

**MONTEREY PENINSULA COMMUNITY COLLEGE DISTRICT
GOVERNING BOARD OF TRUSTEES**

SPECIAL BOARD MEETING

www.mpc.edu/GoverningBoard

4:30pm, Closed Session, Stutzman Seminar Room, LTC
5:00pm Special Meeting, Sam Karas Room, LTC
980 Fremont Street, Monterey, California 93940

THURSDAY, MAY 12, 2011

MINUTES

1. OPENING BUSINESS

A. Call To Order – Chair Lynn Davis called the Special Board Meeting to order at 4:30pm.

B. Roll Call - present:
Mr. Lynn Davis, Chair
Mr. Charles Brown, Vice Chair
Dr. Douglas Garrison, Superintendent/President
Mr. Charles Page, Trustee
Dr. Loren Steck, Trustee

Absent:

Dr. Margaret-Anne Coppernoll, Trustee

Staff:

Barbara Lee, Associate Dean of Human Resources

C. Public Comments on Closed Session Items - there were no visitors. The meeting was adjourned to Closed Session.

D. Closed Session – items under discussion:
1) Conference with Legal Counsel – Anticipated Litigation, Two Cases
(Government Code Section 54956.9).

E. Reconvene to Regular Meeting and Roll Call – Chair Lynn Davis called the Special Board meeting to order at 5:00pm in the Sam Karas Room. Roll call was taken.

Present:

Mr. Charles Brown, Vice Chair
Mr. Lynn Davis, Chair
Dr. Douglas Garrison, Superintendent/President
Mr. Charles Page, Trustee
Dr. Loren Steck, Trustee
Mr. Kage Williams, Student Trustee

Absent:
Dr. Margaret-Anne Coppernoll,

F. Reporting of any Action Taken During Closed Session – no action taken.

2. **RECOGNITIONS**

A. Acknowledgement of Visitors – none.

B. Comments from Visitors – none.

3. **NEW BUSINESS**

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:

Motion Brown / Second Page / Carried

2010-2011/120

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 2011-2012 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 2011-2012 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.

PUBLIC COMMENTS: There were several comments from members of the public:
-MPCTA President Mark Clements spoke in support of faculty.
-MPCEA President Loran Walsh spoke in support of all faculty and staff.
-One Community member spoke on behalf of the photography department.

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:	<u>Brown/Davis/Page/Steck</u>
NOES:	<u>0</u>
ABSTAIN:	<u>0</u>
ABSENT:	<u>1</u>

B. PUBLIC HEARING: Initial proposal of Monterey Peninsula College Teachers Association (MPCTA)/CTA/NEA for negotiations for 2011-2012.

PUBLIC COMMENTS: None.

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.

Public Comments: none.

Board Comments: the Board asked for clarification of the easement language, specifically the intent of the word "aerial", the exact size of the area to be fenced, and

the exact location of the box. Steve Ma will address these concerns at the May 24 Regular Board Meeting.

Motion Steck / Second Page / Carried

2010-2011/121

4. **ADVANCE PLANNING**

Regular Meeting Tuesday, May 24, 2011

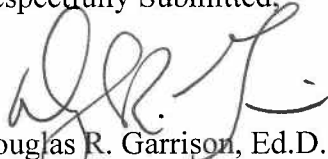
- Closed Session, 1:30pm, Stutzman Seminar Room, Library and Technology Center
- Regular Meeting, 3:00pm, Sam Karas Room, Library and Technology Center

Regular 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

5. **ADJOURNMENT** – the Special Board Meeting was adjourned at 5:37pm.

Respectfully Submitted,



Douglas R. Garrison, Ed.D.
Superintendent/President

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 agenda item 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.

Posted May 27, 2011