The Board shall act on posted items and shall not deliberate items that are not on the posted agenda.

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.

Government Code §54957.5 states that public records which relate to any item on the open session agenda for a regular Board meeting should be made available for public inspection. Those records that are distributed less than 72 hours prior to the meeting are available for public inspection at the same time they are distributed to all members, or a majority of the members of the Board. The Board has designated the Office of the Superintendent/President at 835 College Avenue, Administrative Center 123, Kentfield for the purpose of making those public records available for inspection.

A. Board Study Session – 3:30 to 5:00 p.m., Deedy Staff Lounge, Kentfield Campus

1. Call to Order, Roll Call and Adoption of Agenda
2. PPV Presentation on Asset Management (3:30 to 4:30 p.m.) – Jim Goodell
3. Status Report on Gateway Complex (4:30 to 5:00 p.m.) – V-Anne Chernock

B. Closed Session – 5:00 p.m. in SS A&B, 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
Nine cases – Complaint filed by Ms. Mize-Kurzman under Education Code 87164
Mize-Kurzman vs. MCCD (Marin Superior Court)
G. Garabato vs. MCCD (Marin Superior Court)
UPM/T. Fung, P. Christensen vs. MCCD Grievance
UPM/D. Rollison vs. MCCD Arbitration
UPM/Christensen vs. MCCD Arbitration
UPM/D. Martin, G. Hritz, B. Wilson, R. Pagani vs. MCCD Grievance
UPM/P. Christensen, D. Martin, R. Pugani, and S. Weldon vs. MCCD Grievance
Facts creating a significant exposure to litigation, specifically the demand to cure or correct action pursuant to Government Code Section 54960.1(b) received from Roberto Valdivia on April 15, 2009 and Todd McCleary on April 16, 2009

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

(d) PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Government Code Section 54957)
Title: Superintendent/President

3. Recess to Open Session

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

C. Reconvene to Regular Meeting
1. Call to Order, Roll Call and Adoption of Agenda
   • Administration of Oath of Office to Student Trustee

2. Approval of Minutes (4 minutes)
   • Minutes of May 12, 2009 Board Meeting
   • Minutes of June 9 Special Board Meeting (Retreat)
   • Report of Closed Session for June 23, 2009

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
None
b. Legislative Report
c. Committee Chair Reports
d. Individual Reports and/or Requests
   1. Request for Written Evaluation of the Program Revitalization and Discontinuance Policy (Trustee Long)
   2. Request for Report on Legal Fees, Costs and Reimbursements (Trustee Nannath)
e. WASC Report Status
f. Board President’s Report
   1. Settlement of Sheri Rollison vs. MCCD

5. Chief Executive Officer’s Report (5 minutes)
a. Staff Reports (20 minutes)
   1. COM Foundation Report (Frank Parnell)
   2. Information on SMCP Increment 1 Project (V-Anne Chernock)
   3. Track & Field Update (Al Harrison)
   4. Fiscal Accountable Approval Update (Al Harrison)
   5. Summer School Enrollment Report (Nick Chang)

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 (20 minutes)
a. Tentative Budget 09/10 Presentation (Al Harrison)

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

    B. Classified Personnel Recommendations. Approve the Classified Personnel Recommendations:
       1. Appointment of Classified Personnel
       2. Appointment of Hourly Personnel
       3. Resignation of Classified Personnel

    C. Academic Personnel Recommendations. Approve the Academic Personnel
Recommendations:
1. Appointment and/or Change of Academic Personnel
2. Phased-In Early Retirement of Academic Personnel

D. Educational Management Personnel Recommendations
1. Appointment and/or Change of Educational Management Personnel Recommendations

E. Short-Term Hourly Positions

F. Budget Transfers – Month of May - FY 2008/09

G. Warrant Approval

H. Declaration of Surplus Property – Miscellaneous Equipment

I. Modernization (Measure C)
1. Ratify/Approve Modernization Contracts, Changes and Amendments ($98,796)
   Small Construction Contracts
   Construction Change Orders
   Professional Services Amendments

2. Various Projects
   Accept Short List of Specialty Consultants (DSA Inspectors, Testing & Inspection Firms & Industrial Hygienists & Moving Companies) ($0)

3. SMCP Building Project Increments 2 & 3 (#305A)
   Approve List of Prequalified General Contractors ($0)

4. Transportation Technology Complex Project (#402A)
   Authorize Procurement of Specialty Equipment ($0)

5. Various Projects – Kentfield Campus
   Pre-Authorize Award of Construction and Moving Contracts for Swing Space ($0)

6. Approve Renewal Contract
   Modernization Legal Counsel
   Miller Brown and Dannis ($125,000)

7. Approve Annual Renewal of Reprographics Contract
   Ford Graphics ($200,000)

8. Main Building Complex (417A), Parking Lot-Bioswale & Pathways Projects (401B-413A)
   Approve Subcontractor Substitution, Di Giorgio Contracting Company, Inc. ($0)

J. Approve Revised Board Policies (Second Reading)
1. BP 3100 Organizational Structure
2. BP 3200 Accreditation
3. BP 3275 Annual Report
4. BP 5300 Student Equity
K. Approve New Credit Courses
L. Approve Credit Course Revisions
M. Approve Credit Course Deletions
N. Approve New Noncredit Courses
O. Approve Noncredit Course Revisions

11. Other Action Items (10 minutes)

*The Superintendent/President recommends that the Board of Trustees approve the following Action Items:*

A. Approve 2009-10 Tentative Budget
B. Approve Signature Authorization Resolutions
C. Approve Purchase Order for Community Education Schedule Bid
D. Approve Renewal Agreement with SPURR for Purchase of Natural Gas
E. Approve Agreement for Asset Management Services with Public Private Ventures, Inc. (PPV)
F. Modernization (Measure C)
   1. Gateway Complex Project (#303B)  
      Authorization to Proceed
   2. New Fine Arts Building Project (#306C)  
      Award Construction Contract
   3. Diamond PE Center Alterations Project (#308B)  
      Approve Change Order #13 and Resolution Attesting No Benefit to Bidding Out Change Order Work ($160,591)
   4. SMCP Increment No. 1 – Site Development Utilities (#305C)  
      Approve Change Order #6 and Resolution Attesting No Benefit to Bidding Out Change Order Work ($199,892)
F. Public Hearing on MCCD/SEIU 1021 Collective Bargaining Agreement

12. Possible Future Agenda Items for Discussion

A. Request for Written Evaluation of the Program Revitalization and Discontinuance Policy *(Trustee Long)*
B. Request for Report on Legal Fees, Costs and Reimbursements *(Trustee Namnath)* (July)
C. Kentfield Pool Use Request Update *(Al Harrison)*
13. Items for Possible Future Board Action (5 minutes)
   A. Bid Award for Learning Resource Center Cooling Tower Installation Project
   B. Revised Board Policies (First Reading) (July)
      1. BP 2110 Vacancies on the Board
      2. BP 2200 Board Duties and Responsibilities
      3. BP 2305 Annual Organizational Meeting
      4. BP 2320 Special and Emergency Meetings
      5. BP 2340 Agendas
      6. BP 2350 Speakers
      7. BP 2355 Decorum/Conduct
      8. BP 2430 Delegation of Authority to Superintendent/President
      9. BP 2435 Evaluation of Superintendent/President
     10. BP 2720 Communications Among Board Members

14. Information Items (5 minutes)
   B. Modernization Update
      1. Director’s Report
      2. Master Schedule with Spent to Date through May 2009
   C. Sustainability Report
   D. Revised Administrative Procedures
      1. AP 2320 Special and Emergency Meetings
      2. AP 2340 Agendas
      3. AP 2435 Evaluation of Superintendent/President
   E. Calendar of Special Events

      ACCT Congress – October 7-10, 2009 – San Francisco Hilton

15. Correspondence
   Correspondence in Board Packets

16. Board Meeting Evaluation

17. Adjournment
Asset Management Program
Kentfield Campus Phase 1 Assessment & Report

Presentation by Jim Goodell, PPV, Rob Barthelman, ABA Architects, and Jim Grossi, CSW/ST2

June 23, 2009

The following is an outline of the presentation by PPV and ABA Architects at the June 23 Board meeting.

1. **Introduction** (Fran White)
   - Efforts to date. Meetings w/ Don Santa, Homeowners Association representative, inputs from Amy Skewes Cox, Jim Grossi and Don Curry, Rob Barthelman, the Marin executive team.
   - Recommend proceeding based on findings as presented. Or modify. Or stop

2. **Mission** (Fran White)

Create revenue enhancement opportunities at the Kentfield campus with the following characteristics:

   - Supportive of the college’s core mission
   - Contributes to an improved quality of campus life
   - Beneficial to the surrounding Kentfield community
   - Provides significant, stable and secure revenue stream

3. **The Asset Management Process** (JC)
- Phase 1: Feasibility, Concepts & Recommendations  (You are here)
- Phase 2: Planning & implementation program
- Phase 3: Implementation

4. **Existing conditions** (Jim Goodell, Rob Barthelman, Don Curry)

- Campus map with development constraints
- Geothermal fields
- Temporary facilities
- Old Science footprint
- Landscape
- Woodlands Market situation
- Utility easements
- Photos of key situations

1. College Avenue streetscape
2. Linkages to main campus
3. Project area

5. **Updated campus master plan** (Rob Barthelman)

- Accurate placement of new facilities
- Gateway project planning
- Short term and long term campus parking
- Demolition/relocation plans
- Asset management parcel delineation

6. **Preliminary Market Analysis** (Jim Goodell)

- Area demographics
- Competitive assessment
- Targeted tenant types
- Market rents
- Marketing concepts

7. **Preliminary site plan** (JG)

- Recommended site plan(s)
- Campus staging/linkages (RB)
- Character photos  ("It might look like this")
8. **Project program & characteristics** (JG, RB)
   - Retail -- 35 - 50,000 sf, possibly including drug store, convenience food, personal services, etc.
   - Office space, second floor, medical office, boutique businesses & service organizations
   - Parking and circulation plan

9. **Financial assessment** (JG, DC)
   - Project costs, (site preparation, geothermal treatment, construction costs, soft costs) Further work is necessary
   - Project revenues. Further work is necessary
   - General viability

10. **Risks and concerns** (all)
    - Development costs
    - Timing of development
    - Campus functionality & compatibility
    - Community acceptance
    - Flood plain/geotech issues & mitigation (DC)

11. **Next Steps (JG)**

    **Phase 2: Planning**
    - Project cost refinement, (geothermal, pilings, hard and soft budget estimates)
    - Marketing plan
    - Financial pro-forma/revenue projections
    - County entitlement process
    - Community relations
    - Preparation of refined plan
    - Preparation of RFP
    - Developer interviews
    - Project implementation plan

    **Phase 3: Implementation**
• RFP
• Review and selection for exclusive negotiations
• Negotiate disposition & development agreement with development partner
• Secure County entitlements
• Transfer leasehold interest

12. **Discussion and call the question** (FW)
A. Closed Session

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

The Board of Trustees of the Marin Community College District met in the AS 101 conference room on the IVC campus, members having received notice as prescribed by law. Board President Kranenburg called the meeting to order at 5:05 p.m. All publicly elected Trustees were present except Trustee Dolan, who arrived at 5:06 p.m., Trustee Treanor, who arrived at 5:08 p.m., and Trustee Long, who arrived at 5:15 p.m. Fran White, Al Harrison, Nick Chang, Larry Frierson, and Linda Beam were also in attendance.

M/s (Hayashino/Paterson) to adopt the agenda as presented. The motion passed by a vote of 4-0.

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 7:20 p.m.

B. Regular Meeting

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

The meeting of the Board of Trustees of the Marin Community College District was reconvened at 7:38 p.m. by Board President Kranenburg in Ohlone 106 on the IVC campus. He announced that the meeting was being recorded to facilitate the preparation of minutes. All publicly elected Trustees were present except Trustee Dolan, who arrived at 7:55 p.m. Student Trustee McCleary was absent.

2. Approval of Minutes and Report of Closed Session

M/s (Hayashino/Treanor) to approve the minutes of the April 21, 2009 Board meeting. The motion passed unanimously (7-0).

Trustee Long submitted a summary of the comments she made at the March 17, 2009 Board meeting, giving her rationale for voting no on B.11.H (Approve Discontinuance of COM Football Program). This summary will be entered into the official minutes of the March 17, 2009 Board meeting (in place of her verbatim comments as transcribed from
the tapes of the meeting).

Board President Kranenburg read the following report of action taken during closed session.

On April 15, 2009 and April 16, 2009, the District received demands under Government Code Section 54760.1(b) that the Board cure or correct action to approve the discontinuance of the District football program. After a review of this matter the Board voted, in closed session, to deny the demands and to instruct the Superintendent/President to notify the parties filing the demands. The vote in closed session was 4 to 3 with Trustees Hayashino, Treanor, Kranenburg and Paterson voting aye and Trustees Long, Namnath and Dolan voting no.

3. Citizens’ Requests to Address the Board on Non-Agenda Items
   None

4. Board Reports and/or Requests
   a. Commendation Resolutions and Other Resolutions
      1. Resolution in Support of Classified School Employees Week.
         All classified staff in attendance were asked to stand as the Board Clerk read the resolution.
         M/s (Treanor/Hayashino) to approve the Resolution in Support of Classified School Employees Week. The motion passed by a unanimous roll call vote of 7-0.

      2. Resolution in Recognition of Todd McCleary’s Service as Student Trustee.
         The Board Clerk read the resolution to enter it into the record. M/s (Dolan/Paterson) to approve the Resolution in Recognition of Todd McCleary’s Service as Student Trustee. The motion passed by a unanimous roll call vote of 7-0.

   Chief Lacy, COM’s Chief of Police/Director of Safety, presented the California College and University Police Chiefs Association (CCUPCA) Award of Distinction to COM Police Service Assistant Marco Minoia. This award is given to a college police department employee for contributing to the Police Department and for overall service to the campus community. A copy of Chief Lacy’s statement to the Board regarding this award is attached to the minutes as part of the official record.

   b. Legislative Report.
      Trustee Paterson reviewed the May Legislative Update from the Community College League, calling the Board’s attention to Assembly Bill 551 which passed the Assembly Higher Education Committee and will now move to the Assembly Appropriations Committee. The purpose of the legislation is to reduce community college districts’ reliance on property tax revenues to achieve base revenues. The bill provides that commencing with the 2009-10 fiscal year the amount of property tax revenues allocated to each district shall not exceed 75% of the amount allocated in the 2008-09 fiscal year, except for basic aid districts. Trustee Paterson also reported that President Obama has nominated Glenn Cummings, a second community college leader, to an Education Department position (assistant secretary of education for vocational and adult education) and has nominated Jill Biden to head an initiative putting an emphasis on community colleges. She noted
that the May 19 ballot initiatives continue to trail in the polls and that this is not good news for California’s budget situation.

c. **Committee Chair Reports**
Trustee Hayashino reported that the Board Evaluation Committee now has three members (Trustees Treanor, Namnath and Hayashino) and that the Board will be conducting a Board Self-Evaluation during the next month.

Trustee Hayashino reported that the Board Policy Committee, comprised of Trustee Paterson and herself, has met and reviewed more than half of the Board policies. These policies will go through College Council and then come to the Board for review and approval during coming months.

d. **Individual Reports and/or Requests**
Trustee Treanor reported that she participated in Emergency Preparedness Certification at the recent CCCT Conference in Sonoma. She announced that the May 7 Marin Education Foundation scholarship night was very successful and that nearly $200,000 was raised.

Trustee Paterson reported that she attended the session on public-private partnerships at the CCCT Conference and that College of Marin was commended for its state of the art use of solar technology in our modernization projects. She complimented Dean Nanda Schorske on the successful IVC Open House and Innovations Conference and noted that she and Trustee Kranenburg attended the session on federal stimulus money.

Trustee Hayashino also attended the CCCT Conference and came back with a certificate in ethics along with several other Trustees. She commended President White and staff on a very successful President’s Breakfast and commented on the outstanding video shown at the event.

Trustee Long also mentioned the excellent events she has recently attended: the President’s Breakfast, Teacher Appreciation Dinner, Ementus end of year program, IVC Open House and Innovative Conference, and the CCCT Conference where she also received ethics certification.

Trustee Dolan commended Tara Flandreau and the COM Music Department for the lovely symphony and chamber music concerts recently presented.

Board President Kranenburg reported that he enjoyed the President’s Breakfast, ethics certification program at CCCT, Marin Education Foundation scholarship dinner, and Innovations Conference at IVC.

e. **WASC Report Status**
President White reported that the Addendum to the Progress Report was submitted to WASC on May 1. The integrated planning and resource allocation component, the last component of Recommendation 3, has been completed and we are now beginning the implementation phase. We have learned that we have to start earlier in the year to discuss budget assumptions and forecasting and need to combine the Budget Committee and Institutional Planning Committee so that they can work together in budget prioritization.
5. Chief Executive Officer's Report
President White called the Board's attention to her report in their packets.

a. Staff Reports

1. Branson Agreement Update (Al Harrison)
Al Harrison, Vice President of College Operations, clarified questions that have been raised relative to COM's agreement with The Branson School. He explained that construction work on specified athletic and recreational facilities at the Kentfield campus which The Branson School agreed to do as part of the April 30, 2001 joint use agreement was to be done in three phases. Phase 3 was renovation and upgrade of the football facility. All phases were to be completed within four years of the beginning of the work on phase 1. Based on Mr. Harrison's review of the agreement, the four-year timeline for all phases of the projects to be completed was May 2005. In January 2006 operating guidelines for the agreement were signed by both parties which included a section stating that the renovation of the football field would be postponed indefinitely and until mutual agreement by both parties. Since the football field was not restored according to the time schedule in the contract, both parties agreed to suspend the renovations indefinitely. The section relating to the football field only extended the opportunity for the college and The Branson School to discuss completing the football field at a later date if both parties mutually agree to continue. The opportunity to extend came after the timeline expired.

2. Modernization Update
Leigh Sata of Swinerton Management & Consulting advised the Board that, due to an unforeseen underground problem under Laurel Avenue, the Science/MathCentral Plant project will probably go 18% above budget. Board approval will be required so a resolution will be brought to the Board in the next few months.

3. Update on 08/09 and 09/10 Budgets
President White stated that we are facing issues that will impact our ability to manage the cost of our current operation. Revenues and income are declining and Assembly Bill 551, which would cap income to basic aid districts, is under consideration. Resource allocation decisions will be challenging for the Budget Committee.

Vice President Harrison updated the Board on budget figures. He explained that we started off the fiscal year with a deficit of $1.7 million and hoped that we would be able to make up some of that money, but that has not happened. The projected ending fund balance for 2008/09 is 8.2%. The budget that will be brought to the Board for 09/10 will show no increase in discretionary budgets and no deficit. Supplemental taxes will be included in the revenue stream and an increase in costs (fringe benefits, step and column increases, the Board election) will eat up our increase in revenue. We will need to look at containing legal expenditures which have exceeded the budgeted amount this year. Due to a DSPS reporting problem, there has been a reduction in our allocation from the state for that program and we will have to transfer money
from the general fund to make up for the shortfall.

6. **Academic Senate Report**
   Yolanda Bellisimo, Academic Senate President, addressed the Board regarding the Budget Committee's inability to make recommendations to the President or the Board of Trustees regarding planning and resource allocation because it did not receive vital information from fiscal services in time to do its job. She stated that the Budget Committee needs to be buried in information and that this needs to begin immediately in order for the committee to move into the 09/10 cycle properly informed. A copy of Ms. Bellisimo's statement is attached to the minutes as part of the official record.

7. **Classified Senate Report**
   Kathleen Kirkpatrick, Classified Senate President, read the names of the classified staff who participated on governance committees this past year and thanked them for their dedication and commitment to our college, our fellow classified staff colleagues and our students. A copy of her statement is attached to the minutes as part of the official record.

8. **Student Senate and Student Association Report**
   No report.

9. **Board Study Session**

   a. **Strategic Resource Development Report**
      Patricia Stirling and Gary Cardaronella of Cardaronella Stirling Associates, who conducted a strategic resource development study for COM, presented their findings and recommendations to the Board (copy attached). They conducted interviews with 19 individuals representing COM's major constituencies to obtain input regarding fundraising needs and efforts. Their recommendations included the following:
      o Centralizing COM's development activities under the President's Office;
      o Developing a workable plan to finance the recommended changes;
      o Supporting appropriate professional staffing and budget;
      o Expanding community outreach and communications and articulating a clearer case for support;
      o Identifying and cultivating potential major donors.

      Trustees thanked Ms. Stirling and Mr. Cardaronella for their report and expressed support for pursuing the recommendations. Dr. White stated that the Board has a subcommittee on Development and that the next recommendations may come from them.

10. **Consent Calendar Items**
    M/s (Treenor/Paterson) to approve all items on the Consent Calendar. Trustee Namnath asked to pull B.10.H.1 (BP 2315 Closed Sessions) from the Consent Calendar for discussion. Trustee Treenor accepted Trustee Namnath's friendly amendment to pull B.10.H.1 and the motion to pass all items on the Consent Calendar (with the exception of B.10.H.1) was passed by a unanimous roll call vote of 7-0.

   A. **Calendar of Upcoming Meetings**
B. **Classified Personnel Recommendations.** Approve the Classified Personnel Recommendations:
   1. Appointment of Classified Personnel
   2. Appointment of Hourly Personnel
   3. Temporary Reassignment of Classified Personnel

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

D. **Short-Term Hourly Positions**

E. **Budget Transfers – Month of April - FY 2008/09**

F. **Warrant Approval**

G. **Modernization (Measure C)**
   1. Ratify/Approve Modernization Contracts, Changes and Amendments
   2. Accept Owner Project Requirements (OPR) Document
   3. Authorize Lease Renewal for PE Complex Portables

H. **Approve Revised Board Policies**
   2. BP 4250 Academic Probation, Disqualification, and Readmission
   3. BP 5190 Student Activities
   4. BP 5200 Student Health Services
   5. BP 5205 Student Accident Insurance
   6. BP 5210 Communicable Diseases
   7. BP 5570 Student Credit Card Solicitation
   8. BP 6250 Budget Management
   9. BP 6330 Purchasing
   10. BP 6520 Security for District Property
   11. BP 6550 Disposal of District Property
   12. BP 6630 Facilities Graphics
   13. BP 6900 Bookstore

I. **Approve New Community Services Courses**

J. **Approve New Credit Courses**

K. **Approve Credit Course Revisions**

L. **Approve New Non-Credit Courses**

M. **Approve Non-Credit Course Revisions**

N. **Approve Curriculum Revisions**

O. **Approve Credit Course Deletions**

P. **Approve Revisions in AS Certificate and Skills Certificates**

Q. **Approve Less Than 18 Unit Credit Certificate**

11. **Other Action Items**
M/s (Treanor/Hayashino) to approve revision of BP 2315 (Closed Sessions) – (formerly B.10.H.1). Trustee Namnath asked to have the relevant Government or Education Code citation included in the portion of this policy saying that a Trustee can be referred to the grand jury for a breach of closed session confidentiality. Trustee Treanor accepted Trustee Namnath’s friendly amendment to move this agenda item to the next meeting. The motion passed by a unanimous vote of 7-0.

A. M/s (Treanor/Hayashino) to Approve Memorandum of Understanding – Marin Community College District and Peralta Community College District – Career Pathway Support in Multimedia and Sustainable Food Systems. The motion passed by a unanimous vote of 7-0.

B. M/s (Hayashino/Treanor) to Approve Memorandum of Understanding – Napa Valley Community College with Marin Community College District – Green Career Pathway Development - Sustainable Food Systems. The motion passed by a unanimous vote of 7-0.

C. M/s (Paterson/Treanor) to Approve Memorandum of Understanding – Dominican University of California with College of Marin - Support to Marin Simulation Center. The motion passed by a unanimous vote of 7-0.

D. M/s (Treanor/Paterson) to Approve Resolution for Temporary Building – Solar Charging Shade Structure. The motion passed by a unanimous roll call vote of 7-0.

E. M/s (Hayashino/Long) to Approve Resolution of the Governing Body of the Marin Community College District Proposing an Election Be Held in its Jurisdiction; Requesting the Board of Supervisors to Consolidate with any Other Election Conducted on Said Date; and Requesting Election Services by the Registrar of Voters. The motion passed by a unanimous roll call vote of 7-0.

F. Modernization (Measure C)
   1. Diamond PE Center Pool Repair Project (#308F)
      M/s (Long/Treanor) to Initiate Project and Approve New Professional Services Agreement Design Services Aquatic Design Group, Inc. ($22,500). The motion passed by a unanimous vote of 7-0.

   2. Science/Math/Central Plant Building Project (#305A)
      M/s (Long/Hayashino) to Approve New Professional Services Agreement Testing and Inspection Services (includes geotechnical testing services) Consolidated Engineering Laboratories ($350,000). The motion passed by a unanimous vote of 7-0.
3. Science/Math/Central Plant Building Project (#305A) & Diamond PE Center Alterations Project (#308B) & West Campus Bridge Project (#301A)
   M/s (Paterson/Treanor) to Approve New Professional Services Agreement DSA Project Inspector Services
   4Leaf, Inc. ($1,249,750). The motion passed by a unanimous vote of 7-0.

4. New Fine Arts Building Project (#306C)
   M/s (Treanor/Hayashino) to Approve New Professional Services Agreement DSA Project Inspector Services
   Gary Proctor Construction Consultation ($336,452). The motion passed by a unanimous vote of 7-0.

5. M/s (Treanor/Hayashino) to Reject all Bids, Authorize the District to Re-bid Phase One of the Exterior Signage Work, and Authorize Award of a Construction Contract for Phase One to the Lowest Responsive Bidder.
   The motion passed by a unanimous vote of 7-0.

6. M/s (Treanor/Hayashino) to Approve Notice of Completion – Administrative Center Courtyard Paving Rehabilitation Project. The motion passed by a unanimous vote of 7-0.

H. Public Hearing on MCCD/CSEA Chapter 196 Collective Bargaining Agreement
   Board President Kranenburg opened the public hearing on MCCD/CSEA Chapter 196 Collective Bargaining Agreement. There being no comments from the public Board President Kranenburg declared the hearing closed.

12. Items for Possible Future Board Action
    Board members were asked to review the future action items in their Board packets.
    A. Bid Award for Learning Resource Center Cooling Tower Installation Project
    B. Revised Board Policies (June)
       1. BP 3100 Organizational Structure
       2. BP 3200 Accreditation
       3. BP 3275 Annual Report
       4. BP 5300 Student Equity

13. Information Items
    Board members were asked to review the information items in their Board packets.
    A. Contracts and Agreement for Services Report – April, 2009
    B. Modernization Update
       1. Director’s Report
       2. Master Schedule with Spent to Date through April 2009
       4. Quarterly Progress Report for Period Ending March 31, 2009
C. Sustainability Report

D. Revised Administrative Procedures
   1. AP 3100 Organizational Structure
   2. AP 3200 Accreditation
   3. AP 5300 Student Equity

E. Advisory from Marin County Office of Education and Sonoma County Office of Education – Advisory on Programs of Study Articulated to College of Marin and Santa Rosa Junior College

F. Calendar of Special Events
   Board members were asked to note the dates of upcoming special events.

   COM Retiree Reception – May 14, 2009, 4:00 to 6:00 p.m., Marin Art and Garden Center, 30 Sir Francis Drake Blvd., Ross

   COM Transfer Recognition Reception – May 15, 2009, 6:00 p.m., Student Services Cafeteria, Kentfield

   RN Program Pinning Ceremony – May 21, 2009, 6:00 p.m., Fine Arts Theater, Kentfield

   Commencement – May 23, 2009, 10:00 a.m., Kentfield Campus Lawn

   Golden Bell Awards Dinner – May 28, 2009, 4:30 p.m., Angelico Hall, Dominican University

   Fine Arts Groundbreaking – June 23, 2009, 2:30 p.m.

   ACCT Congress – October 7-10, 2009 – San Francisco Hilton

14. Correspondence
   Board members were asked to review the correspondence in their Board packets.

15. Board Meeting Evaluation
   Comments were made about good discussion, the expression of different opinions, and good decision making during the open session. A suggestion was made to be cognizant of the time meetings are scheduled and to continue closed session after open session when closed session meetings are running overtime, especially when guests are waiting to make presentations.

16. Adjournment
   M/s (Treanor/Hayashino) to adjourn the meeting. The motion passed
unanimously (7-0) and Board President Kranenburg adjourned the meeting at 10:35 p.m.
To: Al Harrison, VP College Operations

From: Charles O. Lucy, Chief of Police/Director of Safety

CC: Kathy Joyner

Date: May 1, 2009

Re: Award of Distinction for Police Service Assistant Marco Minoia

Comments:

On April 9, 2009 Police Service Assistant was nominated and chosen to receive the California College and University Police Chiefs Association (CCUPCA) Award of Distinction. This award is given to a College Police Department employee for contributing to the Police Department and overall service to the campus community.

PSA Minoia is responsible for coordinating and maintaining the Police Department’s Computerized Records Information System which has enhanced our ability to maintain accurate records electronically for statistical crime analysis and provides up to date information to patrol personnel in the field. His knowledge, professional demeanor ethical and selfless attitude has contributed significantly to our police operations ability to provide efficient service to our community.

Mr. Minoia has been working at the College of Marin since 1995, first serving as a Part- Time Student Police Cadet. In 2002 he was appointed to the permanent full time position of Police Service Assistant. He is a graduate of the College of Marin.
ACADEMIC SENATE PRESIDENT’S REPORT
MAY 11, 2009

As you know from the President’s report, the Budget Committee was unable to do its job this year because it did not receive vital information that it needed from the Chief Financial Officer. Committee members began asking last fall for budget figures for programs, updates on expenditures and income for this year and for some projections for 09/10. None of that information was forthcoming except for a dollar amount available for program discretionary funds given to the committee verbally with no back up at the April 28th meeting and again on May 5th. Approximately $3.25 million of available discretionary funds was presented as the only funds the committee should review and allocate for the 09/10 budget. There was no accompanying spread sheet demonstrating the projected expenses or how the $3.25 figured was arrived at.

Considering that the CFO told the committee there had been about a $500,000 deficit from the previous fiscal cycle, the committee suggested preventing another similar or greater deficit by reducing the $3.25 million to $2.75 but were told this had already been taken care of without the committee’s involvement. At the very least, the committee suggested that the $17,000 presented as a projected deficit for 09/10 be cut before the committee considered allocations, but again the committee was told it would be “taken care of.”

As a result of the fact that no substantive information was provided to the committee members, they were unable to provide the President or the Board of Trustees with recommendations – nothing on long term planning, nothing on a possible time schedule for computer replacements, nothing about ways we could augment our potentially shrinking resources.

Perhaps most unfortunate of all is the lack of involvement by the committee in the reallocation of resources. The committee did not have an opportunity to make the connection between program evaluations from program review and potential changes in program budgets. Yet, this was a group of staff and faculty ready to make difficult choices about perhaps cutting funding to some programs in order to shore up programs with desperate needs. Everyone on the committee realized that this was a bad economic year in which the committee would not have a chance to add to program budgets without taking from somewhere else. And we had a committee willing to stand up and do this – to make these difficult recommendations to their colleagues based upon program review data and budget constraints.

Had they been able to do this, it would have made the President’s job and ultimately yours much easier because these hard choices would have come from a committee of faculty and staff peers. Now, the tough decisions have no support or input from those they affect most.
As it stands the budget has not been reviewed, discussed, vetted nor seen by the Budget Committee. We can't have this happen again. Not for WASC or for ourselves. The district needs to bury this committee in information—whatever assistance and information they need in order to get this job done has to be there for them. This should begin immediately in order for the committee to move into the 09/10 cycle properly informed. This process has to be well underway by September or there is no way we will ever again get buy-in from faculty and staff for this process. This will be our last chance and for the sake of our accreditation, and we best not squander it.
Good evening.

This year the Classified Senate focused its efforts on its core tenets: supporting College governance, the Accreditation Self-study, leadership and recognition and institutional planning efforts.

As the year comes to a close and in recognition of Classified Staff Employee’s Week, I’d like to take this opportunity to publicly recognize the classified staff members who participated on governance committees. As I’ve reported before, the Senate worked with CSEA and SEIU to develop an appointment process that met both Title 5 and the challenges of having two unions plus unrepresented classified staff all of whom have a right to participate in college governance. We used the new process for the first time this past fall to appoint classified staff to governance committees and it worked very well.

Serving on a governance committee is voluntary and we fit in committee responsibilities along with our regular job duties so it often requires quite a juggling act to do so. To honor and recognize their efforts on our behalf, I’d now like to read the names of the classified staff who served on governance committees along with their departments to illustrate the wide variety of areas that are represented:

**Budget Committee:**
J. Robert Dobson, Physics
Heather Holliday, Modernization
Tom Burke, Maintenance & Operations, Grounds

**College Council**
Classified Senate Officers Andrea Hunter (Financial Aid), Becky Reetz (Tutoring) and I (ODP) serve on College Council.

**Educational Planning Committee**
Gaylene Urquhart, Library
Paul Fanta, Maintenance and Operations, Electrician

**Facilities Planning Committee**
Heather Holliday, Modernization
John Rodriguez, Maintenance & Operations, Carpenter

**Governance Review Council**
Kimie Lakomski, Human Resources
June Yokell, Student Outreach
Xenia Zarrehparvar, DSPS
Instructional Equipment Committee
Andy Haber, Media Services
Jon Gudmundsson, Communication Dept. & Media Services

Institutional Planning Committee
Barb St. John, Maintenance & Operations
Mike Irvine, Music
Jon Gudmundsson

Student Access and Success
Patricia Torres, Testing Office
Carol Perez, Job Placement

Technology Planning Committee
Dong Nguyen, Office of Instructional Management
Alice Dieli, Computer Science Lab
Mike Irvine, Music Dept. Mike is also the Technology Planning Committee Chair.

I thank each and every one of these leaders for their dedication and commitment to our College, to our fellow classified staff colleagues who they represent and to our students.

Finally, since the Senate does not meet during the summer, I will not be back to report again until the fall semester.

Have a great summer and I’ll see you in September!
College of Marin

Strategic Development Assessment
Report and Recommendations

Presentation and Discussion of the Study

12 May 2009
Overview of the Project

☐ Objectives
   ■ Explore willingness to support expanded resource development
   ■ Assess philanthropic challenges and opportunities
   ■ Provide strategic recommendations and direction

☐ The Study
   ■ 19 interviews representing COM’s major constituencies
   ■ Time and budget constraints limited the number of interviews

☐ The Report
   ■ The context for successful higher education fundraising
   ■ COM’s readiness for expanded fundraising
   ■ Observations and assessment
   ■ Key recommendations and next steps
Context: Total Giving

2007 CONTRIBUTIONS: $306.39 BILLION BY TYPE OF RECIPIENT ORGANIZATION

- Deductions Carried Over and Other Unallocated Giving $23.73 / 7.7%
- Gifts to Foundations* $27.73 / 9.1%
- Environment/Animals $6.96 / 2.3%
- International Affairs $13.22 / 4.3%
- Arts, Culture, and Humanities $13.67 / 4.5%
- Public-Society Benefit $22.65 / 7.4%
- Health $23.15 / 7.6%
- Human Services $29.64 / 9.7%

Religion $102.32 / 33.4%

Education $43.32 / 14.1%

Source: Giving USA 2008
Context: Giving to Education

- Giving to education has grown about 6% per year since 1990, and is second only to giving to religion.

- Giving to support education comes
  - 73% from individual gifts and bequests
  - 20% from private and family foundations
  - 7% from corporations

- Currently only 2% of total giving to higher education goes to community colleges.

- Community colleges fundraising is expanding and becoming more professional and is likely to improve dramatically.
Context: Marin County Giving

- 56% of Marin County giving is within the county, and 58% of households support education.

**WHAT MARIN RESIDENTS SUPPORT**

- Human services organizations: 58% (2000) vs. 58% (2007)
- Education: 56% (2000) vs. 58% (2007)
- Environment: 52% (2000) vs. 48% (2007)
- Religious organizations: 42% (2000) vs. 46% (2007)
- Children (non-school organizations): 41% (2000) vs. 41% (2007)
- Political organizations: 35% (2000) vs. 39% (2007)
- Arts/Humanities: 35% (2000) vs. 35% (2007)

Human services organizations and education both are supported by 58% of households, which is above the national average, and environment support was next at 48%.

Source: Marin Community Foundation
Context: Long Term Giving Patterns

- Over the past 40 years, growth in US giving (in current dollars) has slowed down in recessions, but not declined. In inflation adjusted dollars giving during recessions has only declined an average of −1%.

- While giving for human services and public benefit actually increases during recessions, giving to education declines only slightly, averaging −1.1% across all recessions.

- Support for education consistently ranks among the very top priorities across all types of donors and across all economic conditions.
Findings: General

- The need for additional financial resources has increased significantly as demand for COM’s services and programs grows while state and local funding in those areas decreases.

- The current economic situation actually presents a great opportunity for COM to raise its profile and begin to increase its share of community and philanthropic support.

- As COM has grown and philanthropic resources have become more important, the COM Foundation’s fundraising results and the breadth and scope of its fundraising programs have not kept pace with the College’s resource needs.
Findings: Strengths and Weaknesses

- COM’s perceived strengths include:
  - It’s a “good investment” that serves all types of students;
  - President is a strong leader and engaged in the community;
  - Quality of the faculty and teaching;
  - Passage of the Measure C Bond Fund; and
  - Potential for growth in strategic areas.

- Perceived weaknesses and areas of concern include:
  - Diminished community support that had historically been strong;
  - Media coverage of problems on campus;
  - Absence of forward thinking leadership in the past; and
  - Insufficient and inconsistent outreach and communication with the public about COM’s value and benefits to the community.
Findings: Support for Expanded Fundraising

- Unanimous agreement COM needs additional resources, and most people support an expanded fundraising effort, believing the Foundation’s focus is too narrow and its productivity too low.

- Overall strong agreement that all COM fundraising efforts should be centralized under the President’s Office, that:
  - The Foundation’s focus must be broader and emphasize major gifts to support existing and emerging College priorities; and
  - Additional resources must be invested in development to produce the necessary results.
Findings: Priorities and Willingness to Help

- Highest ranked priorities were continued support for student aid and enhancing faculty and staff excellence, followed by support for programs and curriculum development.

- Support for facilities was lowest, due to belief that Measure C would provide the funds needed for facilities.

- Most people interviewed are willing to become more involved and supportive, but believe that:
  - Priorities and the case for support must be refined,
  - More effort must be made to inform and involve the community, and
  - COM must get “all its ducks in a row” before asking for money.
Assessment: Challenges and Opportunities

- COM and most community colleges lack key components of the infrastructure, culture, and programs that support successful fundraising elsewhere in higher education.

- Experience at the CSU System and community colleges that have dramatically increased fundraising results shows that the key to success lie in
  - Increased professional staff and strong Presidential leadership,
  - Emulating the best practices of university major gift fundraising, and
  - Active involvement of community-based advocates and fundraisers.

- COM has an opportunity, as its helps people prepare for economic recovery, to make a strong case for greater private investment to benefit the community now and in the future.
Recommendations for the Board and President

☐ Provide a compelling vision of COM’s mission, how the community benefits, what can be accomplished with additional resources, and a strategic plan for the future.

☐ Make a long term commitment to continually invest in building a stronger resource development operation and be clear about the role philanthropy plays in COM’s future.

☐ Adopt a sophisticated approach to institutional advancement that:
  ■ Creates a persuasive image of COM;
  ■ Mobilizes growing and continuing interest and involvement; and
  ■ Builds an effective, centralized resource development program that generates steadily increasing financial support.
Recommendations for the Board and President

☐ Adopt a broad approach to resource development that:
   ■ Serves the College’s current and emerging fundraising priorities;
   ■ Creates long term, mutually beneficial relationships with donors; and
   ■ Provides a variety of ways to give at various levels.

☐ Create a centralized resource development operation—under the President’s Office—that will coordinate all fundraising.

☐ Craft a new memorandum of understanding that:
   ■ Reorganizes and refocuses the COM Foundation in the context of this centralized model,
   ■ Brings it under the President’s oversight, and
   ■ Expands its scope, breadth of priorities, and productivity.
Recommendations for Board and President

☐ Prepare the President for effective fundraising leadership by providing:
  ■ Focused coaching,
  ■ Sophisticated, experienced professional fundraising staff, and
  ■ Committed volunteers who act as advocates, partners, and fundraisers.

☐ Take steps to implement these plans over the next two years while simultaneously building more productive outreach and fundraising programs by:
  ■ Hiring professional development staff,
  ■ Centralizing, refocusing and expanding fundraising programs, and
  ■ Finding ways to fund this expanded activity for the long term.
Conclusion

- Carefully consider the analysis and recommendations in this report, then determine the best way to build a more productive fundraising program for COM.

- The next steps might include:
  - Centralizing COM’s development activities;
  - Developing a workable plan to finance the recommended changes;
  - Supporting appropriate professional staffing and budget;
  - Expanding community outreach and communications, and articulating a clearer case for support;
  - Identifying and cultivating potential major donors.

- Since development is a long term process, do not allow concerns about the current economy to delay investments that will pay off in a stronger future—begin today.
I. **Welcome/Introductions**
The Board of Trustees of the Marin Community College District met in the Oak Room at the Marin Community Foundation, 5 Hamilton Landing, Suite 200 in Novato. Board President Kranenburg welcomed everyone to the Retreat and the participants, including facilitator Bill McGinnis, introduced themselves.

II. **Call to Order, Roll Call and Adoption of Agenda**
Board President Kranenburg called the meeting to order at 9:15 a.m. All publicly elected Trustees were present except Trustee Dolan, who arrived at 10:00 a.m., and Trustee Namnath. Nathaniel Parker, newly elected Student Trustee, was also in attendance.

M/s (Treanor/Hayashino) to approve the agenda as presented. Trustee Long asked to have her name removed from agenda item IX and replaced with Dr. White’s name, noting that she had requested a staff report and evaluation of the Program Revitalization/Discontinuance Policy. Trustee Treanor accepted Trustee Long’s friendly amendment and the agenda was approved (with that change) by a unanimous vote of 5-0.

III. **Comments from the Public**
None

IV. **Retreat Agenda Overview**
Board President Kranenburg stated that the Retreat would focus on Board development and Trustee leadership and that this would be an opportunity to review how well Board members are working together and to look at areas where improvement is needed.
V. VI & VII  Excellence in Trustee Leadership

Board President Kranenburg introduced facilitator Bill McGinnis who presented information and led the Trustees in a discussion of Board effectiveness, meeting effectiveness, Board ethics, and creating a climate of trust and respect. A copy of his presentation is attached to the minutes.

Suggestions for improvement in working together as a Board included: working on active listening (respectfully acknowledging the viewpoints of others), trying to create win-win ways to accommodate various points of view, remaining focused on student success, developing and agreeing upon a Code of Conduct and goals for operating and functioning as a unit, making modifications to the way meetings are run when problems are identified during the meeting evaluation portion of the agenda, maintaining an open and respectful atmosphere during meetings, and helping fellow Trustees to be more effective Board members.

Each Board member was asked, individually, to contribute a small list of values that she/he believed should be taken into consideration when working together as a Board. This list was compiled and will be sent to the Board Policy Committee for incorporation into Board Policy 2715 Code of Ethics/Standards of Practice.

VIII. Discussion on Loss of Local Control

Trustee Dolan expressed concern over a perceived loss of local control to the Board of Governors that she believes is implied in the language of some of the revised Board policies that the Board recently approved. She also expressed frustration over the way her attempt to pull one of the policies from the Consent Calendar at the March 17 Board meeting (so that the loss of local control issue could be discussed) was handled. Dr. White, the Board Secretary, will take responsibility for reminding the chair to pull Consent Calendar items from the agenda when that has been requested. The Board asked Trustee Dolan to provide the Board Policy Committee with more information on her concerns about the policy in question for further review. It was noted that Board policies can always be changed. Our Board will ask the CCCT Board to study the issue of local control.

Trustee Dolan left the meeting at 2:00 p.m.

IX. Discussion on Program Revitalization/Discontinuance Policy

Yolanda Bellisimo, Robert Kennedy, and Nick Chang led discussion on the Program Revitalization/Discontinuance Policy and the decision to discontinue the football program. The discussion included the process used by the Academic Senate for discontinuance before making a recommendation to the Board. Upon recommendation from IPC in spring 2008 to revitalize or discontinue the program, the Athletics department elected to gather information for program discontinuance in fall 2008. In early spring 2009, the Academic Senate, taking into account academic data, facilities, and demographics among other factors, voted to recommend the discontinuance of the program.
Trustees acknowledged that part of the issue with this particular program was that they received information at their seats on the day of the March Board meeting that was inconsistent and believed the information was generated by staff. Trustees appreciated the clarification and also acknowledged the need to trust the process.

X. Discussion on Strategic Development Assessment Report & Recommendations

Trustees Hayashino and Treenor reported on steps already taken and future plans resulting from the Strategic Development Assessment Report. Trustee Hayashino and Dr. White attended the College of Marin Foundation meeting to answer any questions that they might have regarding the report. At their meeting, the Board of Directors at the College of Marin Foundation had no questions and expressed a wait and see point of view. Now it is time to move forward. Dr. White is working with Patricia Stirling to generate a 6 month timeline. A report will be made to the Board in six months.

XI. Wrap Up, Evaluation and Next Steps

1. Make sure we have objectives on how Trustees will work together
   o The list of values will be distributed to the Board of Trustees
   o Board members will prioritize these values individually and submit to the Policy Committee
   o The Policy Committee will review the lists for incorporation into the Code of Conduct
2. In 3-4 months, the Board will meet again for a round table discussion on how strategies discussed during this meeting are being carried out.
3. The Board Policy Committee will work on addressing loss of control concerns.
4. The Board will work on drafting letters to CCCT on loss of local control and academic standards for athletics in community colleges.

The Special Meeting (Board Retreat) was recessed to the regular meeting at 4:26 p.m.

XII. Regular Meeting

A. Call to Order
   The meeting of the Board of Trustees of the Marin Community College District was called to order at 4:27 p.m. by Board President Kranenburg. All publicly elected Trustees were present except Trustees Dolan and Namnath. Student Trustee Parker was in attendance.

B. Approve Revised Board Policy 2315 Closed Sessions
   M/s (Treenor/Paterson) to Approve Revised Board Policy 2315 Closed Sessions. The motion passed unanimously (5-0).
XIII. Adjournment

M/s (Treasnor/Long) to adjourn the meeting in memory of Melody Osheroff, Jake Velloza, and Mari Mikell. The motion passed unanimously (5-0) and Board President Kranenburg adjourned the meeting at 4:48 p.m.
MARIN Board of Trustees Retreat

June 9, 2009
Bill McGinnis

EXCELLENCE
EXCELLENCE ALWAYS ENDURES... IT REMAINS LEGEND AFTER COST IS FORGOTTEN

Ground Rules Discussion
- No Distractions (Cell-phones, I-Pods, etc.)
- Everyone participates.
- Listen for content before forming an opinion.
- It is okay to disagree but be open to new ideas and don't be caught up in your own visions.
- Suspend judgment until there has been sufficient discussion and data.
- Say what's on your mind to all.
- Be specific and use examples, provide data when possible.

Board Discussion
- Would following such Ground Rules help your regular Board meetings be more effective?
- What changes to your regular Board meetings would you like to see?

What Makes a High Performing Board?
To achieve high performance, Trustees need to work as a team and critical is retaining a climate of trust and respect to make the team effective.

All the Right Stuff for Board Effectiveness
- The Right Mind Set
- The Right Role
- The Right Work
- The Right People
- The Right Agenda
- The Right Information
- The Right Culture

1. The Right Mind-Set
- Board building is on-going, a process of continuous improvement, which means Boards must keep coming back to the same questions about purpose, resources, and effectiveness.
Self-Assessment Process

- Self-assessment should not be a cursory glance in the mirror or performed in a vacuum.
- Rather it needs to be a periodic & exhaustive culling of quantitative and qualitative data.

Board Discussion

- Using your last Board self-evaluation:
  - What did you identify as being most proud of?
  - What are the 3 highest rated items?
  - What are the 3 lowest rated items?
  - Did you identify any Board goals?

Board Discussion

- Based upon your Board’s last self-evaluation what changes must you implement in the next year?
- How and when can you implement such changes?

Future Board Evaluations

- Besides the Board – should anyone else participate?
  - The CEO
  - The public
  - The Academic Senate leadership
- Consider past Board Goals and whether such were accomplished or not.

2. The Right Role

- Like most quests for change, board building begins with a vision.

Specifically, boards must engage in discussions and decide upon the College’s direction for the future, specifically the vision and strategic plan.

Right Role

- Board discussions should be viewed as consensus building not debate (look for win-win).
- Policy focus on “what” not the “how”.
- Boards lead – not manage.
Board Functions not Micromanaging

- The Board Establishes Policy:
  - Contribute to, question, act on, and develop policy as a team
  - Establish expectations for the results of the institution's efforts
  - Is the difference in the community because of your college
  - Adopt mission, vision, and goals as policy

Individual Trustees – Right Role

- Have no authority to direct anyone at the college.
- Can confuse staff by participating in staff meetings.
- Must work thru the Board in cooperation with the Superintendent/President to effect change.
- No authority in the community

Right Role - A Trustee is not

- You are not there to represent your profession or a single/special interest
- You have no authority as an individual trustee to lead or direct
- You cannot make promises as an individual trustee for the Board or the College

Board Discussion

- Does your Board work as a team with the Superintendent/President to accomplish change?
- How often does the Board engage in discussions to develop a common vision for college issues?

3. The Right Work

- Establishing and sticking to an overarching level of engagement helps Trustees set expectations and ground rules for their roles relative to the President's role.

(The Right Work)

(Again, as a team, focus on "what" not the "how")

The Right Work

- Manage Agendas to include Leadership Opportunities not just fiduciary decisions.
- As a Leadership Team, individual Board members can not participate in or direct operational decisions/processes.
Board Discussion

- Over the past year what percentage of time spent in Board meetings does the board engage in Strategic Planning?
- Does the Board ever instruct the CEO/staff on how to accomplish certain goals or tasks?
- Do individual Board members try to direct the work of the CEO?

4. The Right People

- A team is only as good as its members, and high-quality Trustees are sometimes scarce.
- While we cannot always choose Trustees, we can build their resources. New Trustee Orientation is the critical 1st step to the success of the board and the trustee.
- Trustees must engage in on-going training and education to remain effective.

Board Self-Help

- Boards must recognize which Trustees need help, and then provide the help thru mentoring, education, coaching, establishing ground rules, and enforcing state and local laws, policies, regulations and ground rules.
- Only the Board can regulate its members.

Board Ethics

- Establish a high level of expectation for self and the Board
- Adopt a Board Policy including steps for remedial action against violators
- Commit to hold each other accountable.
- Code of Conduct
- Ground Rules

Board Ethics Guidelines

- Act only in the best interests of the entire community.
- Exercise authority only as a Board.
- Be bound by approved District policies.
- Work and communicate through appropriate channels of authority and responsibility.
  - Board members shall comply with the Brown Act prohibitions concerning communication among themselves regarding items that are within the subject matter jurisdiction of the Board and/or District.
- Notify the President of the Board or the Secretary to the Board of an expected absence from a Board meeting.

Ethics Guides – page 2

- Direct all requests for information through the Superintendent/President.
- Maintain orderly conduct at Board meetings.
- Board member authority shall not be construed to imply administrative authority. No Board member shall interpret Board authority in a manner that diminishes the administrative responsibility of any District employee.
**Ethics Guide – page 3**

- All information and materials provided to the Board in a closed session shall be kept confidential. No Board member shall reveal the nature or any details of a Closed Session discussion.

- No Board member shall approach any District employee, except the Superintendent/President, on a personal or sensitive matter with the request that such matter be held in confidence.

**Steps for Trustee Assistance**

- Board Policies
- New Trustee Orientation
- Mentoring
- Continuous Training
- Individual Coaching
- Board Warning
- Board Censure
- Legal Action

**Board Discussion**

- What kind of training or professional trustee development does your Board participate in either individually or as a team?

- Does your Board mentor new trustees?

- What does your Board do to help a trustee improve their performance?

**Board Discussion**

- Board Chair mentoring colleagues - Will it work?

- Outside Coaching – Should the District pay the associated costs?

- Is Board Censure ever appropriate?

**5. The Right Agenda**

- Agenda management is a mundane-sounding subject if ever there was one.

- Agendas, however, dictate what the board discusses and at what length. To control the agenda is to control the work of the board.

**Impact of the Agenda**

- With the call to accountability and higher performance, Trustee Boards can no longer doze behind the wheel while management steers.

- Alternatively, after each board meeting, the Board President and the College President can collectively set the agenda for the next meeting.
Agenda Examples

- Other Possible Major Board Discussion Topics:
  - College Budget focused on College's mission
  - Student success / Student Learning Outcomes
  - Economic Development
- Performance Measurement Reports:
  - Key Performance Indicators
  - Performance Goals

Board Discussion

- Has your Board made any changes in the past 6 months on how much time is spent at your Board meetings receiving reports and/or receiving information?
- Are each of your Board meeting agenda items connected to the College's vision, mission or strategic goals?

6. The Right Information

- "There are two equally effective ways of keeping a board in the dark. One is to provide them with too little information. The other, ironically, is to provide too much."
- The Board must communicate its information needs to the staff. And staff must adjust the information load by trustee.

How Information Reaches the Board

- Boards often subsist on just a few sources of information.
  - The first is retrospective data on the College's performance and operations—in other words, trailing indicators.
  - The second is presentations by management—particularly by the President, whose articulation of the future and interpretation of financials significantly shape boards' views.
  - Third, by rumor or backdoor sources.

President's Responsibility

- It is the Superintendent/President's responsibility to ensure that the board receives the right information at the right time and in the right format to perform their duties.
- The best boards design processes to deliver formal information that combines both lead and lagging performance indicators associated with their goals.

Board Discussion

- Do you regularly receive sufficient information to consider the items on the Board's meeting agenda?
- How do you get answers to questions you have about agenda items?
- What improvements to the process would you like to see happen?
7. The Right Culture

- Against a backdrop of governance progress, many boards appear afraid to engage in open and contested discussions of issues. (To occur at appropriate times.)
- No one argues passionately about anything.
- Robert's Rules of Order prevail as a requirement for lock step.

Open Discussions

Engaged cultures are characterized by candor and a willingness to challenge, and they reflect the social and work dynamics of a high-performance team.

Board Discussion

- How does your Board allow each member an opportunity to have a voice in decisions?
- Do all members support the Board decisions once they are made? If not—Why not?
- How do you define the phrase "shared governance?"

Do You Have an Engaged Culture?

- Culture, by contrast, develops over time and tends to reward those who perpetuate it, making it difficult to change.
- Trust and respect between and among the Trustees is critical to the successful development of an engaged culture by the Board. Likewise the trust and respect between the Board and the CEO is just as critical.

Creating a climate of Trust & Respect

- The CEO must provide the Board with the full information, in the right amount, and in a timely manner. (in order to allow reading & digesting). The Board must inform the CEO of their needs.

- The Board must work to prevent and/or eliminate polarizing factors among themselves as well as between members and the CEO. Avoid fractionalization of the Board.

Holding Colleagues Accountable

- The Board is responsible to hold itself and individual members accountable.
  - Ground Rules
  - Board Policies
  - Accreditation Standards
  - Enforcement of discipline
Hidden Value Keys to Success

- To the extent that any organization can truly unleash the hidden value in its people, it will increase its chance of success. This is particularly true in a world in which intellectual capital and knowledge are the focus.
- This starts with the relationship between the Board and the CEO as well as among the Board members themselves.

Recommended Board Policies

- Place time limits and ground rules on speaking during board meetings.
- Establish attendance requirements for board meetings.
- Require that reports will be prepared only when two or more board members make a request.
- Agree not to respond to anonymous letters and emails.
- Prohibit trustees from making direct requests or demands to staff; all requests go through the president or the board chair.
- Establish processes for a consent agenda.
- Establish criteria and a process for remedial action against a trustee.

CEO / Board Relationship

- Build Trust between the Board & the CEO
- Avoid Public Conflict
- Expect & Provide Commitment to Board decisions
- Hold the CEO Accountable
- Focus on Results
- Maintain Open Communication
- The CEO is your only employee

Questions

Board Discussion

- Budget Policies:
  - Has the Board adopted a Budget Policy establishing a budgetary reserve as a line item in your General Fund budget?
  - If not, do you wish to establish such a budgetary line item or not? If so, what should the amount be?

Board Discussion

- 2005/06 Budget 84.3% of allocations were for salary & benefits.
- 2006/09 Budget 87.6% of allocations were for salary & benefits.
- For the same period the Fund balance went from 10.4% to 7.5% of total funds in the Unrestricted General Fund.
Board Discussion

- Budget Policies:
  - Has the Board adopted a set of budgetary guidelines identifying key issues that you wish to see in the District's next annual budget?
  - If so, are you satisfied with the direction of the guidelines?

- 12% to 14% of 9th graders in Marin County don't graduate high school in four years.
- Of those that do graduate between 49% to 55% don't meet the CSU/UC minimum course requirements at graduation.
- Together over 60% of 9th graders will not be prepared to enter a university four years later.

Evaluation of Board Discussion

- Think thru your Budget Policy discussions.
  - Did everyone participate?
  - Did trustees listen to other views before advocating their own or making up their mind?
  - Did trustees argue issues using facts or did anyone make the issue personal?
  - Was the discussion a debate or a consensus building process?
  - How could you have improved the discussion?

Final Tips for Board Effectiveness

- Build Trust
- Listen First
- Be Patient
- Respect Different Opinions
- Participate

- Speak in the Affirmative
- Drop the Ego
- No Personal Agendas
- No Pride of Authorship
- Hold yourself and others accountable

- Service to others above self

Your questions?

Future Questions

- mcginnisbi@butte.edu
MARIN COMMUNITY COLLEGE DISTRICT  
Kentfield, CA  94904

BOARD AGENDA ITEM

<table>
<thead>
<tr>
<th>To:</th>
<th>Board of Trustees</th>
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<th>June 23, 2009</th>
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</thead>
<tbody>
<tr>
<td>From:</td>
<td>Superintendent/President</td>
<td>Item &amp; File No. C:4.d.1</td>
<td></td>
</tr>
<tr>
<td>Subject:</td>
<td>Request for Written Evaluation of the Program Revitalization and Discontinuance Policy</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reason for Board Consideration:</td>
<td>Information</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Enclosure(s):</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

**BACKGROUND:**

Trustee Long has requested a future agenda item (see agenda item 12.A).

Her request is restated: “a written evaluation of the implementation policy/AP on Discontinuance of program, to return to the Board in a timely manner including a written report/assessment collecting data on the process and criteria for evaluation and assessment, and recommendations for change or modification, including a process for all constituent groups affected. In addition, as mentioned at the (retreat) meeting, a written report of the 45 students placement or exit from COM.”

The request has been posted and can now be discussed for clarification of purpose, content and timelines.

**RECOMMENDATION:**

For information and discussion

Administrator Initiating Item  Dr. Frances L. White, Superintendent/President
BACKGROUND:

Trustee Namnath has requested an agenda item for the July regular meeting (see 12.B) that will provide results from a survey/study to be undertaken by the District. Specifically, the request includes completing a survey/study comparing legal fees being paid by other districts for hourly rates paid monthly, transportation/lodging, negotiator rates paid by districts other than legal counsel.

RECOMMENDATION:

This item is for information and discussion.

Administrator Initiating Item  Dr. Frances L. White, Superintendent/President
BACKGROUND:

It has been requested by Ira Lansing, President of UPM, that the Board announce publicly the action settling the above referenced litigation. The Board President will announce the action previously taken in closed session.
High Turnout at COM Job Fair
On Wednesday, May 6, around 100 job seekers made their rounds at an employment fair held by Job Placement Coordinator Carol Perez. There were 25 employers staffing tables including the Bank of Marin, Macy’s, Costco, and the Golden Gate Bridge District, all with jobs to be had. In addition to employers, the fair also featured a resource room with suggestions to improve your resume, interview techniques, and tips on how to dress.

ASEC Votes for a Name Change
The Associated Students Emeritus College Council met Thursday, April 26, 2009, and the constituency voted overwhelmingly to formally change the association’s name to Emeritus Students-College of Marin. A new logo has been designed by the Communications and Community Relations Department. The name change has been embraced with the hope that community members will know that Emeritus Students-College of Marin has much to offer and all are welcome!

Volunteers Sought for COM Booth at the Marin County Fair
Volunteers are welcome to staff the College of Marin booth at the Marin County Fair, which takes place Wednesday, July 1, through Sunday, July 5, at the Marin Civic Center. If you are interested in volunteering, please send an e-mail to Nicole.Cruz@marin.edu indicating the dates and times you are available. The booth needs to be staffed from 10:30 a.m. to 8 p.m. Wednesday, July 1, to Sunday, July 5. We especially need evening and weekend volunteers. For more information about fair exhibits, live music and events go to http://www.marinfair.org/index.cfm.

Innovations Conference at IVC Was a Great Success!
The Innovations Conference was held Friday, May 8, and Saturday, May 9, at the IVC campus. This two-day event began with a breakfast hosted by the college followed by a demonstration of the Marin Regional Simulation Center. After the demonstration, all attention was focused on the dedication of the Organic Farm and Garden, which was established with the help of Conservation Corps North Bay, the University of California Cooperative Extension Marin Master Gardeners, and COM. This moving ceremony gave insight to the collaboration and hard work leading up to the garden’s opening and included a Native American blessing. Saturday’s events showcased the many workforce programs that COM has to offer. It was a great opportunity for the community to see firsthand how College of Marin is leading the way in job training with innovations in career and university transfer programs.

Annual Faculty and Staff Luncheon
The annual faculty and staff luncheon was held Thursday, May 21, in the campus green area of the Kentfield campus. In an effort to conserve resources, invitations were sent only via campus e-mail. This paid off as the number of RSVP’s increased from last year. Faculty and staff enjoyed a wonderful buffet as Chief Lacy and others spoke about the important role COM employees play in students’ lives. The COMmunity spirit was going strong as Dianne Kukahiko led everyone in a traditional hula dance.
Microsoft Office 2007 is Coming to COM
The Instructional Technology Department and Staff Development Office are working together to upgrade office computers to Microsoft Office 2007. Software is being installed in stages and training workshops are ongoing.

Kudos
Kudos to the fifteen classified staff members who were nominated by their colleagues for consideration for the Golden Bell Award: Brian Chi, Melody Creel, Gordon Hedemark, Tom Hudgens, Andrea Hunter, Kathleen Kirkpatrick, Vickie Lamke, Laurie Loeffler, Lupe Oropeza, Jeff Peck, Becky Reetz, Rowena Southard, Barbara St. John, Patricia Torres, and Karen Van Kriedt. You can learn more about these outstanding classified staff members, by reading excerpts from the nomination forms on the Classified Senate Web Page.
June 7, 2009

Mr. Al Harrison
Vice President Operations
MARIN COMMUNITY COLLEGE DISTRICT
835 College Avenue
Kentfield CA 94904

RE: KENTFIELD TRACK AND FIELD HAZARD ANALYSIS AND INSPECTION

Dear Mr. Harrison:

Enclosed is the report on the Kentfield Track, Field and Bleachers Hazard Analysis and Inspection conducted for the District which was concluded June 4, 2009. The inspection was conducted at your request.

There are three separate potential liability issues you wanted me to address.

THE MAIN FIELD FOR FOOTBALL AND OTHER SPORTS

The main field was originally built over a sand base which was an approved method. Sometime later, the field was built up using reconstituted refuse, or put another way, dried and cured sewage by-product. Although there is nothing inherently wrong with the added product in terms of sanitation, it does tend to hold moisture, not providing adequate drainage, according to your staff. See picture below:
Although when the field is saturated player’s footing becomes unstable, I believe that in the interim the coaches should be trained and admonished not to allow play on that field during those wet conditions. Play can be suspended or relocated to other venues. Therefore, the liability exposure potential rests with the diligence of the athletic department. If that due diligence is applied, no replacement of the field is necessary at this time, although it would be a “Best Practice” to eventually redo the field with a standard base that would allow all-weather play.

**THE BLEACHERS**

The bleachers are in very poor condition. We have noted this in the past along with the condition of benches and other wooden seating supports at both campuses. I met with Tom Burke to review the bleachers. All the wood needs to be replaced. The railing at the top has gaps which are too large. Most of the gaps under the seats from the 4th row up pose the hazard of a child falling through. The side railing starts too high and needs to be extended to just above the third row from the bottom. And, finally, all the wooden components are splintered to the extent that they need replacement.

At the back railing, welding in extra horizontal supports plus using cyclone fencing would be one simple way to correct that problem. See picture below.
The space under the seats could be closed by the same means as the back support remedy. See picture below:

The side rails can be easily extended, See picture below:
The wood itself can be done in sections, since most events are not heavily attended. Wood example in picture below:

RUNNING TRACK

The track initially had enough cushion for normal track events. Over the years the surface wore away. The track was re-coated with what amounted to a thick texture paint which made it look like a track, but lacked the cushioning found as a standard in other approved tracks. That coating is now peeling up. See picture below:
At this point, the track is a concrete/asphalt track, non-cushioned, with trip hazards. It is unsafe and the District needs to consider its options. The District can lay an approved track that meets the cushion standards or take the track up entirely, either leaving it as dirt or converting to a clay-type track. It should not be used for any events until changes are made. A typical area of the track in picture below:

![Track Image]

It has been a pleasure to be of service to your District in the area of Loss Control/Risk Management, and to assist you with providing a safe environment for students and the general public. If you have any questions concerning the report, kindly contact me directly at 650-619-0956.

Sincerely,

Montgomery Stewart
Montgomery Stewart
Loss Control Consultant

Enclosure

cc: Robert Thompson, Operations Marin CCD
    Karen Waterhouse, Keenan & Associates, Rancho Cordova
    Nancy Conner, Keenan & Associates, Rancho Cordova
    Michael Wasserman, Keenan & Associates, Rancho Cordova
To: Board of Trustees
From: Superintendent/President
Subject: Classified Personnel Recommendations
Reason for Board Consideration: APPROVAL

BACKGROUND:

The following actions are included in the Classified Personnel Recommendations:

A. Appointment of Classified Personnel
A.1 Appointment of Hourly Personnel
B. Resignation of Classified Personnel

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

J. Castro, D. Garcia-Quinonez, C. Rafanan & S. McKinnon are 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. APPOINTMENT OF CLASSIFIED PERSONNEL

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Name</th>
<th>Division/Department</th>
<th>FTE</th>
<th>MPY</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Rafanan, Consuelo</td>
<td>From – Administrative Assistant Community Education &amp; Services</td>
<td>1.0</td>
<td>12</td>
<td>06/01/2009</td>
</tr>
<tr>
<td></td>
<td></td>
<td>To – Microcomputer Coordinator</td>
<td>1.0</td>
<td>12</td>
<td></td>
</tr>
</tbody>
</table>

BACKGROUND INFORMATION:

1. Ms. Rafanan has accepted the 1.0FTE position of Microcomputer Coordinator in the Community Education & Services Department effective June 1, 2009.
A.1 APPOINTMENT OF HOURLY PERSONNEL

<table>
<thead>
<tr>
<th>Name</th>
<th>Division/Department</th>
<th>Start Date</th>
<th>Expiration Date</th>
<th>Hourly Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>McKinnon, Sara</td>
<td>Matriculation</td>
<td>06/08/2009</td>
<td>06/31/2009</td>
<td>$63.00</td>
</tr>
</tbody>
</table>

BACKGROUND INFORMATION

1. Ms. McKinnon will serve as a Professional Expert to the Matriculation Department in order to provide services to Layout a new ESL Handbook for printing, Layout for Website and Layout for ESL PowerPoint for workshops.
### B. RESIGNATION/TERMINATION OF CLASSIFIED PERSONNEL

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Name</th>
<th>Position</th>
<th>FTE</th>
<th>MPY</th>
<th>Type</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Castro, Josephine</td>
<td>Health Services Asst.</td>
<td>.40</td>
<td>12</td>
<td>Resignation</td>
<td>c.o.b. 5/14/2009</td>
</tr>
<tr>
<td>2</td>
<td>Garcia, Quinonez, Daniel</td>
<td>Administrative Asst. – NC ESL</td>
<td>.53</td>
<td>12</td>
<td>Resignation</td>
<td>c.o.b. 05/30/2009</td>
</tr>
</tbody>
</table>

**BACKGROUND INFORMATION:**


MARIN COMMUNITY COLLEGE DISTRICT
Kentfield, CA 94904

BOARD AGENDA ITEM

To: Board of Trustees

From: Superintendent/President

Date: June 23, 2009

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. Appointment and/or Change of Academic Personnel
B. Phased-in Early Retirement of Academic Personnel

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. APPOINTMENT AND/OR CHANGE OF ACADEMIC PERSONNEL

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Name</th>
<th>Title</th>
<th>FTE</th>
<th>Appt Type</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Bowen, Nora</td>
<td>Children’s Center Teacher, IVC</td>
<td>From:</td>
<td>Permanent</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Children’s Center Lead Teacher, IVC</td>
<td>To:</td>
<td>Temporary</td>
<td>Fall 2009/</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Spring 2010</td>
</tr>
<tr>
<td>2.</td>
<td>Delgado, Mary</td>
<td>Children’s Center Lead Teacher, IVC</td>
<td>From:</td>
<td>Permanent</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Site Supervisor, KTD</td>
<td>To:</td>
<td>Temporary</td>
<td>Fall 2009/</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Spring 2010</td>
</tr>
<tr>
<td>3.</td>
<td>Morales, Helen</td>
<td>Children’s Center Teacher KTD</td>
<td>From:</td>
<td>.80 Permanent</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>To:</td>
<td>1.0 Temporary</td>
<td>Fall 2009/</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Spring 2010</td>
</tr>
<tr>
<td>4.</td>
<td>Johnson, Carol</td>
<td>Instructor, Nursing</td>
<td>1.0</td>
<td>Probationary</td>
<td>8/12/09</td>
</tr>
</tbody>
</table>

### BACKGROUND INFORMATION:

1. Nora Bowen has been appointed Acting Lead Teacher, IVC during Mary Delgado’s temporary assignment.

2. Mary Delgado has been appointed Acting Site Supervisor, KTD due to the retirement of Jill Bishop.

3. Temporary increase in assignment for Fall 2009 and Spring 2009.

4. Appointment to first-year probationary position.
B. 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>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Tenison-Scott, Joetta</td>
<td>Counselor</td>
<td>From: .75 To: 1.0</td>
<td>Permanent</td>
<td>7/1/09</td>
</tr>
</tbody>
</table>

**BACKGROUND INFORMATION:**

BOARD AGENDA ITEM

To: Board of Trustees                                  Date: June 23, 2009
From: Superintendent/President                        Item & File No. C.10.D
Subject: Educational Management Personnel Recommendations
Reason for Board Consideration: APPROVAL

Enclosure(s): Recommendations

BACKGROUND:

The Appointment of Educational Management Personnel Recommendations are attached.

A. Appointment and/or Change of Educational Management Personnel

FISCAL IMPLICATIONS: All recommendations are within budgeted FTE.

RECOMMENDATION:

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

Administrator Initiating Item: Linda Beam, Executive Dean of Human Resources and Labor Relations
<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>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Beardsley, Lyda</td>
<td>Director of Child Care Programs</td>
<td>1.0</td>
<td>Permanent</td>
<td>7/1/09</td>
</tr>
<tr>
<td>2.</td>
<td>Chang, Nicholar</td>
<td>Vice-President of Student Learning</td>
<td>1.0</td>
<td>Permanent</td>
<td>7/1/09</td>
</tr>
<tr>
<td>3.</td>
<td>Siegel, Greta</td>
<td>Dean of Development and Special Services</td>
<td>1.0</td>
<td>Permanent</td>
<td>7/23/09</td>
</tr>
</tbody>
</table>

**BACKGROUND INFORMATION:**

1. Appointment to position of Director of Child Care Programs, effective July 1, 2009.

2. Appointment to position of Vice-President of Student Learning, effective July 1, 2009.

3. Appointment to position of Dean of Student Development and Special Services, effective July 23, 2009.
### BOARD AGENDA ITEM

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<th>To:</th>
<th>Date: June 23, 2009</th>
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<tr>
<td>From:</td>
<td>Item &amp; File No. C.10.E</td>
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<tr>
<td>Superintendent/President</td>
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<tr>
<td>Subject: Short-Term Hourly Positions</td>
<td></td>
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</table>

Reason for Board Consideration: APPROVAL

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.

- Lab Assistant III in Fine Arts, Lab Assistant in Life and Earth Sciences, and Tutoring Center Assistant in Tutoring are on instructional side of the 50% law.
- Bookstore Clerk in Bookstore, Department Aide IV in Business and Information Systems, House Manager in Music, Stage Manager in Music, Recording Tech in Music, and Box Office/Theatre Manager in Music are 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 – June 23, 2009

<table>
<thead>
<tr>
<th>DEPT.</th>
<th>JOB TITLE</th>
<th>NUMBER OF POSITIONS</th>
<th>START DATE</th>
<th>END DATE</th>
<th>HOURLY RATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bookstore</td>
<td><strong>Bookstore Clerk</strong> – Assist classified staff, cashier, stock price, customer service, shipping, receiving. Also prep for rush, buyback.</td>
<td>10</td>
<td>8/1/09</td>
<td>9/30/09</td>
<td>$8.00 - $9.00 hour</td>
</tr>
<tr>
<td>Business and Information Systems</td>
<td><strong>Department Aide IV</strong> – Assist students in the CIS computer labs with their assignments during nights and Saturdays at Kentfield and Indian Valley campuses.</td>
<td>5</td>
<td>8/17/09</td>
<td>12/18/09</td>
<td>$11.75 hour</td>
</tr>
<tr>
<td>Fine Arts</td>
<td><strong>Lab Assistant III</strong> – Supports laboratory technician in the Art Department with equipment upkeep and preparation of materials and classrooms. (may be filled by more than one individual)</td>
<td>1</td>
<td>6/15/09</td>
<td>12/25/09</td>
<td>$11.75 hour</td>
</tr>
<tr>
<td>Life and Earth Sciences</td>
<td><strong>Lab Assistant</strong> – Assist with the set up of the labs and their various functions including inventory.</td>
<td>3</td>
<td>5/26/09</td>
<td>6/30/09</td>
<td>$10.75 hour</td>
</tr>
<tr>
<td>Music</td>
<td><strong>House Manager</strong> – Assist classified staff to manage house: open and lock building and theatre; distribute programs; direct users; collect cash donations; guard art gallery; coordinate with state manager and faculty to open house; and turn house lights on for Music Dept. performances on June 20, 24, 25, and 28, 2009. (usually 1 person per concert)</td>
<td>2</td>
<td>6/20/09</td>
<td>6/28/09</td>
<td>$10.75-11.25-11.75 hour</td>
</tr>
<tr>
<td>DEPT.</td>
<td>JOB TITLE</td>
<td>NUMBER OF POSITIONS</td>
<td>START DATE</td>
<td>END DATE</td>
<td>HOURLY RATE</td>
</tr>
<tr>
<td>-------</td>
<td>-----------</td>
<td>---------------------</td>
<td>------------</td>
<td>----------</td>
<td>-------------</td>
</tr>
<tr>
<td>Music</td>
<td>Stage Manager – Assist classified staff. Help set up outdoor stage area, rearrange or adjust staging as necessary during the concert and breakdown entire stage area after concerts on July 4 and 18, 2009.</td>
<td>2 (usually 1 person per concert)</td>
<td>7/4/09</td>
<td>7/18/09</td>
<td>$11.25 hour</td>
</tr>
<tr>
<td>Music</td>
<td>Recording Tech – Assist classified staff for Music Dept. recording concerts June 20-28, 2009.</td>
<td>2 (usually 1 person per concert)</td>
<td>6/20/09</td>
<td>6/28/09</td>
<td>$10.75-11.25-11.75 hour</td>
</tr>
<tr>
<td>Music</td>
<td>Stage Manager – Assist classified staff. Familiar with musical score so technical cues during rehearsals and performances can be called correctly. Be sure everyone involved with production is in place on time. Coordinate with House Manager as to when lights and curtains go up for beginning time of performance. Help set up stage re-arrangement or adjustments during concerts. Strike at end of Music Dept. operas on June 9, 14, 16, 18, 20, 25, 27 and 28, 2009.</td>
<td>2 (usually 1 person per concert)</td>
<td>6/9/09</td>
<td>6/28/09</td>
<td>$10.75-11.25-11.75 hour</td>
</tr>
</tbody>
</table>

June 23, 2009
<table>
<thead>
<tr>
<th>DEPT.</th>
<th>JOB TITLE</th>
<th>NUMBER OF POSITIONS</th>
<th>START DATE</th>
<th>END DATE</th>
<th>HOURLY RATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Performing Arts</td>
<td><strong>Box Office / Theatre Manager</strong> - Train Box office staff and perform duties in Box Office as needed. Assist Music, Dance and Drama departments with stage set up, strike, lighting, sound and stage management duties as needed. Train House Managers and/or perform duties as needed. Make necessary arrangements for other COM non-performing arts events and outside rentals of the theatre. Perform similar duties for outside rental events with additional pay paid by renters. Assist classified staff.</td>
<td>1</td>
<td>7/1/09</td>
<td>12/31/09</td>
<td>$18.94 hour</td>
</tr>
</tbody>
</table>

| Tutoring        | **Tutoring Center Assistant** - Provide support to the Tutoring Program Coordinator. Support the day-to-day operations in the Tutoring Center. Develop and maintain professional relationships with staff, faculty and students. Assist Classified Staff only. | 2                    | 5/26/09   | 12/31/09 | $20.00 hour DOE |

**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.

June 23, 2009
MARIN COMMUNITY COLLEGE DISTRICT
Kentfield, CA 94904
BOARD AGENDA ITEM

To: Board of Trustees                                  Date: June 23, 2009
From: Superintendent/President                        Item & File No. C.10.F
Subject: Budget Transfers – Month of May – FY 2008/09  Reason for Board Consideration: APPROVAL

BACKGROUND:

The accompanying transfer information includes, ninety-five budget transfers in May 2009, totaling $76,215, in Unrestricted Funds.

There were eighty-two transfers in Restricted Funds for $92,642 in May 2009. There were seven budget transfers, from the Restricted Reserve Contingency Fund, for $45,755 for April Apportionment, Work-study Apportionment, Academic Grant, Transfer-Articulation Apportionment, President’s Circle and Gel Dispensers for swine flu mitigation. There was one budget transfer to Restricted Reserve Contingency, for $12,617, from the Foster Care Program.

There was one transfer in the Child Care Fund for $745. There was one transfer from Reserves Contingency Fund, for 2,500, to allocate a Toddler and School Age CDE Grant.

There was one transfer for Measure C for $7,400 for Evision maintenance.

Net effect of transfers for the Month.

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*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 May Budget Transfers – FY 2008/09.

Administrator Initiating Item

Albert J. Harrison II, Vice President, College Operations
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- **Gel Dispenser Swin Flu**
- **Tax Apportionment**
- **Apportionment Workstudy Program**
- **Foster Care Program**
- **Academic Competitive Grant**
- **Allocate Transfer and Authorization**
- **Provide Matching**
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**TOTAL GENERAL FUND**

13,659.97 (21,250.32) (3,148.73) 1,141.78 38,867.10 3,848.20 (33,138.00) 0.00 57,537.05

**Child Care Fund**

1. 4063 (745.47) 745.47 0.00 745
2. 4173 1,500.00 1,000.00 (2,500.00) 0.00 2,500
3. 0.00 0

**Measure C**

1. 4111 7,400.00 (7,400.00) 0.00 7,400
2. 0.00 0
3. 0.00 0
4. 0.00 0

**TOTAL ALL FUNDS**

14,414.50 (21,250.32) (3,148.73) 2,141.78 46,287.10 (2,806.33) (35,638.00) 0.00 62,843.38

Budget Inter-project transfers were funds remained within 0 (7,400) (7,400)

the same account code and transfers offset to zero, not included in totals.

**Object Code**

- 4048 (25,000) 25,000 0.00
- 4176 (35,000) 35,000 0.00
- 4179 (1,000) 1,000 0.00
- 4180 (5,000) 5,000 0.00

Total Measure C Building transfers were funds remained within same account code

92,641.60
125,779.60
201,994.31

92,641.60
157,779.60
201,994.31
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 05/05/2009 through 05/26/2009, warrants 83554-84111 were issued in the total amount of $6,394,487.

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve the payments for goods and services.
DATE: June 23, 2009

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 83554-84111 in the amount of $6,394,487. for all funds for the period 05/05/2009 through 5/31/2009 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 $1,057,080 of the above amount. Expenditure Summary includes payroll through May 31, 2009.

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<tr>
<th>Category</th>
<th>Budget</th>
<th>Encumbered</th>
<th>Expended</th>
<th>Balance</th>
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<td>Books &amp; Supplies</td>
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<td>148,590</td>
<td>734,229</td>
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<td>4,597,811</td>
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<tr>
<td>Capital Outlay</td>
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<td>490,237</td>
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<td>4,499,464</td>
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<td><strong>Total</strong></td>
<td>57,170,566</td>
<td>771,151</td>
<td>48,724,927</td>
<td>7,674,488</td>
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</table>

* Includes utilities, consultants, travel, legal services, maintenance contracts, etc.

** Includes financial aid awards and inter-fund transfers.
BOARD AGENDA ITEM

To: Board of Trustees  
From: Superintendent/President  
Subject: Declaration of Surplus Property – Miscellaneous Equipment  
Reason for Board Consideration: 
Date: June 23, 2009 
Item & File No. C.10.H 
Enclosure(s): List of Equipment

BACKGROUND:

In accordance with Board Policy 6.0008, the District will submit to the Board a list of equipment to declare surplus. The items listed on the attachment(s) have been determined to have no further value to the District. Some of the items have been replaced and are no longer used. Some items are simply old and repair and/or maintenance is not cost effective. Items that have no value will be disposed of. The District may be able to sell some of the equipment. Some equipment will used for parts. No one item or item lot is valued at $5,000 or more.

In accordance with Board Policy and Education Code Section 81452(a), a unanimous vote is required declaring the value of any one item or item lot to be less than $5,000. Upon a unanimous vote, the items may then be disposed of pursuant to the provisions of Education Code Section 81452(c).

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees declare the items described on the attached surplus and that no single item or item lot is valued at $5,000 or more and further authorize the District to dispose of the equipment, pursuant to Education Code Section 81452(c), as the District feels is appropriate.
<table>
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<th>Bldg</th>
<th>Quant</th>
<th>Detailed Description</th>
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<th>Age</th>
<th>Condition</th>
<th>Recommendation</th>
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<td>20+ yrs</td>
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<td>Tec Cash Register</td>
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<td>1</td>
<td>Repromaster</td>
<td>4220</td>
<td>Unk</td>
<td>Not used</td>
<td>Dispose/Recycle</td>
</tr>
<tr>
<td>KTD</td>
<td>LRC 63</td>
<td>3</td>
<td>Cabinets</td>
<td>4221/4225/4164</td>
<td>Unk</td>
<td>Not used</td>
<td>Dispose/Recycle</td>
</tr>
<tr>
<td>KTD</td>
<td>LRC 63</td>
<td>1</td>
<td>Wooden Table Top</td>
<td></td>
<td>Unk</td>
<td>Not used</td>
<td>Dispose/Recycle</td>
</tr>
<tr>
<td>IVC</td>
<td>AS 100</td>
<td>1</td>
<td>Orange Task Chair</td>
<td></td>
<td>30+</td>
<td>Unsafe/Not standard</td>
<td>Dispose</td>
</tr>
<tr>
<td>IVC</td>
<td>AS 100</td>
<td>1</td>
<td>Teal Blue Task Chair</td>
<td></td>
<td>Unk</td>
<td>Broken</td>
<td>Dispose</td>
</tr>
<tr>
<td>IVC</td>
<td>AS 100</td>
<td>1</td>
<td>Teal Blue Chair</td>
<td></td>
<td>Unk</td>
<td>Not Used</td>
<td>Disable/Recycle</td>
</tr>
<tr>
<td>IVC</td>
<td>AS 100</td>
<td>2</td>
<td>Key Tronic Keyboards</td>
<td></td>
<td></td>
<td>Not used</td>
<td>Dispose/Recycle</td>
</tr>
<tr>
<td>IVC</td>
<td>AS 100</td>
<td>1</td>
<td>Chicony Keyboard</td>
<td>900801</td>
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<td>Not used</td>
<td>Dispose/Recycle</td>
</tr>
<tr>
<td>IVC</td>
<td>AS 103</td>
<td>1</td>
<td>PC Plus Computer</td>
<td>30407</td>
<td>Unk</td>
<td>Not used</td>
<td>Dispose/Recycle</td>
</tr>
<tr>
<td>IVC</td>
<td>AS 103</td>
<td>1</td>
<td>Mouse</td>
<td></td>
<td>Unk</td>
<td>Not used</td>
<td>Dispose/Recycle</td>
</tr>
<tr>
<td>IVC</td>
<td>AS 110</td>
<td>1</td>
<td>IBM Selectric Typewriter</td>
<td>5483</td>
<td>Unk</td>
<td>Not used</td>
<td>Dispose/Recycle</td>
</tr>
<tr>
<td>IVC</td>
<td>AS 110</td>
<td>1</td>
<td>Cube Table</td>
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<td>Unk</td>
<td>Not Used</td>
<td>Junk</td>
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<tr>
<td>IVC</td>
<td>AS 105</td>
<td>1</td>
<td>PC Plus Computer</td>
<td>40907</td>
<td>Unk</td>
<td>Not used</td>
<td>Dispose/Recycle</td>
</tr>
</tbody>
</table>
MARIN COMMUNITY COLLEGE DISTRICT
Kentfield, CA 94904

BOARD AGENDA ITEM

To: Board of Trustees
From: Superintendent/President
Subject: Measure C Contracts
Reason for Board Consideration: CONSENT APPROVAL
Date: June 23, 2009
Item & File No. C.10.1.1
Enclosure(s): None

BACKGROUND:
New contracts, amendments and change orders to Measure C bond modernization program contracts are listed below for Board approval or ratification. Full copies of the contract documents are available for review in the Swinerton office.

### Contract Description

<table>
<thead>
<tr>
<th>Firm Name</th>
<th>Project</th>
<th>Original $</th>
<th>No. of Changes</th>
<th>This Change</th>
<th>Total Changes</th>
<th>Total Contract to Date</th>
<th>Contingency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Small Construction Contracts - Ratification</td>
<td>Larkspur Annex Demolition (321A)</td>
<td>$540</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Able Fence Co., Inc.</td>
<td>PE Complex Portables (850F)</td>
<td>$4,050</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Al Heffley, Inc.</td>
<td>Trans Tech Complex (402A)</td>
<td>$1,145</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B. Cantarutti Electric</td>
<td>PE Complex Portables (650F)</td>
<td>$3,400</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brumbaugh Enterprises dba Electrix</td>
<td>PE Complex Portables (850F)</td>
<td>$400</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Classic Plumbing</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

### Construction Change Orders - Approval

<table>
<thead>
<tr>
<th>Firm Name</th>
<th>Project</th>
<th>Original $</th>
<th>No. of Changes</th>
<th>This Change</th>
<th>Total Changes</th>
<th>Total Contract to Date</th>
<th>Contingency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alten Construction</td>
<td>PE Complex PV (308D)</td>
<td>$3,030,000</td>
<td>6</td>
<td>($7,900)</td>
<td>$105,903.25</td>
<td>$3,135,903.25</td>
<td>3.5%</td>
</tr>
<tr>
<td>Alten Construction</td>
<td>Trans Tech Complex (402A)</td>
<td>$6,895,500</td>
<td>3</td>
<td>$78,154</td>
<td>$168,883</td>
<td>$7,064,383</td>
<td>2.4%</td>
</tr>
<tr>
<td>Dick Emanuel Electric, Inc.</td>
<td>SMCP Inc. 1 (305C)</td>
<td>$2,820,000</td>
<td>5</td>
<td>$135,342</td>
<td>$264,555</td>
<td>$3,064,555</td>
<td>9.3%</td>
</tr>
<tr>
<td>Fort Bragg Electric, Inc.</td>
<td>Campus Corner Health Relocation (850G)</td>
<td>$319,670</td>
<td>6</td>
<td>($587)</td>
<td>$25,079</td>
<td>$344,749</td>
<td>7.8%</td>
</tr>
<tr>
<td>Ghilotti Construction, Inc.</td>
<td>W. Campus Bridge (301A)</td>
<td>$743,000</td>
<td>1</td>
<td>$21,509</td>
<td>$21,509</td>
<td>$764,509</td>
<td>2.9%</td>
</tr>
<tr>
<td>VKK Signmakers, Inc.</td>
<td>Building Signage Phase I (812A)</td>
<td>$108,177</td>
<td>1</td>
<td>$2,685</td>
<td>$2,685</td>
<td>$110,842</td>
<td>2.5%</td>
</tr>
</tbody>
</table>

### Professional Services Amendments - Ratification

<table>
<thead>
<tr>
<th>Firm Name</th>
<th>Project</th>
<th>Original $</th>
<th>No. of Changes</th>
<th>This Change</th>
<th>Total Changes</th>
<th>Total Contract to Date</th>
<th>Contingency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alfia Tech Cambridge Group</td>
<td>Campus Corner Health Relocation (850G)</td>
<td>$487,035</td>
<td>20</td>
<td>$1,810.00</td>
<td>$1,390,007.00</td>
<td>$1,877,042.00</td>
<td></td>
</tr>
<tr>
<td>CSWI/Stuber-Stroeh Engineering</td>
<td>Dance Relocation (850N)</td>
<td>$438,067</td>
<td>25</td>
<td>$12,000.00</td>
<td>$1,213,306.00</td>
<td>$1,649,372.00</td>
<td></td>
</tr>
<tr>
<td>Crossroads Relocation Services, Inc.</td>
<td>No cost time extension</td>
<td>$8,145</td>
<td>3</td>
<td>$0.00</td>
<td>$5,665.00</td>
<td>$13,811.00</td>
<td></td>
</tr>
<tr>
<td>Geotech Utility Locating, LLC</td>
<td>No cost time extension</td>
<td>$15,000</td>
<td>5</td>
<td>$0.00</td>
<td>$18,135.00</td>
<td>$33,135.00</td>
<td></td>
</tr>
<tr>
<td>Inspection Services, Inc.</td>
<td>12KV Utility Extension (407C); W. Campus Utilities Extension (407D)</td>
<td>$33,266</td>
<td>2</td>
<td>($17,290.69)</td>
<td>($17,290.69)</td>
<td>$15,975.31</td>
<td></td>
</tr>
<tr>
<td>LSA Associates, Inc.</td>
<td>W. Campus Utilities Extension (407D)</td>
<td>$54,100</td>
<td>4</td>
<td>($2,998.75)</td>
<td>$65,201.25</td>
<td>$119,301.25</td>
<td></td>
</tr>
<tr>
<td>Transitions ... inc.</td>
<td>Campus Corner Health Relocation (850G)</td>
<td>$353,854</td>
<td>8</td>
<td>$1,900.00</td>
<td>$217,531.00</td>
<td>$571,385.00</td>
<td></td>
</tr>
</tbody>
</table>
FISCAL IMPACT:
These contract changes will be paid from Measure C bond funds.

RECOMMENDATION:
The Superintendent/President recommends that the Board approve the above-listed change orders and amendments.

<table>
<thead>
<tr>
<th>Administrator Initiating Item</th>
<th>Administrator Approving Item</th>
</tr>
</thead>
<tbody>
<tr>
<td>V-Anne Chernock</td>
<td>Albert J. Harrison II</td>
</tr>
<tr>
<td>Director of Modernization</td>
<td>Vice President, College Operations</td>
</tr>
</tbody>
</table>
**BACKGROUND:**

On October 9, 2007 the Board of Trustees accepted a list of specialty consultants for DSA Inspectors, Industrial Hygienists and Testing & Inspection firms, which are necessary for each Measure C project. Specialty consultants not on the list have since inquired about work with the Marin Community College District. Due to the time elapsed since the original list in 2007, and in order to work with a larger pool of consultants, the District issued a request for qualifications in March 2009 to update the District’s group of qualified professionals for these services. The District now recommends that the Board of Trustees accept the new attached list of specialty consultants.

All submitting firms are well qualified professionals. Project Managers will select firms for each upcoming project from this list based on availability and best fit for the particular project.

**FISCAL IMPACT:**

None

**RECOMMENDATION:**

The Superintendent/President recommends that the Board accept the attached list of DSA inspectors, industrial hygienists and testing/inspection firms as suitable candidates for project-level professional services for Measure C bond projects.
### Short List of Specialty Consultants
DSA Inspectors, Testing & Inspection Firms, Industrial Hygienists and Moving Companies)

#### DSA Inspectors
- Jeff Sposato Inspection
- Gary Proctor Construction Consultation
- 4Leaf, Inc.
- Ballard & Watkins
- King Construction Inspection, Inc. (KCI)
- Nor Cal Inspection
- Norman L Dietrich Inspection Services
- Shimansky Enterprises
- DSA Inspector
- DSA Inspector
- DSA Inspector
- DSA Inspector
- DSA Inspector
- DSA Inspector
- DSA Inspector
- DSA Inspector
- DSA Inspector
- Sebastopol, CA
- Novato, CA
- Pleasanton, CA
- San Anselmo, CA
- Berkeley, CA
- Concord, CA
- Elk Grove, CA
- Marysville, CA

#### Testing & Inspection Firms
- Apex Testing Laboratories, Inc
- Consolidated Engineering Laboratories
- Construction Testing Services
- Inspection Services, Inc
- Professional Service Industries, Inc. (PSI)
- Smith Emery Company
- Terra Search, Inc.
- Testing Engineers, Inc.
- Winzler & Kelly
- Testing & Inspection
- Testing & Inspection
- Testing & Inspection
- Testing & Inspection
- Testing & Inspection
- Testing & Inspection
- Testing & Inspection
- San Francisco, CA
- Windsor, CA
- Pleasanton, CA
- San Francisco, CA
- Oakland, CA
- San Francisco, CA
- Livermore, CA
- San Leandro, CA
- Santa Rosa, CA

#### Industrial Hygienists
- Professional Service Industries, Inc. (PSI)
- RGA Environmental
- Sensible Environmental Solutions
- Winzler & Kelly
- Industrial Hygienist
- Industrial Hygienist
- Industrial Hygienist
- Industrial Hygienist
- Oakland, CA
- Emeryville, CA
- Concord, CA
- Santa Rosa, CA

#### Moving Companies
- Chipman Moving & Storage
- Nor-Cal Moving Services
- Cor-O-Van Moving & Storage
- Moving Services
- Moving Services
- Moving Services
- Alameda, CA
- San Leandro, CA
- Richmond, CA
To: Board of Trustees  
From: Superintendent/President  
Subject: Science Math Central Plant (SMCP) Building Project Increments 2 & 3 (305A) 
Approve List of Prequalified General Contractors  
Date: June 23, 2009  
Item & File No. C.10.1.3

**BACKGROUND:**

On May 13, 2008, the Board approved the final version of a contractor pre-qualification package for use on various Measure C construction projects. Legal counsel reviewed the prequalification package and the score sheet.

On March 9, 2009 a Prequalification package for B Licensed Contractors was issued for the Science / Math / Central Plant (SMCP) Building Project Increments 2 & 3 (305A) soliciting General Contractors meeting the specialized criteria. Twenty-three (23) General Contractors submitted prequalification packages by the District’s mandated deadline of April 9, 2009. Each submittal was evaluated for compliance with the prequalification package requirements. Due to the size, complexity and specialized construction of the SMCP project, particular emphasis was given to the Contractor’s experience; the completion of three (3) similar projects (scope, size and degree of difficulty) in the last five (5) years was required. A separate matrix was created to confirm the final list.

At this time the Board is asked to approve the following list of 13 General Contractors to be prequalified to bid on the SMCP project:

- C. Overaa & Co.
- Flintco, Inc.
- Hathaway Dinwiddie Construction Co.
- Hensel Phelps Construction Co.
- Howard S. Wright Constructors, LP
- JR Roberts/Deacon, Inc.
- Lathrop Construction Associates, Inc.
- McCarthy Building Companies, Inc.
- Roebbelen Contracting, Inc.
- Rudolph and Sletten
- SJ Amoroso Construction Co., Inc.
- The Whiting Turner Contracting Co.
- Wright Contracting

**FISCAL IMPACT:**

None

**RECOMMENDATION:**

The Superintendent/President recommends that the Board approve the list of Prequalified General Contractors for the Science / Math / Central Plant (SMCP) Building Project Increments 2 & 3 (305A).
BACKGROUND:
Construction of the Transportation Technology Complex on the Indian Valley Campus is scheduled for completion in December 2009. Specialized automotive equipment will require the District to “sole-source” the procurement of these items.

Purchasing alternative brands of equipment (if available) would require the unnecessary replacement of existing equipment or modifications to the existing or newly renovated building, including foundations, electrical connections and hydraulic systems. Therefore, the listed items benefit the District financially, in that they work in conjunction with, or enhance the existing equipment. These items are now presented for authorization to procure:

1. Mark 4201-Dynamometer, Transmission (97000-ECRH)  
   a. Plumbing in Pomo 2 customized for this product  
   [Total: $101,473 (includes tax & freight)]

2. Mark 5767-Frame Alignment Rack (Goliath)  
   a. Hydronic tubing had to be rerouted in Pomo 1 to avoid anchor bolts and the weight of the device  
   [Total: $93,205 (includes tax & freight)]

3. Mark 4177-Dynamometer, Chassis  
   a. (System One Bar'97 from ESP)  
   [Total: $40,330 (includes tax and freight)]

4. Mark 5765 - Scissor Lift, 12,000 lb  
   a. (RX-12-L from Hunter Engineering Company)  
   [Total: $24,370 (includes tax and freight)]

5. Mark 5766 - Long Scissor Lift, 12,000 lb  
   a. (RX-12-XL from Hunter Engineering Company)  
   [Total: $25,066 (includes tax and freight)]

6. Mark 4300 - Trainer Engine  
   a. (EM-140 from Consulab)  
   [Total: $14,217 (includes tax and freight)]

7. Mark 4300 - Trainer Engine  
   a. (EM-140D Volkswagen from Consulab)  
   [Total: $17,242 (includes tax and freight)]

8. Mark 4300 - Trainer Engine  
   a. (EM-140C Nissan from Consulab)  
   [Total: $18,887 (includes tax and freight)]

Total: $334,790

Items 1 and 2 exceed the District’s Goods & Services formal bid level of $76,700. These items are required as the space was customized for their installation due to the existing space constraints of POMO 1 and 2. Items 3 through 8 do not exceed the District’s Goods & Services formal bid level. The District recommends that the Board authorize procurement of items 1 through 8 above.

FISCAL IMPACT:
The procurement, anticipated at about $334,790, will be paid from Measure C bond funds budgeted for FF&E (Furniture, Fixtures & Equipment) for the Transportation Technology Complex Project (402A).

RECOMMENDATION:
The Superintendent/President recommends that the Board authorize procurement of the above-listed automotive equipment for the Transportation Technology Complex Project (402A) on the Indian Valley Campus.
BACKGROUND:

Swing space work on the Kentfield campus is planned for Summer and early Fall 2009 to prepare for upcoming construction of the new Science / Math / Central Plant project. This work includes but is not limited to:

- Conversion of MS-3 from Swinerton offices to Dance swing space
- Relocation of Dance program to MS-3
- Relocation of Swinerton offices to new PE portables
- Relocation of Dickson Hall faculty to Fusselman Hall and elsewhere on campus
- Relocation of Dickson Hall classrooms to PE portables and elsewhere on campus
- Relocation of other programs to PE portables to accommodate Dickson Hall faculty and classrooms

Multiple moves are required, and minor renovation projects to prepare the swing spaces are needed before the moves take place.

The swing space budget was previously approved by the Board of Trustees. To allow these small Summer 2009 projects to move quickly, the Board is asked to pre-authorize the award of construction and moving contracts to the low responsible bidders for small project work such as plumbing, electrical and mechanical and IT infrastructure upgrades, as well as moving companies to complete the relocations.

In accordance with Board approval protocol, the final contracts will be brought to the Board for ratification at a later date.

FISCAL IMPACT:

The total budget for swing space related to Dickson Hall and Dance relocations is $1,032,600. These contracts will be paid from that budget.

RECOMMENDATION:

The Superintendent/President recommends that the Board pre-authorize award of construction and moving contracts for upcoming Kentfield campus swing space relocations.
The District requires continuing legal services to support the District’s Measure C Bond Program. In July 2005 the District approved an annual, renewable short form contract with Miller Brown & Dannis (MBD). To date the Board has approved all annual contract extensions for this firm.

MBD is responsible for performing legal reviews and recommendations on all matters related to the Measure C Bond Program. Examples of services include, but are not limited to, review of contracts and bid documents and compliance with state and federal laws for California community colleges.

The current one year agreement will expire on June 30, 2009. A renewal contract for Fiscal Year 2009-2010 in the amount of $125,000 is requested.

**FISCAL IMPACT:**

This one year agreement will not exceed $125,000. These services will be paid from Measure C Bond funds designated for consultant costs.

**RECOMMENDATION:**

The Superintendent/President recommends that the Board of Trustees approve a renewal contract with Miller Brown & Dannis in an amount not to exceed $125,000 for the fiscal year July 1, 2009 through June 30, 2010 for legal services related to the Measure C bond program.
MARIN COMMUNITY COLLEGE DISTRICT
Kentfield, CA 94904

BOARD AGENDA ITEM

To: Board of Trustees
Date: June 23, 2009
From: Superintendent/President
Item & File No. C.10.1.7
Subject: Approve Annual Renewal of Reprographic Contract
Ford Graphics

Reason for Board Consideration: CONSENT
Enclosure(s): None

BACKGROUND:

The District requires continuing reprographic services to support the District’s Measure C Bond Program. On August 30, 2005, Ford Graphics was selected as the District vendor and a contract was approved by the Board of Trustees [Item B.13.G]. To date the Board has approved extensions of this contract through June 30, 2009.

Ford Graphics has agreed to maintain its current pricing structure through June 30, 2010. The Board is therefore asked to approve a contract extension through that date. The original contract template was reviewed and approved by legal counsel.

FISCAL IMPACT:

The District recommends that $200,000 be contracted for services from Ford Graphics for Fiscal Year 09/10. Approximately $10,000 will be allocated to program-level reproduction, including special reports, studies, relocation documentation and maps for construction. The remaining $190,000 will be allocated to project-specific plans and specifications for bidding and construction.

These services will be paid from Measure C bond funds.

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve a renewal contract with Ford Graphics for bond-related reproduction services through June 30, 2010 in the amount of $200,000.

Administrator Initiating Item
V-Anne Chernock
Director of Modernization

Administrator Approving Item
Albert J. Harrison II
Vice President, College Operations
To: Board of Trustees
From: Superintendent/President
Subject: Main Building Complex (417A), Parking Lot-Bioswale & Pathways Projects (401B-413A)
Approve Subcontractor Substitution
Di Giorgio Contracting Company, Inc.

| Reason for Board Consideration: | CONSENT | Enclosure(s): | None |

**BACKGROUND:**

On September 16, 2008 the Board awarded a contract to Di Giorgio Contracting Company, Inc. for the Main Building Complex, Parking Lot-Bioswale and Pathways Projects (417A-401B-413A). Since the award, a subcontractor of Di Giorgio Contracting Company asked to be released from their contract.

Substitutions may be initiated by the General Contractor to replace a non-performing subcontractor, or may be requested by the subcontractor, as is the case here. In the case of a non-performing subcontractor, the released party has the right to request a formal hearing by the District. No hearing was required as the subcontractor initiated the request to be released. With the Board’s approval, therefore, the subcontractor will be released and replaced as noted. There will be no fiscal or schedule impact to the project.

The request was made as follows:

- Allan Automatic Sprinkler Corporation informed Di Giorgio that they are unable to fulfill the terms of their contract with Di Giorgio and requested a full release from their contract.

- Di Giorgio is requesting permission from the District to substitute RCM Fire Protection for Allan Automatic Sprinkler Corporation.

- Allan Automatic Sprinkler Corporation does not protest the substitution, as they initiated the request.

- SMC and the District determined that proper documentation is in place and recommends that the request for substitution be granted to Di Giorgio Construction.

**FISCAL IMPACT:**

None

**RECOMMENDATION:**

The Superintendent/President recommends that the Board approve Di Giorgio’s request to substitute RCM Fire Protection for Allan Automatic Sprinkler Corporation for the Main Building Complex (417A), Parking Lot-Bioswale & Pathways Projects (401B-413A).
Marin Community College District
Kentfield, CA 94904

Board Agenda Item

To: Board of Trustees
From: Superintendent/President
Date: June 23, 2009
Item & File No. C.10.J(1-4)

Subject: Second Reading and Approval of Revised Board Policies

Reason for Board Consideration: Approval

Enclosure(s): Proposed revised policies

Background:

At the May 12, 2009 Board of Trustees meeting, a set of recommended proposals to revise Board Policies in Chapter 3, General Institution, was included in the agenda for a first reading.

After review by the Board the following Board Policies are hereby presented for a second reading and Board approval:

- BP 3100 Organizational Structure
- BP 3200 Accreditation
- BP 3275 Annual Report
- BP 5300 Student Equity

Recommendation:

The Superintendent/President recommends that the Board of Trustees approve adoption of Board Policies 3100, 3200, 3275, and 5300.

Administrator Initiating Item      Dr. Frances L. White, Superintendent/President
BP 3100 ORGANIZATIONAL STRUCTURE

Reference: Education Code Section 72400

The Superintendent/President shall establish:

- organizational charts that delineate the lines of responsibility and
- general duties of employees within the District.

NOTE: The underlined regular text signifies legally required language recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The language underlined italics is recommended by the Office of Organizational Development and Planning. This BP was reviewed by Board Policy Task Force and College Council and is recommended to move forward.

Date Adopted:
(This is a new policy recommended by the League and the League's legal counsel)
BP 3200 ACCREDITATION

Reference:
ACCJC Accreditation Eligibility Requirement 20;
ACCJC Accreditation Standard IV.B.1.i

The Superintendent/President shall ensure the District complies with the accreditation process and standards of the Accrediting Commission of Community and Junior Colleges and of other District programs that seek special accreditation.

The Superintendent/President shall keep the Board of Trustees informed of approved accrediting organizations and the status of accreditations.

The Superintendent/President shall ensure that the Board of Trustees is involved in any accreditation process in which Board participation is required.

The Superintendent/President shall provide the Board of Trustees with a summary of any accreditation report and any actions taken or to be taken in response to recommendations in an accreditation report.

NOTE: The underlined regular text signifies legally required language recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). This policy was reviewed by the Office of Organizational Development and Planning and the Board Policy Taskforce. College Council recommends it move forward.

Date Adopted:
(This is a new policy recommended by the League
and the League's legal counsel)
BP 3275      ANNUAL REPORT

Reference:

- From current College of Marin Policy 7.0011 titled Annual Report

The Superintendent/President shall submit to the Board of Trustees an annual report on the operation of the District, including recommendations for the immediate and long-range priorities of the District. In addition, the management employees of the District shall submit to the Superintendent/President annual reports of their respective units' operations including recommendations for short- and long-term priorities approved by the Board.

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NOTE: language in black ink is from current College of Marin Policy 7.0011 titled Annual Report adopted on 5/12/81 and revised on 4/9/85. The language in underlined italics is recommended by the Office of Organizational Development and Planning. It has been reviewed by the Board Policy Taskforce and College Council and recommended to move forward.

Date Adopted:
(Replaces current College of Marin Policy 7.0011 – just re-numbered)
BP 5300 STUDENT EQUITY

References:

Education Code Sections 66030, 66250 et seq., and 72010 et seq.;
Title 5 Section 54220

The Board of Trustees is committed to assuring student equity in educational programs and college services. The Superintendent/President shall establish and implement a Student Equity Plan that meets the Title 5 standards and

- From current College of Marin Policy 4.0035 titled Student Equity

College of Marin is committed to the attainment and maintenance of student equity for all students. The college is further dedicated to the full participation and academic success of all individuals, including those from all historically underrepresented groups. The College will develop a Student Equity Plan to ensure that all students, especially underrepresented students, have the opportunity to achieve their academic goals. The Student Equity Plan developed under this policy will be part of a continuum toward student success and will be interconnected with the Educational Master Plan and the Enrollment Management Plan.

NOTE: The underlined regular text signifies legally required language recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The language that is struck through is from current College of Marin Policy 4.0035 titled Student Equity adopted on 6/28/05 and is recommended for deletion. Language in regular text highlighted in gray is language from current Policy 4.0035 that is recommended to be retained. The language in underlined italics is recommended by Student Services. This BP was reviewed by Student Services and the Board Policy Task Force. It was recommended to go forward to the Board by College Council on 4/9/09.

Date Adopted:
(Replaces current College of Marin Policy 4.0035)
BACKGROUND:

New courses are developed by faculty at the discipline level. They are proposed to the Curriculum Committee, a standing committee of the Academic Senate. Courses are reviewed and approved according to Board policy 2.0001 and 2.0001 DP.1.

The Academic Program will offer the following new credit courses. The courses are recommended by the appropriate academic departments, the Curriculum Committee, and the Interim Vice President of Student Learning. The proposed new courses may be categorized as follows:

**Liberal Arts and Sciences**

Courses of freshman and sophomore level in the area of liberal arts and sciences transfer education.

<table>
<thead>
<tr>
<th>MATH 95B</th>
<th><strong>Intermediate Mathematics</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>This course will cover percent; elementary statistics to include averages and graphs; measurement to include length, area and volume; pre-algebra and applications.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>P E 182</th>
<th><strong>Intercollegiate Volleyball (Women)</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>This course is designed for the volleyball athlete interested in playing at a highly competitive level.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>P E 196</th>
<th><strong>Softball Theory</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>An intensive course designed to train persons in the development of a softball program: philosophy, practice plans, preseason and season weight program, softball drills, classroom and fieldwork will be included.</td>
</tr>
</tbody>
</table>

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve the proposed new credit courses.

Administrator Initiating Item:
Nick Chang, Interim Vice President of Student Learning
BACKGROUND:

Revised courses are developed by faculty at the discipline level. Revisions are proposed by departments to the Curriculum Committee, a standing committee of the Academic Senate. Courses are reviewed and approved according to Board Policy 2.0001 and 2.0001 DP.1.

The following course revisions are recommended by appropriate academic departments, the Curriculum Committee, and the Interim Vice President of Student Learning.

<table>
<thead>
<tr>
<th>Course Code</th>
<th>Course Title</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>DANC 232AB</td>
<td>Modern Dance III</td>
<td>Change course number from “DANC 232” to “DANC 232AB”</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Revise catalog description, course content, critical thinking, student</td>
</tr>
<tr>
<td></td>
<td></td>
<td>outcomes, and texts/assigned reading.</td>
</tr>
<tr>
<td>MATH 95</td>
<td>Basic and Intermediate Math Skills</td>
<td>Revise catalog description and course content.</td>
</tr>
<tr>
<td>MMST 200</td>
<td>Portfolio Development</td>
<td>Revise course content.</td>
</tr>
</tbody>
</table>

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve the proposed credit course revisions.

Administrator Initiating Item:

Nick Chang, Interim Vice President of Student Learning
## BOARD AGENDA ITEM

**To:** Board of Trustees  
**Date:** June 23, 2009

**From:** Superintendent/President  
**Item & File No.:** C.10.M

**Subject:** Credit Course Deletions

**Reason for Board Consideration:** APPROVAL

---

**BACKGROUND:**

Credit courses are recommended for deletion status by the faculty at the discipline level. These deletions are proposed by the academic departments to the Curriculum Committee, a standing committee of the Academic Senate. Deletions are reviewed and approved according to Board policy 2.0001 and 2.000 DP.1.

The following courses are recommended for deletion by the Curriculum Committee from the College of Marin credit curriculum. These courses have not been taught for a period of time or have been replaced by other courses more relevant to student needs.

### DELETIONS

<table>
<thead>
<tr>
<th>Course Code</th>
<th>Course Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>DRAM 136</td>
<td>Acting for Television</td>
</tr>
<tr>
<td>DRAM 151</td>
<td>Scenic Construction Techniques</td>
</tr>
<tr>
<td>DRAM 152</td>
<td>Costume Construction Techniques</td>
</tr>
<tr>
<td>DRAM 153</td>
<td>Theatrical Lighting and Sound</td>
</tr>
<tr>
<td>DRAM 167</td>
<td>Theatrical Design: Lights, Costumes, Scenery</td>
</tr>
<tr>
<td>DRAM 238</td>
<td>Video Performance Workshop</td>
</tr>
</tbody>
</table>

### RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve the proposed credit course deletions.

**Administrator Initiating Item:**  
Nick Chang, Interim Vice President of Student Learning
MARIN COMMUNITY COLLEGE DISTRICT  
Kentfield, CA 94904

BOARD AGENDA ITEM

To: Board of Trustees  
From: Superintendent/President  
Subject: New Noncredit Courses  
Reason for Board Consideration: APPROVAL  

Date: June 23, 2009

Item & File No. C.10.N

BACKGROUND:

New courses are developed by faculty at the discipline level. They are proposed to the Curriculum Committee, a standing committee of the Academic Senate. Courses are reviewed and approved according to Board policy 2.0001 and 2.0001 DP.1.

The Academic Program will offer the following new noncredit courses. The courses are recommended by the appropriate academic departments, the Curriculum Committee, and the Interim Vice President of Student Learning:

- **HSFN 9011 Movement and Music for Older Adults B**
  
  This class is created for older persons who have not been exercising regularly, or have arthritis related problems.

- **HSFN 9020 Moving with Chi for the Active Adult A**
  
  This beginning course is based on principles of Tai Chi and Qigong. Using breath energy to cultivate soft dance-like Tai Chi movements will improve posture, breath, balance, memory, strength and flexibility.

- **HSFN 9021 Moving with Chi for Active Older Adults B**
  
  This beginning course is based on principles of Tai Chi and Qigong. Students receive training in acupressure points for self-healing and Tai Chi/Qigong forms.

- **HSFN 9026 Wild Goose Qigong for Active Older Adults B**
  
  In this Qigong class, students will practice a non-strenuous discipline, known as “Wild Goose,” which generates health and balanced well being by imitating the daily activities of the wild goose, a bird much venerated in China.

- **HSFN 9027 Advanced Wild Goose for Active Older Adults A**
Noncredit New Courses - Continued

HSFN  9031  
This course will include instruction of the First Set of 64 movements, Qigong warm-ups, acupressure self massage and meditation.
Tai Chi for Active Older Adults 1B

HSFN  9035  
This course combines the flow of dance with stretching movements that tone and trim the body while improving circulation, balance and vitality, and focusing the mind.
Tai Chi for Active Older Adults 2A

HSFN  9036  
This course combines the flow of dance with stretching movements that tone and trim the body while improving circulation, balance and vitality, and focusing the mind.
Tai Chi for Active Older Adults 2B

HFSN  9040  
Advanced Tai Chi for the Older Adult
In this advanced class, students will continue to fine tune movements learned in Tai Chi for the Older Adult 1 and 2, as well as emphasize the meditative aspects and continue to strengthen “Chi.”

HSFN  9041  
Tai Chi for Active Older Adults Advanced B
In this advanced class, students will continue to fine tune movements learned in Tai Chi for the Older Adult 1 and 2, as well as emphasize the meditative aspects and continue to strengthen “Chi.”

HSFN  9046  
Gentle Yoga for Active Older Adults B
This course offers classical yoga postures, taught with positive affirmations that are based on the Yoga Sutras and include the 10 Universal Precepts of life.

OLAD  7001  
Feldenkrais for Older Adults B
Feldenkrais for Older Adults classes provide tools for recognizing and releasing habitual patterns which may be contributing to chronic discomfort or injury.

OLAD  7011  
Energy Warm-ups for the Older Adult B
Noncredit New Courses - Continued

This course is designed for students to maintain and improve mobility, flexibility, strength, range of motion and balance – drawing from both Eastern and Western practices.

OLAD 7041 Aqua Exercise for the Older Adult B

In this course, students will be able to report a sense of increased well being, as well as improved flexibility, strength and endurance.

OLAD 7051 Samba for Health for Older Adults B

Samba is a traditional Afro-Brazilian art form which blends music, dance and exercise to promote wellness.

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve the proposed new noncredit courses.

Administrator Initiating Item
Nick Chang, Interim Vice President of Student Learning
MARIN COMMUNITY COLLEGE DISTRICT  
Kentfield, CA 94904  

BOARD AGENDA ITEM  

<table>
<thead>
<tr>
<th>To:</th>
<th>Board of Trustees</th>
<th>Date: June 23, 2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>From:</td>
<td>Superintendent/President</td>
<td>Item &amp; File No. C.10.0</td>
</tr>
<tr>
<td>Subject:</td>
<td>Noncredit Course Revisions</td>
<td></td>
</tr>
<tr>
<td>Reason for Board Consideration:</td>
<td>APPROVAL</td>
<td></td>
</tr>
<tr>
<td>Enclosure(s):</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

BACKGROUND:  
Revised courses are developed by faculty at the discipline level. Revisions are proposed by departments to the Curriculum Committee, a standing committee of the Academic Senate. Courses are reviewed and approved according to Board Policy 2.0001 and 2.0001 DP.1.  
The following noncredit course revisions are recommended by appropriate academic departments, the Curriculum Committee, and the Interim Vice President of Student Learning.

<table>
<thead>
<tr>
<th>Course Code</th>
<th>Course Name</th>
<th>Description / Change Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>HSFN 9010</td>
<td>Movement and Music for Older Adults A</td>
<td>Change course title from &quot;Body Awareness 1: Movement and Music&quot; to &quot;Movement and Music for Older Adults A.&quot; Revise course content.</td>
</tr>
<tr>
<td>HSFN 9025</td>
<td>Wild Goose Qigong for Active Older Adults A</td>
<td>Change course title from &quot;Tai Chi 2: Wild Goose Qigong&quot; to &quot;Wild Goose Qigong for Active Older Adults A.&quot; Revise catalog description and course content.</td>
</tr>
<tr>
<td>HSFN 9030</td>
<td>Tai Chi for Active Older Adults 1A</td>
<td>Change course title from &quot;Tai Chi 3: The Joy of Tai Chi for Older Adult Beginning/Intermediate&quot; to &quot;Tai Chi for Active Older Adults 1A.&quot; Revise catalog description.</td>
</tr>
<tr>
<td>HSFN 9045</td>
<td>Gentle Yoga for Active Older Adults A</td>
<td>Change course title from &quot;Hatha Yoga for Older Adults: Gentle Yoga for the Older Adult&quot; to &quot;Gentle Yoga for Active Older Adults A.&quot; Revise course content.</td>
</tr>
<tr>
<td>HSFN 9050</td>
<td>Your Medications and What You Should Know</td>
<td>Change course title from &quot;The Rational Use of Medications&quot; to &quot;Your Medications and What You Should Know.&quot; Revise catalog and schedule description.</td>
</tr>
<tr>
<td>OLAD 7000</td>
<td>Feldenkrais for Older Adults A</td>
<td>Change course title from &quot;Feldenkrais: Awareness Through Movement&quot; to &quot;Feldenkrais for Older Adults A.&quot; Revise catalog and schedule description.</td>
</tr>
</tbody>
</table>
### Noncredit Course Revisions - Continued

<table>
<thead>
<tr>
<th>Course Code</th>
<th>Course Title</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>OLAD 7005</td>
<td>Do It Yourself Pain Relief: A New Way to Exercise</td>
<td>Change course title from “Do It Yourself Pain Relief: A New Way to Exercise” to “Do It Yourself Pain Relief: A New Way to Exercise A.” Revise catalog and schedule description.</td>
</tr>
<tr>
<td>OLAD 7010</td>
<td>Energy Warm-ups for the Older Adult A</td>
<td>Change course title from “Energy Warm-ups” to “Energy Warm-ups for the Older Adult A.” Revise catalog and schedule description.</td>
</tr>
<tr>
<td>OLAD 7050</td>
<td>Samba for Health for Older Adults A</td>
<td>Change course title from “Samba for Health for Older Adults” to “Samba for Health for Older Adults A.” Revise course content.</td>
</tr>
<tr>
<td>OLAD 7065</td>
<td>Introduction to Chinese Medicine</td>
<td>Change course title from “Healing Arts of China: Introduction to Chinese Medicine for Older Adults” to “Introduction to Chinese Medicine.” Revise catalog and schedule description.</td>
</tr>
</tbody>
</table>

**RECOMMENDATION:**

The Superintendent/President recommends that the Board of Trustees approve the proposed noncredit course revisions.

**Administrator Initiating Item**

Nick Chang, Interim Vice President of Student Learning
BOARD AGENDA ITEM

To: Board of Trustees                          Date: June 23, 2009

From: Superintendent/President                 Item & File No.

Subject: 2009-10 Tentative Budget

Reason for Board Consideration:

APPROVAL

Enclosure(s):

Tentative Budget

BACKGROUND

The enclosed Tentative Budget is the first formal step of the District’s budgeting process for 2009-10. The State of California requires that the District’s Board of Trustees adopt a budget no later than July 1 of each year, the start of the new fiscal year. The Tentative Budget provides an interim financial plan, within which the District operates until the board approves a final budget typically approved late in August of each year.

The Tentative Budget is based on estimates in two crucial areas. First, the previous fiscal year’s business has not ended, so we are projecting information for the 2009-10 Tentative Budget based on an estimate of financial results for 2008-09. Second, the Tentative Budget forecasts revenues and expenses for 2009-10. The District’s primary revenue source is property tax, but this revenue is an estimate until the secured roll is assembled sometime in July. The secondary revenue source is the State, and until the legislators approve and the governor signs a State budget, major reductions in funding may yet occur. Expense forecasting is easier, because the bulk of the District’s expenses are program-based and salary-driven.

Staff will make a summary presentation and answer questions.

RECOMMENDATION

The Superintendent/President recommends that the Board of Trustees approve the attached 2009-10 Tentative Budget.

Administrator Initiating Item

Albert J. Harrison II, Vice President, College Operations
MARIN COMMUNITY COLLEGE DISTRICT
Kentfield, CA 94904

BOARD AGENDA ITEM

To: Board of Trustees

From: Superintendent/President

Date: June 23, 2009

Item & File No. C.11.B

Subject: Authorization to Sign on Behalf of Governing Board

Reason for Board Consideration: APPROVAL

Enclosure(s): Resolutions

BACKGROUND:

The Marin County Office of Education (MCOE) annually requires that the College Board of Trustees renew resolutions granting signature authorization on behalf of the Governing Board for orders or documents that MCOE monitors for the College of Marin. Resolutions for staff that process or may process cash receipt and disbursement authorizations with MCOE are attached for Board approval and signature.

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees adopt the attached Resolutions numbered 6/23/09 C.11.B.1 through 6/23/09 C.11.B.5 granting authorization to sign on behalf of the Governing Board.

Administrator Initiating Item

Albert J. Harrison II, Vice President, College Operations
RESOLUTION 03/09 C.11 B.1
of the Governing Board of the
Marin Community College School District
County of Marin, State of California

AUTHORIZATION TO SIGN ON BEHALF OF THE GOVERNING BOARD

Kentfield, California June 23, 2009

Pursuant to the provisions of Education Code Section 42630 to 42633 (School Districts) and 85230 to 85233 (Community College Districts) and other legal provisions, the members of the governing board of the above-named school/college district hereby authorize the officer or employee whose name and signature appear below to sign orders and other documents on behalf of the governing board of said school/college district during the period 7/1/09 - 6/30/2010 (not to exceed one fiscal year), subject to further board action limiting or extending this authority and notification to the County Superintendent and the County Auditor of such action.

Leslie Barker
Name (Typed)

Accountant
Title

Signature

Please Indicate
"Yes" or "No"

<table>
<thead>
<tr>
<th>Cash Receipt / Disbursement Authorization</th>
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<td>Certification of IDEA Funds, (Resource 3310)</td>
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<tr>
<td>K-12 Revenue Limit Certifications</td>
</tr>
<tr>
<td>Morgan-Hart Class Size Reduction Program Application (J10).</td>
</tr>
<tr>
<td>Reduction to Categorical program Funding Basic Aid Districts</td>
</tr>
<tr>
<td>Report of Enrollment for K-3 Class Size Reduction Program (J7)</td>
</tr>
<tr>
<td>Salary and Benefit Schedule (J90)</td>
</tr>
</tbody>
</table>

Other (Please Specify)

Signed by a majority of trustees (Original signatures required on all copies):

________________________  _________________________  _________________________

Distribution: 1 copy - School District
1 copy - Marin County Superintendent of Schools

MCOE Business Form No. 35 (05/08)
RESOLUTION 6/23/09 C.I.I. B. R.
of the Governing Board of the

Marin Community College School-College District
County of Marin, State of California

AUTHORIZATION TO SIGN ON BEHALF OF THE GOVERNING BOARD

Kentfield, California

City

June 23, 2009

Date

Pursuant to the provisions of Education Code Section 42630 to 42633 (School Districts) and 85230 to 85233 (Community College Districts) and other legal provisions, the members of the governing board of the above-named school/college district hereby authorize the officer or employee whose name and signature appear below to sign orders and other documents on behalf of the governing board of said school/college district during the period 7/1/09 – 6/30/2010 (not to exceed one fiscal year), subject to further board action limiting or extending this authority and notification to the County Superintendent and the County Auditor of such action.

Albert J. Harrison II

IS AUTHORIZED TO SIGN THE FOLLOWING ON BEHALF OF THE BOARD:

Name (Typed)

Vice President, College Operations

Title

Signature

Please Indicate "Yes" or "No"

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<td>Morgan-Hart Class Size Reduction Program Application (J16)</td>
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<tr>
<th>Other (Please Specify)</th>
<th></th>
</tr>
</thead>
</table>

Signed by a majority of trustees (Original signatures required on all copies):


Distribution: 1 copy - School District
1 copy - Marin County Superintendent of Schools

MCOE Business Form No. 35 (05/06)
RESOLUTION 6/23/09  c.11:8:3
of the Governing Board of the

Marin Community College School/College District
County of Marin, State of California

AUTHORIZATION TO SIGN ON BEHALF OF THE GOVERNING BOARD

Kentfield, California

June 23, 2009

Pursuant to the provisions of Education Code Section 42630 to 42633 (School Districts) and 85230 to 85233
(Community College Districts) and other legal provisions, the members of the governing board of the above-named
school/college district hereby authorize the officer or employee whose name and signature appear below to sign
orders and other documents on behalf of the governing board of said school/college district during the period
7/1/09 – 6/30/2010 (not to exceed one fiscal year), subject to further board action limiting or extending this
authority and notification to the County Superintendent and the County Auditor of such action.

Loretta J. Indart
Name ( Typed)

Accountant
Title

Please Indicate
Signature
“Yes” or “No”

Cash Receipt / Disbursement Authorization

Endorsement Checks ................................................. X
Journal Vouchers Requests ........................................ X
Loan Request – Tax Anticipation Note (TAN) ....................... X
Payroll Order Certification ........................................ X
Request for Hand Warrant ........................................ N/A
Vendor Payment Certification .................................... X
Deposit Transmittal .................................................. X

Attendance Reporting

Attendance Certifications .......................................... N/A
Request for Inter-district Attendance Permit ..................... N/A

State and Federal Reporting

Applications for K-3 Class Size Reduction Operations .......... N/A
Audit Findings-Certification of Corrective Action ............... N/A
Certification of IDEA Funds, (Resource 3310) ................. N/A
Deferred Maintenance Certification .............................. N/A
Independent Auditor Selection Form ............................ N/A
K-12 Revenue Limit Certifications .............................. N/A
Morgan-Hart Class Size Reduction Program Application (J10). N/A
Reduction to Categorical program Funding Basic Aid Districts N/A
Report of Enrollment for K-3 Class Size Reduction Program (J7) N/A
Salary and Benefit Schedule (J90) .............................. N/A

Other (Please Specify) ............................................... 

Signed by a majority of trustees (Original signatures required on all copies):


Distribution: 1 copy - School District
1 copy - Marin County Superintendent of Schools
MCOE Business Form No. 35 (05/08)
RESOLUTION 6/23/09 CE II B 4
of the Governing Board of the

Marin Community College School/College District
County of Marin, State of California

AUTHORIZATION TO SIGN ON BEHALF OF THE GOVERNING BOARD

Kentfield, California

June 23, 2009

City

Date

Pursuant to the provisions of Education Code Section 42630 to 42633 (School Districts) and 85230 to 85233 (Community College Districts) and other legal provisions, the members of the governing board of the above-named school/college district hereby authorize the officer or employee whose name and signature appear below to sign orders and other documents on behalf of the governing board of said school/college district during the period 7/1/09 - 6/30/2010 (not to exceed one fiscal year), subject to further board action limiting or extending this authority and notification to the County Superintendent and the County Auditor of such action.

Margaret Isosaki
Name (Typed)

Interim Director, Fiscal Services
Title

Signature

Please Indicate "Yes" or "No"

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<th>Cash Receipt / Disbursement Authorization</th>
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<td>Report of Enrollment for K-3 Class Size Reduction Program (J7)</td>
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<td>Salary and Benifit Schedule (J80)</td>
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Signed by a majority of trustees (Original signatures required on all copies):

______________________________  ________________________________  ________________________________

Distribution: 1 copy - School District
1 copy - Marin County Superintendent of Schools

MCOE Business Form No. 35 (05/06)
RESOLUTION 6/23/09 C. 11. B.S.  
of the Governing Board of the  

Marin Community College __________ School/College District  
County of Marin, State of California  

AUTHORIZATION TO SIGN ON BEHALF OF THE GOVERNING BOARD  

Kentfield __________, California ______________ Date  
June 23, 2009  

City  

Pursuant to the provisions of Education Code Section 42630 to 42633 (School Districts) and 85230 to 85233 (Community College Districts) and other legal provisions, the members of the governing board of the above-named school/college district hereby authorize the officer or employee whose name and signature appear below to sign orders and other documents on behalf of the governing board of said school/college district during the period 7/1/09 – 6/30/2010 (not to exceed one fiscal year), subject to further board action limiting or extending this authority and notification to the County Superintendent and the County Auditor of such action.  

Frances L. White IS AUTHORIZED TO SIGN THE FOLLOWING ON BEHALF OF THE BOARD:  
Name ( Typed)  
Superintendent/President  

Signature  

Please Indicate  
"Yes" or "No"  

Cash Receipt / Disbursement Authorization  
Endorsement Checks ........................................... X  
Journal Vouchers Requests ........................................... X  
Loan Request – Tax Anticipation Note (TAN) ........................................... X  
Payroll Order Certification ........................................... X  
Request for Hand Warrant ........................................... N/A  
Vendor Payment Certification ........................................... X  
Deposit Transmittal ........................................... X  

Attendance Reporting  
Attendance Certifications ........................................... N/A  
Request for Inter-district Attendance Permit ........................................... N/A  

State and Federal Reporting  
Applications for K-3 Class Size Reduction Operations ........................................... N/A  
Audit Findings-Certification of Corrective Action ........................................... N/A  
Certification of IDEA Funds. (Resource 3310) ........................................... N/A  
Deferred Maintenance Certification ........................................... N/A  
Independent Auditor Selection Form ........................................... N/A  
K-12 Revenue Limit Certifications ........................................... N/A  
Morgan-Hart Class Size Reduction Program Application (J10) ........................................... N/A  
Reduction to Categorical program Funding Basic Aid Districts ........................................... N/A  
Report of Enrollment for K-3 Class Size Reduction Program (J7) ........................................... N/A  
Salary and Benefit Schedule (J90) ........................................... N/A  

Other (Please Specify).: ...........................................  

Signed by a majority of trustees (Original signatures required on all copies):  

________________________________________________________________________  

________________________________________________________________________  

________________________________________________________________________  

Distribution:  1 copy - School District  
1 copy - Marin County Superintendent of Schools  

MCOE Business Form No. 35 (05/08)
BACKGROUND:

Administrative Procedure 6345, Contracts – Professional Services, states that any service provided costing more than $30,000 requires the solicitation of formal bids. The District requested bids for printing the Community Education Schedule for Fall 2009 and Winter, Spring and Summer, 2010. Bids were due on June 5, 2009.

The District received eight bids as listed below:

- Westminster Press $45,987.00
- Marin Sun Printing $54,250.00
- P & B Productions $61,617.00
- Liberty Press $65,511.00
- Fricke-Parks Press $66,471.00
- VQS Enterprises $68,715.00
- Folgergraphics $69,780.00
- RR Donnelley $74,652.00

All bids have been reviewed and staff recommend using Westminster Press to print the 2009/10 Community Education Schedules.

RECOMMENDATION:

The President/Superintendent recommends the Board of Trustees authorize approval of a purchase order to Westminster Press in the amount of $45,987 for the printing of the Community Education 2009/2010 schedules.
BACKGROUND:

As a result of deregulation of utilities in 1991, the District entered into a Joint Powers Agency (JPA), School Project for Utility Rate Reduction (SPURR). This JPA enables the District to participate in procurement and delivery of natural gas at reduced rates.

The District wishes to enter into a renewal agreement with SPURR to continue participation in the JPA. The agreement renewal is for a five-year term, effective July 1, 2009 through June 30, 2014. The agreement can be terminated on June 30 of any year by providing notice by March 1 of that year.

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees authorize staff to enter into a renewal agreement with SPURR to continue participating in the JPA to purchase/transport natural gas for the District.
MARIN COMMUNITY COLLEGE DISTRICT
Kentfield, CA 94904

BOARD AGENDA ITEM

To: Board of Trustees

From: Superintendent/President

Subject: Agreement for Asset Management Services with Public Private Ventures, Inc. (PPV)

Reason for Board Consideration: APPROVAL

Enclosure(s):

AGREEMENT

BACKGROUND:

The College has been working with Public Private Ventures, Inc. (PPV) on Phase I of review and asset management options for the Kentfield Campus. To continue moving forward with facility management, staff wish to enter into agreement with PPV for Phase II, project planning for Kentfield. Phase II would include the following: refining market, financial and cost assessments; outreach to community, prospective tenants and developers; collaboration with County of Marin. Specific details are identified in the attached agreement.

Additionally, Phase I, the review and asset management options at the IVC Campus will begin looking at core campus facility requirements, parking, building conditions and related recommendations; revenue producing issues. Specific details of this phase are also identified within the agreement.

This agreement would be effective July 1, 2009 through December 30, 2009 in an amount not to exceed $50,000 and paid from the General Fund.

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees authorize staff to enter into an agreement with Public Private Ventures (PPV) for the services described in the attached documents.

Administrator Initiating Item

Albert J. Harrison II, Vice President, College Operations
AGREEMENT FOR REAL ESTATE SERVICES

THIS AGREEMENT is made and entered into this ___ day of ______, 2009, by and between the MARIN COMMUNITY COLLEGE DISTRICT, hereinafter referred to as "CLIENT", and PPV, INC., a California corporation, hereinafter referred to as "PPV".

RECITALS

This Agreement is entered into with reference to the following facts and circumstances:

1. CLIENT is a California community college district and is evaluating the possible reuse of its under-utilized real estate assets at each of its Kentfield and Indian Valley campuses, as such land is shown on Exhibit A attached hereto and made a part hereof.

2. CLIENT wishes to undertake a program of work that will enable the District to evaluate various real estate asset management and revenue enhancement opportunities, assess feasibility and develop disposition concepts and plans, and ultimately, at the CLIENT'S discretion, to dispose of and/or develop these assets in support of the District's educational mission. The program of work is described in Exhibit B, Scope of Services, attached hereto and made a part hereof.

3. CLIENT wishes to engage the services of PPV as an independent contractor with professional and management capabilities to manage all aspects of the work from beginning to completion as the program of work is described in Exhibit B.

4. PPV, by virtue of its experience and expertise is fully qualified to assist CLIENT as its real estate program manager and agent, including the disposition and development of the property shown on Exhibit A. PPV is a licensed real estate broker which holds License No. 01432101 issued by the California Department of Real Estate.

AGREEMENT

1. SCOPE OF SERVICES.

CLIENT hereby agrees to engage PPV and PPV hereby agrees to perform the Services regarding CLIENT properties, including the Kentfield and Indian Valley campuses, shown on Exhibit A attached hereto in accordance with the Scope of Work, Exhibit B attached hereto.
Additional services for specific properties and projects will be identified and approved for specific services beyond the Exhibit B Scope of Services of by the President of CLIENT.

2. **INDEPENDENT CONTRACTOR.**

PPV and CLIENT expressly agree that PPV is an independent contractor and all services performed under this Agreement are performed by PPV as an independent contractor. PPV agrees, warrants and represents it is engaged in an independent calling (relating to providing real estate consulting / negotiations services to clients) and has complied with all local, state, and federal laws regarding business permits and licenses that may be required to carry out the independent calling and to perform the services to be performed under this agreement, both as an entity and as to individual PPV employees / representatives providing such services. Neither PPV, nor any of its employees, agents, or representatives, is or shall be an agent or employee of CLIENT. PPV, its employees, agents, and representatives, are not authorized to bind CLIENT in any respect unless otherwise specifically authorized by CLIENT in a prior writing.

$ PPV acknowledges that it is an advisor to the CLIENT, and shall not represent itself as making decisions for the CLIENT, unless specifically authorized in writing.

$ CLIENT hereby acknowledges that neither PPV nor any of PPV’s employees assume any responsibility, duty or obligation for the services or the work product of any third party professional or consulting firms or individuals retained by CLIENT.

$ PPV may retain sub-consultants to assist in the performance of this Agreement, and will do so upon approval of CLIENT which shall be compensated by CLIENT.

3. **COMPENSATION.**

In return for the Services of PPV as set forth in Exhibit B, CLIENT agrees as follows:

A. **Hourly Fees**

Client shall pay for the services of PPV at the hourly rates set forth in Exhibit C, PPV Fee Schedule, attached hereto and made a part hereof.

B. **Incentive Fee for College Development Program**

The Incentive Fee described below reflects PPV’s efforts to negotiate the most favorable economic transactions on behalf of CLIENT. The activities in which PPV will be involved are anticipated to enhance the value of CLIENT land, provide the mechanism for infrastructure and other improvements to the land, and creation of revenue streams for CLIENT. CLIENT will pay an Incentive Fee to PPV only if PPV successfully negotiates a transaction(s) and/or components
of a transaction with favorable economic impacts to CLIENT.

PPV shall earn an Incentive Fee at such time as any of the following transaction(s) are successfully completed. The Incentive Fee shall be based upon the following:

1. The fair market value of any portion of the land shown on Exhibit A or any portion thereof when CLIENT executes a ground lease based upon the projected present value of lease payments to be made under the ground lease;

2. The projected joint venture proceeds to be received by CLIENT based upon the projected present value of such proceeds if CLIENT enters into a joint venture arrangement with a third party for development of any portion of the land shown on Exhibit A;

3. The fair market value of any portion of the land shown on Exhibit A, if the CLIENT elects to construct and own any development of such land at such time as CLIENT obtains necessary approvals from governmental entities for the project, certification of environmental impact report for the project, and any agreements required by either the City or the County having jurisdiction for zoning, but exclusive of building permits;

4. The sale price of any portion of any land shown on Exhibit A if CLIENT elects to sell any portion of such property.

The Incentive Fee is calculated at five percent (5%) applied to 1, 2, 3, or 4 above.

To the extent that the fair market value (FMV) or the present value of projected proceeds to be received from a joint venture or ground lease needs to be determined to calculate an Incentive Fee, FMV shall be determined by an independent real property appraiser retained by CLIENT and approved by PPV who is a member of either the Appraisal Institute or the Society of Real Estate Appraisers and who has been engaged as a full time professional appraiser in the Bay Area for at least ten (10) years. FMV shall be based on the definition of fair market value as set forth in the Code of Civil Procedure, Section 1263.320. The cost of such appraisal shall be shared equally by PPV and CLIENT.

C. Reimbursable Expenses.

In addition to its fees, as set forth above, PPV will be reimbursed by CLIENT for all reasonable expenses that PPV incurs in the performance of its duties in connection with this agreement. Such reimbursable expenses will be submitted to CLIENT without mark-up. Reimbursable expenses shall include but not be limited to the following: telephone conference calls, facsimile transmissions, reproduction costs, messenger and delivery services, and travel expenditures (i.e., air travel; rental automobiles, taxis, hotels and meals and all other customary travel expenses, including mileage at the CLIENT'S rate).
The maximum amount of reimbursable expenses to be paid during performance of services by PPV shall not exceed $5,000.00, unless mutually agreed in writing by the CLIENT.

D. **Payments**

1. **Hourly Fees and Reimbursable Expenses.** Itemized statements for fees and reimbursable expenses will be submitted monthly by PPV and CLIENT shall pay PPV within (30) calendar days thereafter. All statements are due and payable upon receipt, but in any event, no later than thirty (30) days thereafter. PPV reserves the right to charge at the rate of ten percent (10%) per annum a monthly late payment fee computed from thirty (30) days after the issuance date until paid. PPV specifically reserves the right to withdraw from the representation described in this letter and to immediately cease performing services if PPV does not receive full payment of any amounts owed to PPV within thirty (30) days of PPV's statement.

2. **Incentive Fee.** Any Incentive Fee will be earned by PPV upon execution of a ground lease, joint venture, or similar agreement for any portion of the properties shown on Exhibit A shall be paid at such time as CLIENT begins receiving payments from any such agreement. If CLIENT elect to sell any portion of the property shown on Exhibit A, such Incentive Fee shall be payable at close of escrow. If an appraisal is required to establish the amount of the Incentive Fee, such fee shall be paid within ninety (90) days after the completion of an appraisal. If CLIENT elects to develop any portion of its property without entering into an agreement with a third party for such development PPV shall be paid an Incentive Fee within two (2) years after CLIENT obtains entitlements measured by the fair market value of the land as of the date the last entitlement is obtained. Entitlements for such development by CLIENT shall be include all necessary zoning approvals and environmental approvals of public entities having jurisdiction exclusive of both (1) building or grading permits, and (2) agreements or commitment from

4. **TERMINATION:**

CLIENT shall have the right, at its sole discretion and without cause, to terminate this Agreement at any time upon sixty (60) days prior written notice to PPV. Upon such termination, CLIENT shall pay to PPV the accumulated Hourly Fees and reimbursable expenses accrued to the date of termination. In addition, if either party shall be in default, and the defaulting party fails, within thirty (30) days after written notice of such default, to cure such default, then the non-defaulting party hereto shall have the right to immediately terminate this Agreement. For the purposes of this section, default of this Agreement shall include but not be limited to assignment of this Agreement by either party without consent of the other party, or gross irresponsibility or negligence in a party's performance of any required action or any of its other responsibilities under this Agreement.

In the event of termination or expiration of this Agreement, PPV will be entitled to Incentive
Fee(s) as set forth in paragraph 3 above, provided that the transfer of title, execution of a ground lease, or joint venture agreement for development of the Site occurs within twelve (12) months from such a termination, and PPV was actively involved in negotiations with the party(ies) with which the sale, lease, or joint venture is made. This time period shall be extended to thirty six (36) months in the event the transfer of fee is postponed or delayed for reasons beyond the reasonable control of PPV, including but not limited to third-party litigation or governmental moratoriums.

5. **LIMITATION OF LIABILITY:**

In the event of a breach of this Agreement by PPV, it will pay to CLIENT as liquidated damages and not as a penalty an amount not greater than the fee paid to PPV under Section 3 of this Agreement as of the date of breach (the Liquidated Sum). The Liquidated Sum represents a reasonable effort by the parties to estimate a fair compensation for the foreseeable losses that might result from PPV's breach. In no event shall PPV's total liability for any breach of this Agreement or any error or omission be greater than the Liquidated Sum.

6. **INDEMNITY:**

Except for PPV's negligence or willful misconduct, CLIENT shall indemnify, hold harmless, and defend PPV and its employees, and hold PPV and its employees harmless from and against any and all causes, claims, demands, liabilities, loss, cost, damage, injury, or expense, including reasonable attorney's fees and costs, arising as or in any way related to the following: CLIENT's acts or omissions in any manner related to the land; CLIENT's acts pursuant to any agreement that CLIENT has with other persons involved with the land, including but not limited to the professional and consulting firms retained by CLIENT; the negligence (passive or active), or willful or intentional misconduct of any other persons involved with the land, including, but not limited to the professional and consulting firms retained by the CLIENT.

PPV shall indemnify, defend and hold harmless the CLIENT and its employees, officers, Board of Trustees, agents and representatives from and against any and all causes, claims, demands, responsibilities or liabilities, loss, cost, damage, injury or expense including reasonable attorneys fees and costs for: (i) injury or death of employees of PPV arising out of this Agreement; (ii) injury to or death of persons; (iii) damage to property, or (iv) other costs or charges for which the District and its employees, officers, Board of Trustees, agents and representatives are alleged to be responsible; but only to the extent they arise, directly or indirectly from the negligent or willful acts, omissions or other misconduct of PPV or a sub-consultant or their employees, agents, or representatives in the performance of obligations or services under this Agreement.
7. **OWNERSHIP OF DOCUMENTS:**

Original documents, methodological explanations, computer programs, drawings, designs, and reports generated by this Agreement (collectively referred to as Data) shall belong to and become the property of CLIENT. Notwithstanding such ownership, PPV shall be entitled to retain copies for its files and may distribute and reproduce such information as it deems appropriate.

The parties acknowledge that documents prepared pursuant to this Agreement may be considered public records under the California Public Records Act (Government Code 6250, et seq.) and that disclosure by the CLIENT may be required by law notwithstanding ownership rights set forth.

No Data (reports, maps or other documents) produced in whole or in part under this Agreement shall be the subject of an application for copyright by or on behalf of the PPV. CLIENT shall have authority to publish, disclose, distribute and otherwise use, in whole or in part, any reports, data, or other materials prepared under this Agreement without the permission of PPV.

PPV's obligation with regard to the provision of Data to CLIENT shall not apply to Data (1) prepared by design professionals other than PPV, or (2) use of a program such as Word or other word processing or graphic program purchased or leased by PPV under license from another source. CLIENT shall obtain its own computer programs if required to use the Data to read or reproduce Data provided by the PPV or its subcontractors.

8. **NOTICES:**

All notices and demands of any kind or nature which either party hereto may be required or desires to serve upon the party hereto under the terms of this Agreement shall be in writing and shall be served on such other party by personal service or overnight delivery service or by mailing a copy thereof by certified or registered mail, return receipt requested, addressed to the party so to be served as follows:

If to CLIENT: Marin Community College District
Attn: __________________________

Fax number: ______________________

If to PPV: PPV, Inc: Public Private Ventures
35 N. Arroyo Parkway, Suite 220
Pasadena, CA 91103
Attention: James Goodell
Fax number: 626-795-9096
In the case of service by mail, it shall be deemed complete at the expiration of the third day after date of mailing to the addresses to which and the persons to whom served as herein above provided. In the case of facsimile it shall be deemed delivered upon transmission; if by overnight delivery, the document is deemed served on the next business day.

9. **CLIENT REPRESENTATION:**

CLIENT has appointed __________ of the Marin Community College District as its authorized representative to act on its behalf regarding this Agreement. PPV may rely on the instructions and decisions of either this named person (or the President) and instructions and decisions of any other party shall not be binding on PPV until CLIENT has notified PPV in writing of the appointment of other persons to act on its behalf.

10. **CONTROVERSIES:**

Any controversy or claim arising out of, or relating to, this Agreement or the breach thereof, or the coverage of this arbitration provision, shall be adjudicated by arbitration, which shall be in accordance with the provisions of the California Arbitration Act (California Code of Civil Procedure Section 1280 et. seq.) in effect as of the date of this Agreement. The following shall apply to the conduct of such arbitration: (a) The arbitration decision on such issues, including an order of specific performance of the obligations imposed by this Agreement, or the determination of the amount of any damages suffered by any party hereto by reason of the acts or omissions of the other, shall be final and binding upon all parties and their respective personal representatives, heirs, devisees, successors, and assignees. (b) There shall be one impartial arbitrator, who shall be chosen from the list of retired judges of the Superior Court maintained by the Marin County Superior Court. Should the parties be unable to agree upon an arbitrator, such shall be selected from the list of retired judges by the Presiding Judge of the Marin County Superior Court. The Arbitration shall be conducted in Marin County, California. (c) Each party shall pay the fees of its own attorneys, the expenses of its witnesses and all other expenses connected with the presentation of such party's case. The fees of the arbitrator shall be split equally between CLIENT and PPV. The Arbitrator may, in his or her discretion, include in his or her award of the costs of the arbitration, including the cost of the record or transcripts thereof, if any, administrative fees, and all other fees, including all of the arbitrator's fee, provided, however, the prevailing party shall be awarded their actual attorneys' fees. (d) Said arbitration shall take place within 180 days of the service of the written demand for arbitration. The parties shall be allowed to conduct discovery as authorized by California Code of Civil Procedure Section 1283.05 subject to the following: Depositions shall be limited to two persons from each side and written interrogatories shall be limited to 15 questions, which shall not include any subpart, or a compound, conjunctive, or disjunctive questions. Written interrogatories and demands for production of documents shall be propounded within 30 days of service of the written demand for arbitration. Responses to interrogatories and the production of documents shall be served
within 60 days of the service of the written demand for arbitration and depositions shall be noticed and completed within 60 days of the service of the written demand for arbitration, unless otherwise agreed by PPV and CLIENT. (e) Said arbitration shall be completed and the arbitrator shall render his or her decision within said 180-day period unless there is a written waiver signed by all parties or their counsel. Should there be a delay beyond said 180 day period, the arbitrator shall award such costs, expenses or sanctions and he or she deems reasonable against the responsible parties or their counsel for delaying the proceedings. In addition to any requirements required by law, the arbitrator's award shall include written findings of fact and conclusions of law. (f) Notwithstanding the foregoing, a party may apply to the Superior Court for injunction relief or any other provisional remedy. Upon the completion of the application and issuances or denial of such provision relief, the parties shall request the court to remand further proceedings to arbitration as described in this paragraph concerning Controversies. (g) The term "service" shall have the same meaning as that which is described in California Code of Civil Procedure Section 1011 et. seq. which covers the methods of service of notices and attorneys in California.

11. ATTORNEY'S FEES AND COSTS:

If any proceeding or action at law or in equity, other than the above described arbitration, is necessary to enforce or interpret the terms of this Agreement, the prevailing party(ies) shall be entitled to reasonable attorneys' fees, costs, and necessary disbursements in addition to other relief to which they may be entitled.

12. GOVERNING LAW:

This Agreement will be construed and governed in accordance with the laws of the State of California.

13. NON-EXCLUSIVITY:

PPV may perform services for and contract with any additional clients, persons or companies as PPV, in its sole discretion, sees fit.

14. HEADINGS:

The headings used in this Agreement are intended principally for convenience and shall not, by themselves, determine the parties' rights and obligations.

15. SEVERABILITY:

If any term, provision, covenant or condition of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, such term, provision, covenant or condition shall be adjusted rather than voided, if possible, to achieve the intent of the parties, and the rest...
of the Agreement shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

16. **WAIVER:**

No waiver of any breach of this Agreement shall be deemed to be a waiver of any other subsequent breach, whether of like or different nature.

17. **ENTIRE AGREEMENT:**

This Agreement contains the entire understanding of the parties and supersedes all prior negotiations. No modifications or amendment to this Agreement shall be valid or enforceable unless in writing signed by each party hereto. No representatives or warranties, express or implied, shall be deemed to be made by either party unless expressly set forth herein.

IN WITNESS WHEREOF, CLIENT and PPV have executed this Agreement as of the date first above written.

Date executed by CLIENT:

__________, 2009

MARIN COMMUNITY COLLEGE DISTRICT

By: ______________________

Date executed by PPV:

__________, 2009

PPV, INC., a California corporation

By: ______________________
EXHIBIT A: MARIN CCD PROPERTIES
Exhibit B: Scope of Services: MARIN CCD ASSET MANAGEMENT PROGRAM

The following services are authorized under this contract as generally described below. Additional services will be authorized by the President as appropriate, and will be performed under the same terms and conditions as set forth in this Agreement, or as modified by mutual consent.

Kentfield campus: Phase 2 Planning

The following tasks will be performed during this phase.

1. Project cost refinement, including budget hard and soft construction costs, extra-ordinary costs, including hydrological and geotechnical requirements, site preparation, demolition and replacement costs, etc.
2. Refined market assessment, including marketing interviews, broker outreach.
3. Refined project plan parameters, including building footprint, access and circulation requirements, utility conditions, functional relationships with core campus facilities, (e.g. Old Science Building, Police & Sheriff, Health Services, etc), design & development standards.
4. Cooperation agreement, (informal), with the County, including Supervisor, Planning & Economic Development, Public Works, and Flood Control.
5. Outreach to community stakeholders
6. Refined financial analysis
7. Risk – reward assessment
8. Implementation plan & recommended next steps

Upon District approval of the Phase 2 plan, PPV will initiate Phase 3 Implementation Services as outlined below.

Kentfield Campus: Phase 3 Implementation

This phase is focused on securing a ground lease and development agreement for the project as set forth in the Phase 2 plans. Assuming that the project will be developed by a third party private developer based on a long term, (66 year ground lease), the process for procuring this agreement is outlined below.

1. Developer selection

   • Request for proposals prepared and issued to qualified developers
   • Review and recommendation for exclusive negotiations with preferred developer
   • Exclusive negotiations and transaction documentation for ground lease and development agreement with selected developer.
2. Project entitlements

- County General Plan, zoning and subdivision map processing, (ground lease will likely be conditioned on securing these agreements)
  - Selected developer will participate in funding these costs, beginning at selection for exclusive negotiations

3. Owner representation & developer oversight/support. Once the developer is under contract, PPV’s role will be to collaborate and support the efforts of the developer to remove all conditions for closure as set forth in the executed Ground Lease and Development Agreement, to insure effective efforts on behalf of the project. PPV will monitor the pre-construction project responsibilities of the selected developer including project programming, project master planning & design, financing, phasing, and entitlement efforts.

The construction phase of the project, Phase 4, will most likely be managed by the campus Construction Management Office.

**Indian Valley College: Phase 1 Feasibility, concepts & recommendations**

PPV will undertake a Phase 1 assessment, very much along the lines of the initial phase of work at the Kentfield campus.

Significant portions of Tasks 1, 2, 3, 4 and 7 will be performed by ABA Architects and CSW/ST2, either as subcontractors to PPV or with direct contracts with the District. In either case, PPV will manage and monitor their participation.

1. **Existing facility assessment.**

   This assessment requires a re-evaluation of the current campus facilities master plan, especially the buildings not currently in use or with significant deferred maintenance and other cost-related issues. Current and future use of existing facilities for core campus use will be evaluated on a functional and cost-benefit basis. Primarily ABA, Architects, and CSW

2. **Adaptive reuse assessment**
Evaluate adaptive reuse potential for existing campus structures, in terms of potential users and needs, building condition, tenant improvements, cost – revenue analysis. Primarily ABA Architects and CSW

Identify sites for potential demolition and reuse for new facilities.

3. **Potential asset development sites** – within the footprint.

Identify and evaluate sites for potential asset development in terms of:

- Engineering and environmental constraints (with Amy Skewes-Cox)
- Geotechnical and hydrology considerations
- Construction suitability
- Access & circulation
- Linkage to core campus

4. **Potential sites “outside the footprint”**

PPV will identify areas “outside the footprint” with significant revenue enhancement potential. These will be informally evaluated to assess critical issues, community concerns, and other “fatal flaw” factors. Environmental, engineering and community concern issues will be the focus of this effort.

5. **Potential revenue producing and value adding uses**, including but not limited to the following:

- Active senior and continuing care residential
- Student housing
- Faculty housing
- R & D, and incubator facilities linked to District core programs
- Retreat center
- Joint occupancy, shared use, and collaborative programming with other colleges and universities

6. **Evaluation Criteria.** Evaluate each use in terms of the following criteria:

- Campus compatibility and “fit”
- Market and financial viability
- Community compatibility
- City acceptance and cooperation
7. **Preliminary market assessment & marketing strategies.** A preliminary assessment based on demographic, income, competitive projects, trends. The assessment will identify critical market support factors, and provide pricing and absorption data for building financial models.

   - Interviews with key prospect users will be undertaken to solicit level of interest and need.

8. **Site Plan.** For the preferred plan, prepare preliminary site plan, including building footprint, pedestrian circulation and special features, vehicular and service access, parking.

9. **Financial assessment.** A preliminary assessment of basic financial viability – for tenants, developer, and owner. This will require budget level costs and revenues to be provided.

10. **City of Novato assessment.** Engagement with City officials to gauge level of support, regulatory and policy guidelines, entitlement process and prognosis.

11. **Community relations assessment.** Identify and engage potential allies and adversaries to identify key issues, opportunities, areas of convergence, etc.

12. **Recommended next steps and overall strategy.** Assuming basic feasibility, a detailed plan for Phase 2: Planning, and Phase 3: Implementation will be described, and would be the basis for further effort.

The Phase 1 report will provide the District with an assessment of options, basic feasibility and level of interest and support, and the general options for further analysis. This report will be the basis for further Phase 2 efforts.

The work program for Phases 2: Planning and Phase 3: Implementation will be developed based on the findings of the initial Phase 1 effort described below. For further information on the general scope of work for typical asset management programs, see Attachment A: PPV Asset Development & Revenue Enhancement Program: Discussion Outline.
ATTACHMENT A:

PPV ASSET DEVELOPMENT & REVENUE ENHANCEMENT PROGRAM

College real estate resources represent an often un-tapped source of new revenues, and an asset that can yield high value development that can provide the college with new sources of revenue, and the development of campus-linked facilities not otherwise available through conventional local and state funding sources by way of public private and multi-agency partnerships.

PPV has developed a phased and systematic approach that has been refined in our work with twenty campuses within the California Community College system, UC, CSU and private colleges and other public sector land owning clients, including the State of California and Los Angeles County.

In order to assist our college client-partners in pursuing these opportunities, PPV has developed a well-tested process, whereby PPV’s depth of real estate, planning and program management experience supports and augments the client’s own resources to ensure the creation of significant new value and capital facilities. PPV provides a single point source of support to each client, thereby assuring timely, unbiased and solid analysis, planning, transaction, and management support.

PPV’s general approach and scope of services is outlined below.

PROGRAM APPROACH

The following diagram illustrates PPV’s phased approach to asset enhancement, and the basic work program and key benchmarks for each campus. The District retains full control of the process by exercising its discretionary review and approval at each phase benchmark.

- 15 -

GOODELL- PPV-MARIN-AGR
06-05-09
### PHASE 1: CONCEPTS & FEASIBILITY
- Visioning
- Research & analysis
- Options & evaluation
- Community outreach
- Shared governance

### PHASE 2: PLANNING
- Detailed studies
- Master plan & design
- Development program
- Financial plan
- Entitlement plan
- Implementation plan
- Solicitation materials

### PHASE 3: DISPOSITION & PREDEVELOPMENT
- RFO - RFP
- Developer selection
- Deal negotiations
- Contract
- Documentation
- Property entitlement
- Transfer of leasehold interest

### PHASE 4: CONSTRUCTION
- Construction documents
- Project financing
- Permits & approvals
- Construction
- Occupancy

<table>
<thead>
<tr>
<th>Phase</th>
<th>Duration</th>
</tr>
</thead>
<tbody>
<tr>
<td>1: Concepts &amp; Feasibility</td>
<td>3 - 6 months</td>
</tr>
<tr>
<td>2: Planning</td>
<td>6 - 12 months</td>
</tr>
<tr>
<td>3: Disposition &amp; Predevelopment</td>
<td>9 - 18 months</td>
</tr>
<tr>
<td>4: Construction</td>
<td>18 - 30 months</td>
</tr>
<tr>
<td>TOTAL:</td>
<td>3 - 5 years</td>
</tr>
</tbody>
</table>

---

**REVENUE ENHANCEMENT PROGRAM PHASING**

The process moves incrementally from initial stage of assessing opportunities, testing feasibility, and refining concepts for further development, (Phase 1), to more detailed planning to provide a clear understanding of the proposed project, (Phase 2), to implementation of the plan, typically by way of disposition to potential partners, (both public and private).

The process noted above is often integrated with a parallel process of re-evaluating and refining Education and Facilities plans for the campus. Each of these phases inform the others. Each could be structured in a phased way so that they proceed in a coordinated manner. The college is provided with multiple opportunities for review and approval at benchmarks at each step of the way.

---

GOODELL- PPV-MARIN-AGR
06-05-09
SCOPE OF SERVICES

The scope of services outlined below generally describe the phases and work elements involved in the evaluation, planning, repositioning, and disposition of campus real estate assets. The precise scope of work and approach at each campus is refined continuously during the course of the work.

The initial phase might include one or more “charrette” workshops, (focusing on the overall program objectives, and at each campus) among District leadership, staff, consultants with targeted outreach to stakeholder groups as appropriate.

PHASE 1: Feasibility and Concept Plan and Strategic Assessment (3 – 6 months)

Phase 1 will identify key internal and external factors that might bear on identifying feasible project options. This phase will be undertaken in a discrete manner, subject to the client guidance, to assess key critical factors, engage key stakeholders and to explore concepts prior to any officially sanctioned exploration of specific projects. We envision several work sessions involving the District leadership and others as appropriate, to discuss the issues, options, tradeoffs, and to attempt to formulate a viable plan of action.

Phase 1 is designed along the lines of the “80-20” rule. We would envision several “shirt-sleeve” sessions with the college team and trusted stakeholders, to discuss the issues, options, tradeoffs, goals with the objective of formulating a viable plan of action.

Key Issues

Phase 1 typically addresses the following key issues and questions:

- What are the college’s long range land needs for core educational facilities?
- What land might be available for asset enhancement and development, consistent with the college’s long term master plan.
- How can asset development support the future educational vision for the campus?
- What land use options best support the college’s goals, e.g. active adult retirement, wellness-fitness-health services, faculty housing, public facilities, single family residences.
- What Federal, state or local programs might be leveraged to enhance the value of District real estate assets, (e.g. tax increment financing, affordable housing set-aside funds, benefit tax districts, zoning incentives, environmental clearance, expedited processing, reduced and/or waived fees, joint occupancy and joint funding arrangements).
- What are the revenue potentials for the District from various project options.
- What are the programmatic, academic, and mission-based benefits?
- What are the risks? Can they be managed?
- What are the key City and community concerns? How can they be addressed?
- What is the process going forward?
- How soon can we start? How long will it take?

Phase 1 is meant to provide the District Trustees with a basis for making decisions on the continuing direction of the revenue enhancement program relating to specific project opportunities, and provides a framework for more detailed planning in Phase 2, if appropriate.

**PHASE 1 TASKS**

The general Phase 1 tasks are outlined below.

**Task 1: Project organization.**

Working with the District and campus leadership, a planning work program and process will be developed, including the following elements:

- Identification of key participants, roles and responsibilities, protocols for communication.
- Team formation, including utilization of current campus consultants and others as appropriate.
- Project phasing and scheduling that allows for review and comment by campus stakeholders at key benchmarks throughout the process.
- Design of a Shared Governance process to provide inputs to the project planning process as appropriate.

**Task 2: Mission and program planning**

A process will begin to develop a project mission statement, and accompanying goals for the program, which will be continuously revisited and refined as the project evolves. Alignment of the project plans with the core campus program mission, educational goals and strategies, and long-term facility utilization plans is essential.

Ideally, the college’s academic, administrative, and facilities management leadership are engaged during Phase 1 to insure that any revenue enhancement and asset management strategy is supportive of and driven by the institutional mission and strategic objectives rather than by external demands or individual transactions.

**Task 3: Project Initiation and Inventory**
A “fatal flaw” analysis of the property will be undertaken to assess its suitability for development. Property-related conditions to be researched and documented include: legal encumbrances, deed restrictions, engineering and environmental characteristics, existing facilities, utility service, access, parking and character and conditions of surrounding properties, both on and off campus. PPV maintains a comprehensive Property Checklist to insure that all relevant factors are considered. Constraints and opportunities will be identified. This effort will rely on available data to the extent possible, with targeted analysis as appropriate.

Task 4: Land use and development program

Land use and development concepts will be identified for evaluation that they are consistent with the guiding principles noted below and/or others established by the college during Task 2, above:

- **Mission fit**: Potential reuse of campus property should be closely linked to the core college mission, and should reinforce the college’s educational and facilities master plans.
- **Revenue enhancement**: Projects should produce stable and secure income streams with a minimum of risk.
- **Cost reduction**: Opportunities to reduce and/or share costs through joint occupancy and shared use arrangements with compatible partners should be explored.
- **Enhanced quality of life**: Projects should enhance the quality of campus life through excellent design, integration into the campus fabric, and by bringing new life and vitality to the campus.
- **Sustainable design**: Projects should be consistent with the District’s commitment to sustainability and “green” principles.
- **Community compatibility**: Projects should contribute to the vitality of the surrounding community and, to the extent possible, serve as a catalyst for community improvement.

Task 5: Preliminary market assessment.

Candidate uses will be assessed in terms of market viability by evaluating the quality and competitive position of similar projects in the market area, existing neighborhood conditions, short and long term area development plans, pricing, valuation and timing considerations of compatible land use products.

Task 6: Preliminary financial assessment.

Estimates of value and revenue generation will be developed for viable options based on broad planning budget level cost and revenue inputs.
**Task 7: Campus stakeholder support.**

We will work closely with the client to establish and participate in a viable shared governance process that provides the necessary engagement and sharing to refine and guide the project.

**Task 8: City support.**

We will explore collaborative concepts with the appropriate city agencies and council offices relating to expedited project entitlements or waivers, (e.g. General Plan, zoning, CEQA, infrastructure and development agreements). Project processing, project-related funding, and potential zoning adjustments to encourage campus-linked consolidated projects on adjoining property, etc.

**Task 9: Risk assessment.**

A general overview of risk factors, including market strength, environmental, internal and external political factors, level of community support and/or opposition, project financing will be evaluated.

**Task 10: Adjoining properties.**

PPV will assess adjoining properties to identify potential joint venture opportunities and multi-property development opportunities that will be made possible by the college’s revenue enhancement initiatives.

Each project will bring its special needs and requirements relating to this initial phase.

**Deliverables:**

Working reports summarizing the above work, with recommendations for further consideration, if appropriate.

**PHASE 2: Business and Development Plan**

Upon authorization to proceed with a specific project, PPV will manage the process of preparing the project plans and implementation program to take the selected project from plan to fruition.

Planning for each project will differ significantly based on its unique circumstances. For purposes of describing our approach to project planning and implementation for this proposal, it is assumed that the projects will be developed under long-term ground lease arrangements by third party builder-developers selected through a competitive process to secure the best opportunity for the district to meet its objectives of highest and most certain return. Other
disposition and development options, such as sale of the property, or the District acting as at-risk owner-developer may be considered. However the basic process described below would remain much the same.

Because the project planning and implementation is geared to securing the best possible business transactions, (i.e. the optimal value from the most qualified developer), our approach to project planning is guided by the following principles:

- The project development plans will be developed to clearly set forth project objectives and basic project characteristics (e.g. land use, intensity of development, functional and aesthetic relationships to the campus, etc) before offering the opportunity through the public solicitation process.

- Basic project feasibility will be rigorously tested, both objectively and through one-on-one discussions with highly qualified private developers familiar with the proposed product types prior to the public solicitation process. This will provide the District a business plan that will provide reasonable assurance of the potential projects design, financial and operational characteristics.

- Predevelopment risk factors will be reduced by building support both within the campus community, the adjoining community, and by negotiating general agreements with the appropriate City and public agencies to address entitlement and public support matters. This will be reflected in higher achievable asset value due to significantly reduced development risk.

The scope of work for Phase 2 will be outlined in the Phase 1 report, and will vary from project to project. However, Phase 2 plans typically include a more thorough feasibility analysis, including market research, planning, environmental and engineering studies, preliminary City agreements regarding zoning and project entitlements, and specific outline of the implementation program required to bring the project to fruition.

Phase 2 plans typically address the following broad categories.

- Mission and program plan
- Land use and development program
- Preliminary site planning, engineering and cost assessment
- Market and Financial Analysis
- Developer & community review

- Project financing structure

- Property Disposition Plan
  - District as ground lessee to third party developers
  - District auxiliary as project owner-developer
  - Sale to developer/operator

- City Cooperation Agreements

- Developer solicitation program plan

- District Organizational framework

- Program schedule, budget and cash flows

- Board Review and Authorization Package

PPV typically coordinates the preparation of the plan and manages the various technical disciplines contributing to the plan, reporting to and working with the college management team in a well managed process.

The Phase 2 plan provides the basis for moving the project forward to Phase 3, Project Implementation, subject to Board review and approval.

**PHASE 3: Project Implementation**

Phase 3 begins with the District’s adoption of the Project Plan, and authorization to solicit offers and take the necessary actions mandated by the Education and Government Codes related to property disposition.

PPV responsibilities will include general program oversight, owner representation with the selected developers to ensure that the District’s interests are being represented in the entitlement, financing, and management aspects of program implementation. PPV will manage the implementation process on behalf of the District until such time as the specific project has consummated the necessary transactions that provide for the development of the project by the various development partners.

PPV’s Phase 3 Implementation services would typically include:
• Coordinating the necessary findings and notices consistent with Education and Government Code requirements for long-term disposition and development of campus land.

• Developer-builder solicitation and selection

• Deal structuring, negotiations and transaction documentation with selected developer-builders

• Structuring project financing, (e.g. revenue bonds, City and other financing and funding packages, etc.)

• Negotiating appropriate City/public agency MOU’s and agreements

• Initiating entitlement processing, including GPA, zoning, subdivision, CEQA certification, etc.

• Organization, staffing, and budgeting the non-profit Auxiliary Organization.

• Overall pre-development program management and owner representation through completion of transactions, including day-to-day management, budgeting, scheduling, and coordination of consultants.

• Overall pre-development program management and owner-representation through completion of transactions, including monitoring and coordinating program-related activities of interest to the District

• Monitor the pre-construction project responsibilities of the selected builder-developer entities, including: project programming, planning & design, phasing, financing, and entitlement efforts.

It is assumed that, upon completion of the pre-development work, the District will retain a construction manager to oversee vertical development of projects.
ATTACHMENT C: HOURLY COMPENSATION STRUCTURE

PPV shall be compensated on a time and materials basis, at the following hourly rates, plus reasonable reimbursable expenses:

* Principals $200/hr.
* Associates $120-150/hr.
* Clerical $50-75/hr.

Invoices will be submitted monthly, and will include allowable reimbursable expenses at cost, including travel-related expenses, copying, telecommunications, and the like.

Approved subcontractors will be billed at cost plus 5% administrative handling.
BACKGROUND:

The Gateway Complex Project (303B) was initiated by the Board of Trustees on January 20, 2009 [item B.11.H.2 (a)], with a note that the District would return with clarification regarding funding, scope and design process at a later date. With confirmation that the project will be funded solely by Measure C funds, the District is requesting that the Board authorize the District to hire a qualified architectural and engineering team.

Short form professional service agreements for a design competition will be brought to the Board for approval by early Fall 2009. Final selection of an architect is expected by late Fall.

FISCAL IMPACT:

The current bond budget for the Gateway Complex $17.5 million. Additional funding and/or scope adjustment will be part of the ongoing design process.

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees authorize the District to proceed with selecting an architect for the Gateway Complex Project (303B).
BOARD AGENDA ITEM

To: Board of Trustees
From: Superintendent/President
Subject: New Fine Arts Building Project (306C)
Award Construction Contract

Reason for Board Consideration: Enclosure(s):

ACTION – AWARD

None

BACKGROUND

On January 20, 2009 the Board of Trustees approved and authorized bidding for the New Fine Arts Building Project (306C). This project is currently out to bid with the bid opening scheduled for June 18, 2009.

The Board of Trustees is asked to award a construction contract to the lowest responsive bidder, whose name will be announced at the meeting, following the five (5) business day bid protest period (i.e., June 25, 2009) or upon successful resolution of any bid protests. The construction contract will be brought to the Board for ratification at the first scheduled meeting following execution of the contract.

FISCAL IMPACT

The final construction cost estimate for this contract is $13,476,545. The contract will be paid from bond funds budgeted for the New Fine Arts Building Project (306C).

RECOMMENDATION

The Superintendent/President recommends that the Board award a construction contract for the New Fine Arts Building Project (306C) to the lowest responsive bidder subject to successful completion of the five (5) business day bid protest period.
BACKGROUND:
On March 4, 2008, Alten Construction, Inc. was selected to provide General Contracting services for the Diamond PE Center Alterations Project (308B).

Change Order 13 consists of thirteen (13) Potential Change Orders (PCOs) in the aggregate amount of $160,591 with no time extension. Four (4) PCOs in the amount of $74,219 are attributed to design clarifications. Seven (7) PCOs in the amount of $61,724 are attributed to Unforeseen Conditions. Two (2) PCOs in the amount of $24,648 are attributed to Owner requested changes in order to improve the efficiency of the operation over the long term. Five (5) PCOs exceed $10,000 and one (1) PCO exceeds $50,000.

| Total Compensation | $160,591 |
| Total Time extension | Zero (0) working days |

At this time the Board is asked to approve Change Order 13 and because the cumulative value of the change orders exceeds 10%. The Board is asked to attest by resolution that the District will not benefit from bidding the work separately. The District recommends that the Board approve Change Order 13 to Alten Construction, Inc. in the amount of $160,591 with no time extension for this work.

FISCAL IMPACT:
The total amount of this contract to date is as follows and will be paid from Measure C bond funds:

| Original Contract Amount | $10,552,807 |
| Change Order 1 | $17,454 |
| Change Order 2 | $26,061 |
| Change Order 3 | $5,390 |
| Change Order 4 | $39,567 |
| Change Order 5 | $47,333 |
| Change Order 6 | $39,907 |
| Change Order 7 | $158,830 |
| Change Order 8 | $183,367 |
| Change Order 9 | $86,981 |
| Change Order 10 | $123,210 |
| Change Order 11 | $150,928 |
| Change Order 12 | $114,187 |
| Change Order 13 | $160,591 |
| Total Contract Amount | $11,695,833 |

RECOMMENDATION
The Superintendent/President recommends that the Board of Trustees approve Change Order 13 to Alten Construction, Inc. in the amount of $160,591 and Resolution 6/23/09 C.11.F.3 attesting that the District will not benefit from bidding the work separately for the Diamond PE Center Alterations Project (308B).
To: Allen Construction

You are directed to make the following Changes in this Contract:

<table>
<thead>
<tr>
<th>PCO #</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>See Page 2 for details</td>
</tr>
</tbody>
</table>

SUBTOTAL, Page 2: $160,591

TOTAL: $160,591

NOTE: Unless otherwise noted in the specific item description above, the costs detailed in this Change Order represent the total cost of the work, complete supply and installation of materials and equipment, Contractor's fees, profit, and overhead, administration, general conditions, all other indirect costs, and associated additional bond and insurance premiums.

<table>
<thead>
<tr>
<th>AGREEMENT</th>
<th>CONTRACT VALUE ADJUSTMENT</th>
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</thead>
<tbody>
<tr>
<td>When this Change Order is signed by all parties, it constitutes their agreement:</td>
<td>Original Contract Price: $10,552,897</td>
</tr>
<tr>
<td></td>
<td>Net Change By Previously Authorized Change Order: $992,435</td>
</tr>
<tr>
<td></td>
<td>Contract Price Prior To This Change Order: $11,555,322</td>
</tr>
<tr>
<td>A. That the Contract Price / Time is adjusted as shown and that no further adjustment by reason of the change(s) provided herein shall be made; and</td>
<td>Contract Price Will Be: $160,591</td>
</tr>
<tr>
<td></td>
<td>Increased: By this Change Order:</td>
</tr>
<tr>
<td></td>
<td>Decreased:</td>
</tr>
<tr>
<td></td>
<td>Unchanged:</td>
</tr>
<tr>
<td>New Contract Price Including This Change Order: $11,695,913</td>
<td></td>
</tr>
<tr>
<td>TIME ADJUSTMENT</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Contract Time Will Be: 0</td>
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<tr>
<td></td>
<td>Increased: By this Change Order:</td>
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<tr>
<td></td>
<td>Decreased:</td>
</tr>
<tr>
<td></td>
<td>Unchanged:</td>
</tr>
<tr>
<td>Date of Substantial Completion As Of The Date Of This Change Order: 6/5/2009</td>
<td></td>
</tr>
</tbody>
</table>

AGREED BY CONTRACTOR: Allen Construction

By: ____________________________ Date: ____________________________

ISSUED BY PROJECT MANAGER: Swinerton Management & Consulting

By: Summer Byron, Assistant Project Manager Date: ____________________________

APPROVED BY ARCHITECT/ENGINEER: Kwan Henmi Architecture/Planning

By: ____________________________ Date: ____________________________

RECOMMENDED BY PROGRAM MANAGER: Leigh Sata, Program Manager

By: ____________________________ Date: ____________________________

APPROVED BY OWNER: Marin Community College District

By: P-Ann Ceresa, Director of Modernization Date: ____________________________

AUTHORIZED BY OWNER: Marin Community College District

By: Albert J. Harrison, II, VP of College Operations Date: ____________________________

Distribution: [ ] Owner [ ] Consultant [ ] Construction Manager [ ] Contractor [ ] C. O. File [ ] Other
**To:** Alten Construction

You are directed to make the following Changes in this Contract:

<table>
<thead>
<tr>
<th>PCD #</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>33.1</td>
<td>Additional survey work to set building control points. Reason: Design Clarification</td>
<td>$623</td>
</tr>
<tr>
<td>66.2</td>
<td>Add a glazing cost to the East and West wing roofs. Reason: Unforeseen Condition</td>
<td>$10,234</td>
</tr>
<tr>
<td>160.1</td>
<td>Install approximately 35 LF of new rain water leader to new storm drain. Reason: Unforeseen condition</td>
<td>$3,433</td>
</tr>
<tr>
<td>161.1</td>
<td>Pour a thicker slab at pool fence for up to 4 posts embedment and relocate storm drain at two post locations. Reason: Unforeseen condition</td>
<td>$11,042</td>
</tr>
<tr>
<td>169</td>
<td>Per RFI 309, install two (2) new pressure reducing valves. Reason: Unforeseen Conditions</td>
<td>$19,996</td>
</tr>
<tr>
<td>170.2</td>
<td>Per RFI 291, install new board on board siding at the East wing. Reason: Unforeseen Conditions</td>
<td>$14,126</td>
</tr>
<tr>
<td>172</td>
<td>Per RFI 321, plaster patches at the gym soffit where dry-rotted rafters were replaced. Reason: Unforeseen Conditions</td>
<td>$2,404</td>
</tr>
<tr>
<td>185</td>
<td>Per Bulletin 56B, labor and materials to add lockers and cabinets for added storage and counter space. Reason: Owner Requested Change</td>
<td>$17,547</td>
</tr>
<tr>
<td>186</td>
<td>Float thin-set tiles over new CMU infill. Reason: Design Clarification</td>
<td>$7,476</td>
</tr>
<tr>
<td>188</td>
<td>Per Bulletin 68, cost to supply and install a new entry storefront. Reason: Design Clarification</td>
<td>$60,721</td>
</tr>
<tr>
<td>189</td>
<td>Install expansion joint to separate the upper gym from the lower gym. Reason: Design Clarification</td>
<td>$5,399</td>
</tr>
<tr>
<td>194</td>
<td>Per Bulletin 69, install one (1) new 100-pair copper from CB-1 to the MDF. Reason: Owner Requested Change</td>
<td>$7,101</td>
</tr>
<tr>
<td>195</td>
<td>Per RFI 330, labor and material to drill through rebar at the pool window. Reason: Unforeseen Condition</td>
<td>$409</td>
</tr>
</tbody>
</table>

End of Items

**SUBTOTAL This page:** $160,591
MARIN COMMUNITY COLLEGE DISTRICT
MEASURE C BOND PROGRAM

RESOLUTION 6/23/09 C.11.F.3 FOR APPROVAL OF CHANGE ORDER NO. 13
TO THE EXISTING CONTRACT WITH
Alten Construction, Inc.
FOR
Diamond PE Center Alterations (308B)

WHEREAS, Marin Community College District (the “District”) previously awarded a contract for work for the Diamond PE Center Alterations Project (308B) (the “Project”) to Alten Construction, Inc.; and

WHEREAS, subsequent to the award of the Project, it was determined that additional work was necessary as part of the Project (the “Change Order”); and

WHEREAS, the Change Order provides for the work set forth in Exhibit “A;” and

WHEREAS, the total cost for the Change Order is $160,591 and exceeds the limitations set forth in Public Contracts Code Section 20659; and

WHEREAS, it will be more costly and time-consuming to bid this additional work since it is integral to the Project and the work being performed by the Contractor; and

WHEREAS, competitive bidding the additional work covered by the Change Order would result in the delay of the completion of the Project and result in coordination issues if another contractor is performing similar work at the Project site at the same time as Contractor; and

WHEREAS, it would work an incongruity and not produce any advantage to the District to competitively bid the Change Order since such competitive bid work could result in multiple contractors being required to performed work more efficiently and effectively performed by one contractor; and

WHEREAS, a change in contractors in the middle of the Project may cause an inability to enforce the warranty provisions of the Contract; and

WHEREAS, Los Angeles Dredging v. Long Beach (1930) 210 Cal. 348 holds that statutes requiring competitive bidding do not apply when competitive bidding would work an incongruity or not produce any advantage; and

WHEREAS, while pursuant to Public Contract Code section 20659, a community college district is required to competitively bid any change or alteration to a contract that has a value over 10% of the original contract price, California law provides that, “where competitive proposals work an incongruity and are unavailing as affecting the final result or where they do
not produce any advantage ... the statute requiring competitive bidding does not apply." Hiller

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Marin Community College District makes the following findings:

1. That the above recitals are true and correct.

2. That it would work an incongruity and not produce any advantage to the District to bid the completion of the work set forth in the Change Order under the competitive process.

3. That the District approves the immediate completion of the work stated in the Change Order without competitively bidding such work and approves the District’s payment in the amount set forth in the Recitals to the Contractor upon the terms and conditions set forth in the Change Order.

PASSED AND ADOPTED by the Governing Board of the Marin Community College District, on June 23, 2009.

AYES: ________________________

NOES: ________________________

ABSENT: ________________________

ABSTAIN: ________________________

President, Governing Board

I, Dr. Frances White, Secretary of the Governing Board of the Marin Community College District, State of California, do hereby certify that the foregoing resolution was duly adopted by the said Board at a regular meeting held June 23, 2009.

Secretary, Governing Board

-2-
EXHIBIT A

CHANGE ORDER WORK
Carole Hayashino, Member

Philip J. Kranenburg, Member

Eva Long, Ph.D., Member

James Nannath, Ph.D., Member

Wanden Treanor, Member

Barbara Dolan, Member

Annan Paterson, Member

Nathaniel Parker, Student Member
BACKGROUND:
On August 26, 2008, Dick Emard Electric, Inc. (dba Emard Engineering) was selected to provide General Contracting services for the SMCP Increment No. 1 – Site Development Utilities Project (305C).

Change Order 6 consists of two (2) Potential Change Orders (PCOs) in the aggregate amount of $199,892. One PCO is due to unforeseen conditions and the other PCO is a negotiated settlement that reduces the requested extended field overhead by 50% and resolves potential delay claims due to unforeseen underground conditions, which is common for this type of work.

Total Compensation: $199,892
Total Time extension: 105 working days

At this time the Board is asked to approve Change Order 6 and because the cumulative value of the change orders exceeds 10%, the Board is asked to attest by resolution that the District will not benefit from bidding the work separately. The District recommends that the Board approve Change Order 6 to Dick Emard Electric, Inc. dba Emard Engineering in the amount of $199,892 with a 105 day time extension for this work.

FISCAL IMPACT:
The total amount of this contract to date is as follows and will be paid from Measure C bond funds:

<table>
<thead>
<tr>
<th>Original Contract Amount</th>
<th>$2,820,000</th>
<th>Site Development Utilities Project (305C)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Change Order 1</td>
<td>$42,088</td>
<td>Change Order 1 (0.1% of original contract value)</td>
</tr>
<tr>
<td>Change Order 2</td>
<td>$16,424</td>
<td>Change Order 2 (2.1% of original contract value)</td>
</tr>
<tr>
<td>Change Order 3</td>
<td>$31,086</td>
<td>Change Order 3 (3.2% of original contract value)</td>
</tr>
<tr>
<td>Change Order 4</td>
<td>$38,615</td>
<td>Change Order 4 (4.5% of original contract value)</td>
</tr>
<tr>
<td>Change Order 5</td>
<td>$136,342</td>
<td>Change Order 5 (9.4% of original contract value)</td>
</tr>
<tr>
<td>Change Order 6</td>
<td>$199,892</td>
<td>Change Order 6 (16.5% of original contract value)</td>
</tr>
<tr>
<td>Total Contract Amount</td>
<td>$3,284,447</td>
<td></td>
</tr>
</tbody>
</table>

RECOMMENDATION
The Superintendent/President recommends that the Board of Trustees approve Change Order 6 to Dick Emard Electric, Inc. dba Emard Engineering in the amount of $199,892 and Resolution 6/23/09 C.11.F.4 attesting that the District will not benefit from bidding the work separately for the SMCP Increment No. 1 – Site Development Utilities Project (305C).
### SWINERTON MANAGEMENT AND CONSULTING, INC.

**PROJECT:** SMCP Increment No. 1 - Site Development Utilities

**C.O. #6**

**CONTRACTOR:** Dick Emond Electric, Inc. d/b/a Emond Engineering

**OWNER:** Marin Community College District

**ARCHITECT:** ED2 International/Alfa Tech Cambridge Group

**DATE:** 6/23/2009

**DSA File #:** 21-C1

**DSA Application #:** 01-109358

---

**To:**

You are directed to make the following Changes in this Contract:

<table>
<thead>
<tr>
<th>Item Number</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>PCO# 44</td>
<td>Bulletin 7A: Provide a new by-pass for the RVSD sewer at Circle Drive and a sewer lift station for the PA/FA complex to circumvent the existing County storm drain in Laurel Avenue. $154,622.00</td>
</tr>
<tr>
<td>PCO# 57</td>
<td>A negotiated settlement that reduces the requested extended field overhead by 50% and negates any claims regarding home office overhead and other delay claims prior to May 31, 2009 $45,270.00</td>
</tr>
</tbody>
</table>

**TOTAL:** $199,892.00

---

**AGREEMENT**

When this Change Order is signed by all parties, it constitutes their agreement:

A. That the Contract Price / Time is adjusted as shown and that no further adjustment by reason of the change(s) provided herein shall be made; and

B. That all the Terms and Conditions of the Contract, except as modified by this and any previous changes, shall remain in full force and effect and apply to the work as changed.

**CONTRACT VALUE ADJUSTMENT**

| Original Contract Price: | $2,820,000.00 |
| Net Change By Previously Authorized Change Order: | $264,555.00 |
| Contract Price Prior To This Change Order: | $3,084,555.00 |
| Contract Price Will Be: | $199,892.00 |
| New Contract Price Including This Change Order: | $3,284,447.00 |

**TIME ADJUSTMENT**

| Contract Time Will Be: | 105 days |
| Date of Substantial Completion As Of The Date Of This Change Order: | May 31, 2009 |

---

**AGREED BY CONTRACTOR**

Dick Emond Electric, Inc. d/b/a Emond Engineering

By: ________________________________

Date: ________________________________

**APPROVED BY ARCHITECT/ENGINEER**

ED2 International

By: ________________________________

Date: ________________________________

---

**ISSUED BY PROJECT MANAGER**

Swinerton Management & Consulting

Marin Community College District

By: ________________________________

Date: ________________________________

**RECOMMENDED BY PROGRAM MANAGER**

Dan Eggen, Project Manager

Leigh Sata, Program Manager

By: ________________________________

Date: ________________________________

---

**APPROVED BY OWNER**

Marin Community College District

By: ________________________________

Date: ________________________________

**AUTHORIZED BY OWNER**

________________________________________

Authorized By: ________________________________


---

**Distribution:**  
- Owner  
- Consultant  
- Construction Manager  
- Contractor  
- C.O. File  
- Other
MARIN COMMUNITY COLLEGE DISTRICT
MEASURE C BOND PROGRAM

RESOLUTION 6/23/09 C.11.F.4 FOR APPROVAL OF CHANGE ORDER NO. 6
TO THE EXISTING CONTRACT WITH
Dick Emard Electric, Inc.
FOR
SMCP Increment No. 1 - Site Dev. Utilities (305C)

WHEREAS, Marin Community College District (the “District”) previously awarded a contract for work for the SMCP Increment No. 1 – Site Development Utilities Project (305C) (the “Project”) to Dick Emard Electric, Inc.; and

WHEREAS, subsequent to the award of the Project, it was determined that additional work was necessary as part of the Project (the “Change Order”); and

WHEREAS, the Change Order provides for the work set forth in Exhibit “A;” and

WHEREAS, the total cost for the Change Order is $199,892 and exceeds the limitations set forth in Public Contracts Code Section 20659; and

WHEREAS, it will be more costly and time-consuming to bid this additional work since it is integral to the Project and the work being performed by the Contractor; and

WHEREAS, competitive bidding the additional work covered by the Change Order would result in the delay of the completion of the Project and result in coordination issues if another contractor is performing similar work at the Project site at the same time as Contractor; and

WHEREAS, it would work an incongruity and not produce any advantage to the District to competitively bid the Change Order since such competitive bid work could result in multiple contractors being required to performed work more efficiently and effectively performed by one contractor; and

WHEREAS, a change in contractors in the middle of the Project may cause an inability to enforce the warranty provisions of the Contract; and

WHEREAS, Los Angeles Dredging v. Long Beach (1930) 210 Cal. 348 holds that statutes requiring competitive bidding to not apply when competitive bidding would work an incongruity or not produce any advantage; and

WHEREAS, while pursuant to Public Contract Code section 20659, a community college district is required to competitively bid any change or alteration to a contract that has a value over 10% of the original contract price, California law provides that, "[w]here competitive proposals work an incongruity and are unavailing as affecting the final result or where they do

0840.000299254-1

-1-
not produce any advantage . . . the statute requiring competitive bidding does not apply." Hiller v. City of Los Angeles (1961) 197 Cal.App.2d 685, 694;

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Board of the Marin Community College District makes the following findings:

1. That the above recitals are true and correct.

2. That it would work an incongruity and not produce any advantage to the District to bid the completion of the work set forth in the Change Order under the competitive process.

3. That the District approves the immediate completion of the work stated in the Change Order without competitively bidding such work and approves the District's payment in the amount set forth in the Recitals to the Contractor upon the terms and conditions set forth in the Change Order.

**PASSED AND ADOPTED** by the Governing Board of the Marin Community College District, on June 23, 2009.

AYES: ____________________________  
NOES: ____________________________  
ABSENT: ____________________________  
ABSTAIN: ____________________________

President, Governing Board

I, Dr. Frances White, Secretary of the Governing Board of the Marin Community College District, State of California, do hereby certify that the foregoing resolution was duly adopted by the said Board at a regular meeting held June 23, 2009.

Secretary, Governing Board
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

Nathaniel Parker, Student Member
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>June 23, 2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>From:</td>
<td>Superintendent/President</td>
<td>Item &amp; File No. C.11.G</td>
<td></td>
</tr>
<tr>
<td>Subject:</td>
<td>Public Hearing on MCCD/SEIU 1021 Collective Bargaining Agreement</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reason for Board Consideration:</td>
<td>PUBLIC HEARING</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Enclosure(s):</td>
<td>Notice</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

BACKGROUND:  
SEIU 1021 has submitted the attached 2008-2009 successor agreement notification.  
Government Code Section 3547 and Board Policy 5.0031 provide that proposals which relate to matters within the scope of representation shall be presented at a public meeting and, thereafter, shall be public record.  

RECOMMENDATION:  
The Superintendent/President recommends that the Board of Trustees present the proposals and hold a public hearing.  

Administrator Initiating Item: Linda Beam, Executive Dean, Human Resources and Labor Relations
June 9, 2009

College of Marin
Executive Dean of Human Resources & Labor Relations
Linda Beam
835 College Ave.
Kentfield, CA 94909

Re: Sunshine Letter

Dear Ms. Beam:

In accordance with the Collective Bargaining Agreement between the Service Employees International Union, Local 1021 and the College of Marin for the period of July 1, 2007 through June 30, 2008 SEIU Local 1021 makes official notice to full contract negotiations on a successor agreement.

SEIU Local 1021 is willing to meet and confer and bargain in good faith on wages, benefits and terms and conditions of employment for bargaining unit members of the College of Marin.

SEIU Local 1021 will submit specific proposals at a later date.

Please sunshine this letter as per our request for full contract negotiations with the District. Contact me at your earliest convenience to arrange a mutually suitable negotiating date(s), time(s) and place(s).

I can be reached at (415) 848-3636.

Sincerely,

Kaden Kratzer
Worksite Organizer

cc: Marin Negotiations Team Members
File
BOARD AGENDA ITEM

To: Board of Trustees
From: Superintendent/President
Subject: First Reading of Revised Board Policies
Reason for Board Consideration: 

INFORMATION

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 Liebert 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 will be submitted to the full Board for first reading and adoption. Administrative Procedures will be presented as information items.

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 2110, 2200, 2305 2320, 2340, 2350, 2355, 2430, 2435, and 2720 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 2110, 2200, 2305, 2320, 2340, 2350, 2355, 2430, 2435, and 2720 for first reading and discussion.

Administrator Initiating Item   Dr. Frances L. White, Superintendent/President
BP 2110   VACANCIES ON THE BOARD

References:
   Education Code Sections 5090 et seq.;
   Government Code Section 1770

Vacancies on the Board of Trustees may be caused by any of the events specified in Government Code Section 1770 or any applicable provision in the Elections Code, or by a failure to elect. Resignations from the Board of Trustees shall be governed by Education Code Section 5090.

Within 60 days of the vacancy or filing of a deferred resignation, the Board of Trustees shall either order an election or make a provisional appointment to fill the vacancy.

If an election is ordered, it shall be held on the next regular election date not less than 130 days after the occurrence of the vacancy.

If a provisional appointment is made, it shall be subject to the conditions in Education Code Section 5091. The person appointed to the position shall hold office only until the next regularly scheduled election for Board of Trustee members, when the election shall be held to fill the vacancy for the remainder of the unexpired term.

The provisional appointment will be made by a majority public vote of the Board members at a public meeting.

The Superintendent/President shall establish administrative procedures to solicit applications that assure ample publicity to and information for prospective candidates. The Board of Trustees will determine the schedule and appointment process, which may include interviews at a public meeting.

❖ From current College of Marin Policy 1.2040 titled Vacancies

A vacancy on the Board before the expiration of the term of a member shall exist upon the happening of any of the events set forth in Government Code Section 1770. Whenever a vacancy occurs, the Board shall either order an election or make a provisional appointment, in conformance with the requirements of the Education Code, Section 5090 et seq., as it is now written or may hereafter be amended.
When a provisional appointment is decided upon by a majority vote of the Board, the Board shall, within ten (10) days, post notices of the vacancy and the provisional appointment in three places in the District and publish the notice in a newspaper of general circulation in the District. E.C. 5092

For a thirty (30) day period from the date of the provisional appointment, registered voters of the District may petition for a special election in accordance with the Education Code. E.C. 5091(e) The provisional appointment confers all powers and duties of a governing board member upon the appointee immediately following his/her appointment. E.C. 5091(d)

An appointee shall hold office until the next regularly scheduled election for District Governing Board members. At that time, an election shall be held to fill the vacancy for the balance of the unexpired term. E.C. 5091(e)
E.C. 5090 et seq.

NOTE: This policy is legally required except as noted above. The language in underlined regular text is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in black ink is from current College of Marin Policy 1.2040 titled Vacancies adopted on 12-10-80 and revised on 5-10-05. The language struck through is recommended for deletion. This policy was reviewed by the Board Sub-committee on Policy at its 4-28-09 Meeting and recommended to move forward.

Date Adopted:
(Replaces current College of Marin Policy 1.2040)
BP 2200  BOARD DUTIES AND RESPONSIBILITIES

References:
Education Code Section 70902;
ACCJC Accreditation Standard IV.B.1.d;

The Board of Trustees governs on behalf of the citizens of the Marin Community College District in accordance with the authority granted and duties defined in Education Code Section 70902.

The Board is committed to fulfilling its responsibilities to:
- Represent the public interest;
- Establish policies that define the institutional mission and set prudent, ethical, and legal standards for District operations;
- Hire and evaluate the Superintendent/President;
- Delegate power and authority to the Superintendent/President to effectively lead the District;
- Assure fiscal health and stability;
- Monitor institutional performance and institutional quality; and
- Advocate for and protect the District.

❖ From current College of Marin Policy 1.2080 titled Ethics, Duties and Responsibilities

The Board, responsible to the citizens of Marin County, and sensitive to their hopes, ambitions, and needs, shall have the responsibility of formulating public policy for community college education in the District and its oversight and control and shall hold in trust the responsibility for the wise and frugal management of education, a critical local and state resource. Together, Trustees guide the community college to meet its mission and serve creatively the ever-changing community.

The Board shall exercise its legislative responsibility by concentrating on the big-picture and by formulating and adopting written Bylaws and policies which fulfill their responsibilities and contribute to the efficient operation of the college.

The Board shall exercise its executive responsibility by the appointment of a chief executive officer (hereinafter referred to as "District Superintendent") who shall have
authority and responsibility for the day-to-day operation of the District in compliance with the Education Code Sections 72400; 72411, 72413 and the Bylaws and policies of the Board. The District Superintendent may consult with the Board President when the Board is not meeting, on matters which need a quick response and on which she/he may want some advice. When appropriate, the President of the Board shall notify all other Board members.

The Board shall fulfill its judicial responsibility by sitting as an appeal board from any of its acts or the acts of the District Superintendent, except in those instances specifically prohibited by law or contract provisions. Any student, employee or citizen of the District desiring to so appeal may request a hearing before the Board providing the appellant has proceeded through proper channels as described in the policies.

As the legal employer of the District, the Board shall ensure that contracts limited to wages, hours and conditions of work be negotiated with the organized groups of employees who have complied with appropriate state legislation.

The Board responsibilities are as follows, subject to the Education Code:

a) Formulate and adopt Bylaws for the Board’s own governance. E.C. 72282, 72283 (These citations no longer exist)

b) Select and appoint the District Superintendent, through whom the Board exercises its control of the District, and to whom all other administrators, employees, agents and professional consultants of the District shall be responsible. E.C. 72411, 72413 (Section 72413 no longer exists)

c) Formulate, adopt, and review annually the District statement of philosophy, mission, and goals, and revise as needed, using a participatory process; establish annual District-wide priorities.

d) Formulate and adopt policies for the governance of the District and hold the District Superintendent accountable for administering them.

e) Upon the recommendation of the Superintendent, appoint all certificated and classified personnel, and take appropriate actions concerning retention, promotion, transfer, or dismissal of such personnel in accordance with established due process. E.C. 72400

f) Preserve the financial integrity of the District by adopting an annual balanced budget including, if possible, a provision for reserves. Pursuant to careful analysis, approve any subsequent revisions or transfers within the items of the budget, subject to Section 1.5302 of these Bylaws. E.C. 72285, 85200 (These citations no longer exist)
g) Conduct annual evaluation of District programs, the District Superintendent, and the Board's own activity. The Board self evaluation shall regularly take place in May of each year. Appraise the quality, efficiency, and fiscal stability of the District operations.

h) Approve the expenditure of all funds subject to Section 1.5310 (7) of these Bylaws, and let all contracts, subject to Section 6.0015 of Board policies.

i) Develop and preserve the physical facilities of the college.

j) Serve as the Court of Appeal for student grievances and non-represented employees.

k) Act as a bridge to the community.

l) Perform such other duties as may be prescribed by law. E.C. 35160

NOTE: This policy is suggested as good practice. The language in underlined regular text is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). Board duties and responsibilities are also reflected throughout the Board Policies and are addressed in BP 2715 titled Code of Ethics/Standards of Practice. Additional resources may be found in Chapter 7 of the Community College League's Trustee Handbook and other publications on trusteeship. The language in black ink is from current College of Marin Policy 1.2080 titled Ethics, Duties and Responsibilities adopted on 12-10-80 and revised on 5-10-05. The language struck through is recommended for deletion. This policy was reviewed by the Board Sub-committee on Policy at its 4-28-09 Meeting and recommended to move forward.

Date Adopted:
(Replaces current College of Marin Policy 1.2080)
BP 2305  ANNUAL ORGANIZATIONAL MEETING

Reference:
Education Code Section 72000(c)(2)(A)

❖ From current College of Marin Policy 1.5010 titled Organizational Meeting

The Organizational Meeting of the Board shall be held annually in connection with a the regular meeting in December, that falls within 15 days of the date trustees take office. E.C. 72028, 72125

The specific business before this meeting shall be the election of officers; the determination of the regular meeting schedule of the Board; the re-adoptions or revision of Bylaws and policies for its own operation and the operation of the District, thereby rescinding all policies not re-adopted; and the appointment from its membership of a representative to:
   a) Board Subcommitees;
   b) Marin County School Boards Association and Trustee Representative to Elect Members of the County Committee on School District Organization;
   c) Legislative Representative to California Community College Trustees/California School Boards Association (CCCT/CSBA) and liaison with the Community College League of California (CCLC); and
   d) The Education Task Force; and
   e) Representatives to other agencies and committees where Board representation is appropriate.

❖ From current College of Marin Policy 1.3020 titled Manner of Election

Board officers shall be elected annually at the Organizational Meeting of the Board.

Any Board officer may be nominated and elected to the same post for no more than two consecutive years if voted and elected by the majority of the Board. A Trustee shall have the option to decline to serve in a Board officer role.
At the end of the second year, the Board member elected for a two-year term will vacate the Presidency office for at least a one-year duration.

- From current College of Marin Policy 1.3021 titled Term of Office

No incumbent who is seeking re-election to the Board of Trustees is eligible to assume the responsibility of the Board of Trustees President office during the year s/he is seeking re-election to the Marin Community College Board of Trustees.

Also see BP 2210 titled Officers

NOTE: This policy is legally required. The language in underlined regular text is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in black ink is from current College of Marin Policies 1.3020 titled Manner of Election, 1.3021 titled Term of Office, and 1.5010 titled Organizational Meeting adopted on 12-10-80 and revised on 5-10-05. The language struck through is recommended for deletion. The information in underlined italics reflects recommended revisions by the Board Policy Committee. This policy was reviewed by the Board Sub-committee on Policy at its 4-28-09 Meeting and recommended to move forward.

Date Adopted:
(Replaces current College of Marin Policies 1.3020, 1.3021, and 1.5010)
BP 2320 SPECIAL AND EMERGENCY MEETINGS

References:
  Education Code Section 72129;
  Government Code Sections 54956, 54956.5, and 54957

Special meetings may from time to time be called by the Board President or upon written request of a majority of the members of the Board of Trustees. Such written requests must be received by the Secretary at least forty-eight (48) hours in advance of any such meeting. Notice of such meetings shall be posted at least 24 hours before the time of the meeting, and shall be noticed in accordance with Brown Act. No business other than that included in the notice may be transacted or discussed.

Emergency meetings may be called by the Board President when prompt action is needed because of actual or threatened disruption of public facilities under such circumstances as are permitted by the Brown Act, including work stoppage, crippling disasters, and other activity that severely impairs public health or safety.

No closed session shall be conducted during an emergency meeting, except as provided for in the Brown Act to discuss a dire emergency.

The Superintendent/President shall be responsible to ensure that notice of such meetings is provided to the local news media as required by law.

❖ From current College of Marin Policy 1.5040 titled Special Meetings

Special meetings shall be called by the President of the Board, or upon written request of a majority of the Board. Such written request must be received by the Secretary at least forty-eight (48) hours in advance of any such requested meeting. E.C. 72129; G.C. 54956, 54956.5

Matters to be considered at any special meeting shall be confined to those stated in the notice of such special meeting and for which purposes such special meeting has been called.

NOTE: This policy is legally required. The language in underlined regular text is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in black ink is from current College of Marin Policy 1.5040 Special Meetings adopted on 12-10-80 and revised on 5-10-05. The language struck through is recommended for deletion. The information in underlined italics reflects recommended revisions by the Board Policy Committee. This policy was reviewed by the Board Sub-committee on Policy at its 4-28-09 Meeting and recommended to move forward.

Date Adopted:
(Replaces current College of Marin Policy 1.5040)
Board of Trustees

BP 2340  AGENDAS

References:
Education Code Sections 72121 and 72121.5;
Government Code Sections 6250 et seq. and 54954 et seq.

Board members, representatives of the news media, and such other persons as the Board may designate, shall be notified in writing by the Secretary of the time, place and purposes of all regular and special meetings and the agenda shall be posted on the bulletin board at the District offices at least 72 hours prior to the meeting time for regular meetings and twenty-four (24) hours in advance of special meetings. The agenda shall include a brief description of each item of business to be transacted or discussed at the meeting. If requested, the agenda shall be provided in appropriate alternative formats so as to be accessible to persons with a disability.

No business may be acted on or discussed which is not on the agenda, except when one or more of the following apply:

- a majority decides there is an “emergency situation” as defined for emergency meetings;
- two-thirds of the members (or all members if less than two-thirds are present) determine there is a need for immediate action and the need to take action came to the attention of the Board of Trustees subsequent to the agenda being posted;
- an item appeared on the agenda of and was continued from a meeting held not more than five days earlier.

The order of business may be changed by consent of the Board of Trustees.

❖ From current College of Marin Policy 1.5320 titled Agenda

The agenda for each regular and special meeting shall be prepared by the District Superintendent/President and its contents reviewed approved by the Board President Officers for full Board consideration at each meeting. The Board shall act only on posted agenda items.

Any Board member may have an item placed upon the agenda for the next Board meeting by informing the Board President and the Superintendent/President and the Board President in writing at least fifteen (15) days prior thereto.
The agenda, together with all completed reports, shall be provided each Board member at least three (3) working days before each meeting. The agenda shall be posted for regular meetings at least seventy-two (72) hours and for special meetings at least twenty-four (24) prior thereto. E.C. 72121(b)

The Superintendent/President shall establish administrative procedures that provide for public access to agenda information.

Members of the public may place matters directly related to the business of the District on an agenda for a Board meeting by submitting a written summary of the item to the Superintendent/President. The written summary must be signed by the initiator. The Board of Trustees reserves the right to consider and take action in closed session on items submitted by members of the public as permitted or required by law.

Agenda items submitted by members of the public must be received by the office of the Superintendent/President fifteen (15) working days prior to the regularly scheduled Board meeting.

Items initiated by members of the public shall follow items of business on the Board’s agenda after those initiated by the Board of Trustees and by staff. Any agenda item submitted by a member of the public and heard at a public meeting cannot be resubmitted before the expiration of a 90 day period following the initial submission.

From current College of Marin Policy 1.5030 titled Order of Business

The order of business for each regularly scheduled meeting shall be as follows:

1. Call-to-Order, Roll-Call, and Adoption of Agenda
2. Approval of Minutes and Report of Closed Session(s)
3. a. Board Study Session
   b. Board Requests and Board Reports
      (1) Board Committee Reports
      (2) Legislative Reports
      (3) Individual Reports and/or Requests
4. Chief Executive Officer's Report
5. Academic Senate Report
6. Classified Senate Report
7. Student Senate and Student Associations Reports
8. College of Marin Foundation Report
9. Citizens Requests to Address Board
10. Items for Possible Future Board Action
11. Consent Calendar Items

Consent Calendar Items as provided in the agenda recommended by the Board-Officers (See Section 1.5310(c)


From current College of Marin Policy 1.5070 titled Notice of Meetings

Board members, representatives of the news media (including newspapers, radio and television stations), and such other persons as the Board may designate, shall be notified in writing by the Secretary of the time, place and purposes of all regular and special meetings and the agenda shall be posted on the bulletin board at the District offices not less than seventy-two (72) hours in advance of regular meetings and twenty-four (24) hours in advance of special meetings. No such written notices shall be required if any special meeting is held pursuant to action of the Board taken at any public meeting. G.C. 54952.3, 54952.5; E.C. 72424

NOTE: This policy is legally required except as noted above. The language in underlined regular text is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in black ink is from current College of Marin Policies 1.5030 titled Order of Business, 1.5070 titled Notice of Meetings, and 1.5320 titled Agenda adopted on 12-10-80 and revised on 5-10-05. The language struck through is recommended for deletion. The information in underlined italics reflects recommended revisions by the Board Policy Committee. This policy was reviewed by the Board Subcommittee on Policy at its 4-28-09 Meeting and recommended to move forward.

Date Adopted:
(Replaces current College of Marin Policies 1.5030, 1.5070, and 1.5320)
BP 2350  SPEAKERS

References:
Education Code Section 72121.5;  
Government Code Sections 54950 et seq.

Persons may speak to the Board of Trustees either on an agenda item or on other matters of interest to the public that are within the subject matter jurisdiction of the Board.

Oral presentations relating to a matter on the agenda, including those on the consent agenda, shall be heard before a vote is called on the item.

Persons wishing to speak to matters not on the agenda shall do so at the time designated at the meeting for public comment. Board members shall only consider items appearing on the agenda.

Those wishing to speak to the Board of Trustees are subject to the following:

- The Board President may rule members of the public out of order if their remarks do not pertain to matters that are within the subject matter jurisdiction of the Board or if their remarks are unduly repetitive.
- Non-scheduled substitutes may not speak in place of scheduled speakers unless alternates have been submitted on the original request.
- Employees who are members of a bargaining unit represented by an exclusive bargaining agent may address the Board of Trustees under this policy, but may not attempt to negotiate terms and conditions of their employment. This policy does not prohibit any employee from addressing a collective bargaining proposal pursuant to the public notice requirements of Government Code Section 3547 and the policies of this Board implementing that section.
- They shall complete a written request to address the Board of Trustees at the beginning of the meeting at which they wish to speak.
- The request shall include the person's name and name of the organization or group represented, if any, and a statement noting the agenda item or topic to be addressed.
- No member of the public may speak without being recognized by the Board President.
- Each speaker will be allowed a maximum of three minutes per topic. Fifteen minutes shall be the maximum time allotment for public speakers on any one subject regardless of the number of speakers at any one Board meeting. At the
discretion of a majority of the Board of Trustees, these time limits may be extended.

- Each speaker coming before the Board of Trustees is limited to one presentation per specific agenda item before the Board, and to one presentation per meeting on non-agenda matters.

Also see BP 2355 titled Decorum/Conduct

NOTE: This policy is **legally required**. The language in underlined regular text is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The information in underlined italics reflects recommended revisions by the Board Policy Committee. This policy was reviewed by the Board Sub-committee on Policy at its 4-28-09 Meeting and recommended to move forward.

**Date Adopted:**

(This is a new policy recommended by the League and the League’s legal counsel)
BP 2355 DECORUM/CONDUCT

References:
Education Code Section 72121.5;
Government Code Section 54954.3(b)

The following will be ruled out of order by the presiding officer:
- Remarks or discussion in public meetings on charges or complaints which the Board has scheduled to consider in closed session;
- Profanity, obscenity, and other offensive language; and
- Physical violence and/or threats of physical violence directed towards any person or property.

In the event that any meeting is willfully interrupted by the actions of one or more persons so as to render the orderly conduct of the meeting unfeasible, the person(s) may be removed from the meeting room.

A warning and a request that the person(s) curtail the disruptive activity will be made by the Board President. If the behavior continues, the person(s) may be removed by a vote of the Board of Trustees, based on a finding that the person is violating this policy, and that such activity is intentional and has substantially impaired the conduct of the meeting.

Speakers who engage in such conduct may be removed from the podium and denied the opportunity to speak to the Board of Trustees for the duration of the meeting.

If order cannot be restored by the removal in accordance with these rules of individuals who are willfully interrupting the meeting, the Board President may order the meeting room cleared and may continue in session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this rule.

In all matters of procedure not otherwise indicated, Robert's Rules of Order, Revised, governs.

Also see BP 2350 titled Speakers
NOTE: This policy is suggested as good practice. The language in underlined regular text is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The information in underlined italics is recommended by the Board Policy Committee. This policy was reviewed by the Board Sub-committee on Policy at its 4-28-09 Meeting and recommended to move forward.

Date Adopted:
(This is a new policy recommended by the League and the League's legal counsel)
BP 2430   DELEGATION OF AUTHORITY TO SUPERINTENDENT/PRESIDENT

References:

   Education Code Sections 70902(d) and 72400;
   ACCJC Accreditation Standards IV.B.1.1 and IV.B.2

The Board delegates to the Superintendent/President the executive responsibility for administering the policies adopted by the Board and executing all decisions of the Board of Trustees requiring administrative action.

The Superintendent/President may delegate any powers and duties entrusted to him/her by the Board of Trustees, but will be specifically responsible to the Board for the execution of such delegated powers and duties.

The Superintendent/President is empowered to reasonably interpret Board Policy. In situations where there is no Board Policy direction, the Superintendent/President shall have the power to act, but such decisions shall be subject to review by the Board. It is the duty of the Superintendent/President to inform the Board of such action and to recommend written Board Policy if one is required.

The Superintendent/President is expected to perform the duties contained in the Superintendent/President job description and fulfill other responsibilities as may be determined in annual goal-setting or evaluation sessions. The job description and goals and objectives for performance shall be developed by the Board of Trustees in consultation with the Superintendent/President.

The Superintendent/President shall ensure that all relevant laws and regulations are complied with and that required reports are submitted in timely fashion.

The Superintendent/President shall make available any information or give any report requested by the Board of Trustees as a whole. Individual Board member requests for information shall be met if, in the opinion of the Superintendent/President, they are not unduly burdensome or disruptive to District operations. Information provided to any Board member shall be available to all Board members.

The Superintendent/President shall act as the professional advisor to the Board in policy formation.
From current College of Marin Policy 1.3034 titled The Chief Executive Officer

The District Superintendent is the Executive Officer of the Board, and as C.E.O., is responsible for the day-to-day operation of the District and the implementation of Board policy. E.C. 72413 (a)

The District Superintendent shall exercise discretionary authority in carrying out responsibilities of the position, which are:

a) To operate the District within the framework of the Bylaws, policies and decisions of the Board implementing the District's philosophy, mission, goals, and priorities.

b) To provide the Board with information essential to effective decision-making and make recommendations on all legislative, executive and judicial matters that affect the District before action is taken by the Board.

c) To keep the Board informed of all actions taken under discretionary authority granted to him/her by it; to request additional authority when the occasion warrants, pursuant to Board Policy Section 6.0013.

d) To advise the Board in all areas of District policy and make recommendations on such matters before action is taken by the Board.

e) To make recommendations to the Board for the appointment, retention or dismissal of all personnel of the District and to accept the resignation of District employees and report such to the Board.

f) To serve as the official channel for contacts between staff members and the Board.

g) To formulate and promulgate regulations and procedures which shall be binding on the employees and students of the District and are consistent with the law and Board policies.

h) To prepare and recommend to the Board an annual budget based on District priorities and pursuant to Section 1.2080 (f) of these Bylaws, and to administer the Board-approved Budget.

i) To prepare and submit to the Board an annual report of the operation of the District, including recommendations for the immediate and long-range development of the District to fulfill the stated philosophy and goals.

j) To be responsible for the formulation of other reports as may be required by the Board and by local, state and national governmental units and agencies.
k) To represent the District to the community by interpreting the District program to the public.

l) To perform such other duties as may be assigned by the Board or required by law.

m) To operate the District consistent with the ethics set forth in the Board Bylaws Sections 1.2080 and 1.2090.

From current College of Marin Policy 7.0002 titled Administrative Control

The Superintendent/President, as the Board’s chief executive officer, shall have the authority and responsibility for the general operation of the District as delegated in the Board Bylaws. Each employee of the District shall be under her/his general direction. In exercising authority and responsibility delegated by the Board, the Superintendent/President shall issue administrative directives consistent with policies of the Board. The Superintendent/President may delegate authority for the operation of the District to the other District officers. Such delegation of authority shall normally be specified in District regulations and procedures issued by the Superintendent/President.

Administrative directives and District regulations and procedures approved by the Superintendent/President in accordance with Board policies shall apply to all students and personnel employed by the District, including the Superintendent/President and other District officers, and, where applicable, to agents and consultants of the District and the Board.

NOTE: This policy is suggested as good practice. The language in underlined regular text is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in black ink is from current College of Marin Policies 1.3034 titled The Chief Executive Officer adopted on 12-10-80 and revised on 5-10-05 and 7.0002 titled Administrative Control adopted on 9-30-81 and revised on 4-9-85 and 3-18-03. The language struck through is recommended for deletion. This policy was reviewed by the Board Sub-committee on Policy at its 4-28-09 Meeting and recommended to move forward.

Date Adopted:
(Replaces current College of Marin Policies 1.3034 and 7.0002)
BP 2435  EVALUATION OF SUPERINTENDENT/PRESIDENT

Reference:

ACCJC Accreditation Standard IV.B.1

The Board of Trustees shall conduct an evaluation of Superintendent/President at least annually. Such evaluation shall comply with any requirements set forth in the contract of employment with the Superintendent/President as well as this policy.

The Board shall evaluate the Superintendent/President using an evaluation process developed and jointly agreed to by the Board and the Superintendent/President.

The criteria for evaluation shall be based on the Superintendent/President's job description and performance goals and objectives developed in accordance with BP 2430 titled Delegation of Authority to Superintendent/President.

NOTE: This policy is legally required. The language in underlined regular text is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). This policy was reviewed by the Board Sub-committee on Policy at its 4-28-09 Meeting and recommended to move forward.

Date Adopted:

(This is a new policy recommended by the League and the League's legal counsel)
BP 2720   COMMUNICATIONS AMONG BOARD MEMBERS

Reference:
   Government Code Section 54952.2

Members of the Board of Trustees shall not communicate among themselves by the use of any form of communication (including personal intermediaries, e-mail, or other technological devices) in order to reach a collective concurrence regarding any item that is within the subject matter jurisdiction of the Board of Trustees.

NOTE: This policy is legally required. The language in underlined regular text is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The information in underlined italics is recommended by the Board Policy Committee. This policy was reviewed by the Board Sub-committee on Policy at its 4-28-09 Meeting and recommended to move forward.

Date Adopted:
(This is a new policy recommended by the League and the League's legal counsel)
**BOARD AGENDA ITEM**

<table>
<thead>
<tr>
<th>To:</th>
<th>Board of Trustees</th>
<th>Date:</th>
<th>June 23, 2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>From:</td>
<td>Superintendent/President</td>
<td>Item &amp; File No.</td>
<td>C.14.A</td>
</tr>
<tr>
<td>Subject:</td>
<td>Contracts and Agreement for Services Report—May 31, 2009</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reason for Board Consideration:</td>
<td></td>
<td>Enclosure(s):</td>
<td></td>
</tr>
</tbody>
</table>

**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
<table>
<thead>
<tr>
<th>Agreement Number</th>
<th>Vendor/Description</th>
<th>Location/Dept.</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>P0205720</td>
<td>HR Manager</td>
<td>Human Resources</td>
<td>$8,100.00</td>
</tr>
<tr>
<td></td>
<td>Temporary services for receptionist/administration assistant in Human Resources.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0205738</td>
<td>People Admin, Inc</td>
<td>Human Resources</td>
<td>$7,620.00</td>
</tr>
<tr>
<td></td>
<td>Applicant tracking, position description and online applicant tracking for Recruitment March 17, 2009 through June 30, 2009.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0205743</td>
<td>Foundation For California Community Colleges</td>
<td>District Wide</td>
<td>$10,514.04</td>
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<tr>
<td></td>
<td>Maintenance services for the management of facilities data for Community Colleges, using FUSION system and facility condition assessments.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0205744</td>
<td>Novato Chamber of Commerce</td>
<td>Community Relations</td>
<td>$1,450.00</td>
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<tr>
<td></td>
<td>Membership services for the College.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0205746</td>
<td>Marin County Office of Education</td>
<td>Information Technology</td>
<td>$11,959.69</td>
</tr>
<tr>
<td></td>
<td>Data processing services for the College.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0205770</td>
<td>Enterprise Rent-A-Car</td>
<td>Physical Education</td>
<td>$1,201.00</td>
</tr>
<tr>
<td></td>
<td>Rental services for vans for baseball team’s away games.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0205793</td>
<td>Cision</td>
<td>Community Relations</td>
<td>$5,020.04</td>
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<tr>
<td></td>
<td>Media database services for media research.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0205807</td>
<td>Law Office of Larry Frierson</td>
<td>District Wide</td>
<td>$3,150.00</td>
</tr>
<tr>
<td></td>
<td>Legal services for April, CSEA and SEIU negotiations.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0205808</td>
<td>Law Office of Larry Frierson</td>
<td>District Wide</td>
<td>$33,652.50</td>
</tr>
<tr>
<td></td>
<td>Legal services for April, UPM negotiations, fact finding and UPM conference.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0205927</td>
<td>Hutton Sherer Marketing Advertising Design</td>
<td>Community Relations</td>
<td>$1,000.00</td>
</tr>
<tr>
<td></td>
<td>Copywriting services for Community Relations.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0205963</td>
<td>Midnight Sun Car &amp; Van Rental</td>
<td>Life &amp; Earth Sciences</td>
<td>$6,329.70</td>
</tr>
<tr>
<td></td>
<td>Van rental services for Alaska field trip June 1 to June 14, 2009.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0205987</td>
<td>School &amp; College Legal Services of California</td>
<td>District Wide</td>
<td>$4,561.50</td>
</tr>
<tr>
<td></td>
<td>Legal services for March 2009, for hours over retainer and mandated research services.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Contracts and Agreement for Services OVER $1,000.00
MONTHLY REVIEW May 31, 2009

<table>
<thead>
<tr>
<th>Agreement Number</th>
<th>Vendor/Description</th>
<th>Location/Dept.</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>P0205991</td>
<td>Interact Communications</td>
<td>Community Relations</td>
<td>$3,500.00</td>
</tr>
<tr>
<td></td>
<td>Survey services for a national online survey of media, web and lifestyle preferences.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0205927</td>
<td>Hutton Sherer Marketing Advertising Design</td>
<td>Community Relations</td>
<td>$1,100.00</td>
</tr>
<tr>
<td></td>
<td>Advertising services.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0206030</td>
<td>Enterprise Rent-A-Car</td>
<td>Life &amp; Earth Sciences</td>
<td>$3,058.48</td>
</tr>
<tr>
<td></td>
<td>Rental services for vans for the Geology field trip Spring 2009.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0206035</td>
<td>Elizabeth Bell</td>
<td>Performing Arts</td>
<td>$2,220.00</td>
</tr>
<tr>
<td></td>
<td>Piano tuning services for practice room and classrooms.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0206030</td>
<td>Enterprise Rent-A-Car</td>
<td>Life &amp; Earth Sciences</td>
<td>$3,058.48</td>
</tr>
<tr>
<td></td>
<td>Rental services for vans for the Geology field trip Spring 2009.</td>
<td></td>
<td></td>
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<tr>
<td>P0206053</td>
<td>Perfect Timing, Inc</td>
<td>Fiscal Services</td>
<td>$1,000.00</td>
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<tr>
<td></td>
<td>Staff/Data entry services to assist in payroll implementation.</td>
<td></td>
<td></td>
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<tr>
<td>P0206057</td>
<td>Barlow Printing, Inc</td>
<td>Community Education</td>
<td>$11,626.35</td>
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<td></td>
<td>Printing services for the Summer 2009 Community Education Schedule.</td>
<td></td>
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<tr>
<td>P0206064</td>
<td>Perfect Timing, Inc</td>
<td>Human Resources</td>
<td>$12,725.00</td>
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<tr>
<td>P0206065</td>
<td>Temporary services for Human Resources receptionist.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0206069</td>
<td>Perfect Timing, Inc</td>
<td>Information Technology</td>
<td>$7,177.50</td>
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<tr>
<td></td>
<td>Temporary support staff for May through June 2009.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0206122</td>
<td>State Center CCD-EMCN</td>
<td>District Wide</td>
<td>$2,000.00</td>
</tr>
<tr>
<td></td>
<td>Annual service/support fee for mandated cost claims testing and support to the District.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0206130</td>
<td>Hutton Sherer Marketing Advertising Design</td>
<td>Community Relations</td>
<td>$11,795.00</td>
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<tr>
<td></td>
<td>Advertising services for radio and television for Summer 2009.</td>
<td></td>
<td></td>
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<tr>
<td>P0206132</td>
<td>Easy Permit Postage</td>
<td>Community Education</td>
<td>$7,138.27</td>
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<tr>
<td></td>
<td>Mailing services for the Summer 2009 Community Education Schedule.</td>
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<td></td>
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<tr>
<td>P0206143</td>
<td>North State Environmental</td>
<td>Police</td>
<td>$4,969.00</td>
</tr>
<tr>
<td></td>
<td>Hazardous material pickup services for the College.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0206145</td>
<td>HR Manager</td>
<td>Human Resources</td>
<td>$5,000.00</td>
</tr>
</tbody>
</table>
### Agreement Number | Vendor/Description | Location/Dept. | Amount
---|---|---|---
Restricted

P0205928 | Symplicity Corporation  
Job placement online advertising services. | Logistics | $2,000.00

P0205960 | Essanay Film & Television  
Video/Film EEIF services for the DVD production. | President's Office | $5,000.00

P0206008 | Marin County Office Of Education  
Game development services for two professional high school game developers. | Career Education | $12,600.00

P0206052 | Conservation Corps North Bay  
Program food systems development services. | Career Education | $4,000.00

P0206078 | Perfect Timing, Inc  
Temporary services for IVC Internet Café staffing. | Vocational Programs | $12,355.77

P0206097 | Buckelew Programs/ Blue Skies Cafe  
Innovations conference. | Vocational Programs | $1,475.60

P0206099 | Barbara Garfien  
Coordination services for the President's Circle. | President's Office | $1,700.00

P0206099 | Barbara Garfien  
Coordination services for the President's Circle. | President's Office | $4,000.00

### MEASURE C BOND

P0206027 | Forster & Kroger Landscape Maintenance  
Landscape services for Ignacio Creek Erosion Mitigation Project, April 13 2009 to April 15, 2011. | Measure C | $2,400.00

P0206104 | Sungard Set, Inc  
Maintenance services for Degree Works, through April 30, 2010. | Measure C | $6,476.00

P0206138 | PG&E  
Tariff scheduled related work to raise power riser, allowing conduit in sewer bypass trench to be raised out of the way of the sewer work, for site development. | Measure C | $6,844.15
Marin Community College District  
Measure C Bond Modernization Program

Modernization Director’s Report to Board of Trustees  
June 23, 2009  
C.14.B.1

BUDGET UPDATE

- Bond spending plan: $264.5 million ($249.5 m bond, $15 m interest)  
- Reserves: $17,789,000  
- Expended to date: $71.9 million (27.2% of bond spending plan)  
  - Assessment $ 5.5 million  
  - Planning/design $33.1 million  
  - Construction $33.3 million

Summary of modernization items in this agenda:

Consent (all routine items not requiring resolution or discussion):  
Five (5) small construction contracts ($9,535)  
Six (6) construction change orders ($230,183)  
Seven (7) professional services amendments ($4,580)  
Two (2) shortlists of prequalified firms ($0)  
One (1) authorization to procure specialty equipment ($0)  
One (1) pre-authorization of construction and moving contracts for swing space ($0)  
Two (2) annual contract renewals ($325,000)  
One (1) subcontractor substitution ($0)

Action (items requiring resolution or discussion):  
One (1) authorization to proceed with selection of architect for Gateway Complex  
Two (2) change orders exceeding 10% contract value, with resolutions ($360,483)

Net value of new contracts / changes / amendments in this agenda: $920,621

MAJOR BUILDING PROJECTS (DESIGN) - BOARD UPDATE/ACTION SCHEDULE

1. KTD Science/Math/Central Plant  
   Next action: bidding (Plans in DSA review) Fall '09
2. KTD Performing Arts Building  
   Design review pending (Plans in DSA review) TBD
3. KTD Gateway Complex  
   Staff recommendation this meeting June 23

CURRENT CONSTRUCTION (major building projects are listed in bold)

- Diamond PE Center: CO #13 submitted this meeting; contingency 10.8% to date. Rededication ceremony is scheduled for October 1.
- IVC Trans. Tech. Complex: CO #3 submitted this meeting; contingency 2.4% to date.
- IVC Main Building Complex: No issues this month.
Marin Community College District
Measure C Bond Modernization Program

- **KTD Fine Arts Building:**
  Bids opened June 18. Construction contract submitted for award this meeting, pending successful completion of 5-day protest period.

- **KTD Geothermal Fields:**
  Discussions with contractor ongoing. Change order exposure is expected to exceed 10%.

- **KTD PE Photovoltaics:**
  CO #6 (credit) submitted this meeting; contingency 3.5% to date. Project is substantially complete.

- **KTD SMCP Utility Project:**
  Project is now scheduled to be completed in August. Pipeline conflicts are resolved.

- **KTD West Bridge:**
  COs #5 and 6 submitted this meeting; contingency 16.5% to date. Change order exposure is due primarily to sewer bypass and electric line conflicts.

- **KTD Pool Repair Project:**
  CO #1 submitted this meeting; contingency 2.9% to date. DSA review ongoing; construction on non-DSA scope ongoing.

  **Design contract signed; design started.**

**FUTURE CONSTRUCTION (major projects are listed in bold)**

- **KTD Demo (Dickson, D/L, DSPS):**
  Fall 2009

- **KTD Science/Math/CP:**
  Fall 2009 – Fall 2012 (Ground-breaking Sept. 15)

- **KTD Performing Arts Building:**
  Winter 2011 – Summer 2012

- **KTD Gateway Complex:**
  TBD

**OTHER OPEN INITIATIVES**

- **Swing space/relocation:**
  - Literacy Lab
  - Health Center
  - Dance
  - Dickson Hall

- **Furniture, fixtures, equipment:**

- **Building Signage, Phase 1:**

- **External signage:**

  Design underway.
  Construction nearly complete. CO #6 submitted this meeting; contingency 7.8% to date.
  Relocation planning underway. Program to move into MS-3 (current Swinerton office).
  Faculty moves scheduled to finish before August 10; classroom moves scheduled for Fall 2009.

  Proceeding.

  CO #1 submitted this meeting; contingency 2.5% to date.

  Re-bidding underway
Marin Community College District
Measure C Bond Modernization Program

- Project Stabilization Agreement: PSA committees for Main Building project have met. No issues.
- LEED Credits are being submitted for six projects.
### 2.1 Schedule
Marin Community College District – College of Marin
Based on expenditures as of 06-08-09

<table>
<thead>
<tr>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
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</thead>
<tbody>
<tr>
<td>Q3</td>
<td>Q4</td>
<td>Q1</td>
<td>Q2</td>
<td>Q3</td>
<td>Q4</td>
<td>Q1</td>
<td>Q2</td>
<td>Q3</td>
</tr>
</tbody>
</table>

**Design**

**Construction**

**Current expenditures**

#### 305A Science Math Central Plant Complex
See Note 1

- Oct. 06 Schedule / Budget: $4,188,000
- Feb. 07 Schedule / Budget: $36,246,000
- March 09 Schedule / Budget: $42,434,000

#### 306C New Fine Arts Building
See Note 2

- Oct. 06 Schedule / Budget: $1,733,000
- Feb. 07 Schedule / Budget: $15,977,000
- March 09 Schedule / Budget: $17,710,000

#### 306A Performing Arts Modernization
See Note 3

- Oct. 06 Schedule / Budget: $1,052,000
- Feb. 07 Schedule / Budget: $9,721,000
- March 09 Schedule / Budget: $10,773,000

**Current Schedule (% of current phase)**

- 95%
- 89%
- 97%
- 97%
- 95%
- 92%

**Current expenditures (% of budget)**

- $5,904,425
- $1,794,532
- $1,453,678
### 308B Diamond PE Center Alterations

<table>
<thead>
<tr>
<th></th>
<th>Oct. 06 Schedule / Budget</th>
<th>Feb. 07 Schedule / Budget</th>
<th>March 09 Schedule / Budget</th>
<th>Current Schedule (% of current phase)</th>
<th>Current expenditures (% of budget)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$2,101,000</td>
<td>$2,149,000</td>
<td>$2,149,000</td>
<td>100%</td>
<td>$1,960,312</td>
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<tr>
<td></td>
<td>$19,220,000</td>
<td>$20,256,000</td>
<td>$20,256,000</td>
<td>86%</td>
<td>$10,165,104</td>
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<tr>
<td></td>
<td>$21,321,000</td>
<td>$22,405,000</td>
<td>$22,405,000</td>
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### 402A Transportation Technology Complex

<table>
<thead>
<tr>
<th></th>
<th>Oct. 06 Schedule / Budget</th>
<th>Feb. 07 Schedule / Budget</th>
<th>Current Schedule (% of current phase)</th>
<th>Current expenditures (% of budget)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$654,000</td>
<td>$1,465,000</td>
<td>100%</td>
<td>$1,378,551</td>
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<tr>
<td></td>
<td>$6,033,000</td>
<td>$11,676,000</td>
<td>50%</td>
<td>$2,827,246</td>
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<td></td>
<td>$6,687,000</td>
<td>$13,043,000</td>
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### 417A Main Building Complex

<table>
<thead>
<tr>
<th></th>
<th>Oct. 06 Schedule / Budget</th>
<th>Feb. 07 Schedule / Budget</th>
<th>Current Schedule (% of current phase)</th>
<th>Current expenditures (% of budget)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$2,119,000</td>
<td>$2,410,000</td>
<td>100%</td>
<td>$1,916,724</td>
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<tr>
<td></td>
<td>$19,475,000</td>
<td>$19,890,000</td>
<td>35%</td>
<td>$4,745,907</td>
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<tr>
<td></td>
<td>$21,594,000</td>
<td>$22,300,000</td>
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### 303B Gateway Complex

<table>
<thead>
<tr>
<th></th>
<th>Oct. 06 Schedule / Budget</th>
<th>Feb. 07 Schedule / Budget</th>
<th>Current Schedule (% of current phase)</th>
<th>Current expenditures (% of budget)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$4,964,000</td>
<td>$1,523,000</td>
<td>0%</td>
<td>$17,500,000</td>
</tr>
<tr>
<td></td>
<td>$45,633,000</td>
<td>$15,677,000</td>
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<tr>
<td></td>
<td>$50,597,000</td>
<td>$17,500,000</td>
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### 302B LRC Modernization

<table>
<thead>
<tr>
<th></th>
<th>Oct. 06 Schedule / Budget</th>
<th>Feb. 07 Schedule / Budget</th>
<th>Current Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$1,283,000</td>
<td>$11,823,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>$13,106,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Removed from Schedule</td>
</tr>
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</table>

6/10/2009
2.1 Schedule  
Marin Community College District – College of Marin  
Based on expenditures as of 06-05-09  

304A Fusselman Hall Modernization  See Note 9  
Oct. 06 Schedule / Budget  
Feb. 07 Schedule / Budget  
Current Schedule  

<table>
<thead>
<tr>
<th></th>
<th>$547,000</th>
<th>$5,190,000</th>
<th>$5,737,000</th>
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<tbody>
<tr>
<td>Removed</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
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</table>

Notes:  
1A) 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.  
1B) Project has been submitted to DSA and is expected to be out of DSA in Summer, 2009  
1C) Project duration has not changed. However, project now spans additional quarters due to start and end date in each quarter.  
2A) Project is bidding.  
3A) 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.  
3B) Project has been submitted to DSA and is expected to be out of DSA in Summer, 2009  
3C) Project start date is affected by the FA completion date.  
4A) Project has encountered unforeseen conditions that will affect project duration.  
4B) The 91% is based on the amount spent of the Preconstruction budget. We are now in the construction budget and, therefore, expect little additional expenses for preconstruction.  
5A) No notes at this time  
6A) Minor revisions to sitework allocation.  
7A) No State funding will be available for his project  
8A) Project funds reallocated to other projects.  
9A) Project funds reallocated to other projects.
A. Alfa Tech Cambridge Group (Geothermal / PV @ PE / Sitework)

<table>
<thead>
<tr>
<th>Activity</th>
<th>Milestone Date</th>
<th>Document</th>
<th>Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Geothermal System at Kentfield Campus</td>
<td>Construction: Original 1/15/07-3/15/08</td>
<td>Amendment 10</td>
<td>In close out</td>
</tr>
<tr>
<td></td>
<td>Current: 4/7/08-10/15/08</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Revisions / clarifications to the design documents delayed bid into holidays. To have adequate bid response it was determined to postpone bid until after the holidays. Project was then rebid, with BOT approval, due to incomplete bid documentation. Construction delays due to out of sequence work in Parking Lot 4 and incorrect piping in Parking Lot 7</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Electrical &amp; IT design services for 12 KV Utility extension project</td>
<td>to follow project 402A schedule</td>
<td>Amendment 14</td>
<td></td>
</tr>
</tbody>
</table>

B. Amy Skewes-Cox (EIR)

<table>
<thead>
<tr>
<th>Activity</th>
<th>Milestone Date</th>
<th>Document</th>
<th>Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>No outstanding items</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

C. CSW Stuber-Stroeh (Bioswale / West Campus Bridge / Sitework)

<table>
<thead>
<tr>
<th>Activity</th>
<th>Milestone Date</th>
<th>Document</th>
<th>Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>No outstanding items</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

D. Degenkolb Engineers (District Structural Engineers)

<table>
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<tr>
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<th>Milestone Date</th>
<th>Document</th>
<th>Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>No outstanding items</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

E. ED2 International (Science / Math / Central Plant)

<table>
<thead>
<tr>
<th>Activity</th>
<th>Milestone Date</th>
<th>Document</th>
<th>Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated DSA Stamp-out (100% CD's)</td>
<td>Original 2/1/2009 - Current 5/15/09</td>
<td>Contract</td>
<td></td>
</tr>
<tr>
<td>Bidding Phase - to Notice to Proceed</td>
<td>Original 6/1/2009 - Current 6/15/09</td>
<td>Contract</td>
<td></td>
</tr>
<tr>
<td>Construction Phase - 24 Months</td>
<td>5/15/09-4/30/11</td>
<td>Contract</td>
<td></td>
</tr>
<tr>
<td>Operation/Project Close-out Phase - 12 months</td>
<td>4/30/2012</td>
<td>Contract</td>
<td></td>
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</table>

F. Fugro West, Inc. (District Soils Engineer)

<table>
<thead>
<tr>
<th>Activity</th>
<th>Milestone Date</th>
<th>Document</th>
<th>Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>No outstanding items</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>
### G. HKIT (Hardison, Komatsu, Ivelich & Tucker) (Transportation Technology Center)

<table>
<thead>
<tr>
<th>Activity</th>
<th>Milestone Date</th>
<th>Document</th>
<th>Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction Phase</td>
<td>Original 6/15/08-8/31/09</td>
<td>Contract</td>
<td>On Going</td>
</tr>
<tr>
<td>Plans came out of DSA July 8, 2008.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operation/Project Close-out Phase - 12 months</td>
<td>9/1/09-9/1/10</td>
<td>Contract</td>
<td></td>
</tr>
<tr>
<td>Additional Design and CA services for Health and DSPS</td>
<td>12/31/2008 Amendment  5</td>
<td>On Going</td>
<td></td>
</tr>
</tbody>
</table>

Due to the design revisions needed for DSPS and Health Services the additional design and CA services were extended.

### H. Kate Keating Associates, Inc. (District Signage Consultant)

<table>
<thead>
<tr>
<th>Activity</th>
<th>Milestone Date</th>
<th>Document</th>
<th>Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>SMCP Complex project specific design work</td>
<td>12/31/2008 Amendment 2</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Construction Docs at 100% for bid and 100% for fabrication (306C)</td>
<td>3/30/2009 Amendment 4</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Construction Docs at 100% for bid and 100% for fabrication (306A)</td>
<td>10/15/2009 Amendment 4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction Docs at 100% for bid and 100% for fabrication (306A)</td>
<td>5/1/2010 Amendment 4</td>
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### I. Kwan Henmi (Diamond PE Center)

<table>
<thead>
<tr>
<th>Activity</th>
<th>Milestone Date</th>
<th>Document</th>
<th>Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>DSA lock longer to review the plans than originally scheduled which then required a revised bid date, which then revised the construction start date.</td>
<td></td>
<td></td>
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</tr>
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</table>

### J. Marcy Wong and Donn Logan (FA / PA Buildings)

<table>
<thead>
<tr>
<th>Activity</th>
<th>Milestone Date</th>
<th>Document</th>
<th>Completed</th>
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</thead>
<tbody>
<tr>
<td>Estimated DSA Stamp-out (100% CD's)</td>
<td>Original 10/14/2008 Current 5/01/09</td>
<td>Contract Amendment 4</td>
<td>X</td>
</tr>
<tr>
<td>Due to user group questi ons concerning restrooms and classroom sizes, the start of CD drawings was delayed.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bidding Phase</td>
<td>12/18/09-3/15/10</td>
<td>Contract</td>
<td></td>
</tr>
<tr>
<td>Construction Phase</td>
<td>3/16/10-6/30/11</td>
<td>Contract</td>
<td></td>
</tr>
<tr>
<td>Operation/Project Close-out Phase - 12 months</td>
<td>5/1/11-7/31/11</td>
<td>Contract</td>
<td></td>
</tr>
<tr>
<td>Project Close-out with DSA</td>
<td>4/30/11-8/31/11</td>
<td>Contract</td>
<td></td>
</tr>
<tr>
<td>Extra programming &amp; conceptual design schemes</td>
<td>dates not changed</td>
<td>Amendment 1</td>
<td></td>
</tr>
<tr>
<td>Survey space and prelim project scope guidelines</td>
<td>dates not changed</td>
<td>Amendment 1</td>
<td></td>
</tr>
<tr>
<td>Fine Arts</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Estimated DSA Stamp-out (100% CD's)</td>
<td>Original 9/14/2008 Current 4/19/09</td>
<td>Contract Amendment 4</td>
<td>X</td>
</tr>
<tr>
<td>Due to user group questi ons concerning restrooms and classroom sizes, the start of CD drawings was delayed.</td>
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### J. Marcy Wong and Donn Logan (FA / PA Buildings)

<table>
<thead>
<tr>
<th>Activity</th>
<th>Milestone Date</th>
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</thead>
<tbody>
<tr>
<td>Estimated DSA Stamp-out (100% CD's)</td>
<td>Original 10/14/2008 Current 5/01/09</td>
<td>Contract Amendment 4</td>
<td>X</td>
</tr>
<tr>
<td>Due to user group questi ons concerning restrooms and classroom sizes, the start of CD drawings was delayed.</td>
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<table>
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<tr>
<th>Activity</th>
<th>Milestone Date</th>
<th>Document</th>
<th>Completed</th>
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</thead>
<tbody>
<tr>
<td>Bidding Phase</td>
<td>Original 11/16/06-1/15/09 Current Bid Date 5/15/09 Revised to 6/28/09</td>
<td>Contract Amendment 4</td>
<td>On Going</td>
</tr>
<tr>
<td>Due to user group questi ons concerning restrooms and classroom sizes, the start of CD drawings was delayed.</td>
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<table>
<thead>
<tr>
<th>Activity</th>
<th>Milestone Date</th>
<th>Document</th>
<th>Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction Phase</td>
<td>Original 1/16/09-5/31/10 Current 5/1/09 - 9/31/10</td>
<td>Contract Amendment 4</td>
<td>X</td>
</tr>
<tr>
<td>Due to user group questi ons concerning restrooms and classroom sizes, the start of CD drawings was delayed.</td>
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<th>Activity</th>
<th>Milestone Date</th>
<th>Document</th>
<th>Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operation/Project Close-out Phase - 12 months</td>
<td>Original 5/1/10-7/31/10 Current 9/31/10 - 12/31/10</td>
<td>Contract Amendment 4</td>
<td>X</td>
</tr>
<tr>
<td>Due to user group questi ons concerning restrooms and classroom sizes, the start of CD drawings was delayed.</td>
<td></td>
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<td>Activity</td>
<td>Milestone Date</td>
<td>Document</td>
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<tr>
<td>-----------------------------------------------</td>
<td>----------------</td>
<td>--------------</td>
<td>-----------</td>
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<tr>
<td>K. Ninyo &amp; Moore (District Industrial Hygienist Consultant)</td>
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</tr>
<tr>
<td>Activity</td>
<td>Milestone Date</td>
<td>Document</td>
<td>Completed</td>
</tr>
<tr>
<td>Project Close-out with DSA</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Due to user group questions concerning restrooms and classroom sizes, the start of CD drawings was delayed.</td>
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<td></td>
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</tr>
<tr>
<td>L. Royston Hanamoto Alley &amp; Abey (District Landscape Consultant)</td>
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<td></td>
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</tr>
<tr>
<td>Activity</td>
<td>Milestone Date</td>
<td>Document</td>
<td>Completed</td>
</tr>
<tr>
<td>Kentfield Campus Construction Phasing Diagrams</td>
<td>Quarterly through 2011</td>
<td>Amendment 3</td>
<td></td>
</tr>
<tr>
<td>Indian Valley Construction Phasing Diagrams</td>
<td>Quarterly through 2011</td>
<td>Amendment 3</td>
<td></td>
</tr>
<tr>
<td>Diamond PE Complex Construction Phasing Diagrams</td>
<td>Quarterly through 2009</td>
<td>Amendment 3</td>
<td></td>
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<tr>
<td>LEED Services</td>
<td>8/15/07 through CA Phase</td>
<td>Amendment 4</td>
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<tr>
<td>Construction Administration</td>
<td>Part of IVC Main project</td>
<td>Amendment 5</td>
<td>In Construction</td>
</tr>
<tr>
<td>Credit for work tasks related to tree species diversity 419A</td>
<td>Not applicable</td>
<td>Amendment 7</td>
<td></td>
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<tr>
<td>Landscape design around new signs for FA (306C and PE (308B)</td>
<td>5/20/2009</td>
<td>Amendment 10</td>
<td></td>
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<tr>
<td>Construction Phasing Plan Doc B (350D)</td>
<td>4/24/2009</td>
<td>Amendment 10</td>
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</tr>
<tr>
<td>M. Steinberg Architects (District Architect)</td>
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<td></td>
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</tr>
<tr>
<td>Activity</td>
<td>Milestone Date</td>
<td>Document</td>
<td>Completed</td>
</tr>
<tr>
<td>No outstanding items</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>N. Transitions (FF &amp; E Consultant)</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Activity</td>
<td>Milestone Date</td>
<td>Document</td>
<td>Completed</td>
</tr>
<tr>
<td>FF&amp;E Specifications - PA Modernization (305A)</td>
<td>1/1/2011</td>
<td>Amendment 3</td>
<td>On Going</td>
</tr>
<tr>
<td>FF&amp;E Specifications - SMCP Increment #3 (305A)</td>
<td>3/1/2009</td>
<td>Amendment 3</td>
<td>On Going</td>
</tr>
<tr>
<td>FF&amp;E Specifications - TransTech Complex (402A)</td>
<td>7/1/2008</td>
<td>Amendment 3</td>
<td>On Going</td>
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<tr>
<td>FF&amp;E Specifications - Main Building Complex (417A)</td>
<td>7/1/2008</td>
<td>Amendment 3</td>
<td>On Going</td>
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<tr>
<td>FF&amp;E Specifications - New FA Building (308C)</td>
<td>1/15/2009</td>
<td>Amendment 3</td>
<td>On Going</td>
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<tr>
<td>FF&amp;E Specifications - Diamond PE Center (308B)</td>
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<tr>
<td>District requested revisions - DSPS Relocation (850L)</td>
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<td>Amendment 6</td>
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<td>District requested revisions - TransTech Relocate (850H)</td>
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<td>Amendment 6</td>
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<tr>
<td>Space planning services for SMC Team Relocate (850N)</td>
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<td>Amendment 7</td>
<td></td>
</tr>
<tr>
<td>O. VBN Architects (IVC Main Building)</td>
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<tr>
<td>Activity</td>
<td>Milestone Date</td>
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</tr>
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<td>VBN Architects (IVC Main Building)</td>
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<tr>
<td>Construction Phase</td>
<td>Original: 4/4/09-12/1/09</td>
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<tr>
<td>Current: 11/20/08-11/20/2010</td>
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<tr>
<td>Bidding and construction start was delayed with plan check review</td>
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</tr>
<tr>
<td>Operation/Project Close-out Phase</td>
<td>12/1/09-5/31/10</td>
<td>Contract</td>
<td></td>
</tr>
<tr>
<td>Additional services-storm drain system redesign (417A)</td>
<td>n/a</td>
<td>Amendment 5</td>
<td></td>
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Marin Community College District
Sustainability Initiatives

Report to the Board
June 23, 2009
C.14.C

Presidents Climate Commitment (PCC)

Staff has continued work on the Climate Action Plan, a comprehensive plan for reaching climate neutrality by 2050. A draft of this plan is expected to be circulated for wide review by late summer; the plan is due to be submitted to the PCC by September 15.

Transportation Demand Management (TDM)

The Marin Transit District submitted a grant application to support the College in its efforts to develop a public transit incentive program for staff, faculty and students. Although the grant was not awarded, Marin Transit will continue to work with the College in developing a thorough commuter survey, which is expected to provide detailed baseline information that will be useful to both the College and the Transit District.

The public transit incentive meets the requirements of a "Tangible Action" of the Presidents Climate Commitment, which encourages the use of and provides access to public transportation for all faculty, staff, students and visitors to the college.

AB 32

The District is still studying the Climate Change Proposed Scoping Plan, a framework for change prepared in October 2008 by the California Air Resources Board to address the California Global Warming Solutions Act of 2006 (AB 32).

Leadership in Energy and Environmental Design (LEED)

Individual bond project teams and District staff continue to refine LEED credit applications and commissioning plans. As of this writing, three of six projects are seeking Gold status.
Renewable Energy

The photovoltaic system in Parking Lot 12, Kentfield, is substantially completed, and is expected to be hooked up to the PE Complex prior to occupancy of the PE Center.

Sustainability Database

Development of a master "database" of sustainability resources and initiatives is ongoing.

Other Initiatives

- Students involved in environmental activity at the College have requested the development of a recycling program, which will also contribute to the Presidents Climate Commitment’s Climate Action Plan for becoming climate neutral. This program will be started when students return to school for the Fall 2009 semester.

- The College’s booth at the 2009 Marin County Fair (July 1-5) will highlight the fair’s sustainability theme of “Cool Green Fun” by offering hand-outs constructed of sustainable materials, and by sharing brochures highlighting COM’s sustainability projects and the Carpool/Vanpool/Alternative Fuel Vehicle Preferred Parking Program.
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 Liebert 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 will be submitted to the full Board for first reading and adoption. Administrative procedures will be presented as information items.

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.

Administrative Procedures 2320, 2340, and 2435 are presented herein for information.
FISCAL ANALYSIS:

No fiscal impact for the District.

RECOMMENDATION:

For information only. No action is required.

Administrator Initiating Item  Dr. Frances L. White, Superintendent/President
AP 2320  SPECIAL AND EMERGENCY MEETINGS

References:
   Education Code Sections 72023.5 and 72129;
   Government Code Sections 54956 and 54956.5

Whenever a special meeting of the Board of Trustees is called, the Superintendent/President shall cause the call and notice to be posted at least 24 hours prior to the meeting in a location freely accessible to the public. The Superintendent/President shall also ensure that the following notices of the meeting are delivered either personally or by other means:

- Written notice to each member of the Board of Trustees, including the Student Trustee.
- Written notice to each local newspaper of general circulation, and each radio or television station that has previously requested in writing to be provided notice of special meetings.

The written notice must be received at least 24 hours before the time of the meeting as set out in the notice. The notice shall specify the time and place of the special meeting and the business to be transacted or discussed. The notice may be waived by members of the Board of Trustees in writing either prior to or at the time of the meeting.

Whenever an emergency meeting of the Board of Trustees is called, the Superintendent/President shall cause notice to be provided by telephone at least one hour prior to the meeting to each local newspaper of general circulation and each radio or television station that has requested notice of special meetings. If telephone services are not functioning, the Superintendent/President shall provide the newspapers, radio stations, and television stations with information regarding the purpose of the meeting and any action taken at the meeting as soon after the meeting as possible.

NOTE: This procedure is suggested as good practice. The language in underlined regular text is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore. This procedure was reviewed by the Board Sub-committee on Policy at its 4-28-09 Meeting and recommended to move forward.

Date Approved:
(This is a new procedure recommended by the CC League and the League's legal counsel)
AP 2340 AGENDAS

Reference:
Education Code Section 72121

The agenda for the Board meeting is compiled by the Superintendent/President's Office. Included in the agenda are business, operational, educational, and professional matters requiring Board approval; policy issues; and informational items. The agenda is developed the week prior to Board meetings and distributed to the trustees and staff no later than the Friday before a regularly scheduled meeting. The agenda listing each of the respective items is distributed to the campus community, posted in the public area of the Superintendent/President's Office, and posted on the District website no later than the Friday before a regularly scheduled meeting.

NOTE: This procedure is legally advised. The language in underlined regular text is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The information in underlined italics reflects recommended revisions by the Board Policy Committee. This procedure was reviewed by the Board Sub-committee on Policy at its 4-28-09 Meeting and recommended to move forward.

Date Approved:
(This is a new procedure recommended by the CC League and the League's legal counsel)
AP 2435    EVALUATION OF THE SUPERINTENDENT/PRESIDENT

Reference:
ACCJC Accreditation Standard IV.B.1

The Superintendent/President shall be evaluated annually based upon the date specified in the Superintendent/President’s contract. The Board President will appoint a committee of the Board of Trustees to conduct the evaluation process.

The process for evaluating the Superintendent/President is delineated in the current Superintendent/President’s contract.

All materials pertaining to the evaluation of the Chancellor will be retained for a period not to exceed two years in an “Access by Board Only” file and thereafter shredded.

The Chancellor’s annual evaluation shall be done solely by the Board, utilizing input from the Board members. The Board may request input from campus and community representatives. The evaluation forms will be distributed to these individuals at the same time they are distributed to the Board.

NOTE: This procedure is legally required to meet accrediting standards. The language in underlined regular text is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The information in underlined italics reflects recommended revisions by the Board Policy Committee. This procedure was reviewed by the Board Sub-committee on Policy at its 4-28-09 Meeting and recommended to move forward.

Date Approved:
(This is a new procedure recommended by the CC League and the League's legal counsel)