

# MONTEREY PENINSULA COMMUNITY COLLEGE DISTRICT GOVERNING BOARD OF TRUSTEES

## SPECIAL MEETING

4:30pm, Closed Session, Stutzman Seminar Room, LTC  
5:00pm, Special Meeting, Sam Karas Room, LTC  
980 Fremont Street, Monterey, California 93940  
[www.mpc.edu/GoverningBoard](http://www.mpc.edu/GoverningBoard)

**THURSDAY, MAY 12, 2011**

## AGENDA

*The Monterey Peninsula College Governing Board welcomes you to the Governing Board of Trustees Regular Meeting. Documents that are public records and are provided to the Governing Board regarding a Regular Meeting item on this Agenda will be made available for public inspection in the Superintendent/President's Office at Monterey Peninsula College, 980 Fremont Street, Monterey, California, during normal business hours the Wednesday preceding the meeting. If you intend to submit documents at this meeting, the Brown Act requires you to bring enough copies for the Trustees and the audience. In compliance with the Americans with Disabilities Act, those requiring special assistance to access the Board meeting room, to access written documents being discussed at the Board meeting, or to otherwise participate at a Board meeting, can contact the Superintendent's Office at (831) 646-4272. Notification at least 72 hours prior to the Board meeting will enable the District to make reasonable arrangements to ensure accessibility to the Board meeting and to provide any required accommodations, auxiliary aids, or translation services.*

### 1. **OPENING BUSINESS**

A. Call To Order

B. Roll Call

C. Public Comments on Closed Session Items

*This is an opportunity for visitors to make comments regarding any closed session items. When the Chair recognizes a member of the public for oral comments, such comments shall be limited to three minutes.*

D. Closed Session – items under discussion:

*The Governing Board will meet in Closed Session (before the Regular Meeting on regular agenda items) to consider matters appropriate for Closed Session as authorized by sections 3549.1 and 54956.7-54957.7, Government Code and section 72122, Education Code, and as otherwise provided by law. Required action on these matters will be taken when the Board meets in Regular Meeting or at the next public meeting.*

1) Conference with Legal Counsel Regarding Anticipated Litigation (one):  
Government Code section 54956.9(b).

E. Reconvene to Regular Meeting and Roll Call

F. Reporting of Any Action Taken During Closed Session

### 2. **RECOGNITIONS**

A. Acknowledgement of Visitors

B. Comments from Visitors

3. **NEW BUSINESS**

*Public comments on New Business agenda items will be heard at the time the matter is under Board consideration. If you wish to address the Board on an agenda item, please do so when that item is called. Presentations will be limited to a maximum of three minutes, or as established by the Board. Persons are not required to give their name or address, but it is helpful for a person to state their name in order that the Board and others present may identify the speaker.*

- A. BE IT RESOLVED, that the Governing Board adopt the following resolution not to reemploy certain faculty employees for the 2011-2012 year and authorize the issuance of final notices to these employees:

WHEREAS, the Board of Trustees of the Monterey Peninsula Community College District adopted a Resolution No. 2010-2011/96 on March 8, 2011, authorizing and directing the Superintendent/President to initiate and pursue procedures necessary to not reemploy the equivalent of 12.0 full time equivalent faculty employees of this District pursuant to Education Code sections 87740 and 87743 because of a reduction and/or elimination of particular kinds of services; and,

WHEREAS, the Superintendent/President duly and properly served notice on the faculty employees listed on Attachment "A" on March 11, 2011, indicating that the Board did not intend to reemploy them to the extent indicated in the Resolution and Notice for the 2011-2012 academic year; and,

WHEREAS, the faculty employees listed on Attachment "A" were informed of their right to request a hearing and that failure to do so in writing would constitute a waiver of the right to a hearing; and,

WHEREAS, a layoff hearing was convened on April 28, 2011, by the Office of Administrative Hearings, State of California, for those certificated employees who desired a hearing; and,

WHEREAS, a Proposed Decision dated May 3, 2011, has been submitted by Nancy Rasmussen, Administrative Law Judge, Office of Administrative Hearings, in the matter of Accusations against those employees who appeared for the hearing, a true and correct copy of which is marked "Attachment B", attached hereto and by this reference made a part hereof; and,

WHEREAS, the Board has duly considered said Proposed Decision; and,

THE BOARD HEREBY FINDS sufficient cause for not reemploying the certificated employees listed on Attachment "C" to the extent indicated in Resolution No. 2010-2011/96 and consistent with the Proposed Decision which is hereby adopted as the decision of this Board, and finds that the decision to not reemploy these employees relates to the welfare of the Monterey Peninsula Community College District and the students thereof; and

BE IT FURTHER RESOLVED that the Board shall reduce particular kinds of services to the extent indicated in Resolution No. 2010-2011/96 and said decision shall be effective immediately;

FURTHERMORE, considering the faculty staffing requirements of the Monterey Peninsula Community College District for the 2011-12 academic year, as well as the seniority and qualifications of each of the faculty employees of the District, it is necessary that the services of the faculty employees listed on Attachment "C" will not be required for the ensuing academic year; and,

BE IT FURTHER RESOLVED AND ORDERED that the Superintendent/President is authorized and directed to notify those certificated employees listed on Attachment "C", pursuant to Education Code section 87740 that their services will not be required by this District for the ensuing 2011-12 academic year. Said notice shall be given by serving upon the faculty employees listed on Attachment "C" a true copy of this Resolution and Decision Not to Reemploy Certificated Employees.

PASSED AND ADOPTED by the Monterey Peninsula Community College District Board of Trustees on this 12th day of May, 2011, by the following vote:

AYES: \_\_\_\_\_  
NOES: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_  
ABSENT: \_\_\_\_\_

- B. PUBLIC HEARING: Initial proposal of Monterey Peninsula College Teachers Association (MPCTA)/CTA/NEA for negotiations for 2011-2012.
- C. BE IT RESOLVED, that Resolution No. 2010-2011/121, Resolution of Intent to Convey Easement to Pacific Bell Telephone Company, DBA AT&T California, at Marina Education Center, be approved; and that a public hearing on the conveyance of the easement be scheduled for the next regular meeting of the Governing Board of Monterey Peninsula Community College District on May 24, 2011, 3:00 PM.

4. **ADVANCE PLANNING**

- A. Regular Meeting Tuesday, May 24, 2011
  - Closed Session, 1:30pm, Stutzman Seminar Room, Library and Technology Center
  - Regular Meeting, 3:00pm, Sam Karas Room, Library and Technology Center
- Regular Board Meeting, Tuesday, June 28, 2011
  - Closed Session, 1:30pm, Stutzman Seminar Room, Library and Technology Center
  - Regular Meeting, 3:00pm, Sam Karas Room, Library and Technology Center
- B. Future Topic:
  - 1) Assessment of Board Goals for 2010-2011

5. **ADJOURNMENT**

6. **CLOSED SESSION**

*When required on non-routine matters and/or to continue discussion of items from earlier Closed Session.*

*Any writings or documents that are public records and are provided to a majority of the Governing Board regarding an open session item on this Agenda will be made available for public inspection in the District Office located at 980 Fremont Street, Monterey, CA, during normal business hours. Governing Board documents are also available on the Monterey Peninsula College website at [www.mpc.edu](http://www.mpc.edu).*

*Posted May 9, 2011*