

**BOARD OF TRUSTEES  
LONG BEACH COMMUNITY COLLEGE DISTRICT**

**Minutes of Meeting of  
March 27, 2001**

The meeting of the Board of Trustees of the Long Beach Community College District, County of Los Angeles, California, was held in Room 101, I Building, Liberal Arts Campus, 4901 East Carson Street, Long Beach, on March 27, 2001.

**CALL TO ORDER**

The meeting was called to order at 5:15 p.m., the items to be discussed in closed session were announced, and the meeting was adjourned to closed session.

The meeting was reconvened in open session at 6:07 p.m. in Room 101. President Polsky reported that, in closed session, no action was taken.

**PLEDGE OF ALLEGIANCE**

President Polsky led the Pledge of Allegiance.

**ROLL CALL**

Present:           President Polsky, Vice President Clark,  
                          Member McNinch, Member Thorpe, Member Uranga  
                          and Student Trustee Magsaysay

**WELCOME AND INTRODUCTIONS**

President Polsky welcomed Pat McKean and his Beginning Newswriting students from LBCC and Cal State, Long Beach.

**Report on Sheet Metal Sculpture: School-to-Career Grant**

Dr. Pauline Merry introduced Tom McKibben, Professor, Sheet Metal, who introduced student Steven Elicker who reported on the sheet metal sculpture: school-to-career grant. Mr. Elicker designed the exhibit and stated that LBCC sheet metal students built the sculptures and Millikan High School geometry department, headed by Cindie Forrest (who was also introduced), positioned them on the ground. Millikan High School student Antonio Catalan presented his video of the students building the artwork.

**APPROVAL OF MINUTES**

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President Polsky: Is there a motion for approval of the minutes of February 27, 2001?

It was moved by Member Uranga, seconded by Member Clark, that the minutes of the meeting of February 27, 2001, be approved as distributed. The motion carried, all voting aye.

Member Thorpe: On page 6, I'd like to change a couple of words. I, by the way, faxed this in to Ms. Bradshaw and the second paragraph, second sentence should say, "by a member of this Board." Then it goes on and it should be "'the' mediator," not "'a' mediator." And there should be a semi-colon there, "but, it," and "it" that takes the place of "who." So it should read, "but it is alive and well....."

That's the first change. The second change is on page 25. It should be, "He's the guru to the Senate's Higher Education Committee," and that's in response to Ms. Albrecht.

It was moved by Member Clark, seconded by Member Uranga, that the minutes of the meeting of March 13, 2001, be approved as amended. The motion carried, all voting aye.

**ORDERING OF THE AGENDA**

Member McNinch: I want to pull, for comment, 5.2.

**REPORT OF BOARD OF TRUSTEES**

It was moved by Member Clark, seconded by Member McNinch, that the Board of Trustees submit the following names for the CCCT Board of Directors:

- \*Don L. Jenkins, Rio Hondo CCD
- \*Michele Jenkins, Santa Clarita CCD
- \*Maria Nieto Senour, San Diego CCD
- \*Mark Takano, Riverside CCD
- \*Luis Villegas, Santa Barbara CCD
- \*Charles H. Hayden, Jr., Desert CCD
- \*Tom Clark, Long Beach CCD
- \*Mary Mason, Foothill-DeAnza CCD
- \*John Moore, Cerritos CCD
- Georgia L. Mercer, Los Angeles CCD
- \*Anthony E. Bugarin, San Joaquin Delta CCD

\*Incumbent

The motion carried, all voting aye.

**STUDENT TRUSTEE**

No report.

**PUBLIC COMMENTS ON AGENDA ITEMS**

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President Polsky: At their request, members of the public may address the Board of Trustees on any item prior to or during the Board's consideration of that item. A five (5) minute time limit will be allotted to each speaker, with a maximum of twenty minutes for each subject, unless extended by the Board President.

Gene Goss: Board President Polsky, Members of the Board, Assembled Guests: First, on behalf of the faculty, I'd like to express our best wishes to President Kehoe for a full and speedy recovery. I look forward to sparring with her and cooperating with her in the future as situations warrant.

I want to keep my remarks short and sweet tonight. We have several faculty speakers who will each try to express the state of things here at the college and what should be done about it.

I speak from the heart when I say that this acrimony and divisiveness is not what anyone in this room wants.

I come to these Board meetings every two weeks and sit and listen. I have heard board members and administrators speak of the "Family at Long Beach City College" on numerous occasions. But you know, I wonder if you realize that this family you speak of are the folks sitting and standing here in this room and out in the parking lot tonight. This family of faculty, staff and administrators is reeling right now. Faculty and staff are hurt, confused, dumbfounded, and, frankly, very angry. They do not understand why they are being treated in such a non-collegial and non-family-like way.

This contract could have and should have been settled by Christmas. That was our intention anyway. I have learned the hard way that foot dragging and stonewalling seem to be acceptable negotiation tactics here at Long Beach City College. How sad and unnecessary. Last week, finally, we were pleased to see that you were listening when we asked for a new mediator. And, though the new mediator did set a much better tone in the last mediation meeting, no increased salary counter-offer was forthcoming from the administration. Our next mediation is this Friday the 30<sup>th</sup> and, short of a significant, reasonable salary counter-offer, our negotiators will demand fact-finding from the new mediator. This means that for all practical purposes, we will all be here next September in a continuing escalating environment.

CCA is willing to wait that long and longer if need be, to receive a fair and just settlement for our members. The question I have for you tonight is: Are you willing to wait that long and put the college through months of increased rancor and acrimony?

We have been out in the community going door to door in your districts, and the public is telling us that they expect you to settle this soon. Nobody in Long Beach likes this situation. Period.

A word about our colleagues in the classified staff. If I had been waiting three years to settle a contract to get a raise in pay, and if my members were being faced with a loss of benefits, I can't say what I would do. I haven't always agreed with the tactics of AFT, but I stand here tonight and lend CCA's full and unqualified support to AFT's request for

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a fair and just salary increase. Without the classified staff this college could not function. It is critical that they be compensated fairly and treated with the respect befitting the commitment they have made to this college.

Thank you for allowing me to speak tonight. (applause)

Larry White: My name is Larry White. I am a faculty member and Chair of Art & Photography at Long Beach City College. Upon entering the college through the main entrance, there were once photographs of persons who were acknowledged as being "Outstanding Colleagues," individuals credited with making exceptional contributions to the college. I am very proud that I have been among those so honored. I have always tried to maintain a serious commitment to excellence at Long Beach City College. I spoke to this body in 1997 regarding contract negotiations and am sorry that circumstance has brought me here again. Long Beach City College is a great school, as Trustee Polsky has said, we are Number One. How, one may ask, has this excellence been achieved and measured?

Whenever the quality of a school is discussed, the two determining criteria are students and faculty. Everything else is in place to allow this symbiotic relationship to flourish. When you strip away everything to the essential, there is the one-room schoolhouse, the teacher and the student. If we are indeed Number One, it is because of the faculty and students.

Long Beach City College has exceptional programs. Programs are developed by faculty. Their quality is based upon the instruction given, relevance, and student achievement - the direct result of faculty.

Long Beach City College has outstanding students. They are considered that through what they have learned in classes taught by faculty.

You are Trustees and as such your charge is to keep this institution strong, regardless of your personal feelings about constituent groups. A hallmark of strength is fairness.

What we the faculty are asking for is fairness and equity. The administration at LBCC is among the highest paid in the state, yet the other constituencies on campus are among the lowest. How can this disparity be justified? By what standard does the administration warrant such salaries if they cannot at the least maintain the morale of the institution. I say maintain, because when I was hired twelve years ago everywhere I went on campus I was greeted with the almost Stepford-like, "You'll love it here, no one ever leaves." I don't hear that anymore; what I hear now is the grumbling of discontent. In my tenure I have never seen morale lower than it is now. How can we, working together, rebuild what has been lost in order to keep this school strong? We must have parity and we must be fair.

We must attract the best in both students and faculty. To attract students, you need strong academic programs. For strong programs, you need exceptional faculty. To attract exceptional faculty, you need competitive salaries. The college will be hiring over

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thirty new faculty members this year, and we need to get the best. Let's do something to insure that we maintain our quality, let's get competitive.

In 1996 the Accreditation Committee lauded the quality of the faculty and programs at Long Beach City College. The Committee pointedly recommended that the college had a substantial budget and should use it. The college has made a written pledge to the faculty that our salaries would be competitive. Eleventh in a field of eleven is not competitive, it is last.

I ask you, what pride can you take in saying "I am a trustee of Long Beach City College which has among the worst paid faculty and staff in Southern California." (applause)

Julian DelGaudio: I wore my academic garbs today because we were asked to demonstrate to you that we were serious about our commitment to bringing these negotiations to a favorable conclusion, and I hope that we've dispelled any illusions that you may have that we are a divided faculty or a conflicted faculty. We are united in our conviction that we will receive a well-deserved raise in this institution, and I hope you understand that.

I want to tell you that I've given the last ten years of my life to Long Beach City College. I don't think that anyone can question my commitment to this institution and I decided that I'm going to picket, I'm going to support this and I will continue to do what the union asks me to do to make the point to you that you need to bring these negotiations to a conclusion. We need some kind of a resolution, but one that acknowledges the contributions that the faculty have made and the well-deserved raise that we would like to see.

Now, I'm a pretty frustrated individual at this point and it's demoralizing to know that I had to teach 15 classes last year in order to make ends meet in this community. It's demoralizing to sit on the Senate week after week, going to meetings, and know that we're not listened to, that shared governance is often violated by this institution. It's demoralizing to spend hour after hour in committee meetings of the Academic Senate Executive Committee, of which I am a member, because I'm the Treasurer of the Senate. It's demoralizing to have to be on committee after committee and not have our contributions acknowledged, especially in the realm of decent pay. I'm a member of the Academic Council because I'm on the Academic Senate Executive Committee. I'm a member of the Hiring Priorities Committee of this institution, because of my membership on the Senate Executive Committee. All of those hours and hours of meetings; hours and hours of discussion about how to make this a better institution. I'm also committed to the planning process here. I'm on the Instructional Planning Committee. More meetings and more discussions on how to make this a better place. I'm an Affirmative Action Officer on a hiring committee, because I think that affirmative action is an important thing that we need to have here at Long Beach City College. We need to change our hiring practices.

I am a sponsor of student clubs. I am a sponsor of the Culture Junction Club, which is the hip-hop club here on campus. I sponsor the Democratic party club here on campus. I sponsor two clubs, not one, not zero.

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Did I mention that I have an international student at Long Beach City College living with me in my house and he's been with me for a year and one-half. I have a reading circle that I meet with twice a week with my students to go over difficult tests so we can do close textual analysis, so they can improve their understanding of the things that I think are important to learn in the History classes that I teach.

I'm also a member of the union here at Long Beach City College. I am the union rep for my department. In addition to all those responsibilities, I am the co-chair of the steering committee for accreditation here at Long Beach City College and accreditation is something that I have a long commitment to. I made a six-year commitment to this process to get us the best kind of report that we can produce about the institution that we are and what we accomplish. And, I have to say that I am very fearful of what's happening with our accreditation process because, I don't know if you're aware of this, but faculty have withdrawn from the accreditation process. They are not participants in it. Accreditation is going to involve us in an institutional report. That means everyone's got to make a contribution. Everyone's got to get involved in describing what we do, evaluating what we do, and making the recommendations on how to make it better. And the faculty aren't part of that. So that's a ticking time bomb at this institution. We won't have the time to put out a good report unless we settle these negotiations and get faculty back involved in that process.

So, it's a frustrating time. And I want to say one more thing about this. That if your intent is to have the best institution that we can possibly be, then you're going about it in a way that's producing the opposite result. If you produce frustration and anger and demoralization for the people who are most committed to your institution, then you won't have people who are committed to your institution. You'll produce the opposite. You'll produce the dead wood that some Board members I've heard have complained about here at Long Beach City College.

So, I think that's a self-fulfilling prophecy. We really need to sort of step back, recognize that this institution is more important than any individual agenda and we need to pay our people the money that they deserve. Thank you for listening to me. (applause)

Sofia Beas: Good evening members of the Board of Trustees, staff, community members, my fellow faculty, and most importantly, students.

First of all, I would like to introduce myself. My name is Sofia Beas and this is my ninth year at LBCC as a Counselor and my tenth year in the community college system. I was a member of last year's negotiation team, and I am now proud to represent the LBCC Community College Association at the negotiation table as the Chief Negotiator. Fortunately, Craig Hendricks also continues to share his expertise as a member of the negotiation team.

In 1999 the District had agreed that it would review the analytical data of salaries at ten selected community college districts. This data would be used "...as part of an attempt by the District to keep the average faculty salary at the fourth of the districts surveyed..."

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This fall semester 243 faculty members responded to a faculty salary survey, a massive 81% responded. A preponderant number favored a double-digit raise in salary. Fully 90% selected a double-digit raise. Obviously a solid and clear consensus exists among full-time faculty members with respect to the direction of salary increases to be bargained for by CCA.

In September the District negotiators informed us that any salary proposal would be attached to an accountability or productivity models. For months we asked for this actual accountability or productivity models. The District finally responded on January 26. This salary proposal was attached to over 19 new items which had not been previously discussed in negotiations. CCA had not been provided with any reason or rationale and viewed this as a regressive offer and evidence of not negotiating in good faith.

On March 9, the District has finally confirmed only three of the 19 previously listed items as being the "productivity" model.

CCA acknowledges the obligation to go back to the original contract and impasse language. In the contract that expired September 30, 2000, the District and CCA agreed in good faith to an "...attempt by the District to keep the average faculty salary at the fourth of the districts surveyed for the following year," but this agreement was not in any way related to an accountability nor a productivity model.

Our request for a fair and equitable salary is also based on the following:

- The District's 2000-2001 beginning balance of \$11,623,168 underscores its ability to pay faculty a double-digit increase.
- Also, the District's current budget, which includes:
  - 4.17 percent COLA
  - 3 percent growth
  - \$4,779,652 from Partnership for Excellence.
  - And, \$1,614,777 designated for contract and hourly faculty salary and benefit adjustments.

On December 15, the District and CCA agreed to Impasse. The appointed mediator's role is to listen to both sides in an attempt to come up with a resolution to get us back to the bargaining table. At this point mediation efforts have been frustrating.

The current District faculty salary proposal of a 6.5% salary increase would rank faculty at 5<sup>th</sup>, 7<sup>th</sup> and 6<sup>th</sup>, respectively, and would not effectively put the benchmark schedules above the fourth position for LBCC faculty. This unfair and inequitable salary increase would not respond to the District's earlier commitment to keep LBCC faculty salaries "competitive."

A minimum of a 10.36 percent salary increase would be required to keep the average faculty salary at the previously agreed to fourth ranking.

Aside from these numbers and contract language, I wanted to add my personal perspective as Chief Negotiator of what we have had to work with negotiating across the table from the District.

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Last year, we had many last-minute cancellations of meetings and we received the first District proposal the day after graduation.

This year, we have dealt with ambiguous proposals, inaccurate information, and the refusal to abide by contract language.

And during Impasse, we have had numerous hours of Craig, Margaret Hoyos, our CTA staff person, the PERB Mediator, and myself, waiting around for the district negotiators to prepare their proposals.

Our recent meetings have proven even more frustrating, with the District negotiator and lawyer becoming emotional and disrespectful.

On September 30, 2000, our contract expired. As of October 1, all full-time faculty have been working without a contract. We are currently ranked last as compared to the other ten local community colleges.

At this point the current district offer is neither fair nor equitable.

The LBCC District's financial profiles as reported to the State clearly show a District that is financially secure with yearly ending balances that reflect this overall health.

It is time for the Board of Trustees to start listening to the faculty, students, and the community and demand that a contract be bargained that reflects the level of quality education Long Beach City College faculty deliver every day.

LBCC faculty deserve better! (applause)

Miguel Contreras: Good evening members of the Board. My name is Miguel Contreras and I serve as the Executive Secretary/Treasurer of the Los Angeles County Federation of Labor - AFL/CIO and, in that capacity, I'm here tonight to address this board. We represent in the County of Los Angeles 810,000 union members and their families, 130,000 who live in the Greater Long Beach Area. So we're here because there is a real crisis in front of us that we want to help resolve with you.

We represent a lot of workers who work under contract at McDonnell Douglas, at the refineries, under the Pace contract, or at the Port of Long Beach under a contract with the Longshoremen's Union, and so we have quite a number of union contracts in this area and we look toward community colleges as the real college of working families. This is where working families send their children for higher education. This is where workers come to be retrained. So we think that community colleges, wherever they're at, are key to working families to move forward. And, so, I'm here tonight in that capacity to urge you to help resolve the situation of both the teachers and classified in this area.

We know very well that we're at the crossroads and we've been at the crossroads with many employers in this county in the last 24 months and I'm here in the capacity of the

chief labor person in this county to urge you to take the high road and not the low road. Because when employers take the high road we resolve operations.

Staples Arena had no union problems because it took the high road. Just a few miles north of here the airport workers resolved their problems because both the employer and the unit took the high road and worked things out. There was common decency at the bargaining table and a common mutual respect at the bargaining table. But when there's a low road, then things go awry and we saw it last year and I was involved in every single one of these strikes, and that's why I urge you not to take the low road. I was involved in the janitors' strike last year where we had 7,000 janitors striking for 23 days. I was involved in the Screen Actors Guild in Hollywood against the advertisers and we had thousands of actors out on strike for many days and, of course, I was the lead negotiator in the bus drivers' situation at the MTA which was shut down for 33 days when people took the low road. And, so, I'm down here because one of my affiliates is here, the AFT, and their contract, and this is the first time to address this prestigious board and I'm here to urge you to do all you can to take the high road. Send in your negotiators, send in negotiators with the message, "Let's resolve this situation for the betterment of this community. Let's resolve it so we can make this community college what it should be for working families. Let's resolve it so people can live and work here and be paid a decent standard of living." So the ball is clearly in your court. These people shouldn't have to be here and give up an evening; but they're here because their livelihoods are at stake and when livelihoods are at stake, they are going to get the support of working men and women in this community and that's why I'm here to assure them that they have the support of the AFL/CIO in whatever actions they take; but before that, we encourage you, we urge you -- I've been down the lines; I've spent many hours on picket lines and in demonstrations. Let's not go that route. Let's send the negotiators in to the bargaining table to resolve the situation. Good night. God bless you. (applause)

**The following items were part of the Consent Agenda**

**HUMAN RESOURCES (Academic)**

It was recommended by the Administrative Dean, Human Resources, and the Superintendent that the Board of Trustees approve/ratify the following actions:

Appointments

Probationary Faculty – Second Contract	35
Probationary Faculty – Third Contract	20
Probationary Faculty – Permanent Employees	11
Hourly Instructors – Spring	65
Hourly Counselors – Spring	7
Hourly Substitute Instructors	7
Stipends	4

In-Service Changes

Department Head Election	1
Change of Title	1

**HUMAN RESOURCES (Classified)**

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It was recommended by the Administrative Dean, Human Resources, and the Superintendent that the Board of Trustees approve/ratify the following actions:

Appointments

Acting Director of Human Resources	1
Probationary	4
Temporary	13
Exempt From the Merit System	51

Terminations

Resignation	1
Retirement	1

**FINANCE AND PURCHASING**

It was recommended by the Vice President, Administrative Services, and the Superintendent that the Board of Trustees approve the following actions:

**FINANCE**

**Appropriation Transfers**

(a) Appropriation Transfers numbered 30250, 30278, 30340, 30438, 30630, 30636, 30946, 30971, 30979, 31272, 31316, 31326, 31436, 31442, 31445, 31448, 31490, 31493, 31496, 31499, 31502, 31510, 31513, 31516, 31518, 31522, 31527, 31530, 31532, 31534, 31536, 31558, 31567, 31810, 31822, 31826, 31831, 31863, and 32085 for the General Fund, in the amount of \$347,577 as listed.

From:	Academic Salaries	\$ 77,475	
	Classified Salaries	63,958	
	Staff Benefits	25,121	
	Books and Other Supplies	9,085	
	Other Operating Expenses	9,084	
	Capital Outlay	65,199	
	Appropriation for Contingencies	<u>97,655</u>	\$ 347,577

To:	Academic Salaries	\$ 24,188	
	Classified Salaries	118,050	
	Staff Benefits	28,565	
	Books and Other Supplies	22,444	
	Other Operating Expenses	58,785	
	Capital Outlay	91,651	
	Appropriation for Contingencies	<u>3,894</u>	\$ 347,577

Included in the total appropriation of \$347,577 are the following transfers greater than \$10,000:

<u>AT</u>	<u>From</u>	<u>To</u>	<u>Department</u>	<u>Amount</u>
31272	211000-01-684000-8670	210300-01-684000-8670	Economic Development	\$ 11,999
	212000-01-684000-8670	514000-01-684000-8670		17,341

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219000-01-684000-8670  
395000-01-684000-8670

From classified salaries for managers/supervisors, clerical, and others, and staff benefits to classified salaries for administrators and personal services.

31442 133000-01-011700-9380 642000-01-011700-9380 Title V, Hispanic - \$26,871  
395000-01-011700-9380 Serving Institutions  
From hourly academic salaries to equipment.

31516 219000-01-011700-9380 642000-01-011700-9380 Title V, Hispanic - \$19,140  
395000-01-011700-9380 Serving Institutions  
From other classified salaries to equipment.

31831 145000-01-632000-0720 219500-01-632000-0720 Matriculation \$38,000  
From academic counselors salaries to other classified salaries.

**Salary Warrants**

Ratify issuance of salary warrants listed on Register No. 3924 for the period February 19, 2001, through March 2, 2001, in the amount of \$2,270,593.50 as listed.

Register No. 3924	Warrant Nos. 0668877 – 0669073	\$ 2,270,593.50
Issue Date 02/28/01		
	Total Salary Warrants Issued	<u>\$ 2,270,593.50</u>

**Commercial Warrants**

Ratify issuance of commercial warrants for the period February 19, 2001, through March 2, 2001, in the amount of \$997,872.17 as listed.

Period Ending February 23, 2001

General Fund	\$ 116,068.41	
Student Financial Aid Fund	365,169.59	
Capital Project Fund	<u>44,931.41</u>	\$ 526,169.41

Period Ending March 2, 2001

General Fund	\$ 184,312.63	
Student Financial Aid Fund	84,952.38	
Payroll Clearing Fund	193,203.69	
Capital Project Fund	<u>9,234.06</u>	\$ 471,702.76
	Two Week Total	<u>\$ 997,872.17</u>

Included in the total expenditure of \$997,872.17, are the following payments greater than \$10,000, excluding employee benefits and utilities:

**General Fund – Fund 01**

1. \$ 43,238 to Verizon, for maintenance contract for telephone switches, Liberal Arts Campus and Pacific Coast Campus.

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2. \$ 19,545 to Sterling Computers Corporation, for network hubs, network card added to the existing hubs, and software license for firewall protection.
3. \$ 19,323 to Sierra School Equipment for conference table with chairs, training tables with chairs, and a chair dolly for Purchasing.
4. \$ 13,053 to EMC/Paradigm Publishing, for benchmark textbooks covering Word, Excel, Access, and PowerPoint for Economic Development Career Transition Center.
5. \$ 12,218 to Spectrum Industries, Inc., for computer desks and installation for Computer and Office Technologies.
6. \$ 10,114 to Rodgers & McDonald, for printing 50,000 copies of Education Supplement 2001 tabloid and mailing charges for Economic Development.

Student Financial Aid Fund – Fund 09

1. \$84,952 to ASB Enterprises, for reimbursement of bookstore vouchers to EOP&S and CARE students in January and February 2001.
2. \$14,497 to ASB Bank, for reimbursement of book advances to Pell students in Spring 2001.

Capital Project Fund - Fund 15

1. \$28,550 to Horizon Contracting, Inc., for renovation of the bungalow office in QR portable, and renovation of training room and team locker room at Veterans Stadium, for the use of the LA Extreme football team. To be reimbursed by LA Extreme.
2. \$12,361 to Kirk C. Russell, dba Coordinating Services, for removal of existing floor and installation of new floor in the English Lounge, Liberal Arts Campus.

**PURCHASING**

**Bid Awards**

CN99623.2 – With DWR Construction, Inc., for seismic retrofit of ceiling and lighting fixtures, Buildings BB, DD, and EE, Pacific Coast Campus, in the amount of \$162,260.

**Notice of Completion**

CN92996.3 - With Honeywell, Inc., to retrofit interior lighting, and HVAC systems District wide for a total cost of \$5,319,985.34. This is a “Notice of Completion” for the construction portion of the project only. Project was completed November 30, 2000.

**Purchase Order Approvals/Ratifications**

Authorize the issuance of purchase orders for the period February 19, 2001, through March 2, 2001, in the amount of \$233,683.68 as listed.

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36859 - 36892	\$ 153,180.65
36894 - 36902	34,730.67
P17928- P17941	<u>1,605.05</u>
Total amount	\$ 233,683.68

Included in the total amount of purchase orders of \$233,683.68 are the following items greater than \$10,000:

**General Fund - Fund 01**

PO 36898	Non-Linear Editor	
	Center for Learning Assistance	
	Acct. No. 642000-01-160200-0550	\$ 18,820.00

**ACADEMIC AFFAIRS, STUDENT SUPPORT AND ADMINISTRATIVE SERVICES**

It was recommended by the Vice President, Academic Affairs; the Vice President, Administrative Services; the Vice President, Student Services; and the Superintendent, that the Board of Trustees approve the following actions:

**Agreements**

CN 92540.8 - Amend - With the Greater Long Beach Orthopaedic Medical Group, to provide a clinical practice site for School of Health and Science students, to extend the termination date from May 31, 2001, to May 31, 2003, at no cost to the District.

CN 92541.1 - Amend - With Lakewood Primary Care, to provide a clinical practice site for School of Health and Science students, to extend the termination date form May 31, 2001, to May 31, 2003, at no cost to the District.

CN 92699.8 - Ratify - Amend - With Broadcast Music, Inc, for copyright clearance services, effective February 2, 2001, to increase contract amount by \$15.28, for a total contract amount of \$2,031.35.

CN 92918.2 - Amend - With St. Mary Medical Center, Priority One, to provide a clinical practice site for School of Health and Science students, to extend the termination date from May 31, 2001, to May 31, 2003, at no cost to the District.

CN 92961.5 - Ratify - Amend - With City of Long Beach and the Employment Development Department, to increase the grant award for Employment Training Panel (ETP) training, effective June 3, 2000, through December 31, 2001. Grant increase is \$250,000.

CN 93000.7 - Ratify - Amend -With Rosie Gomez, to provide child care for a CalWORKs participant, to extend the termination date from June 30, 2000, to June 30, 2001, for a fee of \$4,000, paid with CalWORKs funds.

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CN 93013.3 - Ratify - Amend - With Chhay Bun Lim, to provide child care for a CalWORKs participant, to increase contract amount by \$2,000, effective March 13, 2001, for a total contract amount of \$6,000, paid with CalWORKs funds.

CN 93044.7 - Ratify - With Long Beach Kiddy Kollege, to provide child care for CalWORKs participants, effective January 24, 2002, through June 30, 2001, for a fee not to exceed \$6,000, paid with CalWORKs funds.

CN 93044.8 - Ratify - With Liberty Hill Foundation, for the District to receive funding for participation in activities related to the 908LB WORKS! Project, effective November 30, 2000, through June 30, 2002. Amount of funding is \$5,000.

CN 93044.9 - Ratify - With the Community College Foundation for the District to receive funding for the Model Approaches To Partnerships in Parenting/Family To Family (MAPP/F2F) program, effective January 1, 2001, through June 30, 2001. Amount of funding is \$16,100.

CN 93045.1 - Ratify - With Cadenhead Drawback Services, to provide seminars for the Trade Secrets seminar series, effective October 1, 2000, through May 31, 2001, for a fee of \$300, paid with Center for International Trade funds.

CN 93045.2 - Ratify - With Craig Mitchell, to provide seminars for the Trade Secrets seminar series, effective October 1, 2000, through June 30, 2001, for a fee not to exceed \$900, paid with Center for International Trade funds.

CN 93045.3 - Ratify - With Beth Siapkas, to provide seminars for the Trade Secrets seminar series, effective December 1, 2000, through June 30, 2001, for a fee not to exceed \$1,200, paid with Center for International Trade funds.

CN 93045.4 - With Ayse Oge, to provide seminars for the Go Global To Win seminar series, effective April 1, 2001, through June 30, 2001, for a fee not to exceed \$5,750, paid with Center for International Trade funds.

CN 93045.5 - Ratify - With P & A Food System, to provide employment for a CalWORKs participant, 20 hours per week, at \$6.25 per hour, for a 75% reimbursement, effective February 1, 2001, through February 28, 2001, for a fee not to exceed \$600, paid with CalWORKs funds.

CN 93045.7 - Ratify - With Mom Sreng, to provide licensed child care for CalWORKs participants, effective March 5, 2001, through June 30, 2001, for a fee not to exceed \$6,200, paid with CalWORKs funds.

CN 93045.6 - Ratify - With the State of California, Department of Health Services, to provide funding for a program through the Child Development Center to improve nutrition knowledge and awareness of eating a balanced diet, effective October 1, 2000, through September 30, 2001. Amount of funding is \$165,074.

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CN 93045.8 - With San Diego Mesa College for to provide funding for the Fall 2001 Assessment Institute Grant, effective March 27, 2001, through January 30, 2002. Amount of funding is \$15,000.

CN 93045.9 - Ratify - With Roy Egari, M.D., to provide a clinical practice site for School of Health and Science students, effective March 15, 2001, through March 14, 2003, at no cost to the District.

**Use of Facilities**

Ratify requests to use District facilities for activities and on dates as shown.

<u>Organization</u>	<u>Campus</u>	<u>Event</u>	<u>Facilities</u>	<u>Date</u>
LBCC TNT and Venus	LAC	Spring Sing Rehearsal	Q110	2/13/01- 3/2/01 (Mon.-Fri)
LBCC Junior Exchange Club	LAC	Spring Sing Rehearsal	Q110	2/14/01- 3/2/01 (Mon.-Fri)
Weingart-Lakewood YMCA	LAC	Youth Basketball Games	R100	3/17/01

Facility use rental waived. Equipment/staffing may be charged if needed.

Grant requests to use District facilities for activities and on dates as shown.

<u>Organization</u>	<u>Campus</u>	<u>Event</u>	<u>Facilities</u>	<u>Date</u>
LBCC Child Development/Foster Parenting Training	LAC	Conference	College Center D and F Buildings (Various Classrooms)	6/2/01

Facility use rental waived. Equipment/staffing may be charged if needed.

**Institutional Membership**

The National Coalition of Advanced Technology Centers                      \$ 600  
(Paid by Economic Development)

It was moved by Member Clark, seconded by Member McNinch, that the items on the Consent Agenda, with the exception of item 5.2, be approved and authorized.

The motion carried, all voting aye.

**Classified Personnel**

Member McNinch: The reason I pulled 5.2 is that a couple of years ago, we had a wonderful student whose name was Dana Walch. She received the Viking Award and she was very, very active. Dana Walch is fabulous. She graduated from here and went to UCLA and this is such a lovely example of people returning to us because of the good

job that's done here. Dana has been hired as a Planning Assistant for the Office of Planning, a full-time position. I just wanted to express my personal thanks to Dana for coming back because I followed her career in student government and watched her absolutely blossom and that is the joy that we all receive.

It was moved by Member McNinch, seconded by Member Uranga, that item 5.2, Classified Personnel, be approved and authorized. The motion carried, all voting aye.

### **HUMAN RESOURCES**

#### **Ratification of District/CHI Collective Bargaining Agreement**

It was moved by Member McNinch, seconded by Member Clark, that the Board of Trustees ratify the Tentative Agreement reached between the District and CHI. The Tentative Agreement has been ratified by Association members.

The Tentative Agreement provides a salary increase for 1999-2000 by the amount of 1.41% effective July 1, 1999. For the 2000-2001 fiscal year, CHI will receive a salary increase of 4.17% (COLA) effective July 1, 2000, with an additional increase of 2.33% (a total salary increase of 6.5%) effective March 1, 2001. This Tentative Agreement also creates a successor agreement to the previous collective bargaining agreement effective from July 1, 2001, through June 30, 2004.

Vic Collins: It's a pleasure to come to you tonight with the recommendation for the settlement of the collective bargaining agreement with our hourly instructors organization. This agreement takes care of the salary issue that was in question for them from the last academic year. In addition to that it addresses a salary increase for the current fiscal year and what it does is it starts a new collective bargaining agreement for three years effective July 1 of the current year. The salary proposal is a situation where we are granting to the hourly instructors 1.41% for last year, in terms of the last academic year; the current year there will be a salary increase of 4.17%, effective July 1, 2000. There will be an additional 2.33% on schedule approved as of March 1 of the current year and then, like I said, it addresses a new collective bargaining agreement for the next three years. So it is a pleasure to bring that and recommend its approval.

President Polsky: Congratulations to CHI and our negotiating staff. I'm very happy we've got one down.

Member Uranga: Vic, in terms of the negotiations with CHI, these were the same negotiations that you've been conducting with all the other units, as well?

Vic Collins: That's correct.

Member Uranga: And they agreed to this?

Vic Collins: Yes. CHI looked at the situation that they wanted to have the second increase effective as quickly as possible and when we signed the agreement with them in March it was with the intent that they would go through the ratification process to have it effective the first of this month.

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Member Uranga: So, I just want to get this straight, in terms of the units that you've been bargaining with, this unit has now been taken care of in effect for....

Vic Collins: That's right, for this year.

**Management Team Compensation Plan, 2000-2001**

It was moved by Member McNinch, seconded by Member Clark, that the Board of Trustees approve:

1. A 4.17 percent (COLA) salary increase to the Management Team Salary Schedule, effective July 1, 2000, and an additional salary increase of 2.33 percent effective March 1, 2001.
2. Implementation of the Management Team Educational Stipend Plan considered by the Board of Trustees in Fall, 1999.
3. Completion of the development and implementation of a Performance-Based-Pay Plan for educational administrators in lieu of the longevity pay discontinued in 1998.
4. Management Team representation on a District committee to evaluate a "cafeteria plan" program for Health and Welfare benefits (insurance plans) in which District contributions would be discussed as part of total compensation.
5. The District undertake a study of Management Team positions and the alignment with classifications that they directly supervise.

Member Uranga: I have the same questions on that one. You negotiated with a unit, I assume, a team of negotiators, and you went back and forth and...

Vic Collins: The Management Team is not allowed to engage in collective bargaining. What it is, is a dialogue in terms of the request made by the organization and its respective three sub-groups. Again, our Management Team consists of administrators, managers/supervisors and confidential employees. So what we have done with them over a period of time, is we have them formulate some desires that they would like to have included in their compensation package. We then engage in discussion where we get the group together and we have representatives from each of the sub-groups and we had two representatives for each of the groups, and they had meetings. There was a preliminary meeting with Dr. Kehoe, then there were subsequent meetings in which myself and Randy Wooten sat in and discussed the issues with them. The package was put together; they had discussions within their sub-groups and then they had a process that was consensus to fully support this proposal.

Member Uranga: I see this as a positive step forward with these two groups being able to agree.

Member Thorpe: You say that the Management Team is not permitted to participate in collective bargaining and that would be unless they formed a union of some type similar to what the other groups have done.

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Vic Collins: A portion of them automatically could. There's no question. The whole issue of whether or not administrators could form a group, that's up for discussion, and there are several places in the state where the administrators at a lower level have formed unions. You're correct, Mr. Thorpe.

Member Thorpe: Madam Chairperson and my colleagues on the Board, I'll pass this down to Ms. Bradshaw for the minutes. This is from 10.1, Employment Regulations and Definitions, from our handbook, the Trustee Handbook from the Community College League of California and I just want to read the top sentence, "Boards are responsible for providing leadership to ensure a positive climate for healthy employer-employee relationships." I have two problems with this this evening.

First of all, it's such a loose two pages that I have no idea what this leads to in terms of administrative pay.

Secondly, I have a problem with parity, and as long as I'm on this Board, I will vote for parity in all of the levels of this institution. By that I mean classified staff are paid comparably within the ability of the district to pay them, administrators, etc. We've heard tonight, and I've seen the records, that we have one of the highest administrative staffs in California. I think that's well and good. Tonight I cannot support this. Not when people do not have their contracts. Not when one union on this campus hasn't had a contract for three years. I think this is unconscionable. I think it's the picture of gasoline with fire and I cannot support this at this time. I'm sorry. (applause)

Member Uranga: If I could get clarification. I'm totally not understanding what's taking place here. By not being with it are you in essence telling this unit to go back and negotiate some more? According to what I heard, they negotiated, they discussed, they went back and forth, they went to the units, they came back and said, "This is o.k., we can live with this contract." I don't understand. It's a step forward. It's progress. Are we going back on this? I don't understand it.

Member Thorpe: Brother Uranga, I might yield to say it this way. As Mr. Collins said, there were no negotiations with management. And that's the big problem. In one closed session after another, this Board hears about the problems of paying personnel on this campus. I have heard cry wolf for so long I'm rather fed up with it. Now we have an electrical crisis and for that alone I'm not sure what this means. This has never been costed out to this Board of Trustees. The other schedules, I might add, haven't been either. I think, pardon me, colleagues, that we need a whole new look at what this means. That's what I'm really saying. If this were perfect in every detail which, of course, it fails by a large margin, I would not support it tonight because the timing is totally wrong; not when our other unions are waiting for their meager rations in this district. When we have administrators averaging \$111,000 a year and the average faculty members averaging far, far less, and they're the ones who produce the money which pay all of us, this is simply not equitable, it's not fair and it's not right for Long Beach City College to do this one step further. (applause)

The motion carried with Members Clark, McNinch, and Polsky voting aye; Member Thorpe voting nay; and Member Uranga abstaining.

**ACADEMIC SENATE (Title 5, Section 53203)**

Steve Wallech: I have three technical reports to make from the Curriculum Committee. The first has to do with Policy 4019. It's the Policy on Acceptance of Transfer Credit from other Colleges, Universities, and Institutions. On April 10, 2000, Lillian Wyant sent a memo from the President's Advisory Council, recommending revisions to a series of policies. These policies ran 4001, 4003, 4004, 4005, 4006, 4007, 4010, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, and 4020. The memo identified the above policies and suggested a need to improve the clarity of the language. So, the President's Academic Council forwarded the above policies to the appropriate committees and requested this action. Policy 4019 is the product of this President's Academic Council initiative. This policy will come to you in April, and what it does is simply clarifies the language in the policy. Mr. Clark, you look like you have a question.

Vice President Clark: I'm curious as to what the policy is. All those numbers are a little confusing. I don't know what any of them mean.

Steve Wallech: This is the policy that was recently passed by the Curriculum Committee, 4019, is one policy in a series of policies that are under study at the moment. This is going to be coming to you in the middle of the month of April and it is the policy that deals with the way units are credited at this school. All that's happening is we're cleaning up the language. I told you it was going to be technical. I didn't say it was going to be exciting.

The second is another curriculum matter. It's a career certificate name change - from "legal assistant" to "legal secretary." Originally, the certificate was called "legal secretary," but they thought that wasn't prestigious enough, so they changed it to "legal assistant," and the consequence is nobody understood what it meant; so now they're changing it back to "legal secretary" so people can recognize the certificate for what it really is.

President Polsky: I'll vote for that.

Steve Wallech: The third is a re-instatement of the medical transcript career certificate. This request came to the Curriculum Committee from Therese Butler, the Department Chair for Computer Office Technologies. The medical transcript certificate program was discontinued in the academic year 1998-1999, because the Computer Office Technology Department did not have someone qualified to teach CAOTO206A and 206B, which are medical transcription courses. So the program withered and died because of lack of students. In 2001, however, the Health Technology Department will re-activate these two classes and take over the instruction of these two courses and re-institute this program. The reason why is because they have the staff capable of teaching these two classes. And the consequences of that are the Department of Computer Office Technologies is going to transfer the program to the Department of Health Technology and that means that the program will be restored. That's the end of my report.

President Polsky: Thank you

**SUPERINTENDENT-PRESIDENT**

President Polsky: Randy, do you have a report?

Vice President Wooten: I do have one item. I would like for Dianne McNinch to join me. I wanted to get you up here so everyone could see you.

We've just learned that Dianne McNinch received the Community Hero Award. (applause) The Community Hero Award is co-sponsored by Cal State Long Beach, the *Press-Telegram*. It is given to people who increase the safety and quality of life for their communities. So, Dianne, we're proud of you and thank you very much.

Member McNinch: Thank you. (applause)

President Polsky: Congratulations Dianne.

Member McNinch: Thank you. I will say that I also got a call from Tom Hennessey and I've been selected for the second year in a row to be one of his readers for National Poetry Week; so I will be at Barnes & Noble, April 6, reading another piece that I have written, so, you're invited.

President Polsky: What day is that?

Member McNinch: Friday night.

President Polsky: Barnes & Noble where?

Member McNinch: Marina Pacifica. I expect to be there. I'm having surgery on Monday, so I'm hoping I can make it on Friday.

President Polsky: What time?

Member McNinch: Probably 7 p.m.

**ACADEMIC AFFAIRS**

The Vice President, Academic Affairs, presented the following recommendations approved and recommended by the Superintendent.

**Revised Policy on Materials Produced by Faculty and Staff (No. 4008)**

Vice President Brock: The Long Beach Community College District encourages faculty and staff to use their creativity and expertise to develop quality educational materials and to produce art in its many forms. Within the mandates of applicable intellectual property laws, the District acknowledges the ownership rights of faculty and staff to original materials they develop. Although the District favors ownership of these materials by the individual creator(s), the District may claim ownership or certain economic rights in the materials under limited circumstances described in these regulations. The regulations were here at the last Board meeting. We just need the Board to vote on the policy for this.

It was moved by Member Clark, seconded by Member Thorpe, that the Board approve Revised Policy No. 40008, Policy on Materials Produced by Faculty and Staff.

The motion carried, all voting aye.

**Approval of Certificates of Completion for Travel Destinations and Java Web Programmer**

Vice President Brock: Both of these certificates were created at the request of the advisory committees and the instructional faculty. They have been approved by the Curriculum Committee and the Office of Academic Affairs. Completion of either of these certificates will provide the student with entry level skills for the appropriate industry and they are unchallenged.

It was moved by Member Clark, seconded by Member Uranga, that the Board approve two Certificates of Completion for Travel Destinations and Java Web Programmer.

The motion carried, all voting aye.

**STUDENT SUPPORT, PLANNING AND RESEARCH**

No Report.

**ADMINISTRATIVE SERVICES**

**Resolution, Amendment to SELF Joint Powers Agreement**

Vice President Wooten: This is the article that I pulled last time to get more detail and background. It was primarily administrative changes and I recommend approval.

It was moved by Member McNinch, seconded by Member Thorpe, that the Board of Trustees adopt Resolution 032701 approving the amendments to the Schools Excess Liability Fund (SELF) Joint Powers Agreement.

The motion carried, all voting aye.

**Revised Policy on Smoking in District Facilities (No. 7002)**

Vice President Wooten: The Board has seen this policy before and it's here again for your perusal and I recommend approval.

It was moved by Member McNinch, seconded by Member Clark, that the Board approve the revised Policy on Smoking in District Facilities (No. 7002) as submitted.

Member Thorpe: As a some-time smoker, the part of the policy that states you're going to declare areas as no smoking areas, is there an advisory committee on this or a person who does this actual picking of those areas?

Vice President Wooten: I will suggest areas. We'll send those through the same agreement processes that we normally use. But, it's an attempt to get away from "No Smoking" areas, but to identify "Smoking" areas. A change in philosophy.

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Member Thorpe: But you're going to go through the channels where other people are going to look at it, including a part-time smoker, maybe?

Vice President Wooten: I don't know about part-time smokers.

Vice President Clark: Non-smokers.

Vice President Wooten: Or, we can just turn it over to you and let you pick them.

Member Thorpe: No, not me. I don't want to get sued.

The motion carried, all voting aye.

**ACADEMIC SENATE**

Steve Wallech: I have something more interesting this time. I'm also the Alpha Gamma Sigma advisor on campus for the Kappa Chapter, and this last weekend, we had our spring convention in Ontario. As you know, Alpha Gamma Sigma is the honor society for community colleges in California. We had four candidates put forth for scholarships and three of our candidates won. Alicia Smith and Jessica Pollack won the Ed Walsh award which is for outstanding service in this community and also Sylvestre Vallejo won the Montavani award for academic excellence and outstanding service in this area. So, three of our four candidates won, and we're very proud of them.

President Polsky: Thank you.

**CLASSIFIED SENATE**

Nancy Albrecht: Mine is going to be a little short tonight. We haven't met since last meeting. Our next meeting is Thursday. We continue to watch SB235 with concern and a great deal of interest. This is bill with reference to shared governance appointments for faculty and classified employees mandating union control over faculty and staff participation in governance. This attempt to remove the "shared" from shared governance has been a blessing in disguise. It's created an awareness of the need to educate our elected officials at the state level on the governance process at the community college level. I believe I discussed this at the last Board meeting and the Senate fully believes that there is plenty of room and need for the union seats on the governance committees, but, not solely. I've given you all a copy of the bill. There are also copies of the letters that the Classified Senate sent out.

The Classified Senate has begun the nominations process for all officers' positions, as well as Senators' positions that are up for election. Officers are elected for one-year terms, whereas the Senators are two-year terms.

Since all members of the classified staff are also members of the Classified Senate, we have a wonderful field of expertise and enthusiasm to draw from. It's important to say that when I say all classified, that means classified unit members from AFT, POA, non-unit members, confidentials, manager/supervisors, and classified administrators. Frequently when we say classified, we think of one group, and we need to think more globally. This concludes my report.

President Polsky: Thank you. Any comments?

Member McNinch: I think getting direction and clarification of that house bill where there is room for a union and the classified senate is very good because, as we know, that has been a divisive part of that assembly bill and has affected this campus negatively, so thank you for that very positive report, Nancy.

### **TRUSTEES COMMUNICATIONS**

Member McNinch: May I please ask Gloria Cordero to stand. I had the honor to attend the Industry Education Council Annual meeting, where Gloria Cordero received the highest accolades possible by the Industry Education Council. I believe she deserves a round of applause. (applause)

President Polsky: Thank you. Darwin has something.

Member Thorpe: Mine has the salmon-colored cover on it. I provided all the members of the Board with a copy of it and I think the title speaks for itself except for the Chinese ideograms in Mandarin. I do not read Mandarin, but I had a lady who did this for me and it is something I've used in my own teaching. It's the Chinese ideogram for "crisis." We've heard that a lot tonight. We are in a crisis. Only theirs reads, "danger and opportunity." I'd like to think that what this brochure is about ..... and by the way the riddle on the front is mine, so I will apologize or accept any gratuities, "How do a 100 billion neurons, each without a mind, conspire together, to create an Albert Einstein?" From neuro-biochemistry, we all know that the neurons in our brain, 100 billion of them, are each very dumb; in fact, they have no mind at all, but you put them together and they make a pretty good thing called a human mind. I've wondered often in my career spanning too long, why we can't manage our affairs more adequately since we're all people and we're a lot smarter than those neurons in our brain. I think if we reason together and, I for one am going to say this is partly in my apology, I think we need to reason together a lot more at Long Beach City College than we do. And I didn't take any pokes at any one in here. These are just as I say, the ravings of things that I've seen. I would like to see the classified and the faculty invite us a little bit more to your inner workings. Let's talk. Stone us and we'll stone you and let's learn from each other.

In here there is a cartoon from the *Press-Telegram* and, as you know, the extremists in this country would like us to believe that we being greedy have caused the entire energy crisis and now this is going to be used against staff, of course, to plead poverty in paying you professional wages. But if you look at this carefully, I'd like to recommend that everyone become a new Eric David. I understand he retired, but I miss his articles in the *Press-Telegram*, and this is a good one and he took on the *Press-Telegram*. I'd like to see you flood the *Press-Telegram* with your ideas.

And take a look at this Columbine High School article. This is also in the news and it comes under the area of violence -- this came off the internet. In fact, it was provided to me by a member of the classified staff here on campus. I thought it was beautiful and I gave it to you. As a professional I make my honest living attempting to teach biological science, so I know what the faculty goes through here at Long Beach City College.

But this is Einstein's Code of Ethics, one that scientists take, kind of like the Hippocratic Oath. We can't live up to it, but I would suggest that to all of us and myself, I want to learn more from you and I think if we communicate more effectively, we can find the better system to make Long Beach City College an ever-better college. Thank you Madam Chairman.

President Polsky: I'm sure we all thank you for your packet, "The Public Display of a Trustee's Eclectic Ravings." That's very good, Darwin. I'm sure we will all read it and treasure it.

Member Thorpe: Absolutely, on your mantle.

President Polsky: Thank you.

### **NEW BUSINESS**

President Polsky: Under New Business, I have an item. There's a new item 12.6 at each of your places, "Resolution Awarding Contract Without Bidding and Advertising." The situation arose after the Board agenda was distributed and posted. Since there will only be one Board in the month of April, we are being asked to declare this an item that needs immediate attention. The Brown Act, Section 54954.2 (b) (2) states "Notwithstanding Subdivision (a), the legislative body may take actions on items of business not appearing on the posted agenda under any of the conditions stated below. Prior to discussing any item pursuant to the subdivision the legislative body shall publicly identify the item. Upon a determination by a two-thirds vote of the legislative body or if less than two-thirds of the members are present a unanimous vote of those members present that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a). I'm going to turn this over to Randy Wooten now so he can give us details and explain.

Vice President Wooten: This is only the second time I've brought an item like this to the Board so I think it is important that I move ahead with it. This item is really about the audiovisual contract in the D Building that we had several months ago. The company that was responsible that received the bid, before they started work, went into bankruptcy. We've had a long, tiring journey with these people and the surety company and the legal wranglings involved, but we've finally come to a solution that we believe is in the best interests of everybody, and we've included the people responsible for the audiovisual components in the discussions. An emergency exists because the project was to be completed and function for class use by December 31<sup>st</sup>. The project remains unperformed and will not be completed by the original contractor due to filing a voluntary petition for Chapter 11 bankruptcy and having had the contract rejected by the bankruptcy proceedings, the quality and ability of the instructional staff in meeting their course content has been compromised by the failure of the contractor to meet his obligations. The project needs to be completed without delay so as to have the continuance of existing college classes. From this I ask the Board to take immediate action on 12.6.

President Polsky: Do we have a motion?

Joan Bradshaw: First we need a motion and a second on the need to take action on this item.

It was moved by Member McNinch, seconded by Member Thorpe, that there is a need to take immediate action on 12.6, "Resolution Awarding Contract Without Bidding and Advertising.

The motion carried, all voting aye.

It was moved by Member Clark, seconded by Member McNinch, that the Board adopt Resolution No. 032701B pertaining to the award of a contract without bidding and advertising in an emergency situation for educational technology necessary for the continuation of existing scheduled classes.

Vice President Clark: This is very specific to this one particular contract? It doesn't set policy.

Vice President Wooten: This is one item, one issue.

Member Thorpe: Madam Chairman. I just had a question on this. There's no money amount in here. Could you just describe briefly what is the cost of having another contractor come in and do this?

Vice President Wooten: About \$8,000.

Member Thorpe: In other words, it's a tiny amount.

Vice President Wooten: In legal fees. We had invested somewhat less than \$100,000 up-front money and the surety company is responsible for returning that to us and in addition, we ended up with a contractor which we had liked better to begin with, one we felt would be better able to perform, but, because of the laws, we went with the lowest bidder, and the lowest bidder went bankrupt. That's probably more detail than you asked me for but that's a little more background.

Member Thorpe: That's a lot of good detail. Thank you very much.

The motion carried, all voting aye.

### **FUTURE REPORTS**

None.

### **PUBLIC COMMENTS (NON-AGENDA ITEMS)**

President Polsky: At their request, members of the public will be given the opportunity to address the Board of Trustees on matters of general District business. This is the time for members of the public to speak and be heard and share their comments with the Board and for the Board to listen. Therefore, the public should not expect the Board to

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comment or respond to public comments. A particular position should not be inferred if there are no Board member comments during this time.

A total of five (5) minutes will be allotted to each subject, unless extended by the Board President. After receiving testimony, the Board may recommend placing such item or item(s) on the agenda of a future meeting or referring the item(s) to staff for a report.

There was no response.

**ADJOURNMENT**

President Polsky adjourned the meeting at 7:30 p.m. The next regular meeting of the Board of Trustees will be held on April 17, 2001. The first order of business will be adjournment to a closed session, as needed. The Board will reconvene in open session at 5:00 p.m. in Building FF, Dyer Assembly Hall, Pacific Coast Campus.

Assistant Secretary