1. **Public Session Call to Order**
The meeting was called to order at 4:30 p.m. in the Board Room at the Tri-College Center, Merced College Main Campus.

2. **Closed Session Items**
The Board President referenced the item to be presented during closed session then closed the meeting to the public; the closed session item is listed below:

   • PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

3. **Resume Public Session**
The public session reconvened at 5:00 p.m. Chris Denney led the Pledge of Allegiance.

   **Members Present:** Eugene J. Vierra (Board President), Robert Haden, Jinet Troost, Eva deLong, Jim Glidden, Les McCabe, Chris Denney (for student trustee Adrienne Garcia)
   **Members Absent:** Lew Braxton

   **Others Present:** Ben Duran, John Spevak, Anne Newins, Larry Johnson, Dave Younger (architect), Susan Coston (Merced County Office of Education), Jem Brown and Isais Franco (Merced Irrigation District), Caren Col-Hamm, Gary Gargano, Bobby Gregory, Douglas Kain, Salvador Severo, Janice Stearns, Michelle Pecchenino, Norena Badway (SLO Consultant), Vince Piro, Jeremy Mumford (Faculty Senate), Wilma Prine (Classified Senate), Sherry Elms (CSEA), Mike Cuchna (Management Council)

4. **Hearing of the Public**
An opportunity was provided for members of the public to address the Board on matters of general district business; there were no comments or questions from the audience. At this time, Dr. Spevak introduced Marnee Chua, newly appointed Director of Community Services, who he feels brings a diverse background and wide range of experience to the position.

5. **Additions and/or Changes to the Agenda**
The Board President moved forward on the agenda item 7(a), action on the Accreditation Program Report. Vince Piro, SLO Director, discussed progress to date in addressing the two major recommendations/concerns cited in the Accrediting Commission’s letter of reaffirmation.
In the area of program review, four instructional programs have completed their review, five more will be completed by the middle of February and 11 are underway. All instructional programs are scheduled for review over the next four years. Jim Bonstein, Program Review Coordinator, has developed an Instructional Program Review Handbook to assist faculty in completing the process. In the student services area, Betsy Donovan has been identified as the student services coordinator for program review. She is presently developing a handbook for student services similar to the Instructional Program Review Handbook. In addition, there are 19 support service programs that combine elements of instruction and student services which are scheduled to undergo the program review process.

In the area of student learning outcomes (SLOs), there has been a great deal of progress made. At the end of the spring 2005 semester, every program (defined as an Associates degree major or certificate or completion) had established program-level outcomes. To begin integrating the SLO Assessment Cycle into courses, the college decided to focus on those courses which impact the greatest number of students. As a result, faculty developed a list of 60 high impact courses. During the fall of 2005 faculty decided on an SLO to assess for each course, assessed whether students had met the SLO, and collected the assessments. During the spring of 2006 faculty will analyze the assessment feedback, decide on a plan of action to improve results, and prepare to reassess the outcome. After feedback is received regarding the SLO Assessment Cycle, the SLO Advisory Committee will develop guidelines for implementing SLOs into all courses.

Assisting with the SLO process has been Norena Badway, consultant from the University of the Pacific. She has been working with community colleges throughout the state as they attempt to catch up with the rest of the nation in terms of making sure students are learning what they are being taught. She said Merced College’s SLO process is moving along well and that Merced is one of three colleges they may use as a “promising practices site.” Further, she said “Merced College is meeting the letter, as well as the intent, of the SLOs.”

Faculty Senate has been involved in both processes and has been one of the factors behind the enormous drive by faculty to move program review and the SLO process along. Much of what is being done in both areas is posted on mc-net for all to read. Because these are open processes, every effort is being made to keep the campus informed of progress in both areas.

Trustee Glidden asked for a report on the college’s progress in structuring a leadership development program for student involvement in the college shared governance process; this was another recommendation cited in the accreditation report. Dr. Newins said she would be prepared to respond at the next meeting of the Board.
MSCU (Haden/Glidden) to approve the accreditation progress report for submission to the Accrediting Commission; the student advisory vote was aye.

6. **Presentations**

   a. **Presentation of Book by the Merced County Section of the National Council of Negro Women**
   
   No one was in the audience to make the presentation.

   b. **Outstanding Student of the Month Award**
   
   Instructor Stacey Roduner introduced Heather Munoz, outstanding student for the month of February. Stacey said she was particularly impressed with Heather’s perseverance and dedication to her studies. Heather excelled in developing activities for young children and was able to take theoretical perspectives of child development and implement them in the classroom. Heather accepted the award and said she has enjoyed her time at Merced College. She hopes she is setting a good example for her children and letting them know that you are never too old to learn.

   c. **Presentation of IAC Design Award and Update on Facilities Projects**
   
   Architect Dave Younger informed the Board of an award Lionakis Beaumont Design Group received for design excellence from the American Institute of Architects for the design of the college’s Interdisciplinary Academic Center. A commemorative award and photo of the IAC Complex was presented to the Board.

   Dr. Johnson distributed an update on the college’s various facilities projects. Mr. Younger spoke on each of the projects underway; a summary of his comments is provided below.

   - **Learning Resource Center:** the project is slightly ahead of schedule and is on budget. Progress on this project has been very good.

   - **Los Banos Campus:** Bad weather slowed the project for a time but the trades are back on site full time. The biggest challenge at present is finalizing items with CalTrans. When the LB Campus had to be value engineered, one of the buildings cut out of the project was the Child Development Center. Through a partnership between Merced College and the Merced County Office of Education (MCOE), MCOE is in the process of planning an early childhood education center which will be located at the new campus. Discussions are underway to determine the location of the center at the site. Susan Coston, representing MCOE, was on hand
and distributed a summary of the proposed project. The facility will serve 98 children (3 months to six years of age) and will include special needs children. MCOE and the college presently work together to include special needs children in the college’s current child development program at the main campus. Implementation of the plans being developed will depend on the sufficiency of funding.

**Business Resource Center**: With the identification of a new hotel developer, the City of Merced and the college are moving forward with this project. The design work is almost complete; plan design will be presented to the City Design Review Board next week for approval. Floor plans for the college’s portion of the project were displayed. Documents will be submitted to DSA in March. It is hoped the project will be bid in August, with a completion date of fall 2007.

**Science Building Remodel**: The problems with the Department of the State Architect have been resolved. The District is now waiting for approval from the Chancellor’s Office to proceed. It is hoped the revisions will bring the project in closer to budget when it is bid in the next 30-60 days. Construction could start as early as this summer.

**Lesher Building Remodel**: This project is “budget strapped”; therefore, the District is discussing with the Chancellor’s Office the possibility of delaying the project one year, which will increase state participation as much as an additional 30 percent. Because this is a secondary effects project, work can’t begin until the Library has moved to its new location, and in the end may delay the project only about six months.

**Allied Health Center**: This project is proposed for inclusion in the 2006-07 budget. Preliminary plans for the building will begin this summer.

**Ag/I.T. Building**: This project has been approved to move forward to the Final Project Proposal stage which will be submitted to the Chancellor’s Office by July 1, 2006.

The Ag/I.T. Building is the last building on the bond project list. Projects have moved forward much more rapidly than had been anticipated. The last of the work on the campus will consist of renovations and modifications to existing buildings. Dr. Johnson reminded everyone that funding for the projects is tied to the college’s enrollment, as well as funding of future state bond measures.

d. **Presentation by Merced Irrigation District**
Dr. Johnson reminded the Board that in 1999 the District moved from PG&E to M.I.D. as its power supplier. Since that time the District has
saved just over $750,000. Jem Brown, general engineer in the electrical department, provided background information on M.I.D. and its operation's from the early days to the present. Because of energy savings measures the college has undertaken in recent years, Jem Brown and Isais Franco presented Dr. Duran a check from M.I.D. in the amount of $31,770.

7. To the Board for Discussion and/or Action

b. Granting of Tenure
Dr. Johnson presented the names of eight faculty members recommended for tenure. Dr. Spevak introduced faculty members Caren Col-Hamm (nursing), Gary Gargano (psychology), Bobby Gregory (public safety), Douglas Kain (biotechnology), Jeremy Mumford (English), Michelle Pecchenino (foods/nutrition), Salvador Severo (coaching/health), and Janice Stearns (nursing). MSC (Haden/Glidden) to grant tenure to the instructors named for the 2006-07 academic year and all subsequent academic years. Trustee Troost read a statement outlining her reasons for opposing the practice of tenure which she feels is archaic and stated her no vote was not a reflection on any of the individuals recommended for tenure. The student advisory vote was aye.

A short break was held to allow trustees an opportunity to personally congratulate tenured faculty. The meeting reconvened at 6:10 p.m.

c. Approval of Revised Hazardous Substance Removal Project to Allow for Emergency Replacement of Water Recyclers
MSCU (McCabe/Glidden) to approve the revised hazardous substance removal project to allow for the replacement of water recyclers; the student advisory vote was aye.

d. Approval of Project Change Orders
Dr. Johnson corrected a figure on page 26 of the agenda to the correct the amount for Change Order #10 to $7,065.67. MSCU (Glidden/ McCabe) to authorize and approve the change orders for ongoing facility projects; the student advisory vote was aye.

MSCU (Glidden/Haden) to declare certain equipment no longer suitable for educational purposes and to authorize the administration to dispose of same by sale, trade-in, re-donation, or disposal; the student advisory vote was aye.

8. Consideration of Consent Agenda
Trustee Glidden removed item “g” from the agenda for discussion. **MSCU (Haden/Glidden) to approve items a through f and h as summarized below; the student advisory vote was aye.**

a. Minutes for meeting held January 10, 2006
b. Warrants, Payroll Registers and Trip Requests as Summarized on Schedule 06-25

c. Resolutions 06-83 through 06-87, Intrabudget Transfers
d. Resolutions 06-88 through 06-91, Use of Unbudgeted Funds
e. Personnel Schedule 06-26
f. Donation acceptance -- lithography press from CSU Stanislaus Art Department
h. Purchase Orders as Summarized on Schedule 06-28

Trustee Glidden withdrew his request to pull item “g.” His question pertained to an item appearing on the Personnel Schedule which he said he would discuss with the administration after the meeting. **MSCU (Haden/Glidden) to approve Curriculum Revisions as Summarized on Schedule 06-27; the student advisory vote was aye.**

9. **To the Board for Information**

   a. **Funding Plan for Retiree Health Benefits**

   Dr. Johnson reminded the Board that the Governmental Accounting Standards Board (GASB) will soon require accounting for the costs and liabilities associated with retiree health benefits on an accrual basis. To comply with this requirement, retiree health benefits costs will have to be pre funded -- funds will have to be set aside and earmarked for retiree benefits while employees are still actively employed. In the past the District has handled this item on a pay-as-you-go basis.

   Dr. Johnson discussed a possible plan for funding the District’s liability. An actuarial study completed in September 2005 indicates the District would be required to make an annual contribution for the active employee liability and another contribution to cover the past service liability. This year the District has budgeted $2,130,686 for retiree health benefits on a pay-as-you-go basis; therefore, the total additional required contribution would be $1,073,861. If the plan is implemented this fiscal year, the District would assess a premium equal to $1,045 for each active employee and set aside $635,199 of one-time dollars to meet the past service liability obligation. The District would be required to adjust the annual contribution based upon the results of a biennial actuarial study. This plan would fund the $63 million unfunded liability, as well as fund the liability for current employees. The item was presented for information only.
Trustee Haden asked for clarification of who would be responsible for these funds. Dr. Johnson’s response was that it would be the JPA board not the college board that would oversee the fund. He stated further that documents are forthcoming from the JPA and that they would be shared with the Board at a future meeting.

10. Information & Questions

a. From Board Members

Trustee Glidden was extremely impressed with the Brubeck Quintet concert sponsored by the college’s performing arts department. Students from UOP performed songs by the legendary Dave Brubeck. The evening performance was preceded by an all day workshop for MC students. If another opportunity presents itself for this group to appear, he encouraged all trustees to attend.

Chris Denney explained that Adrienne Garcia had to work and was unable to attend, therefore, he was asked to fill in. Students had a very successful student-to-student book sale; over 100 students were served. Students are working on revisions to the ASMC Constitution which will be brought to the Board of Trustees at a future meeting. Students are very excited about working with the administration to plan for a student leadership conference on March 31. Students are also developing ideas for increasing student body card sales.

Trustee McCabe had several questions for the administration. Dr. Newins responded to his question about enrollment and said there had been only a slight increase this semester but that census figures are not in yet. Dr. Duran added that he will spend Wednesday of this week in Sacramento serving on the Chancellor’s Budget Task Force which is discussing how best to redirect growth dollars this year because colleges across the state are not having the significant growth of past years. Dr. Duran responded to the tumble weed question and said someone would remove the tumbleweed from the old almond orchard. Dr. Duran also responded to the question regarding an incident that occurred at a recent basketball game which required intervention by campus security. He said the athletic department did not feel the kind of security that had been provided in the past was needed. The recent altercation would indicate otherwise, and in the future, security will be present at athletic events. In response to the question about the college taking over the local symphony, Dr. Spevak responded to Trustee McCabe that although Mark Doiel has a concert band in place which is doing quite well, John would ask Mark about the possibility of creating a college symphony.

Trustee Vierra attended an obesity symposium at which the United States Surgeon General was the keynote speaker. Because this is a national
concern, he asked if perhaps there were some things the college could do in the area of health education to make people aware of this growing epidemic.

The other trustees had nothing specific to report.

b. From Faculty Senate
Jeremy Mumford reported the Senate is drafting a resolution encouraging the administration to keep classes on the schedule that are needed in a particular program to finish that program. On occasion, these classes are cancelled because of low enrollments, which pose a problem for students trying to complete a specific program. Senators recently heard a presentation by the Bookstore Manager regarding issues surrounding textbook orders and difficulties posed when instructors' booklists include texts with CDs and other add ons. The add ons in most cases increase textbook costs substantially which ultimately means a financial burden on students. The Senate is involved in planning a cultural diversity event at the campus and is seeking input/ideas from the college community. In the future, plans are to organize teaching circles or teaching communities to give faculty a forum to discuss current issues and for sharing information and best practices. Dr. Duran asked if there had been discussion locally or at the state level regarding increasing the math and English requirements. Jeremy responded that there had been a great deal of discussion at both levels. Locally, the math department feels the math requirement should be increased over the course of several years. However, the humanities faculty voted not to increase the English requirement.

c. From Faculty Association
No one was present to report.

d. From Classified Senate
Wilma Prine said the organization is discussing ways of increasing staff participation at meetings. The Senate will continue to fund a scholarship in the amount of $300 through the College Foundation. At present, nominations are open for this year’s Outstanding Employee of the Year.

e. From CSEA
Sherry Elms reported the new members of the executive board have been busy attending CSEA sponsored meetings to acquaint themselves with the responsibilities of their positions. The first executive board meeting of the year will be held later this week. CSEA will continue to fund two scholarships through the College Foundation.

f. From Management Team
Mike Cuchna reported the first Management Team meeting of the spring semester will be held later this week. Dr. Johnson will present an in-service regarding the hiring process.

g.  **Superintendent's Report**
Dr. Duran had nothing specific to report.

h.  **Correspondence**
None

11.  **From the Board for Discussion and/or Action**

a.  **Athletic Travel and Transportation**
The Board President opened the discussion and asked who had requested the formation of the committee which studied this issue. Trustee Glidden said he had been asked by then Board President Les McCabe to chair a committee to look into the issue of athletic travel and transportation. Other members of the committee included Steve Cassady (Athletic Director), David Galan (Lead Automotive Mechanic), Rick Souhrada (Director of Maintenance), and occasionally Larry Johnson (VP Administrative Services). Trustee McCabe said he felt the Board had a moral and legal obligation to look into the matter and he took it upon himself to appoint a committee to research the issue.

Trustee Haden questioned the appointment of a committee to study this issue because he did not recall the Board having given this direction. Several of the other trustees also questioned the direction this issue had taken. Discussion followed and it was the consensus of the Board that an individual trustee, nor a board president, has the authority to appoint a committee without the advice or consent of the rest of the Board.

Trustees were interested in hearing the committee’s recommendations and asked Trustee Glidden to share the committee’s findings. Trustee Glidden said the current situation arose when state law required a Class B license to drive a 14-passenger van. Because the college didn't have drivers, the 14-passenger vans were sold. Only those vans that could be driven with a regular driver’s license were kept in service. There were still no drivers for the vans so the coaches and/or members of the team now drive the vans for out of town athletic events. Trustee McCabe’s concern arose when he was told that teams travel to and from athletic events all in the same day, with many of the destinations 100 miles or more. Given the level of play and the exhaustion factor which results, Trustee McCabe felt this posed a possible liability issue for the District. If the District were to contract out the transporting of teams to athletic events, it is estimated an augmentation of approximately $50,000 a year to athletic travel budget
would be needed. Transportation is presently contracted out for football, basketball and baseball. Trustee Glidden recommended:

- that more than one estimate for providing transportation be solicited;
- that the request include an estimate for trips of 100 miles and 200 miles; and
- that the Athletic Director go through the CBRR budget process to request a budget augmentation rather than going direct to a member of the Board.

David Galan mentioned that this is a campus wide issue in that other faculty members often travel distances of 100 miles or more for class settings and that this group should not be left out of whatever research or action is taken.

Trustee Glidden suggested the administration look at how other districts in MC’s athletic conference handle this issue. Trustee McCabe would like to know how other CEOs in the Central Valley Conference feel about this issue. It was also suggested the VIP JPA be contacted for whatever information they may have on this topic.

There was general agreement among members of the Board that staff need to go through channels and not direct to the Board on issues for which a process is in place.

b. Discussion of the District’s Equivalency Process and Compliance with Ed Code Requirements

In response to a question raised by Trustee McCabe several meetings prior, the administration contacted District Counsel and requested a legal opinion regarding the District’s hiring procedure for adjunct faculty. A copy of the legal opinion was distributed to members of the Board. Dr. Spevak referenced Board Policy 4305 which was adopted by the Board on May 1, 1990. When the District undertook a revision of its policies and procedures, Board Policy 4305, essentially unchanged, became Administrative Procedure 7211 on August 5, 2003; this change was done after a review by the college’s Academic Senate and the Board of Trustees. The District’s legal counsel states “With regard to applying this Administrative Procedure, Section 14 of Article IX of the California Constitution authorizes community college districts to initiate and carry out any activity which is not in conflict with, or inconsistent with, or preempted by any law, and which is not in conflict with the purposes for which community college districts are established. Pursuant to the authority provided by this provision of the California Constitution, community college governing boards, including the District’s Board, have delegated to the administration duties accorded the Board by law. Among these duties is the duty to make determinations regarding equivalency hiring decisions. This delegation has been made at Merced College by way of Board Policy
An equivalency committee, comprised of faculty and the VP of Instruction, rather than the Board of Trustees, determines faculty equivalency at Merced College.

Trustee McCabe disagreed with the opinion citing as his basis a letter written December 11, 2002, by then California Community Colleges General Counsel Ralph Black stating that “both the Education Code and Title 5 implicitly require that the board’s action identify the individual who is being hired on the basis of equivalencies (. . . the determination shall be reflected in the governing board’s action employing the individual. Accordingly, it is not enough for a district to merely verify that it has applied its equivalency process; that is a basic requirement in any event.”

Trustees Haden felt it was incumbent on the Board to follow the advice of the District’s counsel. The Board President concurred with Trustee Haden and asked that an action item be placed on the next agenda regarding equivalency and whether the advice of the District’s Counsel is to be followed.

12. Future Discussion Items from Board Members

Trustee McCabe asked for a report on the progress the administration is making in moving toward having an Associate Degree available online, including what the cost would be.

Trustee Glidden asked for a report on the college’s progress in structuring a leadership development program for student involvement in the college shared governance process.

The meeting was adjourned at 7:30 p.m.

Approved

Secretary to the Board of Trustees