BOARD OF TRUSTEES
REGULAR MEETING AGENDA

MARCH 11, 2008
COLLEGE OF MARIN

Board of Trustees Meeting
Agenda
March 11, 2008
Deedy Staff Lounge, 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 on a posted item 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 48 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. Persons desiring to address the Board on items not on the agenda may speak under item number “C.3” on the agenda. Public comment presentations will be limited to no more than 3 minutes each.

A. Board Study Session – 3:00 p.m., Deedy Staff Lounge, Kentfield Campus
1. Call to Order, Roll Call and Adoption of Agenda
2. Modernization Workshop (3:00 to 4:30 p.m.)
   a. Public Bidding Process Review (3:00 to 3:20 p.m.)
      Mark Kelley, Miller Brown & Dannis
   b. New Main Building (IVC) Final Design Review (3:20 to 3:40 p.m.)
      VBN Architects
   c. New Fine Arts Building (Kentfield) Design Review (3:40 to 4:00 p.m.)
      Marcy Wong/Donn Logan Architects
   d. Science Math Central Plant Complex (Kentfield) Design Review
      ED2 Architects (4:00 to 4:20 p.m.)

B. Closed Session – 4:30 p.m. in SS A&B Conference Rooms, Kentfield Campus
1. Call to Order, Roll Call and Adoption of Agenda
   a) Request for Public Comment on Closed Session Agenda
2. Closed Session: To consider and/or take action upon any of the following items:
   (a) With respect to every item of business to be discussed in closed session pursuant to
      Section 54957.6:
      CONFERENCE WITH LABOR NEGOTIATOR
      Relative to the following organizations representing employees: United Professors of Marin
(AFT/UPM), California School Employees Association (CSEA), Service Employees International Union (SEIU), Unrepresented Employees (Confidential, Supervisors, Managers)
Agency Negotiator: Larry Frierson

(b) Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9:

CONFERENCE WITH LEGAL COUNSEL-Potential & Existing Litigation
Ten cases –  Complaint filed by Ms. Mize-Kurzman under Education Code 87164
Mize-Kurzman vs. MCCD (Marin Superior Court)
S. Rollison vs. MCCD
UPM/Christensen, Fung, Goldman, and Sutherland vs. MCCD
UPM/Satherland vs. MCCD – Grievance Arbitration
UPM/Christensen vs. MCCD – Arbitration
UPM vs. MCCD – Retiree Incentive Arbitration
UPM/D. Rollison vs. MCCD - Grievance
CSEA PERB Unfair Labor Practice Charges – Negotiations
Sandy Nguyen Claim

(c) PUBLIC EMPLOYEE DISCIPLINE/DISCUSSION/DISMISSAL/RELEASE/SEPARATION

(d) STUDENT DISCIPLINE (Education Code 72122)

REGULAR MEETING AGENDA
6:30 p.m. – Deedy Staff Lounge, Kentfield Campus

C. Regular Meeting

1. Call to Order, Roll Call and Adoption of Agenda
2. Approval of Minutes (4 minutes)
   - Minutes of February 19, 2008 Board Meeting
   - Minutes of March 4, 2008 Special Board Meeting
3. Citizens’ Requests to Address the Board on Non-Agenda Items (3 minutes)
4. Board Reports and/or Requests (15 minutes)
   a. Commendation Resolutions and Other Resolutions
      1. Resolution in Support of Women’s History Month
   b. Legislative Report
   c. Committee Chair Reports
   d. Individual Reports and/or Requests
   e. CEO Report to Board on WASC Compliance
1. Strategic Plan Initiatives
   f. CEO Report to Board on Compliance with Grand Jury Recommendations

5. Chief Executive Officer’s Report (5 minutes)
a. Staff Reports (10 minutes)
   (1) Program Review Update (Anita Martinez)
   (2) Budget Update (Al Harrison)

6. Academic Senate Report (5 minutes)

7. Classified Senate Report (5 minutes)

8. Student Senate and Student Association Report (5 minutes)

9. Board Study Session
   None

10. Consent Calendar Items (Roll Call Vote) (10 minutes)
    The Superintendent/President recommends that the Board of Trustees approve the following Consent Calendar Items:

A. Calendar of Upcoming Meetings
   March 18, 2008 – Special Board Meeting – 6:00 p.m.
   Deedy Staff Lounge, Kentfield Campus

B. Classified Personnel Recommendations. Approve the Classified Personnel Recommendations:
   1. Temporary Increase/Decrease in Classified Assignment

C. Academic Personnel Recommendations. Approve the Academic Personnel Recommendations:
   1. Phased-in Early Retirement
   2. Approval of Continued Employment of Academic Contract Faculty
   3. Temporary Credit Instructors Added and Changed Appointments
      Spring 2008
      a. Temporary Non-Credit ESL Instructors for Spring Semester 2008
      and Community Education and Services Instructors for Winter Quarter 2008

D. Short-Term Hourly Positions

E. Budget Transfers – Month of February - FY 2007/08

F. Warrant Approval

G. Reject Claim – Sandy Nguyen

H. Approve College of Marin Mission Statement

I. Modernization (Measure C)
   1. Approve No-Cost Time Extension – Professional Services Agreements
      a. PE Complex Portables Project (#850F)
Nor-Cal Moving Services

J. Approve Advanced Placement Credit

11. Other Action Items (10 minutes)

_The Superintendent/President recommends the Board of Trustees approve the following Action Items:_

A. Approve Lease Extension with North American Resources (Taqueria)
B. Approve Ground Lease – Marin County Sheriff Substation
C. Modernization (Measure C)

1. Pre-Authorize Award of a Construction Project
   a. 12KV Utility Extension Project (#407C)

2. Special Approvals
   a. Accept On-Call List of Emergency Repair Services
      Tradesmen – Geothermal Fields Kentfield & IVC Projects
      (#305B & #417B) and SMCP Increment No. 1 Site Development
      Utilities Project (#305C)
   b. Approve Purchase of Metal Building – Transportation Technology
      Relocation Project (#850H)

3. Approve Projects and Authorize Bidding
   a. Parking Lot-Bioswale & Pathways Phase 1 (#401B & #413A)
   b. SMCP Increment No. 1 Site Development Utilities (#305C)

4. Approve New Short-Form Professional Service Agreements
   a. Various IVC Infrastructure Projects - DSA Inspection Services
      Ballard & Watkins Construction Services – New Agreement
      for Project Inspection Services ($73,400)

5. Approve Professional Service Agreement Amendments
   a. Diamond PE Center Alterations Project (#308C) - Hazmat
      Review & Monitoring Services ($55,450)
      Environmental Monitoring (#809B) – District Owned Portable
      Building Hazmat Investigation ($4,170)
      Performing Arts Building Modernization Project (#306A) –
      Hazmat Design Services ($6,558)
      Sensible Environmental Solutions – Amendment #1
      (total $66,178)
   b. Science Math Central Plant Project (#305A) & New Fine Arts
      Building Project (#306C)
      Additional Geotechnical Services
      CSW/Stuber Stroeh – Amendment #17 ($7,700)
12. Items for Possible Future Board Action (5 minutes)
   A. Shared Use Agreement – Sustainable Horticulture Program at IVC
   B. Bolinas Lab Recommendations
   C. Memoranda of Understanding for Partnership Agreements for the Marin Simulation Center
   D. Marin Conservation Corps Memorandum of Understanding
   E. Textbook Cost Containment
   F. Award Bid Circle Drive Lot Repairs (April)
   G. Clinical Nursing Agreement with Holy Names University (April)
   H. TRANS Resolution (April)
   I. Selection of Auditor (April)
   J. Revised Board Policies
      1. BP 4021 Program Discontinuance Policy
      2. BP 4100 Graduation Requirements for Degrees and Certificates
      3. BP 4225 Course Repetition
      4. BP 4226 Multiple and Overlapping Enrollments
      5. BP 4240 Academic Renewal
      6. BP 4250 Probation, Disqualification, and Readmission
      7. BP 4260 Prerequisites and Co-Requisites

13. Information Items (5 minutes)
   B. Modernization Update
   C. Sustainability Update
   D. COMet Update
   E. Calendar of Special Events
      PE Complex Groundbreaking – March 11, 1:30 p.m.
      College of Marin Foundation Scholarship Awards Ceremony
      May 16, 2008, 5:00 p.m., Kentfield Cafeteria
      College of Marin Commencement – May 17, 2008, 10:00 a.m., Kentfield Campus Lawn
      College of Marin Nursing Program Pinning Ceremony
      May 22, 2008, 6:00 p.m., Fine Arts Theater

14. Correspondence
    Correspondence in Board Packets

15. Board Meeting Evaluation

16. Adjournment
C O L L E G E O F
M A R I N

Board of Trustees Meeting
February 19, 2008
Minutes

A. Board Study Session

1. Call to Order, Roll Call and Adoption of Agenda

The meeting of the Board of Trustees of the Marin Community College District was called to order at 3:38 p.m. by Board President Hayashino in Ohlone 106 at the IVC campus, all members having received notice as prescribed by law. All publicly elected Trustees were present. Student Trustee Tam arrived at 3:40 p.m.

M/s (Long/Treanor) to approve the Board Study Session agenda as presented. The motion passed unanimously (7-0).

2. Modernization Workshop

President White introduced David Casnocha, our bond counsel, who commented on a recent court case involving the Foothill-De Anza Community College District which validated their Prop 39 ballot language. The Trustees asked for a legal opinion on our bond mandate and our flexibility in projects so that we can respond to members of the public who have interpreted our bond language to mean that we should be expanding classroom space in all of our bond projects. Mr. Casnocha also mentioned the current subprime mortgage crisis and noted that we may have to pay higher fees and insurance rates when we sell our second series of bonds.

a. Revised Bond Spending Plan (Fine Arts Restrooms)

V-Anne Chernock, Director of Modernization, reviewed the three scope/cost options to be considered by the Board during the evening meeting in response to a request to add restrooms to the first and third floors of the new Fine Arts Building. The three options presented were: 1) to not add restrooms ($220,000 in costs already incurred for studies and delays), 2) to add a restroom to the first floor only ($650,000), 3) to add restrooms to the first and third floors ($1,500,000). Suggestions for funding the options were to 1) eliminate internal transfer and reduce the scopes of both the Fine Arts and Performing Arts Buildings, 2) draw from SMCP or Gateway and reduce scope(s) accordingly, and 3) draw from reserves and replenish with future savings. The Trustees asked questions and discussed the options extensively, stressing the need to make sure we are complying with all standards and ADA requirements.
b. Main Building Complex (IVC) Final Design Review

This topic was deferred to a future meeting.

c. Transportation Technology Complex (IVC) Final Design Review

Mike McGuire and Dara Youngdale of Hardison, Komatsu, Ivelich & Tucker reviewed the final design of the IVC Transportation Technology Complex. They reported that the project was submitted to the Department of the State Architect in December and that we expect to bid the project in the summer. They anticipate a 16 to 18 month construction process during which the building will be fully vacated and swing space will be utilized. The project is currently slightly under budget. Board members commented on the design, asked questions and complimented the architects on their excellent work on the design.

The Study Session (open session) was recessed at 5:00 p.m. by Board President Hayashino.

B. Closed Session

1. Call to Order, Roll Call, Adoption of Agenda, Closed Session

Board President Hayashino reconvened the meeting of the Board of Trustees of the Marin Community College District at 5:15 p.m. in the AS101 conference rooms on the Indian Valley campus. All publicly elected Trustees were present. Dr. Frances White, Al Harrison, Anita Martinez, Linda Beam, and Larry Frierson were also in attendance.

M/s (Long/Treasnor) to approve the agenda as presented. The motion passed unanimously (7-0).

There was no one present who wished to address the Board on the items listed to be discussed in closed session, and the Board went into closed session.

The closed session recessed at 6:29 p.m.

C. Regular Meeting

1. Reconvene in Open Session

The meeting of the Board of Trustees of the Marin Community College District was reconvened in open session at 6:50 p.m. in Ohlone 106 on the Indian Valley campus by Board President Hayashino. She announced that the meeting was being recorded to facilitate the preparation of minutes. All Trustees were present including Student Trustee Tam.

2. Approval of Minutes and Report of Closed Session
M/s (Treasnor/Tam) to approve the minutes of the January 15, 2008 Board meeting. The motion passed by a vote of 5-0-2 with abstentions by Trustees Kranenburg and Dolan (plus an advisory aye vote by Student Trustee Tam).

M/s (Treasnor/Long) to approve the minutes of the January 29 Special Board meeting (Board Retreat). The motion passed by a vote of 7-0 (plus an advisory abstention by Student Trustee Tam).

Board Clerk Long reported that the Board had met in closed session earlier that afternoon on the items listed on the agenda, and that no action was taken.

3. **Citizens' Requests to Address the Board on Non-Agenda Items**

Tim West, Chris Edmondson, Dan Widger, Cynthia Johnson, Steve Garrett, Darryl Kesecker, Dodd Stange, and John Rodríguez addressed the Board regarding SEIU negotiations, urging the District to offer a fair and equitable raise to SEIU employees.

Todd McCleary read a Resolution Concerning Statements of Paul Christensen and Theodora Fung which was passed by the College of Marin Student Senate, Associated Students of Emeritus College, and the Associated Students of the College of Marin. A copy of this resolution is attached to the minutes as part of the official record.

Cesar Lagieva, Chairman of the Marin County Human Rights Commission, thanked College of Marin for hosting a forum on race and class in January. He stated that he has been informed of racism problems on our campus and that he will take this to the Human Rights Commission as an issue to be investigated.

Ira Lansing, UPM President, read a statement putting the District on notice that UPM is asserting its right to demand to negotiate the impact of changes in class offerings on its unit members. A copy of Mr. Lansing’s statement is attached to the minutes as part of the official record.

Todd McCleary, representing the Internet Radio Club, asked if there was a way for the District to replace the laptop computer that was broken when he was calling COM’s November 22, 2007 basketball game.

Jeannie Langinger, a member of COM’s nursing faculty, commented on what she considers to be an unhealthy if not caustic environment at the college.

4. **WASC Study Session on Program Review Planning and Resource Allocation**

Vice President Anita Martinez introduced Yolanda Bellisimo, Academic Senate President and member of the Program Review Work Group, who briefed the Board on the program review process and timelines. She noted that program reviews will be used to establish funding priorities and that it is important for decisions to be data driven. The newly formed Program Review Committee will provide oversight.

Vice President Martinez reported that she has been looking at accreditation trends from June 2005 to January 2008 and noted that more rigor and strictness have been applied to community colleges in the western states. She expressed optimism with regard to meeting the deadline for completion of our program reviews and acknowledged the leadership of the Academic Senate in developing this program review model.
Board members expressed their thanks to the Program Review Work Group and other staff who have been working so hard on the program review process. They asked for additional information at a future meeting on how program review will affect budget decisions and on the relationship between the Institutional Planning Committee, the Budget Committee and program review. Ms. Bellisimo reported that the program discontinuance policy which the Academic Senate has been working on is almost finished and will be brought to the Board for approval after it has gone through the governance process. A small Senate committee is working on administrative procedures to go with the policy.

5. Board Reports and/or Requests
   a. Commendation Resolutions and Other Resolutions
      1. M/s (Tam/Long) to approve Resolution in Support of Black History Month. The motion passed with a unanimous roll call vote (7-0) plus an advisory aye vote by Student Trustee Tam.
      2. M/s (Treasor/Kranenburg) to approve Resolution in Support of Engineering Week with the inclusion of some additional language suggested by Trustee Long. The motion passed with a unanimous roll call vote (7-0) plus an advisory aye vote by Student Trustee Tam. A copy of the revised resolution is attached to the minutes as part of the official record.

   b. Legislative Report.
      Trustee Paterson shared highlights from the most recent CCLC Legislative Report.

   c. Committee Chair Reports
      Trustee Treanor reported that she attended the recent District Modernization Committee meeting and that she looks forward to receiving a legal opinion from Attorney Casnocha to address issues that were raised at that meeting.

      Trustee Kranenburg reported that ideas for asset management were discussed at the last Ad Hoc Budget Committee meeting.

      Board President Hayashino reported that Frank Parnell, President of the College of Marin Foundation Board, has asked to postpone the joint meeting of the College of Marin and College of Marin Foundation Boards scheduled for March 4, 2008. Trustees were asked to hold that date on their calendars in case a meeting is needed to discuss the Program Discontinuance Policy and other issues.

   d. Individual Reports and/or Requests
      Board President Hayashino stated that Trustee Namnath's request for a Study Session on textbook cost containment would be placed on a future agenda.

      Trustee Long passed around the Tamalpais School District's Citizens' Oversight Committee fiscal report and suggested that we prepare a similar report.

      Trustee Paterson announced that she, President White and Dean Nanda Schorske have been talking about having a Novato Roundtable in March to solicit input for the IVC campus from Novato leaders.

      Trustee Kranenburg reminded the Trustees that the groundbreaking for the PE
Complex is scheduled for March 11 at 1:30 p.m.

Trustee Dolan requested a Study Session on the modernization charts that Swinerton has been preparing and including in the Board packets.

e. **CEO Report to Board on WASC Compliance**
   President White expressed appreciation for the Board’s acknowledgment of the staff's hard work to meet the accreditation recommendations.

f. **CEO Report to Board on Compliance with Grand Jury Recommendations**
   No report.

6. **Chief Executive Officer’s Report**
   Dr. White called the Board's attention to her report in their packets.

   a. **Staff Reports**

   1) **Enrollment Management Update**
      Vice President Martinez presented a supplemental report on enrollment management (copy attached) and thanked the Board for providing funding that permitted the addition of more classes in both credit and noncredit for the past two years.

   a) **Executive Summary: Indian Valley Organic Farm and Garden**
      Dean Nanda Scherske, Marilee Eckert, Executive Director of the Marin Conservation Corps, and designer Terry Allan gave a presentation on the Indian Valley Organic Farm and Garden which will occupy five acres on the IVC campus.

   2) **College Goals and Strategic Plan**
      President White called the Board's attention to the document in the Board packets detailing the college's mission, vision, values and goals which will serve as the foundation for COM's strategic planning.

   Dr. White asked Chief Lacy, our Chief of Police and Director of Safety, to brief the Board on security procedures in place on the two campuses in light of the recent shooting at Northern Illinois University. He explained that every law enforcement officer in Marin County, including COM’s police officers, have received training in how to respond to an active shooter. Police responses have been revised all over the county and officers have been instructed to go in immediately in an active shooter situation instead of waiting for a SWAT team to arrive. Chief Lacy informed the Board that we are implementing a new emergency notification system, AlertU, that will provide broadcasts of critical information to the mobile devices of employees and the student body. Chief Lacy asked the Board to adjourn the meeting in memory of the students who lost their lives in the Northern Illinois University shooting.

7. **Academic Senate Report**
   Yolanda Bellisimo, President of the Academic Senate, read a resolution approved by the Academic Senate demanding that the assignment of Instructional Specialists be determined in consultation with affected departments and calling for the cessation and reversal of any currently proposed or implemented changes in department structure until the completion of Program Review. A copy of the resolution is attached to the
minutes as part of the official record.

8. **Classified Senate Report**
   No report.

9. **Student Senate and Student Association Report**
   Student Trustee Tam reported that the COM Student Senate sent delegations to the Community College League of California annual legislative summit in Sacramento and the Association of Community Colleges national legislative summit in Washington, D.C. He stated that the issues of access and success for non-traditional students are receiving significant attention from both the state and federal governments. A copy of Student Trustee Tam’s report is attached to the minutes as part of the official record.

   Jim Geraghty reported that the Students for Social Responsibility hosted a forum on race and class on January 26 at COM where statistics on access and success were presented. He stated that he would like to make a presentation on these statistics to the Board and that the Students for Social Responsibility would like to partner with us to see how we can improve success rates for our students.

10. **Board Study Session**
   a. None

11. **Consent Calendar Items (Roll Call Vote)**
    M/s (Treanor/Kranenburg) to approve all items on the Consent Calendar. The motion passed by a unanimous roll call vote of 7-0 (plus an advisory aye vote by Student Trustee Tam). Trustee Dolan voted no on the N (the modernization items) only.

   A. **Calendar of Upcoming Meetings**
      No changes

   B. **Classified Personnel Recommendations.** Approve the Classified Personnel Recommendations:
      1. Appointment of Classified Personnel
      2. Permanent Reassignment of Classified Personnel
      3. Temporary Increase/Decrease in Classified Assignment
      4. Resignation/Retirement of Classified Personnel
      5. Request for Leave of Absence/Uncompensated Leave

   C. **Academic Personnel Recommendations.** Approve the Academic Personnel Recommendations:
      1. Appointment of Academic Personnel

1. Appointment and/or Change of Educational Management Personnel

E. Short-Term Hourly Positions
F. Budget Transfers – Month of January - FY 2007/08
G. Declaration of Surplus Property – Miscellaneous Equipment
H. Warrant Approval
I. Approve New Credit Courses
J. Approve Credit Course Revisions
K. Approve Credit Course Deletions
L. Approve Less Than 18 Unit Credit Certificate
M. Approve Agreement with Perry-Smith for Bond Audit July – December 2007
N. Modernization (Measure C)

1. Ratify Previously Approved Contracts
   a. Fire Mitigation Project (#418A) and Shade & Greenhouse Structures Project (#850C)
      Moritz Arboricultural Consulting (Professional Services Agreement)
   b. PE Complex Portables Project (#850F) & Geothermal Fields Kentfield & IVC Projects (#305B & #417B)
      GeoTech Utility Locating LLC (Professional Services Agreement)
   c. Performing Arts Modernization Project (#306A)
      Sensible Environmental Solutions, Inc. (Professional Services Agreement)
   d. PE Complex Portables Project (#850E)
      Nor-Cal Moving Services (Professional Services Agreement)
   e. Shade & Greenhouse Structures Project (#850C)
      Crossroads Relocation Services, Inc. (Professional Services Agreement)
   f. PE Complex Portables Project (#850F) on Site Temporary Storage Waterfront Container Leasing Co., Inc. (Lease Agreement)

2. Approve No-Cost Time Extensions – Professional Services Agreements
   a. District CEQA Consultant (#810A)
      Amy Skewes Cox – Amendment #7
   b. POMO 4 Roof Replacement Project (#402B)
      Gary Proctor Construction Consultation – Amendment #1
   c. PE Complex Portables Project (#850F)
      Kleinfeld – Amendment #1
12. Other Action Items (10 minutes)

A. M/s (Kranenburg/Tam) to Approve Authorization to Purchase Police Vehicle. The motion passed unanimously (7-0) plus an advisory aye vote by Student Trustee Tam.

B. Modernization (Measure C)

1. Award Major Construction Contract
   a. PE Complex Modernization (#308B)
      This agenda item was pulled.

2. Special Approvals
   a. Approve Revised Bond Spending Plan (Fine Arts Restrooms)
      M/s (Treonor/Dolan) to approve option #2 (the addition of one unisex restroom on the first floor) with the understanding that we receive an opinion from an ADA specialist verifying that ADA requirements are being met and a letter from Attorney Mark Kelley stating that he has reviewed the settlement agreement of a 2002 lawsuit we were involved in regarding disability access issues and that we are meeting the requirements of that agreement. The motion was defeated by a vote of 4 to 3 with Trustees Dolan, Kranenburg, Namnath and Long casting the no votes. Student Trustee Tam cast an advisory aye vote.

      M/s (Namnath/Kranenburg) to approve option #1 (no additional restrooms) and require the two opinions requested above (from an ADA specialist and attorney Mark Kelley). The motion was defeated by a vote of 4 to 3 with Trustees Dolan, Hayashino, Treanor and Long casting the no votes. Student Trustee Tam cast an advisory no vote.

      The Trustees decided to move forward to obtain the opinions (from the ADA specialist and attorney Mark Kelley) and to postpone this agenda item to the March 4 Special Board meeting.

   b. M/s (Treonor/Tam) to Approve Field Contract Template for Emergency Utility Repair Services. The motion passed by a vote of 6-1 with Trustee Dolan casting the no vote. Student Trustee Tam cast an advisory aye vote.
c. M/s (Treasnor/Tam) to Approve Agreement for Project Inspection (PI) Services Template. The motion passed by a vote of 6-1 with Trustee Dolan casting the no vote. Student Trustee Tam cast an advisory aye vote.

3. Approve Projects and Authorize Bidding
   a. M/s (Paterson/Nammath) to Approve TransTech Swing Space (#850H) (Procurement of Butler Building). The motion passed by a vote of 6-1 with Trustee Dolan casting the no vote. Student Trustee Tam cast an advisory aye vote.
   b. M/s (Long/Tam) to Approve PE Complex Photovoltaic Project (#308D). The motion passed by a vote of 6-1 with Trustee Dolan casting the no vote. Student Trustee Tam cast an advisory aye vote.
   c. M/s (Nammath/Long) to Approve 12 KV Utilities Extension Project (IVC) (#407C). The motion passed by a vote of 6-1 with Trustee Dolan casting the no vote. Student Trustee Tam cast an advisory aye vote.
   d. M/s (Tam/Nammath) to Approve West Campus Bridge Project (Kentfield) (#301A). The motion passed by a vote of 6-1 with Trustee Dolan casting the no vote. Student Trustee Tam cast an advisory aye vote.

4. Approve Professional Service Agreement Amendments
   a. New Fine Arts Building Project (#306C) Additional Services (Fine Arts Restrooms)
      Marcy Wong Donn Logan Architects – Amendment #4 ($50,000 or $170,000)
      This item was postponed to the March 4 Special Board meeting.
   b. M/s (Treasnor/Tam) to Approve Campus Corner Relocation Project (#850G) Credit for DSPS Relocation Design Services HKIT – Amendment #7 ($88,000)
      The motion passed by a vote of 6-1 with Trustee Dolan casting the no vote. Student Trustee Tam cast an advisory aye vote.
   c. M/s (Long/Treasnor) to Approve Ignacio Creek Erosion Mitigation Project (#419A) Credit for Creek Tree Study RHAA – Amendment #7 ($22,342)
The motion passed by a vote of 6-1 with Trustee Dolan casting the no vote. Student Trustee Tam cast an advisory aye vote.

d. M/s (Long/Paterson) to Approve Ignacio Creek Erosion Mitigation Project (#419A) Creek Tree Study
  CSW/Stuber/Stroeh – Amendment #16 ($22,342)
The motion passed by a vote of 6-1 with Trustee Dolan casting the no vote. Student Trustee Tam cast an advisory aye vote.

e. M/s (Long/Treanor) to Approve Shade & Greenhouse Structures Project (#850C) Design Services
  Alfa Tech Cambridge Group – Amendment #16 ($8,700)
The motion passed by a vote of 6-1 with Trustee Dolan casting the no vote. Student Trustee Tam cast an advisory aye vote.

5. Approve Construction Contract Change Orders/Notices of Completion

a. M/s (Kranenburg/Tam) to Approve Austin Science Center Roof Repairs Project (#850E)
   American Services Co. – Change Order #3 ($0 – time extension only)
The motion passed by a vote of 6-1 with Trustee Dolan casting the no vote. Student Trustee Tam cast an advisory aye vote.

b. M/s (Tam/Kranenburg) to Approve Pool Boiler Replacement (#407A)
   Banner Enterprises, Inc. – Change Order #2 Credit (- $9,785)/ Notice of Completion
The motion passed by a vote of 6-1 with Trustee Dolan casting the no vote. Student Trustee Tam cast an advisory aye vote.

13. Items for Possible Future Board Action (5 minutes)

A. Shared Use Agreement – Sustainable Horticulture Program at IVC
B. Bolinas Lab Recommendations
C. Memoranda of Understanding for Partnership Agreements for the Marin Simulation Center
D. Lease Extension North American Resources – Taqueria
E. Marin Conservation Corps Memorandum of Understanding
F. Ground Lease with Marin County Sheriff's Department

14. Information Items (5 minutes)
B. Second Quarter Financial – 311Q
C. Solicitation of Request for Audit Services Proposals
D. Noise Mitigation Plan for Geothermal Projects
E. Measure C Bar Schedule Through January 31, 2008 (preliminary)
F. Modernization Update
G. Sustainability Update
H. COMet Update
I. 2008/09 Budget Calendar
J. Calendar of Special Events
   Indian Valley Organic Farm & Garden Presentation
   February 20, 2008, 2:00 to 3:30 pm., POMO 188, IVC Campus
   Marin County School Boards Association & Marin Association of
   Superintendents Annual Meeting for School Board Trustees and
   Superintendents
   March 3, 2008, 5:30 to 9:00 p.m., Giorgio's Ristorante, 300 Drakes
   Landing Road, Greenbrae
   College of Marin Foundation Scholarship Awards Ceremony
   May 16, 2008, 5:00 p.m., Kentfield Cafeteria
   College of Marin Commencement – May 17, 2008, 10:00 a.m., Kentfield
   Campus Lawn

15. Correspondence
   Board members were asked to review the correspondence in their Board
   Packets. Student Trustee Tam asked to have a letter (copy attached) in the
   correspondence packet to Chief Lacy from Matthew C. Odetto, the San
   Rafael Police Chief, thanking us for the use of a building on the IVC campus
   for their recent active shooter training made a part of the official record.

16. Board Meeting Evaluation

17. Adjournment
   M/s (Tam/Dolan) to adjourn the meeting in memory of the students who
   recently lost their lives in the Northern Illinois University shooting and
   in memory of Rolf Weber (a COM employee) and Margaret Smith (a
   former COM employee) who recently passed away.
   The motion passed unanimously (7-0) plus an advisory aye vote by
   Student Trustee Tam and the meeting was adjourned at 10:10 p.m. by
   Board President Hayashino.
RESOLUTION CONCERNING STATEMENTS OF
PAUL CHRISTENSEN AND THEODORA FUNG

The College of Marin Student Senate, the Associated Students of Emeritus College, and the Associated Students of the College of Marin hereby formally and publicly condemn the statements of Mr. Paul Christensen and Ms. Theodora Fung.

Mr. Christensen, in an electronic communication sent on a public faculty list-server dated Dec. 19, 2007, wrote, "Besides, rumor has it that [Vice President of Student Learning Anita] Martinez, with [Academic Senate President Yolanda Bellisimo]'s support, intends to 'brown' COM by expanding ESL & Basic skills programs...."

We believe that Mr. Christensen's comment is incontrovertibly racist and inappropriate.

Ms. Fung, also in an electronic communication dated Jan. 17, 2008, when referring to students assessed in recent ESL Student Success Workshops, wrote, "Your students will not be served," and proceeded in another electronic communication on the same date, also referring to predominantly Latino ESL students, "you are not around to see the mess in our hallways."

We further believe that Ms. Fung's comments are inappropriate.

As duly elected representatives of the students of the College of Marin, we are outraged and appalled that these academic professionals are allowed to spread such unseemly statements and behave in this utterly unacceptable manner.

We demand that the Marin Community College District unequivocally censure and admonish these individuals and inform them that such expressions are considered unbecoming of faculty members and have no place in an institution of higher learning.

We demand that because Mr. Christensen's communication was sent through a publicly funded list-server, this list-server be discontinued immediately for allowing such reprehensible racism to be circulated.

We demand that both Mr. Christensen and Ms. Fung publicly apologize for their statements.

Furthermore, we strongly encourage public servants who are not sensitive to the diversity of our students and our community to seriously consider the benefits of retirement.

Passed and adopted by the College of Marin Student Senate, the Associated Students of Emeritus College and the Associated Students of the College of Marin.

Hoa Long Tam  Barbara Tarasoff  Inna Shapiro
Student Senate President  ASEC President  ASCOM President
In a letter to the editor of the Marin *Independent Journal*, Board of Trustees President Carole Hayashino wrote that the College of Marin “is undergoing a historic transformation” and spoke about enrollment in “noncredit academic classes” [emphasis added].

Superintendent/President Frances White stated in an interview with a reporter from the *Independent Journal* that the College of Marin has “been a privileged institution and now here comes a new population of students…. The demographics of the county are changing; it is browning.”

The Academic Senate president addressed the Board of Trustees last semester and said “I think the future of this college may well lie with our commitment and service to the already self-defined pool of potential occupational and transfer students currently in our non-credit and basic skills classes.”

As seems to be the behavior in this District, if you say something enough times, people begin to believe you. And if it is voiced by three presidents, then it must be true!

To the best of my knowledge there has been no program review, no Educational Master Plan coordination, no consultation with department chairs regarding any of these changes.

As long as correct procedure is followed, as long as the governance system is properly involved, as long as contractual requirements are adhered to, UPM has absolutely no objection to any of the changes that may result.

However, because there seems to be a somewhat wholesale disregard for process and there have been no denials publicly or in writing regarding any of the aforementioned changes, UPM puts the District on notice that it is asserting its right to demand to negotiate the impact of these changes on its unit members, which include full-time and part-time faculty, credit and non-credit alike; all of whom appear to be directly affected by the previous presidential statements. This presidential statement may now be included with the other three.

Ira Lansing

President, United Professors of Marin
WHEREAS, February 17-23, 2008, has been designated National Engineering Week and is recognized by many corporations, professional engineering societies and organizations including:

American Society of Engineering Education (ASEE)
Society of Manufacturing Engineers (SME)
American Society of Mechanical Engineers (ASME)

WHEREAS, engineering is the profession that applies the skills and understanding of the physical, geological, mathematical and biological sciences;

WHEREAS, engineering is the profession that supports the growth, habitation and aesthetic aspirations of society and contributes to important United States intellectual property and the national security of our country;

WHEREAS, engineering programs at the College of Marin support and maintain college accreditation, help students in the pursuit of knowledge and skills, and provide motivation for students to pursue engineering as a career; and to meet the shortage and critical need for engineers in our community, state, and country;

WHEREAS, engineering supports many community-based activities including public works, computer software and graphics, architecture and environmental management.

THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Marin Community College District declares February 17-23, 2008, National Engineering Week at College of Marin in recognition of the importance of the engineering program for the students of the College and in recognition of the role of the program in teaching the related course offerings.

RESOLVED, that this resolution be made part of the Official Minutes of the meeting and of the permanent files of the District.

PASSED AND ADOPTED this 19TH day of February, 2008, by the Board of Trustees of the Marin Community College District of Marin County, California, by the following vote:

AYES: 7 (plus an advisory aye vote by Student Trustee Tam)

NOES: 0

ABSENT: 0

STATE OF CALIFORNIA )
COUNTY OF MARIN )

I, Frances L. White, Superintendent/President of the Marin Community College District of Marin County, California, do hereby certify that the Board of Trustees adopted the foregoing resolution at a regular meeting at the time and by the vote above stated.
Carole Hayashino, Member
Philip H. Kranenburg, Member
Eva Long, Ph.D., Member
James Namnath, Ph.D., Member

Wanden Treanor, Member
Barbara Dolan, Member
Annan Paterson, Member
Hoa-Long Tam, Student Member
Supplemental Report on Enrollment Management
Presented to the Board of Trustees
February 20, 2008
By Anita Martinez

The board agenda item presented information on course cancellation and addition, noting that such adjustments to the semester class schedule occur at the start of every semester. However, we would like to acknowledge and thank the Board of Trustees for the funding provided that permitted the addition of more classes in both credit and noncredit for the past two years. The classes continue to be offered.

Starting in Fall 2006, the Board provided $90,000 to add credit classes, $52,000 to shift courses back to noncredit older adult classes from community education fee-paying classes, and $110,400 to add noncredit ESL classes. These additions allowed the College of Marin to

- Address waitlisted classes
- Qualify for state funding for construction of instructional space
- Build a second pipeline for credit instruction
- Address demographic shifts in Marin County to better serve community needs
- Retain current offerings in both credit and noncredit until a program review process could be developed to ascertain which offerings should be increased, maintained as they are, decreased, or cease to be offered.
- Begin to right size the College

Address waitlisted classes: Funding resulted in the addition of 12 sections in high-demand credit courses in Fall 2006, Spring 2006, and summer 2007 (4 sections each semester/session). Enrollment in Fall 2006 and Spring 2006 was 235 students in the 9 added sections (42.5 units --- 3 courses were 8 units each); additional enrollment resulted in Summer 2007. The Office of Student Learning secured funding to make up the difference in the cost of units and other costs; some courses, such as Anatomy and Microbiology, needed additional funding for science supplies and lab technician support. It is estimated that a proportionate number of students enrolled in Summer 2007, and similar numbers of students continue to enroll in Fall 2007 and Spring 2008. In addition, because these added courses are critical to transfer and as pre-requisites to Nursing and other Allied Health, we suspect that their addition enabled students to enroll in other credit classes needed to complete the rest of their academic requirements. We are now fully scheduled in lab sciences and cannot yet add more sections at the Kentfield campus because of the limited lab space that we have. Funding also allowed the College to address waitlists in noncredit courses.

Qualify for state funding for construction of instructional space: Before the reversal of the steady decline in enrollment in credit instruction at both campuses and the increase in noncredit enrollment, the College of Marin was discouraged from applying for state funding to supplement Measure C funds to modernize the College. We were told that both campuses were overbuilt in instructional space and would not qualify. However,
each noncredit student headcount is counted in exactly the same ways as a credit student headcount. (The same is not true for community education student enrollment.) After we added noncredit students in both ESL and older adults, College of Marin headcount grew sufficiently to warrant the submission of an initial funding proposal, followed by a funding proposal, for a Gateway complex. In addition, the growth in math and science building resulted in a larger Math/Science building being proposed for Board review and approval. Moreover, growth in both areas has allowed us to maintain rather than decrease space for the rest of the instructional program, including all other areas with current construction projects.

**Build a second pipeline for credit instruction:** The College of Marin has traditionally relied upon graduating high school seniors to enroll at the College; however, over the years increasing numbers of Marin Country high school seniors have chosen to attend four-year colleges instead. Data collected from throughout the state shows that California community colleges can anticipate that at least a third of students who attend noncredit community college courses will matriculate into credit courses. Noncredit instruction has been an underutilized pipeline for credit instruction at College of Marin, so while we re-build connections with graduating high school seniors, we are also building stronger connections with students who have already chosen College of Marin, those attending noncredit classes. The primary area is noncredit ESL where we added 20 total sections (10 each in Fall 06 and Spring 07 for a total of 66 hours of instruction offered in Fall 2006 and 67 in Spring) resulting in 292 additional students (unduplicated) registered in Fall and 321 additional students (unduplicated) enrolled in Spring. Many of the fall students also enrolled in spring. If only a third of the students who enrolled in noncredit ESL added sections in Fall 2006, this could result in 100 additional students enrolled in credit courses.

**Address demographic shifts in Marin County to better serve the community:** Data in the Educational Master Plan suggest that the two demographic groups with the greatest growth in Marin County are and will continue to be older adults and immigrants. Board funding permitted the College to offer classes to serve these two groups. Prior to 2004, the College provided a dynamic set of offerings through noncredit instruction for Marin County older adults, one of the nine approved noncredit instructional areas. However, the financial situation at the College required that such offerings be discontinued and shifted to community education where such courses may be offered, but must be self-supporting. As costs for offering these classes increased in succeeding years and resulted in ever higher fees, enrollment declined when some older adults found they could no longer afford them. The Board’s approval of funds allowed the shifting back of 32 sections/session to noncredit, with an estimated planned enrollment of 23 students/section. Enrollment was greater than anticipated, resulting in 3113 students (duplicate headcount) enrolling in a total of 71 sections (4 8-week sections: Fall 1 and 2 2006 and Winter and Spring 2007).

**Retain current offerings in both credit and noncredit:** The infusion of funds has allowed the College to add units of instruction by supplementing, rather than taking from, current offerings. As a result and as noted in the agenda item, the College of Marin has
added and canceled credit sections as it always has and as other community colleges do, by looking at class size and student need. And as described in the letter sent to faculty, we are moving gradually to the 20-student minimum class size, in Spring 2008 reviewing those classes with fewer than 13 students and making exceptions as required to meet student need. In noncredit instruction, the Office of Student Learning identified other resources, apart from hourly instructional, to recently add 1 section in noncredit ESL to address a waitlist. The cost for the additional ESL 40 section is about $5800; compensation in noncredit is lower than for credit and so cost is lower. The original class had 40 enrolled and 60 on the waiting list. A waitlist remains for both the old and new sections, but given the open entry/open exit nature of noncredit, unserved students will be pulled off waiting lists by the end of the semester as other students' schedules' change. (Unlike credit instruction, enrollment can remain high in noncredit classes with the addition of students throughout the semester.)

**Begin to right size the College:** The funding provided has allowed the College to address the points above, mindful of a second Board directive: right-size the institution. We appreciate that the instructional program has remained intact, supplemented in several key areas by funding provided by the Board. We also appreciate that we have been provided time to work with faculty to develop a Program Review process and system to address the Board’s second directive. As Program Review matures, doubtless one of the results will be a careful consideration of how all college resources are used, including instructional resources. Resources could then be shifted from one academic discipline to another as warranted by both qualitative and quantitative data; as the result of thoughtful and inclusive review; and only with careful long-range planning. We will be well on our way to right-sizing the College.
Whereas Title 5 has defined and mandated collegial consultation in academic and professional matters; and

Whereas Title 5 mandates that the Academic Senate shall have primacy in decisions relating to curriculum, educational development and other matters enumerated in Section 53200 of the Education Code; and

Whereas College of Marin’s Board of Trustees, administration, faculty, staff and students approve of and are committed to a shared governance system developed by representative constituents; and

Whereas the Western Association of Schools and Colleges has made as one of its Accreditation recommendations that the college develop a shared governance system based on collegial consultation; and

Whereas the College of Marin is presently engaged in Program Review as mandated by WASC; now

Resolved that the Academic Senate of the College of Marin goes on record to demand that the District adhere to the mandates of Title 5 and engage in meaningful collegial consultation with relevant departmental faculty, as required and defined by Title 5, before making decisions that impact the structure and/or functioning of instructional programs. Specifically, but not exclusively, we demand that the assignment of Instructional Specialists be determined in consultation with affected departments. Furthermore, we call for the cessation and reversal of any currently proposed or implemented changes in department structure until the completion of Program Review.

Approved by the Academic Senate, February 14, 2008
Since the last time the Board of Trustees met, the College of Marin Student Senate sent delegations to the Community College League of California annual legislative summit in Sacramento and the Association of Community College Trustees/American Association of Community Colleges national legislative summit in Washington, D.C.

In Washington, we met with aides to Sen. Boxer, Reps. Woolsey, Tauscher, Stark and Speaker Pelosi. As you know, the Higher Education Act (HEA) is being reauthorized. The Senate passed S. 1642 in July and the House just passed H.R. 4137. The bill is expected to go to conference by the end of the month.

There are a number of new technical reporting requirements that will impact the workloads of administrators and faculty.

However, there is language on student success and accreditation that may have an impact when ACCJC/WASC returns in 2010. House language by Rep. Robert Andrews (D-N.J.) would allow regional accreditors to set standards for student success and evaluate colleges by those standards. Senate language by Sen. Lamar Alexander (R-Tenn.) would have individual institutions set their own standards and force accreditors to evaluate colleges against those standards.

I also had the opportunity to ask a question of Education Secretary Margaret Spellings, who spoke at the summit, and she expressed her support for increased opportunity for non-traditional students.

The issues of access and success are getting attention at the state level as well. As you are aware, Chancellor Woodruff is strongly pursuing the Basic Skills Initiative.

I had the opportunity to speak with the chair of Assembly Higher Education Committee, Anthony Portantino (D-Pasadena). He also expressed his support for non-traditional students and offered to visit the Campus if so invited.

All the aides and members we met with expressed that they were deeply concerned with access and success for non-traditional students.

The issues that Academic Senate President Bellisimo raised at the November meeting are getting significant attention from both the state and federal governments and I wouldn’t be surprised if there were hearings on ensuring success for all our students or institutional discrimination in the near future.
February 5, 2008

Frances L. White, President and Superintendent
Marin Community College District
835 College Avenue
Kentfield, CA 94904

Dear Dr. White:

On behalf of the men and women of the Marin County law enforcement community, I would like to thank you for the use of the building on the Indian Valley campus for our recent active shooter training. Training of this type is critical to our ability to better protect our citizens in the event of catastrophic events on school campuses and other institutions. More than two hundred officers and deputies from twelve Marin County agencies participated in the training.

I am especially grateful to Chief Charles Lacy and Sergeant Darryl Kesecker of the College District Police Department for their assistance in this important project.

Sincerely,

Matthew C. Odetto
Chief of Police
A. Closed Session – SS A&B Conference Rooms, Kentfield Campus

1. Call to Order, Roll Call and Adoption of Agenda

The Board of Trustees of the Marin Community College District met for a closed session in the SS A&B Conference Rooms on the Kentfield campus, members having received notice as prescribed by law. Board President Hayashino called the meeting to order at 4:07 p.m. Board Clerk Long called the roll and all publicly elected Trustees were present except Trustee Dolan, who arrived at 4:12 p.m., and Trustee Treanor, who arrived at 4:15 p.m.

M/s (Long/Kranenburg) to approve adoption of the agenda as presented. The motion passed unanimously (5-0).

(a) Request for Public Comment on Closed Session Agenda

There were no requests.

2. Closed Session

The Board went into closed session at 4:09 p.m.

3. Recess to Special Meeting

The closed session recessed at 4:23 p.m.

B. Special Meeting – Deedy Staff Lounge, Kentfield Campus

1. Call to Order, Roll Call and Adoption of Agenda

The open session was reconvened at 4:30 p.m. in the Deedy Staff Lounge on the Kentfield campus. All publicly elected Trustees were present and Student Trustee Tam was in attendance.
M/s (Tam/Long) to approve the agenda as presented. The motion passed unanimously (7-0) plus an advisory aye vote by Student Trustee Tam.

2. Report of Closed Session

Board Clerk Long reported that the Board had met in closed session earlier that afternoon on the items listed on the agenda, and that no action was taken.

3. Comments from the Public
Comments were made under two agenda items (B.5.a.2 and B.5.b.1) Details are specified below.

4. Special Reports

President White distributed copies of the March 3, 2008 President's Monday Briefing (copy attached) and called the Board’s attention to the section on the WASC Progress Report which lists eight objectives that need to be completed by April 1 in order to complete the requirements of ACCJC/WASC’s final recommendation. She reported that we are on target to complete all of the requirements and announced that the visiting team will return to our campus on April 1.

Dr. White reported that the draft of our Accreditation Progress Report will be available for review at the March 18 Special Board meeting. The Trustees agreed to hold the March 18 Special Meeting at 6:00 p.m. Dr. White stated that she would also bring the Program Discontinuance Policy (which she hopes will have been passed by the Academic Senate by that time) to the March 18 meeting. The Trustees asked to have a draft of the Program Discontinuance Policy available for first reading at the March 11 Board meeting.

President White announced that Dr. Red Diamond has been invited to speak at the December 11 groundbreaking ceremony for the Diamond PE Complex at 1:30 on March 11.

a) Fiscally Accountable Status

Al Harrison, Vice President of College Operations, reported that since our main priority is meeting the WASC deadline, we have decided to withdraw our application to seek fiscally accountable status from the Marin County Office of Education and the Marin County Auditor’s Office. We plan to resubmit the application at a later time.

b) Fine Arts Building Restrooms

Dr. White and V-Anne Chernock, Director of Modernization, addressed questions which have arisen over what the Board approved at the January 15, 2008 Board meeting with regard to the addition of restrooms on all floors of the new Fine Arts
Building. At that meeting the Board authorized the addition of restrooms on all floors of the new Fine Arts Building but did not determine where the money would come from other than through a scope reduction of $914,700 in the Performing Arts project.

In response to a request from the Board at the last meeting to obtain opinions from Sally Swanson Architects and Miller Brown & Dannis, Ms. Chernock provided the following information: Sally Swanson Architects Inc. has sent us a letter indicating that the proposed restrooms in the new Fine Arts Building meet ADA criteria. Miller Brown & Dannis has provided us with a written opinion that a 2002 lawsuit regarding disability access issues does not address the number and/or location of restrooms in the new Fine Arts Building and that the new Fine Arts Building does not impact the lawsuit.

The Trustees discussed the need for a better process and more complete information so that they will better understand exactly what they are authorizing when voting on modernization agenda items.

5. Action Items
a. Award Construction Contracts
   1. M/s (Long/Treanor) to Award Construction Contract for Diamond PE Center Alterations Project (#308B) to Alten Construction. The motion passed by a vote of 6-1 with Trustee Dolan casting the no vote. Student Trustee Tam cast an advisory aye vote.

   2. Geothermal Fields Kentfield & IVC Projects (#305B & #417B) Rebid Award Construction Contract. Bruce Niermeyer of Cascade Drilling, Inc. stated that he respectfully disagrees with the rejection of his firm’s bid for this project and suggested that the Board postpone its decision on this contract award.

      M/s (Kranenburg/Treanor) to Award Construction Contract for Geothermal Fields Kentfield & IVC Projects (#305B & #417B) Rebid to Trison Construction. The motion passed by a vote of 6-1 with Trustee Dolan casting the no vote. Student Trustee Tam cast an advisory aye vote.

b. Approve Professional Services Agreement Amendment
   1. New Fine Arts Building Project (#306C) Additional Services – Scope Changes
      Marcy Wong Donn Logan Architect – Amendment #4
      Margaret Kettunen Zegart presented Board members with a letter (copy attached) urging the Board to adopt the 7-foot structure addition to the Fine Arts Building to add storage, sufficient restrooms and halls.
      M/s (Kranenburg/Treanor) to Approve Marcy Wong Donn Logan Architect – Amendment #4 for Additional Services – Scope
Changes-Fine Arts Building Project (#306C).
The motion passed by a vote of 6-1 with Trustee Dolan casting the no vote. Student Trustee Tam cast an advisory aye vote.

6. Information Items
   a. Accountability Reporting for Community Colleges (ARCC) Self-Assessment
      Dr. White called the Board's attention to the ARCC information in their Board packets.

7. Adjournment
   M/s (Long/Tam) to adjourn the meeting. The motion passed unanimously (7-0) plus an advisory aye vote by Student Trustee Tam. Board President Hayashino adjourned the meeting at 5:55 p.m.
President's Monday Briefing – March 3, 2008

FAQ: College of Marin Accreditation Status/April 1 deadline

1. Q. Will College of Marin meet WASC’s April 1 deadline?
   A. YES. College of Marin will meet the April 1 deadline.

2. Q. Will College of Marin lose its accreditation on April 1?
   A. NO.

3. Q. What happens after April 1?
   A. WASC will review materials and report back on their findings before July 15. After careful review, WASC may remove the sanction if satisfied or it may continue the sanction. If the sanction is not removed, College of Marin will continue to address the recommendation. The College of Marin will continue to be fully accredited while continuing to address WASC’s final recommendation.

WASC Progress Report
College of Marin faculty, staff, and administration have been working together to address AACJC/WASC’s final recommendation. Work is nearing completion in a number of areas, including Program Review, which is critical to developing effective planning processes. By April 1 we will have accomplished the following:

1. Identified one set of goals to guide planning and evaluate effectiveness over time
2. Established a strategic planning cycle that is long-range
3. Articulated the direction of the college based on integrated strategic planning
4. Demonstrated how initiatives (e.g., enrollment management plan) are tied to College goals and planning
5. Completed all program reviews that will establish priorities to inform next year’s budget planning
6. Completed an integrated process (“program review, planning, and resource allocation”) 
7. Provided a program elimination policy
8. Simplified the planning process for ease of completion, including a new annual planning and budget calendar

These important objectives are being accomplished through the participation of those serving on the IPC, CC, Program Review Workgroup, Accreditation Workgroup, and 38 individual faculty members who are completing their Program Reviews. Thanks to all of you for your many contributions and hard work.
Measure C Bond Citizens’ Oversight Committee Is Preparing Its Annual Report
The Marin Community College District Measure C Bond Citizens’ Oversight Committee has met and is preparing its annual report to the community. The committee has reviewed last year’s (6/07) audit report, annual independent performance audit, and all quarterly financial statements to date. The committee noted at its most recent meeting that all of the audits have passed the approval of the auditors without exceptions. The committee’s report will be brought to the Board of Trustees at the April 15 regular monthly meeting and will be available to the public at that time.

College of Marin Diamond Physical Education Center Modernization Ground Breaking Ceremony
The College of Marin Board of Trustees and Superintendent/President Francis L. White, Ph.D. are hosting a groundbreaking ceremony to celebrate the modernization of the Diamond Physical Education Center. Construction is scheduled to begin in early April. The community is invited to attend free of charge.

Tuesday, March 11, 2008
1:30 p.m.
Diamond Physical Education Center
700 College Ave.
Kentfield, CA

The refurbished center will feature the installation of photovoltaic technology, which is expected to provide half of the electrical energy required to run the facility. Construction also will include a new gym floor, new roof, new lighting, new HVAC mechanical systems, renovation of the entire gym, ADA upgrades, solar thermal to heat the pool, and reconfiguration of locker rooms to provide equal space for men and women. The costs of the renovations are estimated at $15.5 million. Bids for the project will open later this month.

Club Mud: Slide Lecture and Book Signing
College of Marin Ceramics Club Mud will present a slide lecture and book signing by Marvin Sweet, author of the book, The Yixing Effect, Echos of the Chinese Scholar, on Monday evening March 10 at 7:00 pm in FA 120. Marvin will identify the invention of the artistic teapot in Yixing, China and speak of its influence in contemporary ceramics. The event is open to the public.

College Fair for Career and Transfer Programs at Indian Valley Campus
Wednesday, March 19, 2008 10 a.m. to 1 p.m.

Explore Careers and Transfer Programs in Public Safety, Health, Sustainability, and Education: Registration for this event is due Wednesday, March 12.
Contact: Francine Cunnie at careers@marin.edu to arrange the processing of your groups registration information.

College of Marin Exhibit
The Associated Students of Emeritus College present a watercolor exhibit featuring students of Marty Meade. Works by Alva Modlinka, Betty Wilson, Dorie Mohr, Sherri Davis, Karen Hooper, and Nadine Heidacker will be on display at the COM Emeritus Center until March 26. Reception to be held Thursday, March 6 from 4:00 – 5:30 p.m. at the Emeritus Center; Room 146, Student Services Building. Please call (415) 425-9368 for more information.
Art Show

Linda Lieberman, part-time credit ESL instructor, is currently showing paintings and prints at the Mill Valley Public Library, 375 Throckmorton Ave., Mill Valley. The show, called "Spring Green: Landscapes & Florals" consists of oil paintings of local landscapes and gouache paintings of blooms, plus intaglio and giclee prints, and will be on view from March 1 - March 31 in the lower level of the library. The Mill Valley Public Library is open seven days a week. Call (415) 389-4292 for hours.
www.millvalleylibrary.org

International Film Festival

The COM Department of Modern Languages presents the First Annual College of Marin International Film Festival, featuring films that represent the foreign languages taught at the College. Each film will be introduced by an individual who teaches that language. The following features, which are FREE and open to the Marin County community, will be shown on Fridays at 7 p.m. in Olney Hall 96. For additional information, call (415) 485-9348 (x7348).

March 7  Les Poupees Russes /The Russian Dolls (2005), French
March 14  Hula Girls (2006), Japanese
March 21  El Viaje de la Nonna / Nonna’s Trip (2007), Spanish
March 28  Love is Never Silent (1985), American Sign Language
April 4   Shaolin Soccer (2001), Chinese

Performing Arts Department Schedule

A Performing Arts Department combined production of William Shakespeare’s A Midsummer Night’s Dream will be offered on March 7, 8, 14, and 15 at 8 p.m. and March 9 and 16 at 2 p.m. in the Fine Arts Theatre. This production will be directed by James Dunn, with musical direction by Tara Flandreau and choreography by Sandra Tanner. It is set to the music of Felix Mendelssohn and will be performed by the COM Orchestra. Tickets are $18 for general and $15 for students, seniors, COM staff, and alumni. For reserved seating, please call the box office at (415) 485-9385.

COM Athletics

Results:
Men’s Baseball  Marin 8  Napa Valley College 2

Athletics Home Schedule for Week of March 3:
Men’s Baseball vs. Contra Costa College  Tuesday, March 4, 2:30 p.m.
Men’s Baseball vs. Laney College  Thursday, March 6, 2:30 p.m.

Athletics Away Schedule for Week of March 3:
Men’s Baseball vs. Yuba College  Saturday, March 8, 1:00 p.m.
Swim & Dive Tri Meet  Friday, March 7, 2:30 p.m.
Track & Field Beaver Relays  Saturday, March 8, 9:00 a.m.

Together we can make great things happen!

Frances L. White, Ph.D.
Superintendent/President

3/4/2008
March 4, 2008

Ms. V-Anne Chernock  
Director of Modernization  
College of Marin  
835 College Ave. Bldg MS-3  
Kentfield CA 94904-4003

RE: Proposed New Fine Arts Building Design – Accessibility Evaluation  
Project No.: 28012.01.01

Dear Ms. Chernock:

After a cursory review of the claim against the College (enclosed herein), it appears that the claimant cites failure to provide full and equal access to public facilities owned, operated, controlled and/or maintained by the College of Marin and claims that the restrooms in the existing Fine Arts Building are inaccessible.

The design and construction of the proposed new Fine Arts Building is required to conform with the ADA Standards for Accessible Design (ADA Stds) (Appendix A of 28 CFR Part 36), as well as access provisions of the current version of Part 2 of the California Building Standards Code (CBC). As such, the proposed restrooms within the new Fine Arts Building will conform with ADA Stds 4.22 and CBC 1115B and should be located on an accessible route\(^1\) conforming with ADA Stds 4.1.3(11) and CBC 1115B.1. Based on the layout plans enclosed herein, it appears that the above mentioned criteria are met.

Note that Sally Swanson Architects Inc. has not reviewed the complete set of design documents and is neither licensed nor insured to give legal advice. Our opinions and recommendations should therefore only be seen as one of the many pieces that will allow the College of Marin to make a decision.

Please do not hesitate to call us at 415-445-3045 should you have any further questions.

Sincerely,

Arfaraz Khambatta  
Sally Swanson Architects Inc.

Encl: Copy of Claim against Public Entity  
Copy of proposed layout plans (1st, 2nd & 3rd floors)

\(^1\) An accessible route is defined as a continuous unobstructed path connecting all accessible elements and spaces of a building or facility. Interior accessible routes may include corridors, floors, ramps, elevators, lifts, and clear floor space at fixtures.
RESOLUTION No. 3/11/08 C.4.a(1)
IN SUPPORT OF MARCH AS "WOMEN'S HISTORY MONTH"

Whereas American women of every race, class and ethnic background have
made historic contributions to the growth and strength of our Nation in countless
recorded and unrecorded ways;

Whereas American women have played and continue to play a critical
economical, cultural and social role in every sphere of the life of the Nation by
constituting a significant portion of the labor force working inside and outside of
the home;

Whereas American women have played a unique role throughout the history of
the nation by providing the majority of the volunteer labor force of the Nation;

Whereas American women were particularly important in the establishment of
early charitable, philanthropic, and cultural institutions in our nation;

Whereas American women of every race, class, and ethnic background served
as early leaders in the forefront of every major progressive social change
movement;

Whereas American women have been leaders, not only in securing their own
rights of suffrage and equal opportunity, but also in the abolitionist movement,
the emancipation movement, the industrial labor movement, the civil rights
movement, and other movements, especially the peace movement, which have
created a more fair and just society for all; and

Whereas despite these contributions, the role of American women in history has
been consistently overlooked and undervalued, in the literature, teaching and
study of American History;

Now, therefore be it resolved, that the Marin Community College District supports
the observance of March as "Women's History Month."
STATE OF CALIFORNIA  

MARIN COUNTY  

I, ____________________________, do hereby certify that the foregoing Resolution No. 3/11/08 C.4.a(1) was duly adopted by the Board of Trustees of the Marin Community College District at a meeting thereof held on the _____ day of ________, 2008 and that it was so adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

By: ______________________________________
    Secretary of the Board of Trustees
    of the Marin Community College District
Carole Hayashino, Member

Philip J. Kranenburg, Member

Eva Long, Ph.D., Member

James Namnath, Ph.D., Member

Wanden Treanor, Member

Barbara Dolan, Member

Annan Paterson, Member

Hoa-Long Tam, Student Member
To: Board of Trustees
From: Superintendent/President
Subject: College Goals & Strategic Initiatives

Date: March 11, 2008
Item & File No. C.4.e.1

Reason for Board Consideration:
Information

Enclosure(s):

College Goals & Strategic Initiatives

BACKGROUND:

At the February 19 Board of Trustee’s meeting the Board was provided the list of College Goals as part of the College of Marin Strategic Plan which was approved by the Institutional Planning Committee and College Council. The College has continued to refine the plan and added Strategic Initiatives to the College Goals. These initiatives were approved by the Institutional Planning Committee and the College Council and are presented as information to Board of Trustees.

Attached are the College of Marin Goals and Strategic Initiatives.

RECOMMENDATION:

For information only.

Administrator Initiating Item  Dr. Bernie Blackman, Director, Organizational Development and Planning
College Goals and Strategic Initiatives

Goal 1: Institutional Excellence

Strategic Initiative(s):
1. Support program innovation, new technologies and modernization of facilities.
2. Review and revise Board Policies and Administrative Procedures.
3. Demonstrate good stewardship with physical and human resources.
4. Implement, monitor, and revise Strategic Plan so planning drives resource allocation and all College plans are linked to strategic planning.

Goal 2: Academic Excellence

Strategic Initiative(s):
1. Provide annual program reviews for transfer and occupational/workforce programs, student services for data driven planning and budget decision making.
2. Develop Student Learning Outcomes at the institutional, division and department levels of the college.
3. Establish enrollment growth plan.
4. Revitalize curriculum and update all course outlines.

Goal 3: Faculty and Staff Excellence

Strategic Initiative(s):
1. Support professional and staff development initiatives and activities.
2. Provide on-going training opportunities for faculty and staff.

Goal 4: Community Responsiveness

Strategic Initiative(s):
1. Create new programs and community partnerships.
2. Participate in community clubs, organizations and events (when possible).

Goal 5: Diversity

Strategic Initiative(s):
1. Support equal opportunity and tolerance.
2. Establish mechanisms to support student and staff diversity.

Goal 6: Fiscal Responsibility

Strategic Initiative(s):
1. Establish a reserve above the 5% state minimum.
2. Create plan to fund the Unfunded Retiree Liability.
President's Report  
March 11, 2008

FAQ: College of Marin Accreditation Status/April 1 deadline

1. Q. Will College of Marin meet WASC’s April 1 deadline?  
   A. YES. College of Marin will meet the April 1 deadline.

2. Q. Will College of Marin lose its accreditation on April 1?  
   A. NO.

3. Q. What happens after April 1?  
   A. WASC will review materials and report back on their findings before July 15. After careful review, WASC may remove the sanction if satisfied or it may continue the sanction. If the sanction is not removed, College of Marin will continue to address the recommendation. The College of Marin will continue to be fully accredited while continuing to address WASC's final recommendation.

WASC Progress Report  
College of Marin faculty, staff, and administration have been working together to address ACCJC/WASC’s final recommendation. Work is nearing completion in a number of areas, including Program Review, which is critical to developing effective planning processes. By April 1 we will have accomplished the following:

1. Identified one set of goals to guide planning and evaluate effectiveness over time  
2. Established a strategic planning cycle that is long-range  
3. Articulated the direction of the college based on integrated strategic planning  
4. Demonstrated how initiatives (e.g., enrollment management plan) are tied to College goals and planning  
5. Completed all program reviews that will establish priorities to inform next year’s budget planning  
6. Completed an integrated process (“program review, planning, and resource allocation”)  
7. Provided a program elimination policy  
8. Simplified the planning process for ease of completion, including a new annual planning and budget calendar

These important objectives are being accomplished through the participation of those serving on the IPC, CC, Program Review Workgroup, Accreditation Workgroup, and 38 individual faculty members who are completing their Program Reviews. Thanks to all of you for your many contributions and hard work.

Slide Lecture and Book Signing  
College of Marin Ceramics Club Mud will present a slide lecture and book signing by Marvin Sweet, author of the book, The Yixing Effect, Echoes of the Chinese Scholar, on Monday evening, March 10, at 7:00 pm in FA 120. Marvin will identify the invention of the artistic teapot in Yixing, China and speak of its influence in contemporary ceramics.

International Film Festival  
Fridays at 7 p.m. in Olney Hall 96. For additional information, call (415) 485-9348 (x7348).
   March 7        Les Poupees Russes/The Russian Dolls (2005), French
   March 14       Hula Girls (2006), Japanese
BACKGROUND:
In working to respond to the visiting accreditation team’s November 2007 report as a focused College priority, the College continues its work on Program Review as described at prior Board meetings. Current work at or nearing completion includes:

- The development of a college website with tools and research to facilitate review completion
  - an electronic template for faculty use in completing individual program reviews, and
  - data that includes enrollment histories and WSCH data.
- Individual printed research binders with other data are also being supplied.
- A second one-day seminar on February 28, 2008 to help faculty complete reviews.
- Assignment of faculty and staff to assist faculty with program review research and writing.
- Assignment of tasks to governance subcommittees of the Institutional Planning Committee so that when the program reviews are completed, elements of each review may be referred to them.
  - The committees include standing committees (including Student Access and Success, Instructional Equipment, and Facilities Planning) and an ad hoc subcommittee of the IPC to consider other requests, such as staffing
- Development of scoring rubrics, rating sheets, and rater worksheets that the subcommittees will use in evaluating reviews and recommending resource allocation priorities. (Please see attached)
- Development of other materials to aid the subcommittees, such as college-wide data.
- A plan for the IPC to recommend resource allocation to the Budget Committee in time to affect budget decisions for the 2008/2009 school year with one exception; it is expected that program review will affect Instructional Equipment allocation priorities for the current year, 2007/2008.
  - The Budget Committee and Institutional Planning Committee have developed a planning cycle to inform resource allocation decisions for both short-term and long-range planning
- Communication in various venues, including the Academic Senate, the College Council, Department Chairs meetings, and Board meetings, to more fully inform the College community.
- Consideration of a draft Board policy and administrative regulations on program discontinuance.
- Completion of a Program Review Handbook, including a review and planning cycle.

We hope to demonstrate the online, electronic tools that have been developed and to further describe how the process works. We want to thank the Board for its ongoing support, including funding; we anticipate completing all program reviews by the end of March 2008 and to be well on our way to having the reviews being assessed and used to influence planning and budget.

For information only.

Administrator Initiating Item
Anita Martinez, Vice President of Student Learning
Rating Rubric for Part-time Credit Unit Requests in Program Review

<table>
<thead>
<tr>
<th>Number of Units Available</th>
<th>3 points</th>
<th>2 points</th>
<th>1 (or 0) points</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Application:</strong> How will the additional units be used? Considering college and program data, evidence shows additional units will be used in support of College goals and initiatives.</td>
<td>Program Review presents strong evidence well supported with specific quantitative and/or qualitative data that additional units will be applied to support college goals and initiatives.</td>
<td>Program Review presents evidence supported with some data that some, but perhaps not all, added units may be applied to support college goals and initiatives.</td>
<td>Program Review presents little or no evidence and/or data does not support that added units will support college goals and initiatives.</td>
</tr>
<tr>
<td><strong>Evidence:</strong> What data or evidence supports your projected requirements? Evidence includes the Academic Blueprint, other accreditation requirements; enrollment history; units needed for degree, transfer, or other academic goals; external investment/community need or other college/program data showing need</td>
<td>Program Review presents strong evidence well supported with specific quantitative and/or qualitative data that additional units as described are needed.</td>
<td>Program Review presents evidence supported with some data that some, but perhaps not all, requested additional units may be needed.</td>
<td>Program Review presents little or no evidence; data does not support additional units.</td>
</tr>
<tr>
<td><strong>Instruction:</strong> How will instruction be improved for Student Learning and success? Using college and program student success data, evidence shows units needed for or will improve student success in program and/or other classes; evidence shows units will add diversity in program and/or college offerings</td>
<td>Program Review presents strong evidence well supported with specific quantitative/qualitative data that the addition of the number of units requested will improve Student Learning and Success</td>
<td>Program Review presents evidence supported with some data that the addition of perhaps some, but not all, requested additional units could improve Student Learning and Success</td>
<td>Program Review presents little or no evidence and/or data does not demonstrate that additional units would improve Student Learning and Success</td>
</tr>
<tr>
<td><strong>Access:</strong> How will access be improved for Student Learning and Success? Considering college and program data, evidence shows that offerings will be expanded to other times and places or delivery methods (e.g., online); units needed to support success in or access to other program and/or college courses.</td>
<td>Program Review presents strong evidence well supported with specific quantitative/qualitative data (such as ongoing waitlists) that the addition of the number of units requested will greatly expand access to classes that are in great demand and improve Student Learning and Success.</td>
<td>Program Review presents evidence supported with some data that the addition of perhaps some, but not all, additional units could increase access to classes with some demand and thus improve Student Learning and Success</td>
<td>Program Review presents little or no evidence and/or data does not demonstrate that additional units are needed to increase student access to required classes and thus improve Student Learning and Success</td>
</tr>
<tr>
<td><strong>Outcomes:</strong> What Student Learning or other outcomes are expected? College/program data or other evidence shows units needed for students to achieve courses/program SLOs; units needed to prepare students for other classes, for a sequence of courses within a discipline, or for course pre-reqs; added units will support achievement of College goals</td>
<td>Program Review presents strong evidence well supported with specific quantitative/qualitative data that specific Student Learning and other outcomes will be better achieved through the addition of the requested units; Program Review clearly demonstrates that insufficient units prevent achievement of Student Learning or other outcomes</td>
<td>Program Review presents evidence supported with some data that specific Student Learning and other outcomes could be achieved through the addition of perhaps some, but not all, requested additional units; Program Review partly demonstrates that insufficient units prevent achievement of Student Learning or other outcomes</td>
<td>Program Review presents little or no evidence and/or data does not demonstrate that specific Student Learning and other outcomes would be achieved through the addition of any additional units; Program Review does not demonstrate that insufficient units prevent achievement of Student Learning or other outcomes</td>
</tr>
<tr>
<td><strong>Assessment:</strong> How will the outcomes be measured for future planning? Review demonstrates that a plan has been or is being developed and will rely on college/program data and evidence</td>
<td>Program Review identifies specific means to gather and assess quantitative/qualitative data and other evidence to measure and assess outcomes (resulting from the addition of units) for future planning</td>
<td>Program Review shows some thinking about how to gather and assess quantitative/qualitative data and other evidence to measure and assess outcomes (resulting from the addition of units) for future planning</td>
<td>Program Review shows little evidence of any thought about gathering or assessing quantitative/qualitative data or evidence to measure and assess outcomes (resulting from the addition of units) for future planning</td>
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Rating Rubric for part-time credit units

3/5/08
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<thead>
<tr>
<th>Group</th>
<th>Program name</th>
<th>Units</th>
<th>Rating &amp; rational: 3,2,1,0</th>
<th>Other data</th>
<th>Comments</th>
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<tr>
<td>A</td>
<td>English Skills</td>
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<td>A</td>
<td>English/Humanities</td>
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<td>ESL</td>
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<td>A</td>
<td>Journalism</td>
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<td>A</td>
<td>Multi-Media Studies</td>
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<tr>
<td>A</td>
<td>Nursing</td>
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<tr>
<td>A</td>
<td>Testing</td>
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<td>A</td>
<td>Tech Work Plan-Adm</td>
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<td>NA</td>
<td></td>
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<tr>
<td>B</td>
<td>Architecture</td>
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<td>B</td>
<td>EOPS</td>
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<td>B</td>
<td>Computer Science</td>
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<td>B</td>
<td>Modern Languages</td>
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<td>B</td>
<td>Tutoring Program</td>
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<td>C</td>
<td>Auto-Collision Repair</td>
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<td>C</td>
<td>Auto Technology</td>
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<td>C</td>
<td>Behavioral Sciences</td>
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<td>C</td>
<td>Business &amp; Information Systems</td>
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<td>C</td>
<td>Communications</td>
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<tr>
<td>C</td>
<td>CommEd/Life-long Learning</td>
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<td>NA</td>
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<td>C</td>
<td>Counseling</td>
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<td>C</td>
<td>Court Reporting</td>
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<td>Dental Assisting</td>
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<td>Early Childhood Education</td>
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<td>C</td>
<td>Fine and Visual Arts</td>
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<td>Life and Earth Sciences</td>
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<td>C</td>
<td>Machine Technology</td>
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<td>C</td>
<td>Metals (Welding)</td>
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<tr>
<td>C</td>
<td>Mathematics</td>
<td></td>
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<tr>
<td>C</td>
<td>Medical Assisting</td>
<td></td>
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<tr>
<td>C</td>
<td>Other Noncredit</td>
<td>NA</td>
<td>NA</td>
<td></td>
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<tr>
<td>C</td>
<td>Performing Arts</td>
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<td>C</td>
<td>PE Athletics</td>
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<td>C</td>
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<tr>
<td>C</td>
<td>Social Sciences</td>
<td></td>
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Rating Sheet for part-time unit requests
### Justification Checklists

<table>
<thead>
<tr>
<th>Application: Added units will support college goals and initiatives:</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Excellence</td>
</tr>
<tr>
<td>☐ Supportive Learning Environment</td>
</tr>
<tr>
<td>☐ Response to changing demographics</td>
</tr>
<tr>
<td>☐ Broader Community Involvement</td>
</tr>
<tr>
<td>☐ One more</td>
</tr>
<tr>
<td>☐ Workforce Development Needs</td>
</tr>
<tr>
<td>☐ SLOs</td>
</tr>
<tr>
<td>☐ Physical Environment</td>
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<table>
<thead>
<tr>
<th>Evidence</th>
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</thead>
<tbody>
<tr>
<td>☐ Academic Blue Print</td>
</tr>
<tr>
<td>☐ Other accreditation requirements</td>
</tr>
<tr>
<td>☐ Enrollment history</td>
</tr>
<tr>
<td>☐ Units needed for degree, transfer, or other academic goals</td>
</tr>
<tr>
<td>☐ External investment/community need</td>
</tr>
<tr>
<td>☐ Other college/program data showing need</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Instruction</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Improve student success in program and/or other classes</td>
</tr>
<tr>
<td>☐ Units will add diversity in program and/or college offerings</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Access</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Expanded to other times and places</td>
</tr>
<tr>
<td>☐ Other delivery methods (e.g., online);</td>
</tr>
<tr>
<td>☐ Units needed to support success in/access to other program and/or college courses</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ For students to achieve courses/program SLOS</td>
</tr>
<tr>
<td>☐ To prepare students for other classes</td>
</tr>
<tr>
<td>☐ For a sequence of courses within a discipline</td>
</tr>
<tr>
<td>☐ For course pre-reqs</td>
</tr>
<tr>
<td>☐ Added units will support achievement of College SLOs</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ A plan has been or is being developed and will rely on college/program data and evidence</td>
</tr>
</tbody>
</table>
To: Board of Trustees                      Date: March 11, 2008
From: Superintendent/President          Item & File No. C.10.B
Subject: Classified Personnel Recommendations
Reason for Board Consideration:

APPROVAL

Enclosure(s):

Recommendations

BACKGROUND:

The following actions are included in the Classified Personnel Recommendations:

A. Temporary Increase/Decrease in Classified Assignment

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

N. Cruz is on the non-instructional side of the 50% law.

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve the Classified Personnel Recommendations.

Administrator Initiating Item: Linda Beam, Executive Dean of Human Relations & Labor Relations
## A. Temporary Increase/Decrease in Assignment/Salary for Classified Personnel

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Name</th>
<th>Position</th>
<th>FTE</th>
<th>MPY</th>
<th>Appt. Type</th>
<th>Effective Date</th>
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<tbody>
<tr>
<td>1</td>
<td>Cruz, Nicole</td>
<td>Admin. Asst. – Math/Science Add Admin Asst. to Director Communications &amp; Community Relations</td>
<td>.68</td>
<td>12</td>
<td>Perm.</td>
<td>02/12/2008 – 05/30/2008</td>
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<tr>
<td></td>
<td></td>
<td>Add</td>
<td>Add</td>
<td>.32</td>
<td>Temp.</td>
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<tr>
<td>2</td>
<td>Pasqual, Meg</td>
<td>Instructional Specialist – English/Basic Skills</td>
<td>From 1.0 To .5267</td>
<td>8.5</td>
<td>Perm</td>
<td>01/22/2008 – 05/23/2008</td>
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</tbody>
</table>

### Background Information

1. Temporary Increase in assignment to assist the Director of Communications and Community Relations Department effective February 12, 2008 through May 30, 2008.

2. Temporary Decrease in assignment to accommodate teaching 7.1 TU in the credit program for Spring 2008 semester.
MARIN COMMUNITY COLLEGE DISTRICT
Kentfield, CA 94904

BOARD AGENDA ITEM

To: Board of Trustees
From: Superintendent/President
Date: March 11, 2008
Item & File No. C.10.C

Subject: Academic Personnel Recommendations

Reason for Board Consideration: APPROVAL

Enclosure(s): Recommendations

BACKGROUND:

The following actions are included in the Academic Personnel Recommendations:

A. Phased-In Early-Retirement
B. Approval of Continued Employment of Academic Contract Faculty
C. Temporary Credit Instructors Added and Changed Appointments Spring 2008
   C1. Temporary Non-Credit ESL Instructors for Spring Semester 2008 and Community Education
       and Services Instructors for Winter Quarter 2008.

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

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve the Academic Personnel
Recommendations.

Administrator Initiating Item: Linda Beam, Executive Dean of Human Resources and Labor Relations
## A. PHASED-IN-EARLY RETIREMENT OF ACADEMIC PERSONNEL

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Name</th>
<th>Title/Discipline</th>
<th>FTE</th>
<th>Appt. Type</th>
<th>Effective Date</th>
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<tbody>
<tr>
<td>1.</td>
<td>Lavin, Robin</td>
<td>Instructor, ESL</td>
<td>From 1.0 To .5334</td>
<td>Permanent</td>
<td>7/1/08</td>
</tr>
</tbody>
</table>

**BACKGROUND INFORMATION:**

1. Ms. Robin Lavin has requested a reduced workload for Phased-In-Early Retirement beginning fall semester 2008.
A. APPROVAL OF CONTINUED EMPLOYMENT OF ACADEMIC CONTRACT FACULTY

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Name</th>
<th>Title</th>
<th>Discipline</th>
<th>FTE</th>
<th>Date of Hire</th>
<th>Contract Year</th>
<th>Contract Year Recommendation</th>
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<tbody>
<tr>
<td>1</td>
<td>Kelley, Patrick</td>
<td>Instructor, Chemistry</td>
<td>1.0</td>
<td>8/16/2004</td>
<td>4th year</td>
<td>Contract for Permanent Status</td>
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<tr>
<td>2</td>
<td>Lacy, Carol</td>
<td>Instructor, Medical</td>
<td>1.0</td>
<td>8/16/2004</td>
<td>4th year</td>
<td>Contract for Permanent Status</td>
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<td>3</td>
<td>Ruddle, Joanna C.</td>
<td>Instructor, Nursing</td>
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**Children Center Faculty**

2. Helen Morales | Children Center Faculty | 1.00 | 8/14/2006 | 2nd year | Contract for 3rd year Probationary      |

**BACKGROUND INFORMATION:**

1. California Education Code Section 87607 provides that before a decision is made relative to the continued employment of academic contract employee, the following requirements shall be satisfied:
   1. The employee shall be evaluated.
   2. The Governing Board has received statements of said evaluation.
   3. The Governing Board has received recommendations of the President in a lawful meeting of the Board.

Items 1-14 and Children Center Faculty 1.: The evaluations for listed faculty have been received and are satisfactory.
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BOARD AGENDA ITEM

To: Board of Trustees
From: Superintendent/President
Subject: Short-Term Hourly Positions
Reason for Board Consideration: APPROVAL

Date: March 11, 2008
Item & File No. C.10.D
Enclosure(s): Job Descriptions

BACKGROUND

Pursuant to A.B. 500 a Short-Term hourly employee cannot begin working until the Board has taken action at a regularly scheduled meeting to approve these positions. The attached job descriptions are submitted for approval:

Short-Term Hourly Positions.

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

Information Technology Assistant in Information Technology is on the non-instructional side of the 50% law.

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve the Short-Term Hourly Positions.

Administrator Initiating Item: Linda Beam, Executive Dean of Human Resources & Labor Relations
A. SHORT TERM HOURLY POSITIONS – March 11, 2008

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<td>occasional projects. Assist Classified Staff.</td>
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BACKGROUND

Pursuant to A.B. 500 a Short-Term hourly employee cannot begin working until the Board has taken action at a regularly scheduled meeting to approve these positions. The above job descriptions are submitted for approval.
The accompanying transfer information includes twenty-nine budget transfers in February, totaling $151,543 from Unrestricted Funds.

There were eighteen transfers in Restricted Funds for $52,776 in February. There were two budget transfers to the Restricted Reserve Contingency Fund for $111,617.00 to reimburse previously allocated funds and one budget transfer from Restricted Reserve Contingency for $2,500 to allocate additional State funds for the Disabled Students Program.

Net effect of transfers for the Month.

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9000 (Income)
*Includes utilities, consultants, travel, legal services, maintenance contracts etc.
**Includes contingency reserves, financial aid awards, and inter-fund transfers.

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve the February Budget Transfers – FY 2007/08.

Administrator Initiating Item

Albert J. Harrison II, Vice President, College Operations
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- **4,242.00**
- **900.00**
- **(5,754.65)**
- **(128,650.08)**
- **(80,642.27)**
- **109,117.00**
- **57,776.33**
- **109,117**
- **166,893.33**
- **215,247.00**
- **469,979.29**

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<td>3,600</td>
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**TOTAL ALL FUND**: 100,988.00

**Measure C**: 0

Budget inter-project transfers were funds remained within.
<table>
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<th>BT #</th>
<th>10000</th>
<th>20000</th>
<th>30000</th>
<th>40000</th>
<th>50000</th>
<th>60000</th>
<th>70000</th>
<th>OTHER</th>
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<td>831</td>
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<td>15,000</td>
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<td>695</td>
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<td>(500)</td>
<td>500</td>
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<td>-</td>
<td>-</td>
<td>(22,500.00)</td>
<td>22,500.00</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>0</td>
</tr>
</tbody>
</table>

Total Measure C Building transfers were funds remained within same object code.
BACKGROUND:

Attached is the amount of warrants prepared for purchase orders already issued, purchase orders previously approved for purchases over $15,000 for labor or $50,000 for materials and supplies and direct charges. Warrant registers are available in Fiscal Services for review.

For the period 02/05/2008 through 02/26/2008 warrants and 73958-74573, were issued in the total amount of $1,628,370.

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve the payments for goods and services.

Administrator Initiating Item

Albert J. Harrison II, Vice President, College Operations
DATE: March 11, 2008

TO: Members of the Board of Trustees

SUBJECT: Payment for Goods and/or Services

Per Board Bylaw 1.5310, Section b-7, it is recommended that warrants 73958-74573 in the amount of $1,628,370 for all funds for the period 02/05/2008 through 02/26/2008 be approved for payment. Copies of invoices for individual warrants are available for review in the Fiscal Services Office. I certify that the warrants listed are proper payments of invoices for previously approved purchase orders, agreements, contracts, utilities, materials, services and claims. The General Fund expenditures represent $840,403 of the above amount. Includes payroll, through January 31, 2008.

President or Designee

EXPENDITURE SUMMARY
2007/2008
General Fund – All Programs
Period Ending 02/29/2008

<table>
<thead>
<tr>
<th>Category</th>
<th>Budget</th>
<th>Encumbered</th>
<th>Expended</th>
<th>Balance</th>
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<td>Certificated Salaries</td>
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<td>11,075,190</td>
<td>9,839,335</td>
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<td>Classified Salaries</td>
<td>10,992,525</td>
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<td>6,037,945</td>
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<td>Employee Benefits</td>
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<td>6,130,206</td>
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<td>Books &amp; Supplies</td>
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<td>140,961</td>
<td>478,630</td>
<td>786,802</td>
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<tr>
<td>Other Operating Expense*</td>
<td>7,701,556</td>
<td>517,644</td>
<td>3,141,360</td>
<td>4,042,551</td>
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<tr>
<td>Capital Outlay</td>
<td>1,003,375</td>
<td>139,054</td>
<td>395,922</td>
<td>468,399</td>
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<tr>
<td>Other Outgo**</td>
<td>4,541,863</td>
<td>2,586</td>
<td>1,519,127</td>
<td>3,020,150</td>
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<tr>
<td>**Total</td>
<td>56,733,848</td>
<td>800,245</td>
<td>28,778,381</td>
<td>27,155,222</td>
</tr>
</tbody>
</table>

* Includes utilities, consultants, travel, legal services, maintenance contracts, etc.
** Includes financial aid awards and inter-fund transfers.
BACKGROUND:

The District has received a claim from Sandy Nguyen for damage to her vehicle.

The District’s insurance administrator, Keenan & Associates, has recommended that the District reject the claim.

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees reject the claim from Sandy Nguyen and refer the claim for handling to the District’s insurance administrator.
**MARIN COMMUNITY COLLEGE DISTRICT**  
Kentfield, CA 94904

**BOARD AGENDA ITEM**

<table>
<thead>
<tr>
<th>To:</th>
<th>Board of Trustees</th>
<th>Date:</th>
<th>March 11, 2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>From:</td>
<td>Superintendent/President</td>
<td>Item &amp; File No. C.10.H</td>
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<tr>
<td>Subject:</td>
<td>College of Marin Mission Statement Annual Review</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reason for Board Consideration:</td>
<td>Enclosure(s):</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**APPROVAL**

**BACKGROUND:**

**Past Actions:**

At the May 10, 2005 Board of Trustees Meeting, the Board approved the following **BOARD POLICY** regarding College of Marin's Mission Statement:

“The College of Marin Mission Statement shall be reviewed annually at the March Board of Trustees Meeting and considered for approval by the Board at the April Board of Trustees Meeting.”

Below is College of Marin’s Mission Statement (edited and updated in 2007) which was approved at the Board of Trustees Meeting of April 17, 2007.

**MISSION STATEMENT**

College of Marin’s commitment to educational excellence is rooted in our mission to provide excellent educational opportunities for all members of our diverse community by offering:

- preparation for transfer to four-year schools and universities;
- workforce education;
- basic skills improvement;
- intellectual and physical development and lifelong learning; and
- cultural enrichment.

The College of Marin is committed to responding to community needs by offering student-centered programs and services in a supportive, innovative learning environment with a strong foundation of sustainability, which will instill environmental sensitivity in our students.

**RECOMMENDATION:**

The Superintendent/President recommends that the Board of Trustees approve the College of Marin Mission Statement.

---

Administrator Initiating Item  Dr. Bernie Blackman, Director of Organizational Development and Planning

BCT Agenda Mission Renew (3) 3-11-08
BACKGROUND:

On December 11, 2007 the Board of Trustees approved a short-form professional services agreement for Nor-Cal Moving Services for the PE Complex Portables Project (850F). Services were expected to be completed by January 31, 2008. A no cost contract time extension is requested for additional services related to the Diamond Physical Education Center move in preparation for construction.

The Board of Trustees is asked to approve Amendment 1 to Nor-Cal Moving Services’ short-form professional services agreement for a no cost time extension through June 30, 2008.

FISCAL IMPACT:

None. This is a time extension only.

The total amount of this contract to date is as follows:

Original Contract Amount $ 10,195 Moving services for PE Complex Portables Project (850F)
Amendment 1 $ 0 Contract time extension

Total Contract Amount $ 10,195

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve Amendment 1 to Nor-Cal Moving Services’ short-form professional services agreement for a time extension for moving services for the PE Complex Portables Project (850F) work.
Measure C Bond Modernization Program
Checklist for Consultant Contract Review

Date: 3/11/08  Consultant: Nor-Cal Moving Services
Project(s) (name and number): PE Complex Portables (850F)

Type of contract (check all that apply):

___ Full service (architecture)  ___ Task contract (specialty consultant)

___ Short form  ___ Long form

Original _____ or Amendment # 1

Amount of this contract/amendment: $ 0

Total amount of contract to date including this amendment $ 10,195

Documents to be included in Board packet (check and initial):

___ Full agreement  ___ Changes to agreement  Reviewed: RB

___ Appendix A  ___ Changes to Appendix A  Reviewed:

___ Appendix B  ___ Changes to Appendix B  Reviewed:

___ Appendix C  ___ Changes to Appendix C  Reviewed:

___ Appendix D  ___ Changes to Appendix D  Reviewed:

___ Appendix E  ___ Changes to Appendix E  Reviewed:

___ Other backup materials?  Reviewed:

Legal review required? ___ Yes  ___ No  If yes, counsel’s initials: 

If not, why not? No change to legal language (time extension only)

Agenda cover page prepared by: EB  Reviewed by: RB

Submittal sign-off:
Program Manager: RB  Director: HR

Amendment Checklist  2/27/08  1
Measure C Bond Modernization Program
Checklist for Consultant Contract Review

Amendments

Reviewed by: [Signature]

☑ Are there changes to the master agreement?
   Have they been reviewed by legal counsel?
   Yes ☐ No ☐

☑ Appendix A: is the scope of work consistent with the requirements of the master agreement?
   Yes ☐ No ☑

☑ Appendix B: is the fee appropriate to the scope of work?
   Yes ☐ No ☐

☑ Is the fee within budget?
   If not, does it require a budget transfer?
   Yes ☐ No ☐

☑ Do the numbers all add up correctly?
   Yes ☐ No ☐

☑ Appendix C: is the milestone schedule appropriate, reasonable, and sufficient to manage the scope of work?
   Yes ☐ No ☑

☑ Appendix D: are the deliverables sufficient to manage the scope of work?
   Yes ☐ No ☑

☑ Appendix E: has the insurance requirement changed?
   Reviewed by legal counsel?
   Yes ☐ No ☑

☑ Coordination: cross-check all items in amendment with one another

Agenda cover page

Reviewed by: [Signature] Vice President Al Harrison

☐ Is the type of contract clearly defined?
   Basic or additional service?
   Yes ☐ No ☑

☐ Is the reason for the amendment clearly stated?
   Yes ☐ No ☑

☐ Do the amendment amounts match the amended Appendix B?
   Yes ☑ No ☐

☑ Are the project title and number included and correct?
   Yes ☐ No ☑
AMENDMENT 1

To the Professional Services Agreement between the
MARIN COMMUNITY COLLEGE DISTRICT
and

Nor-Cal Moving Services

March 11, 2008

AMENDMENT 1 TO
TERM OF AGREEMENT

This is an AMENDMENT attached to, and made a part of the Short Form Professional Services Agreement (Agreement) dated December 11, 2007 between the MARIN COMMUNITY COLLEGE DISTRICT (District) and Nor-Cal Moving Services (Consultant).

1. Term of Agreement

Per the Term of Agreement, the original Short Form Professional Services Agreement for services shall be extended through June 30, 2008.

IN WITNESS WHEREOF, the parties hereto have executed this AMENDMENT 1 to the Professional Services Agreement dated December 11, 2007 between the MARIN COMMUNITY COLLEGE DISTRICT and Nor-Cal Moving Services.

MARIN COMMUNITY COLLEGE DISTRICT

By ____________________________ Date ______________

Al Harrison
Vice President College Operations

Nor-Cal Moving Services

By ____________________________ Date ______________

______________________________ Its ______________

1
BACKGROUND: Community colleges are permitted under Title 5, Section 55753 to grant college course credit to high school students who have taken Advanced Placement courses and examinations. The Academic Standards Committee of the Academic Senate and the Academic Senate recently informed us that they recommend approval of the following:

<table>
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<tr>
<th>Name of Examination</th>
<th>Score</th>
<th>Credit granted</th>
<th>Date approved by Academic Senate</th>
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</thead>
<tbody>
<tr>
<td>Math</td>
<td>3, 4, or 5</td>
<td>4 units - Math 115 or STAT 115 after successful completion of 12 units at College of Marin</td>
<td>February 2008</td>
</tr>
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</table>

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve course credit for the Advanced Placement courses and examinations as listed above.

Administrator Initiating Item
Anita Martinez, Vice President of Student Learning
February 28, 2008

TO: Anita Martinez, Vice President of Student Learning
FROM: Yolanda Bellissimo, President Academic Senate
SUBJECT: Senate Approved Course Actions

The following actions were taken by the Academic Senate. We are requesting that these be brought to the Board of Trustees for approval.

**APT SUBJECT EXAMS**: Modern Languages, US Govt. & Politics, Psychology and Statistics:

**MODERN LANGUAGES**: Students with APT scores of 3 may file a petition for 5 units equivalent to the 102 course offered at COM after successfully completing 12 units at College of Marin. This score also satisfies the CSU GE Area C-2 Requirement and the IGETC Language Other Than English Requirement.

Students with APT scores of 4 may file a petition for 5 units equivalent to the 203 course offered at COM after successfully completing 12 units at College of Marin. This score will also satisfy the IGETC Area 3.

Students with APT scores of 5 may file a petition for 5 units equivalent to the 204 course offered at COM after successfully completing 12 units at College of Marin. Students may enroll in the 225, 226, 228, or 230A and 230B series if available in a given language discipline.

**US GOVT & POLITICS**: Students with APT scores of 3, 4, or 5 may file a petition for 3 units for POLS 101 after successfully completing 12 units at College of Marin. This score will also satisfy the CSU GE Area D-8 and the IGETC Area 4.

**PSYCHOLOGY**: Students with APT scores of 3, 4, or 5 may file a petition for 3 units for PSY 110 after successfully completing 12 units at College of Marin. This score will also satisfy the CSU GE Area D-9 or Area E and the IGETC Area 4.

**STATISTICS**: Students with APT scores of 3, 4, or 5 may file a petition for 4 units for MATH 115 or STAT 115 after successfully completing 12 units at College of Marin. This score will also satisfy the CSU GE Area B-4 and the IGETC Area 2.
BOARD AGENDA ITEM

To: Board of Trustees
From: Superintendent/President
Subject: North American Resources Corporation - Lease Extension
Reason for Board Consideration: Approval

BACKGROUND:

North American Resources Corporation leases College property located on the corner of Sir Francis Drake Boulevard and College Avenue to operate the Tacqueria Mexican Grill. The Tacqueria has been at this site since April 1987. The original lease expired on March 31, 1997, and was extended by addendum four times. The most recent addendum was for a two-year period through March 31, 2008.

North American Resources is aware of the College’s facilities modernization planning and is interested in continuing the lease arrangement until such time that the District determines that the facilities will not be available. It will be a minimum of one year before any work is expected to commence and more likely two years.

Staff proposes that the lease with North American Resources be extended for one year beginning April 1, 2008 with an option to extend for an additional one-year period if the modernization planning at that time allows for an extension.

Rent will be increased to $3,300 per month for the first year and would increase to $3,350 per month, should the contract be extended for a second year.

The percentage rent remains at 6.5% of gross proceeds as per section 2.3.1.1. of the addendum. (“Percentage Rent” is rent due to the District equal to the amount by which 6.5% of gross proceeds exceeds the base rent.)

All other terms of the lease agreement and amendment will remain in effect.

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve the attached addendum to the Lease with North American Resources for the property located at the corner of Sir Francis Drake Boulevard and College Avenue per the terms of the attached addendum.

Administrator Initiating Item

Albert J. Harrison II, Vice President, College Operations
FIFTH ADDENDUM TO NET LEASE BETWEEN
MARIN COMMUNITY COLLEGE DISTRICT
AND
NORTH AMERICAN RESOURCES

This is the fifth addendum to the Net Lease between Marin Community College District "Landlord" and North American Resources "Tenant" dated April 6, 1987. The lease was amended in March 1997, March 2002, October 2003 and March 2006. The following Articles of the original Lease and subsequent four addendums are modified by this fifth Addendum. All other Articles remain in full effect.

Term of Lease

1.3 – Lease Extension

Landlord and Tenant have mutually agreed to exercise the option to extend the term of the Lease and subsequent addendums for one additional one (1) year as provided for in the 1.4 – Option to Extend Lease. The extended term shall commence on April 1, 2008 and shall end at 11:59 p.m. on March 31, 2009 and then continuing on a month-to-month basis, unless terminated as herein provided or extended as set forth in subparagraph 1.4.

1.4 – Option to Extend Lease

Upon the mutual agreement of Landlord and Tenant, Tenant shall have the option to extend the term of this Lease for one (1) additional year. In the event that Tenant desires to extend the Lease Term, Tenant shall give Landlord written notice of such desire no later than six (6) months before the expiration date of the current Term. Provided that Landlord and Tenant mutually agree to extend the Lease Term for an additional one-year period, such Extended Term shall commence as of the next day following the expiration of the current Term. Minimum monthly rent and percentage rent for the Extended Term shall be as mutually agreed upon by Landlord and Tenant on or before the last day of the current Term. If Landlord and Tenant are unable to mutually agree upon said rent prior to the expiration of the current Lease Term, the Lease shall not be extended and the Lease shall expire.

At the end of this lease extension, March 31, 2009, and upon mutual agreement, the lease may be extended on a month-to-month basis, at a rent mutually agreed upon, per Item 1.3 above.

Article 2.1.1 – Minimum Rent is modified as follows:

Tenant shall pay to Landlord, as minimum monthly rent during the Lease Term, without deduction, setoff, prior notice, or demand, payments in accordance with the following schedule, due and payable in monthly installments in advance on the first day of each and every calendar month, commencing as of April 1, 2008. The minimum rent payable during the Lease Term shall be the sum of Three Thousand Three Hundred Dollars ($3,300.00) per month. Any rent called for by this Lease shall be paid to Landlord or his
agent at the address set for delivery of notices in Article 14 hereof. As used herein, the
term “lease year” refers to the twelve (12) month period beginning on the
Commencement Date (April 1, 2008), and ending on the Expiration Date (March 31,
2009).

Article 2.2.1.1. is modified as follows:

Should the lease be extended for an additional one-year term, the minimum rent as
defined in Article 2.1.1 shall be increased to Three Thousand Three Hundred and Fifty
Dollars ($3,350.00) per month on April 1, 2009 for the following twelve (12) month
period.

Article 2.3.1.1. is modified as follows:

In addition to the minimum rent and additional rent provided for in this Lease and any
other sums required hereunder to be paid by Tenant, there shall be payable from Tenant
as percentage rent, commencing as of the first day of, and continuing thereafter during
the Lease Term, a sum equal to the dollar amount by which six and one-half percent
(6.5%) of Tenant’s Gross Sales (as the term “Gross Sales” is defined in Section 2.6 of the
Lease) exceeds the aggregate of the minimum rent paid for the same period.

Dated: March 11, 2008

Landlord: Marin Community College District,
a California Community College District

by
Albert J. Harrison II
Vice President, College Operations

Tenant: North American Resources,
a California Corporation

by
Judith Sutter-Pifer,
President
MARIN COMMUNITY COLLEGE DISTRICT
Kentfield, CA 94904

BOARD AGENDA ITEM

To: Board of Trustees
From: Superintendent/President
Subject: Ground Lease with County of Marin for Marin County Sheriff Department Substation

Date: March 11, 2008
Item & File No. C.11.B

Reason for Board Consideration: APPROVAL

Enclosure(s): Ground Lease & County Letter

BACKGROUND:

On December 11, 2007, the Board of Trustees unanimously adopted a Resolution declaring the College’s intent to lease real property to the County of Marin for purposes of installing a modular building in Parking Lot 6 at the Kentfield Campus to house a substation for the Marin County Sheriff’s Department. The College advertised a Notice of Intent to Lease Real Property in the Marin Independent Journal on December 21 and 28, 2007 and January 4, 2008.

School & College Legal Services developed the attached ground lease. The District’s insurance administrator, Keenan & Associates, has reviewed the insurance and liability section of the lease. The lease term is effective April 1, 2008 for five years, with the option to extend up to ten years in one to five-year increments. The initial rent is one thousand dollars ($1,000) per month with annual increases of the greater of three percent (3%) or the annual Consumer Price Index, not to exceed five percent (5%). The lease also allows for four designated parking spaces and eight non-dedicated parking spaces.

Upon receipt of construction plans from the County and subsequent review by College staff, the construction plans will be forwarded to the Board for approval of Final Construction Plans. Rental payments will begin upon Board Approval of the final construction plans.

The Marin County Board of Supervisors will review this lease at their Board meeting on March 11, 2008. Please see attached letter.

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve the attached ground lease with County of Marin for the Marin County Sheriff Department substation.

Administrator Initiating Item

Albert J. Harrison II, Vice President, College Operations
GROUND LEASE

THIS LEASE is between Marin Community College District, hereinafter called "DISTRICT," and the County of Marin, a political subdivision of the State of California, hereinafter called "LESSEE," who agree as follows:

1. DESCRIPTION: DISTRICT leases to LESSEE, and LESSEE hereby hires from DISTRICT, certain real property consisting of approximately 1,750 square feet on DISTRICT's Kentfield Campus, commonly known as 835 College Avenue, Kentfield, County of Marin, State of California, including four (4) dedicated parking spaces, non-exclusive use of one (1) handicapped parking space and related path of travel in Parking Lot 6, as more particularly depicted in Exhibit "A", which is attached hereto marked as Exhibit A, and incorporated herein by this reference, and eight (8) non-dedicated parking spaces on the Kentfield Campus.

2. TERM: The original term of this Lease shall be for a period of five (5) years, commencing on the first day of April, 2008, (hereinafter "Commencement Date") and terminating on the 31st day of March, 2013, with such rights of termination as may be hereinafter expressly set forth.

By mutual agreement the parties may extend the original term of this Lease for additional terms of one (1)-to-five (5) years, but not more than a total of ten (10) years, upon the same terms and conditions. If LESSEE desires to extend the original term or any additional term, LESSEE shall give notice to DISTRICT at least 180 days prior to expiration of the then-current term.

3. RENT: For the 12-month period from and after the District's written approval of the "Final Plans", (hereinafter “Adjustment Date”), the rent shall be one thousand dollars ($1,000.00) per month. Except as provided herein, rent shall be due and payable on or before the first day of each calendar month. The first rental payment shall be due and payable upon the "Adjustment Date", prorated based on a 30-day month if approval of the Final Plans does not coincide with the first day of a calendar month.

On the anniversary of the Adjustment Date, the rent for the ensuing year shall increase by the greater of three percent (3%) or the percentage increase in the All Urban Consumer Price Index (CPI) for the San Francisco-Oakland-San Jose area, as reported by the U.S. Department of Labor for the period immediately preceding the adjustment date. At no time shall the increase in any year exceed five (5%) percent. Rental payments shall be delivered to the address specified in this Lease for giving notices to DISTRICT.

4. USE: LESSEE shall use the Premises solely for the purpose of operating a Marin County Sheriff's Department Substation ("Substation") that will be housed in a portable building to be installed on the Premises by LESSEE pursuant to Paragraph 9. LESSEE shall not use or permit the Premises to be used for any other purpose without the prior written consent of DISTRICT. LESSEE accepts the Premises "as is." Premises referred to herein shall be the land depicted on Exhibit "A" and the County constructed and occupied building and area as shown in
the District approved “Final Plans” attached to this lease upon approval of said Final Plans and incorporated herein.

LESSEE parking on the Kentfield Campus shall be subject to DISTRICT rules and regulations. At or before the due date of the first rental payment, DISTRICT shall issue to LESSEE eight (8) parking permits for the Kentfield Campus in non-dedicated parking spaces.

LESSEE acknowledges that DISTRICT is planning to engage in construction that will result in the temporary closure of Parking Lot 6 for approximately 1.5 to 2.0 months beginning in approximately July or August, 2008. During the closure of Parking Lot 6, DISTRICT’s sole obligation to provide other parking to LESSEE shall be limited to designating four (4) dedicated parking spaces for LESSEE’s use in another parking lot on the Kentfield Campus for the duration of the parking lot closure.

5. **EARLY TERMINATION:** Either party may cancel this lease by giving written notice to the other at least ninety (90) days prior to the effective date of termination. If the effective date of termination does not coincide with the last day of a calendar month, the rent for the last month shall be prorated based on a 30-day month.

6. **HOLDING OVER:** Any holding over after the expiration of the original term or any extension thereof, with the written consent of the DISTRICT, expressed or implied, shall be deemed a tenancy only from month-to-month and shall otherwise be on the terms and conditions specified herein so far as applicable.

7. **UTILITIES/SERVICES TO PREMISES:**
   
a. LESSEE shall be solely responsible for all connection and installation costs, including related equipment, for all utilities/services delivered to the Premises.

b. To arrange for delivery of utilities/services to the Premises, LESSEE may use DISTRICT’s existing lines/connections for gas, electricity, water, and sewer and the District-accompanied access to the DISTRICT’s main point of connection for telephone and fiber optic/internet services.

c. Except for sewer and water, LESSEE shall be solely responsible for the cost of all gas, electricity, propane, telephone, internet and any other utility/service delivered to the Premises and shall cause the same to be separately metered and, if possible, directly billed to LESSEE.

d. LESSEE shall cause all telephone and fiber optic/internet services to the Premises to be billed directly to LESSEE.

e. If not billed directly to LESSEE by the utility/service provider, DISTRICT shall invoice LESSEE quarterly, based on meter readings, for all utilities/services to the Premises. LESSEE shall remit payment to DISTRICT within 30 days after DISTRICT’s issuance of invoice.
f. LESSEE shall be responsible for removal of trash and recycling from the Premises at least weekly and will not use DISTRICT’s trash or recycling facilities.

8. COMPLIANCE WITH LAWS: LESSEE shall, at its sole cost and expense, comply with all valid laws, ordinances, regulations, and orders of local, county, state, or federal governmental agencies or entities having jurisdiction over the Premises, LESSEE’s use of the Premises, and/or public works. All work performed on the Premises under this Lease, or authorized by this Lease, shall be done in a good workman-like manner. LESSEE acknowledges that environmental impact and other statutory or regulatory requirements may apply to LESSEE’s installation of Improvements pursuant to Paragraph 9 and intended use of the same. During the term of this Lease, or any renewal of same, LESSEE shall fully comply with the California Environmental Quality Act (CEQA) and shall obtain the approval of all local, county, state, and federal agencies to the extent required. All costs associated with statutory/regulatory compliance shall be the sole responsibility of LESSEE.

9. CONSTRUCTION/INSTALLATION OF IMPROVEMENTS:

a. Duty to Construct: LESSEE shall, at LESSEE’s sole cost and expense, construct or install or cause to be constructed or installed on the Premises the following “Improvements”:

- A portable building with exterior dimensions not to exceed 24 ft. x 60 ft. and access ramp at the location specified in Exhibit A (attached);
- Preparation and restriping of the dedicated parking spaces and handicapped parking space adjacent to the portable building, as depicted in Exhibit A; and
- All connections for utilities/services that will be delivered to the Premises.

b. Requirement of DISTRICT’s Prior Written Approval: LESSEE shall not construct or install any Improvements unless and until the plans, specifications, and exact location of the Improvements have been approved in writing by DISTRICT. Furthermore, all LESSEE’s construction/installation work shall be in accordance with the “Final Plans” approved by DISTRICT.

c. Preparation and Submission of “Proposed Plans”: LESSEE shall, at LESSEE’s sole cost and expense, engage appropriately licensed and qualified architects, engineers, and/or other design professionals to prepare plans and specifications for the preparation of the Premises and the construction/installation of any Improvements. Within ten (10) days after obtaining any and all approvals required by local, state, or federal agencies having jurisdiction over LESSEE’s construction/installation of the Improvements and/or operation of a Substation on the Premises, including any variance permits, use permits, or rezoning for the Substation, or sixty (60) days after execution of this Lease, whichever is earlier, LESSEE shall submit to DISTRICT two copies of the detailed working drawings, plans, and specifications for the Improvements (collectively “Proposed Plans”).

d. DISTRICT’s Approval or Rejection of Proposed Plans:
(1) DISTRICT shall place for review and consideration the Proposed Plans submitted to DISTRICT on the agenda of the DISTRICT’s Board of Trustees’ next regular meeting which is scheduled to occur at least ten (10) days after DISTRICT’s receipt of the Proposed Plans. DISTRICT shall either approve the Proposed Plans by endorsing DISTRICT’s approval on some or all of the documents compromising the Proposed Plans and returning one set to LESSEE, or DISTRICT shall give written notice to LESSEE of any objections DISTRICT may have to the Proposed Plans. DISTRICT’s failure to give written notice to LESSEE within ten (10) days after the aforementioned board meeting shall constitute DISTRICT’s approval of the Proposed Plans.

(2) Within ten (10) days after LESSEE receives written notice of DISTRICT’s objections, LESSEE shall deliver two complete sets of corrective amendments to DISTRICT.

(3) DISTRICT shall place for review and consideration the corrective amendments on the agenda of the DISTRICT’s Board of Trustees’ next regular meeting which is scheduled to occur at least ten (10) days after DISTRICT’s receipt of the corrective amendments. DISTRICT shall either approve the corrective amendments by endorsing DISTRICT’s approval on each corrective amendment and returning one set to LESSEE, or DISTRICT shall give written notice to LESSEE of any objections DISTRICT may have to the corrective amendment(s). Failure of DISTRICT to serve written notice on LESSEE within ten (10) days after the aforementioned board meeting shall constitute DISTRICT’s approval of the Proposed Plans as so amended.

(4) Within ten (10) days after receipt of a notice of objections to the corrective amendments, LESSEE may submit to DISTRICT additional corrective amendments. Any additional corrective amendments shall be subject to approval as set forth in Paragraph 9(d)(3).

(5) If the Proposed Plans and corrective amendments, if any, are approved by DISTRICT, they shall collectively become the “Final Plans” for the Improvements.

e. Changes to Final Plans:

(1) Any substantial change to the Final Plans shall be subject to prior written approval by DISTRICT pursuant to Paragraph 9d.(3).

(2) The term “substantial change” means a proposed modification that changes the location or exterior appearance (e.g., dimensions, color or orientation) of the Improvements or that results in a change in construction costs of ten percent (10%) or more.

(3) Minor changes in work or materials not constituting a substantial change need not be pre-approved by DISTRICT, but a copy of the altered plans and specifications reflecting those changes shall be given to DISTRICT.

f. All Work on Written Contract: All work required in the construction of the Improvements, including any site preparation work, landscaping work, and utility installation work, as well as actual construction/installation work on the Improvements, shall be performed
only by competent contractors licensed under the laws of the State of California and shall be performed in accordance with written contracts with those contractors. Each such contract shall provide that the final payment under the contract due to the contractor shall be in an amount equal to at least ten percent (10%) of the full amount payable under the contract and shall not be paid to contractor until whichever of the following last occurs:

(1) The expiration of 35 days from the date of recording by LESSEE as owner of a Notice of Completion of the Improvements, LESSEE agreeing to record that Notice of Completion promptly within the time specified by law for the recording of that notice; or

(2) The settlement and discharge of all stop notices claimed by persons who supplied either labor or materials for the construction of the Improvements.

g. Performance and Lien Bonds: Each contractor engaged by LESSEE to perform any services for construction of the Improvements, including any construction, site preparation, utility installation, landscaping, or parking lot construction services, shall furnish to LESSEE, who shall deliver copies of both of the following to DISTRICT, at the contractor’s own expense at the time of entering a contract with LESSEE for those services:

(1) A bond issued by a corporate surety authorized to issue surety insurance in California in an amount equal to 100% of the contract price payable under the contract securing the faithful performance by the contractor of its contract with LESSEE; and

(2) A bond issued by a corporate surety authorized to issue surety insurance in California in an amount equal to 100% of the contract price, payable under the contract securing the payment of all claims for the performance of labor or services on, or the furnishing of materials for, the performance of the contract.

h. Time for Completion: LESSEE shall cause construction of the Improvements to be commenced no later than sixty (60) days after approval by DISTRICT of the Final Plans. LESSEE shall cause construction of the Improvements to be diligently pursued without unnecessary interruption, and shall cause the Improvements to be completed and ready for occupancy not later than one hundred eighty (180) days after commencement of construction. LESSEE shall be excused for any delays in construction or commencement of construction caused by the act of DISTRICT, the act of any agent of DISTRICT, the act of any governmental authority, the act of any public enemy, acts of God, the elements, war, war defense conditions, litigation, strikes, walkouts, or other causes beyond LESSEE’s control. LESSEE shall, however, use reasonable diligence to avoid any such delay and to resume construction as promptly as possible after the delay.

i. Zoning and Use Permits: Should it be necessary for LESSEE to obtain any use permit, variance, or rezoning of the Premises to construct/install the Improvements or operate the Substation, DISTRICT agrees to execute any documents, petitions, applications, and authorizations that may be necessary or appropriate. Any such permits, variances, or rezoning shall be obtained at the sole cost and expense of LESSEE, and LESSEE agrees to protect and
save DISTRICT and the property of DISTRICT, including the Premises, free and harmless from any such cost and expense.

10. **SAFETY AND SECURITY FENCING:** At all times during the construction/installation of Improvements on the Premises, LESSEE shall keep any and all areas of construction adequately fenced for safety and security purposes.

11. **OWNERSHIP OF IMPROVEMENTS:** Title or leasehold to all Improvements constructed or installed on the Premises by LESSEE shall be held by LESSEE. LESSEE shall remove all Improvements from the Premises and shall restore the Premises to their original condition on or before termination of this Lease.

12. **CONSTRUCTION SCHEDULE:** LESSEE shall obtain DISTRICT’s approval prior to scheduling any construction or installation work that may interfere with DISTRICT’s use or access to DISTRICT property within the vicinity of the Premises, including DISTRICT’s pending plans for construction work in and about Parking Lot 6.

13. **ASSIGNMENT/SUBLETTING:** LESSEE shall not assign this Lease or sublet the Premises or any part thereof without the prior written consent of DISTRICT. No assignment or subletting shall release LESSEE or change LESSEE’s primary liability to pay the rent and to perform all other obligations of LESSEE under this Lease. DISTRICT’s acceptance of rent from any other person is not a waiver of any provision of this Paragraph 13. Consent to one assignment/subletting is not consent to any subsequent transfers. If LESSEE’s transferee defaults under this Lease, DISTRICT may proceed directly against LESSEE without pursuing remedies against the transferee.

14. **INDEMNITY:** LESSEE shall indemnify and hold DISTRICT and DISTRICT’s property, including the Premises and any Improvements now or hereafter on the Premises, free and harmless from any and all liability, claims, loss, damages, or expenses relating to or resulting from LESSEE’s occupation or use of the Premises, specifically including, without limitation, any liability, claim, loss, damage, or expense arising by reason of the following:

a. The death or injury of any person, including LESSEE or any person who is an employee or agent of LESSEE, or by reason of the damage to or destruction of any property, including property owned by LESSEE or by any person who is an employee or agent of LESSEE, from any cause whatever while that person or property is in or on the Premises or in any way connected with the Premises or with any of the Improvements or personal property on the Premises;

b. The death or injury of any person, including LESSEE or any person who is an employee or agent of LESSEE, or by reason of the damage to or destruction of any property, including property owned by LESSEE or by any person who is an employee or agent of LESSEE, caused or allegedly caused by either (1) the condition of the Premises or some building or Improvement on the Premises, or (2) some act or omission on the Premises of LESSEE or any person in, on, or about the Premises with the permission and consent of LESSEE;
c. Any work performed on the Premises or materials furnished to the Premises at the instance or request of LESSEE or any person or entity acting for or on behalf of LESSEE; or

d. LESSEE’s failure to perform any provision of this Lease or to comply with any requirement of law or any requirement imposed on LESSEE or the Premises by any duly authorized governmental agency or political subdivision.

DISTRICT agrees to indemnify and hold LESSEE free and harmless from any and all liability, claims, loss, damages, or expenses to the extent caused by the DISTRICT’s, or its employees’ or agents’, negligent performance of this Lease.

15. INSURANCE: LESSEE shall purchase and maintain for the term of this lease agreement Commercial General Liability and Property Damage insurance or equivalent programs of self-insurance in an amount not less than $1,000,000 per occurrence and $5,000,00 aggregate. The DISTRICT shall be named as an additional insured by endorsement, (or additional covered party if LESSEE is self-insured). A certificate of insurance evidencing the required insurance requirements shall be furnished to DISTRICT upon commencement of this Lease.

The insurance policy shall contain, or be endorsed to contain that the insurance coverage of LESSEE using DISTRICT property shall be primary coverage for liability arising from such use. Any insurance, self-insurance, or insurance pool coverage maintained by the DISTRICT shall be in excess of the LESSEE’s coverage and shall not contribute to it.

The aforementioned insurance coverage may be provided by comparable insurance risk pool coverage, and a coverage letter from the risk pool administrator may be provided in lieu of a certificate of insurance.

LESSEE’s Fire and Casualty Insurance: LESSEE shall, at LESSEE’s own cost and expense, at all times during the term of this Lease, keep all Improvements on the Premises insured for their full replacement value against loss of destruction of fire and the perils commonly covered under the standard extended coverage endorsement to fire insurance policy in the county where the Premises are located.

16. NON-DISCRIMINATION: LESSEE shall not unlawfully discriminate against any employee or applicant for employment because of race, religion, color, national origin, ancestry, physical handicap, medical condition, marital status, age (over 40) or sex. LESSEE shall insure that the evaluation and treatment of its employees and applicants for employment are free of unlawful discrimination. LESSEE shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code, Section 12900 et seq.) and the applicable regulations promulgated thereunder (Cal. Admin. Code, Tit. 2, Section 7285.0 et seq.).

17. TAXES/ASSESSMENTS: This Lease may create a possessory interest subject to property taxation for which LESSEE shall be solely responsible for payment.
18. PROTECTION OF PREMISES: No dumping of refuse by LESSEE is permitted in any area of the Premises, and LESSEE shall not commit or suffer to be committed any waste or nuisance upon the Premises. LESSEE shall not cut or remove any trees or landscaping from the Premises without DISTRICT’s advance written approval. LESSEE shall at all times exercise due diligence in the protection of the Premises against damage or destruction by fire or other cause.

19. MAINTENANCE, RESTORATION AND REPAIR: At all times while this Lease is in effect, LESSEE shall, at its own cost and expense, keep and maintain the Premises, all Improvements, including dedicated parking spaces, and all appurtenances now or hereafter on the Premises in a safe and sanitary condition in accordance with all applicable laws and regulations including, without limitation, DISTRICT policies and regulations pertaining to maintenance and repair of DISTRICT property. If any Improvements now or hereafter on the Premises are destroyed in whole or in part by fire, theft, the elements, or any other cause not the fault of DISTRICT, this Lease shall continue in full force and effect and LESSEE, at LESSEE’s own cost and expense, shall repair and restore the damaged Improvements. Any restoration by LESSEE of the Improvements constructed or installed by LESSEE shall comply with the Final Plans, as approved by DISTRICT, except as DISTRICT may otherwise agree in writing. The work or repair and restoration shall be commenced by LESSEE within ninety (90) days after the damage or destruction occurs and shall be completed with due diligence not later than two (2) months after the work is commenced. In all other respects the work of repair or restoration shall be done in accordance with the requirements for original construction and installation on the Premises. LESSEE’s obligation for restoration and repair shall exist whether or not funds are available from insurance proceeds. Notwithstanding the foregoing, LESSEE shall have the option to terminate the Lease by giving 90 days notice pursuant to Paragraph 5 in which case, prior to the effective date of termination, LESSEE shall remove all Improvements and restore the Premises to their original condition.

20. SIGNS: The placement, size and design of all exterior signs shall be subject to DISTRICT’s review and prior written approval which shall not be withheld unreasonably. LESSEE shall be solely responsible for all costs related to the signs and their installation and maintenance. LESSEE shall install any approved sign in a good workmanlike manner.

21. DEFAULT:

a. Continuation of Lease in Effect. Should LESSEE breach this Lease and abandon the Premises before the natural expiration of the Lease’s term, DISTRICT may continue this Lease in effect by not terminating LESSEE’s right to possession of the Premises, in which event DISTRICT shall be entitled to enforce all DISTRICT’s rights and remedies under this Lease, including the right to recover the rent specified in this Lease as it becomes due under this Lease.

b. Termination and Unlawful Detainer. In the event of LESSEE’s default, DISTRICT may terminate this lease by written notice to LESSEE and may also bring an action to recover the following from LESSEE:
1. The worth at the time of award of the unpaid rent that had been earned at the time of termination of the Lease;

2. The worth at the time of award of the amount by which the unpaid rent that would have been earned after termination of the Lease until the time of award exceeds the amount of rental loss that LESSEE proves could have been reasonably avoided;

3. The worth at the time of award of the amount by which the unpaid rent for the balance of the term after the time of award exceeds the amount of rental loss that LESSEE proves could reasonably avoided; and

4. Any other amount necessary to compensate DISTRICT for all detriment proximately caused by LESSEE's failure to perform LESSEE's obligations under this Lease; and

In addition to or in lieu of the action described above, DISTRICT may reenter and regain possession of the Premises in the manner provided by the laws of unlawful detainer then in effect.

c. **Breach and Default by LESSEE.** All covenants and agreements contained in this Lease are declared to be conditions to this Lease and to the term hereby leased to LESSEE. Should LESSEE fail to perform any covenant, condition, or agreement contained in this Lease and the default is not cured within thirty (30) days after written notice of the default is served on LESSEE, then LESSEE shall be in default under this LEASE.

d. **Cumulative Remedies.** The remedies given to DISTRICT in this Paragraph shall not be exclusive but shall be cumulative with and in addition to all remedies now or hereafter allowed by law and elsewhere provided in this Lease.

e. **Surrender of Premises.** On termination of this Lease, LESSEE shall surrender the Premises and all permanently fixed Improvements, including secured and capped utility connections, on the Premises to District in as good, safe, and clean condition as practicable, reasonable wear and tear excepted, pursuant to Paragraph 11.

22. **WAIVER:**

   a. The exercise of any right, option or privilege existing at law or by virtue of this Lease agreement, by DISTRICT, shall not preclude DISTRICT from exercising any and all other such rights, options and privileges, and DISTRICT's failure to exercise any such right, option or privilege shall not be deemed a waiver thereof, nor shall it relieve the LESSEE from its obligations to perform each and every term, covenant, provision and condition on its part to be performed pursuant to the provisions of this Lease agreement or required by law, nor shall it relieve the LESSEE from damages and other remedies for its failure to perform or meet its
obligations to DISTRICT.

b. The waiver by DISTRICT, except as is hereafter provided, or any breach of any term, covenant, provision or condition of this Lease agreement by the LESSEE shall not be deemed to be a waiver of such term, covenant, provision or condition nor any subsequent breach of the same, nor any other term, covenant, provision or condition of this Lease agreement. The subsequent acceptance of rent or other performance required by this Lease agreement by DISTRICT, shall not be deemed to be a waiver of any preceding breach by the LESSEE or any term, covenant, provision, or condition of this Agreement, regardless of DISTRICT’s knowledge of such preceding breach at the time of its acceptance of such rent or performance.

c. Notwithstanding anything in this paragraph to the contrary, DISTRICT may waive any term, covenant, provision or condition of this Lease agreement, or any known breach thereof, and DISTRICT may waive any of its known rights, options or privileges provided; however, such waiver must be express and not by implication and must also be in writing duly executed by DISTRICT and delivered to LESSEE.

23. OTHER PROVISIONS:

a. Force Majeure: Except as otherwise expressly provided in this Lease, if the performance of any act required by this Lease to be performed by either DISTRICT or LESSEE is prevented or delayed by reason of any act of God, strike, lockout, labor trouble, inability to secure materials, restrictive governmental laws or regulations, or any other cause (except financial inability) not the fault of the party required to perform the act, the time for performance of the act will be extended for a period equivalent to the period of delay and performance of the act during the period of delay will be excused. However, nothing contained in this section shall excuse the prompt payment of rent by LESSEE as required by this Lease or the performance of any act rendered difficult or impossible.

b. Attorneys' Fees: Should any litigation be commenced between the parties to this Lease concerning the Premises, this Lease, or the rights and duties of either in relation thereto, the party prevailing in that litigation shall be entitled, in addition to any other relief that may be granted in the litigation, to a reasonable sum as and for that party’s attorneys' fees in that litigation that shall be determined by the court in that litigation or in a separate action brought for that purpose.

c. Notices: All notices herein provided to be given or which may be given by either party to the other shall be deemed to have been fully given upon personally delivery or two (2) business days after deposit in the United States mail, certified, postage prepaid and addressed as follows:

To the DISTRICT: Marin Community College District 835 College Avenue Kentfield, CA 94904 Attn: Al Harrison
To the LESSEE: Marin County Sheriff’s Office  
3501 Civic Center Drive #145  
San Rafael, CA 94903  
Attn: Captain Tim Little

And copy sent to: Marin County Dept. of Public Works  
Real Estate Division  
P.O. Box 4186  
San Rafael, CA 94913  
Attn: Chief Real Property Agent

The address to which notices may be mailed to either party may be changed by written notice given by one party to the other as hereinbefore provided.

e. **Governing Law:** This Lease, and all matters relating to this Lease, shall be governed by the laws of the State of California.

f. **Binding on Heirs and Successors:** This Lease shall be binding on and shall inure to the benefit of the heirs, executors, administrators, successors, and assigns of the parties hereto, but nothing in this section shall be construed as a consent by DISTRICT to any assignment of this Lease or any interest in the Lease by LESSEE except as provided in Subsection 13 of this Lease.

g. **Section Headings.** All section headings contained herein are for convenience of reference only and are not intended to define or limit the scope of any provision of this Lease.

h. **Partial Invalidity:** If any provision of this Lease is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions of this Lease shall continue in full force and effect.

i. **Entire Agreement/Modifications:** This instrument constitutes the entire agreement between DISTRICT and LESSEE respecting the Premises. This Lease modified only by mutual written agreement of the parties.

j. **Time of Essence:** Time is expressly declared to be of the essence of this Lease.

IN WITNESS WHEREOF, this Lease has been executed by the parties hereto as of the date written below.

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- 11 -

Final 2/22/08
DISTRICT:
MARIN COMMUNITY COLLEGE
DISTRICT:

By: ____________________________
   Vice President, College Operations

Date: ____________________________

LESSEE:
COUNTY OF MARIN

By: ____________________________
   President, Board of Supervisors

Date: ____________________________

Attest: ____________________________
       Deputy Clerk
March 11, 2008

Marin County Board of Supervisors
3501 Civic Center Drive
San Rafael, CA 94903

SUBJECT: Ground Lease for Sheriff Substation at College of Marin Kentfield Campus.

Dear Supervisors:

RECOMMENDATION: Approve and authorize the President to execute the Ground Lease with Marin Community College District.

SUMMARY: The Sheriff’s Department is currently leasing space at the Kentfield Fire Department for the Kentfield Sheriff Substation. The Fire District is planning to remodel the Station this spring and it has been determined that there will not be adequate space for the operation of the Sheriff Substation upon completion of construction. Therefore, the College of Marin (College) has agreed to lease a portion of the college grounds to the Sheriff for placement of a modular building for use as a Substation. The term of the proposed ground lease will be five (5) years with a five (5) year option to renew. The building will be ADA compliant and will allow for adequate space for the operation of the Substation. Occupancy of the new substation will not begin until all improvements are completed. Rent of the ground lease space will not begin until College’s approval of the County’s Final Construction Plans. Rent for the ground lease will be $1,000.00 per month with annual rent increases. The Lease has been reviewed and approved by County Counsel and Risk Management.

FISCAL IMPACT: Estimated rental costs for the ground lease for the five year term is $50,000.00 with annual increases based on the Consumer Price Index. The funds for rent are available in Fund Center 2600071100 Account Number 5211270.

REVIEWED BY:

[ ] Auditor Controller [ ] N/A

[ X ] County Counsel [ ] N/A

[ ] Human Resources [ ] N/A

Respectfully submitted,

Terry Toner
Chief Real Property Agent
Real Estate Division

Merit Requisition # 10010114

cc: Captain Tim Little – Sheriff’s Department
Kevin McGowan – Public Works Department
Al Harrison- College of Marin
March 11, 2008

Marin County Board of Supervisors
3501 Civic Center Drive
San Rafael, CA 94903

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FISCAL IMPACT: Estimated rental costs for the ground lease for the five year term is $60,000.00 with annual increases based on the Consumer Price Index. The funds for rent are available in Fund Center 2600071100 Account Number 5211270.

REVIEWED BY: [  ] Auditor Controller [  ] N/A
[ X ] County Counsel [  ] N/A
[  ] Human Resources [  ] N/A

Respectfully submitted,

Terry Toner
Chief Real Property Agent
Real Estate Division

Merit Requisition # 10010114

cc: Captain Tim Little – Sheriff’s Department
Kevin McGowan – Public Works Department
Al Harrison– College of Marin

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BOARD AGENDA ITEM

To:      Board of Trustees                              Date: March 11, 2008
From:    Superintendent/President                      Item & File No. C.11.C.1(a)
Subject: 12KV Utility Extension Project (#407C)          Enclosure(s):
          Pre-Authorize Award Construction Contract
Reason for Board Consideration:

ACTION – AWARD

BACKGROUND:

On February 19, 2008 the Board authorized the District to accept bids for the 12KV Utility Extension Project (#407C). Construction should begin prior to the April 15, 2008 Board of Trustees meeting. Bids will be opened prior to the end of March 2008 following final DSA approval.

At this time the District recommends that the Board of Trustees pre-authorize award of a construction contract to the low responsible bidder for the 12KV Utility Extension Project (#407C).

Final bid results and construction contract award will be announced at the next Board of Trustees meeting.

FISCAL IMPACT:

The engineer’s estimate for this project is $500,000. This project will be paid from bond funds.

RECOMMENDATION:

The Superintendent/President recommends that the Board pre-authorize award of a construction contract for the 12KV Utility Extension Project (#407C) to the low responsible bidder, subject to successful completion of the mandatory 5 day protest period.
BACKGROUND:

On February 6, 2008 an RFP (Request for Proposal) was sent out to invite responses from qualified firms, partnerships, corporations, associations, or other persons to enter into agreements on an “on-call” basis with the Marin Community College District for the repair and stabilization of utilities within work sites undergoing excavation or construction on both the Kentfield and Indian Valley Campuses.

All firms that submitted (see attached list) are well qualified contractors, and are recommended for acceptance by the Board at this time.

In the event emergency utility repair services are needed, all contractors on the On-Call List will be under contract and ready to work. Field Contracts (template approved by the Board of Trustees on February 19, 2008) will be issued to all contractors on the On-Call List and brought back to the Board for ratification.

FISCAL IMPACT:

None

RECOMMENDATION:

The Superintendent/President recommends that the Board accept the attached list of qualified contractors for emergency utility repairs services on the Kentfield and Indian Valley Campuses.
On-Call Qualified Contractors
Emergency Utility Repair Services

**Electrical**
W. Bradley Electric
Electrix

**Telecom / Data / Cable**
W. Bradley Electric

**Water / Plumbing**
MK Pipelines
Ghilotti Bros., Inc.

**Sewer / Storm Drain / Utility**
D & D Pipelines
MK Pipelines
WR Forde Associates
Ghilotti Bros., Inc.

**Gas**
MK Pipelines
Ghilotti Bros., Inc.
BOARD AGENDA ITEM

To: Board of Trustees  
From: Superintendent/President  
Subject: Approve Purchase of Metal Building Transportation Tech Relocation Project (850H)  
Reason for Board Consideration: None

ACTION APPROVAL

BACKGROUND:

On February 19, 2008 the Board of Trustees authorized the District to begin the procurement process of a Metal Building for relocation of the Automotive Technology programs at the Indian Valley Campus. Competitive bids were solicited for a metal building as required by Board policy.

Bids are due on March 6, 2008 and the final results of the low responsible bidder will be presented to the Board at the March 11, 2008 Board meeting.

At this time the District recommends that the Board approve the purchase of a Metal Building for the relocation of the Automotive Technology programs at the Indian Valley Campus.

FISCAL IMPACT:

The procurement, anticipated at about $45,000, will be paid from Measure C bond funds and is not expected to exceed State limits for informal procurement.

RECOMMENDATION:

The Superintendent/President recommends that the Board approve the purchase of a Metal Building for the relocation of the Automotive Technology programs at the Indian Valley Campus.
MARIN COMMUNITY COLLEGE DISTRICT
Kentfield, CA 94904

BOARD AGENDA ITEM

To: Board of Trustees                                      Date: March 11, 2008
From: Superintendent/President                           Item & File No. C.11.C.3(a)
Subject: Parking Lot-Bioswale & Pathways Projects (401B & 413A) Phase 1
          Approve Project and Authorize Bidding

Reason for Board Consideration:
ACTION APPROVAL                                      Enclosure(s):
                                                   None

BACKGROUND:

The design of the Parking Lot-Bioswale & Pathways Project (401B & 413A) Phase 1 at the Indian Valley Campus is complete. Phase 1 consists of initial demolition work in parking lots 1 and 2; bioswale construction in parking lot 1; and construction of engineered building pad for the Main Building Complex in parking lot 2. Phase 2 will be bid separately for the remainder of upgrades to parking lots and pathways.

The District now seeks Board approval of this project and authorization to begin the bidding process.

FISCAL IMPACT:

The final reconciled engineer’s estimate for the project (Phase 1) is $250,000 against a total project construction budget of $1,536,265. This project will be paid from Measure C bond funds.

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve the Parking Lot-Bioswale & Pathways Projects (401B & 413B) Phase 1 and authorizes the District to proceed with bidding.

Administrator Initiating Item
V-Anne Chernock
Director of Modernization

Administrator Approving Item
Albert J. Harrison II
Vice President, College Operations
# BOARD AGENDA ITEM

<table>
<thead>
<tr>
<th>To:</th>
<th>Board of Trustees</th>
<th>Date:</th>
<th>March 11, 2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>From:</td>
<td>Superintendent/President</td>
<td></td>
<td></td>
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<tr>
<td>Subject:</td>
<td>SMCP Increment No. 1 Site Development Utilities Project (305C)</td>
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<td></td>
<td>Approve Project and Authorize Bidding</td>
<td></td>
<td></td>
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<tr>
<td>Reason for Board Consideration:</td>
<td>ACTION - APPROVAL</td>
<td>Enclosure(s):</td>
<td>None</td>
</tr>
</tbody>
</table>

## BACKGROUND:

The design of the SMCP Increment No. 1 Site Development Utilities Project (305C) at Kentfield has been submitted to DSA and is awaiting final approval. The scope of work for this project includes the rerouting and utilities upgrades in preparation for demolition of five (5) structures* and partial construction of the new Science Math Central Plant Complex.

The District now seeks Board approval of this project and authorization to begin the bidding process following final DSA approval.

## FISCAL IMPACT:

The final reconciled engineer’s estimate for the project is $2,900,000. This project will be paid from Measure C bond funds.

## RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve the SMCP Increment No. 1 Site Development Utilities Project (305C) and authorize the District to proceed with bidding the work following final DSA approval.

* Dickson Hall, Dance/Landscape, DSPS, Greenhouse and Shade Structure

---

**Administrator Initiating Item**  
V-Anne Chernock  
Director of Modernization

**Administrator Approving Item**  
Albert J. Harrison II  
Vice President, College Operations
BACKGROUND:

Part-time Project Inspection services are necessary for various infrastructure and relocation projects on the Indian Valley Campus. It was determined that one Inspector can perform all the work in a timely and efficient manner. The projects included in the agreement for project inspection services are:

- Ignacio Creek Erosion Mitigation Project (419A) $29,400
- Parking Lot-Bioswale & Pathways Projects, Phase 1 (401B & 413A) $10,000
- 12KV Utility Extension Project (407C) $12,000
- West Campus Utility Extension Project (407D) $10,000
- Shade & Greenhouse Structures & Transportation Tech Relocation Projects (850C & 850H) $12,000

The District recommends that the Board award a new agreement for project inspection services with Ballard & Watkins Construction Services in the amount of $73,400 for this work. The template for this contract has been approved by legal counsel.

FISCAL IMPACT:

The Agreement for Project Inspection (PI) Services will be paid from Measure C bond funds set aside for project inspection.

RECOMMENDATION:

The Superintendent/President recommends that the Board approve an Agreement for Project Inspection Services with Ballard & Watkins Construction Services in the amount of $73,400 for DSA Inspector services for various infrastructure and relocation projects on the Indian Valley Campus.
Measure C Bond Modernization Program
Checklist for Consultant Contract Review

Project(s) (name and number): IV C Projects - Various Infrastructure & Relocation Projects (41AH, 4D1B, 413A, 407C, 407D, 852C & 850H)
Type of contract (check all that apply):

___ Full service (architecture) ___ Task contract (specialty consultant)
___ Short form ___ Long form

Original ___ or Amendment # __________

Amount of this contract/amendment: $ 73,400
Total amount of contract to date including this amendment $ 73,400

Documents to be included in Board packet (check and initial):

___ Full agreement ___ Changes to agreement Reviewed: ___________

___ Appendix A ___ Changes to Appendix A Reviewed: ______

___ Appendix B ___ Changes to Appendix B Reviewed: ______

___ Appendix C ___ Changes to Appendix C Reviewed: ______

___ Appendix D ___ Changes to Appendix D Reviewed: ______

___ Appendix E ___ Changes to Appendix E Reviewed: ______

___ Other backup materials? Reviewed: ______

Legal review required? ______ Yes ___ No If yes, counsel’s initials: ______
If not, why not? No changes to legal language -template provided by MBD

Agenda cover page prepared by: __________ Reviewed by: ______

Submittal sign-off:
Program Manager: __________ Director: __________

Amendment Checklist 2/27/2008
Measure C Bond Modernization Program
Checklist for Consultant Contract Review

Amendments

☐ Are there changes to the master agreement?
   Have they been reviewed by legal counsel? 
      Yes    No
      N/A    Yes    No

☐ Appendix A: is the scope of work consistent with the requirements of the
   master agreement? 
      Yes    No

☐ Appendix B: is the fee appropriate to the scope of work? 
      Yes    No

☐ Is the fee within budget?
   If not, does it require a budget transfer? 
      N/A    Yes    No

☐ Do the numbers all add up correctly? 
      Yes    No

☐ Appendix C: is the milestone schedule appropriate, reasonable, and sufficient
to manage the scope of work? 
      Yes    No

☐ Appendix D: are the deliverables sufficient to manage the scope of work? 
      Yes    No

☐ Appendix E: has the insurance requirement changed?
   Reviewed by legal counsel? 
      N/A    Yes    No

☐ Coordination: cross-check all items in amendment with one another

Agenda cover page

☐ Is the type of contract clearly defined?
   Basic or additional service? 
      Yes    No
      Basic  Add’l

☐ Is the reason for the amendment clearly stated? 
      Yes    No

☐ Do the amendment amounts match the amended Appendix B? 
      Yes    No

☐ Are the project title and number included and correct? 
      Yes    No

Reviewed by: Vice President Al Harrison

Amendment Checklist 2/27/2008
AGREEMENT FOR PROJECT INSPECTION (PI) SERVICES

This agreement, entered into this 11th day of March, 2008 ("Agreement") by and between Ballard & Watkins Construction Services (hereinafter referred to as "Inspector") and the Marin Community College District, a community college district organized under the laws of the State of California (hereinafter referred to as "District") Agreement.

WHEREAS, the District is undertaking the construction or alteration of a school; and

WHEREAS, the District is in need of a special expert to conduct inspection of the school construction or alteration as required pursuant to Education Code §§81141 and 81143 and Title 24 of the California Code of Regulations; and

WHEREAS, the District does not now have on its staff of classified employees any person qualified as such a special inspector; and

WHEREAS, Government Code §53060 authorizes the District to contract with persons specially trained and experienced and competent to perform special services and advice in such area; and

WHEREAS, Inspector is specially trained and licensed and possesses the requisite skills, experience, education and competency to perform such special inspection services for the District:

NOW THEREFORE, the parties do mutually agree as follows:

1. **Employment of Inspector.** The District hereby engages Inspector, and Inspector agrees to perform the professional inspection services as hereinafter set forth.

2. **Administrator of Agreement.** Swinerton Management & Consulting, Inc. Project Manager ("SMC") shall represent District for purposes of administration of this Agreement.

3. **Scope of Services.** Inspector shall provide to District inspection services in accordance with Title 24 of the California Code of Regulations in connection with construction or alteration of:

Projects: Services requested for five (5) projects on the Indian Valley Campus, Novato

**Ignacio Creek Erosion Mitigation Project (419A)**
Erosion mitigation of select reaches of Ignacio Creek to prevent further bank erosion and protect existing bridge structures. Project involves select placement of rip-rap in the creek bed and embankment areas’ seed broadcast and additional native planting.

**Parking Lot-Bioswale & Pathways Projects (401B & 413A)**
Parking lot s 1 and 2 demolition; construction of bioswale; construction of engineered building pad in parking lot 2.

**12KV Utility Extension Project (407C)**
Extension of 12 kV and data.telecom in joint trench from existing Pomo 6 building on north side of creek; directional bore under creek to parking lot area on south side of creek to service and in advance of Main Building Complex.

**West Campus Utility Extension Project (407D)**
Extension of gas; water & electrical service from existing Corporation Yard area to the existing Motorcycle practice pad area to service temporary swing space building and new permanent greenhouses.

**Shade & Greenhouse Structures & Transportation Tech Relocation Projects (850C & 850H)**
Installation of new pre-manufactured swing space structures; minor associated electrical and mechanical hook-ups; new exterior lighting wall packs and/or pole.

Inspector shall act under the direction of the Architect/Engineer for the project and shall be responsible to District's Governing Board. Inspector shall discharge said duties in a manner satisfactory to the District, the Architect/Engineer and the Division of the State Architect (DSA). The duties of Inspector shall include, but not be limited to, the following:

a. **Continuous Inspection Requirement.** The inspector must have actual personal knowledge, obtained by his personal and continuous observation of the construction or alteration in all stages of its progress, that the requirements of the plans and specifications are being exactly and completely executed. When work is carried out away from the site, the Inspector shall have that personal knowledge which is obtained from the reporting of others on the testing or inspection of materials and workmanship for compliance with the plans, specifications or applicable standards. The exercise of reasonable diligence to obtain the facts is required. Inspector shall provide copies of all communications with Architect/Engineer to the SMC Project Manager.
b. **Relations with Architect/Engineer.** The Inspector shall work under the general direction of the Architect/Engineer. Any inconsistencies or seeming errors in the plans and specifications shall be reported promptly to the Architect/Engineer for its interpretation and instructions. In no case, however, shall the instruction of the Architect/Engineer be construed to cause work to be done which is not in conformity with the approved plans, specifications or written change orders.

c. **Job File.** The Inspector shall keep a file of approved plans and specifications (including all approved addenda or change orders) on the job at all times, and shall immediately return any unapproved documents to the Architect/Engineer for proper action. The Inspector, as a condition of its employment, shall have and maintain on the job at all times, all codes and documents referred to in the plans and specifications. Inspector shall provide copies of all communications with Architect/Engineer to the SMC Project Manager.

d. **Inspector’s Semi-Monthly Reports.** The Inspector shall keep the Architect/Engineer thoroughly informed as to the progress of the work by making semi-monthly reports in writing as required by Title 24 of the California Code of Regulations. Two copies shall be forwarded directly to the Division of the State Architect. Inspector shall provide copies of all communications with Architect/Engineer to the SMC Project Manager.

e. **Daily Log.** The Inspector shall keep a daily log of activity on the construction project including, but not limited to, the weather, the number and type of tradesmen and laborers present, construction equipment present, specific work performed that day, pertinent problems and questions, and official visitors. Upon completion of the project and acceptance by the District, the inspector’s daily log shall be submitted to the District for its permanent records.

f. **Notification to Office of State Architect/Engineer.** The Inspector shall notify the Office of State Architect/Engineer: (1) when work is started on the project; (2) at least 48 hours in advance of the time foundation trenches will be complete, ready for footing forms; (3) at least 48 hours in advance of the first pour of concrete; and (4) when work is suspended for a period of more than two weeks.

g. **Construction Procedure Records.** The Inspector shall keep a record of certain phases of construction procedure including, but not limited to, the following:

1. **Concrete pouring operations.** The record shall show the time and date of placing concrete and the time and date of removal of forms in each portion of the structure.

2. **Welding operations.** The record shall include identification marks of welders, lists of defective welds, manner of correction of defects, etc.

3. **Pile driving operations.** Penetration under the last 10 blows for each pile when piles are driven for foundations.

4. All required testing as described in the project’s contract documents. Inspector will review contract document requirements with SMC Project Manager prior to commencement of work.

All such records of construction procedure shall be kept on the job until the completion of the work. Upon completion of the project and acceptance by the District, these records shall be submitted to the District for its permanent records.

h. **Deviations.** The Inspector shall notify the contractor, in writing, of any deviations from the approved plans and specifications which are not immediately corrected by the contractor when brought to its attention. Copies of such notice shall be forwarded immediately to the Architect/Engineer and to the Division of the State Architect. Inspector shall provide copies of all communications with Architect/Engineer to the SMC Project Manager.

The failure of the Inspector to notify the contractor of deviations from the approved plans and specifications shall in no way relieve the contractor of any responsibility to complete work covered by its contract in accordance with the approved plans and specifications and all laws and regulations.

i. **Verified Progress Reports.** The Inspector shall make and submit to the Division of the State Architect verified progress reports as required by Title 24 of the California Code of Regulations. The Inspector shall prepare and deliver to the Division of the State Architect detailed statements of fact regarding materials, operations, etc., when requested.
4. **Term of Agreement.** The term of this Agreement is from March 11, 2008 until one of the following occurs: (a) the Notice of Completion is filed; (b) the project is terminated or suspended by District prior to completion; or (c) the District terminates this Agreement pursuant to paragraph 11 below, not to exceed five (5) years.

5. **Inspector’s Fee.** District shall pay to Inspector for the performance of all services rendered pursuant to this agreement a Not-to-Exceed total contract price of $73,400, commencing upon March 11, 2008. This sum includes all expenses connected with the services performed. It is Inspector’s responsibility to pay for lodging, travel, and miscellaneous expenses in conjunction with the services performed.

6. **Method of Payment.** Payments shall be made only upon a invoice properly submitted by Inspector accompanied by a statement certifying the extent of performance under this agreement. Inspector’s statement must have the Inspector’s employer identification number. Failure to provide full information will cause delay in payment.

   Each payment request shall itemize hours worked each day and shall include the Daily Logs for the pay period.

   Each invoice shall be approved by the administrator of this Agreement as designated in paragraph 2 prior to payment. Each claim if so approved and paid shall constitute full and complete compensation to Inspector for the period covered by the claim.

   It is expressly understood and agreed that in no event shall Inspector be entitled to any compensation, benefits, reimbursements or ancillary services other than as herein expressly provided.

7. **Inspector’s Employees and Equipment.** Inspector agrees that it has secured or will secure at its own expense all persons, employees and equipment required to perform under this Agreement. Inspector shall be responsible for all salaries, payments and benefits for all of its officers, agents, and employees in performing services pursuant to this Agreement. At no time shall Inspector employ any employee of the District during the course of this contract.

8. **Payment of Prevailing Wages on Public Works Project.** All workers employed are to be paid prevailing wages pursuant to the provisions of article 2 (commencing at section 1770), chapter 1, part 7, division 2 of the Labor Code of California.

   The Inspector certifies that it is aware of the provisions of California Labor Code, the California Code of Regulations, and/or precedential decisions of the California Department of Industrial Relations and/or any of its subsidiary divisions that require the payment of prevailing wage rates and the performance of other requirements on certain “public works” and “maintenance” projects (“Prevailing Wage Laws”). Since the Inspector is performing Services as part of an applicable “public works” or “maintenance” project, and since the total compensation is $1,000 or more, the Inspector agrees to fully comply with and to require its consultant(s) to fully comply with all applicable Prevailing Wage Laws.

9. **Audit and Inspection of Records.** At any time during normal business hours and as often as District may deem necessary, Inspector shall make available to District for examination at reasonable locations within the County of Marin all of Inspector's data and records with respect to all matters covered by this Agreement, and Inspector will permit the District to audit, examine and make excerpts or transcripts from such data and records, and to make audits of all invoices, material, payrolls, records of personnel and other data related to all matters covered by this Agreement.

10. **Inspector’s Qualifications.** Inspector shall at all times maintain for itself and its employees proper licensing and qualifications to perform the duties of inspection required to enable it to discharge the duties set forth herein.

11. **Termination.** The District may terminate this Agreement at any time and for any reason in its sole discretion, by giving written notice to Inspector 10 calendar days in advance of the date of termination. In the event of such termination, Inspector shall be paid for services performed hereunder up to and including the date of termination on its submittal of an invoice as required by paragraph 6 above. In the event of such termination, all finished or unfinished documents and materials which Inspector has produced hereunder shall become the sole and exclusive property of the District. Inspector hereby expressly waives any and all claims for damages or compensation arising under the agreement, except as set forth in this paragraph.

12. **Changes.** The District may from time to time require changes in the scope of the services of Inspector to be performed hereunder. Such changes, including any increase or decrease in the amount of Inspector’s compensation, shall be effective only when incorporated by written amendments to this Agreement signed by both parties.
13. **Equal Opportunity.** Inspector will not discriminate against any employee, or against any applicant for such employment because of age, race, color, religion, physical or mental disability, ancestry, sex, sexual orientation, or national origin or any other characteristic protected by law.

14. **Assignment.** Inspector shall not assign or transfer any interest in this Agreement without the prior written consent of the District thereto.

15. **Conflict of Interest.** Inspector represents and warrants that it presently has no interest, and shall not have any interest, direct or indirect, which would conflict in any manner with the performance of work and services required under this Agreement. Without limitations, Inspector agrees to and agrees with District that Inspector has no present, and will have no future conflict of interest between providing District services hereunder and any interest Inspector may presently have, or will have in the future, with respect to any other person or entity (including but not limited to any federal or state wildlife, environment or regulatory agency) which has any interest adverse or potentially adverse to District, as determined in the reasonable judgment of District.

No public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest.

16. **Ownership and Confidentiality of Material.** Any reports, information, data, statistics, forms, procedures, systems, studies or other communication or form of knowledge given to or prepared or assembled by Inspector under this Agreement shall be the sole and exclusive property of the District, shall not be subject to private use, copyright or patent other than by the District, shall be kept confidential and not made available by Inspector to persons not authorized by this Agreement without District's prior approval.

17. **Inspector's Duty to Show Proof of Insurance.** Prior to the execution of this Agreement, Inspector shall furnish to District Certificates of Insurance showing satisfactory proof that Inspector has taken out for the entire period required by this Agreement, as further described below, the following insurance, in a form satisfactory to District and with an insurance carrier satisfactory to District, authorized to do business in California and rated by A. M. Best & Company A or better, financial category size IX or better, which will protect those described below from claims described below which arise or are alleged to have arisen out of or result from the acts or omissions of Inspector for which Inspector may be legally liable, whether performed by Inspector, or by those employed directly or indirectly by it, or by anyone for whose acts Inspector may be liable:

**Commercial General Liability Insurance**

Commercial general liability insurance, written on an "occurrence" basis, which shall provide coverage for bodily injury, death and property damage resulting from operations, products liability, liability for slander, false arrest and invasion of privacy arising out of professional services rendered hereunder, blanket contractual liability, broad form endorsement, products and completed operations, personal and advertising liability, with per location limits of not less than $2,000,000 annual general aggregate per project and $1,000,000 each occurrence.

**Business Automobile Liability Insurance**

Business automobile liability insurance with limits not less than $1,000,000 combined single limit including coverage for owned, non owned and hired vehicles.

**Workers' Compensation Insurance**

Workers' Compensation Employers' Liability limits required by the laws of the State of California. Consultant's Worker's Compensation Insurance policy shall contain a Waiver of Subrogation. In the event Consultant is self-insured, it shall furnish Certificate of Permission to Self-Insure signed by Department of Industrial Relations Administration of Self-Insurance, State of California.

**Insurance terms and conditions**

Status of MARIN COMMUNITY COLLEGE DISTRICT as Additional Insured.

On Inspector's Commercial General Liability policy, the MARIN COMMUNITY COLLEGE DISTRICT, and its Trustees, officers,
officials, representatives, employees, Consultants, and agents, shall be named as additional insureds, but only with respect to liability arising out of the activities of the named insured, and there shall be a waiver of subrogation as to each named and additional insured.

The policies shall apply separately to each insured against whom claim is made or suit is brought except with respect to the limits of the company’s liability.

Certificates of Insurance shall include the following statement: “Written notice of cancellation, non-renewal or of any material change in policy shall be mailed to District thirty (30) days in advance of the effective date thereof.”

Consultant’s insurance shall be primary insurance and no other insurance or self-insured retention carried or held by any named or additional insureds other than that amount Consultant shall be called upon to contribute to a loss covered by insurance for the named insured.

Nothing herein contained shall be construed as limiting in any way the extent to which Consultant or any of its employees may be held responsible for payment of damages resulting from their operations.

If Inspector fails to maintain any required insurance, District may obtain such insurance, and deduct and retain amount of premium from any sums due Inspector under this Agreement.

Provide Proof of Insurance

Address Certificate Holder to:
Marin Community College District
835 College Avenue
Kentfield, CA 94904

Send Insurance Certificate and Endorsement to:

<table>
<thead>
<tr>
<th>Copy by fax to:</th>
<th>Mail original to:</th>
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<tbody>
<tr>
<td>Marin Community College District</td>
<td></td>
</tr>
<tr>
<td>c/o Swinerton Management &amp; Consulting</td>
<td></td>
</tr>
<tr>
<td>phone: 415-884-3139</td>
<td></td>
</tr>
<tr>
<td>fax: 415-721-7039</td>
<td></td>
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<tr>
<td>Marin Community College District</td>
<td></td>
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<tr>
<td>P.O. Box 144003</td>
<td></td>
</tr>
<tr>
<td>Kentfield, CA 94914</td>
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Execution; Venue; Limitations. This Agreement shall be deemed to have been executed in the Marin County, California. Enforcement of this Agreement shall be governed by the laws of the State of California, excluding its conflict of laws rules. The exclusive venue for all litigation arising from or relating to this Agreement shall be in Marin County, California. Except as expressly provided in this Agreement, nothing in this Agreement shall operate to confer rights or benefits on persons or entities not party to this Agreement. As between the parties to this Agreement any applicable status of limitations for any act or failure to act shall commence to run on the date of District’s issuance of the final Certificate for Payment, or termination of this Agreement, whichever is earlier, except for latent defects, for which the statute of limitation shall begin running upon discovery of the defect and its cause.

19. Notices. Any notice required or permitted to be given under this Agreement shall be deemed to have been given, served, and received if given in writing and either personally delivered or deposited in the United States mail, registered or certified mail, postage prepaid, return receipt required, or sent by overnight delivery service, or facsimile transmission, addressed as follows::

<table>
<thead>
<tr>
<th>Inspector</th>
<th>District</th>
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<tbody>
<tr>
<td>Ballard &amp; Watkins Construction Services</td>
<td></td>
</tr>
<tr>
<td>174 Pine Street</td>
<td></td>
</tr>
<tr>
<td>San Anselmo, CA 94960</td>
<td></td>
</tr>
<tr>
<td>(415) 457-3157 phone / (415) 457-7254 fax</td>
<td></td>
</tr>
<tr>
<td>Marin Community College District</td>
<td></td>
</tr>
<tr>
<td>P.O. Box 144003</td>
<td></td>
</tr>
<tr>
<td>Kentfield, CA 94914</td>
<td></td>
</tr>
<tr>
<td>(415) 884-3139 phone / (415) 721-7039 fax</td>
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</table>
Any notice personally given or sent by facsimile transmission shall be effective upon receipt. Any notice sent by overnight delivery service shall be effective the business day next following delivery thereof to the overnight delivery service. Any notice given by mail shall be effective three (3) days after deposit in the United States mail.

20. **Independent Contractor.** It is agreed that the District is interested only in the results obtained hereunder and that Inspector shall perform as an independent contractor with sole control of the manner and means of performing the services required under this agreement and not as an employee of the District.

21. **Instructions to Proceed.** Inspector is not to proceed with performance of any services under this agreement without first securing written authorization from the District to do so.

IN WITNESS WHEREOF, the District and Inspector have executed this agreement effective as of the date written first above.

**INSPECTOR**

By: [Signature]

**MARIN COMMUNITY COLLEGE DISTRICT**

By: [Signature]

Al Harrison

Vice President College Operations

[Printed Name]

[Title]
**BACKGROUND:**

On October 9, 2007 the Board of Trustees approved a short form professional services agreement for Sensible Environmental Solutions, Inc. for hazardous materials testing services for the existing Performing Arts Building. Hazardous materials testing and monitoring services are required for the Diamond PE Center Alterations Project (308B) while under construction. One of the District purchased portables not currently in use requires hazmat testing due to possible mold issues and the Performing Arts Modernization Project (306C) requires hazmat design services.

<table>
<thead>
<tr>
<th>Service Description</th>
<th>Cost</th>
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<tr>
<td>Diamond PE Center Alterations Project (308B)</td>
<td>$55,450</td>
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<tr>
<td>Hazmat review and monitoring services</td>
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<tr>
<td>Environmental Monitoring (809B)</td>
<td>$4,170</td>
</tr>
<tr>
<td>District owned portable hazmat investigation</td>
<td></td>
</tr>
<tr>
<td>Performing Arts Modernization Project (306A)</td>
<td>$6,558</td>
</tr>
<tr>
<td>Hazmat design services</td>
<td></td>
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Amendment 1 is presented herein for approval.

**Total Amendment 1** $66,178

**FISCAL IMPACT:**

Amendment 1 will be paid from Measure C bond funds.

<table>
<thead>
<tr>
<th>Original Contract Amount</th>
<th>$15,000</th>
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<tbody>
<tr>
<td>Amendment 1</td>
<td>$66,178</td>
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</table>

**Total Contract Amount** $81,178

**RECOMMENDATION:**

The Superintendent/President recommends that the Board approve Amendment 1 to Sensible Environmental Solutions, Inc. for hazmat services for the Diamond PE Center Alterations Project (308B), Environmental Monitoring for District owned portable (809B) and hazmat design services for the Performing Arts Modernization Project (306A).
Measure C Bond Modernization Program
Checklist for Consultant Contract Review

Date: 3/11/08  Consultant: Sensible Environmental Solutions, Inc.

Project(s) (name and number): Diamond E Center AH (3086) & Environmental monitoring (801B) & PH Modernization (300A)

Type of contract (check all that apply):

☑ Short form

Original      or      Amendment # 1

Amount of this contract/amendment: $60,178

Total amount of contract to date including this amendment $81,178

Documents to be included in Board packet (check and initial):

☑ Full agreement  Changes to agreement  Reviewed: RAS

☐ Appendix A  Changes to Appendix A  Reviewed: 

☐ Appendix B  Changes to Appendix B  Reviewed: 

☐ Appendix C  Changes to Appendix C  Reviewed: 

☐ Appendix D  Changes to Appendix D  Reviewed: 

☐ Appendix E  Changes to Appendix E  Reviewed: 

☐ Other backup materials?

Legal review required? Yes  ☑ No  If yes, counsel's initials:

If not, why not?  No change to legal language

Agenda cover page prepared by: EO  Reviewed by: RAS

Submittal sign-off:
Program Manager: RAS  Director: Archermark
Measure C Bond Modernization Program
Checklist for Consultant Contract Review

Amendments

☑ Are there changes to the master agreement? Have they been reviewed by legal counsel?
  Yes  No
  N/A  Yes  No

☑ Appendix A: is the scope of work consistent with the requirements of the master agreement?
  Yes  No  N/A

☑ Appendix B: is the fee appropriate to the scope of work?
  Yes  No  N/A

☑ Is the fee within budget? If not, does it require a budget transfer?
  Yes  No  N/A
  N/A  Yes  No

☑ Do the numbers all add up correctly?
  Yes  No

☑ Appendix C: is the milestone schedule appropriate, reasonable, and sufficient to manage the scope of work?
  Yes  No  N/A

☑ Appendix D: are the deliverables sufficient to manage the scope of work?
  Yes  No  N/A

☑ Appendix E: has the insurance requirement changed? Reviewed by legal counsel?
  Yes  No  N/A
  N/A  Yes  No

☑ Coordination: cross-check all items in amendment with one another

Agenda cover page

☑ Is the type of contract clearly defined? Basic or additional service?
  Yes  No  Basic  Add'l

☑ Is the reason for the amendment clearly stated?
  Yes  No

☑ Do the amendment amounts match the amended Appendix B?  N/A
  Yes  No

☑ Are the project title and number included and correct?
  Yes  No

Reviewed by: Vice President Al Harrison

Amendment Checklist 2/28/2008
AMENDMENT 1

To the Short Form Professional Services Agreement between the MARIN COMMUNITY COLLEGE DISTRICT and Sensible Environmental Solutions, Inc.

March 11, 2008

AMENDMENT 1 TO
SCOPE OF SERVICES, COMPENSATION FOR SERVICES AND SCHEDULE OF PERFORMANCE

This is an AMENDMENT attached to, and made a part of the Short Form Professional Services Agreement (Agreement) dated October 9, 2007 between the MARIN COMMUNITY COLLEGE DISTRICT (District) and Sensible Environmental Solutions, Inc. (Consultant).

I. Scope of the Services

Diamond PE Center Alterations Project (308B)
Hazardous materials constructability review services. $55,450
Environmental Monitoring (809B)
District owned portable building hazmat investigation $4,170
Performing Arts Modernization Project (306A)
Hazardous materials design work $6,558

II. Compensation for Services

a. Original Short Form Contract Amount $15,000
b. Total Amendment 1 $66,178

Total Short Form Contract Amount $81,178

III. Schedule of Performance

Per the Term of Agreement, the original Short Form Professional Services Agreement shall be extended through June 30, 2009.

IN WITNESS WHEREOF, the parties hereto have executed this AMENDMENT 1 to the Professional Services Agreement dated October 9, 2007 between the MARIN COMMUNITY COLLEGE DISTRICT and Sensible Environmental Solutions.

MARIN COMMUNITY COLLEGE DISTRICT

By ___________________________ Date ________________
Al Harrison
Vice President College Operations

Sensible Environmental Solutions, Inc.

By ___________________________ Date ________________
Its ___________________________

END OF AMENDMENT 1
### BACKGROUND:

CSW/Stuber-Stroeh was selected as the District’s Civil Engineer and a long-form contract was approved on August 31, 2005. CSW has completed program level work as well as project specific work for the Measure C bond program. Amendments 1 through 16 have been previously approved for these services.

CSW has received review comments from the California Geological Survey requesting additional computer simulations of impacts by earthquake ground motions of the Hayward Fault for the foundation work of the New Fine Arts Building Project and the new Science/Math/Central Plant Complex including responses to CGS/DSA comment not commonly asked of survey services.

<table>
<thead>
<tr>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Fine Arts Building (306C)</td>
<td>$2,850</td>
</tr>
<tr>
<td>Science/Math/Central Plant Complex Project (305A)</td>
<td>$4,850</td>
</tr>
</tbody>
</table>

Amendment 17 is presented herein for approval in the amount of $7,700.00

**Total Amendment 17** $7,700.00

### FISCAL IMPACT:

This amendment will be paid from Measure C bond funds previously assigned to RHAA. The total amount of this contract to date is as follows:

<table>
<thead>
<tr>
<th>Original Contract Amount</th>
<th>$436,067</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amendment 1</td>
<td>$21,560</td>
</tr>
<tr>
<td>Amendment 2</td>
<td>$188,755</td>
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<tr>
<td>Amendment 3</td>
<td>$87,010</td>
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<tr>
<td>Amendment 4</td>
<td>$12,040</td>
</tr>
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<td>Amendment 5</td>
<td>$86,170</td>
</tr>
<tr>
<td>Amendment 6</td>
<td>$18,550</td>
</tr>
<tr>
<td>Amendment 7</td>
<td>$285,988</td>
</tr>
<tr>
<td>Amendment 8</td>
<td>$30,220</td>
</tr>
</tbody>
</table>

- District-wide master planning and assessment
- Larkspur Annex Design (321A)
- District-wide additional boundary, local agency reviews, surveys, expanded scope at Lark Annex (321A), initial scope analysis of IVC Creek Erosion (419A) and IVC Storm Drain Repairs (401A)
- Master planning of Kentfield campus utility systems in support of proposed Bond Spending Implementation Plan
- Initial utility surveying for new IVC Main Building (417A), DSA submittal for Lark Annex (321A)
- Design services for Kentfield West Campus Bridge (301A), supplemental topographic surveying for PE Complex (308B)
- Design services for utility extensions to PE Complex (308B)
- Misc. geotechnical, survey and design services (11 tasks) related to both KTD and IVC
- Survey work Fine Arts and Performing Arts boundaries. Topographic base map for the Greenhouses project at IVC Design services for Pedestrian Access/Fire Vehicle Access Road for the Transportation Technology project
<table>
<thead>
<tr>
<th>Amendment</th>
<th>Amount</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>9</td>
<td>$14,950</td>
<td>Provide Design and Construction Administrative Services for construction of utilities to support temporary housing and program spaces at PE Complex.</td>
</tr>
<tr>
<td>10</td>
<td>$19,000</td>
<td>Provide Design and Construction Administrative Services for utilities to support Larkspur Annex Restroom Trailer (321B) Geotechnical Borings and report for Transportation Technology Complex (402A)</td>
</tr>
<tr>
<td>11</td>
<td>$34,660</td>
<td>Program Level services (District Civil Engineer (803A) for Boundary and Topographic Surveys corrections</td>
</tr>
<tr>
<td>12</td>
<td>$15,408</td>
<td>Additional services for Boundary and Topographic Surveys (corrective work and Greenhouse/Shade Structure (850C))</td>
</tr>
<tr>
<td>13</td>
<td>$81,190</td>
<td>Design and construction administration services for Parking Lot-Bioswale (401B), Campus Corner Relocation (DSPS &amp; Health Services) (850G), Geothermal Field KTD (305B) and Geothermal Field IVC (417B)</td>
</tr>
<tr>
<td>14</td>
<td>$23,650</td>
<td>Environmental Impact Report Civil Engineering Support Services (810A)</td>
</tr>
<tr>
<td>15</td>
<td>$40,550</td>
<td>12 KV Utility Extension (407C); Parking Lot-Bioswale (401B); Transportation Tech Relocation (850H); Paragon Office Subscription (803A)</td>
</tr>
<tr>
<td>16</td>
<td>$22,342</td>
<td>Ignacio Creek Erosion Mitigation (419A) landscape survey</td>
</tr>
<tr>
<td>17</td>
<td>$7,700</td>
<td>Earthquake Ground Motion simulation for New Fine Arts Building (306C) and Science/Math Central Plant Complex (305A) foundation design requested by CGS/DSA</td>
</tr>
</tbody>
</table>

**Total Contract Amount** $1,425,810

**RECOMMENDATION:**

The Superintendent/President recommends that the Board approve Amendment 17 to CSW/Stuber-Stroeh Engineering in the amount of $7,700.00 for the New Fine Arts Building (306C) and the Science/Math/Central Plant Complex (305A).
Measure C Bond Modernization Program
Checklist for Consultant Contract Review

Date: __3/11/08__ Consultant: __CSOA/Stuber-Stroeh__

Project(s) (name and number): __New Fine Arts Bldg (3060) & SMCD (305A)___

Type of contract (check all that apply):

___ Full service (architecture)  ___ Task contract (specialty consultant)

___ Short form  ___ Long form

Original ___  or  Amendment # ___17___

Amount of this contract/amendment: $ ___7,700___

Total amount of contract to date including this amendment: $ ___1425,810___

Documents to be included in Board packet (check and initial):

___ Full agreement  ___ Changes to agreement  Reviewed: ___

___ Appendix A  ___ Changes to Appendix A  Reviewed: ___

___ Appendix B  ___ Changes to Appendix B  Reviewed: ___

___ Appendix C  ___ Changes to Appendix C  Reviewed: ___

___ Appendix D  ___ Changes to Appendix D  Reviewed: ___

___ Appendix E  ___ Changes to Appendix E  Reviewed: ___

___ Other backup materials?  ________________________________  Reviewed: ___

Legal review required? ___ Yes  ___ No  If yes, counsel’s initials: ___

If not, why not? __No change to legal language___

Agenda cover page prepared by: ___EB___  Reviewed by: ___RKS___

Submittal sign-off:
Program Manager: ___RKS___  Director: ___Mason___
Measure C Bond Modernization Program
Checklist for Consultant Contract Review

Amendments

Reviewed by: R.B.

☑ Are there changes to the master agreement?
   Have they been reviewed by legal counsel?
   N/A Yes No

☑ Appendix A: is the scope of work consistent with the requirements of
   the master agreement?
   Yes No

☑ Appendix B: is the fee appropriate to the scope of work?
   Yes No

☑ Is the fee within budget?
   If not, does it require a budget transfer?
   N/A Yes No

☑ Do the numbers all add up correctly?
   Yes No

☑ Appendix C: is the milestone schedule appropriate, reasonable, and sufficient
   to manage the scope of work?
   Yes No

☑ Appendix D: are the deliverables sufficient to manage the scope of work?
   Yes No

☑ Appendix E: has the insurance requirement changed?
   Reviewed by legal counsel?
   N/A Yes No

☑ Coordination: cross-check all items in amendment with one another

Agenda cover page

Reviewed by: Vice President Al Harrison

☑ Is the type of contract clearly defined?
   Basic or additional service?
   Yes No

☑ Is the reason for the amendment clearly stated?
   Yes No

☑ Do the amendment amounts match the amended Appendix B?
   Yes No

☑ Are the project title and number included and correct?
   Yes No
AMENDMENT 17

To the Professional Services Agreement between the
MARIN COMMUNITY COLLEGE DISTRICT
and
CSW/Stuber-Stroeh Engineering Group, Inc.

March 11, 2008

AMENDMENT 17 to APPENDIX A – SCOPE OF SERVICES

This is an AMENDMENT attached to, and made a part of the Professional Services Agreement (Agreement) dated August 31, 2005 between the MARIN COMMUNITY COLLEGE DISTRICT (District) and CSW/Stuber-Stroeh Engineering Group (Consultant).

APPENDIX A

1. Additional Services

Science Math Central Plant Project (305A)
Additional survey work requirements by CGS (California Geological Survey) and DSA (Division of the State Architect)

New Fine Arts Building Project (306C)
Additional survey work requirements by CGS (California Geological Survey) and DSA (Division of the State Architect)

END OF AMENDMENT 17 TO APPENDIX A
AMENDMENT 17 to APPENDIX B – PAYMENT TO CONSULTANT

This is an AMENDMENT attached to, and made a part of, Appendix B - Scope of Services of the Professional Services Agreement (Agreement) dated August 31, 2005 between the MARIN COMMUNITY COLLEGE DISTRICT (District) and CSW/Stuber-Stroeh Engineering Group, Inc. (Consultant).

1. **Amount of Compensation for Services to Consultant**

   **Original Contract Amount**
   
   District-wide master planning and assessment
   
   **Total Amendment # 1**
   
   Larkspur Annex Design (#321A)
   
   **Total Amendment # 2**
   
   District-wide additional boundary, Local agency reviews, surveys, expanded scope at Lark Annex (#321A), initial scope analysis of IVC Creek Erosion (#419A) and IVC Storm Drain Repairs (#401A)
   
   **Total Amendment # 3**
   
   Master planning of Kentfield campus utility systems in support of proposed Bond Spending Implementation Plan
   
   **Total Amendment # 4**
   
   Initial utility surveying for new IVC Main Building (#417A), DSA submittal for Lark Annex (#321A)
   
   **Total Amendment # 5**
   
   Design services for Kentfield West Campus Bridge (#301A), supplemental topographic surveying for PE Complex (#308B)
   
   **Total Amendment # 6**
   
   Design services for utility extensions to PE Complex (#308B)
   
   **Total Amendment # 7**
   
   Misc. geotechnical, survey and design services (11 tasks) related to both KTD and IVC.

   **Amendment # 8**
   
   Topographic and design services for New Fine Arts Project (306C), Performing Arts Modernization Project (306A), Transportation Technology Complex Project (402A) and Greenhouse/Shade Structure Project (850C)

   **Amendment # 9**
   
   Provide Design and Construction Administrative Services for construction of utilities to support temporary housing and program spaces at PE Complex.

   **Amendment # 10**
   
   Provide Design and Construction Administrative Services to the Larkspur Annex Restroom Trailer (Project # 321B) and Geotechnical Borings and report for Transportation Technology Complex (Project # 402A)
Amendment # 11 $34,660
Program Level services (District Civil Engineer Project # 803A) for boundary and topographical surveys

Amendment # 12 $15,408
Program Level services (District Civil Engineering Project # 803A) for boundary and topographical surveys (services in addition to Amendment # 11)
Greenhouse & Shade Structure Project # 850C topographical map design work

Amendment # 13 $81,190
Design and construction administration services for Parking Lot-Bioswale (401B); Campus Corner Relocation (DSPS & Health Services) (850G); Geothermal Field KTD (305B); Geothermal Field IVC (417B)

Amendment # 14 $23,650

Amendment # 15 $40,550

12 KV Utility Extension (407C)
Construction documents & construction administration
Parking Lot-Bioswale (401B)
Vertical & horizontal pad certification
Transportation Tech Relocation (850H)
Construction administration
Paragon Office two year subscription (803A)

Amendment # 16 $22,342
Ignacio Creek Erosion Mitigation (419A)
Work tasks related to developing tree species diversity in the riparian zone in support of project

Amendment # 17
Science Math Central Plant Project (305A)
Additional survey work requirements by CGS (California Geological Survey) and DSA (Division of the State Architect) $2,850

New Fine Arts Building Project (306C)
Additional survey work requirements by CGS (California Geological Survey) and DSA (Division of the State Architect) $4,850

Total Amendment # 17 $7,700

Total Contract Amount $1,425,810

1.1 The specific Guaranteed Maximum Price ("GMP") for work authorized under AMENDMENT 17 to Appendix A – Scope of Services shall not exceed $7,700. Payments made for services authorized under AMENDMENT 17 to Appendix A shall be considered to be part of the GMP agreed to in Appendix B – Payments to Consultant.

END OF AMENDMENT 17 TO APPENDIX B
AMENDMENT 17 TO APPENDIX C – MILESTONE SCHEDULE

This is an AMENDMENT attached to, and made a part of, Appendix C – Milestone Schedule of the Professional Services Agreement (Agreement) dated August 31, 2005 between the MARIN COMMUNITY COLLEGE DISTRICT (District) and CSW/Stuber-Stroeh Engineering Group, Inc. (Consultant).

The following table is a list of activities to be performed by Consultant, District and other parties with regard to work authorized under AMENDMENT 17 to Appendix A – Scope of Services under this Agreement, for which specific time deadlines for performance shall be set as follows:

<table>
<thead>
<tr>
<th>ACTIVITY</th>
<th>MILESTONE DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Fine Arts Building (306C) Complete additional studies; coordinate specific needs with Crosby Group</td>
<td>3/21/2008</td>
</tr>
<tr>
<td>Science Math Central Plant Complex (305A) Complete additional studies; coordinate specific needs with Crosby Group</td>
<td>3/21/2008</td>
</tr>
</tbody>
</table>

END OF AMENDMENT 17 TO APPENDIX C
AMENDMENT 17 to Appendix D – Deliverables

This is an AMENDMENT attached to, and made a part of, Appendix D – Deliverables of the Professional Services Agreement (Agreement) dated August 31, 2005 between the MARIN COMMUNITY COLLEGE DISTRICT (District) and CSW/Stuber-Stroeh Engineering Group. (Consultant).

Deliverables for Work Authorized under AMENDMENT 17 to Appendix A – Scope of Work

The deliverables required include without limitation the following items in electronic format:

New Fine Arts Building Project (306C)
   1. Interpret and plot rock contours of the foundation area for Fine Arts building and Performing Arts addition
   2. Respond to CGS/DSA additional questions.

Science Math Central Plant Complex Project (305A)
   1. Interpret and plot rock contours
   2. Calculate lateral spring coefficients
   3. Update seismic response spectrum
   4. Respond to additional comments with earthquake plots and supplemental analysis

END OF AMENDMENT 17 TO APPENDIX D
AMENDMENT 17 TO APPENDIX E – INSURANCE

This is an AMENDMENT attached to, and made a part of, Appendix E – Insurance of the Professional Services Agreement (Agreement) dated August 31, 2005 between the MARIN COMMUNITY COLLEGE DISTRICT (District) and CSW Stuber-Stroeh Engineering Group, Inc. (Consultant).

No Changes.

END OF AMENDMENT 17 TO APPENDIX E

IN WITNESS WHEREOF, the parties hereto have executed this AMENDMENT 17 to the Professional Services Agreement dated August 31, 2005 between the MARIN COMMUNITY COLLEGE DISTRICT and CSW Stuber-Stroeh Engineering Group, Inc.

MARIN COMMUNITY COLLEGE DISTRICT

By ___________________________ Date ________________

Al Harrison
Vice President College Operations

CSW Stuber-Stroeh Engineering Group, Inc

By ___________________________ Date ________________

_________________________________________ Its ________________
BACKGROUND:

The Marin Community College District is in the process of updating and aligning the District’s Board Policies with the recommended policies developed through the legal firm of Liebèrt Cassidy Whitmore in conjunction with the Community College League of California (CCLC). The District is a member of the Board Policy and Administrative Procedure Subscription Service coordinated by the CCLC.

ANALYSIS:

The District’s current Board Policy Manual has not been revised for quite some time. Therefore, the Board Policy Manual is being reorganized and updated to align with the recommended policy information provided by the Policy and Procedure Subscription Service. Fifty-nine community college districts throughout the state are embarking on or have completed this same process.

There are seven chapters of the Board Policy Manual that include the following sections: 1) The District, 2) Board of Trustees, 3) General Institution, 4) Academic Affairs, 5) Student Services, 6) Business and Fiscal Affairs, and 7) Human Resources. The goal will be to review the current Board Policies and align them with the recommended policy information provided by the Policy and Procedure Subscription Service.

Board Policies and Administrative Procedures for Chapters 1 and 2 will undergo administrative review by Dr. Jane Wright and Dr. Frances White. After this review, the new draft will be evaluated by the Board Subcommittee on Policy for suggested revisions. Revisions will then be reviewed as information items at the BP/AP Revision Task Force and College Council. Once these steps have been completed, finished Board Policies and Administrative Procedures will be submitted to the full Board for first reading and adoption.

Board Policies and Administrative Procedures for Chapters 3 through 7 will undergo administrative review by Dr. Jane Wright and Dr. Frances White. After this review, the new draft will be evaluated by the BP/AP Revision Task Force for suggested revisions. Revisions will then be reviewed as information items at College Council. Once these steps have been completed, finished Board Policies will be submitted to the full Board for first reading and adoption. Administrative Procedures will be presented as information items.

Board Policies 4021, 4100, 4225, 4226, 4240, 4259, and 4260 are now ready for review by the Board of Trustees.
FISCAL ANALYSIS:
No fiscal impact for the District.

RECOMMENDATION:
The Superintendent/President recommends that the Board of Trustees receive Board Policies 4021, 4100, 4225, 4226, 4240, 4250, and 4260 for first reading and discussion.

Administrator Initiating Item  Dr. Frances L. White, Superintendent/President
MARIN COMMUNITY COLLEGE DISTRICT
Kentfield, CA 94904

BOARD AGENDA ITEM

To: Board of Trustees
From: Superintendent/President
Subject: Contracts and Agreement for Services Report—February 2008
Reason for Board Consideration: 

INFORMATION

BACKGROUND:

In accordance with Board Policy 6.0017 on External Consultants and Evaluators, attached for your information is a listing of all External Consultants and External Evaluators with whom we entered into a contract in excess of $1,000 with a description of services provided.

Administrator Initiating Item

Albert J. Harrison II, Vice President, College Operations
## Contracts and Agreement for Services

**OVER $1,000.00**  
**MONTHLY REVIEW**

<table>
<thead>
<tr>
<th>Agreement Number</th>
<th>Vendor/Description</th>
<th>Location/Dept.</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>P0201589</td>
<td>Deborah Barrall Consultant services for preparing documents and complete Self Study for ASE Certification for ACRT program.</td>
<td>Career Education</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>P0201599</td>
<td>Deborah Barrall Consultant services for preparing documents and complete Self Study for ASE Certification for ACRT program.</td>
<td>Career Education</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>P0201602</td>
<td>Cision Media research for marketing data.</td>
<td>Community Education</td>
<td>$5,700.00</td>
</tr>
<tr>
<td>P0201603</td>
<td>Easy Permit Postage Postal services for Permit 53 Petaluma Bulk mailing</td>
<td>Logistics</td>
<td>$20,000.00</td>
</tr>
<tr>
<td>P0201604</td>
<td>Pitney Bowes Postage Postal first class delivery services.</td>
<td>Logistics</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>P0201636</td>
<td>S&amp;C Ford of San Francisco Maintenance/Service repair for Vehicle #58, Natural Gas Pickup.</td>
<td>Maintenance</td>
<td>$1,215.00</td>
</tr>
<tr>
<td>P0201651</td>
<td>Hewlett-Packard Company Maintenance services for 3 years, 24x7 for Storageworks.</td>
<td>Technology</td>
<td>$1,564.53</td>
</tr>
<tr>
<td>P0201696</td>
<td>Dollar Thrifty Automotive Group, Inc Vehicle rental services for sports teams.</td>
<td>Physical Education</td>
<td>$1,232.17</td>
</tr>
<tr>
<td>P0201697</td>
<td>Dollar Thrifty Automotive Group, Inc Vehicle rental services for sports teams.</td>
<td>Physical Education</td>
<td>$1,297.33</td>
</tr>
<tr>
<td>P0201700</td>
<td>Law Office of Larry Frierson Legal services for CSEA negotiations, UPM Arbitration, SEIU negotiations for January 2008.</td>
<td>District Wide</td>
<td>$31,750.00</td>
</tr>
<tr>
<td>P0201717</td>
<td>Poor Ann’s Press Printing services for the College.</td>
<td>Logistics</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>P0201725</td>
<td>Edward S. Wodenjak Instruction services for Winter 2008, Introduction to Digital Camera and Intermediate Digital Camera.</td>
<td>Community Education</td>
<td>$1,360.00</td>
</tr>
<tr>
<td>P0201729</td>
<td>Perfect Timing, Inc Temporary services for Assistant to Director of Communications and Community Relations.</td>
<td>Communications</td>
<td>$7,900.00</td>
</tr>
</tbody>
</table>
# Contracts and Agreement for Services

**OVER $1,000.00**

**MONTHLY REVIEW**

<table>
<thead>
<tr>
<th>Agreement Number</th>
<th>Vendor/Description</th>
<th>Location/Dept.</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>P0201730</td>
<td>Hutton Sherer Marketing Advertising</td>
<td>Communications</td>
<td>$ 5,000.00</td>
</tr>
<tr>
<td></td>
<td>Consulting services for radio, printing, television and cable advertising services.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0201731</td>
<td>Casey Printing</td>
<td>Communications</td>
<td>$32,000.00</td>
</tr>
<tr>
<td></td>
<td>Printing services for the Summer 2008, credit class schedule.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0201736</td>
<td>Education to Go</td>
<td>Community Education</td>
<td>$1,870.00</td>
</tr>
<tr>
<td></td>
<td>Online class services for January 2008.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0201746</td>
<td>LSA Associates, Inc</td>
<td>Career Education</td>
<td>$2,100.00</td>
</tr>
<tr>
<td></td>
<td>Consulting services for Cultural Survey for the Indian Valley Campus.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0201761</td>
<td>Ignacio Creek Homeowners Association</td>
<td>VP Operations</td>
<td>$ 4,562.00</td>
</tr>
<tr>
<td></td>
<td>Fence installment services for property line fence, one-half the cost.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0201764</td>
<td>Tom Evers</td>
<td>Pool IVC</td>
<td>$13,000.00</td>
</tr>
<tr>
<td></td>
<td>Aquatic Program directing services for the Indian Valley Pool.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0201768</td>
<td>Community College League of California</td>
<td>Learning Resources</td>
<td>$10,037.33</td>
</tr>
<tr>
<td></td>
<td>Online data services for the Library.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0201799</td>
<td>Thunderstar Stages</td>
<td>Physical Education</td>
<td>$ 1,050.00</td>
</tr>
<tr>
<td></td>
<td>Transportation services for the Baseball Team’s game in Fresno.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0201813</td>
<td>Photo Waste Recycling</td>
<td>Police</td>
<td>$ 1,760.00</td>
</tr>
<tr>
<td></td>
<td>Hazard materials pick-up and disposal services for the College.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0201830</td>
<td>Sonoma County Education Legal</td>
<td>District Wide</td>
<td>$8,346.00</td>
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<tr>
<td></td>
<td>Legal services for December 2007.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0201867</td>
<td>Xerox Corporation</td>
<td>Logistics</td>
<td>$ 5,000.00</td>
</tr>
<tr>
<td></td>
<td>Maintenance/service agreement for Color Copier DC 12, Serial Number FU2009641.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Measure C**

<table>
<thead>
<tr>
<th>Agreement Number</th>
<th>Vendor/Description</th>
<th>Measure C</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>P0201626</td>
<td>Perfect Timing, Inc</td>
<td></td>
<td>$ 7,000.00</td>
</tr>
<tr>
<td></td>
<td>Temporary services to plan swing space, relocate coursed form building that will be under construction.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0201860</td>
<td>National Building Maintenance, Inc</td>
<td>Measure C</td>
<td>$ 2,988.00</td>
</tr>
<tr>
<td></td>
<td>Detailed cleaning services of the PE Portables Units 1-7 for the period February 11 to February 22, 2008.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0201862</td>
<td>Marin Sanitary Services</td>
<td>Measure C</td>
<td>$ 1,288.00</td>
</tr>
<tr>
<td></td>
<td>Debris removal services for Shade &amp; Greenhouse structures.</td>
<td></td>
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</tbody>
</table>
Marin Community College District
Measure C Bond Modernization Program

Modernization Director's Report to Board of Trustees
March 11, 2008

BUDGET UPDATE

- Bond spending plan: $264.5 million ($249.5 m bond, $15 m interest)
- Reserves: $17,789,000
- Expended to date: $29.7 million (11% of bond spending plan)
  - Assessment $ 5.5 million
  - Planning/design $20.8 million
  - Construction $ 3.4 million

- Summary of modernization items in agenda
  o One (1) no-cost time extension (professional services agreement)
  o One (1) pre-authorization to award construction contract
  o One (1) acceptance of on-call list for emergency repair services
  o One (1) approval of procurement (metal building)
  o Two (2) projects to approve and authorize bidding
  o One (1) new professional services agreement
  o Two (2) professional services amendments

- Net value of contracts / changes / amendments in this agenda: $147,278

MAJOR PROJECTS BOARD UPDATE/ACTION SCHEDULE

1. Fine Arts Building  Design development update  Today
2. IVC Main Building  DSA submittal update  Today
4. Performing Arts Building  Design development update  TBD
5. TransTech Complex  Approve project, authorize bid  TBD
6. PE Complex  No Board action pending

CONSTRUCTION SCHEDULES (2008 ff.) (major projects are listed in bold)

2008

- KTD PE Complex:  March 2008 – June 2009
- Greenhouse KTD to IVC:  Spring – Summer 2008
- IVC parking lot & bioswale:  Spring – Summer 2008 [DSA pending]
Marin Community College District  
Measure C Bond Modernization Program

- IVC 12kV Utility Extension: Spring – Summer 2008 (DSA pending)
- KTD PE Photovoltaics: Summer 2008 (DSA pending)
- IVC creek erosion mitigation: Summer 2008 (permits pending)
- KTD West Bridge: Summer 2008 (DSA pending)
- KTD SMCP Utility Project: Summer 2008 (DSA pending)
- IVC Main Building Complex: Summer 2008 – Fall 2009 (DSA pending)

Beyond:

- KTD Demo (Dickson, D/L, DSPS): Winter 2008/09
- KTD Fine Arts Building: Spring 2009 – Fall 2010
- KTD Performing Arts Building: Fall 2010 – Spring 2012
- KTD Gateway Complex: Summer 2011 – Winter 2013

OTHER INITIATIVES

- Project Stabilization Agreement: In negotiation with trade unions
- Prequalification of contractors: First prequalification underway
- Furniture, fixtures, equipment: Proceeding
- Swing space/relocation: Proceeding
- Campus parking plans: Next Task Force meeting March 12
### 2.1 Schedule

**Marin Community College District – College of Marin**

**Preliminary - Awaiting Complete Invoicing**

<table>
<thead>
<tr>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
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<td>Q2</td>
<td>Q3</td>
<td>Q4</td>
<td>Q1</td>
<td>Q2</td>
<td>Q3</td>
</tr>
</tbody>
</table>

#### 305A - Math/Science/Central Plant/Data Center, Kentfield
- **See Note 1**
- **Oct. 06 Schedule / Budget**
- Current Schedule (% of current phase): 55%
- Current expenditures (% of phase): 52%
- Total: $3,459,067

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<tr>
<th>Year</th>
<th>Q1</th>
<th>Q2</th>
<th>Q3</th>
<th>Q4</th>
<th>Total</th>
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<tbody>
<tr>
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<td>$6,617,000</td>
<td>$62,923,000</td>
<td>$42,434,000</td>
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<tr>
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<td>$62,923,000</td>
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</table>

#### 305C Fine Arts Reconstruction
- **See Note 2**
- **Oct. 06 Schedule / Budget**
- Current Schedule (% of current phase): 50%
- Current expenditures (% of phase): 45%
- Total: $834,592

<table>
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<tr>
<th>Year</th>
<th>Q1</th>
<th>Q2</th>
<th>Q3</th>
<th>Q4</th>
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<tr>
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<td>$1,850,000</td>
<td>$17,150,000</td>
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</table>

#### 306A Performing Arts Modernization
- **See Note 3**
- **Oct. 06 Schedule / Budget**
- Current Schedule (% of current phase): 50%
- Current expenditures (% of phase): 49%
- Total: $775,811

<table>
<thead>
<tr>
<th>Year</th>
<th>Q1</th>
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<th>Q3</th>
<th>Q4</th>
<th>Total</th>
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<tr>
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<td>$1,578,000</td>
<td>$15,622,000</td>
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#### 306B Diamond PE Center Renovation
- **See Note 4**
- **Oct. 06 Schedule / Budget**
- Current Schedule (% of current phase): 100%
- Current expenditures (% of phase): 89%
- Total: $1,916,484

<table>
<thead>
<tr>
<th>Year</th>
<th>Q1</th>
<th>Q2</th>
<th>Q3</th>
<th>Q4</th>
<th>Total</th>
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</thead>
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3/4/2008  Page 1 of 3 Pages
### 402A IVC Trans Tech

- **See Note 5**
- Oct. 06 Schedule / Budget
- Current Schedule (% of current phase)
- Current expenditures (% of phase)

| Year | Q3 | Q4 | Q1 | Q2 | Q3 | Q4 | Q1 | Q2 | Q3 | Q4 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 |
|------|----|----|----|----|----|----|----|----|----|----|------|------|------|------|------|------|------|------|
| 2005 |    |    |    |    |    |    |    |    |    |    | $654,000 | $5,033,000 | $6,687,000 |    |    |    |      |
| 2006 |    |    |    |    |    |    |    |    |    |    | $1,355,000 | $11,671,000 | $13,026,000 |    |    |    |      |
|      |    |    |    |    |    |    |    |    |    |    | 89% |
|      |    |    |    |    |    |    |    |    |    |    | 89% |
|      |    |    |    |    |    |    |    |    |    |    | $1,201,329 |    |    |    |      |      |

### 417A IVC Main Building

- **See Note 6**
- Oct. 06 Schedule / Budget
- Feb. 07 Schedule / Budget
- Current Schedule (% of current phase)
- Current expenditures (% of phase)

<table>
<thead>
<tr>
<th>Year</th>
<th>Q3</th>
<th>Q4</th>
<th>Q1</th>
<th>Q2</th>
<th>Q3</th>
<th>Q4</th>
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### 303B Gateway Complex

- **See Note 7**
- Oct. 06 Schedule / Budget
- Feb. 07 Schedule / Budget
- Current Schedule (% of current phase)
- Current expenditures (% of phase)

<table>
<thead>
<tr>
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<th>Q3</th>
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<th>Q1</th>
<th>Q2</th>
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</table>

**Removed from Schedule**

### 302B LRC Modernization

- **See Note 8**
- Oct. 06 Schedule / Budget
- Feb. 07 Schedule / Budget
- Current Schedule

<table>
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<tr>
<th>Year</th>
<th>Q3</th>
<th>Q4</th>
<th>Q1</th>
<th>Q2</th>
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</tbody>
</table>

**Removed from Schedule**
Notes:

1A) Scope revisions (increased SF for more efficient class room use and added cost for wet labs) increased project costs and expanded construction schedule by approximately 3 months.

1B) A delay occurred during change in Architectural firms for approximately 3 months.

2A) Reallocation of sitework from Performing Arts to Fine Arts (Site Utilities, landscape was previously split 50/50 now 75/25)

3A) Scope revised from minor modernization to reconfiguration of one area of the building and the addition of the front lobby and dance studio.

4A) Construction schedule expanded by approximately 3 months due to increased knowledge of required work.

4B) Only accounts for the main building structure are included in this cost. The cost DOES NOT include subprojects.

5A) Correction to top codes required increase in total SF, leading to increased budget and expanded construction schedule.

5B) Only accounts for the main building structure are included in this cost. The cost DOES NOT include subprojects.

5C) Project has been submitted to DSA, therefore the project design is 95% complete. There will be very little additional invoiced until DSA releases the Project.

6A) Minor revisions to sitework allocation.

6B) Project has been submitted to DSA, therefore the project design is 95% complete. There will be very little additional invoiced until DSA releases the Project.

7A) Partial project scope reallocated to Science/Math/Central Plant building and to the Fine Arts Building.

7B) Revised budget cost DOES NOT INCLUDE additional state funding.

7C) Original project scope was two simple two story structures, current design is three stories and includes a breeze way and extensive sitework.

8A) Project funds reallocated to other projects.

9A) Project funds reallocated to other projects.
Parking Task Force
The Parking Task Force will hold its third meeting on Wednesday, March 12, 2008.

LEED
No action this month

Presidents Climate Commitment
No action this month

CCC Board of Governors
The California Community Colleges Board of Governors has adopted an Energy and Sustainability Policy for the state's 109 community colleges, providing system-wide procedures for achieving specified development, operational efficiency and environmentally conscious goals. Those goals are to
- Reduce campus energy use by 15% by 2011-2012
- Design new facilities to out-perform the energy code by 15%
- Renovate facilities to out-perform the energy code by 10%
- Increase self-generation capacity by 50% above current levels by 2014.
- Procure 20% (40%) of electricity from renewable sources by 2010 (2014)
- Designate energy/utility managers at each campus
- Develop energy and sustainable strategic plans for each campus

The District will study and refine its current and planned energy and sustainability initiatives in light of this new policy.
# COMET Project Status Report
March 11, 2008

<table>
<thead>
<tr>
<th>Tasks Planned for the Previous Period</th>
<th>Current Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>LDI for E-Learning (WebCT) Continues – February and March</td>
<td>LDI for E-Learning in Progress – February and March 2008</td>
</tr>
<tr>
<td>Banner HR/Payroll Consulting – Weeks of 2/18 and 2/25</td>
<td>Banner HR/Payroll Consulting Completed – Weeks of 2/18 and 2/25</td>
</tr>
<tr>
<td>Banner Student Training - Self Service for Students, Faculty and Counselors – Week of 2/18</td>
<td>Banner Student Training Completed – Week of 2/18</td>
</tr>
<tr>
<td><strong>Banner Financial Aid Live!!</strong></td>
<td></td>
</tr>
</tbody>
</table>
March 11, 2008
COMET Project Status Report

Tasks Planned for the Next Period

3/17/08
Banner Financial Aid Go-Live Consulting - Week of
Luminis Portal Functional Review - 3/14/08
Registrations - Week of 3/10/08
Banner Student Consulting - Prep for Mock Week of 3/3/08
TouchNet Payment Gateway Implementation Begins -
LDI for E-Learning (WebCT) Continues through March

March 11, 2008