

# Minutes of the Governing Board Meeting May 22, 2012



## A. CALL MEETING TO ORDER

President Fuentes called the Regular Meeting of the Governing Board of the San José/Evergreen Community College District to order on Tuesday, May 22, 2012, at 4:30 p.m., in the District Board Room, 4750 San Felipe Road, San Jose, CA, 95135.

### Board Members Present:

Ms. Mayra Cruz  
Mr. Balbir Dhillon  
Ms. Maria Fuentes  
Dr. Jeffrey Lease  
Mr. Richard Tanaka

### Board Members Excused:

Mr. Ron Lind  
Mr. Randy Okamura

## B. APPROVAL OF CLOSED SESSION AGENDA

M/S/C (Lease/Dhillon) to approve the Closed Session agenda.

## C. PUBLIC COMMENTS ON CLOSED SESSION AGENDA

There were no public comments.

## D. RECESS TO CLOSED SESSION TO CONSIDER AND/OR TAKE ACTION UPON ANY OF THE FOLLOWING ITEMS

The Board recessed to Closed Session at 4:30 p.m. to consider the following items:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
(Government Code Section 54959 (b))

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
(Government Code Section 54956.9(c))

## Minutes of May 22, 2012 Governing Board Meeting

### E. RECONVENE INTO OPEN SESSION

The public session was reconvened at 6:00 p.m.

#### Board Members Present:

Ms. Mayra Cruz  
Mr. Balbir Dhillon  
Ms. Maria Fuentes  
Dr. Jeffrey Lease  
Mr. Richard Tanaka  
Mr. Mike Casas  
Ms. Linda Lam

#### Board Members Excused:

Mr. Randy Okamura  
Mr. Ron Lind

#### 1. **PLEDGE OF ALLEGIANCE**

President Fuentes led the Board and members of the audience in the Pledge of Allegiance to the Flag.

#### 2. **ADOPTION OF AGENDA**

M/S/C (Cruz/Dhillon) to approve the agenda as amended: A change was made to the Consent Agenda.

#### 3. **ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION**

There were no reportable actions.

#### 4. **PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA**

The Board heard public comments from Linda Lam, who thanked the Board for her great experience serving as Student Trustee and Mr. Andy Nguyen, who petitioned the Board to save the Ms. Diep Nguyen's job as the only Vietnamese speaking person working at SJCC Student Services Office.

President Fuentes thanked Ms. Lam for her service to the Board and for being a voice for students. She also informed Mr. Nguyen the Board could not comment on a matter that is not on the agenda; however, she encouraged Mr. Nguyen to discuss this matter with Chancellor Cepeda and, if necessary, put it on the June 12 meeting agenda.

#### 5. **GOVERNING BOARD ORGANIZATION**

M/S/C (Lease/Dhillon) to approve all privileges outlined in BP 2105 for Student Trustees, with the exception of attending Board Closed Session meetings.

## Minutes of May 22, 2012 Governing Board Meeting

### 6. **RECOGNITION OF GARY COOPER, ONE OF CSEA'S TOP 2012 MEMBERS OF THE YEAR**

The Board congratulated Mr. Gary Cooper on his selection as one of CSEA's top 2012 Members of the Year. President Fuentes read a letter sent to Chancellor Cepeda from Ms. Carla Held, Chairperson, CSEA Awards Committee, about Mr. Cooper's selection for the award. Both Mr. Gary Cooper and Chancellor Cepeda will attend the CSEA Member of the Year Awards Program, which will be held at the Paris Hotel in Las Vegas on August 2, 2012. They will both speak for about two minutes, and Mr. Cooper will receive his award.

Mr. Eugene Heck, Vice President of CSEA, presented the CSEA 2012 Employee of the Year awards to Steve Hulse, District Office; Jan Tomisaka, EVC, and Teresa Paiz, SJCC. President Fuentes congratulated the recipients for the excellent work on behalf of the district and colleges.

### 7. **APPROVAL OF THE APRIL 24 AND MAY 8, 2012, GOVERNING BOARD MEETING MINUTES**

M/S/C (Tanaka/Cruz) to approve the above listed meeting minutes as amended: President Fuentes requested that Mayra Cruz's award as Educator of the Year Award given by the Association of Mexican American Educators be added to the May 8 meeting minutes.

## F. **CONSENT AGENDA**

### 1. **ADOPTION OF THE CONSENT AGENDA**

M/S/C (Cruz/Dhillon) to approve the Consent Agenda as amended.

F-1a – New Hire – Ms. Sandra DeWolfe was hired as Dean of Nursing & Allied Health at EVC.

F-5-1a – was removed from the Consent Agenda by Trustee Lease for further discussion and separate vote.

### 2. **MANAGEMENT PERSONNEL ACTIONS**

The Board approved the Management Personnel Actions as amended.

### 3. **FACULTY PERSONNEL ACTIONS**

The Board approved the Faculty Personnel Actions as submitted.

### 4. **CLASSIFIED PERSONNEL ACTIONS**

The Board approved the Classified Personnel Actions as submitted.

### 5. **HOURLY, STUDENT WORK & VOLUNTEER PERSONNEL ACTIONS**

The Board approved the Hourly, Student Work & Volunteer Personnel Actions as amended. Item 1a was removed from the Consent Agenda for discussion and

## Minutes of May 22, 2012 Governing Board Meeting

separate vote.

### 6. **CURRICULUM RECOMMENDATIONS FOR EVERGREEN VALLEY COLLEGE**

The Board approved the curriculum recommendation for the new courses and degree program submitted by Evergreen Valley College.

### 7. **SJCC ASSOCIATED STUDENT 2012/2013 BUDGET**

The Board approved the San Jose City College proposed budget for 2012-2013.

### 5. **ITEM 1A WIN/CALWORKS PROGRAM – CAL WORKS STUDENT MENTOR**

Trustee Lease requested CSEA President Tomisaka elaborate her concerns about the establishment of this position. Mr. Joe Mendoza, CSEA Labor Relations Representative, answered that after reviewing the job description and comparing it to the previous Classified Employee, who was laid off, it seems the duties are similar. The position entails giving students information about the colleges and assisting them in reviewing their assignments. The case was made by management that the student mentor would be able to provide the information from a student perspective. CSEA understands it's important for students to have work available to them; however, at a time when CSEA expects more layoffs and cuts to Classified staff, students should not be hired to do CBA work. He asked the Board to consider this matter before approving this position.

Vice Chancellor Garcia answered that it's the district's intent to honor the work of Classified employees and work within the constraints of the CBA. It is equally important to note that student work experience is an important part of a student's education. College work study programs are also required for the students to receive loans from grant money. It's also critical for students to share their experiences peer to peer. Interaction with fellow students enhances the learning experience. Ms. Tomisaka expressed concern about the message that Classified employee work is less important than providing work for students. She stated that CSEA has always been supportive of student workers; however, the line is crossed when student workers do bargaining unit work. Chancellor Cepeda answered that the issue is not about whose less important or more important. It is not possible to compare the rights of represented employees and the requirements that institutions of higher learning have regarding administration of financial aid and work study grants. In addition, she noted that students are the goal of this organization. The issue is the availability of funds. Students have a right to work study and student aid. We have a responsibility to students to provide these opportunities. We also want to comply with the CSEA contract. Vice Chancellor Garcia added that the district will continue to review student work to ensure they do not do bargaining unit work. She recommended; however, that the Board approve the Student Mentor position to allow student work to proceed. The district is trying to define student employment. The creation of this position is another attempt to do so the district can eliminate infringing of CSEA work.

Trustee Lease stated that there are over 20 items listed on the position description and not all those items are Classified work. It's important for students to receive the financial aid they need. What would the impact be if this position was approved at a

## Minutes of May 22, 2012 Governing Board Meeting

later board meeting? Vice President Archuleta answered the impact would be that this student would not be able to receive their CalWorks aid. We will continue to have this encounter as we begin a new year and bring other work study positions to the Board; and if we can't work together with CSEA to find what job functions are acceptable to them, it would greatly impact our students' ability to receive the financial aid they so desperately need.

Trustee Cruz encouraged the groups to have further dialogue. It's important that everyone has a clear understanding of the changes that have happened and what CalWorks actually requires. Trustee Dhillon stated that he understood the concerns expressed by CSEA, but student work is very important for this district. He made a motion to approve the action.

M/S/C (Dhillon/Cruz) to approve Item F-5, 1a, Position Establishment, Cal Works Student Mentor.

### G. ACTION AGENDA

#### 1. SPECIFICATIONS OF THE ELECTION ORDER

Chancellor Cepeda provided an overview of BP 2140 Partial Reimbursement for Candidate Filing Fees and the Elections Code Section 13307, which requires that Governing Board members must determine the Specifications of the Election Order to the Santa Clara County Registrar of Voters. The deadline for this submission is June 8, 2012.

M/S/C (Lease/Dhillon) to approve the Trustee areas up for election, the length of the candidates' statements, the payment of filing fees and to adopt Resolution No. 052212-1.

#### 2. NAMING OF THE FINE ARTS BUILDING AT SAN JOSE CITY COLLEGE

President Fuentes read Resolution No. 052212-2, which is a recommendation that the new Fine Arts Building at San Jose City College be named in honor of Carmen Castellano. She thanked the college for the discussions that were held, especially the hard work of Professor Jesus Covarrubias in leading the dialogue to make this happen.

Chancellor Cepeda stated it was an excellent suggestion as the Castellano's have supported education and are patron of the arts, not just in San Jose, but in the Bay Area. President Kavalier agreed that Carmen Castellano is worthy to receive this honor, and this would also greatly benefit the college. She also thanked Professor Covarrubias for his leadership in making this happen.

M/S/C (Cruz/Lease) to approve Resolution No. 052212-2 to name the Fine Arts Building at San Jose City College the "Carmen Castellano Fine Arts Center."

**3. STRATEGIC TECHNOLOGY INFRASTRUCTURE SERVICES SELECTION**

Chancellor Cepeda provided an overview of the assessment conducted by CampusWorks, Inc., which was presented to the Board at the December 13, 2011, Governing Board Meeting. She discussed the need for IT leadership that would provide adequate leadership, direction and organization and assist with planning. She distributed a Questions and Answers document, which outlined the questions asked of district members during the board docket review meeting held the prior afternoon.

Trustee Cruz requested that more information be provided about the process that led the district to choose CampusWorkds. She also asked if CampusWork is ready to provide the district the necessary expertise to meet its needs for the 21<sup>st</sup> century. Mr. Peter Fitzsimmons, Director of Fiscal Services, reviewed the RFP process and noted the posting in the San Jose Post Record. The district received two bids, and one no bid. A committee, comprised of the Vice Chancellor of Administrative Services, Vice Chancellor of HR, Executive Director of Research and Institutional Effectiveness, District Purchasing Agent, representatives from ITSS and CSEA and himself, reviewed both bids and chose CampusWorks as the contractor who could best provide the services the district needs at this time. Trustee Dhillon expressed concern that CampusWorks is located in Florida, and our district is located in the Silicon Valley. Why do we not have bidders from the area, especially since the Silicon Valley is a leader in the high technology field? Chancellor Cepeda answered that the district is not offering enough compensation for the work we require to attract local vendors. We also require specialized skills associated with uses of technology infrastructures within the context of postsecondary education; this area of expertise and focus is not particularly well developed in the Silicon Valley. Trustee Dhillon also asked for information about the number of employees and ethnicity breakdown of CampusWorks staff. Ms. Liz Murphy, CEO of CampusWorks answered that 50 senior level IT executives are employed by CampusWorks, and they come from all over the United States and serve community colleges exclusively. CampusWorks serves over 100 community colleges and assists them in making decisions about what technologies would work best for them. She stated she did not know offhand the ethnic breakdown of the company's employees, but it's about 50/50 male/female from various ethnic groups.

Trustee Tanaka asked if CampusWorks would move the district toward upgrading Datatel or getting rid of it and replacing with a new software system. Ms. Murphy answered that the recommendation is to continue using Datatel while reviewing the district processes. District-wide users have not been adequately trained to utilize Datatel to its capacity. Mr. Dan Hawkins, CSEA, asked about the cost of living adjustment included in the contract. He expressed concern that district members have not received COLA in a long time and asked if this would be a part of the three-year contract. Ms. Murphy answered that the contract would be amended to ensure CampusWorks employees didn't receive a COLA if district members did not receive one. Trustee Dhillon asked how the district would be assured that CampusWorks is keeping up with the latest technology. Chancellor Cepeda stated that technology represents one of the highest costs in education and is one of the highest investments of community colleges. The district already has good software but is not making the most of it. As a result, IT staff is overburdened. The Board needs to make the best choice about continuity and costs. President Fuentes

## Minutes of May 22, 2012 Governing Board Meeting

requested information about the breakdown of management and Classified staff dedicated to IT and asked how many employees were cut from the staff. Vice Chancellor Garcia gave the IT breakdown for the district and both campuses and answered that one employee was cut from the Help Desk area at the District Office and one network technician and webmaster were eliminated from San Jose City College. President Fuentes stated that she would be voting against the contract with CampusWorks because she couldn't remember when the IT department had a high level position. The district needs a high-level technology officer that can provide the leadership in the area. She would be in favor of supporting the creation of a Vice Chancellor of Technology. Chancellor Cepeda answered that, although having a CTO would be ideal, the district recruited twice for this position without success. We have had no takers at the salary we have offered. SJCC Academic Senate President Heimler expressed his concerns about the cost of the contract and that using a CTO level person from outside the district is problematic since people outside the district don't understand shared governance. Trustee Lease stated that he will support anything that will get IT working well, and if the CampusWorks contract is the best way to do that, then he will support the district recommendation. Trustee Dhillon stated that, although he understands the critical need for IT leadership at this time, he did not see in the proposal enough details about the scope of work about what would be done at the colleges. He also expressed concern that the district may be cutting corners instead of ensuring it has the most updated technology. He suggested having someone with technical expertise provide the Board with the information they need to make this decision. Therefore, he is not ready to support the recommendation. Trustee Tanaka stated the proposal did not contain enough financial information for him to figure out what was going on. The three year program and some related expenses are provided, but other expenses such as software and equipment are not indicated. What is the district putting into this contract, and what will be covered from the bond money? We are taking it by faith that going in this direction will be a very positive thing for the district. How much of a financial commitment are we actually going to have to make to support this contract? Chancellor Cepeda answered that the scope of work was determined by the review processes that were presented. She stated the Board had charged her over two years ago to fix the district's IT capacity. The district has significant deficits in all IT dependent components, including administrative systems, academic technology, network infrastructure, desktop computing and planning. In addition, there are concerns about network security. We need to make a significant leap to come up to par. It is important to note that CampusWorks is not providing a "software fix"; they are providing the expert technology infrastructure planning and implementation knowhow to make that kind of transition. We are not providing CampusWorks with equipment—that will be provided through Measure G bond money—but the recommendation provided to the Board is the best solution we have found to fix IT and meet the needs required by accreditation. President Kavalier stated that the colleges would love to be able to state in their accreditation reports that the IT concerns have been addressed. Evergreen Valley College has a specific recommendation regarding the development of a technology strategic plan. CampusWorks can assist in writing this plan. Executive Director Hawley stated that the functionality with Datatel is lacking and underutilized. The enhancement of the research capacity, another key accreditation concern, is greatly compromised unless we get the outside assistance that's needed to get us where we need to be. Trustee Lease stated that first and foremost accreditation is the district's biggest concern. If we lose that, our students lose everything. FA President Yancey agreed

## Minutes of May 22, 2012 Governing Board Meeting

that accreditation is the highest concern, and the district needs to move the process forward regarding the best reorganization of ITSS. However, in the meantime, the CampusWorks contract is needed to get the district to where it needs to go right now.

M/S (Lease/Cruz) to award a contract not to exceed \$517,452 annually to CampusWorks for strategic technology infrastructure services for a period of three years, subject to satisfactory performance, commencing July 1, 2012, with two optional one-year extensions. Trustees Lease, Cruz, Tanaka voted yes, Trustee Fuentes voted no, and Trustee Dhillon abstained. Motion failed.

#### **4. DISTRICT OFFICE FACILITY**

Chancellor Cepeda stated that at the May 8 board meeting, the District Office Project Team provided three options for consideration: 1) renovation of the existing District Office; 2) construction of a new office facility on District-owned property, and 3) the purchase and renovation of an existing off-campus facility. The Board had questions about the options, especially the option relating to moving the District Office to another location. At this meeting, the goal is to present options for having a District Office that meets the needs of staff and the Board of Trustees, as well as the highest and best use of taxpayer dollars.

Mr. Scott Jewel, Program Manager, Gilbane Building Company, provided a cost analysis for the three options considered by the Project Team to be the most viable for the future of the District Office and asked if the Board had any questions related to the analysis. Trustee Lease noted that he would support Option 3- Purchase and renovate a new off-campus facility. Trustee Tanaka indicated that he was also supportive of Option 3- Purchase and renovate a new off-campus facility. Trustee Dhillon asked if a new facility would better meet the needs of the District because it would be built to suit the specific requirements. Mr. Jewel responded that although a new facility would be built to suit the District's needs, the cost of new construction is prohibitive and well in excess of the project budget. Mr. Jewel explained that the cost for Option 2- Construct a new on-campus facility was reasonable based on the information available at this time. He noted that to further develop the cost analysis, a site would need to be selected and studied. Mr. Jewel also explained that the cost for Option 3- Purchase and renovate a new off-campus facility was only one possible scenario and that multiple scenarios are possible with an inverse relationship between the purchase and renovation costs. The district can only determine feasibility for a purchased facility on an individual facility basis after a facility has been screened and determined to be good potential candidate.

M/S/C (Cruz/Dhillon) to approve the District to move forward with further investigations of Options 2 and 3.

## **H. INFORMATION AGENDA**

### **1. PRESENTATION FOR NEW FINE ARTS & MULTI-DISCIPLINARY BUILDING**

Mr. Bryan Rosavear, Project Manager, Blach Construction, gave a presentation and schedule update for the new Fine Arts & Multi-Disciplinary Building at San José City



## Minutes of May 22, 2012 Governing Board Meeting

College. He showed pictures of the exterior of the Arts Wing and Arts Gallery, along with the Multi-Disciplinary Wing in the back of the building. He also showed pictures of the view from Moorpark Avenue and from various points at the campus. The great news is that this building will be completed in July 2012, much earlier than the January 2013 original completion date. The final projected cost is \$26,386,700, which is \$441,506 lower than the original guaranteed maximum price of \$26,671,663.

President Fuentes complimented everyone on the amazing work that was done to ensure the building was finished under budget and before schedule. She requested that the Board of Trustees be given a tour of the new building. President Kavalier answered that she will schedule a tour soon.

### **2. FY2012/13 CONTRACT RENEWAL FOR MEASURE G-2010 PROGRAM/CONSTRUCTION MANAGEMENT SERVICES WITH GILBANE BUILDING COMPANY – FIRST READING**

Mr. Casey Michaelis, Sr. Project Executive, Gilbane Building Company, gave a presentation on the 2011-2012 accomplishments of the work provided by Gilbane on the Measure G-2010 bond. Some program management accomplishments include: implementation of the PROMPT financial management system, updates to facilities master plans, bond list development and revisions, master schedule development and updates, Series A&B bond issuance, website and intranet development. Some project/construction management accomplishments in 2011-2012 include: District Office Building assessment, PV and Central Plant/Police Station design at EVC, and maintenance projects at SJCC. For 2011/12 the project/construction contract award amount was not to exceed \$2,166,832, and the total estimated cost is \$2,043,821. Mr. Michaelis reviewed the scheduled tasks and projects for 2012-2013, and reviewed the costs associated with those projects. The total renewal contract amount for 2012-2013 is \$4,646,050.

Chancellor Cepeda commended the work of Gilbane, especially the high level of scrutiny, accountability and ability to get projects completed on time and under budget. FA President Yancey commented that next year's contract has doubled in cost. Do we need to anticipate another big increase for 2013-14 because we have several years out for the bond and will have already spent over \$6 million for the project management portion? Mr. Casey answered that Gilbane would like to bring on more project managers and engineers to assist with quality control and safety. The amount may go up in 2013-14, but is not expect to be at the rate of this contract renewal.

Vice Chancellor Smith stated that the Gilbane contract will be put on the June 12 board agenda as an action item for the Board to approve.

### **3. LAND DEVELOPMENT PROJECT STUDY SESSION**

Mr. Aaron Gruen, Gruen Gruen & Associates, provided an overview of previous land development activities, including the Evergreen Marketplace at San Felipe Road and Yerba Buena Road. He also reviewed the land development principles the Board approved in 2004. As the district moves forward in its desire to create

## Minutes of May 22, 2012 Governing Board Meeting

revenue through its land development, he discussed the market conditions and types of development opportunities, such as the market for apartments, which will grow as the economy continues to recover, and the market for office and R&D uses. The Envision San Jose 2040 General Plan, which supersedes the previously approved policy for Evergreen-East Hills area, would need to be considered in any plan the district would pursue. It's important to establish an agreement with the City of San Jose on land use designation that allows mixed-use development. Mr. Jim Eller, consultant, said the Board needed to consider which of the 27 acres will be offered for development. He stated the next step would be to have a meeting with the Board committee on land development to review the principles and determine what direction the Board would like to move in.

President Fuentes stated that Trustees Dhillon, Tanaka and herself have showed the most interest and, therefore, will serve on the committee. The Board doesn't want to wait too long when the market may be favorable for us to make a move now. Trustee Dhillon recommended having a special meeting on land development so the Board can receive more information. Trustee Lease recommended the Chancellor work with Mr. Jim Eller to bring this information back to the Board. Chancellor Cepeda recommended the Board focus on the advocacy with the San Jose City Council, and it would be better for the committee to immerse themselves in the work. The committee can do the research and come back to the Board with the specific details. We are two years or more away. President Fuentes stated the first step would be to get the committee going. Mr. Eller encouraged the Board to begin working with the San Jose City Council, District 8, as we will certainly need their help moving forward. Trustee Lease requested that Mr. Eller provide the Board with 3-5 talking points that they could use in meeting with city officials.

President Fuentes requested that district staff arrange for the Board Committee on Land Development to meet sometime over the summer.

#### **4. BOARD POLICY 1<sup>ST</sup> READING: BP 4021.1 AS-T AND AS-S DEGREES**

Chancellor Cepeda requested the Board review BP 4021.1, which is being brought to them as a first reading. The policy will be brought to the Board for approval at the June 12 board meeting.

#### **5. BOARD POLICY 1<sup>ST</sup> READING: BP 4235 CREDIT BY EXAM**

Chancellor Cepeda requested the Board review BP 4235, which is being brought to them as a first reading. The policy will be brought to the Board for approval at the June 12 board meeting.

#### **6. NEW BOARD POLICY 4100.2 FOREIGN TRANSCRIPTS**

Chancellor Cepeda requested the Board review BP 4100.2, which is being brought to them as a first reading. The policy will be brought to the Board for approval at the June 12 board meeting.

**Minutes of May 22, 2012 Governing Board Meeting**

**I. CONTINUATION OF CLOSED SESSION**

No

**J. RECONVENE OPEN SESSION**

**ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION**

None

**K. ADJOURNMENT**

The meeting adjourned at 10:37 p.m.

---

Rita M. Cepeda, Secretary  
Board of Trustees