



# MT. SAN ANTONIO COLLEGE

## REGULAR MEETING OF THE BOARD OF TRUSTEES

Wednesday, March 28, 2012

### MINUTES

#### CALL TO ORDER

The regular meeting of the Board of Trustees of Mt. San Antonio College was called to order at 5:30 p.m. on Wednesday, March 28, 2012. Trustees Baca, Bader, Chen Haggerty, Chyr, and Hall were present.

#### STAFF PRESENT

Bill Scroggins, President/CEO; Virginia Burley, Vice President, Instruction; Audrey Yamagata-Noji, Vice President, Student Services; Mike Gregoryk, Vice President, Administrative Services; and Annette Loria, Vice President, Human Resources.

#### 1. PUBLIC COMMUNICATION

None.

#### 2. CLOSED SESSION

The Board adjourned to Closed Session to discuss the following items:

- **Conference with Labor Negotiator Annette Loria, Vice President, Human Resources, per California Government Code Section 54957.6**  
Faculty Association and CSEA, Chapter 651
- **Conference with Legal Counsel – Pending Litigation pursuant to Government Code Section 54956.9(a) – ADR Case No. 11-3878-RSM**
- **Conference with Legal Counsel - Anticipated Litigation pursuant to Government Code Section 54956.9 – Termination of Contract/Takeover Agreement (one case)**

#### 3. RECEPTION FOR TENURED FACULTY (6:00 p.m., Dining Hall)

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*The Board reserves the right to modify the order of business in the manner it deems appropriate.*

*Closed session shall not extend past the designated time, but should the business considered in closed session require additional time, the Board shall reserve time after the public meeting to continue discussion.*

#### 4. PUBLIC SESSION

The public meeting reconvened at 6:38 p.m. The Pledge of Allegiance was led by Trustee Bruno Hernandez.

#### 5. MOMENT OF SILENCE

A moment of silence was observed in memory of retired professor Loyce (Louie) Gossage. Professor Gossage joined the College in 1957 as a Mathematics instructor, and he retired 29 years later, in 1986. During his tenure at Mt. SAC, for a time he was the Business Mathematics Department Chair. He passed away on February 17.

#### 6. INTRODUCTIONS AND RECOGNITION

- The following newly appointed classified staff member was introduced to the Board:

##### Supervisory

Eric Turner, Supervisor, Web and Portal Services (Information Technology)

- Trustee Bader congratulated the **Women's Basketball Team**, under the leadership of Coach Brian Crichlow, for winning the State Championship. A picture was taken of the team and the Board members.
- Trustee Bader congratulated Laurie Covarrubias for being selected to the 2012 Phi Theta Kappa All-California Academic First Team and Hirbod Rahimi for being selected to the 2012 Phi Theta Kappa All-California Academic Third Team. Laura is majoring in Biological Anthropology, and Hirbod is majoring in Neuroscience. They both thanked Mt. SAC professors and staff. President Scroggins gave special recognition to Professor Carolyn Kuykendall for all her hard work.
- Trustee Bader presented Certificates of Service to Susan Ybarra, Auxiliary Services Book Assistant, for 33 years of service; and to Jean Pierce, Auxiliary Services Administrative Secretary, for 26 years of service. Teresa McGraw, Auxiliary Services Book Assistant, 11 years of service; and Carmen Sandoval, Auxiliary Services Food Services Supervisor, 14 years of service were not present. Their certificates will be mailed.
- Trustee Bader congratulated all professors who received tenure at last month's Board meeting.
- Trustee Bader congratulated Clarence Brown, Director of Marketing and Public Affairs, and his team for winning two Paragon Awards at the National Council for Marketing and Public Relations National Conference, notably the Gold Paragon for best feature writing (story developed by Mike Taylor and Clarence Brown); and the Silver Paragon for best fundraising campaign (Climb Higher/Osher Matching Scholarship Campaign).

#### 7. APPROVAL OF MINUTES

- It was moved by Trustee Chen Haggerty, seconded by Trustee Hall, and passed unanimously to approve the minutes of the regular meeting of January 25, 2012 (Addendum).

- It was moved by Trustee Baca, seconded by Trustee Hall, and passed unanimously to approve the minutes of the regular meeting of February 22, 2012.
- Trustee Bader indicated that there is a correction to the March 2-3, 2012, Board Study Session Minutes, as follows:

“Motion was made by Trustee Chyr and seconded by Trustee Hall for non-approval of the agenda item regarding non-funding of sabbatical applications for 2012-13.

Trustee Chyr indicated, after the motion was made, that he would be in favor of approving two of the applications.

Trustee Baca moved to amend the motion, seconded by Trustee Chen Haggerty, and passed unanimously to disapprove six applications and approve two applications and direct Administration to work with Faculty to develop a sabbatical plan to address the others.”

It was moved by Trustee Chen Haggerty, seconded by Trustee Hall, and passed unanimously to approve the minutes of the special meeting of March 2-3, 2012, as corrected.

## **8. REPORTING OF ACTION TAKEN IN CLOSED SESSION**

- The Board voted unanimously to approve a settlement agreement and mutual release between and among California Boring Inc., Tri-Power Electric Inc., Old Republic Surety Company, International Fidelity Insurance Company, and Mt. San Antonio College in the amount of zero dollars paid by Mt. San Antonio College to any and all parties. In addition, Tri-Power Electric will perform certain high voltage electrical work valued at over \$110,000 for the Child Development Center project at an estimated savings of \$50,000 to the College.
- The Board voted unanimously to approve a takeover agreement between Safeco Insurance Company of America and Mt. San Antonio College for the completion of the General Building Contractor’s work remaining after the termination of Great West Contractors, Inc. on the Child Development Center project.

## **9. PUBLIC COMMUNICATION**

- Pat Bower and Barbara Gonzales presented the Board with an invitation to the Developmental Education Conference entitled “Parachutes & Ladders XI: Heart and Soul of the Classroom,” to be held at Mt. SAC on May 4, 2012. The keynote speaker will be Jeff Duncan-Andrade, Associate Professor of Raza Studies and Education Administration and Interdisciplinary Studies at San Francisco State University.

Ms. Bower and Ms. Gonzales also presented their opinion on the California Community College Student Success Task Force Recommendations. They encouraged the Board of Trustees to join them to support continued local control by Boards of Trustees and to keep the spirit of the Master Plan for Higher Education to provide access to all students.

- Steve Shapiro and Ernie Gregoire talked about the Cheetah track team not being permitted to train at Mt. SAC any longer and stated that, unless there’s a legal reason, they request that their contract be renewed.
- Destiney Davis, Devin Thompson, Shantelle Fall, and Crystal Brown spoke about the low morale and sexual harassment issues on the Women’s Track Team.

- Guadalupe de la Cruz, Matt Foresta, Jose de Luna, Albert Chang, Nabhan Kamal, Hira Rizvi, Nora Azzawi, and Jose Jimenez spoke against the proposed increase in student parking fees. They all mentioned that, due to the increase in tuition fees, they feel it sends a bad message to students to increase parking fees at this time.

## 10. REPORTS

A. Alex Mendoza, Associated Students President, reported the following:

- Mr. Mendoza presented the following regarding Inspiring Women: Today, family members, faculty, and students gathered to celebrate women's empowerment and their personal and professional development. For the past eight years, Inspiring Women has taken on the task of honoring those who, despite their hardships, continue to inspire us in multiple ways. The event was coordinated by Leslie Hennings, Edwin Romero, Ana Tafoya-Diaz, and Maryann Tolano-Leveque. In addition, he thanked President Bill Scroggins, Fred Chyr, and Audrey Yamagata-Noji for attending today's luncheon.
- Mr. Mendoza also mentioned that, on April 18, 2012, the Associated Students will be sponsoring the annual Culture Fair. The purpose of this event is to celebrate Mt. SAC's student body diversity and the cultural wealth that it brings to the College. The Inter-Club Council has encouraged all of its 50 active clubs to participate in this event. Winners will be awarded monetary prizes. He encouraged everyone to attend.
- Regarding the proposed Student Parking Fee Increase, he reported that, on March 23, 2012, the Student Senate welcomed and heard from Michael Montoya, Assistant Director of Public Safety, who presented a proposal that would call for a \$10 increase in parking fees for Fall and Spring semesters. Governor Brown's proposed 2012-13 budget plan to include a \$304M cut in State financial aid to college students already presents a threat to the educational safety of thousands of students throughout the state of California; thus, ongoing cutbacks in higher education followed by immediate fee increases hinder the educational opportunities of the College's student population. If this fee is approved, Mt. SAC students will suffer from another additional monetary increase to an already existing problem. Therefore, he requested that the Board of Trustees oppose any additional increases in student parking fees.

B. Eric Kaljumagi, Academic Senate President, reported the following:

- Mr. Kaljumagi congratulated all the tenured faculty.
- He also reported that the full Senate met for the first time this semester on March 8 and opened nominations for its officers and senators-at-large. The officer elections are scheduled for April 5. During the meeting, the Senate voted to approve changes to the Outstanding Awards program. They also voted to recommend modifications to AP 7122 – Recruitment and Hiring – Management, which is now awaiting the District's response.
- On March 22, the Senate was addressed by Dr. Scroggins, who also took the time to answer a variety of questions. A much revised AP 2410 – Process for Revision of Administrative Procedures and Board Policies was recommended by the Senate, and they are now awaiting the District's response. The Senate also referred two proposals to committee. AP 3720 – Use of Technology and Information Resources

was proposed to be amended with new material on social media that many senators found overly restrictive. It has been returned to the Information Technology Advisory Committee. AP 5055 – Enrollment Priorities was proposed to allow military veterans lifetime “Category 1” priority enrollment, although the legal requirement is only that veterans maintain priority enrollment for the four years following discharge. Many senators are concerned that, over time, this benefit would overly impact non-veteran students. It has been returned to the Student Preparation and Success Council.

- Mr. Kaljumagi reported that a day of voluntary professional development activities was held on February 24, and at least 46 faculty attended. Topics included Equal Opportunity training, an overview of the MoodleRooms Learning Management System, the CalSTRS retirement system, and basic skills support in the classroom. He thanked Lance Heard, Richard McGowen, and the members of the Flex Day Task Force for organizing an interesting and informative event.
- He reported that the ASCCC Spring Plenary will be held April 19-21 in the San Francisco area. Officially attending, on behalf of the Senate, are Dan Smith and himself. Professor Smith will serve as their voting delegate, and the Senate will hold a special meeting on April 12 to review the proposed State resolutions.

C. Marchelle Nairne-Proulx, Classified Senate President, reported the following:

- Ms. Nairne-Proulx congratulated the new hire, Auxiliary Services retirees, and tenured faculty.
- She reported that the full senate has not had an opportunity to meet since the beginning of the semester; however, through phone calls and e-mails, she has the following to report:
- In regards to the Community College Classified Employee of the Year Award Program, sponsored by the Chancellor’s Office, they were unsuccessful in obtaining a nominee this year.
- Next week, they will be sending out the notifications to the classified employees to apply for the Classified Professional Growth Scholarship. The scholarship will be awarded at the “Classys,” which will be held soon.
- The Senate has scheduled a turnaround trip to Stateline for May 5, 2012.
- The Senate is now accepting nominations for their 2<sup>nd</sup> Annual Classified Excellence Awards. They will be giving out ten awards, ranging from “Best Attitude” to “Commitment to Student Service.” Nominations can be submitted by managers, faculty, and other classified colleagues, and the deadline is April 20.
- Virginia Macias, Past President, is retiring, and she will be missed.

D. Jennifer Galbraith, Faculty Association President, reported the following:

- Ms. Galbraith congratulated all faculty that have been granted tenure this year. The Faculty Association will also be honoring those newly tenured faculty that are Faculty Association members along with retiring members at their annual Retirement Tenure Tea held this year on May 29.
- The Faculty Association received information from the State regarding the history of Mt. SAC’s reserves. Ms. Galbraith distributed an analysis of the past eight years of Mt. SAC’s Budget History, comparing the Adopted Budget to the Actual Budget. The

Faculty Association is appreciative of the Board for its fiscal responsibility; but, there are concerns that the reserves have continued to grow.

- Ms. Galbraith thanked Trustees Baca, Bader, and Hall for their great performances this year in Puttin' on the Hits 2012. She also thanked Trustees, Chyr, Baca, Hall, and Chen Haggerty, President Scroggins, Vice Presidents Loria, Yamagata-Noji, Burley, and Gregoryk for their generous donations to the Faculty Association Student Achievement Fund.
- The Faculty Association still has the concerns expressed at previous Board meeting regarding going to a seven-member Board. The consultant has presented two plans, A5 and B5 that, according to them, meet the requirements of the CVRA and the VRA. These plans both have a five-member Board. One of the concerns in going to a seven-member Board is the fact that it will be harder to reach a consensus on issues. The ACCJC cites Board misbehavior as one of the main reasons for sanctioning schools in the accreditation process. Having a seven-member Board will provide a greater opportunity for disharmony amongst Board members.

E. Rosa Asencio, CSEA Chapter 262 2<sup>nd</sup> Vice President, reported the following:

- Ms. Asencio said that, members of the CSEA Executive Board will be attending the Area G Leadership Institute at Cal Poly Pomona - Kellogg West Conference Center the following weekend.
- The Executive Board has nominated a CSEA chapter member for the annual Unsung Hero Award. The Unsung Hero Award is given to a CSEA member who has made an outstanding contribution to the Chapter over the past year. The nominee will receive their award at the Member Recognition Banquet, in April. Once the nominee is notified, they will make a formal announcement; but, for now, the name is a well-guarded secret.
- The Chapter will hold an informational meeting on April 4, 2012, and a Ratification meeting on April 5, 2012, to vote on newly negotiated contract items. Due to the number of items to be discussed and the complexity of the Tentative Agreements, additional time was needed to process the information and to ensure all members understood the items. Ms. Asencio thanked Vice President Loria for allowing additional release time so their members could attend both meetings.
- CSEA is working with Professional Development to organize a Classified Conference, to be held in May. This year's theme is Togetherness, Rejuvenation, Energy, Appreciation, Trust, and Success - T.R.E.A.T.S. They plan to have a keynote speaker and breakout sessions for the attendees, and they will keep the Board informed as the planning progresses and once all items have been finalized.

F. Johnny Jauregui, CSEA Chapter 651 President, reported the following:

- None.

## 11. BOARD COMMUNICATION

- All Board members shared the following comments:
  - Board members welcomed the new employee.
  - Board members congratulated the Women's Basketball Team for capturing the State Championship.

- Board members congratulated Laurie Covarrubias for being selected to the 2012 Phi Theta Kappa All-California Academic First Team and Hirbod Rahimi for being selected to the 2012 Phi Theta Kappa All-California Academic Third Team.
  - Board members congratulated the newly tenured faculty members.
  - Board members congratulated the Auxiliary Services retirees.
  - Board members congratulated Clarence Brown and his team for winning yet another Paragon Award.
- Student Trustee Hernandez reported that they're trying to fill the gap between Mt. SAC and other colleges since they withdrew from the California Community College Student Senate. They're working on other ways for their voices to be heard. Associated Students is figuring out their budget and how they can strengthen their message. Next fall, they have access to approximately \$36,000 that they can use exclusively for lobbying, and he intends to be successful since this is his last semester at Mt. SAC.
- Trustee Baca congratulated all who were involved in Puttin' on the Hits.  
Dr. Baca encouraged everyone to attend both the Youth Days and the Mt. SAC Relays.  
Trustee Baca encouraged everyone to attend the Kepler Scholarship fund-raiser dinner on April 12 at Cal Poly's Kellogg West.
- Trustee Chyr talked about the Inspiring Women luncheon that he attended today and what a worthwhile event it is every year. He commended the women that were recognized.
- Trustee Hall talked about the fun he had participating in Puttin' on the Hits and what a team-building experience it is for the College. He looks forward to receiving the DVD of the event. He thanked everyone who was involved.  
Dr. Hall congratulated Dr. Scroggins for the successful Board Study Session held on March 2-3, 2012, at DeVry University. A lot was accomplished at the two-day meeting.  
Trustee Hall talked about the San Gabriel Valley Civic Alliance, on which he is Vice Chairman, and the event that was held at Mt. SAC last Friday. The topic was regarding financing K-14 education in the state of California, and there were about 50 people who attended. Dr. Hall thanked everyone who was involved in putting on the event, especially Mike Gregoryk, who gave a presentation on Community College Funding. He also thanked Matt Judd and Larry Redinger for giving tours of the laboratories and Administration building facilities.  
Dr. Hall also talked favorably about Dr. Scroggins' presentation to the Industry Manufacturers Council, reaching out to the community to let them know Mt. SAC is doing, what its needs are, and how the budget is affecting the College.  
Trustee Hall talked about sitting on the Auxiliary Board of Directors as an ex-officio member, and he congratulated the Auxiliary Services retirees, who will be taking away a wealth of knowledge with them.  
The issues that were brought up tonight during the Public Comment session will be addressed by the Board.
- Trustee Chen Haggerty also commented on the Board Study Session and said it was very useful and productive.

She just finished a five-day accreditation team site visit to City College of San Francisco and thanked everyone who was involved. It gave her great appreciation for Mt. SAC's employees who were involved in last year's accreditation.

- Trustee Bader talked about what fun and hard work it is to be involved in Puttin' on the Hits, but it was a worthwhile and rewarding event, and she appreciates everyone's involvement.

President Bader will be attending the Kepler Scholarship fund-raiser dinner on April 12 at Cal Poly's Kellogg West.

Trustee Bader talked about the history of how the LA84 Foundation was created. She informed everyone that, during the 1984 Olympics, Peter Uberoff ran it with private money and, with the money left over, it was put into a trust to provide track meets for students each year, for the past 27 years. She will also be attending the Mt. SAC Relays.

## **12. PRESIDENT SCROGGINS' REPORT INCLUDED THE FOLLOWING:**

- President Scroggins talked about how we're fortunate to be in a business about people. What we do helps people to have a better life, and what we do for them comes back to us and enriches our lives. It isn't easy; but, that's okay because, when he sees the outstanding employees that Mt. SAC hires and the accomplishments of its students, it makes it all worthwhile. We draw the best, and we challenge them to be the best.
- He also talked to both of the Honors students. They are so excited about what their lives are like now, and it's because of Mt. SAC.
- President Scroggins also mentioned that, at the Women's Inspiration Luncheon today, he was moved by the stories of both the recipients and their presenters. He said that Mt. SAC is transformational, and it's wonderful to be a part of that.
- President Scroggins talked about the successes of Mt. SAC because of its employees, programs, and students. Sometimes, it's what goes on behind the scenes that make Mt. SAC such a wonderful place to work and to attend school.
- He congratulated the Women's Basketball Team for winning the State Championship.
- He talked about attending the Code Blue simulation in the nursing program and how much he was impressed.
- President Scroggins will be visiting faculty members' classrooms, and will take some time go visit all of them.
- President Scroggins is going to set up an hour every Tuesday so students can come in and talk with the President. That will be held at noon
- He talked about a best practices example from the State Audit Report, citing Mt. SAC for having an exemplary emergency notification process. He commended Mark DiMaggio, Director of Public Safety, who is the best of the best, and he continues to put Mt. SAC in front. He mentioned that the parking fee is what pays for the staff that keeps us safe and keeps this an accessible environment. We don't waste money; we're best because we use it well.
- Dr. Scroggins also mentioned that, after three years, we have finally received the DSA approval for the Astronomy Dome.

- Dr. Scroggins mentioned the Foundation Golf Tournament on June 1, and we already have some major sponsors.
- President Scroggins reported on the Student Success on Enrollment Priority Workgroup, on which he is a member. Nothing that is being proposed in the revision, as he's seen it, will change our local authority to properly express what we think the priorities should be for our students to enter our classes. It's a good group, and what's being proposed will be good and appropriate for Mt. SAC. Mt. SAC is considered one of the best colleges for our excellence and our distinction, so our voice is listened to as we enter these discussions. The good work that is done here gives us the reputation and the influence to be sure that others can learn from our success.

### **13. BOARD INFORMATIONAL REPORT**

- Board members were provided with a report on Spring Enrollment, prepared by George Bradshaw, Dean of Enrollment Management.
- The Unduplicated Credit Enrollment has declined 2,678 student (or 10%) from Spring 2009 to Spring of 2012.
- The enrollment decrease from 2011 to 2012 is largely due to a reduction of about 400 full-time students.
- 15,003 (or 56%) of the enrolled credit-only students reside in the Mt. SAC District boundaries.
- The highest concentration of students reside in Pomona (2,927); West Covina (2,281); and La Puente (2,036).
- In 2012, the total number of part-time students has increased by 140 from 2011; with a decrease in full-time students of 403 from last Spring; resulting in a 4.11% decline in full-time students.
- In 2012, the average full-time student course load went from 12.52 units to 13.54, an increase of just over 1 unit from the Spring 2011 levels.
- There was an overall downward trend in class offerings for three out of the last four years and a sharp decrease of over 240 classes from last year's offerings.
- There has been a steady decline in the number of full-time students due to the elimination of course sections. From Spring 2009 to Spring 2012, there were 8.2% less courses.
- Trustee Chyr asked if a forecast for Fall 2012 was being developed. Mr. Bradshaw said that the President, the Vice President of Instruction, and others will have that conversation. President Scroggins stated that we're not planning on making any additional course section cuts. We're working on primarily prioritization reallocation within the sections that we have now.
- Trustee Chyr mentioned that, at the Board Study Session, a preliminary International Students Plan was presented, and he asked if a comprehensive plan is being developed that would detail the ramifications of this plan in terms of cost, all the support services, the added staff, to take care of the International students, and implications it might have for domestic students. Dr. Scroggins said that the next evolution of the plan will be in this week's Cabinet notes; but, it won't have as much information as what Trustee Chyr has mentioned, and it won't be available until the end of the Spring Semester. Trustee Chyr would like to review the report, if approved, before it's rolled out.

#### **14. CONSENT AGENDA**

- Trustee Bader indicated that there was a change on tonight's Personnel Transactions. On Page 48 of the Agenda, the title "Banking Leave of Absence with Pay" was inadvertently left out right after "ACADEMIC EMPLOYMENT."
- Trustee Bader asked that items #s 4, 26, and 35 be pulled from the Consent Agenda for discussion.
- It was moved by Student Trustee Hernandez, seconded by Trustee Baca, and passed unanimously to approve or ratify the following items:

#### **PRESIDENT'S OFFICE**

1. Approval of the 2012-13 meeting calendar for the Mt. San Antonio College Board of Trustees.

#### **HUMAN RESOURCES**

2. Approval of Personnel Transactions dated March 28, 2012.
3. Approval of a contract for Employee Assistance Service for Education with the Los Angeles County Office of Education.

#### **INSTRUCTION and STUDENT SERVICES**

4. This item was pulled from the Consent Agenda and acted on separately by the Board. See paragraph 15.
5. Approval for the Vocal Jazz Ensemble Frontline to attend and participate in the events at the Reno Jazz Festival April 26-29, 2012.
6. Approval for two Forensics students and faculty member Daniel Cantrell to attend the 3<sup>rd</sup> Annual China Open Debate Championships in Shanghai, China, May 25-27, 2012.
7. Approval for an Honors student, faculty advisor, and director to attend the Phi Theta Kappa International Convention in Nashville, TN, April 11-15, 2012.
8. Approval 2011-12 Athletic Special Events Activities for the Mt. SAC Relays.
9. Approval of an affiliation agreement with the San Bernardino County Fire Department for students in the Paramedic Program.
10. Approval of three contracts with the Center of Excellence.
11. Approval of activities and a contract amendment for the Promoting STEM Research to College Freshmen and Sophomores grant.
12. Approval of a contract with the California State University Dominguez Hills Foundation for the CyberWatch West grant.
13. Approval of acceptance of funds and approval of activities for the LA84 Foundation/Mt. SAC Relays Youth Days grant.

14. Approval of additions and changes in the Continuing Education Division.
15. Approval of the Continuing Education Summer High School Program.
16. Approval for Fashion Program students and faculty member Teresa Faraone to attend the exhibit "The Fashion World of Jean Paul Gaultier: From the Sidewalk to the Catwalk," in San Francisco on May 18, 2012.
17. Approval to prepay deposits for Natural Sciences Division field trips.
18. Approval of a contract with the League of Women Voters of East San Gabriel Valley to monitor the Student Body General Elections campus voting stations for the period April 23-26, 2012, at a cost of \$800.
19. Approval of a contract with Magic Jump Rentals, Inc., in the amount of \$490, to provide carnival equipment for the Associated Students' Athletics Fair to be held on June 5, 2012.

#### **ADMINISTRATIVE SERVICES**

20. Approval of the Appropriation Transfers and Budget Revisions Summary.
21. Approval to hire various Independent Contractors in order to acquire the expertise needed to accomplish College goals and to meet deadlines.
22. Approval of a contract with Mandate Resource Services, LLC for State-mandated cost claim preparation services.
23. Approval of a contract with CS & Associates, Inc. to administer the College's Labor Compliance Program.
24. Approval of contract renewals with Student Transportation of America and Coach America to provide student transportation to athletic events, field trips, and continuing education programs.
25. Approval of contracts with Millennium Better Security, Inc., Capital Protection, and Event Guard Services to provide crowd management services for various large public events held at Mt. SAC.
26. This item was pulled from the Consent Agenda and acted on separately by the Board. See paragraph 16.
27. Approval of an agreement with 3C Business Solutions, Inc. to provide custom on-site technical training for a variety of software packages.
28. Approval of an amendment with Metro PCS for their cell site lease.
29. Approval of an agreement with Thee Christmas Tree Company.
30. Approval to purchase furniture for the Design Technology Center, from various manufacturers, for Lecture Classrooms, Computer Labs, Drafting Labs, and Animation Classrooms.

31. Approval to purchase furniture for the Design Technology Center Animation Laboratory Workstations.
32. Approval of contracts to provide professional design and consulting services with H2 Environmental Consulting Services, Inc. for the Agricultural Sciences Complex and with Psomas for the Campus Clarifier and Great Trap Permitting project.
33. Approval to reduce retention from 10% to 5% for Construction Electric, Inc. for the Physical Education Program Building Renovation (Electrical Contractor).
34. Approval of Maintenance Agreements with Diversified Thermal Services for the Annual Air Conditioning Preventative Maintenance Agreement for the Data Center project; and for the Annual TES McQuay Chiller Maintenance and Services Agreement for the Central Plant project.
35. This item was pulled from the Consent Agenda and acted on separately by the Board. See paragraph 17.
36. Ratification of the following Contract Amendment:
  - Contract                      Child Development Center – tBP Architects (Professional Design and Consulting Services Consultant) – Amendment No. 11.
37. Approval of the following Proposed Gifts and Donations to the College:
  - Thomas Lindgren – Fossil Collection, valued by donor at \$600, to be used by the Natural Sciences Division.
  - Tina Clippinger – Gems/Minerals/Fossils, valued by donor at \$2,600, to be used by the Natural Sciences Division.

Motion unanimously carried. Student Trustee concurred.

#### **15. NEW COURSES FOR THE 2012-13 ACADEMIC YEAR**

Dr. Scroggins removed six courses from the list, as they have not been approved by the Academic Senate. They were: AHIS 8 – History of Medieval Art and Architecture; AHIS 14 – Rome: The Ancient City; AHIS 15 – Culture and Art of Pompeii; IDE 130 – Shop Processes; IDE 150 – Design Foundations; and IDE 210 – Advanced Media.

It was moved by Trustee Hall, seconded by Student Trustee Hernandez, to approve this item. Motion unanimously carried.

#### **16. INCREASE PARKING FEES, EFFECTIVE JUNE 25, 2012, THE START OF SUMMER INTERSESSION**

Trustee Baca asked for additional input on why the parking fees are being increased at this time, when we're facing additional fees at the State level. Mark DiMaggio, Director of Public Safety, reported that the parking lots are drastically deteriorating and lines have faded. At this time, there is not enough money to cover the extensive repairs. Student Trustee Hernandez spoke to the hardship that this would cause students and suggested that the money be taken out of the reserves to pay for repairs. Trustee Bader suggested that this

item be tabled, and to look at other areas from which to find the funds. Gary Nellesen, Director of Facilities Planning & Management, explained the process and costs involved in maintaining parking lots and the fact that there are not ongoing funds to cover these costs. Trustee Baca asked if there's an alternative solution other than to increase student parking fees. Trustee Hall would like further explanation on exactly how and when the additional fees will be used. Trustee Chen Haggerty agreed. Therefore, until other alternatives have been considered, this item will be pulled indefinitely.

It was moved by Student Trustee Hernandez, seconded by Trustee Chen Haggerty, to oppose this item. Motion was unanimously opposed.

## 17. CHANGE ORDERS

Regarding the Administration Building Remodel (Bid No. 2855), Trustee Chyr commented on the 31% overage due to change orders, which is significant. He asked about Bovis's (Lend Lease's) role in the change orders. Gary Nellesen, Director of Facilities Planning & Management mentioned that the project will still come in under the original budget. He also said that, in his opinion, Lend Lease didn't do a good job on this project. He believes that Lend Lease fell short when Mt. SAC rewrote its contract in 2008. He believes that, because their fee was based on cost, when the bids came in much lower than anticipated, their fee was reduced. So, he believes they pulled some of their staff off the job and spread themselves too thin in order to keep from losing any more money than they were already experiencing. Mt. SAC's contract with them will end on December 31, 2012; however, they will be off campus by the end of June 2012.

It was moved by Trustee Baca, seconded by Trustee Hall, to approve/ratify the following Change Orders:

- Emergency Resolution No. 11-07      Child Development Center – Unlimited Environmental (Abatement Contractor) – Change Order No. 1.
- Bid No. 2844      Design Technology Center – Evans Brothers, Inc. (Site Prep & Site Utility Relocation Contractor) – Change Order No. 5.
- Bid No. 2853      Design Technology Center – Brewster Electric (Electrical Contractor) – Change Order No. 14.
- Bid No. 2852      Design Technology Center (Unilateral Change Order) – West Tech Mechanical (HVAC Contractor) – Change Order No. 5.
- Bid No. 2855      Administration Building Remodel – Angeles Contractor (General Contractor) – Change Order No. 13.
- Bid No. 2858      Administration Building Remodel – DSG Corporation (Heating & Ventilation Contractor) – Change Order No. 2.
- Bid No. 2859      Administration Building Remodel – Rancho Pacific Electric Inc. (Electrical Contractor) – Change Order No. 11.

Unanimously passed. Student Trustee concurred.

## **18. 2012 ELECTION FOR CCCT BOARD OF DIRECTORS**

Trustee Bader recommended that the Board cast votes for Janet Chaniot (Mendocino-Lake CCD), Angela Acosta-Salazar (Rio Hondo CCD), Doug Otto (Long Beach CCD), Manny Ontiveros (North Orange County CCD), Ann H. Ransford (Glendale CCD), Bernard "Bee Jay" Jones (Allan Hancock Joint CCD), Marcia Zableckis (Barstow CCD), and Chris Stampolis (West Valley-Mission CCD).

It was moved by Trustee Baca, seconded by Trustee Hall, to cast votes for the following candidates for the 2012 CCCT Board of Directors:

Janet Chaniot, Mendocino-Lake CCD  
Angela Acosta-Salazar, Rio Hondo CCD  
Doug Otto, Long Beach CCD  
Manny Ontiveros, North Orange County CCD  
Ann H. Ransford, Glendale CCD  
Bernard "Bee Jay" Jones, Allan Hancock Joint CCD  
Marcia Zableckis, Barstow CCD  
Chris Stampolis, West Valley-Mission CCD

Motion carried 4-0. Trustees Chyr and Hernandez abstained.

## **19. REDISTRICTING PLAN MAP OPTION FOR TRUSTEE ELECTIONS**

Paul Mitchell, from Redistricting Partners, was at the meeting to address any questions regarding background information or the various map options. He reminded the Board that he's been working with the District for a year regarding this issue.

Mr. Mitchell talked about the original options that he presented to the Board and also about the additional maps that were drawn as a result of conversations or questions from the President and Board members. He found that some of the options they were looking at jeopardized the ability to create one of the majority-minority seats in the southern part of the District, which would be the Asian majority-minority seat, and, specifically, each time they tried to draw a district line that would separate Pomona and Diamond Bar, it would dilute the voting power of the Asian community, whether it was drawn in a five-member plan or a seven-member plan.

Mr. Mitchell indicated that B7 is the option that's been more of the discussion point for the past several months.

Trustee Baca asked if B7 is the one that is most compliant. Mr. Mitchell said that there are different versions of what is considered compliant. In order to be compliant, there should be single districts or trustee areas, five or seven of them, where individual trustees are elected from that trustee area. One needs to be cognizant of the need to draw majority-minority districts because racially polarized voting is evident in the Mt. SAC District; also, to be consistent in balancing with traditional redistricting principles, such as maintaining city boundaries, school boundaries, etc. He has not found any issues with either A7 or B7, in terms of their compliance with the law. It's only with the D options that they found problems with compliance of the law because it would dilute the Asian vote. An example is the potential splitting of the city of Walnut: If you're maintaining districts that still have the right balance in terms of ethnicities of those remaining districts, splitting Walnut does not become a compliant or not-compliant issue; it becomes a choice. The most refined plan is B7.

Mr. Mitchell reiterated that the additional maps were created as a result of trying to answer some of the questions that were posed to him. In all the seven-member map versions, they were able to create multiple Latino seats and one Asian majority-minority seat. In total, B7 and A7 are able to create four Latino majority-minority seats and one Asian majority-minority seat. That's the most they were able to create, no matter how they drew the lines.

At this time, while the control room was preparing to project Mr. Mitchell's map options, Trustee Bader allowed the two requests for public comment to be heard, as follows:

Bill Robinson, a resident of West Covina, addressed the Board regarding the at-large process that Mt. SAC has always used when electing Trustees, and he commended the Board for finally addressing the more democratic process of representing the Hispanic and Asian populations, with a seven-member Board.

John Mendoza, a resident of Pomona, addressed the Board regarding a petition he filed, and it was accepted. He talked about if the Board decides to go with a five-member Board, then a hearing will be held addressing the issue. He suggested that the Board vote on a seven-member Board and get on with it.

Paul Mitchell spoke regarding various maps and indicated that there are additional maps. He also indicated that the seven-person Board would be in compliance with the California Voter Rights Act.

Trustee Bader reminded everyone that this exercise is being done to comply with the California and the Federal Voting Rights Acts. The redistricting principles that have been followed by the consultant include criteria of relatively equal size (people, not citizens); contiguous (the districts should not hop or jump); maintain communities of interest; follow city, county, and local government lines; keep districts compact; appearance and function; and preserve voter choices, which are incumbents. In other words, trustees who have been elected by the people should not be erased or taken away without cause. Mr. Mitchell added the importance of stability for the Board and, often times, a redistricting plan that does draw incumbents out of their district is seen as being a potential sign that there was some political mischief happening in the redrawing of the lines. Trustee Bader reiterated that all of these things had to be taken into consideration when drawing the lines, and Mr. Mitchell has done so with many opportunities and different plans for the Board to review. Trustee Bader also stated that the Board first heard about this in January 2011; that the District would be hiring a consultant and complying with the California and the Federal Voting Rights Acts. So, the Board has been studying this for quite a long time, trying to make sure they're doing the right thing, trying to do their due diligence, listen to all the presentations, and working quite hard on this – just to try to recap what they've been doing.

Trustee Chyr stated that the six-criteria redistricting principles document was one that Mr. Mitchell had provided to the Board; so, he asked why the agenda item only cited four of the criteria – and wondered if a couple of them were combined. What's missing are, "follow city, county, and local government lines," and "preserve voter choices," which is incumbents. He had asked before why that criterion was not placed in the agenda and asked if they were not being considered. Mr. Mitchell explained that there are a number of additional criteria that could have been included, such as using the census and working with the voting districts as a potential way of drawing lines as traditional redistricting criteria.

Trustee Baca asked Mr. Mitchell how many districts he's representing. Mr. Mitchell said that he's working with upwards of 25-28. Trustee Baca asked Mr. Mitchell what he is consistently finding in terms of the criteria, and Mr. Mitchell said that there are some things that are very consistent, and focus on population equality, if required, and are absolutely consistent. Districts being contiguous is absolutely consistent; although, there are some variations of how contiguous. Sometimes things aren't necessarily functionally contiguous,

like the Los Angeles City Council lines, in some places might go through an area that's unpopulated, like a golf course, to connect two areas that aren't functionally contiguous. Using city lines was very important in the Citrus Community College redistricting; it was not very important in other community colleges where they were looking more at drawing lines around the school district. So, all of these things are looked at when applying lines; but, in some areas, they will place a much stronger preference on one criterion more than another, and it's really diverse around the state as to how they apply these principles and where they focus. Mr. Mitchell's team has done redistricting for L. A. Unified School District, water boards, K-12s, community colleges, hospital boards, a parks district, and each of them is unique and they look to different things to help them draw their lines, as long as they're staying within the framework of redistricting and not violating any of the other laws.

Trustee Baca asked Mr. Mitchell if, when drawing the lines for the Mt. SAC redistricting, he used consistency as related to others he's done. Mr. Mitchell responded that one of the criteria he used was population equality using the traditional 5% variation as what was being considered safe harbor for line drawing. Looking at school districts and cities were probably the primary criteria used in drawing the lines for Mt. SAC, and it's the primary criteria used just about everywhere in the community college world.

Trustee Baca asked Mr. Mitchell if he would be able to defend the proposals that he's made, and Mr. Mitchell answered, "Yes." Trustee Baca asked Mr. Mitchell, in his opinion, which of these options would be the easiest to defend in terms of compliance with the California Voter Rights Act. Mr. Mitchell said the easiest one to lose would be one that isn't contiguous because it's so black and white. He cited an example of a water district that had three areas that were not touching. Population equality is also very black and white because it's sheer math. When you get into issues like compactness, they have seen some districts be drawn that have very non-compact shapes that could be justified on following city lines or school district lines. Those non-compact shapes are harder to attack in a lawsuit, because one man's compact district is not the same as another man's compact district. That's the kind of a measurement that's up to interpretation.

Trustee Chyr expressed concern about the legality of the proposed redistricting plan favored by the majority of the board members, Option B7. He did not speak against a seven-member redistricting proposal, but in opposition to having trustee residences as the driving factor in drawing new trustee areas and other potential discriminatory plans which could invite litigation.

Trustee Chyr stated that each of the proposed areas in the plans favored by most of the trustees were crafted to specifically protect current trustees, even at the expense of key state and court criteria set for redistricting (i.e., communities of interest and following city boundaries). Trustee Chyr noted Mr. Mitchell's statement that school districts and cities were used as primary considerations in mapping Mr. SAC. Mr. Chyr challenged that statement, stating that Plan B7 specifically did not use those criteria. He cited an example of how Pomona, a large Latino city, and Diamond Bar, a majority Asian community, were carved up to accommodate two trustees residing in northern Pomona and northern Diamond Bar. The notion presented by Mr. Mitchell that, by keeping Diamond Bar intact as a city would somehow dilute the voting power of the Asian community, seemed puzzling to Mr. Chyr. He also stated that school districts were broken up in B7 (i.e., Walnut, Pomona, Bonita, Rowland, Hacienda-La Puente, West Covina, and other unified school districts) to accommodate trustee residences. Mr. Chyr stated that city boundaries and school districts were ignored to ensure two trustees were in safe re-electable areas and not forced to compete with each other in subsequent elections. Mr. Chyr continued that other areas were also designed based primarily on trustee residences. Trustee Chyr noted this was a clear violation of the State Constitution Article XXI, Section (2) e, which he quoted, "The place of

residence of any incumbent or political candidate shall not be considered in the creation of a map.” The constitutional law was cited in a memo sent to the Board by the redistricting consultant.

Trustee Chyr asked Mr. Mitchell if we’re violating the State Constitution and inviting litigation, and Mr. Mitchell answered, “No.” The redistricting that they’ve been doing around the state has consistently looked at the stability of the board. As an example, recently with LAUSD, in a room packed full of attorneys, they went through the redistricting process and explicitly looked at where incumbents lived, and that was a very important part of the redistricting process. To the other extreme, the City of San Jose has a mention in their charter that they cannot draw a district that draws an incumbent out. Those rules are not operative to local government in redistricting.

Trustee Baca stated that he thought Mr. Mitchell has provided the Board with many alternatives, and he’s most interested in the one that most maximizes the Voter Rights Act, B7; so, he made a motion that they move to accept Option B7.

Trustee Bader asked if there was a second to that motion.

Trustee Hall made a point that he wants to make sure exactly what is being referenced. Therefore, Option B7 was projected again for clarification.

Trustee Chyr indicated that he had many more questions.

Trustee Bader stated that a second to the motion should be made, and then discussion could take place afterwards.

Trustee Chyr interjected that he would like to continue his comments. He added that, according to a presentation made in December 2011 to the California School Boards Association by Fagen, Friedman & Fulfrust, a law firm with significant experience in representing community colleges and district remapping, “voting districts shall not be drawn for the purpose of favoring or discriminating against an incumbent...” Also, the law firm’s presentation stated the redistricting process needs to include public comment, public information sessions, a draft plan (not options) presented to the public before final Board consideration, and hold public information sessions where minorities are invited to make comments. Trustee Chyr stated that this Board hasn’t done this.

Trustee Baca asked Mr. Mitchell if he had had other districts that moved in this direction, and Mr. Mitchell said that they’ve advised districts, repeatedly, that it’s important to have this be done in an open and transparent way, with public meetings over a period of time. This clearly has been a plan that has been presented to the District in a public meeting for a long time, and we’ve had people come to the Board meetings aware of the process, and even media attention of it; so, he wouldn’t have any concern with the amount of public input. There’s no requirement that we have community forums on a redistricting plan.

Trustee Bader said that she would be more comfortable if a second to the motion that is on the floor to adopt Plan B7 be made, and then discussion could take place.

Trustee Hall seconded the motion.

Trustee Chyr also mentioned the issue of “packing” which is a state violation. The term describes compressing large blocks of minorities into a district “where they constitute an excessive majority” to ensure that another minority area could not be formed. He asked Mr. Mitchell if he was familiar with the word “packing.”

Mr. Mitchell responded that “packing and cracking” are two opposite ways that can be used to disenfranchise a minority community in redistricting, and these are practices that have been done in the past, so courts are very sensitive to them. As an example, he mentioned

that, in a middle of a city, you have a very dense Latino population. To crack it would be to draw the district like a pizza, with each slice going in and taking 12% of the Latino population and diluting their voting strength, and that would be “cracking.” Packing would be doing the opposite; it would be drawing a circle around that community and saying, ‘congratulations, you get one seat,’ and depriving them of the opportunity to have any influence over the remaining seats. The ideal is, if you have a community like that to draw the lines in a way that the minority community can be influential and, in the federal context, that means 50% of as many districts as possible. So, often times, there will be a redistricting plan that has 70% Latino in one district and 40% in the adjacent district. The 70% district will be unpacked, moving some of the Latinos into the 40% district, creating two districts that are ideally 55% Latino. That’s the “cracked/packed” kind of situation that he tries to avoid ever happening in the redistricting process, and there are no lines in B7 that would be considered “cracking” or “packing.”

Trustee Chyr suggested that B7 is a case where “packing” was done. He argued that another Latino area could have been formed due to “packing” in the proposed Baldwin Park area. He noted that the Baldwin Park area had a 68% Latino majority, and the adjacent area on the eastern border had a 34% Latino minority. By redrawing the lines and still protecting communities of interests, 16% of the 68% Latinos could have been repositioned to the adjacent area, which would have met the minimum 50% threshold for both areas and, therefore, forming another Latino majority area. Instead of five, there would be four Latino majorities. Mr. Chyr cited state law, which requires forming a new minority group area, “whenever possible,” and the B7 plan appeared to be a clear violation. He stated that the plan packed districts to protect trustee residences. Trustee Chyr referred to court rulings along with California State and constitutional law which specifically prohibited such practices; thus, potentially leading to non-compliance, which could invalidate the redistricting plan and subject Mt. SAC to costly lawsuits.

Trustee Baca said that B7, irrespective of where incumbents live, is the map that has been reviewed by the Board and maximizes the Voter Rights Act. Mr. Mitchell said it maximizes the opportunity for those communities of interest which creates four majority-minority districts, which are Latino, and one majority-minority district, which is Asian.

Trustee Baca amended his motion to adopt B7, and have the appropriate independent legal review (a second opinion) of it and then move it on for approval to the State Chancellor’s Office.

Dr. Scroggins mentioned that the next step would be a resolution that would send this forward to the Board of Governors, which would be another action item to be brought before the Board before going forward with B7.

Trustee Hall seconded the motion to adopt Option B7, with the stipulation that the appropriate independent legal review of experts in this field be retained.

Trustee Hall indicated that there are a lot of reasons to go with a seven-member Board versus a five-member Board. He thinks there is great merit for having at-large elections because it forced trustees to represent the overall interest of the District and not just some portion of the District. It incentivized them to be a part of Baldwin Park, to be a part of La Puente, to be a part of Pomona, to know the District at-large, so that, when issues came before this board, they would have that overall perspective, and he believes the success of Mt. SAC since 1946 has continuously demonstrated that that rounded, comprehensive view of the District and its interests have served this District very well. But, obviously, once the California Voter Rights Act was passed, and it passed through all the court issues and it was judged as the law of the State of California, it is what it is. Someone else has rendered a different opinion than his own. So, in moving forward with that, he would choose a seven-

member board over a five-member board in order to be more involved in the K-12 schools. He said there are some significant valid reasons why seven trustees will better serve the interest of this District, which is his preference.

Trustee Chen Haggerty commented that the whole reason the District is going through this exercise is because the Voter Rights Act is basically seeking to maximize the number of majority-minority and the ethnic influence. Otherwise, we would continue doing what we've always done. In looking at B7, it's the best option that will maximize the most focus of racial composition of the Voter Rights Act, and has no consideration of city and school district lines. It creates four majority-minority Latino seats, with the fifth seat being majority-minority Asian, which pretty much represents Mt. SAC's student population. The lines of B7 just happen to coincide with where the incumbent Board members reside. It doesn't mean the lines were drawn based on where they reside. She also agrees that a legal opinion should be sought before moving forward.

Trustee Chyr stated that B7 puts the interest of the incumbent Board members before the voters' interest.

Trustee Baca asked Mr. Mitchell if B7 maximizes the Voter Rights Act, and Mr. Mitchell said, "Yes, it does."

Trustee Bader said that change is always difficult; but, the Board really has gone through a process and even had special meetings because Trustee Chyr had questions. She mentioned that Trustee Chyr even had a meeting with the President and with the consultant to answer any questions.

Trustee Chyr responded by saying the questions were never fully answered, and it was set up for failure.

Trustee Bader reiterated that there was a motion to adopt Option B7, and it was seconded. Motion carried 4-1. Trustee Chyr opposed. Student Trustee concurred.

## **20. PAYMENT TO JUDY CHEN HAGGERTY OF HER BOARD MEETING COMPENSATION FOR FEBRUARY 2012**

By consensus, this item was passed.

## **21. ADJOURNMENT**

The meeting adjourned at 10:30 p.m.

WTS:dl