

Yavapai College
District Governing Board
Policy & Attorney Education Workshop

Tuesday, January 16, 2024
9:00 a.m.

The meeting location will be open to the public at 8:45 a.m. at the latest.

Career and Technical Education Center
220 Ruger Road
Prescott, AZ 86301

Members Present:

Ms. Deb McCasland, Board Chair
Mr. Chris Kuknyo, Secretary
Mr. Ray Sigafoos, Board Member
Mr. Steve Bracety, Board Member
Mr. Toby Payne, Board Member

Administration Present:

Dr. Lisa B. Rhine, President
Atty. Lynne Adams, Board Attorney
Ms. Yvonne Sandoval, Executive Assistant
Ms. Deanne Petty, DGB Coordinator

MINUTES

1. General Functions: Procedural
 - a. Call to Order {Time: 1}

Chair McCasland called the Yavapai College District Governing Board Workshop to order at 9:00 a.m.

- b. Adoption of Agenda – **DECISION** {Time: 1}

Member Sigafoos moved, seconded by Member Bracety, to adopt the agenda. Motion carried unanimously (Ayes: McCasland, Kuknyo, Sigafoos, Bracety, and Payne).

- c. 2024 Board Member Liaison Committee Appointments – **DISCUSSION AND DECISION** – Ms. Deborah McCasland, Board Chair {Time: 10}

Ms. Deborah McCasland, Board Chair, informed the board of her intentions regarding liaison committee appointments. Ms. McCasland indicated she would like to leave the liaisons as they were for the previous year, because she thinks things have been great with the current selections. She asked if board members had any comments or concerns about this decision. No one had any comments.

Appointments confirmed:

Board Spokesperson: Ms. Deborah McCasland, Board Chair
AACCT Liaison: Ms. Deborah McCasland, Board Chair
YC Foundation Liaison: Mr. Steve Bracety, Board Member

2. Board Business

a. Executive Session

- i. Pursuant to A.R.S. Section 38-431.03(A)(9), Discussion Regarding the College's Information Technology Security Plans, Procedures, Assessments, Measures or Systems – Mr. Patrick Burns, Chief Information Officer - **PROCEDURAL** {Time: 60}

Member Sigafos moved, seconded by Member Bracety, to go into Executive Session pursuant to A.R.S. § 38-431.03(A)(9), for discussion regarding the College's Information Technology security plans, procedures, assessments, measures or systems. Motion carried unanimously (Ayes: McCasland, Kuknyo, Sigafos, Bracety and Payne).

b. Reconvene in Public Session

- i. Possible Action RE: Yavapai College's Information Technology Security Systems and Plans as a result of Executive Session – Attorney Lynne Adams – **DECISION** {Time: 5}

The Board reconvened in public session at 9:56 a.m. No action was taken related to the executive session.

c. Consent Agenda – **DECISION** {Time: 5}

- i. Regular Meeting Minutes – Tuesday, November 28, 2023 (*Attached*)
- ii. Executive Session Confidential Minutes - Tuesday, November 28, 2023
- iii. Special Meeting Minutes – Thursday, December 14, 2023 (*Attached*)
- iv. Executive Session Confidential Minutes – Thursday, December 14, 2023
- v. Cooperative Purchase Agreement – Mohave Educational Services Cooperative, Inc. – Shamrock Food Services (*Attached*)
- vi. Land Lease Agreement – Northern Arizona Council of Government (NACOG) – Head Start Program (*Attached*)
- vii. Waiver of Conflict of Interest for Yavapai Library Network (YLN) for School Libraries (*Attached*)

Secretary Kuknyo asked that item vi. Land Lease Agreement – NACOG be removed from the Consent Agenda for discussion.

Secretary Kuknyo moved, seconded by Member Bracety, to approve the Consent Agenda with the exception of item vi. Land Lease Agreement - NACOG. Motion carried unanimously (Ayes: McCasland, Kuknyo, Sigafos, Bracety and Payne).

Secretary Kuknyo and Member Payne both questioned whether the College could enter into agreements with terms longer than 3 years. Attorney Lynne Adams, with

confirmation from Dr. Borofsky, indicated that there is nothing in statute that limits the College to contracting for 3 years or less.

Secretary Kuknyo asked if there was a reason the contract term was being changed from 3 years to 5 years. Mr. Rodney Jenkins stated that a term of 5 years is consistent with the funding cycle. Secretary Kuknyo then asked if there had been any issues with the Head Start centers in the past. Mr. Jenkins responded that they had been a consistent partner with the College and had not created any problems for the College.

Secretary Kuknyo moved, seconded by Member Sigafos, to approve the Consent Agenda item vi. Land Lease Agreement - NACOG. Motion carried (Ayes: McCasland, Kuknyo, Sigafos, and Bracety; Didn't Vote: Payne).

- d. Revision to Yavapai College District Governing Board Policy 204 – Financial Conditions - **INFORMATION, DISCUSSION, AND DECISION** – Dr. Clint Ewell, Vice President of Finance {Time: 20} (*Attached*)

The board was provided with the current version of policy 204 and the proposed version of policy 204. Dr. Ewell explained he is asking for the revisions to allow for reductions to the budget to reflect actual expenditures without governing board action. Additionally, the proposed changes to items 6 & 7 would not allow the President to exceed the authority provided in the policy without governing board approval.

Member Sigafos moved, seconded by Member Bracety, to revise Policy 204 as follows:

- **Add roman numeral “I” before “Accordingly, the President shall not:”**
- **Add “without the District Governing (DGB) approval” to item I.6.**
- **Add “without the DGB approval” to item I.7.**
- **Add roman numeral “II” following I.8 with verbiage as follows: “For purposes of the Expenditure Limit Report, the District Budget may be reduced to an amount equal to actual expenditures without DGB action, once expenditures have been determined by the annual audit conducted on the District’s Financial Statements. Any other modifications to the approved District Budget must be via formal DGB resolution.”**

Motion carried (Ayes: McCasland, Kuknyo, Sigafos, Bracety, and Payne).

- e. Revision to Yavapai College District Governing Board Policy 304 – Board Elections & Appointments - **INFORMATION, DISCUSSION, AND DECISION** – Attorney Lynne Adams {Time: 20} (*Attached*)

The board was provided with the current version of policy 304 and the proposed version of policy 304 (copies in Workshop Agenda Packet). Attorney Lynne Adams explained that in the past, board elections and appointments were for one-year terms, because there was uncertainty about whether two-year terms were allowed by statute. A few years ago, the Attorney General determined that two-year terms for

Current Status: Active

PolicyStat ID: 10631237



Origination: 6/2/2021 Effective: 10/19/2021
Last Approved: 10/19/2021 Last Revised: 10/19/2021

Next Review: 1/31/2024

Owner: Yvonne Sandoval: President's Office Executive Assistant Area:

References: 204 Financial

Conditions

With respect to the actual, ongoing financial conditions and activities, the Yavapai College President shall not cause or allow the development of financial jeopardy or a material deviation of actual expenditures from Board-stated priorities.

I. Accordingly, the President shall not:

1. Expend more funds than have been received or are available in reserves in the fiscal year
2. Allow current fund reserves to drop below seventeen percent (17%) or plant fund reserves to drop below eight percent (8%) of the operating budget (including general fund and auxiliary fund budgets).
3. Allow reserve funds to replenish at an inappropriate rate after, in accordance with specified Board approvals, funds have dropped below the President's authorized limits.
4. Allow the Board to be without monthly reports of budget deviations and reserves.
5. Allow planning that is not fiscally sound or doesn't build organizational capabilities sufficient to achieve board goals in future years.
6. Enter into any lease agreement as lessee for more than five-years in duration or that exceeds \$200,000 per year **without the District Governing Board (DGB) approval.**
7. Make any tenant improvements over \$30,000 to leased property **without the DGB approval.**
8. Make or delegate financial decisions for which legislation specifically requires delegation of authority from the Board except for the following, which the Board authorizes without the need for further Board approval provided the decisions are compliant with the Board's policies: pursuant to A.R.S. Section 15-1444(B)(2), the authority to enter into a lease for real property either as lessor or lessee on behalf of the College.

- II. **For purposes of the Expenditure Limit Report, the District Budget may be reduced to an amount equal to actual expenditures without DGB action, once expenditures have been determined by the annual audit conducted on the District's Financial Statements. Any other modifications to the approved District Budget must be via formal DGB resolution.**

Attachments

No Attachments

Approval Signatures

Step Description	Approver	Date
	Yvonne Martinez-Sandoval: President's Office Executive Assistant	10/26/2021

community college officers were allowed by statute, and the governing board therefore elected the current officers last year for two-year terms. Therefore, the policy needs to be revised to allow for two-year officer terms, if desired in the future.

Secretary Kuknyo moved, seconded by Member Bracety, to approve the revisions as proposed to policy 304. Motion carried unanimously (Ayes: McCasland, Kuknyo, Sigafos, Bracety and Payne).

The first sentence of the policy will read as follows: “As required by A.R.S. § 15-1443(B), the Board will elect a Chair and a Secretary in January of the year in which the current terms of the Chair and Secretary expire.”

- f. Yavapai College District Governing Board Meeting Delivery Procedures – **INFORMATION, DISCUSSION, AND DECISION** – Ms. Deborah McCasland, Board Chair {Time: 30}
 - i. Livestream, Board Meeting Locations, and Executive Session – Mr. Ray Sigafos, Board Member

Member Sigafos delivered a presentation on his recommendation to livestream the board meetings and to hold the physical meetings primarily in the Rock House on the Prescott campus. Member Sigafos read a quotation from a blog about the College that he wanted to be noted to record.

“The District Governing Board meeting distinguishes itself from nearly all significant governmental bodies in the county by refusing to livestream its proceedings. This decision seems like another attempt to withhold information about its activities, discussions, and debates from county residents.”

Member Sigafos explained that he agrees and believes that the board has an obligation to make certain that taxpayers have the opportunity to understand the board’s decision-making process and decisions.

Member Sigafos continued to explain that the inconvenience to the staff to attend meetings and to set up the meeting rooms in other locations is significant. He suggested that in addition to livestreaming meetings, he would like the board to consider holding meetings in the Rock House and only travelling to other campuses on special occasions.

Dr. Rhine explained that during the pandemic, the College livestreamed board meetings on YouTube and provided a Zoom link for board members and presenters to participate. There were questions and discussion by the board members about technology for allowing Open Call participation by the public and livestreaming. Ms. Sandoval explained that Zoom has limitations on the number of people who can participate without quality deterioration and that the College’s license only allows so many people to join a meeting.

Member Payne asked if there was a way that someone could request to make comments to the board after a meeting had started. Ms. Sandoval explained the Open Call procedure to Member Payne. Member Payne indicated he would not support a virtual Open Call that would include a deadline for members of the public to register to speak prior to the meeting.

Current Status: Active

PolicyStat ID: 10647518



Owner:

Origination: 6/2/2021
Effective: 10/19/2021
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Last Revised: 10/19/2021
Next Review: 1/31/2024

Yvonne Sandoval: President's
Office Executive Assistant Area:

[District Governing Board Policies](#) References:

304 Board Elections & Appointments

As required by A.R.S. 15-1443(B), the Board will elect a Chair and a Secretary in January of the year in which the current terms of the Chair and Secretary expire. The expectation will be that the newly-elected Chair and Secretary will serve a two-year term. The Chair and Secretary will serve from the date of election until the date on which their replacements are elected. The newly-elected Board Chair will appoint Board Liaisons for one-year terms at the January meeting. The following procedure will be used by the Board for the nomination and election of a Chair and Secretary:

1. The current Board Chair shall call for nominations.
2. After the Board Chair determines that no other nominations are forthcoming, the Board Chair shall declare the nominations to be closed.
3. Board Chair shall call on nominees in alphabetical order based on their last names to speak. After all nominees have been offered the opportunity to speak, Board members may speak about the candidates being considered regarding their nomination. The Board Chair shall call for the vote of each nominee, in randomly-selected order, until a nominee receives at least a majority vote of the Board.
4. After nominee receives at least a majority vote of the Board, the process is complete even if there are remaining nominees who have not been voted on.
5. If no nominee receives at least a majority vote of the Board, the Board Chair shall begin the process again.

Attachments

No Attachments

Approval Signatures

Step Description	Approver	Date
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Yvonne Martinez-Sandoval: President's Office Executive Assistant 10/29/2021

Member Sigafoos moved, seconded by Secretary Kuknyo, to livestream all DGB Meetings as soon as possible, and to have staff report back about the options available for members of the public to provide comments during Open Call if they do not attend a meeting in person. Motion carried 4-1 (Ayes: McCasland, Kuknyo, Sigafoos, and Bracety; Nay: Payne).

Member Sigafoos then addressed the meeting location issue. He indicated he does not believe it is worth the expense, wear and tear on equipment, and staff hours to hold meetings in locations other than the Rock House, except on special occasions. Secretary Kuknyo indicated that he did not like the idea of not having a meeting on the Verde side, and he wants to keep holding some meetings on that side of the mountain. Member Payne suggested that the board consider setting up a designated board meeting room in the Verde to accommodate meetings on both sides without moving and setting up equipment for each board meeting.

Member Sigafoos moved, seconded by Secretary Kuknyo, for staff to research and report back regarding two potential designated Board meeting rooms, one in Prescott and one in the Verde Valley, for meetings held next fiscal year. Motion carried unanimously (Ayes: McCasland, Kuknyo, Sigafoos, Bracety, and Payne).

3. Study Session

- a. Government Affairs Update – **INFORMATION** – Mr. Rodney Jenkins, Vice President of Community Relations {Time: 20} (*Attached*)

Mr. Rodney Jenkins gave a presentation to the board about the upcoming Legislative Conference in Washington, DC, as well as the Community College Day at the State Capitol. His presentation was a review of the information provided for the Government Affairs Update included in the Agenda Packet. (Refer to the Agenda Packet for those details.)

LUNCH BREAK

- b. Yavapai College District Governing Board Policies – **INFORMATION AND DISCUSSION** – Dr. David Borofsky, Director of the Arizona Association of Community Colleges Trustee {Time: 90}

(See Attachment A for more details on this discussion.)

Dr. David Borofsky reviewed the following board policies with the board:

- 101 College Priorities
- 207 Presidential Compliance
- 301 Board Budget
- 305 Governing Board Style and Focus
- 306 Board Code of Conduct and Ethics
- 401 Delegation to and Accountability of the President
- 402 Monitoring Presidential Performance

A lot of good collaborative discussion occurred during this session, and based off of that discussion, the following board policies will have to be discussed for potential revisions at a future board meeting:

- 101 College Priorities – revise to include information relevant to the College’s baccalaureate degrees.
- 307 Board Member Responsibilities and Obligations – revise the Law section to reflect the correct board practices.
- 305 Board Governing Focus & Style – consider potential revisions to item 1.
- 306 Board Member Code of Conduct & Ethics – consider potential revisions to include a time schedule and to indicate that Conflict of Interest forms are submitted to the board attorney and presented to the board in the January meeting.
- 401 Delegation to and Accountability of President – revise numbering on policy to be correct and consider addressing an appeal process if a request for information or assistance is refused by President due to amount of staff time and/or funds or if it is disruptive.

- c. Open Meeting Law Review - **INFORMATION AND DISCUSSION** – Attorney Lynne Adams {Time: 30} (*Attached*)

Attorney Lynne Adams provided training to the board about the three main Open Meeting Law topics: email and meetings, serial discussions, and sticking to the agenda. Her presentation was a review of the information provided for the Open Meeting Law Review included in the Agenda Packet (Refer to the Agenda Packet for those details).

- d. 2024 Board Member Conflict of Interest Forms – **INFORMATION AND DISCUSSION** – Attorney Lynne Adams {Time: 5}

Attorney Lynne Adams reported that all board member Conflict of Interest Forms were completed and submitted, and there are no conflicts of interest reported by any board member at this time.

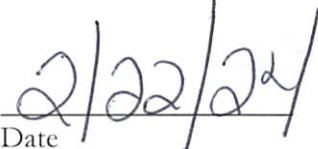
4. Adjournment of Board Workshop: Procedural - **DECISION** {Time: 1}

Member Sigafos moved, seconded by Secretary Kuknyo, to adjourn the Workshop. Motion carried unanimously (Ayes: McCasland, Kuknyo, Sigafos, Bracety and Payne).

Workshop adjourned at 2:17 p.m.

Respectfully submitted:


Deanne K. Petty, Recording Secretary


Date


Ms. Deb McCasland, Board Chair


Mr. Chris Kuknyo, Secretary

Attachment A

POLICY 307 - Discussion

Member Payne: "I'll be gonna jump over to 307 on you."

Dr. Borofsky: "Okay."

Member Payne: "307 is board member responsible and obligations."

Dr. Borofsky: "Hang on. I'll pull it up. I've got it, cause it's one of the ones we're gonna talk..."

Member Payne: "One of the items that falls under law on the backside of 307. As board members may use electronic messages to communicate with college administration regarding college and board at business. Including requests for factual information related to the college or board. As long as no other board members are copied on such message."

Chair McCasland: "So what is your point."

Member Payne: "Well, I'm hearing one way of communications, but this seems to contradict it. It's staff."

Chair McCasland: "No we don't send emails to staff."

Dr. Borofsky: "No 307 is not on the list...Deanna can start that up again? Can I see that, Toby?"

Member Payne: "Yes, sir."

Attorney Adams: "You can send emails just to the board staff ... to board staff."

Member Payne: "Yes you can as long as you don't copy the board.... Well, it doesn't state board staff."

Chair McCasland: "Oh yeah definitely... I'm talking about like the folks in the PAC."

Member Payne: "I'm alright, I'm just reading it and trying to. I just wanna be able to follow it."

Dr. Borofsky: "Yeah. So it does say that it's pretty clear that it says board members may use electronic messages, ie. Emails, doesn't say that. But that's what it means... to communicate with college administration regarding college or board business. Including requests for factual information related to the college or the board as long as no other board members are copied on such a message."

Member Payne: "Period."

Dr. Borofsky: "So, what this says is Toby or Chris or Ray could send a note to Clint and say, I want to know XY. And Z. And not copy the President, I mean, that's what this says."

Secretary Kuknyo: "it says that..."

Chair McCasland: "There's another one there, though, that our communication only goes through the President"

Dr. Borofsky: "Well so we...Thank you, Deanna."

Attorney Adams: "Yeah I would put that on, that's great. I'd put that on the list."

Attachment A

Member Bracety: "It's a parking lot item."

Dr. Borofsky: "Yep, 307."

Member Payne: "Park it big time."

Attorney Adams: "Cause I think we were thinking at the time the discussion was about like if you were to email Deanne, or Yvonne, or the President, but you're right all of the administration includes more than just those individuals, so you may want to work on that."

Chair McCasland: "Because I would never do that, because I don't. That would be directing the the..."

Member Payne: "I don't think that did. I don't think that's happened. I'm just saying that's the policy as what is written."

Ms. Sandoval: "What number is that?"

Member Payne: "307... 07 law on the back..part of 307. It means talk to the Attorney."

Dr. Borofsky: "Well, there may be something in statute about that ..."

Member Sigafoos: "That's the continuation of a sentence that actually beings open meeting law."

Attorney Adams: "It is....oh yeah I was going to say it is an open meeting law issue. But I think that it's the overlay of board interaction with Staff that we're really talking about here, too."

Member Sigafoos: "It's really 11. ABC and D."

Attorney Adams: "Oh is that what it is... oh I see...Law just isn't there on it's own."

Dr. Borofsky: "It's because of the way it was cutoff."

Member Sigafoos: "It was paginated incorrectly."

Attorney Adams: "oh, so it's the okay, yeah."

Dr. Borofsky: "Open reading law."

Attorney Adams: "Yeah. Yeah. Thank you."

Dr. Borofsky: "Okay."

Chair McCasland: "Okay."

Dr. Borofsky: "Good catch, Toby. Thank you."

Attachment A

POLICY 306 - Discussion

Dr Borosky: "306 means that you are expected to govern ethically. That you do not have conflicts of interest when making decisions. And if you do you need to declare those and and pull yourself away from voting on a particular issue, that you may have that conflict with that you not only expect appropriate behavior from yourself. But that you expect appropriate behavior from each other. I think that's important that the 5 of you have what I call R. And D. Respect and dignity. I've talked about that in the past for one another. Not that you always agree. You don't have to always agree but that you have appropriate behavior with each other. and that you can hold each other accountable. Now you know the interesting thing about elected officials on boards in this state is unless you've done something egregious there are no there is no way to hold you accountable for inappropriate behavior unless it's really bad inappropriate behavior. But doing, you know, violating a policy is not going to get you thrown off the board because there's no mechanism to do that. So you have to hold each other accountable. And here's where I put in under 306, the note that it's not the President's responsibility to ensure appropriate board behavior. It's the 5 of you and your responsibility to do that. So conversation, discussion, questions.

Member Payne: "I've got several."

Dr. Borofsky: "Okay, sir."

Member Payne: "If, just having done this before to other boards holding each other accountable means that the the actual disclosure of of interest would be exposed to all board members. and without that happening here. I'm concerned over it. What I'm saying is, I didn't see yours, Chris. I didn't see yours. I didn't see anybody else's. I turned mine in. That's a problem with me.

Attorney Adams: "We're gonna... that's on the agenda."

Member Payne: "Okay, let me keep going. Number number 2 is that there should be a time schedule in in policy policy 306 what I'm saying is is that it'll be done at the start of the year, or wherever you want to do it, there should be a time. Schedule number 3 is is that? And this was major with me. Getting the form up in the top of the form, it says, see the attached guidelines. There were no attached guidelines given to me with the form. Therefore, I...I went back and forth a few times. Thank you. I...I got 38,502 and 503, which made it so I understood because I had have a situation where from a previous marriage. I have a older son close to 50, so you know and he he's been doing business with the college. So did I have a conflict. So I needed to have those forms to be able to determine that. And it does substantial, and I have no interest at all, nor do I know the business he was doing, but it was exposed to me when I was working on the Verde Valley campus with Ryan. Is it right, Ryan? Okay. And and also up in the policy at the top of it. It says as required by board policy 307. It's actually 306 that requires it. And that's a problem there. So all of these are things that I think need to be corrected in this. Okay. I'm done.

Attorney Adams: "And just to be clear. So what we usually do is every one submits. And then I talk about whether or not there's anybody's identified a conflict at the board meeting. So that's the last item on the agenda today, so you can see each other's you can see each other's forms. But that's the typically the way we do it is I report out at the meeting publicly."

Member Payne: "Is is ... okay. Then then I guess that should be in the policy that the attorney will

Attachment A

make it so that the Board members see that and other boards I've been given them, and then everybody re reviews everybody, so I don't care how it's done, but it should be done."

Dr. Borofsky: "Yep. good suggestions. And what we added that I see Yvonne writing, and she's not writing me a love note. So she must be adding into the parking lot. Okay.

Member Payne: "Okay, good."

Dr. Borosky: "Thank you, Toby."

Member Payne: "You're welcome."

Attachment A

POLICY 401 Discussion

Dr. Borofsky: "Okay. 401. This is your delegation to an accountability of the President. And basically this says with a lot of words, including the AR. S. 1514, 44, a 6 plus B 4. The ability to delegate to the college president all of his authority to do all kinds of things. And you've done that as most of the colleges in Arizona have. and it I will tell you that I did have a conversation with a board chair one time, and this person said to me, but it says in the statutes that that the Board can hire all these people. So I looked at her, and I said. You have thousands of employees here. You're a volunteer. You're elected, but you're a volunteer. Why do you want to spend all day and all night hiring and terminating employees. But she looked at me and says, I don't. and I said, If that's the case. then you should be delegating this to the President and and allowing this President to do his or her job."

Chair McCasland: "Don't some of them still approve the contracts?"

Dr. Borofsky: "They do. Yeah. Some of them, on the consent will do it on the consent agenda agenda. They'll do an Hr. Report on the agenda, which includes terminations new hires. But they aren't involved in the actual interviewing and hiring."

Chair McCasland: "So I don't know how you can make a judgment on that, because you're not involved. I mean Dr. Rhine and her staff are involved in that. And ...They take care of it."

Member Bracety: "Not only that, the hiring and firing that's the easy part. It's the just the uh the discussions or discipline or counseling leading up to the termination. That's the time-consuming part."

Attorney Adams: "I'll just say you guys are the leaders on this you were the first to delegate the authority long ago and several community colleges have followed, and I know that there are K-12 who also wish to follow because they also... don't... they get lists and lists at every board meeting of everything. And they right and and they have no idea they're approving them, but they have no idea of any of the details. So kudos to to this board for doing this."

Chair McCasland: "It's part of the how? Yep."

Member Payne: "We're on 401."

Dr. Borofsky: "Yes, sir."

Member Payne: "Okay, 401... this would be it's a second number one in the case of board members or board committees requesting information or assistance without authorization. The President shall refuse. What? Where? I'm confused here is where's the procedure to get that authorization? And what is the authorization."

Dr. Borofsky: "So it says in the case of board members of board committees requesting information or assistance without authorization."

Attorney Adams: "...for yeah. It's 4 on your slide, but it's the renumbering started again, for some reason on the policy that Toby pulled up that it should be number four."

Dr. Borofsky: "So the authorization as we have talked about in the past. Umm...."

Attachment A

Member Payne: "So it's I'm looking for the procedure, for"

Dr. Borosky: "So it would come. It would come from the board as a whole. So in the case of Board members or Board committee requesting information, should say without board authorization, probably Full Board authorization. So the the President has the according to this policy, and we also spent a lot of time on this particular piece. I believe that that if there is a lot of cost and time and data based on the request from either a board member or a board committee. Then it needs to go to the full board for request and then direction by a majority vote of the Board to the President. Because. again, I've seen this, you've probably seen it, too. Someone, a board member has a request for information which it's not readily available. It's not like you can just pull it out of the the ether or out of the computer system. and it requires intertwining 6 different reports to get all the information and depending on the time of year. And I'm starting to learn this as I deal with some of the data issues with the IR folks around the State. There are certain times end of the fall beginning of January, beginning of spring, winter, spring when the IR. Folks are needy in getting information to the State for required reports to the Legislature, the JBCL. JLbc. Il got them right, but the wrong word. JLBC. Some of the state reports that end up actually going in under my signature now. And trying to get information out of them at the same time is near impossible. So I think some of it depends on what's needed. And, more importantly, why it's needed. And if a board member feels that that information is warranted then, and the President says, and I can't do it. Then bring it to a board meeting and let the Board decide. That's why you have for the Board members to have those kind of conversations."

Chair McCasland: "And we had a former board member that wanted a huge amount of data that wasn't something that the college had kept. So he was. It's formed that if you really want this, it's gonna cost you. Was it \$150 for the paper and the time to put together the report?"

Dr. Rhine: "oh.. No it was in the thousands."

Chair McCasland: "It was in the thousands."

Dr. Rhine: "He narrowed his scope. But he was going through the open records request because he didn't bring it to the board. So the answer was no we're not going to provide this data it's not in a canned report. It's going to take time and energy of staff that aren't available right now. So they went through open records, and and then it was, we can do that. But it's going to be thousands of dollars because you wanted to email correspondence."

Ms. Sandoval: "And no, it wasn't he wanted... It was how many years he wanted to go back. And so when you fill out a public record request. There's always an item that says free. But the problem is the the time it takes the staff to do that. It stops becoming free. And so we have to notify the person who requested the who submitted. The request is no longer free for these reasons, and this is how much it's gonna cost you either. Would you like to pay for this amount. Or would you like to submit a different request? And I have to do all of that, and writing, they all come to me. So I have to do that in writing, that they cancel the original, that they have to cancel these original request, and then, if they would like to submit another one."

Member Bracety: "So what do you do? Cancel?"

Attorney Adams: "You guys are off topic."

Attachment A

Member Payne: "So so my my question is, where is the capability of a board member asking for information, or is it in writing that they can ask for it? Reasonable information?"

Dr. Borofsky: "It's right there you can ask for it. But the President reserves the right to refuse those requests"

Member Payne: "I understand...."

Member Payne: "...if they're and she would respond to you or to any other board member in a way that said. You know I know you want to know how many pianos we have, but I can't get to that information. It's not reasonable. And then the board member can bring it to the full board and say, Look, I need to know how many panels we you have."

Member Sigafoos: "I think, what Toby's requesting his that second part there. There's nothing in the policy as to the appeal process."

Attorney Adams: "40 401?"

Member Payne: "It doesn't. It doesn't say so. Accountability to the President, I guess, makes it so that it's supposed to be requested of the President. Okay."

Member Sigafoos: "But there should be, according to your question. some sort of here's what you do if you if you get the then no. it's been denied what's the recourse. Is that what you're asking?"

Member Payne: "Yeah. You know, Where? How do you? How do you actually get it. And and...hmm"

Chair McCasland: "You copied me on that also, and I ask you how that would help you make decisions to support students. And how it would be used in your role as a board member. And I knew that that information was not really available was going to require research."

Member Payne: "I fail to understand how the number of people registering for for a specific class over 2 or 3 years wouldn't be readily available information."

Dr. Rhine: "It's not in the canned reports, it would have to be created. It would be time and effort to extract that data and create that report for you. If it's in a canned record, and it's available. We we would give it to you right away. But if it requires staff time to be pulled off, and you know I have to put in a data request for that. Specifically. That's that's a use of time and energy. For what purpose? And that's why I gave it to the board chair to say for what purpose? How is this going to help a board member to do their job?"

Member Payne: "It's... well for... And I answered it back."

Dr. Borofsky: "Time out, Time out...we're knee deep in...."

Member Payne: "This was... out of control."

Dr. Borofsky: "Well, I don't think it's out of control. I think that you made a request. The quest was denied and maybe the policy is lacking. But again, I'll interpret the policy for you. So you can be mad at me. But Number 4 basically says that the President has that author. It has that ability because you

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delegated it to her. But but one thing I think I would say to this board in general. If you as a board member. Ask a question. and you don't like the answer, or you can't get the answer. Then you should bring it to a board meeting and and put it on the agenda. I mean, that's why you have 5 members of a board and you bring it to the board chair, who creates the agenda and ask that it be put on so you can have that conversation. Now we can have that conversation here and solve the problem. But I think. Lynn, tell me if I'm gonna go overboard here. But if you can't give the President a reason in this case, Toby, why you want that information. It puts the request in the ether as to why and whether you think it's available or not is not the issue. The issue is, why is the board member. Do you need it to do your job as a board member? Better?"

Member Payne: "I did that."

Dr. Borofsky: "Okay. Then, if if you did it then, and you've weren't happy with the answer. Then you should bring it, put it on the agenda and bring it to a board meeting."

Member Payne: "Sure I did that I got no answer. I was already denied. and and to get it on the board agenda I had to go back to the person that denied me."

Attorney Adams: "So it sounds like or at least for the policy that we're looking at. 401. We want to take a look at it, and again to Ray's Point. Put a put an appeal process in, or at least consider how procedures... yeah."

Member Payne: "Procedures."

Secretary Kuknyo: "Well, I've seen. I've seen 4 used as a weapon to, to actually disrupt staff and to paralyze them. They get flooded with public information requests, and it really hammers up. And that's why they made a lot of changes. But if it's a simple question. I don't know if it's worth the time. I don't know. I don't know anything about what you guys want to do?"

Attorney Adams: "Well, maybe that. And I don't either. But I think that that's I was. Gonna say, I think that that's probably for the board when you talk about policy for all. And how do you balance those 2 interests? the kind of overwhelming of staff, as you said, that can be a tool versus weapon. I've always seen it done by the public not by a board member."

Member Payne: " And I went back and did a specific freedom, freedom of the information request or the same information. Because as a board member. I wasn't allowed to get it."

Chair McCasland: "There was an also an email sent."

Dr. Borofsky: "Okay, let's let's hold that for for a different.... or.."

Member Sigafos: "Can I make a comment?..... I'm not involved in the process."

Dr. Borofsky: "Yes."

Member Sigafos: "but I'm looking at policy 308, which is board planning and agenda and it is pretty clear as to what the what the board member wants to get. On the agenda he goes through the board chair, and but the final point is, if the Board member feels this process has not been followed appropriately here, he or she will inform the chair who will place the matter on the next board agenda regardless of whether or not it's been placed on the agenda because it's a board policy question or the

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President's response. or is this, it's a three-step process. But the final step in that process is you've denied me twice. Let's get it on the agenda."

Member Bracety: "So ultimately it does get on the agenda?"

Member Sigafoos: "Yeah, you should be able to get it on the agenda based on this based on 308. If it's the Board's issue. Now, the board issue, item one says, if it's a board issue, you can place it on the agenda. Item 2 says if it's a president's issue, blah blah blah. If the board member feels process has not been followed appropriately he or she will will inform the chair who will place it on the agenda. There's no ifs or buts at that point that has not been requested."

Chair McCasland: "It has not been requested."

Member Sigafoos: "I understand that I'm not talking about this particular situation. I'm saying there is a process in 3 8 to get that job done. But it's not referenced in 401."

Member Bracety: "Hopefully, a conversation could be had to off topic to say, Hey, before we go there."

Member Sigafoos: "Dispute resolution is not, is not part of this issue."

Member Bracety: "Just saying."

Chair McCasland: "okay."

Attorney Adams: "But we can look at policy 401 generally."

Member Sigafoos: "And if you wanted to say see 308, for a resolution."

Secretary Kuknyo: "Yup, and you know we gotta remember to when we go through these things. It's not just us. Cause I think we function pretty good as a board. But I mean, this is for the future. And I think of a board members, past and stuff and and things that could have been used up, and we just gotta be really careful that we don't just put apply this to us. It's it's for forever."

Dr. Borofsky: "It's good. It's for good board practice, right and policy."

Dr. Rhine: "I think it's very important in item, well, item 4 on the slide, where it says, in the President's opinion, because you cannot know at any point the load that an employee is under, or the situation in that unit, we might have people out on FMLA. We may have reduced staff. We may not be fully staffed in a unit, and the number of open records we records requests we get is significant. And so so the queue, I mean, does a board member get priority in that queue for an open records request? When it's it's questionable, right? So it's just that. You just can't know. And that's also the timing. You know the end of the semester. Horrible time to ask for information, because all the reporting happens at December. It happens at the end of spring. And that's when we get a lot of. So so I have to prioritize. You know, we sit down and prioritize those and where they go. And so it's just not about you wanting a simple answer. It's it has to go in to the queue. And it is significant amount of work time that spent on that instead of college work getting their work, their jobs done because they're pulled off to do. Hr. All they is always dealing with open rec.. And then we have to have the attorneys go in and redact all the information. And it's just a lot."

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Ms. Sandoval: "The most public records request I get either have to do with HR or they have to do with finance. That's it. Yeah, nothing else contracts, or some of that contract, but they always happen at the end of the year, or right before we go into winter break."

Member Bracety: "So you could give out termination information?"

Attorney Adams: "I'm going to stop you're off topic."

Dr. Rhine: "In a public records request. We've had a number of times when employees terminated. They will ask for email correspondence between this person and this person. From this data, which requires, as first of all, that Patrick, pull them all off, print them, and then, under hurry has to go through and redact personal media. It's just it's there's huge amount of work."

Dr. Borofsky: "So this sounds like an agenda item for the board meeting. The the kinds of the kinds of information to answer your question that, didn't realize you had 20 that you get for public records. Request it could be a 10 min report from Yvonne."

Secretary Kuknyo: "But a board member should take priority. I think a little bit on that."

Chair McCasland: "No."

Secretary Kuknyo: "No?"

Dr. Borofsky: "okay."

Attorney Adams: "You have to respond properly."

Dr. Borofsky: "Right, yeah. There's timing issues and everything else. Okay, I think we've beat it to death."