

COLLEGE OF
MARIN

**BOARD OF TRUSTEES SPECIAL MEETING
AGENDA**

**TUESDAY, APRIL 29, 2008
6:00 P.M.**

**COLLEGE OF MARIN
STAFF LOUNGE, DEEDY STUDENT SERVICES – KENTFIELD CAMPUS**

The Board shall act on posted items and shall not deliberate items that are not on the posted agenda. Persons desiring to address the Board may fill out a card and give it to the Recording Secretary.

In compliance with the Americans with Disabilities Act, if you need special assistance to access the Board meeting room or to otherwise participate at this meeting, including auxiliary aids or services, please contact Bob Balestreri at 485-9414. Notification at least 24 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to the Board meeting.

If you wish to speak, complete card available at entrance, give card to recording secretary, get recognition from the Chair. Public comment presentations will be limited to no more than 3 minutes each.

SPECIAL MEETING AGENDA

- A. Special Meeting – 6:00 p.m., Deedy Staff Lounge, Kentfield Campus**
 - 1. Call to Order, Roll Call and Adoption of Agenda**
 - 2. Comments from the Public**
 - 3. Special Reports**
 - a. 2008/09 Planning/Budget Process and Recommendations**
 - 4. Consent Calendar Items (Roll Call Vote)**
 - A. Educational Management Personnel Recommendations**
 - 1. Resignation of Classified Management Personnel**
 - 2. Temporary Appointment of Classified Management Personnel**
 - 5. Action Items**
 - a. Approve Authorization for Construction Contract Changes**

b. Approve Authorization for Consulting Contract Amendments

c. Approve Bid Award Circle Drive Rehabilitation Project, Kentfield Campus

**d. Approve Settlement Agreement between District and CSEA on
Reclassification**

6. Adjournment

MARIN COMMUNITY COLLEGE DISTRICT
Kentfield, CA 94904

BOARD AGENDA ITEM

To:	Board of Trustees	Date: April 29, 2008
From:	Superintendent/President	Item & File No. A.4.A
Subject:	Classified Management Personnel Recommendation	
Reason for Board Consideration:	APPROVAL	Enclosure(s): Recommendations

BACKGROUND:

The following appointments are included in the Classified Management Personnel Recommendations:

- A. Resignation of Classified Management Personnel
- B. Temporary Appointment of Classified Management Personnel

BUDGET IMPLICATIONS: All recommendations are within budgeted FTE and are on the non-instructional side of the 50% law.

Yulian Ligioso is on the non-instructional side of the 50% law.
Margaret Isozaki is on the non-instructional side of the 50% law.

RECOMMENDATION:

Superintendent/ President recommend that the Board of Trustees approve the Classified Management Personnel Recommendation.

Administrator Initiating Item: Linda Beam, Executive Dean of Human Resources & Labor Relations

A. RESIGNATION/RETIREMENT OF CLASSIFIED MANAGEMENT PERSONNEL

<u>Item</u> <u>No.</u>	<u>Name</u>	<u>Position</u>	<u>FTE</u>	<u>MPY</u>	<u>Type</u>	<u>Effective Date</u>
1.	Ligioso, Yulian	Director of Fiscal Services	1.0	12	Resignation	COB 04/30/2008

BACKGROUND INFORMATION:

1. Mr. Ligioso has submitted his letter of resignation effective close of business April 30, 2008.

B. TEMPORARY APPOINTMENT OF CLASSIFIED MANAGEMENT PERSONNEL

<u>Item No.</u>	<u>Name</u>	<u>Title/Discipline</u>	<u>FTE</u>	<u>MPY</u>	<u>Appt. Type</u>	<u>Effective Date</u>
1.	Isozaki, Margaret	Interim Director of Fiscal Services	1.0	12	Temporary	05/01/2008

BACKGROUND INFORMATION:

1. Ms. Isozaki has accepted the temporary position of Interim Director of Fiscal Services effective May 1, 2008. Due to the resignation of Mr. Yulian Ligioso.

MARIN COMMUNITY COLLEGE DISTRICT
Kentfield, CA 94904

BOARD AGENDA ITEM

To: Board of Trustees	Date: April 29, 2008
From: Superintendent/President	Item & File No. A.5.a
Subject: Authorization for Construction Contract Changes	
Reason for Board Consideration:	Enclosure(s):
ACTION APPROVAL	None

BACKGROUND:

On April 15, 2008 the District provided information to the Board related to processes for authorizing and approving construction contract changes. Recognizing the Board's desire to trust the process and secure accountability for results while maintaining a smooth construction schedule and controlling costs, **the District recommends that the Board grant authority to District staff to approve changes to construction contracts** under the following conditions:

- This authority shall be granted on a trial basis for a period of one year, effective immediately, and will be re-visited before the District bids the large Science/Math/Central Plant project in Spring 2009.
- When the Board approves a new construction contract, the Board will also allocate an amount equal to 10% of the approved contract amount to be set aside as construction contingency.
- The appropriate District Director² or Vice President of College Operations will have authority to use this 10% construction contingency for contract change orders on behalf of the Board. **At no time will this authority transfer to any contractor or consultant.**
- The appropriate Director or Vice President will approve all Potential Change Orders (PCOs) on behalf of the Board and authorize work to proceed in order to keep the construction project on schedule.
- The appropriate Director or Vice President will be familiar with the progress of the project and will exercise sound professional judgment in authorizing changes.
- For bond-funded projects, the program management team will maintain a log (list) of all open PCOs, to include the PCO's scope of work, expected or negotiated price, expected or negotiated time extension, and ultimately the number of the Change Order that includes the PCO. This log will be available for Board review at any time.
- Any individual PCO whose final cost is expected to exceed \$50,000 will be reported at the next scheduled Board meeting as soon as the expected cost is identified.
- **The Board may request a full explanation of any PCO at any time.**
- PCOs will be consolidated into Change Orders³ as soon as final prices are negotiated. **All Change Orders will be presented to the Board for approval.**
- When the cumulative value of change orders on any given project approaches the 10% contingency, the Board will be given opportunity to review the contract and discuss options for contract completion.

² Typically Director of Modernization for bond projects and Director of Maintenance & Operations for non-bond projects. Directors may substitute for one another if all other conditions of this procedure are met.

³ A Change Order may include any number of PCOs from one to several hundred, depending on the size and timing of the project.

- If at any time contract changes are expected to exceed the 10% contingency, and at the recommendation of District staff, the Board may authorize additional contingency from available budgeted funds.
- When the cumulative value of change orders exceeds the 10% contingency, and the Board has authorized additional budgeted funds, the Board will be asked to make findings that the work is of an emergency nature or that public interest is better served by authorizing the existing contractor to perform the work than by stopping work on the project to allow the work to be formally publicly bid.

FISCAL IMPACT:

The overall fiscal impact of this procedure is expected to be positive, as projects can proceed without the cost of delay.

RECOMMENDATION:

The Superintendent/President recommends that the **Board grant authority to District staff to approve changes to construction contracts** under the conditions outlined above.

Administrator Initiating Item
V-Anne Chernock
Director of Modernization

Administrator Approving Item
Albert J. Harrison
Vice President, College Operations

MARIN COMMUNITY COLLEGE DISTRICT
Kentfield, CA 94904

BOARD AGENDA ITEM

To: Board of Trustees	Date: April 29, 2008
From: Superintendent/President	Item & File No. A.5.b
Subject: Authorization for Consulting Contract Amendments	
Reason for Board Consideration:	Enclosure(s):
ACTION APPROVAL	None

BACKGROUND:

On April 15, 2008 the District provided information to the Board related to processes for authorizing and approving professional services consulting contract amendments. Recognizing the Board's desire to trust the process and secure accountability for results while maintaining project schedules and controlling costs, **the District recommends that the Board grant authority to District staff to approve amendments to professional services consulting contracts** under the following conditions:

- This authority shall be granted on a trial basis for a period of one year, effective immediately, and will be re-visited before the District bids the large Science/Math/Central Plant project in Spring 2009.
- When the Board approves a new professional services consulting agreement, and at least annually thereafter or as needed, upon recommendation¹ by the District, the Board will allocate funds to cover anticipated amendments for a specified time period.²
- The appropriate District Director³ or Vice President of College Operations will have authority to use this amendment allocation on behalf of the Board. **At no time will this authority transfer to any contractor or consultant.**
- The appropriate Director or Vice President will approve consulting amendments on behalf of the Board and authorize work to proceed in order to keep the construction project on schedule.
- The appropriate Director or Vice President will be familiar with the progress of the project and will exercise sound professional judgment in authorizing amendments.
- For bond-funded projects, the program management team will maintain a log (list) of all amendments, to include the scope of work, expected or negotiated price, and expected or negotiated contract milestones. This log will be available for Board review at any time.
- Any individual amendment whose final cost is expected to exceed \$30,000 will be reported at the next scheduled Board meeting as soon as the expected cost is identified.
- **The Board may request a full explanation of any amendment at any time.**
- The Vice President of College Operations will sign all amendments whose cumulative value for the specified time period does not exceed the authorized annual or semi-annual allocation. **All amendments will be presented to the Board for ratification.**

¹ The recommendation for each allocation will include a detailed explanation of the anticipated scope(s) of work, estimated cost, approximate milestone dates, and budgeted funding source(s).

² Typically six months to one fiscal year.

³ Typically Director of Modernization for bond projects and Director of Maintenance & Operations for non-bond projects. Directors may substitute for one another if all other conditions of this procedure are met.

- When the cumulative value of amendments on any given project approaches the authorized allocation, the Board will be given opportunity to review the contract and discuss options for contract completion.
- If at any time consulting contract amendments are expected to exceed the authorized allocation, and at the recommendation of District staff, the Board may authorize additional allocations from available budgeted funds.

FISCAL IMPACT:

The overall fiscal impact of this procedure is expected to be positive, as projects can proceed without the cost of delay.

RECOMMENDATION:

The Superintendent/President recommends that the **Board grant authority to District staff to approve amendments to professional services consulting contracts** under the conditions outlined above.

Administrator Initiating Item
V-Anne Chernock
Director of Modernization

Administrator Approving Item
Albert J. Harrison
Vice President, College Operations

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Kentfield, CA 94904

BOARD AGENDA ITEM

To: Board of Trustees	Date: April 29, 2008
From: Superintendent/President	Item & File No. A.5.c
Subject: Bid Award Circle Drive Rehabilitation Project, Kentfield Campus	
Reason for Board Consideration: APPROVAL	Enclosure(s):

BACKGROUND:

At the January 15, 2008 Board meeting, the Board of Trustees authorized staff to request bids for the repair and ADA modifications of the Circle Drive Parking Lot on the Kentfield Campus. The estimated cost of this project was estimated to be approximately \$100,000 from General Funds. The scope of the project has been revised to include the repair of several pathways adjacent to Circle Drive since the Commencement Ceremonies will be held on the lawn. The revised estimate for this work is approximately, \$115,000. CSW/Stuber Stroeh Engineering Group prepared the design and project drawings and the project was advertised for bid.

On April 11, 2008, the District received three bids for the project; however, a technical defect was discovered within the bid documents. Based on legal review and staff opinion the Board acted to reject all bids at the Board meeting on April 15, 2008 and authorized staff to re-bid the project.

Since the repair of these pathways and parking lot are a safety concern, the project has been re-advertised and bids are due on April 28, 2008 at 2:00 p.m. Upon review of the bids received, a revised item be distributed at the Board meeting to award to the lowest responsible bidder.

RECOMMENDATION:

A recommendation will be presented at the Board meeting via a revised Board item.

Administrator Initiating Item

Albert J. Harrison II, Vice President, College Operations

4/23/08

MARIN COMMUNITY COLLEGE DISTRICT
Kentfield, CA 94904

BOARD AGENDA ITEM

To:	Board of Trustees Superintendent/President	Date: April 29, 2008 Item & File No. A.5.d
Subject:	Settlement Agreement between District and CSEA on Reclassification	
Reason for Board Consideration:	APPROVAL	Enclosure(s):

BACKGROUND:

On March 13, 2008 a Settlement Agreement was signed between Marin Community College District and CSEA agreeing on the following:

1. CSEA withdraws its declaration of impasse and agrees to settle all outstanding impasse issues as set out below.
2. Each unit member previously recommended by the Reclassification Committee shall be reclassified to the next higher range on the new salary schedule. Because the parties agree that the current salary schedule needs to be replaced, the range to which those unit members would need to be reclassified is not currently known.
3. Until a new salary schedule is in place, those affected unit members shall receive an ongoing increase in salary of 2% retroactive to July 1, 2007 to be initially paid in the May 2008 warrant. (Such salary is not reflected in any range or step of the existing salary schedule.)
4. Once the new salary schedule is approved, in the event there is a percentage difference in ranges in excess of 2%, affected unit members shall be paid that percentage difference less 2%, retroactive to July 1, 2007.
5. Other than what is set out in this agreement, the district makes no commitment regarding the placement of these or any other unit members on the new salary schedule. Each unit member previously recommended by the Reclassification Committee, and whose salary is adjusted pursuant to this agreement, shall not be disqualified from potential additional upward adjustment pursuant to the ongoing Equity Study.

BUDGET IMPLICATIONS:

Linda Beam will provide information on Budget Implications via a revised Board item

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees accept this Settlement Agreement

Administrator Initiating Item: Linda Beam, Executive Dean of Human Relations & Labor Relations
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