDER NO. 15, DRAMA/MUSIC MODERNIZATION – BID PACKAGE 1 (CORE AND SHELL), DIANI BUILDING CORPORATION $173,117.00, (discussed at 3/23/11 Facilities Committee meeting), attachment 6.1-m
n. APPROVAL OF CHANGE ORDER NO. 2, DRAMA/MUSIC MODERNIZATION – BID PACKAGE 2 (AUDIO/VISUAL), DIANI BUILDING CORPORATION $6,990.00, (discussed at 3/23/11 Facilities Committee meeting), attachment 6.1-n

o. APPROVAL OF CHANGE ORDER NO. 2, DRAMA/MUSIC MODERNIZATION – BID PACKAGE 3 (THEATER SPECIALTIES), DIANI BUILDING CORPORATION $19,665.00, (discussed at 3/23/11 Facilities Committee meeting), attachment 6.1-o

p. AUTHORIZATION TO ACCEPT BIDS AND AWARD CONTRACT: INSTALLATION OF VIDEO SURVEILLANCE SYSTEM INFRASTRUCTURE AT THE STAIRS AND PATH IN THE OAK RESTORATION AREA, BID# 667, CSI ELECTRIC, INC., $88,780.00, (discussed at 3/23/11 Facilities Committee meeting), attachment 6.1-p

q. AUTHORIZATION TO ACCEPT BIDS AND AWARD CONTRACT: ESL BUILDING ROOFING REPAIRS, BID# 668, CHANNEL ISLANDS ROOFING, $53,737.00, (discussed at 3/23/11 Facilities Committee meeting), attachment 6.1-q

r. AUTHORIZATION TO ACCEPT KRUGER BENSEN ZIEMER ARCHITECTS INC. DESIGN AGREEMENT, LEARNING RESOURCE CENTER (LRC) MODERNIZATION, $76,628, (discussed at 3/23/11 Facilities Committee meeting), attachment 6.1-r

6.2 BUSINESS ACTION ITEMS

a. ADOPTION OF RESOLUTION NO. 32 (2010-11) AUTHORIZING ROUTINE INTERNAL BUDGET TRANSFERS

Upon motion by Trustee Villegas, seconded by Trustee Livingston, the Board approved Resolution No. 32 (2010-11) authorizing 2010-11 routine internal transfers as contained in the agenda and attachment. The vote follows:

Ayes: Trustee Blum, Trustee Croninger, Trustee Haslund, Trustee Jurkowitz, Trustee Livingston, Trustee Macker, Trustee Villegas

Noes: None

Absent: None

Concur: Ms. Ridgell, Student Trustee

b. ADOPTION OF RESOLUTION NO. 33 (2010-11) PROVIDING FOR 2010-11 BUDGET REVISIONS DUE TO RECEIPT OF UNBUDGETED REVENUE

Upon motion by Trustee Villegas, seconded by Trustee Livingston, the Board approved Resolution No. 33 (2010-11) authorizing 2010-11 budget revisions for unbudgeted revenue as contained in the agenda and attachment. The vote follows:

Ayes: Trustee Blum, Trustee Croninger, Trustee Haslund, Trustee Jurkowitz, Trustee Livingston, Trustee Macker, Trustee Villegas

Noes: None

Absent: None

Concur: Ms. Ridgell, Student Trustee
7. INFORMATION TECHNOLOGY – NONE

8. CLOSED SESSION

Upon motion by Trustee Villegas, seconded by Trustee Livingston, the Board approved adjourning to closed session.

8.1 Conference with Labor Negotiators pursuant to Govt Code Section 54957.6

      The District negotiators are Bruce Barsook, Jack Friedlander, Joe Sullivan and Sue Ehrlich
      President Haslund reported that the Board had given direction to its negotiators.

   b. Employee Organization-California School Employees Association and its Chapter 289.
      The District negotiators are Bruce Barsook, Joe Sullivan, and Sue Ehrlich.
      President Haslund reported that there was no reportable action.

8.2 Conference with Legal Counsel-Anticipated Litigation

   Significant exposure to litigation pursuant to Section 54956.9(b)(3)(C) one case
   Tort Claim of Jamie Kroll against District for medical expenses, present and future, lost wages and general damages and suffering for injuries allegedly suffered in the SBCC cafeteria on October 20, 2010. The claim for damages was submitted 2/23/11.

   President Haslund reported that the Board voted to deny the claim and the vote was unanimous.

   Item 2.3 was taken up at this time.

9. ADJOURNMENT

Upon motion by Trustee Jurkowitz, seconded by Trustee Croninger, the Board approved adjourning this meeting setting the next Regular Meeting of the Board of Trustees on Thursday, April 28, 2011 at 4:00 p.m. in A211. A Study Session will be held on April 14, 2011 at 4:00 pm in A218C.