1. GENERAL FUNCTIONS

1.1 CALL TO ORDER

President Alexander called the meeting to order.

1.2 ROLL CALL

Members present:
Dr. Kathryn Alexander, President
Dr. Joe Dobbs, Vice President
Mrs. Sally Green
Mr. Morris Jurkowitz
Mr. Des O’Neill
Mr. Luis Villegas

Others present for all or some of the meeting:
Dr. Andreea M. Serban, Supt/President and Secretary Clerk to the Board of Trustees

English, Pat, Director, HR
Dr. Friedlander, Jack, Executive VP
Galvan, Joan, PIO
Garey, Tom, Theater Arts
Griffin, Leslie, Controller
Hendricks, Julie, Fac. & Operations
1.3 WELCOME

President Alexander extended a cordial welcome to all.

1.4 MINUTES OF THE SPECIAL MEETING OF JUNE 11, 2009

Upon motion by Mr. O'Neill, seconded by Dr. Dobbs, the Board approved the minutes of the special meeting of June 11, 2009. Ms. Livingston abstained.

1.5 HEARING OF CITIZENS

No citizen expressed a wish to address the Board.

Upon motion by Mr. O'Neill, seconded by Mr. Jurkowitz, the Board approved adjourning to study session.

2. STUDY SESSION

2.1 2008-09 Annual Apportionment Report (Final FTES) and Implications for College Funding

Superintendent/President Serban reported that the annual apportionment report was submitted on July 15 and there is good news. The credit side generated enough FTES to repay the Summer 2008 FTES used to achieve cap in 2007-08 and no additional Summer 09 FTES were needed to capture all allowed growth for 2008-09. This is significant, especially in this budget environment because this will allow the College, especially on the credit side to be a lot more aggressive about cancelling sections with low enrollment. Jack Friedlander and the Deans have done a great job identifying about 100 sections in the Fall 2009 semester that have been canceled, primarily due to low enrollment. While the workload reduction is not a given until the budget is approved by the Legislature, using the numbers received from the Community College League that were sent on Monday with the proposed bill would mean for us a workload reduction of an equivalent of $2.2 million which is the ongoing reduction in the general apportionment in 2009-10, by a combination of FTES, credit and enhanced non-credit and non-enhanced non-credit. Superintendent/President Serban, Dr. Arellano, and Dr. Friedlander met and discussed possible cuts, however, it was noted that there reduction in sections will be balanced between credit and non-credit with the goal to preserve core credit offerings as it is much more difficult to recover if massive cuts are made on the credit side.

2.2 Continuing Education Re-organization Proposal

Dr. Ofelia Arellano reported that the Continuing Education (CE) division is a large and complex organization and compared to other community colleges we are in the top eight in terms of the size of our program. CE offers over 700 courses per term and provides programs and services at various locations, Schott Center, Wake Center, SB County Jail, Ventura Jail, Salvation Army, four local high schools and approximately 75 other locations.

In Fall 2007, credit students 18 years or older totaled 16,062 or 10% of SBCC's district adult population of 159,827. During this same period CE served 51,108 students, this is 31% of the district's adult population which means that 1 out of every 3 adults in the community is taking
non-credit classes. What makes CE unique is its attempt to provide comprehensive offerings, spanning all the nine state funded non-credit categories and other fee-based courses.

Since February of 2009 Dr. Arellano has been reviewing the current CE organizational structure, in an attempt to determine how to best share the workload in all of the various programs. Individual talents, skills and areas of expertise have been taken into consideration in how to best serve the population. More importantly there has been extensive consultation with Dr. Serban and managers to evaluate the current structure.

A key goal was to maximize human resources in this current fiscal environment. A recent significant change to this structure was to move from a two dean structure to a one dean structure. Another change reviewed was whether it was feasible to move from a four director structure on the instructional side to a three director structure. The conclusion was that due to the level of responsibility involved, moving to a three director structure was not feasible; hence CE is moving forward to fill both director positions vacated due to retirements. These two positions are currently under recruitment. The next area that was reviewed was the student services component, or what was formerly referred to as the Step Program. A thorough analysis was conducted, evaluating current resources, staffing, programming needs and new initiatives to move students from non-credit to credit. A major source of funding for student services is CE's non-credit matriculation allocation. In reviewing staffing, it was discovered that non-credit matriculation funds were used to support the outreach services coordinator position whose responsibilities included, outreach and recruitment function; this is an illegal use of matriculation funds. According to the Chancellor's office, matriculation funds can only be used to support the matriculation service component, they can't be used for staff, certificated or administrative positions that do not support the matriculation services described in the College's approved matriculation plan. In May of 2008, Carmen Lozano the Outreach Services Coordinator was temporarily reassigned to work out of class as the interim Director of Student Services. Given the current fiscal situation and matriculation compliance issues, the District cannot fund the Outreach Coordinator position from the general unrestricted fund, so the proposal being presented is the elimination of this position. There is a need for a permanent Director of Student Services to provide overall administrative oversight of both the Wake and Schott Centers, however, given the current budget situation, we will postpone opening the recruitment until a later date. This will allow time for administration to have a better sense of the fiscal impact of the budget reductions on the CE division. It would also help CE effect further savings that would assist the district in this fiscal crisis. Dr. Arellano will assume the administrator responsibilities for this area.

As was noted in attachment 2, there are two other proposed changes, the Director of Registration and Technology, is a change to an existing position with no fiscal impact and this is being done in an effort to streamline registration functions at both the Wake and Schott Centers. The director would supervise the front office staff, this individual is Francisco Martin del Campo, who will be assigned two days at the Wake Center and three days at the Schott Center. Another recommendation is the Coordinator of the Community Education Center, this is a change in current assignment with no fiscal impact. This individual is Jose Martinez, who will support student services functions in collaboration with our instructional programs, to support bilingual programs.

Superintendent/President Serban commented that the Outreach Coordinator position is really a unique situation because the position was created with the assumption that matriculation funding could be used, and unfortunately it cannot. So in this environment again we are making great efforts to make significant reductions in our budget and this position cannot be absorbed from the general fund. Superintendent/President Serban noted that the decision to eliminate this position was not an easy decision to make or even to propose to the Board. A lot of thought went into this and it's the responsible thing to do. However, we do want to ensure, to the extent
that we can and within the fiscal constraints, that some period of time is provided that would hopefully make this easier for the employee receiving the layoff notice. From a legal standpoint, the requirement is a 45 work day lay-off notice, which is about two calendar months and we would like to extend this to a three calendar month period. We do care about every single employee at the College and we have made great efforts throughout the past year to help maintain the employment of regular employees and will continue to make this effort. This is a very unique circumstance of a different nature than other positions here at the College and it's not something that is reflective of other positions. Unfortunately, because of the way the position was created and our current fiscal environment we can not support the position. Thanked Ofelia Arellano for stepping in and taking on the added responsibilities.

Dr. Alexander stated that she liked the way this was approached and the chart that was provided was excellent and it's very important that this be done.

Superintendent/President Serban noted that there had been several other staff members who worked in out-of-class assignments during the Lumens implementation process and these individuals have returned to their previous positions effective July 1, 2009. The Director of Student Services is a very different position from the Outreach Coordinator; it's a much higher level of responsibility, skills, and qualifications, it would not be appropriate for someone to be able to laterally transfer from coordinator to director.

The Board recognized that this was a difficult decision and they are aware that a layoff resolution would need to be approved at the July board meeting. The resolution would include a longer layoff notice period than legally required, making the layoff effective end of October.

2.3 Options Regarding the Continuation of Capital Projects

Superintendent/President Serban reported that it was a difficult decision to bring this item before the Board. We are at the point in time where the assumptions that were made and proposed to the voters in June, 2008 and where we are currently are very different realities. It was felt that it was important to bring forth to you an analysis of where we are and where should we go from here. There are also some time frames that we need to be mindful of.

Superintendent/President Serban reviewed some of the assumptions that were made when costs estimates were presented to the voters in June 2008 on Measure V.

- It was assumed that we would receive $92 million from the state in matching funds for various projects.
- Measure V would have covered $77 million of the funds required for various projects.

For the SoMA project it was assumed that we would receive $32 million from the state, spend $9.2 from the bond and that the Foundation for SBCC would raise $5 million. It was also assumed that the project would cost $46.4 million. Later a decision was made to add LEEDs certification, add four offices, and to add a CAD lab, these changes increased the cost of the estimate received from Don Zimmer to $52 million. Between February and May 2009, Superintendent/President Serban, Guy Smith, Joe Sullivan and Steve Massetti have been involved in working with the State Chancellor's Office and elected officials to prevent SoMA losing state funding entirely. We have fought very hard to save this project with the assumption that we would still receive the $32 million from the state. A Public Works Board meeting was scheduled for May 11 and we argued that the college be in attendance so that we present our case and could have our preliminary plans approved and allow us to move into the working drawings mode, after which we could submit them to DSA and continue on with this project. The day before the Public Works meeting we received a phone call from Fred Harris, Assistant Vice Chancellor for Facilities at the Chancellor's Office, advising us that Senator Denise Ducheny had allowed SoMA to be on the agenda so that we would receive the approval for the preliminary
plans and be allowed to proceed with working drawings. However, the State would reduce the amount to be awarded by $10 million. The $10 million relates to the savings realized from the value engineering that occurred. Originally when this project was submitted to the Chancellor's Office it had a price tag of about $60 million, it was then value engineered and was presented to the voters as a $46.4 million project. From the Chancellor's Office perspective, their understanding is that we never actually got approval for this value engineering and that now we are presenting a project with great savings to them and given the state's fiscal budget environment, they will take the savings from the original state funding awarded for this project. Needless to say that now puts us in a very different situation. Guy Smith and Barbara Ben-Horin have put in a lot of work into this project, along with the Foundation for SBCC who has spent a tremendous amount of time over the last three years in a phenomenal fundraising effort. Due to the current fiscal economy, the fundraising efforts have not done well, $1.8 million has been raised to date, of which about $930,000 is real cash and the balance are pledges, and $500,000 has been spent on this fundraising campaign. The truth is that the goal of $5 million is not attainable in this current environment.

Superintendent/President Serban reported that if we were to proceed with SoMA, as planned, it would mean that we would have to use any funds raised by the Foundation, use $27 million from Measure V, rather than the $9.3 million originally planned and the $22.5 million from the state, which of course would be funds that the college would not receive until some future date. This would mean that like the Drama/Music Modernization which we had committed to some months ago, the district would use district dollars up front with the hope that reimbursement from the state would occur at a future date. Due to the current status of the state's budget, it doesn't appear that any funding would be received for this project until perhaps 2012. If we decide to go ahead with SoMA it would mean that we would spend between Drama/Music and SoMA $70 million out of the $77 million of Measure V funds that leaves the district with a balance of $7 million for the next three to five years to fund other projects. As of today there are over 70 projects identified in the deferred maintenance projects, estimated at roughly $14 million and we had allocated from the bond $17.7 million for deferred maintenance projects. As you well know the other compounding problem is that the assumptions made about the state match funding for other projects, it is now an unknown.

The District is obligated to spend 85% of the first issuance of the bond, $47 million by November 2011 and that means spent not encumbered. If the decision is made to not proceed with SoMA, we would have to gear up to proceed with the remodeling of the Humanities building.

This is a tremendous decision to have to make and some fundamental questions need to be discussed. SoMA is a signature project, it's the project of the next generation, it's the project of the future, we need to ask ourselves, how vital is SoMA to the overall life of the college? How vital is SoMA for the next generation type of curriculum programs that our students are counting on? vs. The District has an aging campus and in this current environment we will not have the money that we used to have to put from ending balances into the construction fund. SoMA is a signature project for this campus in terms of energizing our programs and giving us that move into the future. Meanwhile we have aging infrastructure that needs to be taken care of. It was also noted that SoMA right now produces under a 1,000 FTES of the 16,000 FTES in credit. It's an extraordinarily difficult decision, because this need represents a symbol for our community, for our students, for our direction towards high end technology, exciting programs for the future. It is a very difficult decision to make, also when we think of our own credibility with our voters, what maximizes Measure V money at this point given the environment we are in. What maximizes the service to our students for the next 10-15 years vs our students 20-30 years from now, in an environment where we really can't afford not to have another source of income, we have to use the Measure V funds very carefully.

There are of course implications for the Foundation, the fundraising efforts would need to cease if the decision is made to stop the SoMA project, or continue if we will pursue the SoMA. This item can be discussed at the August study session as internal conversations will be taking place
with various consultation groups. Dr. Alexander requested some input from the Board members:

Mr. Jurkowitz noted that the information provided to the voters was that the bond money would be used to maintain the infrastructure and buildings at the college. It was felt that the voters would like to see the existing structures maintained more than they would want to see a new one built.

Mr. O'Neill added that he agrees that it would have been nice if the college could have SoMA, a signature project, but felt that it was not an important thing that the voting public actually approved. If it comes to the crunch, unfortunately we can't build SoMA.

Superintendent/President Serban reported that the concern is that the SoMA building would be 60,000 sq feet of space with unknown additional costs for maintaining the building.

Ms. Livingston commented that she felt that this is a great opportunity; we have money to build this important building that serves a need and will serve the future. This is the type of building that is seen on many other community college campuses and it's appropriate for the delivery for this type of curriculum.

Mrs. Green commented that she would love to have this wonderful building built, however, realistically, we need to repair the buildings that are here and are having issues with.

Dr. Dobbs felt that more time was needed to discuss this item.

Mr. Villegas commented that SoMA was the anchor of the Measure V campaign; he felt that it was what the community voted on. The question was raised as to when the next issuance of the bond would be sold. Superintendent/President Serban noted that the District can decide when the next issuance will occur. However, the District also has to maintain its rating score and how it maintains the score will be a key in how we sell the second issuance.

Dr. Alexander reiterated the main points which are:

- Do we go ahead with SoMA and curtail our ability to do anything else or
- Spread it across and give up the idea of SoMA.

Barbara Ben-Horin reported to the Board that at this point she can not accept any additional payment of pledges that have been made for SoMA. Superintendent/President Serban reported that Ms. Ben-Horin should inform the donors that the District is in the process of assessing the situation and if it changes they would be advised. Ms. Ben-Horin noted that she would be advising the Leadership for the campaign of these turn of events, the Foundation will no longer be spending any money on this campaign and also the donors who have made significant pledges will be advised of this change and events that have been scheduled to promote this campaign will be cancelled.

Superintendent/President Serban reminded the Board that the information that was provided was an illustration and was not a contract to the voters. From a legal standpoint we have the option to spend this money on construction for the Santa Barbara Community College District. The Oversight Committee will be advised that the Board is discussing this issue. Mr. Jurkowitz noted that the Board has the responsibility of being prudent with the money and ask ourselves can we afford this project?

Board members concurred that this should be discussed further at the August study session and Superintendent/President Serban will at that time present the outcome of the conversations that take place on campus.
2.4 Agreement for Testing and Inspection – Bridge Renovation

Steve Massetti reported that the bridge renovation is underway and this agreement will be to provide services required to test certain elements during construction. Staff request is for the Board’s authorization for the Superintendent/President to award a Contract for Testing and Inspection in an amount not to exceed $25,000, payable from Measure V funds, to Pacific Materials Laboratories. This item will be presented for approval at the July Board meeting.

2.5 Amendment to Design Services Agreement – Bridge Renovation (Attachment 5)

Steve Massetti reported that this amendment to the agreement would be for the time required for the engineer and architect to attend weekly meetings. Due to the number of unforeseen issues that have come up, it would be better if they were in attendance of these meetings. Staff request is for the Board’s authorization for the Superintendent/President to approve an amendment for the Design Services Contract in an amount not to exceed $10,000, payable from Measure V funds, to John A. Martin and Associates, Inc. This item will be presented for approval at the July Board meeting.

2.6 Change Order – Bridge Renovation

Steve Massetti reported that this change order is for the change required for the deck coating that was to be installed on top of the existing deck coating. However, after further analysis, due to the potential trapping of moisture between two layers, it was determined that the existing deck coating material must be removed. In addition, thicker plywood substrate was required than that which had been originally specified and the method of plywood attachment was changed. The cost for this change is $77,571. Due to delays, outside the project team’s control, prior to the commencement of construction, the bridge closure that was planned for the three week period before the summer session was not available to the contractor. As such, the contractor was unable to use the equipment and methods contemplated at the time of bidding and were required to develop an alternate method utilizing additional scaffolding and equipment to complete the work without impacting campus operations by closing the bridge during the summer session. The cost for this change is $67,221. Staff request is for the Board’s authorization for the Superintendent/President to execute a change order in an amount not to exceed $144,792, payable from Measure V funds, to Cushman Contracting Corporation. This item will be presented for approval at the July Board meeting.

It was also noted that there will be change orders on this project because when the exterior cladding and caps on the bridge were removed it was found that the damage in some areas was significant. There were various types of damage, the primary ones were termite damage, and several areas of dry rot. A structural engineer has been hired to do the design for the shoring and they have been working with our structural engineer to come up with an appropriate design for this and they will design the repair. Work will continue on the bridge with the goal is to open it by August 19.

2.7 Amendment to Consulting Agreement – School of Media Arts

Steve Massetti reported that the design of the new School of Media Arts Building requires that the fire water flow availability be increased to adequately supply the fire protection system of the new building. An initial analysis was performed of the existing water supply system and it was found to be insufficient. Additional analysis is required to determine the extent of work necessary to provide adequate fire water supply needs. Staff request is for the Board’s authorization for the Superintendent/President to approve an amendment for the Consulting Agreement in an amount not to exceed $6,060, payable from Measure V funds, to Water Resources Engineering Associates. This item will be presented for approval at the July Board meeting.
2.8 Cost Estimate for the Renovation of Softball Field

Steve Massetti reported that the current overall project estimate is higher than the original budgeted amount. When the project was initially budgeted, it was assumed that the College could build standard softball dugouts and that minimal appurtenant work would be required. However, upon further investigation, it was determined that the City will require certain modifications to the dugout design, including the use of a particular type of concrete block, and red Spanish roof tiles, which is not typical for dugouts. In addition, it was determined that in order to alleviate drainage issues and flooding on the field, additional grading and storm drain installation will be necessary, which were not originally budgeted. The project will also include secured storage spaces for athletic gear and for maintenance/grounds equipment, new bullpens for home and visitors, and new fencing and backstop. The revised estimated cost is as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning/Design</td>
<td>$52,791</td>
</tr>
<tr>
<td>Construction</td>
<td>$425,454</td>
</tr>
<tr>
<td>Contingencies/Escalation</td>
<td>$71,671</td>
</tr>
<tr>
<td>Testing and Inspection</td>
<td>$35,057</td>
</tr>
<tr>
<td>Total Project Estimate</td>
<td>$584,973</td>
</tr>
</tbody>
</table>

Dr. Alexander commented that until the decision is made on SoMA, this project should be put on hold. It was requested that the components be broken out on this project and reviewed before the Board makes a decision. This project will be presented to the Facilities Committee meeting on August 24 with the component break downs and discussion of possible solutions to this project to lower the cost before it is presented to the Board for approval.

2.9 Board Policies and Administrative Procedures

2.9.1 Board Policy 5055 Enrollment Priorities (Attachment 7)
2.9.2 Administrative Procedure 5055 Enrollment Priorities (Attachment 8)
2.9.3 Board Policy 5042 Grades and Grade Points (Attachment 9)
2.9.4 Board Policy 5044 Grading (Attachment 10)
2.9.5 Board Policy 5231.6 Academic Integrity (Attachment 11)
2.9.6 Administrative Procedure 5231.6 Academic Integrity (Attachment 12)
2.9.7 Board Policy 5231 Standards of Academic Conduct (Attachment 13)
2.9.8 Administrative Procedure 5231 Standards of Academic Conduct (Attachment 14)

Sue Ehrlich reported that there are policies here that represent in-depth consultative reviews of essential and very comprehensive student policies. Standards of Student Conduct and collaboration of one section of that policy Academic Integrity have been provided in our new format for Board policies and procedures have been separated from the policy. The Board Policy and Administrative Procedure Committee worked on this very detailed review. We were faced with a complicated series of numbered paragraphs that constitute student policies, so one of the tasks and challenges we were faced with was trying to identify key topical areas and break these policies into those topical areas. Standards of Student Conduct and Academic Integrity are in their final version.

The other policies that are coming to you are coming to you because of changes in Title V and we can't wait to conduct a review of these policies. There needs be something in writing that accurately reflects what we are doing and what we are obligated to do. Keith McLellan reported that the key change to BP 5055 Enrollment Priorities is that SB272 which gave priority to Veteran's is now embedded and this has also been reformatted to make it much easier to understand and gives clear priority as to who starts first, consistent with what has been in place for years, with the exception of the veterans, which has now been inserted.

Dr. Alexander asked for a clarification of EOPS student priorities, she was under the impression
that first year students with 30 units and below got priority registration and those with 30 units and above did not. Allison Curtis reported that this was in the prior policy, but the practice had evolved from that policy quite sometime ago, so this is incorporating what had evolved for a number of different reasons, into our actual practice. Current practice is that all EOPS students receive priority registration regardless of the number of units. Dr. Alexander reported that this policy with the EOPS requirements was approved by the Board in response to a case in 1995 that from the University of Riverside that went through the Chancellor's office, who gave community colleges direction on how this was to be handled. Marsha Wright reported that EOPS students are entitled to priority registration, which is not prescribed by Title 5. Marsha Wright noted that the practice changed a number of years ago for a number of reasons and particularly the ability for administration to be able to identify these students. Dr. Alexander reported that the case mentioned was a case of a student who was denied enrollment in a class because it was completely filled by students who got in by priority registration. Mr. Villegas recalled this situation and reported that the Educational Policies Committee had reviewed this to see if there had been a significant negative impact on SBCC's general student population based on priority registration for EOPS, DSPS, etc. and at that time there was no impact at all. Ms. Curtis reported that Title 5, 5018 specifically states that this is a permissible practice. Dr. Alexander stated that permissible is not defined as required and this was the problem which resulted in the Chancellor's Office sending out letters to all of the community colleges advising them on how to handle these types of issues. Mr. McLellan reported that our practice is consistent with a majority of all community colleges and knows of no institution that does not give EOPS students priority registration. Superintendent/President Serban reminded the Board members that the changes were occurring in the procedures and that they would not be approving those, they would only be approving the policy.

Ms. Curtis reported that BP 5042 was in the old format and before separating the policy from procedures, faculty would need to be consulted. However, the Board needs to approve the required changes by Title 5, which changes the grading option of credit/no credit to pass/no pass, all colleges were required to do so and the rational was to try to elevate the confusion between non-credit division and credit division. This change was implemented in Fall 2008 so that we could comply with the Title 5 deadline.

BP 5044 Grading this is a compliance issue and to comply with Title 5 a paragraph needed to be deleted from the policy. Petitions for withdrawal can now only be considered for cases of extenuating circumstances. Students in early Spring of 2009 received notice of this change.

BP 5231 Standards of Student Conduct – Vice President Ehrlich noted that the key issue that triggered this was an evaluation of language to be certain that we have in place due process procedures direct for students. With the help of the Board Policy and Administrative Procedure committee, the Academic Senate, and the Student Senate a thorough review of this policy was conducted, it was noted that this was well received by the Student Senate.

BP 5231.6 Academic Integrity – Dr. Partee reported that this policy was reviewed and refined to include many areas that were not previously covered. Thanked Dan Wrentmore, the Academic Senate and the Student Senate for their work on this policy.

2.10 Discussion of Proposed Items for Future Agendas of Board Meetings (regular meetings, study sessions, or committee meetings)

Ms. Livingston asked that referring back to the recommendation received from the CCCT Board regarding the Board's Code of Ethics would like to know what other community colleges are doing regarding enforcing the Code of Ethics in practice.

3. ADJOURNMENT

Upon motion by Dr. Dobbs, seconded by Mr. O'Neill, the Board approved adjourning this meeting. The
next Regular Meeting of the Board of Trustees will be held on Thursday, July 30, 2009 at 4:00 p.m. in A211. A Study Session will be held on August 13, 2009 in A218.