

**CHABOT-LAS POSITAS  
COMMUNITY COLLEGE DISTRICT  
BOARD OF TRUSTEES  
SPECIAL MEETING**

**MINUTES  
June 12, 2012**

**PLACE**

Chabot-Las Positas Community College District, 5020 Franklin Drive, Pleasanton, California.

**CALL TO ORDER**

The meeting was called to order at 4:35 p.m. by Board President Dvorsky. Recording Secretary Beverly Bailey called the roll. All Trustees were present at the time of roll.

**PUBLIC COMMENTS**

There were no Public Comments offered at this time.

**CLOSED SESSION**

The Board immediately adjourned to Closed Session, which ended at 6:15 p.m.

**CALL TO ORDER**

The Board readjoined in Open Session at 6:30 p.m. Recording Secretary Beverly Bailey called the roll. All Trustees were present at the time of roll.

**ATTENDANCE**

Members Present:                   Trustee Arnulfo Cedillo (left at 7:00 p.m.)  
  Trustee Isobel F. Dvorsky  
  Trustee Donald L. "Dobie" Gelles  
  Trustee Hal G. Gin  
  Trustee Barbara F. Mertes  
  Trustee Marshall Mitzman  
  Trustee Carlo Vecchiarelli

Members Absent:                   None

Recording Secretary: Ms. Beverly Bailey

Managers Present: Dr. Susan A. Cota, Consultant to the Board  
Dr. Susan Sperling, President, Chabot College  
Dr. Kevin Walthers, President, Las Positas College  
Mr. Ken Agustin  
Mr. James Andrews  
Ms. Lori Benetti  
Ms. Julia Dozier  
Mr. Wyman Fong  
Mr. Doug Horner  
Mr. Jeffrey Kingston  
Mr. Bob Kratochvil  
Mr. Lorenzo Legaspi  
Ms. Kathy Linzmeyer  
Ms. Jeannine Methe  
Ms. Dyan Miller  
Dr. Janice Noble  
Dr. George Railey  
Ms. Diana Rodriguez  
Mr. Rajinder Samra  
Mr. Gerald Shimada  
Ms. Tram Vo Kumamoto  
Mr. Dale Wagoner  
Ms. Sylvia Wodyka

Others Present: Ms. Frankie Alexander, Las Positas College  
Dr. Carolyn Arnold, Chabot College  
Ms. Jennifer Adams, Las Positas College  
Ms. Barnali Basu  
Ms. Amapola Beenn  
Dr. Teri Ann Bengiveno, Las Positas College  
Ms. Karlina Beringer  
Ms. Kathy Bolich, Chabot College  
Ms. Lora Bongard, Chabot College  
Mr. John Burchfield  
Mr. Miguel Casarez, Chabot College  
Ms. Margie Costello-Chevis, EBAEYC, Fremont  
Ms. Begona Cirera, Chabot College  
Ms. Karina Contreras  
Mr. Gary Cook

Mr. Timothy Dave, Chabot College  
Mr. Michael D' Aloisio, Chabot College  
Mr. Andres DeLaCruz, Las Positas College  
Ms. Ellen Dektar, Alameda County Child Care Planning  
Council  
Mr. William Eddy, Las Positas College  
Ms. Lydia Escobar, District Services  
Ms. Katrin Field, Chabot College  
Ms. Gale Jackie Fitzgerald, Las Positas College  
Mr. Aaron Fluss  
Mr. Mark Friedman, First 5 Alameda, San Leandro  
Ms. Shay Galletti  
Mr. Kambiz Ghafourpour  
Ms. Mireille Giovanova, Chabot College  
Ms. Michelle Gonzales, Las Positas College  
Ms. Cathy Gould, District Services  
Ms. Leslie Gravino, Las Positas College  
Ms. Dara Greene, Chabot College  
Ms. Scheanelle Green, Las Positas College  
Mr. Nicholas Gregory, Las Positas College  
Mr. Wil Hardee, Alameda County Taxpayer Association  
Ms. Mary Hargiss, Las Positas College  
Ms. Teresa Henson, Las Positas College  
Ms. Constance Hildebrand, Las Positas College  
Mr. Greg Johns, Las Positas College  
Ms. Kathy Kelley, President, Chabot College Faculty Senate  
Ms. Karen Kit, District Services  
Ms. Melissa Korber, Las Positas College Faculty Senate  
Mr. Kaden Kratzer, S.E.I.U., Local 1021  
Ms. Deborah Laase, Chabot College  
Ms. Deborah Lavietes, District Services  
Dr. Charlotte Lofft, President, Chabot-Las Positas Faculty  
Association  
Ms. Lilia Camino Lopez, Las Positas College  
Ms. Marva Lyons, EBAEYC, Oakland  
Ms. Dana Montes  
Ms. Jodi Mascare  
Mr. Rashim Moghn  
Mr. Desmond Nand  
Ms. Linda Olivenbaum, California Early Childhood Mentor  
Program

Ms. Skye Ontiveros  
Ms. Carmen Maria Ortiz  
Mr. Steve Patchin, District Services  
Ms. Theresa Patchin, Chabot College  
Ms. Shirley Pejman, Chabot College  
Ms. Adriana Sanchez Pillot  
Ms. Donna-Jo Pinto  
Ms. Patricia Posada, Chabot College  
Ms. Catherine Powell, Chabot College  
Mr. Sean Prather, Las Positas College  
Ms. Laura Reno, LLESA Children's Center, Livermore  
Ms. Karin Rose, Las Positas College  
Mr. John Ruys, Las Positas College  
Ms. Cheryl Sannebeck, Chabot College  
Ms. Dawn Scanlon  
Mr. Mark Smythe, President, S.E.I.U., Local 1021  
Dr. Karin Spirn, Las Positas College Faculty  
Ms. Michelle St. Germaine, Chabot College  
Mr. Todd Steffan, Las Positas College  
Ms. Sarah Thompson, Las Positas College  
Ms. Kimberly Tomlinson, Las Positas College  
Mr. Jason Torres  
Ms. Felicia Tripp  
Ms. Dayna Turner  
Ms. Rachel Ugale, District Services  
Ms. Caitlyn Uribe  
Mr. Ernesto Victoria, Chabot College  
Ms. Jeanne Virgilio, Las Positas College  
Mr. Kip Waldo, Chabot College  
Mr. Scott Walz, EBAEYC, Berkeley  
Mr. David Wiener  
Ms. Linda Wilson, S.E.I.U., Local 1021  
Ms. Yvonne Wu-Craig, President, Chabot College Classified  
Senate

**PLEDGE TO FLAG**

Trustee Gelles led the pledge to the flag.

**CONSENT CALENDAR**Motion No. 1

Trustee Cedillo made a motion, seconded by Trustee Gin, to approve the Consent Calendar.

Motion carried unanimously, 7-0.

The following items were approved on the Consent Calendar:

## General Functions

- 1.8 Approval of Minutes of May 1, 2012 Study Meeting
- 1.9 Approval of Minutes of May 15, 2012 Regular Meeting
- 1.10 Approval of minutes of June 5, 2012 Special Meeting

**APPROVAL TO NEGOTIATE A PROFESSIONAL SERVICES CONTRACT FOR INDEPENDENT AUDIT ENGAGEMENT SERVICES**

Mr. Legaspi reported that staff would like to pull this agenda item (5.1) from the agenda. He reported that the Audit Subcommittee met prior to the Board Meeting to interview Audit firms, however, only one response to the Request for Proposals (RFP) was received. It was decided to extend for one year the existing agreement with the existing Auditors, Matson & Isom. He explained that staff would try again next year for a RFP.

**APPROVAL OF MEMORANDUM OF UNDERSTANDING WITH THE CITY OF LIVERMORE FOR THE 2012 LIVERMORE FOURTH OF JULY FIREWORKS CELEBRATION, LAS POSITAS COLLEGE**Motion No. 2

Trustee Cedillo made a motion, seconded by Trustee Gin, to approve the Memorandum of Understanding between Chabot-Las Positas Community College District (on behalf of Las Positas College) and the City of Livermore to hold the Livermore Fourth of July Fireworks Celebration on July 4, 2012. It is further recommended that the Board authorize the Vice Chancellor, Business Services, to execute the Memorandum of Understanding on behalf of the District.

Trustee Vecchiarelli questioned the potential net income for the District/College. In response, Dr. Walthers reported that the Fireworks Committee has committed \$8,000

above expenses, and any other proceeds from concessions sales will be negotiated through a "Gentlemen's Agreement."

Trustee Vecchiarelli also questioned parking. Dr. Walthers reported that the City of Livermore Police and Fire Departments and Fireworks Committee will handle parking and collecting parking fees. He noted that no staff is required to work on the event day.

In response to Trustee Vecchiarelli's question regarding liability, Dr. Walthers reported that the District has a \$3 million liability policy paid for by the Fireworks Committee. President Dvorsky reported that the information regarding liability is included in the Memorandum of Understanding.

Motion carried unanimously, 7-0.

**ADOPTION OF RESOLUTION NO. 09-1112 – APPROVAL OF SUBMITTAL OF APPLICATION TO REAPPLY TO BE A TRAINING CENTER: U.S. DEPARTMENT OF LABOR – DISTRICT-ECONOMIC DEVELOPMENT**

Motion No. 3

Trustee Cedillo made a motion, seconded by Trustee Gelles, to adopt Resolution No. 09-1112 authorizing the District's submittal of an application to the U.S. Department of Labor to remain as an Occupational Safety & Health Administration Training Institute Education Center for the next five years (2012-2017).

Motion approved by the following roll call vote:

AYES:	Cedillo, Dvorsky, Gelles, Gin, Mertes, Mitzman, Vecchiarelli
NOES:	None
ABSENT:	None
ABSTENTIONS:	None

**INTRODUCTION TO BUDGET AND PLANNING PROCESS FOR BUDGET CUTS**

Dr. Susan Cota asked Mr. Lorenzo Legaspi, Dr. Susan Sperling and Dr. Kevin Walthers to give statements outlining the District's/Colleges' planning process for budget cuts.

Mr. Legaspi reported that the District is going through its most difficult and challenging financial time in its history as a result of the overall economy and state budget crisis. He reported that cuts and sacrifices have been made, not only this year but in the last few

years. He reported that in January 2012, the Governor's Budget Proposal estimated a deficit of \$9.2 billion dollars; and by May, the deficit had grown to \$15.7 billion. He reported that as a result of the State budget crisis and the District's inability to close its budget deficit last year, the District is facing a \$5.1 million deficit. He reported that if the tax initiative does not pass in November, the District will be facing a \$9.1 million deficit. He reported that the District needs to make the necessary reductions of \$5.1 million in order to come up with a balanced budget. He noted that the balanced budget includes a 5% Reserve as required. He reported that the District Budget Study Group (DBSG), which consists of 30 individuals representing every constituency, including students, met and reviewed the process for addressing that deficit. He reported that the DBSG developed Guiding Principles and determined that each center (Chabot College, Las Positas College, and District/Maintenance and Operations) would make \$1.5 million in cuts. He reported that each Center was to identify the cuts. He reported that the District Office solution for identifying cuts was to first identify vacant funded and soon to be vacant positions. He reported that Maintenance and Operations has identified eight positions, two of which have names behind them. He reported that the District Office identified 8 positions, with only one name attached. He noted that of the 8 positions at the District Office, 4 are Administrators. He noted that the process of identifying and cutting vacant funded positions has been used in other years. He reported that Districtwide, the staffing level is back to the 2002 level. He reported that reductions have also been made in Travel, Conference Expenses, and Supplies; and some departments' budgets have been cut by 50%.

Dr. Susan Sperling reported that she has been President of Chabot College since February 22, 2012 and much of her time since has been spent with the Chabot College community to reduce the budget by \$1.5 million. She reported that she has used two criteria in making cuts: 1) to keep cuts as far from students and Student Services as possible; and 2) avoid layoffs. She reported that she asked the Vice Presidents to meet with front line Managers to consult on budget reductions in their areas that would do the least harm. She also asked that a clear rationale be presented for each recommendation. She reported that the Chabot Community and Shared Governance Bodies were kept apprised through the process, and when possible, their ideas and recommendations were incorporated. She noted that class offerings, staffing and services are already cut to the bone. She reported that as much creativity and transparency as possible has been brought to the process. She reported that the College attempted to move positions and/or parts of positions from the General Fund onto grants and other categoricals wherever possible. She reported that 3 positions have been suspended, and in some areas, staff have reduced their hours. She reported that the College attempted to save positions and minimize damage; however, "this is not to say that damage will not be done." She expressed that with deep regret and sadness, she recommends reduction of Classified staff positions of hard working, committed and valued

colleagues. She expressed that we all need to pick up the pieces and join the advocacy for reform of a broken system of chronic underfunded public education in California.

Dr. Kevin Walthers reported that the \$1.5 million cut represents approximately 5.5% of the College's budget. He expressed appreciation to the Students who offered to give up 10% of their budget; however, he reported that through fortunate circumstances at the end of the process, the College did not have to accept their offer. He reported that 96% of the expenditures at Las Positas College are for people; noting that the College is able to have this high ratio because so many of the shared services are housed at the District. He expressed that when cuts hit the District, they also hit the campuses. He reported that with the 4% of expenses left, the College reduced expenses, adding from the bookstore revenue a total of 19% of the cut. He reported that the College will not fill vacant positions, and the two Dean positions have been eliminated, representing 23% of the total budget cut. He noted that the three remaining Deans have agreed to "step up" to accept added duties. He reported that the decision to close the Lab School and Child Development Center was a difficult decision. He reported that there were 30 children enrolled in the program, only 1 of which is full-time. He reported that the College has kept cuts as far away from the students as possible. He reported that the College is not giving up on the idea of having a Child Care Program, however, the Lab School model was built in a different budget climate in California. He reported that parents and Faculty are rallying to find a solution for the College to provide a way to add the service on the campus. He reported that he has tried to be as transparent as possible throughout this process.

### **GOOD OF THE ORDER**

Trustee Cedillo apologized that he needs to leave at 7:00 p.m. due to a previous commitment. He expressed that he recognizes the pain individuals feel, noting that he too has been laid off twice as well as several members of his family. He expressed that "at the end of the day, if we work together, we will make it through this difficult time."

### **PUBLIC COMMENTS**

The following individuals spoke in opposition to program cuts and to layoffs and reduction of hours of Classified Employees. A group of parents from the Las Positas College Child Development Center spoke and proposed a continuation plan for the Center.



Ms. Frankie Alexander  
Ms. Barnali Basu  
Ms. Teri Ann Bengiveno  
Ms. Karlina Beringer  
Mr. John Burchfield  
Mr. Miguel Casarez  
Ms. Margie Costello-Chevis  
Ms. Begona Cirera  
Ms. Karina Contreras  
Mr. Michael D'Aloisio  
Ms. Ellen Dektar  
Mr. William Eddy  
Ms. Katrin Field  
Ms. Gale Jackie Fitzgerald  
Mr. Aaron Fluss  
Mr. Mark Friedman  
Ms. Shay Galletti  
Mr. Kambiz Ghafarpour  
Ms. Michelle Gonzales  
Ms. Leslie Gravino  
Ms. Scheanelle Green  
Ms. Teresa Henson  
Ms. Constance Hildebrand  
Mr. Greg Johns  
Ms. Melissa Korber  
Mr. Kaden Kratzer

Ms. Deborah Laase  
Ms. Lilia Camino Lopez  
Ms. Dana Martes  
Mr. Rashim Moghn  
Mr. Desmond Nand  
Ms. Linda Olivenbaum  
Ms. Skye Ontiveros  
Ms. Carmen Maria Ortiz  
Ms. Theresa Patchin  
Ms. Donna-Jo Pinto  
Ms. Catherine Powell  
Ms. Laura Reno  
Ms. Adriana Sanchez-Pillot  
Ms. Dawn Scanlon  
Mr. Mark Smythe  
Dr. Karin Spirn  
Ms. Kimberly Tomlinson  
Mr. Jason Torres  
Ms. Felicia Tripp  
Ms. Dayna Turner  
Ms. Caitlyn Uribe  
Mr. Ernesto Victoria  
Mr. Kip Waldo  
Mr. David Wiener  
Ms. Linda Wilson  
Ms. Yvonne Wu-Craig

Mr. Wil Hardee, Alameda County Taxpayer Association, asked, in light of the recent decision by the Ninth Circuit Court regarding the Russell City Energy Center, that the Board and District stop using resources to oppose this decision. He reported that the District to date has spent more than \$280,000 on legal fees to block this project.

### **COMMENTS FROM BOARD MEMBERS**

Trustee Gin expressed appreciation to individuals for their comments. He reported that the budget is the issue and that the District will have to make some difficult cuts, it is just a matter of where. He reported that his decision will be based from his heart, from what he is hearing and not from threats from anyone as to whether he will be elected to the Board in the future.

Trustee Gelles questioned the challenges for the budget if this resolution is not passed tonight. Mr. Legaspi reported that the Tentative Budget is due by July 1.

Trustee Gelles expressed that this is a “no win” situation. He expressed that this Board is a caring Board and this is “heartfelt.” He noted that the District passed the Bond in 2004 and built all these facilities; and now it cannot fill positions and hire staff for the buildings. He noted that he is inclined to think that more time is needed before the resolution is passed.

Trustee Mitzman expressed appreciation to those who came and spoke this evening. He noted that he is a product of a community college and he “feels everyone’s pain.” He reported he is a businessman and understands that the District has to balance the budget. He noted that the Government can no longer sustain our needs; and it is not just California, but all of the United States and the world. He expressed that the paradigm has to change. He reported that we need to look at partnerships, collaboration and the community. He questioned if the District/Colleges could ask the community to help keep programs going. He noted that for the businessman it is important to have a work force that can read and write and be an asset to businesses, a service Community Colleges provide. He expressed that he needs more time to consider this resolution.

Trustee Vecchiarelli reported that while he was working at Chabot College, he learned to appreciate the Classified Staff and all they do. He expressed that this is the worst meeting and financial crisis in his 44 years with the District. He expressed that we need to balance the budget; however, he would like to see Administration go back to the table to find alternative ways to cut. He expressed that the District needs to get unions and associations to bring closure to some things that would help to balance the budget. He also expressed that he does not appreciate threats for the next election.

Trustee Mertes expressed appreciation for the passion and caring for the Children and the Early Development Center that was expressed this evening. She expressed her sense of pride in the Child Care Center at Las Positas College when it was completed and her part in that effort. She expressed that she is hopeful that a reasonable solution can be reached for the continuation of these programs. She also recognized the excellent leadership at the Colleges and hopes that there is an opportunity to re-look at some other options. She expressed that Early Childhood Development Programs are so vital to the entire community.

Trustee Dvorsky asked Dr. Cota to look particularly close at the Child Development Program at Las Positas College.

**ADOPTION OF RESOLUTION NO. 08-1112 – TO LAYOFF AND REDUCE HOURS OF CLASSIFIED EMPLOYEES**

Motion No. 4

Trustee Gin made a motion, seconded by Trustee Gelles, to consider Resolution No. 08-1112 – to Layoff and Reduce Hours of Classified Employees, effective July 31, 2012. Further, that the Board authorize and direct the Chancellor or designee to give notice as required by the Education Code to those Classified employees affected by elimination of certain Classified positions due to lack of funds or work, effective July 31, 2012, and to the appropriate exclusive bargaining representative pursuant to District rules.

Trustee Gelles requested that if the motion fails after the roll call vote, that this be re-examined and brought back to the Board at its June 26, 2012 Meeting for reconsideration.

Motion failed by the following roll call vote:

AYES:	None
NOES:	Dvorsky, Gelles, Gin, Mertes, Mitzman, Vecchiarelli
ABSENT:	Cedillo
ABSTENTIONS:	None

**ADJOURNMENT**

Motion No. 5

Trustee Gelles made a motion, seconded by Trustee Gin, to adjourn the Special Meeting at 9:30 p.m.

Motion carried unanimously, 6-0.

**NEXT MEETING**

The next Meeting of the Board of Trustees is a Regular Meeting scheduled for June 26, 2012.

Minutes prepared by:

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Beverly Bailey

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Secretary, Board of Trustees  
Chabot-Las Positas Community College District