

APPROVED
MINUTES OF THE REGULAR MEETING
OF THE BOARD OF TRUSTEES OF THE
NORTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT

June 23, 2020

The Board of Trustees of the North Orange County Community College District met for its Regular Meeting on Tuesday, June 23, 2020, at 5:30 p.m. via Zoom teleconference and YouTube livestream.

President Ryan Bent called the meeting to order at 5:30 p.m. and led the Pledge of Allegiance to the Flag.

TRUSTEE ROLL CALL: Present: Ryan Bent, Stephen T. Blount, Jeffrey P. Brown, Barbara Dunsheath, Ed Lopez, Jacqueline Rodarte, and Student Trustees Ester Plavdjian and Chloe Reyes. Absent: None.

RESOURCE PERSONNEL PRESENT: Cheryl Marshall, Chancellor; Fred Williams, Vice Chancellor, Finance & Facilities; Irma Ramos, Vice Chancellor, Human Resources; Cherry Li-Bugg, Vice Chancellor, Educational Services & Technology; Greg Schulz, President, Fullerton College; JoAnna Schilling, President, Cypress College; Valentina Purtell, President, North Orange Continuing Education; Kai Stearns Moore, District Director, Public & Governmental Affairs; Lisa Gaetje, representing the District Management Association; Jennifer Oo, representing the North Orange Continuing Education Academic Senate; Craig Goralski, representing the Cypress College Academic Senate; Kim Orlijan, representing the Fullerton College Faculty Senate; Christie Diep, representing United Faculty; Dawnmarie Neate, representing CSEA; Lauren Mata, representing Adjunct Faculty United; and Alba Recinos, Recording Secretary.

OTHER ADMINISTRATORS AND EMPLOYEES PRESENT: Paul de Dios and Alex Porter from Cypress College; Gil Contreras, Rod Garcia, Jose Ramon Nuñez, and Joe Ramirez from Fullerton College; Terry Cox from North Orange Continuing Education; and Gail Arriola-Nickell, Morgan Beck, Danielle Davy, and Kashu Vyas from the District Office.

VISITORS: Jenny Derry, Carissa Oyedele, Curtis Paradzick, and Andrew Perez via Zoom teleconference, with public participation provided via YouTube livestream.

COMMENTS: MEMBERS OF THE AUDIENCE: The following public comments were received via email and were read into the record by the Recording Secretary:

- A. **Jodi Balma**, Fullerton College Faculty, provided a statement to the Board in response to the June 9 Board meeting discussion regarding the definition of the term anti-racism being proposed for inclusion in the Educational and Facilities Master Plan (EFMP) and quoted **Ibram X. Kendi** to define the term. She stated that being antiracist means identifying inequities that give any racial group material advantages over people of color and that systemic racism means that those inequities exist even when there are zero racists involved so we must change the systems in place.

(See Supplemental Minutes #1257 for a copy of the statement.)

- B. **Latino Faculty and Staff Association of the District** provided a statement to the Board standing in solidarity with their Black brothers and sisters during this difficult time and expressing their support for racial diversity as a whole with no tolerance for any kind of discrimination. They also requested a response from the Board on how they plan on being antiracist with actions and words.

(See Supplemental Minutes #1257 for a copy of the statement.)

- C. **Kim Orlijan**, Fullerton College Faculty, provided a statement to the Board stating that Board President **Ryan Bent** should not broadcast a video that promotes police brutality and state-sanctioned and supported violence on a Facebook page named “Board President Ryan Bent” but rather on a personal page. She also encouraged him to take a Fullerton College course to learn that the term “antiracist” is not something that needs to be reviewed before being added to the EFMP and that it is not a term that suddenly appeared or a term that could become synonymous with racism. He would learn that antiracist is a term and an idea that the District and its leaders need to embrace and work actively toward becoming.

(See Supplemental Minutes #1257 for a copy of the statement.)

- D. **Aline Gregorio**, Fullerton College Faculty, provided a statement to the Board expressing her outrage over the public messaging of Board President **Ryan Bent** who “consistently criminalizes vulnerable communities – namely Black, Indigenous, and people of color” and referenced his Facebook page dedicated to his role in NOCCCD. She stated that the selective messaging of the Board President shows indifference to facts, complete histories, and universal human rights and his omission and trivialization of the historical oppression has caused embarrassment and anguish among students and employees of this District.

(See Supplemental Minutes #1257 for a copy of the statement.)

- E. **Caralee Ellis**, a 2020 Student of Distinction at Fullerton College, provided a statement to the Board expressing her passion for Fullerton College and those that represent it. She stated that it was there that she realized that American laws have historically supported and upheld racism in many ways, but her professors at Fullerton College have educated their students to ensure that they are on the right side of today’s history. She expressed her outrage over Board President **Ryan Bent’s** statements regarding the term “anti-racist,” the use of his public Facebook page to condemn “domestic terrorism” in regard to ANTIFA and their protests in the Black Lives Matter movement, and his implicit bias.

(See Supplemental Minutes #1257 for a copy of the statement.)

- F. **Students for Equitable Sustainability** provided a statement to the Board to express a statement of no confidence in the leadership of Trustee **Ryan Bent** based on his remarks demonstrating ignorance and indifference to the racial inequalities present in America and asked that the Board consider action to remediate the shame and pain his comments have caused. They stated that the right to life and freedom from discrimination is a human right, not subject to political opinions, and “we deserve leaders who understand that. We deserve leaders that are empathetic to the mission

of guaranteeing every person, regardless of their color or citizenship, their unalienable and universal human rights.”

(See Supplemental Minutes #1257 for a copy of the statement.)

- G. **Markus Berger**, Fullerton College Faculty, provided a statement to the Board regarding the dissatisfaction of faculty with the way they have been treated by the Board and the District. He stated that it is time the Board reward faculty –the people doing the work responsible for the District’s stockpile of money– and compensate them fairly with COLA, healthcare, and a seat at the table.

(See Supplemental Minutes #1257 for a copy of the statement.)

- H. **District Office of Diversity and Compliance** and the **Diversity and Inclusion Faculty Fellows** provided a statement to the Board in solidarity with the protests against racism and violence against African Americans/Blacks, and their commitment to leading the District in the efforts to promote transformative change as a result of the current social justice movement. They expressed the need for the District to recognize that “not being racist” is not enough, but to become an anti-racist institution and dismantle systemic racism by replacing policies and practices that perpetuate inequality with those that are anti-racist by design. They asked that the District and Board take concrete steps that go beyond mere proclamations and work towards the goal of racial equity and social justice.

(See Supplemental Minutes #1257 for a copy of the statement.)

- I. **Grads to Be Advisory Team**, provided a statement to the Board requesting that the Board reaffirm their commitment to undocumented students and the work to support them which they deemed important due to the national context and violence and anti-immigrant sentiments witnessed in the United States in recent years. They requested that the Board reaffirm its commitment to undocumented students and denounce racist, xenophobic, and ignorant statements when they arise as they jeopardize efforts to best serve an already vulnerable student population.

(See Supplemental Minutes #1257 for a copy of the statement.)

- J. **Fullerton College Ethnic Studies Department** provided a statement to the Board stating that rhetorical commitments to change are not enough to create change and how individuals within an institution must be held accountable for racist words and actions. They stated that Trustee **Ryan Bent** has posted deliberately racially polarizing and white nationalist propaganda in a public online forum, and has publicly made anti-immigrant remarks. They expressed a statement of no confidence in Trustee Bent because his racist and anti-immigrant ideologies have no place in the District. They asked the Board to reaffirm its commitments to denounce institutional and interpersonal racism, to dismantle the racist structures and culture of the District, and to take accountability for upholding them. They also asked the Board to publicly commit to prioritizing the voices of Black, Indigenous, and People of Color as we work to build a more racially just district.

(See Supplemental Minutes #1257 for a copy of the statement.)

- K. **Fullerton College United** provided a statement to the Board to request their reaffirmed commitment to keep undocumented students safe. They stated that a promise of safety and protection seems like a small gesture but in the national context, it is needed now more than ever due to the surge of anti-immigrant sentiment through the rescission of DACA and the separation of families at the border. Privacy is extremely important for undocumented students in maintaining security and forming the thin wall protecting them from deportation.

(See Supplemental Minutes #1257 for a copy of the statement.)

- L. **Mohammad Abdel Haq**, Fullerton College Faculty, provided a statement to the Board to share his outrage and disappointment in Board President **Ryan Bent** who has a troubling history of racist comments and actions while serving as a trustee for the District. In direct opposition to the proclaimed values of the District, he has publicly vilified and demonized the undocumented student population with no public apology or denunciations of his actions. He stated that undocumented students and colleagues do not feel safe when a person with decision-making power for the District is publicly attacking them and referenced the silence of those closest to him, while he continues sharing troubling social media posts under his title as Board President.

(See Supplemental Minutes #1257 for a copy of the statement.)

- M. **Josh Ashenmiller**, Fullerton College Faculty, provided a statement to the Board sharing his experience teaching US History at Fullerton College where often students express dismay that the history of this country has seldom been a story of expanding democracy and equity, but instead variations on themes of subjugation, militarism, and oppression. However, he also teaches his students that there have been moments when Americans have made long strides toward democracy and equity. Today we are in such a moment and he urged the Board and the entire District to take advantage of this moment to help our District and society make strides toward fairness and justice.

(See Supplemental Minutes #1257 for a copy of the statement.)

- N. **Scott Begneski**, Former Fullerton College Student Trustee, provided a statement to the Board expressing his concern about the Board, particularly **Ryan Bent's** behavior and how he represents the District. He pointed to Trustee Bent's past comments, recent posts on social media, and his commentary at a Board meeting during the 2016-17 year which he perceived to be directed to the District's undocumented students. He concluded his statement by noting that education is important for everyone.

(See Supplemental Minutes #1257 for a copy of the statement.)

- O. **Cynthia Guardado**, Fullerton College Faculty, provided a statement to the Board calling for **Trustee Ryan Bent** to resign or be removed from the Board due to his inflammatory social media statements on an account that bears the title Board President.

(See Supplemental Minutes #1257 for a copy of the statement.)

BLOCK VOTE APPROVAL OF NON-PERSONNEL ITEMS: It was moved by Trustee Jeffrey P. Brown and seconded by Trustee Barbara Dunsheath that the following non-personnel items be approved by block vote:

Finance & Facilities: 3.b, 3.c, 3.d

Instructional Resources: 4.a, 4.b, 4.c, 4.d

Motion carried with Trustees Bent, Blount, Brown, Dunsheath, Lopez, and Rodarte voting yes, including Student Trustees Reyes and Plavdjian's advisory votes.

BLOCK VOTE APPROVAL OF PERSONNEL ITEMS: It was moved by Trustee Stephen T. Blount and seconded by Trustee Jeffrey P. Brown that the following personnel items be approved by block vote:

Human Resources: 5.a, 5.b, 5.c, 5.d, 5.e

Motion carried with Trustees Bent, Blount, Brown, Dunsheath, Lopez, and Rodarte voting yes.

COMMENTS

- A. **Fred Williams** thanked Payroll department staff for their extra efforts to process payroll timely with the all of the new MOUs, and reported that the District website has a link to submit applications to serve on the Citizens' Oversight Committee. Applications are due by 4:40 p.m. on Friday, July 31, 2020.
- B. **Valentina Purtell** expressed relief that the US Supreme Court upheld the decision on DACA and pride that NOCE is the only non-credit institution offering the Grads to Be Program. She reported that the State Chancellor's Office circulated a legal notice regarding the preliminary injunction establishing eligibility of all community college students including credit and non-credit students to receive financial assistance under the CARE Act. In light of the budget climate, NOCE has been engaged in budget discussions and using guiding principles in decision-making to meet budget goals as an institution, while maximizing our capacity to serve students.
- C. **JoAnna Schilling** reported that the campus community has been deeply affected by the social unrest and demands for change in equitable treatment in the country and at Cypress College. She stated that talking about equity and justice is not enough, and the College remains committed to efforts to create transformational changes to the structures and systems that perpetuate anti-Blackness and erode their commitment to social justice. The College has joined 59 other community colleges in the Community College Equity Leadership Alliance, supported by the USC Race and Equity Center, which will provide access to curriculum, an online resource library, and guidance to design action plans and climate surveys. She shared that the College's mobile app has been nominated for two *2020 Appademy Awards* in the "best student driven app" and "best app for student engagement" categories, and thanked **Lisa Gaetje** for her service and leadership as DMA President.
- D. **Greg Schulz** highlighted two brief items that were not included in his written report to the Board. The first, on June 25 the Fullerton College Classified Senate in partnership with Fullerton College managers invites all classified professionals to a Classified

Appreciation Drive Thru. The event will be offered for daytime and evening staff, and Spring 2020 recognition award nominees will be honored. Second, the Fullerton College Fall Class Schedule is now accessible online. Fall registration will begin July 7 and the College anticipates another semester of strong enrollment growth and high demand for classes. As of last week, 2,032 first-time college students have signed a promise agreement with Fullerton College and will be attending tuition free for the next two years.

- E. **Jennifer Oo** reported that the NOCE Academic Senate is relieved for students and their families that the Supreme Court decision upheld the Deferred Action for Childhood Arrivals (DACA) program. NOCE is in the final week of their third trimester of the 19-20 academic year and will transition to a semester schedule in the 20-21 academic year. Faculty have been nimble and the distance education workgroup has ensured faculty have training via a rigorous boot camp model. She reported that **Carlos Diaz** will serve as NOCE Academic Senate Vice President and **Khanh Ninh** will continue as Secretary.
- F. **Craig Goralski** echoed the sentiments expressed on behalf of the DACA ruling, and reported on his attendance at the initial meeting of the Community College Equity Leadership Alliance, the Academic Senate for California Community College (ASCCC) Leadership Institute, and the Cypress College COVID-19 Task Force meeting. He shared that he called for a special Senate meeting to discuss policies and procedures under the Senate's "10+1" purview related to the Fall 2020 semester and the COVID-19 response, and to also discuss how the Senate can better promote equity, diversity, inclusion, anti-racism, and social justice and how to further those goals over the Summer and Fall 2020 semester.
- G. **Kim Orlijan** reported that she and many of her colleagues participated in "An Open Conversation about Race, Injustice, our Campus and our Community" facilitated by the USC Race and Equity Center, and 20 colleagues also participated in a convening to launch the Community College Equity Leadership Alliance which are important steps in the ongoing effort to become an anti-racist institution. She also reported on her virtual attendance at the National Conference on Race and Ethnicity (NCORE) where she heard the keynote address by the iconic activist **Dolores Huerta**, and the ASCCC Leadership Institute along with Faculty Senate President Elect **Jennifer Combs**.
- H. **Christie Diep** reported that faculty want justification why executive administrators are receiving a salary raise and bonus while the District is at impasse with United Faculty? Why do they need a bonus? District faculty make \$8,000-10,000 less per year than the surrounding districts, haven't had a raise in three years, and that's not including the dependent health coverage that all others provide. The District has kept COLA of 2.71% and 3.26% that is taxpayer money meant to maintain a standard of living for employees.

She stated that the resource table –**Christie Diep, Dawnmarie Neate, Lauren Mata, Craig Goralski, and Kim Orlijan**– sent a statement to the Board on June 18 regarding Trustee **Ryan Bent's** comments at the June 9 Board meeting. She read the statement requesting that Board President Bent recant his statements denying the fact that pervasive racism exists in America because they do not reflect the truth or reality about institutional racism. The group requested the Board censure Trustee Bent for his damaging comments and expected a public recantation and apology. With the

exception of Trustee **Stephen T. Blount**, the letter has been met with silence. She stated that the damage has been done and needs to be accounted for, and asked the Board what they are going to do.

- I. **Dawnmarie Neate** stated that the extension of contracts for executive officers during a state and national financial crisis is in sharp contrast to the District asking the campuses to plan for a minimum cut of 10%. She stated that CSEA expects that the Board will also guarantee that there will be no cuts to classified positions for that same time period. She expressed her ongoing concern over the use of Thunderbird Consulting to develop an organizational structure without any input from Human Resources and now the company is developing job descriptions that will impact classified employees. As we move towards transitioning staff onsite she requested that the Board direct Human Resources to develop and coordinate the process so that the campuses or managers do not make independent decisions which can lead to risks for classified employees.
- J. **Lauren Mata** thanked the public commenters and her fellow resource table members for their eloquent and passionate denouncement of racist statements. She cited **Angela Davis** that it is not enough to be non-racist, we must be anti-racist and seek to be the change we want to see. She reported that after three years of negotiations, Adjunct Faculty United have signed an MOU with the District for rehire rights which helps to provide the consistency and stability that part-time faculty deserve.
- K. **Student Trustee Chloe Reyes** reported that she felt compelled to speak up against the dismissive actions that Board President **Ryan Bent** has shown in the past because leaders and public figures hold a responsibility to care and empathize with the people they serve. She stated that as a society we must do better and all put in the effort to dismantle the systematic oppression and police violence in America, and the change starts with our district. As a woman of color, she said she is heartbroken and uncomfortable to have to work under this kind of leadership because it definitely does not illustrate what she believes in, and more importantly, what she fights for.
- L. **Student Trustee Ester Plavdjian** reported that Cypress College Associated Students hosted a student forum in support of racial equity on June 10. She thanked the organizers and participants and noted that valuable insight was gained.
- M. **Trustee Jeffrey P. Brown** reported on the US Supreme Court decision to allow DACA to continue, but shared that it is important to note that the court's decision was based on the process that was used by the administration. While DACA is with us now, it is not firmly established, and he urged supporters to go to the polls in November.
- N. **Trustee Barbara Dunsheath** welcomed **Jennifer Oo** to her first Board meeting and echoed the comments about DACA. She reported on her attendance at her first California Community College Trustees (CCCT) Board meeting where she was sworn in to office. The CCCT Board discussed upcoming legislation including the possibility of making Ethnic Studies a community college requirement, and prioritizing securing a base apportionment and keeping it during these difficult budget times. She also reported on her attendance at the ACES Advisory Committee and shared that the Student Trustee Workshop will be in August, the CCLC Annual Convention will take place online in November, and the addition of a diversity, equity, and inclusion

requirement to the Excellence in Trusteeship Program. Lastly, she reported that the Board Evaluation Subcommittee met and plans to bring forward a report soon.

- O. **Trustee Jacqueline Rodarte** reported on her participation in a CCLC virtual meeting which included a look inside student housing including what Orange Coast College did. Student housing was captured in the EFMP and the District will have to look at it more seriously in the future due to need.
- P. **Trustee Stephen T. Blount** shared that he was raised in New Mexico after his family settled there after the Civil War, the childhood lessons he learned, and as a result he is unable to tolerate racism or the mistreatment of people.
- Q. **Trustee Ryan Bent** stated he heard a lot of things about him that have been mischaracterized and with information left out. He questioned the addition of a term and asked that it be defined and reviewed by **Arturo Ocampo** who is the District authority on the subject. At no point did he ever suggest that racism doesn't exist and he was not questioning the term.

MINUTES: It was moved by Trustee Jeffrey P. Brown and seconded by Trustee Barbara Dunsheath to approve the Minutes of the Regular Meeting of June 9, 2020 with the noted corrections to the discussion on the draft Educational and Facilities Master Plan on page 93. **Motion carried with Trustees Bent, Blount, Brown, Dunsheath, Lopez, and Rodarte voting yes, including Student Trustees Reyes and Plavdjian's advisory votes.**

FINANCE & FACILITIES

Item 3.a: Fred Williams, Vice Chancellor of Finance & Facilities, and Kashu Vyas, District Director of Fiscal Affairs, presented the District's 2020-21 Tentative Budget. The presentation included an overview of the Governor's May Revise, the State Legislative Proposal, the tentative budget, budget assumptions, the on-going structural deficit, the resource allocation model, and the general fund ending balance. Mr. Williams noted that it is expected that additional modifications will be made closer to October when the Proposed Budget is presented.

Governor's May Revise

	State	NOCCCD
SCFF Reductions		
SCFF Base Reductions (8%)	\$ (593,000,000)	\$ (17,000,000)
No COLA (2.31%)	\$ (167,700,000)	\$ (5,000,000)
No Growth Funding (.5%)	\$ (31,900,000)	\$ 0
Reduced PT Faculty Comp/Office Hours (15%)	\$ (7,300,000)	\$ (210,000)
Cash Deferrals		
From 2019-20 to 2020-21	\$ (330,000,000)	\$ (10,000,000)
From 2020-21 to 2021-22	\$ (662,000,000)	\$ (20,000,000)

The SCFF base, COLA, and growth funding reductions will be removed if federal funding materializes.

Legislative Proposal

- Approved by the legislative deadline of June 15, 2020
- Is a placeholder budget
- Does provide for 2.31% COLA and growth
- Provides a \$75 million block grant for additional COVID-19 related costs
- Cash Deferrals of \$1.072 billion (\$38.2 million to NOCCCD)
- \$739.9 million goes away if Federal funds are received
- Is a different approach than the Governor's May Revise
- Assumes that Federal funds will materialize by October. If they do not, then more deferrals.

May Revise vs Legislative Action

	Governor	Legislature
SCFF Base Reduction (8%)	\$ (593,000,000)	\$ 17,000,000
COLA (2.31%)	\$ (167,700,000)	\$ 167,744,000
Growth (.5%)	\$ (31,900,000)	\$ 31,856,000
Apprenticeship	\$ (83,200,000)	\$ 20,000,000
Strong Workforce Local Program	\$ (135,600,000)	\$ 0
SEAP	\$ (68,800,000)	\$ 0
Elimination of Proposals/Tech. Adjustment	\$ (36,600,000)	\$ 5,990,000
PT Faculty Compensation /Office Hours	\$ (7,300,000)	\$ 10,600,000
Calbright College	\$ (3,000,000)	\$ (117,000,000)
Cash Deferrals	\$ (662,000,000)	\$ (1,071,900,000)
Dreamer Resource Liaisons	\$ 0	\$ 5,800,000
Basic Needs/Learning/COVID-19	\$ 0	\$ 75,000,000
Food Pantries	\$ 0	\$ 11,400,000

Under the Governor's proposal, SCFF, COLA, growth, Strong Workforce, SEAP, and part-time faculty compensation reductions will be removed if federal funding materializes.

	May Revise	Legislative Version	Expected Budget
Tentative Budget Revenue	\$ 200,249,716	\$ 200,249,716	\$ 200,249,716
Apportionment 8% Additional	\$ -	\$ 17,000,000	\$ 17,000,000
COLA	\$ -	\$ 5,000,000	\$ -
Revenue Projection	\$ 200,249,176	\$ 222,249,176	\$ 217,249,176
Expenditures	\$ 209,734,639	\$ 209,734,639	\$ 209,734,639
Revenue Less Expenditures	\$ (9,484,923)	\$ 12,515,537	\$ 7,515,537
Hold Harmless	\$ 9,484,923	\$ 10,139,757	\$ 10,139,757
Difference	\$ 0	\$ 22,654,284	\$ 17,654,284

Under the May Revise, the District would have a \$9.48 million structural deficit, but the budget was balanced with \$9.48 million in hold harmless funding. The expected budget should be approved by the end of the week, and would include a \$7.5 million surplus for the District in addition to the hold harmless dollars.

Cash Deferrals	May Revise	Legislative	Compromise
2019-20	\$ 10,000,000	\$ 10,000,000	\$ 10,000,000
2020-21	\$ 20,000,000	\$ 38,157,000	\$ 43,600,000

The 2020-21 deferral could be reduced by \$23.7 million if Congress approves a fourth stimulus package by October 1, 2020.

Tentative Budget

The Tentative Budget is a rollover placeholder budget that provides allocations to start the new fiscal year. This year it also includes a new Resource Allocation Model (RAM) that has been discussed at the Council on Budget and Facilities (CBF), the District Consultation Council (DCC), Chancellor's Staff, and presented to the Board. Using the new allocation model for 2020-21 will allow staff to resolve any unanticipated issues with it.

Budget Assumptions Tied to the Tentative Budget

The budget assumptions include the items provided in the Governor's May Revise, but the changes that have not materialized have not been incorporated. The assumptions included do not include salary schedules increases, but does include increases in step and column advances and longevity pay and benefit rates. The use of one-time 2020-21 hold harmless funds were applied to supplement budget deficit.

On-going Structural Deficit

Revenues	\$	200,249,716
Expenditures	\$	209,734,639
Revenue Less Expenditures		(9,484,923)

Using an estimated \$9,484,932 in 2020-21 hold harmless dollars to supplement the on-going structural deficit.

Comparison of On-going structural Deficit Between New and Prior Allocations Models

	New Model	Prior Model
Revenues	\$ 200,249,716	\$ 200,249,716
Expenditures	\$ 209,734,639	\$ 208,308,507
Revenue Less Expenditures	\$ (9,484,923)	\$ (8,058,791)

Resource Allocation Model

The new resource allocation model focuses on estimated on-going resources that includes on-going and self-supported revenue. It assigns four budget centers, one to each campus and one to District Services, and each budget center participates in covering the shared districtwide costs.

General Fund Ending Balance

The ending balance for 2018-19 was \$102.4 million. After reductions of \$9 million for approved campus facilities projects and \$3 million for COVID-related expenditures, the 2019-20 general fund ending balance is estimated at \$90.4 million and is comprised of the following:

Unallocated One-time Funds	\$ 29,879,537
Allocated One-time Funds	\$ 6,276,000
Budget Center Carryovers	\$ 30,000,000
Board Policy Contingency	\$ 12,270,000
Committed Fund Balance	\$ 6,337,728
Restricted Fund Balance	\$ 5,000,000
Reserved Fund Balance	\$ 232,166

The ending balance could increase with CARES funding, and additional budget center and categorical program carryovers. The ending balance could also decrease due to additional MOUs, COVID-related expenditures, additional expenses at the campuses, and a continued statewide deficit.

What's Next

- Close the books for 2019-20
- Follow the State budget development
- Follow outlooks on the recession and recovery
- Incorporate personnel adjustments
- Negotiations
- Continued refinement of the new Resource Allocation Model

Vice Chancellor Williams received comments and responded to questions related to the budget presentation that included:

- Praise for the use of the different models and interaction with the different funds, and the expanded explanation of the budget when compared to previous years.
- What the District's cash flow is? \$40 million
- The impact of the State's deferrals on cash flow? Staff is evaluating and will prepare a cash flow analysis to determine where we think we might have a deficit.
- What does "no increases to salary schedules" refer to on page 8? A number wasn't included because there isn't a figure to utilize at this time.
- Where did the faculty stipends related to COVID come from? Currently from one-time dollars, but CARES dollars can also be used since they are an allowable expense.
- Are the step increases like those on tonight's agenda one-time or ongoing increases? The step increases are rolled into position control, but the 1% off-schedule are one-time.
- What percentage is common or comparable among other multi-college districts for district services? All districts calculate it differently, but the range available in November 2019 varied from 9.34% at the low end to 24.61% at the high end. The NOCCCD percentage was the lowest among the 14 different districts that were reviewed.
- How much of the \$3,000,000 in COVID-related expenses was for management stipends at \$1,500 each? A quick estimate of \$150,000-175,000 was provided based on approximately 100 managers.

Subsequent to the presentation, it was moved by Trustee Stephen T. Blount and seconded by Trustee Jacqueline Rodarte to approve the Tentative Budget for Fiscal Year 2020-21 for all funds of the District. **Motion carried with Trustees Bent, Blount, Brown, Dunsheath, Lopez, and Rodarte voting yes, including Student Trustees Reyes and Plavdjian's advisory votes.**

Further authorization was granted to set a public hearing for October 27, 2020, at the Anaheim Campus Board Room at or about 6:00 p.m. pursuant to §58301 of Title 5, California Code of Regulations, to provide the public with an opportunity to comment on the budget prior to the adoption of the Proposed Budget.

(See Supplemental Minutes #1257 for a copy of the presentation.)

Item 3.b: By block vote, authorization was granted to declare the list of items as surplus and for the Liquidation Company to conduct an auction for the sale of the surplus items. Proceeds collected by the auction company will be split between the District (55%) and the auction company (45%).

Item 3.c: By block vote, authorization was granted to enter into agreements with Anthem Blue Cross and Philadelphia Insurance through Student Insurance for student accident and intercollegiate athletic accident insurance for 2020-21 in the amount of \$202,644 for basic coverage and \$14,457 for catastrophic coverage, for Cypress College and Fullerton College, effective August 1, 2020.

Further authorization was granted for the Vice Chancellor, Finance & Facilities, or the District Director, Purchasing, to bind the insurance policies on behalf of the District.

Item 3.d: By block vote, authorization was granted to adopt Resolution No. 19/20-23 to authorize the Districtwide Network Refresh Project for an increased cost of \$314,539.67 to the original amount of \$18,650,875.08 for a new total of \$18,965,414.75.

Further authorization was granted for the Vice Chancellor, Finance & Facilities or District Director, Purchasing to issue purchase orders or execute any agreement on behalf of the District.

INSTRUCTIONAL RESOURCES

Item 4.a: By block vote, authorization was granted to approve the NOCCCD and Anaheim Union High School District College and Career Access Pathways Dual Enrollment Partnership Addendum 2020-2021.

Item 4.b: By block vote, authorization was granted to approve the Cypress College and Fullerton Joint Union High School District College and Career Access Pathways Dual Enrollment Partnership Addendum 2020-2021.

Item 4.c: By block vote, authorization was granted to approve the Cypress College and Los Alamitos Unified School District College and Career Access Pathways Dual Enrollment Partnership Addendum 2020-2021.

Item 4.d: By block vote, authorization was granted to approve the summary of curriculum changes for the North Orange Continuing Education, to be effective Fall 2020. The curricula have been signed by the Campus Curriculum Committee Chairperson and the President, and have been approved by the District Curriculum Coordinating Committee.

HUMAN RESOURCES

Item 5.a: By block vote, authorization was granted for the following academic personnel matters which are within budget:

RESIGNATION

Phelps, Celeste	CC	Director, Disability Support Services Eff. 07/10/2020 PN CCM998
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NEW PERSONNEL

Davis, Troy	CC	Dean, Counseling & Student Development 12-month Position (100%) Range 32, Column E + Doctorate Management Salary Schedule Eff. 07/01/2020 PN CCM696
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Haynes, Corinne	FC	Disability Support Services (Adaptive Computer Technology) Instructor Second Year Probationary Contract Class B, Step 3 Eff. 08/20/2020 PN FCF811
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Gabaldon, Nadia	FC	Learning Disability Specialist First Year Probationary Contract Class D, Step 10 Eff. 07/01/2020 PN FCF578
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CHANGE IN SALARY CLASSIFICATION

Garcia, Juan	CC	Counselor From: Class D To: Class F Eff. 07/01/2020
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Lehmeier, Marisa	CC	Counselor From: Class D To: Class E Eff. 07/01/2020
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Marquez, Lorena	FC	Counselor From: Class B To: Class C Eff. 07/01/2020
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Rangel, Jacquelyn	CC	Counselor From: Class D To: Class E
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Eff. 07/01/2020

Rodriguez, Cassandra CC Counselor
 From: Class B
 To: Class C
 Eff. 07/01/2020

Villasenor, Carole CC Counselor
 From: Class C
 To: Class D
 Eff. 07/01/2020

STIPEND FOR ADDITIONAL ADMINISTRATIVE DUTIES

Abab, Marjaneh NOCE Director, Basic Skills
 6% Stipend
 Eff. 07/01/2020-12/30/2020

MANAGEMENT PROFESSIONAL GROWTH AND DEVELOPMENT

Phelps, Celeste CC Director, Disability Support Services
 Second Increment (\$400)
 Eff. 07/01/2020

LEAVES OF ABSENCE

Clahane, Dana FC Mathematics Instructor
 Load Banking Leave With Pay (34.00%)
 Eff. 2020 Fall Semester

Dedic, James CC Sociology Instructor
 Load Banking Leave With Pay (100%)
 Eff. 2020 Fall Semester

Kaneko, Brian FC Applied Design Instructor
 Load Banking Leave With Pay (100%)
 Eff. 2020 Fall Semester

Latourelle, Elisa FC Counselor
 Family Medical Leave (FMLA/PDL) (100%)
 Paid Leave using Regular and Supplemental
 Sick Leave until Exhausted; Unpaid thereafter
 Eff. 06/19/2020-08/10/2020

Lozinsky, Richard FC Earth Sciences Instructor
 Load Banking Leave With Pay (100%)
 Eff. 2020 Fall Semester

Morvan, Laurie CC Mathematics Instructor
 Load Banking Leave With Pay (100%)
 Eff. 2020 Fall Semester

		Class E Not to exceed 3.5 hours Eff. 05/28/2020
Grote, Silvie	CC	Hiring Committee Service Lab Rate, Regular and Contract Faculty Overload Teaching Schedule Class F Not to exceed 22 hours Eff. 06/15/2020 – 07/15/2020
Jepson, Jane	CC	Hiring Committee Service Lab Rate, Regular and Contract Faculty Overload Teaching Schedule Class F Not to exceed 13 hours Eff. 06/03/2020 – 07/07/2020
Kelley, Paul	CC	Hiring Committee Service Lab Rate, Regular and Contract Faculty Overload Teaching Schedule Class E Not to exceed 17 hours Eff. 06/03/2020 – 07/09/2020
Klyde, Michael	CC	Hiring Committee Service Lab Rate, Regular and Contract Faculty Overload Teaching Schedule Class E Not to exceed 17 hours Eff. 06/03/2020 – 07/09/2020
Nelson-Wright, Kelly	FC	Hiring Committee Service Lab Rate, Regular and Contract Faculty Overload Teaching Schedule Class B Not to exceed 3.5 hours Eff. 05/28/2020
Orozco, Luciano M.	CC	Hiring Committee Service Lab Rate, Regular and Contract Faculty Overload Teaching Schedule Class E Not to exceed 17 hours Eff. 06/03/2020 – 07/09/2020
Thibodeau, Jason	CC	Hiring Committee Service Lab Rate, Regular and Contract Faculty Overload Teaching Schedule Class F Not to exceed 22 hours

Eff. 06/15/2020 – 07/15/2020

Valdez, Edilberto	CC	Hiring Committee Service Lab Rate, Regular and Contract Faculty Overload Teaching Schedule Class B Not to exceed 13 hours Eff. 06/03/2020 – 07/07/2020
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Item 5.b: By block vote, authorization was granted for the following classified personnel matters which are within budget:

REHIRES

Afshar, David	NOCE	Special Projects Manager, Basic Skills Workgroup Temporary Management Position (100%) Range 2, Special Project Admin Daily Rate Schedule Eff. 07/01/20201 – 12/31/2020 PN SCT952
Arias Miller, Tina	AC	Special Projects Director, Ed Services Temporary Management Position (100%) Range 3, Special Project Admin Daily Rate Schedule Eff. 07/01/2020 – 12/31/2020 PN DEM993
Day, Tammy Renee	NOCE	Special Projects Manager, Supporting Adults for Student Success Temporary Management Position (100%) Range 2, Special Project Admin Daily Rate Schedule Eff. 07/01/202 – 12/31/2020 PN SCT961
Eberhart, Laurie	NOCE	Special Projects Manager, OC Work Based Learning and Job Placement Temporary Management Position (100%) Range 2, Special Project Admin Daily Rate Schedule Eff. 07/01/20201 – 12/31/2020 PN SCT951
Hunter, Brent	AC	Special Projects Director, Planned Giving Temporary Management Position (100%) Range 3, Special Project Admin Daily Rate Schedule Eff. 07/01/2020 – 06/30/2021 PN DET991
Gleason, Terence	CC	Special Project Manager, Distance Learning Temporary Management Position (100%) Range 2, Special Project Admin Daily Rate Schedule Eff. 07/01/2020 – 06/30/2021 PN CCT727

Guy, Lorri	NOCE	Special Projects Manager, DSS Temporary Management Position (100%) Range 2, Special Project Admin Daily Rate Schedule Eff. 07/01/2020 – 12/31/2020 PN SCT975
Keisselbach, Kenneth	NOCE	Special Projects Manager, NOCRC Temporary Management Position (100%) Range 2, Special Project Admin Daily Rate Schedule Eff. 07/01/2020 – 12/31/2020 PN SCT967
Mora, Denise	NOCE	Special Projects Coordinator, CTE Strong Workforce Temporary Management Position (100%) Range 1, Special Project Admin Daily Rate Schedule Eff. 07/01/20201 – 12/31/2020 PN SCT957
Rivera, Hilda	NOCE	Special Projects Coordinator, NOCRC Support Services and Transition Temporary Management Position (100%) Range 1, Special Project Admin Daily Rate Schedule Eff. 07/01/2020– 06/30/2021 PN SCT968

PROMOTION

Roberts, Nicole	NOCE	Instructional Aide/DSS 11-month position (75%) PN SCC882
		To: Instructional Assistant/DSS 11-month position (75%) Range 36, Step E Classified Salary Schedule + 5% Longevity Eff. 07/01/2020 PN SCM836

VOLUNTARY CHANGES IN ASSIGNMENT

Abutin, Allan	AC	IT Project Leader (100%) Extension of Temporary Change in Assignment
		To: NOCE Interim Manager, Instructional Technology Services 12-month position (100%) Range 19, Column G + 15% Longevity + PG&D Management Salary Schedule Eff. 07/01/2020 – 06/30/2021

Beck, Morgan	NOCE	<p>Manager, Instructional Technology Services (100%)</p> <p>Temporary Change in Assignment</p> <p>To: AC Interim District Director, Information Technology Infrastructure and Operations 12-month position (100%) Range 31, Column B Management Salary Schedule Eff. 07/01/2020 – 12/31/2020</p>
Cao, Khanh	CC	<p>Instructional Assistant (50%)</p> <p>Temporary Increase in Percent Employed From: 50% To: 100% Eff. 07/01/2020 – 06/30/2021</p>
Gomez, Monica	NOCE	<p>Administrative Assistant II (100%)</p> <p>Extension of Temporary Change in Assignment</p> <p>To: Administrative Assistant III 12-month position (100%) Range 41, Step D Classified Salary Schedule Eff. 07/01/2020 – 03/31/2021</p>
Haugh, Angela	CC	<p>Student Services MIS Analyst (100%)</p> <p>Extension of Temporary Change in Assignment</p> <p>To: Senior Research and Planning Analyst 12-month position (100%) Range 57, Step D Classified Salary Schedule Eff. 07/01/2020 – 12/31/2020</p>
Hsieh, Larry	AC	<p>IT Security Analyst/System Administrator (100%)</p> <p>Extension of Temporary Change in Assignment</p> <p>To: IT Project Leader 12-month position (100%) Range 57, Step D + PG&D Classified Salary Schedule Eff. 07/01/2020 – 08/31/2020</p>
Leos, Nigel	NOCE	<p>Testing and Assessment Specialist (100%)</p> <p>Extension of Temporary Change in Assignment</p>

Temporary Decrease in Percent Employed
 From: 100%
 To: 90%
 Eff. 07/01/2020 – 06/30/2021

Sandoval, Enrique	NOCE	IT Services Coordinator I (100%) Extension of Temporary Change in Assignment To: AC IT Security Analyst/System Administrator 12-month position (100%) Range 55, Step C + PG&D Classified Salary Schedule Eff. 07/01/2020 – 09/30/2020
Uppal, Harpreet	NOCE	Research Analyst (100%) Extension of Temporary Change in Assignment To: Senior Research Analyst 12-month position (100%) Range 57, Step B+ Doctorial Stipend Classified Salary Schedule Eff. 07/01/2020 – 06/30/2021

PROFESSIONAL GROWTH & DEVELOPMENT

Abesamis, Naomi	FC	Director, Student Activities (100%) 3 rd Increment (\$400) Eff. 07/01/2020 4 th Increment (\$400) Eff. 07/01/2021
Aikin, Carmen	AC	Executive Assistant II (100%) 5 th Increment (\$400) Eff. 07/01/2020
Boss, Brian	FC	Evaluator (100%) 5 th Increment (\$400) 6 th Increment (\$400) Eff. 07/01/2020
Davis, Julia	AC	Human Resources Technician (100%) 3 rd Increment (\$400) Eff. 07/01/2020
Fisher, Shauna	FC	Administrative Assistant II (100%) 1 st Increment (\$400) 2 nd Increment (\$400) Eff. 07/01/2020

Hegle, Sierra	CC	Student Services Specialist, Transfer Center 4 th Increment (\$400) Eff. 07/01/2020
Jimenez, Martin	FC	HVAC Mechanic I (100%) 2 nd Increment (\$400) Eff. 07/01/2020
Justice, Summer	CC	Student Services Coordinator (100%) 1 st Increment (\$400) Eff. 07/01/2020
Kagawa, Marcie	CC	Communications Specialist (100%) 2 nd Increment (\$400) 3 rd Increment (\$400) Eff. 07/01/2020
Lee, Albin	FC	Evaluator (100%) 2 nd Increment (\$400) Eff. 07/01/2020
McKamy, James	FC	Campus Safety Officer Coordinator (100%) 4 th Increment (\$400) Eff. 07/01/2020
Pham, Thomas	NOCE	Buyer II (100%) 5 th Increment (\$400) Eff. 07/01/2020
Rodriguez Valadez, Juan	CC	Instructional Aide, LRC (100%) 1 st Increment (\$400) Eff. 07/01/2020
Shrack, Amy	FC	Administrative Assistant III (100%) 4 th Increment (\$400) Eff. 07/01/2020
Thomason, Michelle	FC	Administrative Assistant II (100%) 1 st Increment (\$400) Eff. 07/01/2020
Yanez, Julie	FC	Student Services Technician (45%) 1 st Increment (\$180) Eff. 07/01/2020

STIPEND FOR ADDITIONAL ADMINSTRATIVE DUTIES

Booze, David	CC	Registrar (100%) Extension of 10% Stipend Eff. 07/01/2020 – 12/31/2020
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Hsieh, Larry	AC	IT Project Leader (100%) Extension of 6% Stipend Eff. 07/01/2020 – 06/30/2021
Martinez Stluka, Rena	FC	Registrar (100%) Extension of 10% Stipend Eff. 07/01/2020 – 12/31/2020
Ortiz, Triseinge	NOCE	Registrar (100%) Extension of 10% Stipend Eff. 07/01/2020 – 06/30/2021
Zamorano, Karla	NOCE	Admissions & Records Technician Extension of 6% Stipend Eff. 07/01/2020 – 06/30/2021

LEAVES OF ABSENCE

Coggi, Anita	FC	Administrative Assistant II (100%) Military Leave With Pay (USERRA) Eff. 05/28/2020 – 06/05/2020
Dam, Linh	AC	Payroll Specialist (100%) Family Medical Leave (FMLA/CFRA) Paid Leave Using Regular and Supplemental Sick Leave Until Exhausted; Unpaid Thereafter Eff. 07/07/2020 – 08/26/2020 (Consecutive Leave)

CORRECTION TO TITLE AND RATE FOR BOARD AGENDA OF JUNE 9, 2020

Perret-Martinez, Erika	CC	From: Special Project Coordinator, College Foundation Temporary Management Position (100%) Range 1, Special Project Admin Daily Rate Schedule Eff. 07/01/2020 – 06/30/2021 PN CCT713 To: Special Project Manager, College Foundation Temporary Management Position (100%) Range 2, Special Project Admin Daily Rate Schedule Eff. 07/01/2020 – 06/30/2021 PN CCT713
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Item 5.c: By the block vote, authorization was granted for the assignment of professional expert personnel per the professional expert listing.

(See Supplemental Minutes #1257 for a copy of the professional expert personnel listing.)

Item 5.d: By the block vote, authorization was granted for the hourly listing.

(See Supplemental Minutes #1257 for a copy of the hourly personnel listing.)

Item 5.e: By the block vote, authorization was granted for the assignment of volunteers per the volunteer listing.

(See Supplemental Minutes #1257 for a copy of the volunteer listing.)

Item 5.f: It was moved by Trustee Jeffrey P. Brown and seconded by Trustee Jacqueline Rodarte to approve the Confidential Employee's salary adjustment of a one-time off-schedule salary payment of 1.0% for fiscal year 2020-2021.

During the discussion, Trustee Stephen T. Blount requested clarification regarding the purpose of the one-time payment, the timing of it, and whether it was related to COVID-19. Chancellor Marshall stated that the 1% off-schedule, one-time payment for managers and confidential employees is not related to remote work and that the District is still at the negotiating table with CSEA and United Faculty.

Trustee Ed Lopez asked if the current District offer to the other groups is the same, and subsequent to brief discussion on whether that information could be disclosed publically due to negotiations being at impasse, Christie Diep shared that the offer to United Faculty was the status quo and 1% for each 19-20 and 20-21.

Trustee Barbara Dunsheath stated that historically the District has always treated the employee raises equally unless there was an adjustment requested by the bargaining unit.

Subsequent to the discussion, the **motion carried with Trustees Bent, Brown, Dunsheath, Lopez, and Rodarte voting yes, and Trustee Blount voting no.**

Item 5.g: It was moved by Trustee Jeffrey P. Brown and seconded by Trustee Barbara Dunsheath to approve the District Management Association salary adjustment of a one-time off-schedule salary payment of 1.0% for fiscal year 2020-2021.

Subsequent to Trustee Stephen T. Blount stating that an increase sends the wrong message in the current budget climate, the **motion carried with Trustees Bent, Brown, Dunsheath, Lopez, and Rodarte voting yes, and Trustee Blount voting no.**

Item 5.h: It was moved by Trustee Jeffrey P. Brown and seconded by Trustee Jacqueline Rodarte to approve a one-time off-schedule salary payment of one (1%) for fiscal year 2020-2021 and extend the contract period through June 30, 2023 for the following Executive Officers:

Cherry Li-Bugg, Vice Chancellor, Educational Services and Technology
Valentina Purtell, President, North Orange Continuing Education
Irma Ramos, Vice Chancellor, Human Resources
JoAnna Schilling, President, Cypress College
Greg Schulz, President, Fullerton College
Fred Williams, Vice Chancellor, Finance and Facilities

In addition, the following salary column advancements will be effective July 1, 2020:

W. Cherry Li-Bugg, Vice Chancellor, Educational Services and Technology from Step G to Step H, Two Hundred Fifty-Two Thousand, Seven Hundred Thirty-Six Dollars (\$252,736).

JoAnna Schilling, President, Cypress College from Step D to Step E, Two Hundred Twenty-Six Thousand, Four Hundred Dollars (\$226,400).

Valentina Purtell, President, North Orange Continuing Education from Step E to Step F, Two Hundred Thirty-Four Thousand, Eight Hundred Thirty-Four Dollars (\$234,834).

Subsequent to Trustee Stephen T. Blount noting that an increase at this time is an off-schedule award and Trustee Ed Lopez stating that it is not the right time for the highest paid to receive an increase, the **motion carried with Trustees Bent, Brown, Dunsheath, and Rodarte voting yes, and Trustees Blount and Lopez voting no.**

(This action was orally reported by the Board President Ryan Bent per the Brown Act, at California Government Code section 54953(c)(3), as amended.)

Item 5.i: It was moved by Trustee Stephen T. Blount and seconded by Trustee Barbara Dunsheath to approve Chancellor Marshall's contract through June 30, 2024 with no salary adjustment for the 2020-2021 fiscal year and no recommendation for changes to the fringe benefits allowance. **Motion carried with Trustees Bent, Blount, Brown, Dunsheath, Lopez, and Rodarte voting yes.**

(This action was orally reported by the Board President Ryan Bent per the Brown Act, at California Government Code section 54953(c)(3), as amended.)

GENERAL

Item 6.a: The Board received and reviewed an updated Draft Educational and Facilities Master Plan (EFMP) 2021-2030 which incorporated feedback received at its June 9 meeting. Jenny Derry, with Brailsford & Dunlavey, shared that the consultants listened to what was shared at the last Board meeting, went through the transcript, and forwarded changes to the Steering Committee who provided additional comments.

Trustee Ed Lopez stated that he suggested that it would be nice to include 10-year projections for student and facility needs. Chancellor Marshall clarified that they were not included because projections beyond five-years need to be addressed in a different documents. Andrew Perez, with Brailsford & Dunlavey, also noted that additional language was incorporated for reports and analysis on a regular two-year basis.

Christie Diep, United Faculty President, requested that the phrase "Creating an environment that is clearly anti-racist and is supportive of policies and programs that remove systemic barriers for students of all races" in the Diversity, Equity, Inclusion, and Anti-Racism chapter be reviewed by the College's Ethnic Studies departments.

The general consensus of the Board was to have the Ethnic Studies department faculty review that specific language in order to provide input and Chancellor Marshall offered to initiate communication with them. The nature of their recommendations will determine if the EFMP returns as an information or action item at the July Board meeting.

Item 6.b: It was moved by Trustee Barbara Dunsheath and seconded Trustee Jacqueline Rodarte to adopt the following proposed, revised Board Policies:

- BP 3560, Alcoholic Beverages
- BP 3600, Auxiliary Organizations

During the discussion, it was requested to not make the change to Section 2.0, so that it remains “Board” (instead of the originally proposed “Chancellor”). **Motion carried with Trustees Bent, Blount, Brown, Dunsheath, Lopez, and Rodarte voting yes, including Student Trustees Reyes and Plavdjian’s advisory votes.**

Once adopted by the Board of Trustees, the revised policies will be placed on the District’s website, where they will be readily accessible by students, employees, and the general public.

Item 6.c: The Board received as information the following revised Administrative Procedures:

- AP 3720, Computer and Electronic Communication Systems
- AP 3740, Websites
- AP 3750, Use of Copyrighted Material
- AP 3810, Claims Against the District
- AP 3820, Gifts and Donations
- AP 3900, Speech: Time, Place, and Manner

During the discussion, it was requested that AP 3720 be corrected to replace NOCE Provost, with NOCE President. Two grammar related revisions to AP 3900 in Sections 5.5 and 5.8 were recommended and agreed to by the Board.

Additional questions were posed regarding the language in AP 3900, Section 4.0 regarding what is meant by “laws on illegal harassment and discrimination” and whether that pertains to “hate speech” which is protected. Also discussed was whether “incite or create” in the same section should read “incite and create” since that is required by law. It was requested that staff refer both matters to legal counsel for clarification.

The revised Administrative Procedures are available on the District’s website, where they are readily accessible by students, employees, and the general public.

Item 6.d: The Board received and reviewed the following proposed, revised Board Policies, and directed that they be placed on a future Board meeting agenda for action:

- BP 3720, Computer and Electronic Communication Systems
- BP 3740, Websites
- BP 3810, Claims Against the District
- BP 3820, Gifts and Donations
- BP 3900, Speech: Time, Place, and Manner

During the discussion, trustees inquired about website ADA compliance with regard to BP 3740 and whether language of that nature should be addressed in the board policy or administrative procedure. It was requested that staff refer to CCLC for further guidance.

Trustees inquired whether a dollar amount should be included to BP 3820 so that the Board does not have to review minor amounts. It was suggested that the dollar amount mirror the political contributions threshold of \$100. It was requested that staff refer to CCLC for further guidance.

Trustee Ed Lopez stated that he had several recommendations related to BP 3900 that he would submit to the Chancellor after the meeting, but during the meeting, he provided the following:

- Section 8.0: The language should be “inciting or producing the commission of unlawful acts, **and** which is likely to incite or produce **imminent lawless action...**” (instead of “inciting or producing the commission of unlawful acts, **or** which is likely to incite or produce...”) because the standard calls for both inciting and doing something to actually cause imminent lawless action.
- Section 9.0: Unclear what this section is referring to regarding free speech, harassment, threats, or intimidation. Also, the policy may not prohibit lawfully protected free speech.
- Section 12.0: Deletion of this section because it is addressed in other board policies and does not belong in this policy.

It was requested that staff refer all recommendations to BP 3900 to legal counsel for clarification.

Item 6.e: The Board received and reviewed the following proposed, revised Board Policies from the Board Policy Subcommittee:

- BP 2200, Board Duties and Responsibilities
- BP 2740, Board ~~Education~~ [Professional Development](#)

During the discussion of BP 2740, it was recommended that Section 1.1 be revised to read “in the relevant areas” instead of “in the following areas...” in order to not limit the topics to those noted in the board policy, and that “CEO and Board relations” and “diversity” be added to the list of topics. It was also recommend that “and student trustees” be added to Section 1.2 after “trustees.”

When discussing BP 2200, trustees inquired about the background materials used to make the suggested language revisions, and subcommittee members stated the revisions were based on the Education Code, but they also looked at ACCJC Accreditation Standards and the CCLC Trustee Handbook.

Trustee Barbara Dunsheath expressed concern that there were a couple of areas where new language is used that is not common and seems to be in conflict with ACCJC Accreditation Standards. She highlighted Section 3.0 regarding delegation of authority to someone besides the Chancellor and Section 2.4 which conflicts with BP/AP 2510, Participation in Local Decision-making and its process that is independent from the Board.

Subcommittee members noted that the Education Code does not limit delegation to the Chancellor and requested that the Education Code be cited in the references. They also encouraged trustees to read the Education Code, and stated their intent with BP 2200 was to outline duties in order to avoid having to refer to the actual Education Code for guidance.

Trustee Barbara Dunsheath noted that the District is part of the CCLC policy listserv. She pulled several policies from other Boards and the proposed language is a big departure from what others are doing. She requested that the revisions be reviewed by legal counsel. Board President Ryan Bent agreed to a legal review and agreed that he did not want to include language that would be in conflict with accreditation standards.

Craig Goralski, Cypress College Academic Senate President, shared that Sections 2.4 and 2.9, regarding the establishment of policies related to instruction and student conduct, and local governance procedures, are also cited in the Education Code and should also be linked.

In the concluding discussion it was clarified that subsequent to legal review, the policy would return to the Board as an information item, and then proceed to the District Consultation Council for their review.

Item 6.f: It was moved by Trustee Ed Lopez and seconded by Trustee Jacqueline Rodarte that the Board adopt Resolution No. 19/20-24, Affirm that Black Lives Matter.

Trustee Ed Lopez placed the resolution on the agenda and stated that in the midst of a national conversation on racial injustice, it would be appropriate and desirable for the District to affirm the sentiment that Black Lives Matter and express support.

In the ensuing discussion, Trustee Barbara Dunsheath stated that while she was happy to support the resolution, she suggested delaying approval in order to develop a collective and more powerful statement that includes data and a commitment to racial justice and action.

Board President Ryan Bent requested a review of the resolution noting that typically resolutions come to the Board for a first reading and time to see the resolution approved by CCLC. He expressed the desire to stay away from support of violent protests, differentiating between the Black Lives Matter movement and the Black Lives Matter organization, and the need for a non-partisan resolution.

Christie Diep, United Faculty President, expressed her frustration with the direction of the discussion regarding the definition of protests, the use of red herrings, making the resolution political, and the need for the Board to do what is right for the community.

Trustee Barbara Dunsheath stated that the conversation was turning into a different one, one that may be necessary, but not the right venue for it at the moment, and reiterated her desire to have another set of eyes review the resolution along with other documents, and have it return to the Board. Trustee Jeffrey P. Brown shared his concern with delaying approval in order to further develop the resolution because it is imperative that the Board make their own statement now. He suggested approving the resolution and drafting an additional resolution.

Trustee Ed Lopez deemed the resolution simple and modest, noting that it did not state support for protests. He stated that it was fine if others wanted to introduce other resolutions, but that should not interfere with the current resolution.

Student Trustee Chloe Reyes wondered why there was a debate on the resolution and stated that it was disheartening for students to see that they were debating support for the resolution.

Trustee Jacqueline Rodarte expressed her support for the resolution. She noted that it is meaningful for the Board to take steps to approve the current resolution in order to affirm that Black Lives Matter and stated that any suggested language should be made now.

Kim Orlijan, Fullerton College Faculty Senate President, appreciated the resolution, agreed on its importance, and stated that although it does not go far enough, it is important for the Board pass it.

Upon conclusion of the discussion, the **motion carried with Trustees Bent, Blount, Brown, Dunsheath, Lopez, and Rodarte voting yes, including Student Trustees Reyes and Plavdjian's advisory votes.**

(See Supplemental Minutes #1257 for a copy of the signed resolution.)

Item 6.g: Board President Ryan Bent asked if there were any requests for potential future Board agenda items. Christie Diep, United Faculty President, stated that she has had many members ask if Board meeting video and audio recordings are available on the website. Board President Ryan Bent stated that the current practice is to not post them, and that would continue unless there is a change in procedure.

CLOSED SESSION: At 9:35 p.m., Board President Ryan Bent adjourned the meeting to closed session per the following sections of the Government Code and stated that there would not be a readout:

Per Section 54957.6: CONFERENCE WITH LABOR NEGOTIATOR IRMA RAMOS, VICE CHANCELLOR, HUMAN RESOURCES; Employee Organizations: United Faculty/CCA/CTA/NEA, Adjunct Faculty United Local 6106, CSEA Chapter #167, and Unrepresented Employees.

Per Section 54957: PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Per Section 54956.9(a): CONFERENCE WITH LEGAL COUNSEL: ANTICIPATED LITIGATION: One (1) Potential Case.

RECONVENE MEETING: At 10:02 p.m., Board President Ryan Bent reconvened the meeting in open session.

ADJOURNMENT: At 10:02 p.m., it was moved by Trustee Stephen T. Blount and seconded by Trustee Jeffrey P. Brown to adjourn the meeting. **Motion carried with Trustees Bent, Blount, Brown, Dunsheath, Lopez, and Rodarte voting yes.**