

**Adopted**

HARTNELL COMMUNITY COLLEGE DISTRICT

MINUTES

Regular Meeting of the Board of Trustees  
CALL 208, Training Room  
411 Central Avenue  
Salinas, California

Teleconference Location (Trustee Healy)  
Hilton Garden Inn  
2000 Solar Drive, Oxnard, CA 93036

April 5, 2011

- OPEN SESSION** Meeting called to order at 5:05 p.m. by Trustee Padilla-Chavez.
- PLEDGE OF ALLEGIANCE** Trustee Taylor led the Pledge of Allegiance.
- ROLL CALL** Erica Padilla Chavez, President  
Kevin Healy, Vice President (via teleconference)  
Candi DePauw  
Patricia Donohue  
Bill Freeman (arrived at 5:15 p.m.)  
Elia Gonzalez-Castro  
Ray Montemayor  
Shaundra Taylor, Student Trustee – (advisory vote per Board Policy 1030)
- Phoebe K. Helm, Board Secretary
- PUBLIC COMMENTS** Ken Dursa, community member, stated he believes there is a lack of communication among the administration, students, and the Board.
- James Morgan, Marco Hernandez, Galvino Rios, Fabian Bacerra, Tom Alejo, and Millicent Madrigal, Counselor, addressed the Auto Collision program review and urged the completion of that review.
- CONSENT AGENDA** On a motion by Trustee Healy, seconded by Trustee DePauw by vote of 7-0, and by advisory vote of Aye (Taylor), the Board moved to approve consent agenda items A, B, C, D, E, G, H, I, and J.
- Item F was pulled for discussion and separate vote by Trustee Healy.
- Items A, B, C, D, G and H were pulled for further discussion, comment, or clarification, to which Dr. Helm or staff responded.
- A. MINUTES Adopted the minutes of the Regular Meeting of March 1, 2011 and Board’s Study Session of March 15, 2011 as presented.

- B. DISBURSEMENTS      Approved disbursements from any or all of the following funds: general; debt service; bookstore; child development; capital outlay projects; scheduled maintenance; property acquisition; bond projects; cafeteria; self-insurance; retirees health benefits; associated student body; scholarship, loan, and trust; and intercollegiate athletics.
- Trustee Freeman asked about disbursements to the same vendor and Dr. Helm explained that disbursements are two over six months because the payment cycles crossed each other by a few days.
- C. CURRICULUM COMMITTEE      Ratified the Curriculum Committee actions.
- Trustee Gonzalez-Castro pointed out that the actions of the Curriculum Committee do not include any of the auto collision courses.
- D. UNIVERSAL PROTECTION SERVICES – AMENDED CONTRACT      Ratified to amend the agreement between Hartnell Community College District and Universal Protection Services to increase the scope of services to the King City Education Center. The cost for these services is approximately \$4,000.
- Trustee Healy asked if the King City Education Center should have been included in the initial agreement and Dr. Helm explained that the services should have been included in a previous amendment and the cost for these services fall within the not-to exceed amount previously approved by the Board.
- Trustee Freeman asked about existing services at the Center and Dr. Helm responded that officers are scheduled 16 hours/week (evenings/Saturdays).
- E. GRADIMAGES - AGREEMENT      Approved an agreement with GradImages, a professional event photographer, to photograph 2011 graduates on June 2, 2011. GradImages agrees to donate 15% of the gross proceeds from photo and product sales to the college for the Associated Students of Hartnell College to support their clubs and activities.
- F. BELLI ARCHITECTURAL GROUP      On a motion by Trustee Donohue, seconded by Trustee DePauw, by vote of 7-0 and by advisory vote of Aye (Taylor), the Board moved to approve a professional services agreement with Belli Architectural Group for the design of the PE Field House on the main campus. The budget fore this agreement is \$140,000 and paid from Measure H funds.
- Trustee Healy asked who the user group is and what criteria were used to select the firm. Joseph Reyes, Director of Facilities, responded that the user group includes coaches and the criteria is based on many factors including previous or similar job experience, presentation, interviews, and then, cost.
- G. BORONDA STUDY GROUP SUMMER 2011      Approved the out-of-country travel for Jennifer Pagliano, instructor, 2011 Boronda Study Group from June 4 through June 19, 2011. This year’s program includes a two-week study tour of London, England. All costs are paid by the Boronda Scholarship Endowment through the Hartnell College Foundation.
- Trustee DePauw asked about the college’s liability and Dr. Helm responded that this travel is covered under the college’s insurance and it is for this reason, the item is before the Board.

- H. BOND OVERSIGHT COMMITTEE APPOINTMENT Appointed Michael T. Payne to the Independent Citizens' Bond Oversight Committee effective April 6, 2011. The term of the appointment is for two-years. Trustees Healy and DePauw welcomed Mr. Payne and stated that he will be a great addition.
- I. PARKING VIOLATION FINE Approved a \$6 increase in fines for parking violations, effective May 1, 2011, in order to sustain revenues from parking violations.
- J. PERSONNEL ACTIONS Approved and/or ratified Personnel Actions. (Appendix A)

**ACTION ITEMS**

BUDGET REVISIONS On a motion by Trustee Gonzalez-Castro, seconded by Trustee Donohue, by roll-call vote of 7-0, and by advisory vote of Aye (Taylor), the Board moved to approve budget revisions numbered 9138 to 9170.

BOARD POLICY – FINAL READING CONSTRUCTION CHANGE ORDERS On a motion by Trustee Gonzalez-Castro, seconded by Trustee Donohue, by roll-call vote of 7-0, and by advisory vote of Aye (Taylor), the Board moved to approve the Construction Change Order board policy.

There was some discussion on the ratification of change orders and Trustee Padilla-Chavez explained that the policy states that all change orders will be ratified. In addition, Dr. Helm reminded the Board that the change order procedure includes the requirement for ratification of change orders. This administrative procedure was reviewed by the Board as an information item at their March meeting. Trustee Donohue called for the question and the Board voted.

CCCT ANNUAL ELECTIONS On a motion by Trustee Gonzalez-Castro, seconded by Trustee Healy, by vote of 7-0, and by advisory vote of Aye (Taylor), the Board moved to vote for Tina Parks (LA); Jim Moreno (Coast); Stephen Castellanos, (San Joaquin Delta); Laura Casas-Frier (Foothill/DeAnza); Nancy Chadwick (Palomar); Mary Figueroa (Riverside); Paul Gomez (Chaffey) and Pauline Larwood (Kern) to serve on the CCCT 2011 Board.

CALIFORNIA DREAM ACT On a motion by Trustee Gonzalez-Castro, seconded by Trustee Freeman, by vote of 5-2 (Abstained: Healy and DePauw) and by advisory vote of Aye (Taylor), the Board moved to direct the Superintendent/President to send a letter in support of California Dream Act of 2011.

After a lengthy discussion of questions and clarifications, Trustee Montemayor called for the question and the Board voted.

REDISTRICTING TRUSTEE AREAS Shelley Lapkoff, Demographer, gave an introduction to the Census 2010 Redistricting Process (Appendix B). Ms. Lapkoff stated that districts that elect by subareas must check compliance after each census and that Education Code requires trustee areas be made equal in population after each US Census. Further, Ms. Lapkoff addressed the general considerations and required redistricting criteria, including those required from Education Code and those approved by the courts. 2010 Census data show that, when compared to the 2000 Census, Hartnell trustee areas exceed the 10% deviation which will require

redistricting and the Board will need to determine how they will proceed with the process. Dr. Helm reviewed the steps that are needed to move the process forward: 1) appoint a redistricting coordinator; 2) establish guiding principles; 3) determine the committee structure; 4) establish criteria for selection, including geographic spread within the trustee area to obtain breadth of representation; 5) advertise and solicit nominations for citizens to serve; 5) set meeting dates and appoint a facilitator for the meetings, a parliamentarian, and a recorder.

The Board discussed at length how they should move forward and decided to appoint a subcommittee (Freeman, Gonzalez-Castro, and Healy) to work with Dr. Helm to develop the guiding principles and bring forward recommendations on how to move forward.

MONTEREY  
COUNTY  
TREASURERS  
REPORT

The Board reviewed and accepted the County of Monterey Treasurer's Report of Investments for the Quarter Ending December 31, 2010.

CONSTRUCTION  
PROJECTS –  
UPDATE

The Board received an updated, written report on the current construction projects. The report is on Page 124 of the April 5, 2011 Meeting Agenda Packet housed at: [http://www.hartnell.edu/board/packets/April\\_2011\\_Regular\\_Meeting\\_Packet.pdf](http://www.hartnell.edu/board/packets/April_2011_Regular_Meeting_Packet.pdf)

Trustee Healy asked about the DSA approval for the CAB Chiller Project and Mr. Reyes responded that the approval has been slow and typically takes four to six months. In addition, Trustee DePauw asked if the sidewalk project is underway and Mr. Reyes responded there was a slight delay due to the rain, but that the project has begun.

FINANCIAL  
STATEMENTS

The Board received the financial statements for the period ending February 28, 2011.

UNDUPLICATED  
STUDENT HEAD  
COUNT

Dr. Helm distributed updated numbers (unaudited) on the unduplicated student head count for Spring 2011 stating that these numbers identify the number of students attending different sites. Trustee Padilla-Chavez stated that these data tell her that public transportation between the Main and Alisal Campuses needs to be considered.

SENATE REPORT  
Student Senate

J.D. House, Communications/Public Relations, reported that the Senate continues to fundraise for Mayagi University (see the Hartnell College web site) and he reported and that the Senate is holding their elections tomorrow.

Academic Senate

Nancy Schur, President, read aloud the Resolution, Use of Paraprofessionals, which was adopted by the Academic Senate. Ms. Schur clarified that this is not being done at Hartnell, but is a trend opposed by the counselors and Academic Senate.

PRESIDENT'S  
REPORT

Dr. Helm distributed a technical budget development calendar and she complimented Kent Stephens and his staff for their work on this calendar. She reported that the media has asked her about Hartnell's budget, specifically why there were no layoffs in the March Agenda, and she pointed out numerous ways in which the Board and staff addressed budget gaps over the past four years. She commended the Board and staff for all of their conservative efforts and stated that everyone should be proud of what has been accomplished. In closing, she commended Kent Stephens for his outstanding work in projecting the budget and for staying informed about what is happening around the State.

**BOARD REPORTS** Trustee Taylor reported on the recent C.A.S.T. Conference she attended where she and other student trustees discussed issues around their campuses; that she is participating in and distributed information on Hands Across California and that the Student Senate voted to participate. Hands Across California is a unified statewide effort to raise funds to move the community college system toward a \$100 million scholarship endowment. Dr. Helm pointed out that the State assigned each college an amount as a goal and that Hartnell is close to reaching its goal.

Trustee Montemayor requested a written response to two matters: 1) the VP of Student Affairs vacancy and, 2) the concerns students raised tonight about certificates in Auto Collision. In addition, he reported that the Sunrise House's financial report shows a reserve of \$200,000; that they won \$10,000 at the AT&T Pebble Beach Program for a Hole in One, and Jim Rear (Executive Director) identified 10 students from each school to participate in a fieldtrip to the San Francisco Exploratorium. This trip was donated by an anonymous community member and the Rotary, and Trustee Montemayor reported that many exciting things are happening, including efforts with the Boys and Girls Club.

Trustee Gonzalez-Castro said she is concerned to hear student comments regarding certificates in the Auto Collision Program and asked for an update; that she is excited about the upcoming CCLC Annual Trustee Conference in Monterey and encouraged everyone to attend because it is important. She recalled a conference where she learned about the K-16 Bridge Program and is pleased that Hartnell College is now part of this program. Also, she expressed that she believes it's important to be members of associations because it allows Hartnell to showcase the wonderful work that is being done. She believes that the work she does and the work of the Board, as a unit, and is important to her and to the college. She reported on the upcoming musical performance, *Let The Eagles Fly: The Story of Cesar Chavez*.

Trustee Freeman asked what is being done to improve services to our students and asked why Hartnell students could not attend the march in Sacramento because MPC students did. Also, he stated he is opposed to having paraprofessionals work as counselors – that our students deserve better including student in the Auto Collision Program.

Board President, Erica Padilla Chavez reported that the Women's Education Leadership Institute received a \$50,000 contribution from Bruce Taylor. These monies will assist in providing scholarships to women. In addition, she commended Carla Johnson who helped organize Farm Workers Awareness Day –it was an informative event. In closing, she acknowledged Lucy Serrano and others for working with the staff of Assembly member Alejo on the community forum, Knock Out the Drop Out. Unfortunately, this event was postponed.

**DISCLOSURE OF CLOSED SESSION ITEMS** Trustee Padilla-Chavez disclosed items for Closed Session as authorized per Government Code Sections, 3549.1, 54956.9, 54957 and/or 54957.6:

1. Significant exposure to litigation pursuant to Section 54956.9(b): One Government Tort Claim
2. Potential litigation for tax recovery

**MOVED TO  
CLOSED SESSION** The Board of Trustees and Dr. Phoebe K. Helm, Superintendent/President, moved to Closed Session at 7:23 p.m. to consider legal, personnel, labor and/or contract matters authorized for Closed Session per Government Code Sections 3549.1, 54956.9, 54957, and/or 54957.6.

Alison Neufeld, legal counsel, Vice President, Kent Stephens and, Terri Pyer, Associate Vice President, Human Resources, joined the Board during a portion of Closed Session.

**RECONVENED  
CLOSED SESSION  
AND  
REPORT OUT  
FROM CLOSED  
SESSION** Trustee Padilla-Chavez reconvened the public session at 8:01 p.m. and reported out that it was motioned and unanimously carried that the Board move to reject Claim #447696.

**ADJOURNMENT** On a motion by Trustee Montemayor, seconded by Trustee DePauw, and unanimously carried, the Board moved to adjourn the meeting at 8:03 p.m.

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Erica Padilla-Chavez  
Board of Trustees President

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Phoebe K. Helm  
Board Secretary

THE FOLLOWING PERSONNEL ACTIONS WERE APPROVED AND/OR RATIFIED AT THE REGULAR MEETING OF THE HARTNELL COLLEGE BOARD OF TRUSTEES OF APRIL 5, 2011:

Detail

I. Retirements, resignations, releases, and leave requests

A. Ratify retirement of regular personnel:

1. Erlinda Gutierrez – Instructional Operations Technician – Student Affairs and Athletics (CC#17), effective March 31, 2011.

II. Appointments

A. Ratify appointment to regular classified position:

1. Raymond Porrez, full time, 40 hours per week, 12 months per year, Utility Custodian (CL#15), Maintenance Department, Range 15, Step B, effective March 1, 2011.

C. Ratify appointment of management position:

1. Vearl Gish, Interim Associate Dean of Academic Affairs (A#57), Range V, Step E, effective March 4, 2011 through June 30, 2011.

B. Ratify appointment of part-time instructors for spring semester, 2011:

1. Mathew Love, Chemistry
2. Robert Unzueta, Community Survey Results/ACE
3. William Wolak, Theater Arts

C. Ratify appointment of Professional Experts:

Lab instruction assistants for the EMT and HES classes, during current academic semesters:

1. Derek Bonsper, \$30/hr (16 hrs/week), Instructional Aide for EMT courses, February 19, 2011 – January 24, 2013.
2. Lucas Kokot, \$30/hr (16 hrs/week), Instructional Aide for EMT courses, February 19, 2011 – January 24, 2013.
3. Byron Merritt, \$30/hr (16 hrs/week), Instructional Aide for EMT courses, February 19, 2011 – January 24, 2013.
4. Amber Roach, \$30/hr (16 hrs/week), Instructional Aide for EMT and HES courses, February 19, 2011 – January 24, 2013.

Hartnell's theater arts program/The Western Stage (TWS) provides students the opportunity to

learn their craft within a professional context. Assignment is for all 2011 subscription season, which runs January 24 – December 17, 2011:

5. Isela Villanueva, \$3,600 total, box office services, January 31 – April 30, 2011.

Administration of Justice 102 PC 832 Arrest and Firearms is designed to satisfy the curriculum standards of the Commission on Peace Officer Standards and Training (POST) as required by Penal Code 832 for spring semester, January 24 - June 2, 2011:

6. Ernesto Castro, \$47.86/hr (4 hrs/week), firearms specialist.

Data entry for Student Affairs. This work will be transitioned to the point of student contract.

7. Torin Pyer-Pereira, \$13.92/hr (20 hrs/week), data technician, February 1 – August 1, 2011.

The Foster Kinship Care Education Program (FKCE) provides advanced training for current and prospective foster, relative, and non-related extended family member caregivers, adoptive parents, and local agency employees; and support for foster home recruitment activities. This grant funded program is a joint effort of the California Community College Chancellor's Office and the Department of Social and Employment Services (DSES). Assignments include orientation leaders, trainers, childcare and activity providers, and program coordination:

8. Jonathan Colon, \$13.50/hr (as needed), ILP-YESS Mentor, February 1, 2011 – June 10, 2012.
9. Michael Cunnane, \$1,500 total, ILP workshop, February 1 – March 1, 2011.
10. L'Shanna Klein, \$30.50/hr (as needed), Parent Enrichment/Education Coordinator, February 15 – June 30, 2011.

The Central California New Media Center grant will establish a regional center at Hartnell that will be a leader in digital media for colleges, universities, high schools, and businesses and will create, design, and implement workforce training programs in New Media (grant funded):

11. Rogelio Novales, \$5,600 per month, director, March 15 – June 30, 2011.

D. Ratify appointment of substitute positions:

1. Stephanie Blancas, \$13.59/hr (20 hrs/week), Clerical Assistant, March 8 – April 30, 2011.

E. Ratify volunteer:

1. Joan Spannagel, Academic Learning Skills Center, February 14 – June 2, 2011.

F. Ratify appointment of Student Workers for spring semester 2011:

1. Vaughn Aldape-Soratos, Student Affairs, Student Worker III
2. Tian Ning Bao, Cafeteria, Student Worker I
3. Michelle Crocker, East Salinas GEARUp, Student Worker III
4. Cristina Dominguez, King City Education Center, Student Worker I
5. Joanna Flores, MESA, Student Worker III
6. Timothy Fuller, Math and Science, Student Worker IV
7. Timothy Fuller, Tutorial Center, Student Worker II

8. Claudia Garcia, MESA, Student Worker IV
9. Sergio Jimenez, Art Department, Student Worker I
10. Zachary Johnson, Information Systems, Student Worker III
11. Adriana Landeros, Math and Science, Student Worker IV
12. Salvadora Lopez, Child Development Center, Student Worker III
13. Christina Marquez, Student Affairs, Student Worker III
14. Marquie Mosley, Art, Student Worker I
15. Mezairah Niduaza, Tutorial Center, Student Worker II
16. Leticia Ortega, HEP, Student Worker I
17. Leo Osornio, MESA, Student Worker IV
18. Robert Oxford, Tutorial Center, Student Worker IV
19. Estefania Palacios, Math and Science, Student Worker III
20. Rohit Patel, East Salinas GEARUp, Student Worker III
21. Rohit Patel, Tutorial Center, Student Worker II
22. Richard Rodwell, Physical Education, Student Worker III
23. Hannah Rose, Math and Science, Student Worker IV
24. Alexander Sigala, Math and Science, Student Worker IV
25. Gregorio Tabera, Child Development Center, Student Worker I
26. Samantha Villafuerte, Tutorial Center, Student Worker II
27. Philip Yee, MESA, Student Worker IV

APPENDIX B

# Introduction to the Census 2010 Redistricting Process Hartnell Community College District

*Shelley Lapkoff, Ph.D.*  
*Jeanne Gobalet, Ph.D.*  
*Lapkoff & Gobalet*  
*Demographic Research, Inc.*  
*[www.demographers.com](http://www.demographers.com)*

*April 5, 2011*



# Why Redistrict?

- ✓ All jurisdictions that elect representatives by subarea must check compliance with “one person, one vote” requirement after each Census
- ✓ California Education Code requirement that trustee areas be made equal in population after each U.S. Census

# **General Considerations**

- ✓ **Must use Census 2010 data**
- ✓ **The federal Voting Rights Act applies**
- ✓ **The *process* of redistricting is important, especially since preclearance is required. A redistricting advisory committee would provide opportunities for public input.**

# Redistricting Criteria

## ***Required redistricting criteria:***

1. Substantial population equality.
2. Total deviation up to 10% is presumptively constitutional. However, 10% is not a “safe harbor” – deviation must be justified by “legitimate considerations incident to the effectuation of a rational state policy.”
3. Compliance with Section 2 of the federal Voting Rights Act. Changes must not be *retrogressive*.
4. Must finish redistricting by March 1, 2012 (Education Code)
5. Preclearance required (Section 5 of the federal Voting Rights Act)

# Redistricting Criteria (continued)

*Traditional redistricting criteria (from the California Education Code):*

4. Topography
5. Geography
6. Cohesiveness, contiguity, integrity, & compactness of territory
7. Community of interests of the [trustee areas].

# Redistricting Criteria (continued)

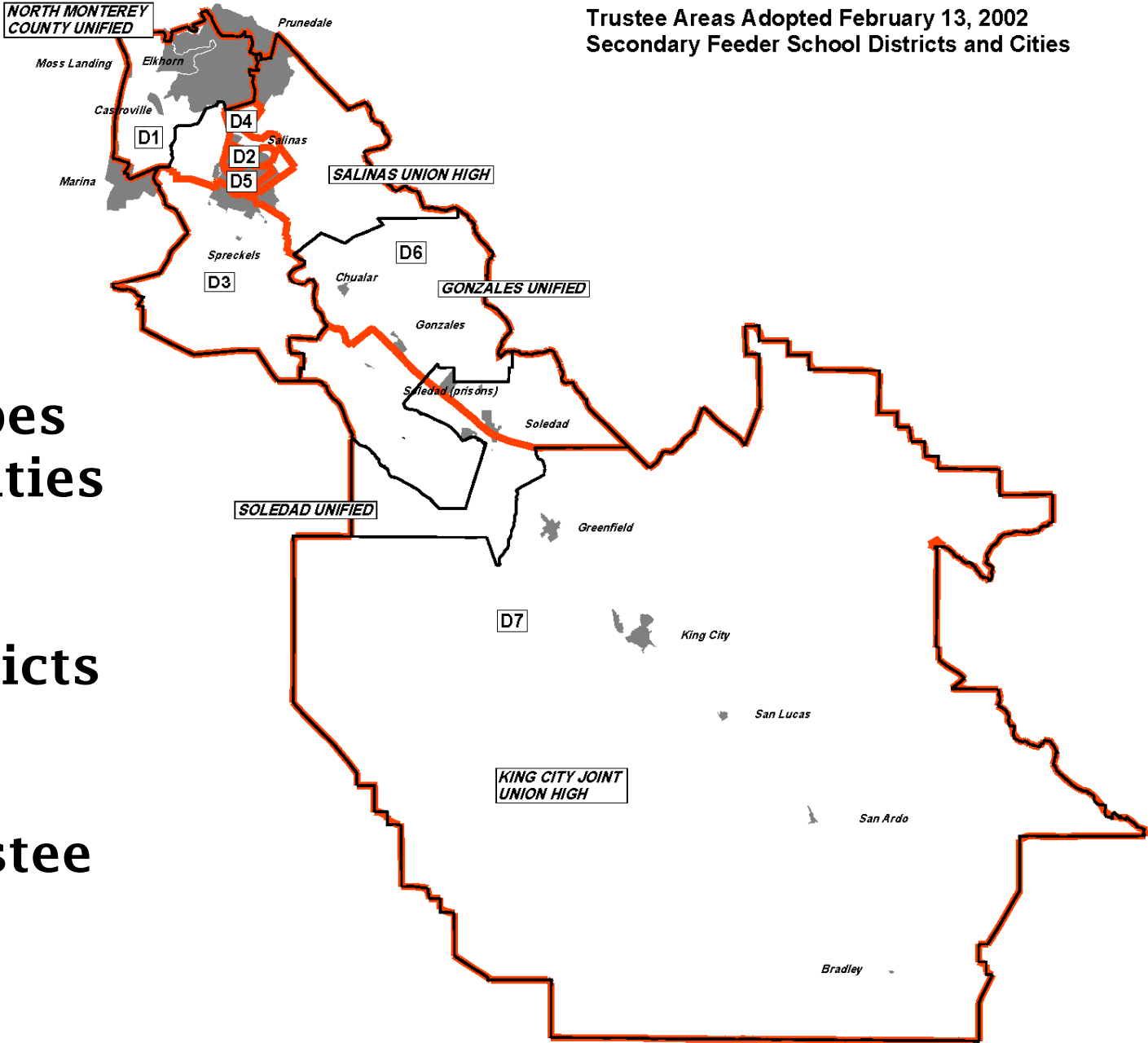
*Additional factors approved by courts include:*

8. Respecting the boundaries of political subdivisions (e.g., school attendance areas, city boundaries, precinct boundaries, etc.).
9. Use of whole Census geography (e.g., Census blocks).
10. Avoiding head-to-head contests between incumbents.
11. Anticipating future population shifts.
12. Districts may establish other criteria to address unique local concerns.

# Redistricting Criteria (continued)

## *Forbidden Considerations:*

13. May not use race as “predominant” factor, unless there is a “compelling state interest.”



Possible types of communities of interest (secondary school districts and cities), along with current trustee areas:

*We checked Census 2010 data for the current Hartnell trustee areas, and found that the plan deviation exceeds 10%. Redistricting is required.*

Trustee Area	Population	Deviation	% Deviation
1	35,690	-1,804	-5%
2	38,367	873	2%
3	35,411	-2,083	-6%
4	36,348	-1,146	-3%
5	35,291	-2,203	-6%
6	42,871	5,377	14%
7	38,481	987	3%
	262,459	7,580	20%

 Overpopulated  
 Underpopulated

Note: These data exclude inmates.

# The Redistricting Process (continued)

1. Board authorizes formation of a citizens redistricting advisory committee, which may consist of individuals *broadly representative* of the community (both geographically and in terms of various communities of interest):
  - a. *Two members appointed by each current Trustee.*
  - b. *Additional members representing various community groups (suggestions follow).*

# The Redistricting Process (continued)

*b. Groups that might be asked to provide a representative include:*

- *LULAC*
- *NAACP*
- *Filipino American Association*
- *League of Women Voters*

# The Redistricting Process (continued)

## 2. Committee will:

- **Discuss redistricting criteria, including**
  - **Types of communities of interest to consider (K-12 districts, city limits ...)**
- **React to plans prepared by demographers and suggest plans,**
- **Meet in various communities throughout the college district to receive public input about proposed plans,**
- **Decide which plan(s) to recommend to the Board.**

# **The Redistricting Process (continued)**

- 3. New plan is adopted by the Board before March 1, 2012.**
- 4. Preclearance submission is made to U.S. Department of Justice**
- 5. If precleared, new plan goes into effect in time for the next candidate declaration deadline (July 2013).**

# Questions?

*Hartnell CCD Census 2010  
Trustee Area Redistricting*

*Shelley Lapkoff, Ph.D.  
Jeanne Gobalet, Ph.D.  
Lapkoff & Gobalet  
Demographic Research, Inc.*

*April 5, 2011*