



**Maricopa County Community College District
Governing Board Minutes
June 27, 2017**

An Executive Session, a Public Hearing for Adoption of the Charter School Budgets, and Regular Board Meeting of the Maricopa County Community College District Governing Board were scheduled to be held beginning at 5:00 p.m. at the District Support Services Center, 2411 West 14th Street, Tempe, Arizona, pursuant to ARS §38-431.07, notice having been duly given.

GOVERNING BOARD

Laurin Hendrix, President
Linda Thor, Vice President
Johanna Haver, Member
Jean McGrath, Member
Dana Saar, Member
Alfredo Gutierrez, Member
Tracy Livingston, Member

ADMINISTRATION

Maria Harper-Marinick
LaCoya Shelton
Paul Dale, Interim EVC & Provost
Gaye Murphy
Herman Gonzales for Paul Dale (PVC)
Edward Kelty
Christina Schultz
Todd Simmons for Chris Bustamante
Bill Guerriero
Steven Gonzales
Donna Young for Jan Gehler
Chris Haines
Terry Leyba-Ruiz
Heather Weber for Ernie Lara
Shari Olson
Sasan Poureetezadi
Maggie McConnell, Legal

EXECUTIVE SESSION

The Executive Session was called to order at 5:00 p.m.

CALL TO ORDER

Board President Laurin Hendrix called the Public Hearing of June 27, 2017 for the Consideration of Adoption of Charter School Budgets for FY2017-18 to order at 6:30 p.m.

**PUBLIC HEARING AND
SPECIAL SESSION**

Board President Hendrix explained that the first item on the Public Hearing Agenda was the adoption of the proposed budget of the GateWay Early College High School for fiscal year 2017-18, as required by state law. The purpose of the hearing was to give any resident or taxpayer the opportunity to protest the inclusion of any item in the proposed budget. Prior to allowing citizens to come forward, he asked Vice Chancellor of Business Services Gaye Murphy and her staff to provide an overview of the proposed budget.

Vice Chancellor Murphy introduced GateWay Early College High School Principal Lisa Smith and asked her to provide an overview of the proposed budget. Dr. Smith explained that 267 students were currently enrolled at GWECHS. There is an average daily

membership of 255. State base funding per student is \$3,481 for 2017 and will increase to \$3,683 in 2018. Additional assistance per student of \$2,022 was received for 2017 and will increase to \$2,068.79 in 2018. Prop 301 funding per student was \$295 for 2017 and will increase to \$386 in 2018. Small school cuts will increase to -\$60,111 in 2018 from -\$24,139. The reason for this is that the two charter schools are under one Board and the number of students is less than 500. The Budget total in 2017 was \$2,113,398 and will increase to \$2,191,094. The funding that impacts the increase is the State Base Funding, Additional Assistance, Prop 123, Prop 301, and Instructional Improvement. The 1.06% increase in teacher salaries will be covered by the State budget increase.

President Hendrix invited any interested members of the public to address the Governing Board concerning the proposed action under consideration. No members of the public requested coming forward.

President Hendrix invited Board Members to provide comments concerning the proposed action under consideration. Board Member Livingston thanked Dr. Smith for using Prop 123 monies for teacher salaries.

President Hendrix concluded the Public Hearing for the adoption of the proposed Gateway Early College High School for FY 2017-18.

Board President Hendrix explained that the second item on the public hearing agenda was the adoption of the proposed budget of the Phoenix College Preparatory Academy for fiscal year 2017-18, as required by state law. The purpose of the hearing is to give any resident or taxpayer the opportunity to protest the inclusion of any item in the proposed budget. Prior to allowing citizens to come forward, he asked Vice Chancellor of Business Services Gaye Murphy and her staff to provide an overview of the proposed budget.

Vice Chancellor Murphy introduced Phoenix College Preparatory Academy Principal Keith Brown and asked him to provide an overview about the proposed budget. Mr. Brown came forward and explained that PCPA currently has 135 students and they are projecting 170 in 2018. The Average Daily Membership is 135 and they are projecting 160 in 2018. The current enrollment cap is 147 and they are applying for 215. This year they added an English teacher and two part-time teachers. They are now fully staffed. They have ten special education students and 94% are eligible for the Free Lunch Program. State base funding per student is \$3,635 for 2017 and will increase to \$3,683 in 2018. Additional assistance per student is \$2,042 for 2017 and will increase to \$2,068.79 in 2018.

President Hendrix invited any interested members of the public to address the Governing Board concerning the proposed action under

consideration. No members of the public requested coming forward.

President Hendrix invited Board Members to provide comments concerning the proposed action under consideration.

President Hendrix concluded the Public Hearing for the adoption of the proposed Gateway Early College High School for FY 2017-18. President Hendrix explained that the two budgets would be adopted during the business portion of the regular board meeting. He requested a motion to adjourn.

MOTION

Motion 18503

Board Member Saar motioned for adjournment of the Public Hearing and this was seconded by Board Vice President Thor.

**ADJOURNMENT OF
PUBLIC HEARING AND
SPECIAL SESSION**

The Public Hearing concluded at 6:40 p.m.

**CALL TO ORDER OF
REGULAR BOARD MEETING**

President Hendrix called to order the Regular Board Meeting of the Maricopa County Community College District Governing Board for June 27, 2017 at 6:40 p.m.

PLEDGE OF ALLEGIANCE

The assembly pledged allegiance to the United States of America led by Board Vice President Thor.

PRESIDENT'S STATEMENT

President Hendrix expressed his support for the several hundred young adults in the audience who were in attendance in support of the Deferred Action for Childhood Arrivals (DACA). He mentioned that prior to the meeting, he had gone downstairs to the overflow room and was pleased to see all the young people in attendance and it invigorated him to see all involved for various reasons. He stated that in his youth he was also involved in running for office or just being involved and so he could relate to everyone here. He encouraged them to get involved in their communities and express their opinions. He encouraged them to consider running for public office at various levels. He cautioned them to not look at people on the dais and think that they were different from them. People at the dais were there because they got elected and not because of their accomplishments, knowledge or success. They were there because they got enough people to vote for them and that is the same case at all levels of office.

President Hendrix continued with the following comments:
"With this being my first Board Meeting as Board President I will try to struggle through this first meeting. One of the comments I have offered after being elected to the Board was that with most of the meetings I had always attended in the past people had been civil

and respectful to each other. I had never heard disparaging comments towards others in a meeting, and in many of the meetings that I have sat at here, many times I have heard all sorts of things and I suppose that is part of politics. To disparage and malign people, I personally find that unacceptable and am hopeful that we can change that. I am hopeful that our meetings can show some decorum and professionalism. When people watch us I hope they will see respect and want to emulate what we are doing in their lives. Rather than talk about education or CTE programs or things like that, as President my number one goal will be to establish decorum and respect for one another, and try to unite the Board in philosophy so that we can have civil, friendly conversation. I hope that we can speak with respect with one another. Just because one doesn't agree with another doesn't make that one wrong. Both can be right with their own opinions."

**INTRODUCTION OF BOARD
PARLIAMENTARIAN**

As a first step in that direction, President Hendrix introduced to the Maricopa community, Mr. Tim La Sota. He stated that Mr. LaSota will serve this Board as Parliamentarian at public meetings until the Board and others get used to a set of rules of order for the meetings. He will ensure we adhere to the rules of order that hopefully the Board will adopt shortly. He brings with him an extensive and impressive background in government practice and working with public sector entities on matters related to open meetings law."

**COMMENTS BY BOARD
PARLIAMENTARIAN**

Board Parliamentarian Tim La Sota will ensure the Governing Board adheres to rules established in Mason's Manual of Legislative Procedure, used by most state legislatures. Mr. La Sota commented that he appreciated the opportunity to serve as parliamentarian, assist with adopting rules of procedure, and help enhance the deliberative process. As the Board discusses matters of public importance, Mason's is the best for public bodies such as this. Although some of the information may not be applicable to a board such as this, it is a very good workable set of rules.

**MOTION: ADOPTION OF
MASON'S MANUAL OF
LEGISLATIVE PROCEDURES**

Motion 10504
Board Vice President Thor moved for approval of the adoption of Mason's Manual of Legislative Procedures. Board Member Livingston seconded. Motion passed 6-1 (Saar – No).

Discussion: Board Member Saar explained he was not one for detailed rules and this adoption would require board policy change. Board Member Livingston commented that rules are something that we need to abide by and Mason's may bring the board to a more cohesive process and expedient manner. Board Member Gutierrez stated he was familiar with Mason's but he didn't understand the issue before the board. Since being on the board he didn't recall one parliamentary dispute. If what was being referred to in earlier remarks were animated remarks between board members, they have never occurred in a board setting but might have been made in

agenda review or in an unstructured setting. In this structured setting, there have been no particular disputes. Board Member Livingston believed the set of rules is more for the staff. In the last few meetings she has felt sorry for the staff and even the Chancellor for being told they are not working hard enough for the District. The staff here works day and night for the board.

SUBSTITUTIONS

There were four substitutions for members the CEC.

STUDENT LIFE REPORTS

There were no student groups present this evening.

**EMERITUS, AWARDS,
AND RECOGNITION**

There were five awards this month. The following college presidents approached the podium to introduce their emeritus recipients:

Dr. Steven Gonzales, President of GWCC, introduced Edward Hoskins, a 22-year faculty member in the respiratory care program. He also introduced Charlene Thiessen who taught for more than 20 years in the Medical Transcription Program, followed by also teaching core health care and authoring a textbook titled "Basic Client Care." Lastly, Dr. Gonzales introduced Kerry Vrabel, Director of the Learning Center and also residential faculty of the English as a Second Language Program and author of the textbook, "Grammar and Beyond."

Dr. Sasan Poureetezadi, President of MCC, conferred Emeritus Distinction posthumously on Stanley Kikkert. He was a professor of Life Sciences at Mesa Community College. Professor Delaine Gilcrease spoke about his many accomplishments which included designing the first biotechnology program and a biotech program that transferred to Northern Arizona University. Professor Kikkert's widow accepted the award on his behalf.

A fifth emeritus recipient, Dr. Amalia Valle Villegas, from Phoenix College was also honored but was unable to be in attendance.

CHANCELLOR REPORT

There was no report.

**VICE CHANCELLOR
REPORTS**

There were no reports.

**APPROVAL OF
CONSENT AGENDA
MOTION**

Board President Hendrix requested a motion to approve the Consent Agenda. Board Member McGrath requested the removal of Action Items 14.6 and 14.7. Board Member Gutierrez requested the removal of Action Items 12.6 and 12.9. The following items were included on the Consent Agenda:

11.1 APPROVE THE MINUTES OF THE MAY 9, 2017 AGENDA REVIEW, WORK SESSION, AND EXECUTIVE SESSION, THE MAY 23, 2017 REGULAR BOARD MEETING, THE JUNE 3, 2017 SPECIAL BOARD MEETING, AND THE JUNE 13, 2017 CHARTER HIGH SCHOOLS BUDGET MEETING AND AGENDA REVIEW

12.1 APPROVE EMERITUS DISTINCTION – PHOENIX COLLEGE – DR. AMALIA VALLE VILLEGAS - award Emeritus Distinction to Dr. Amalia Valle Villegas for her meritorious contributions to the students of the Maricopa County Community College District (MCCCD).

12.2 APPROVE EMERITUS DISTINCTION – GATEWAY COMMUNITY COLLEGE – EDWARD HOSKINS - award Emeritus Distinction to Edward Hoskins for his meritorious contributions to the students of the Maricopa Community College District (MCCCD).

12.3 APPROVE EMERITUS DISTINCTION – GATEWAY COMMUNITY COLLEGE – CHARLENE THIESEN - award Emeritus Distinction to Charlene Thiessen for her meritorious contributions to the students of the Maricopa Community College District (MCCCD).

12.4 APPROVE EMERITUS DISTINCTION – GATEWAY COMMUNITY COLLEGE – KERRY VRABEL - award Emeritus Distinction to Kerry Vrabel for his meritorious contributions to the students of the Maricopa Community College District (MCCCD).

12.5 APPROVE EMERITUS DISTINCTION – MESA COMMUNITY - STANLEY KIKKERT - award Emeritus Distinction posthumously to Dr. Stanley Kikkert for his meritorious contributions to the students of the Maricopa County Community College District (MCCCD).

**REMOVED BY BOARD
MEMBER GUTIERREZ AND
MOVED TO NON-CONSENT**

~~12.6 APPROVE ACCEPTANCE OF INDEPENDENT INVESTIGATION REPORT REGARDING CLASSIFIED STAFF COUNCIL COMPLAINTS — accept the May 24, 2017 Independent Investigation Report regarding Classified Staff Council complaints to the Governing Board on February 28 and March 28, 2017.~~

12.7 APPROVAL OF AND AUTHORIZATION TO SIGN VOLUNTARY SURRENDER AND CHARTER CONTRACT TERMINATION AGREEMENT - approve and authorize the Chancellor to sign the attached Voluntary Surrender and Charter Contract Termination Agreement in Lieu of Revocation of Charter Contract relating to the Hope College and Career Readiness Academy.

12.8 APPROVE TERMINATION OF GROUND LEASE WITH THE HOPE COLLEGE AND CAREER READINESS ACADEMY - in connection with the Voluntary Surrender and Charter Contract Termination Agreement in Lieu of Revocation of Charter Contract (“Voluntary Surrender Agreement”) with the Hope College and Career Readiness Academy (“Hope Academy”), which the Governing Board is being asked to approve under a companion agenda item before the

Governing Board on its agenda for this meeting, that the ground lease between Hope Academy and the Maricopa County Community College District (“MCCCD”) be terminated.

**REMOVED BY BOARD
MEMBER GUTIERREZ AND
MOVED TO NON-CONSENT**

~~12.9 APPROVAL OF MCCCD TRANSFORMATION PLAN—approve the following plan pertaining to the MCCCD Transformation:~~

- ~~1. Establishment of an organizational unit, reporting to the Chancellor, to oversee the implementation of the Transformation Plan.~~
- ~~2. Establishment of a separate and distinct budget to support the implementation activities specified in the Transformation Plan, investing up to \$26 million of one-time only funds.~~
- ~~3. Development of stretch goals, metrics, and targets for the major activities associated with the Transformation.~~
- ~~4. Reports at least quarterly to the Board by the Chancellor and the Transformation Leadership Team.~~

12.10 APPROVE CHANCELLOR’S CONTRACT OF EMPLOYMENT 2017-2020 - approve the proposed extension of the Chancellor’s Contract of Employment for an additional one year term. The Contract is dated as of July 1, 2017.

12.11 APPROVE PROPOSED DELETIONS: GOVERNING BOARD POLICY 1.4 – COMMUNITY DEVELOPMENT AND CIVIC AND GLOBAL ENGAGEMENT - delete existing Board Policy 1.4 Community Development and Civic and Global Engagement as Amended April 28, 2015, Motion No. 10292. Existing policy is listed on the second page of this item and also posted online at:<https://chancellor.maricopa.edu/public-stewardship/governance/board-policies/1-outcomes/1.4-community-development-and-civic-and-global>

12.12 APPROVE PROPOSED CHANGES: GOVERNING BOARD POLICY 1.4 – COMMUNITY DEVELOPMENT AND CIVIC AND GLOBAL ENGAGEMENT - adopt the proposed policy revisions that have been submitted as a result of discussions at the March 14 and April 11, 2017, Policy Committee meetings. Upon adoption, the revised policy changes shall replace preceding Board Policy 1.4 language and become effective for the 2017 Monitoring Cycle.

13.1 APPROVE PROFESSIONAL DEVELOPMENT FOR EARLY CARE AND EDUCATION PROFESSIONALS – PHOENIX NORTH REGIONAL PARTNERSHIP COUNCIL – PARADISE VALLEY COMMUNITY COLLEGE - accept a grant award from First Things First in the amount of \$265,264.00 to Paradise Valley Community College (PVCC) for the Professional Development for Early Care and Education Professionals Grant Program. This project will commence on July 1, 2017 and conclude on June 30, 2018.

13.2 APPROVE TEC IS FOR GIRLS!!! (INTEL CORPORATION, "SHE WILL CONNECT" PROGRAM)- accept an award of \$100,000 from Maricopa Community Colleges Foundation. Funds awarded by Intel Corporation for the development and implementation of coordinated, middle school outreach for technology, engineering, and computer science (TEC) by GateWay Community College, Phoenix College and South Mountain Community College

13.3 APPROVE U.S. DEPARTMENT OF EDUCATION AWARD FOR THE TRIO UPWARD BOUND PROGRAM AT GATEWAY COMMUNITY COLLEGE - accept and approve the U.S. Department of Education grant award for the TRiO Upward Bound program at GateWay Community College. The first year of funding is 09/01/17 through 08/31/18 in the amount of \$270,360, and the award is anticipated to continue for five years ending on 8/31/22. The subsequent years of continuation funding are expected to be at the same annual amount for a total grant award amount of \$1,351,800, and will be issued contingent upon demonstrated grant performance. The Grant Award Notification from the Department of Education is included with this Action Item.

13.4 APPROVE SOUTH MOUNTAIN COMMUNITY COLLEGE TRIO UPWARD BOUND PROGRAM - accept the U.S. Department of Education grant award in the amount of \$257,500 for the Upward Bound TRiO Program at South Mountain Community College. Funds are awarded for year one of an anticipated five-year TRiO-UB grant beginning 9/1/2017 and ending 8/31/2022.

13.5 APPROVE RIO SALADO COLLEGE ADULT EDUCATION PROGRAMMING FY JULY 1, 2017 – JUNE 30, 2018 - approve the following grant award for the Rio Salado College, College Bridge Pathways Adult Education and Literacy Program from the Arizona Department of Education. This award is for a total of \$3,558,428 which includes \$1,199,579 from State funds and \$2,358,849 from Federal funds. The funds will allow the College to continue providing Adult Basic Education (ABE), Adult Secondary Education (ASE), and Integrated English Language/Civics Education (IEL/CE) instruction as required by the Arizona Department of Education. The grant period is from July 1, 2017 to June 30, 2018.

13.6 APPROVE CURRICULUM - The curriculum proposals attached have been processed through all procedures established by the Maricopa County Community Colleges. It is recommended that the proposals be approved as submitted.

14.1 ADOPTION OF PROPOSED GATEWAY EARLY COLLEGE HIGH SCHOOL BUDGET FY 2017-2018 - adopt the 2017-2018 proposed budget for Gateway Early College High School (GWECHS) in the amount of \$2,191,094.

14.2 ADOPTION OF PROPOSED PHOENIX COLLEGE PREPARATORY ACADEMY BUDGET FY 2017-2018 - adopt the 2017-2018 proposed budget for Phoenix College Preparatory Academy (PCPA) in the amount of \$1,331,211.

14.3 APPROVE GATEWAY EARLY COLLEGE HIGH SCHOOL PROPOSED CLASSROOM TEACHER SALARY INCREASES FY 2017-18 - approve a 1.06% raise for GateWay Early College High School classroom teachers.

14.4 APPROVE PHOENIX COLLEGE PREPARATORY HIGH SCHOOL PROPOSED CLASSROOM TEACHER SALARY INCREASES FY2017-18 - approve a 1.06% raise for Phoenix College Preparatory High School classroom teachers.

14.5 APPROVE PARTIAL GUARANTEED MAXIMUM PRICE AMENDMENT FOR C BUILDING REMODEL AT PHOENIX COLEGE - approve the initial Guaranteed Maximum Price (GMP) Contract Amendment for the existing Construction Manager at Risk (CMAR) Agreement in the amount not to exceed Two Million Four Hundred Eight Thousand, Seven Hundred Seventy Six and no/100ths Dollars **(\$2,408,776.00)** to **RYAN Companies US, Inc.** for the remodeling of the existing C Building at Phoenix College. This is the first of two anticipated GMP awards to the contractor for the construction of this project.

**REQUEST TO BE TABLED BY
BOARD MEMBER
MCGRATH**

~~14.6 APPROVE CONCEPTUAL APPROVAL FOR THE RENOVATION OF THE STUDENT UNION BUILDING SOUTH MOUNTAIN COMMUNITY COLLEGE — provide Conceptual Approval for the Remodeling and Renovation of the Student Union (SU) Building at South Mountain Community College with a Total Project Budget of \$1,222,000.—~~

Note: The vote on Tabling this item is show below under Non-Consent Action Items.

**REQUEST TO BE TABLED BY
BOARD MEMBER
MCGRATH**

~~14.7 APPROVE JOB ORDER CONTRACT PURCHASE ORDER TO RENOVATE THE STUDENT UNION BUILDING AT SOUTH MOUNTAIN COMMUNITY COLLEGE — approve a purchase order for a not to exceed amount of Six Hundred Seventy Three Thousand Eight Hundred Ninety Two and 56/100 Dollars **(\$673,892.56)** to **Caliente Construction, Inc.** to renovate the Student Union Building and add a new fabrication lab at South Mountain Community College.—~~

Note: The vote on Tabling this item is show below under Non-Consent Action Items.

14.8 APPROVE JOB ORDER CONTRACT PURCHASE ORDER FOR RENOVATION OF ATHLETIC OFFICES AND RESTROOMS AT SOUTH MOUNTAIN COMMUNITY COLLEGE - approve a Purchase Order not to exceed the amount of Two Hundred Ninety Nine Thousand Nine

Hundred Eighty Two and 00/100ths Dollars (**\$299,982.00**) to **Jokake Construction Services** to renovate the Athletic Offices and Restrooms in the Gymnasium Building at South Mountain Community College.

15.1 APPROVE ENTERPRISE CONTENT MANAGEMENT SYSTEM (DOCUMENT IMAGING) - reapprove the allocation of the original funding for the Document Imaging project board action item (V.A.1) approved in 2013. No additional funds are being requested at this time. The original approved amount was \$5,468,852 of which \$4,094,852 is remaining. Furthermore, the original Governing board item only identified Hyland Software (RFP #3149-10) as the sole vendor. In order to implement and support the Enterprise Content Management project, existing funds will be used with Hyland as well as several other hardware & software vendors.

15.2 APPROVAL OF RECOMMENDATIONS RELATED TO THE DISTRICT-WIDE WEB ARCHITECTURE AND REDESIGN - approve the redirection of remaining funds previously approved solely for Palantir.net, Inc. in relation to the Maricopa web rebuild project. It is requested that the Governing Board allow the remaining \$1,927,050 be used with several different vendors to finish this overall project. The project goals have not changed and are still aligned around improving the online student experience.

**CITIZEN'S INTERIM FOR
CONSENT AGENDA ITEMS**

Two citizens came forward.

Michael Kelly, education advocate, came forward on behalf of Hope Academy. Mr. Kelly commented that Hope College and Career Academy is a very sensitive matter. The fact that the building is not being paid for is alarming and it places the Maricopa Community College District in a very difficult situation. He also understands that South Mountain Community College and the Maricopa Regional County School District have been working diligently for many opportunity youth that reside in South Mountain and this district has the highest number of disconnected youth that have dropped out of school for various reasons. As a representative of the South Mountain community I want to make certain that our opportunity youth are not displaced. Many of these students have tried the traditional schooling but it has not worked for them. MRCSD has more than 100 years history providing quality education programs to the opportunity youth in Maricopa County. Many of the opportunity youth at Hope Academy cannot afford another setback. It is important that we focus on future taxpayers and not tax burdens. The community needs hope and these young people need all of us working together to resolve the matter so that the students do not experience another interruption in education. He expressed appreciation for all that the Maricopa Community College District Board had done for the 250,000 students in the community college system to help them fulfill their goals and dreams.

Alexandria Contrados, came forward on behalf of Tree of Life Preschool which is housed on the Hope Academy's campus. Her son currently attends this school and she was also here as a community member to explain how this decision would affect the community. She asked that the Board please consider the young students, families, and teachers that will be affected. She commented that those associated with the preschool had received notification that as of July 1 they would no longer be able to occupy the building. She asked that the Board allow for a smooth transition to a different location. This would allow the teachers to remain employed and for parents and students to not have to scramble for childcare or new schools to attend. Tree of Life is an excellent institution and asset to the community. It is committed to a high quality supportive environment. She petitioned for a smooth transition to another quality care facility.

MOTION

Motion 10505

Board Vice President Thor moved for approval of the Consent Agenda. Board Member Livingston seconded. Motion passed 7-0

**CITIZEN'S INTERIM FOR
NON-CONSENT AGENDA
ITEMS**

Eight citizens were called on. They included: (Comments and names provided by others in attendance are included in the meeting minutes folder.)

Danilo Mendoza, former MCCCCD Student, came forward on behalf of DACA. He continued his Associate studies at Pima Community College. Because there was no in-state tuition at the university, he went to New Mexico. He thanked the Board for pursuing the lawsuit. Because of this he graduated from the University of Arizona in 2017. He plans to continue his studies in computer engineering

Jessica Rodriguez came forward on behalf of DACA and stated she was undocumented and unafraid. She is the Director of LUCHA representing 35 individuals from Tucson. She thanked Maricopa for fighting the uphill battle for DACA students. She indicated that the Maricopa decision will affect all students in the state and had faith that MCCCCD will be as unafraid as they are.

Maria de Socorro de Leon came forward on behalf of DACA as a student at PVC and member of Aliento. She finished her second year at PVC in 2016 and it was the best experience of her life. She now serves as a peer mentor to first year students which is a very rewarding experience. The Diversity Program at PVC challenges them to work for a more inclusive society. She is working on an Associate in Science Degree and would like to become a pediatrician. She encouraged Maricopa to appeal the overturned decision on in-state tuition.

Luis Avila came forward on behalf of DACA and stated he was an incoming senior at ASU. He was born in Mexico and his father

worked construction. As a result of observing his father's work, he is studying architecture. Without in-state tuition, many students will not be able to finish their last year of education. He asked MCCCDC to support and fight for in-state tuition.

Angel Bautista came forward on behalf of DACA and thanked the Board for fighting what is a morality issue. He hopes to graduate in 2018 and become a lawyer. In the audience are future lawyers, scientists, and doctors, as well as students who contribute to the economy. Many immigrants are homeowners that pay taxes. Because he is a Dreamer, he may not get in-state tuition. He loves Arizona, this is his city and state. He quoted Matthew 5:5,6 "Blessed are the meek, for they will inherit the earth. Blessed are those who hunger and thirst for righteousness, for they will be filled."

Orlando Manzo, Dreamer student at ASU expressed thanks to MCCCDC because he was able to graduate with an Associate's degree from SMC and is now a senior at ASU. He is one step away from becoming the first member of his family to graduate from a university. Thanks to MCCCDC with his career he can help others in his community. Thanks to MCCCDC, his future looks promising. And thanks to MCCCDC, he is a better educated person. On behalf of others in attendance, he stated they have a dream and were here to ask MCCCDC to please continue to protect in-state tuition for DACA students.

Ezekiel Santos, student at Mesa Community College, leader of Aliento and Mesa Undocumented Students Thriving, expressed appreciation for the time allotted to him to say how important being in school was for him. It has taken him a number of years after being approved for DACA to be economically stable to afford paying for his education since he does not have access to most scholarships. This year was the first time he stepped on campus as a student. He hopes that the door to his education will not be closed to him and thanked MCCCDC for opening this opportunity of education to young people like him.

Lorena Austin, Student Body President for Associated Students at Mesa Community College, came forward to express that the recent ruling on in-state tuition for DACA recipients would debilitate the ability of thousands of current and incoming students to receive degrees, certificates and post-secondary education from one of the pre-eminent community colleges in the nation. She thanked the Chancellor and Governing Board for the swift, supportive response to the recent ruling and the continued efforts for the success of students. She stated that supporting DACA students aligns with Maricopa's vision and dedication to the community and higher education. Students are our future, so we must invest in our future and we urge you to carry on your legacy in supporting DACA students.

16.3 DECISION ON DACA APPEAL – approve appealing to the Arizona Supreme Court for in-state tuition for DACA students which was overturned by the Arizona Court of Appeals on June 20, 2017.

MOTION

Motion 10506

Board Member Gutierrez requested permission to make a motion in order to have discussion. He made a motion to approve the legal appeal to the Supreme Court for in-state tuition for DACA Students. Board Vice President Thor seconded.

Discussion:

Board Vice President Thor began by thanking the very articulate students who spoke this evening and who graciously acknowledged the courage of the Maricopa Community College District and Governing Board for being the first to offer in-state tuition for DACA students and taking on the various challenges in the courts. Dr. Thor stated that like many in this room her father was an immigrant who came to this country when 17 years old by himself and because of this great country he was able to build a life and raise a successful family that allowed her to be the first to go to college. So for her supporting an appeal to the Supreme Court is a no brainer for her. She felt that we had a moral and ethical responsibility to our students and frankly she would not be able to sleep tonight if she took an action that abruptly took away the dreams of over 2,000 students just in the Maricopa Colleges just this year. Also the mission of the community colleges are to prepare a skilled workforce that enables us to have a strong economy and it is clear from the speakers tonight that the DACA students are doing exactly that. You are getting the skills necessary for the workforce but we also prepare students for transfer to the university and the speakers tonight have indicated they are fulfilling that part of our mission very well. Besides the morality and the mission, there is just the pure economics and DACA students just this year paid almost \$2.9 million in tuition and if we do not pursue an appeal of this ruling to the Supreme Court we had better start right now figuring out how we are going to cut that money out of our budget. The best we can do is file the appeal and hopefully buy a semester or a year or more for all of us to figure out the next steps.

Board Member Saar expressed how proud he was of all the students and that they represented a lot of students.

Board Member Livingston commented that as a school teacher in a Title I school, she sees many students that have the same dream and many of them will make it. They have a long road ahead of them. On the opposite side is the reality of the law. We represent students and legislators. ARS1532 passed PROP 300 voted in favor of not approving in-state tuition. The Board represents not just students but the entire community and she has to remember that she represents all.

Board Member Haver thanked the students for coming tonight. She commented that they reminded her of the students she had when she taught ESL for 19 years and wanted more than anything in the world was for them to go on to college and become successful. And many of them did before the law changed. One of her students wanted to become a policeman but became a lawyer. She stated that she was so proud of them that they had to endure this hardship of Prop 300 and at the time was extremely disappointed that it passed. She is willing to do whatever she can for you just as she did for her own students. She often wonders what happened to them.

Board Member Gutierrez also thanked those in attendance and being so articulate. These students have been on an extraordinary journey and have made many sacrifices to be here. Latinos, if undocumented, have had an overwhelmingly extra burden. There are 2,500 persons like you in our system. The decision that will be made today will either allow you to go forward for six months or another year. The previous Chancellor chose to fight this fight. Board of Regents chose to not fight this fight. This has not been without consequences in that funding has been taken to zero because we defied the previous Governor, the legislature and the voters and proceeded to fight this fight and cost this system millions of dollars. So we want you to understand that this hasn't been without consequences. The people that we don't normally think of took a lot of courageous positions. DACA students make up 5% of our community but you are fighting and inspiring others. So if we go into this battle, it will be fast. We lost at the appellate level. If we file with the Supreme Court we may lose again. The members that make up that Court were appointed by Governor Brewer or Governor Ducey. So he wanted the students to plan for the outcome but not to give up on the dreams. He encourage the students to start planning to use the time available.

President Hendrix commented that all of them would prevail and find a way to complete their education. He cautioned that they would need to plan over the next year if this appeal does not prevail.

**Roll Call Vote on Item 16.3
(out of numerical order)**

Approval of Item 16.3 was done by roll call vote. Motion passed 4-3 (Livingston, McGrath, and Hendrix – No). Board members voting “no” stated that this goes against the will of taxpayers. Board members voting “yes” cautioned that the appeal may still result in DACA being overturned but may extend the amount of time these students will benefit from in-state tuition.

12.6 APPROVE ACCEPTANCE OF INDEPENDENT INVESTIGATION REPORT REGARDING CLASSIFIED STAFF COUNCIL COMPLAINTS - accept the May 24, 2017 Independent Investigation Report regarding Classified Staff Council complaints to the Governing Board on February 28 and March 28, 2017.

Board Member Gutierrez requested permission to speak. Granted. He said that this report came about because staff had made a series of complaints and as a consequence this independent investigation took place and it found is that in every instance the allegations were made, they were upheld. For example, the first set of allegations that staff council made a recommendation that a certain individual serve on a committee and this was not allowed. It raised great attention even though non-board members served on this committee. However, from this employee association only a board member could serve on the committee. This was ultimately resolved because Mr. Huston, the individual in contention, was allowed to sit on the board. But what was not ultimately resolved was the permanent resolution. We still are in contention. It also found that there was no policy and no management as well to make a fair final decision. The next contention was that someone in HR had control of the email list of staff council and could choose to intrude into private communications and read them and follow them. That allegation continues. No violation of policy because there was no policy and apparently no one in charge. It goes on. They have not turned over the list and control with this larger organization. The larger allegation that Ms. Jones wrote in Section 3, page 8, is that "evidence did not substantiate the CSC's claim of intentional forgery but HR did erroneously publish an altered written agreement." In the original claim provided by Kris Bliss, President of the Classified Staff Council, forgery was never mentioned. What was stated was the claim of what appeared to be tampering with the content and signatures of a written agreement entered into by then current employee group leaders. The term "intentional forgery" was never alleged. The author is the one that used this phrase and the CSC never used this claim. It made a claim of tampering with a document. He suspected that many tried to read it but the document jumps from one section to another. (Call for the Question. Request not approved.) This goes on and on. No one takes responsibility, no one is in charge. It is out of control. I challenge you to read this. Then we go to the findings that employees did not violate any Arizona law and that is because there was no level of motivation. Remember that the title was intentional forgery and did not violate Arizona law because it was not intentional forgery which was never raised but it did happen. It happened for reasons of clear incompetence. Human Resources was careless in its management of the MOU. Ms. Jones was nice in using "carelessness" in describing how it happened and it happened that the document was tampered with, the document was altered. The allegation of intentional forgery was never made and the report concludes it was carelessness. The report concludes that it was carelessness for over a year. There are two other allegations: claims of retaliation by the Chancellor did not rise to the level of retaliation. There was a bit of anger and it was appropriate. There was another allegation against the Vice Chancellor and that allegation is interesting because it happened. Those who heard the Vice Chancellor know there was retaliation. The Vice Chancellor had

taken the same position in the past. That defense made the allegation of retaliation was insufficient. Every issue that was raised happened. The reason this issue is so important is because these are the same group of people who are supposed to transfer 10,000 employees into a class and comp system. These are the same people who couldn't control one lousy document are now entrusted with a fair and rational system for 10,000 employees. There has been one delay and there will probably be another. The Chancellor knows violations were found. But we have to respond to this. We have to delay this. This is a very troubling report.

MOTION

Roll Call Vote on Item 12.6

Motion 10507

Board Member Saar moved for approval of Item 12.6. Board Member Haver seconded. Vote taken by Roll Call Vote. Motion passed 6-1 (Gutierrez – no).

Discussion:

Board Member Gutierrez: Board Member Gutierrez requested permission to speak to explain his vote. Mr. Gutierrez stated that he expected this item to be accepted the way it was but reminded the Board that there was too much at stake to have this swept under the rug. Ten thousand employees depend on there being a fair competent HR Department and this report points to the fact that they may not in fact enjoy that so he was going to vote no and he understood that he would be the sole no vote and lodge his clear complaint and clear dissatisfaction and remind everyone that we are not done with this. The Chancellor has written that there is still work to be done and he would be awaiting that work, encouraging that work, and he would be raising hell until they receive this work. He voted no.

Board President Hendrix: President Hendrix followed the above-mentioned comments by stating that he felt we had a fair competent HR Department and fair just Chancellor and did not want to lend credibility to the comments that had just been made. He voted yes.

12.9 APPROVAL OF MCCCCD TRANSFORMATION PLAN - approve the following plan pertaining to the MCCCCD Transformation:

1. Establishment of an organizational unit, reporting to the Chancellor, to oversee the implementation of the Transformation Plan.
2. Establishment of a separate and distinct budget to support the implementation activities specified in the Transformation Plan, investing up to \$26 million of one-time only funds.
3. Development of stretch goals, metrics, and targets for the major activities associated with the Transformation.
4. Reports at least quarterly to the Board by the Chancellor and the Transformation Leadership Team.

MOTION

Motion 10508

Board Vice President Thor moved for approval of Item 12.9. Board Member Saar seconded. Motion passed 6-1 (McGrath – no).

Discussion:

Board Member Gutierrez commented that he agreed with the Transformation Plan. The first resolution did not move forward so another one was written. Agreed that the establishment of a separate and distinct budget to support the implementation activities specified in the Transformation Plan, investing up to \$26 million of one-time only funds was a very good idea so that the funds could be monitored. This motion today will very well change the face of the colleges and looks forward to it.

Board Member Saar stated that the \$26 million was not only to carry out the entire plan but also to show progress in certificates and degrees.

**REQUEST TO BE TABLED BY
BOARD MEMBER
MCGRATH**

~~14.6 APPROVE CONCEPTUAL APPROVAL FOR THE RENOVATION OF THE STUDENT UNION BUILDING SOUTH MOUNTAIN COMMUNITY COLLEGE – provide Conceptual Approval for the Remodeling and Renovation of the Student Union (SU) Building at South Mountain Community College with a Total Project Budget of \$1,222,000.–~~

MOTION

Motion 18509

Board Member McGrath motioned and Board Member Livingston seconded. Board Member Gutierrez questioned the intent for Tabling and if it meant these items were being held over to the next meeting. Under Mason’s Rules it would mean these were being relegated and rendered untouchable which he suspected was the intent. Parliamentarian LaSota stated that Tabling meant it was being removed from the Agenda but could go on the next agenda rather than remain in limbo. Board Member Gutierrez did not agree with this explanation as being in Mason’s but would agree to tabling if they could be brought back in a revised manner. Request approved 5-2 (Thor & Saar – No). Action Item 14.6 Tabled until next meeting.

**REQUEST TO BE TABLED BY
BOARD MEMBER
MCGRATH**

~~14.7 APPROVE JOB ORDER CONTRACT PURCHASE ORDER TO RENOVATE THE STUDENT UNION BUILDING AT SOUTH MOUNTAIN COMMUNITY COLLEGE – approve a purchase order for a not to exceed amount of Six Hundred Seventy Three Thousand Eight Hundred Ninety Two and 56/100 Dollars (~~\$673,892.56~~) to **Caliente Construction, Inc.** to renovate the Student Union Building and add a new fabrication lab at South Mountain Community College.–~~

MOTION

Motion 18509 (Voted on at same time as Item 14.6)

Board Member McGrath motioned to table this item and Board Member Livingston seconded. Request approved 5-2 (Thor – No; Second No Vote - Undetermined). Action Item 14.7 Tabled until next meeting (see explanation under 14.6 for details on Tabling).

16.1 APPROVE RESCISSION OF DELEGATION OF CHANCELLOR APPROVAL AUTHORITY - EMPLOYEE POLICIES – rescind its December 9, 2014 delegation to the Chancellor to approve employee policies (Item Number 14.1; Motion Number 10259) and make final decisions on employee terminations.

MOTION

Motion 10510

Board Member Livingston moved for approval of Item 16.2. Board Member Haver seconded. Motion passed 6-1 (Gutierrez – no).

16.2 APPROVE IMPLEMENTATION OF RESCISSION OF DELEGATION TO THE CHANCELLOR TO APPROVE EMPLOYEE POLICIES – direct the Chancellor to implement the rescission of the delegation to the Chancellor to approve employee policies by taking the following steps in addition to those specified in Agenda Item Number 16.1, if approved:

- Direct the Legal Services and the Human Resources Departments, working together, to identify any employee policies that were instituted after January 1, 2015 without Governing Board approval, and either submit them to the Governing Board for its approval or elimination.
- Codify in policies for Governing Board approval or elimination any processes or directives established in memoranda of understanding or similar informal policy-like documents.
- Establish a requirement going forward that all employee policies must first be reviewed as to legal matters by the Legal Services Department before submission to the Governing Board for approval.

MOTION

Motion 10511

Board Member Livingston moved for approval of Item 16.2. Board Member Haver seconded. Motion passed 6-1 (Gutierrez – no).

INFORMATION ITEMS

17.1 REVIEW EMPLOYMENTS (REGULAR, SHORT-TERM, AND SPECIALLY FUNDED) MAY, 2017) AND SEPARATIONS (MAY, 2017) - During this time period, there were 32 hires and 69 separations.

MONITORING REPORTS

18.1 REVIEW BUDGET ANALYSIS REPORT, FUND 1 – GENERAL UNRESTRICTED FUND, FOR THE TEN MONTHS ENDING MAY 31, 2017 - Expenditure analysis indicates 76.5% of the budget has been expended this year as compared to 76.9% expended at this same point last year. 14.7% of the budget remained unexpended or unencumbered compared to 14.5% in the prior year. Revenue analysis indicated that 94.7% of the budgeted revenue has been recognized as compared to 95.2% in the prior year. The projected fund balance will increase by ~\$3.6M this fiscal year and the projected ending fund balance for June 2017 is \$177.2M. The District should meet its financial stability requirements.

FACULTY EXECUTIVE COUNCIL (FEC)

There was no report.

**ADJUNCT FACULTY
ASSOCIATION REPORT**

There was no report.

**CLASSIFIED STAFF COUNCIL
REPORT**

There was no report.

**COMMUNITY LINKAGE
BOARD MEMBERS**

22. GOVERNING BOARD REPORTS

Dr. Thor: No report

Mr. Saar: Visited a number of places. Looks forward to next month.

Mrs. Haver: No report

Mrs. Livingston: Wished everyone a happy break.

Mr. Hendrix: No report

President Gutierrez: No report

EXTERNAL COMMUNITY

23. External Community Reports

AADGB

AADGB: Mr. Gutierrez had no report

ASBA

ASBA: Mr. Saar had no report

ACCT

ACCT: Mr. Saar reported that ACCT had a committee in place studying what community colleges and board members should be about educating students regarding artificial intelligence.

NEXT BOARD MEETINGS

24-29. Establishment of Next Meeting Dates, Times and Places

President Gutierrez announced the following future meetings.

August 8, 2017, 4:00 p.m., ~~Policy Committee~~ - Cancelled

August 8, 2017, 5:00 p.m., ~~Agenda Review – Board Members Only~~

August 8, 2017, 6:00 p.m., Executive or Work Session, GB Room

~~August 22, 2017, 5:00 p.m., Budget & Finance Committee -Cancelled~~

August 22, 2017, 6:30 p.m., Regular Board Meeting, GB Room

August 22, 2017, 6:30 p.m., Executive Session if needed

MOTION

MOTION

President Hendrix requested a motion to adjourn the regular board meeting. Board Member Gutierrez motioned for adjournment of the regular board meeting. Board Member Haver seconded.

ADJOURNMENT

The Regular Board Meeting of the Maricopa Community College District adjourned at 8:55 p.m.

Dr. Linda M. Thor
Governing Board Secretary