

COLLEGE OF
MARIN

**Board of Trustees Meeting
September 22, 2009
Minutes**

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 SS A&B conference room on the Kentfield campus, all members having received notice as prescribed by law. Board President Kranenburg called the meeting to order at 5:13 p.m. All publicly elected Trustees were present except Trustees Hayashino and Dolan, who both arrived at 6:15 p.m. Fran White, Al Harrison, and Nick Chang were also in attendance.

M/s (Treanor/Long) to adopt the agenda as presented. The motion passed unanimously (5-0).

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

The closed session recessed at 6:28 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 6:40 p.m. by Board President Kranenburg in the Deedy Staff Lounge in the Student Services Building on the Kentfield campus. He announced that the meeting was

being recorded to facilitate the preparation of minutes. All publicly elected Trustees were present. Student Trustee Nathaniel Parker was also in attendance.

Board President Kranenburg announced that the agenda had been approved in closed session.

2. *Approval of Minutes and Report of Closed Session*

Trustee Treanor moved approval of the minutes of the August 25, 2009 Board meeting. Trustee Long seconded the motion with three corrections as follows.

1. Trustee Long contended that the wording of the motion as recorded in the minutes on page 8 was incorrect for agenda item B.11.B and that it should have been Approve 2009/2010 Adoption Budget as posted on the agenda. She objected to singling out a \$500,000 allocation to the IVC pool and locker facility as part of the budget adoption and contended that it should have been posted on the agenda as a separate item for discussion and approval. She objected to inclusion of the terminology "to address health and safety concerns" because when she asked exactly where this money was in the budget, Vice President Harrison responded that it was on page 31 under Risk Margin Carry Forward. As a point of clarification Board Parliamentarian Treanor explained that the motion containing those words was withdrawn and the one that was passed by a 7-0 vote was Trustee Paterson's motion to "Approve 2009/2010 Adoption Budget with the understanding that staff are directed to allot \$500,000 to the IVC pool and locker facility" (on page 9 of the minutes). Trustee Long said she would be happy if we would strike out the phrase beginning with "with the understanding" and have staff bring back a plan.

Vice President Harrison reminded the Board that it was explained at the last meeting that during the budgeting process he made a recommendation to the President based on our ending fund balance to build \$500,000 into the budget for the specific purpose of repair of the IVC pool and locker facility. A presentation was made previously to the Board about the need to repair the IVC pool and locker facility but we did not have the money at the time to do anything about the situation. He stated that there is no fund called "health and safety" and noted that if we do not address the health and safety issues at the IVC pool we may find ourselves with a situation like the track. He noted that we have previously used ending fund balances to fund our unfunded liability so there is precedent for allocating funds from the ending balance.

2. Trustee Long requested inclusion of her request to find out the amount of Rob Barthelman's contract for a preliminary Gateway design in the minutes. It was pointed out that her question and the answer (\$83,000) are included in B.5.a.3, the Follow-up Report in the Board packet for this meeting.
3. Trustee Long stated that with regard to B.11.G, Approve Agreement with Cardaronella Stirling Associates (CSA) for Strategic Development Assessment, there was a second to

her proposed amendment and requested a review of the transcript of the discussion on this agenda item. She also requested an explanation from Dr. White of limitations on the use of DeBorba funds. Board Parliamentarian Treanor stated that this would be an appropriate request under the Board Reports and/or Requests agenda item.

Board Parliamentarian Treanor stated that it is not appropriate to revisit the activities of a previous meeting during a discussion of the minutes and that since her motion to approve the minutes did not have any qualifications and the second did (proposed corrections), that there was not a motion and a second yet. Trustee Hayashino seconded Trustee Treanor's motion to **approve the minutes of the August 25, 2009 Board meeting.** The motion passed by a roll call vote of 4 to 3 with Trustees Kranenburg, Treanor, Paterson and Hayashino voting aye and Trustees Long, Dolan and Namnath voting no. Student Trustee Parker cast an advisory aye vote.

Trustee Long's reasons for voting no in addition to what was mentioned above include her assertion we have never approved a budget allocation without a plan before. She has concerns about violating the Brown Act since the allocation for pool repair was not posted as a separate item on the agenda and believes we should have made it clear that we would be discussing this during the budget adoption. She also commented that she has become increasingly concerned that certain decisions are made and then the Board finds out about them at the Board meeting. She expects the Board to be duly informed of what is happening.

Trustee Namnath voted no because certain Trustees do not feel comfortable with the language of the motion as recorded. His recollection is that the Board voted only to approve the budget without specifying any one item because repair of the IVC pool was not placed on the agenda for members of the public to discuss in accordance with the Brown Act. If that had been on the agenda there would perhaps have been a different public perception and participation at that last meeting. He said that he did not know ahead of time that there would be discussion of repair of the IVC pool and he feels that other Trustees did.

Trustee Dolan's reasons for voting no included her contention that we have never pulled out items from a budget and specified at the Board level what the money is going to be targeted for. She stated that this item did not go through the proper budgeting procedure. Trustee Dolan said that no Trustee should be able to simply pull an item from the budget,

say this much money is going to go for that and then ask for Board approval. If this item was going to be discussed everyone should have been fully informed including the public. She said she didn't know that the IVC pool was the first priority over the football field and Kentfield track for health and safety concerns. Trustee Dolan stated that she thinks we need to look at the way we're doing business and conduct ourselves in a better manner that reflects what the educational needs of this county are.

Board Clerk Hayashino reported that no action was taken during closed session.

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

Don Foss, COM faculty member, commented on the environmental degradation that will be caused by tearing down the old Science Center and building a new building on campus, the Science/Math/Central Plant. He also complained that the new S/M/CP building will be smaller than the current building and will not meet the size and program needs of students, faculty and staff. He asserted that no one on the earth and life science faculty has seen the blueprints of the final plan for the building. Mr. Foss submitted a handout (copy attached) entitled "Environmental Foot Print of the Ward Austin Science Center College of Marin Kentfield."

Judy Mesinger addressed the Board regarding the decision by College of Marin to eliminate the Open College option, expressing concern on behalf of Open College participants regarding what the college will offer in its place. A copy of her statement is attached to the minutes as part of the official record.

Vanae Nelson, a COM water aerobics student, submitted a petition signed by over 140 people urging College of Marin to use voter-approved bond money to repair key athletic facilities such as the Kentfield track and pools at the Kentfield and Indian Valley campuses. She expressed appreciation to the Board for the repair work that will be done at IVC.

John Stepler, representing the pool coalition, stated that he appreciates the time and consideration the Board has given to repairing the IVC pool and locker room.

4. *Board Reports and/or Requests*

Board President Kranenburg read the following statement:

"On September 11, after a lengthy trial, the jury returned its verdict in the case brought by Pamela Mize-Kurzman against the District, President White and Anita Martinez. The verdict was totally in favor of the District, President White and Ms. Martinez. The jury found against Ms. Mize-Kurzman on all issues in her case, which was for retaliation and whistleblowing. Ms. Mize-Kurzman had brought claims of defamation, wrongful demotion, and breach of the settlement agreement in her prior case. She dismissed each of these claims before the start of the trial. She had also filed an action with the State Personnel Board, which it dismissed months before the start of the trial. The District will seek recovery of its costs."

a. *Commendation Resolutions and Other Resolutions*

M/s (Hayashino/Treanor) to **Approve Resolution in Support of Hispanic Heritage Month**. The motion passed by a unanimous roll call vote of 7-0 (plus an advisory aye vote by Student Trustee Parker).

b. Legislative Report.

Trustee Paterson called the Board's attention to the Race to the Top Funding for California Schools Statement of Support signed by Marin County School Superintendents which is in their Board packets. She reported that the Community College League recommends support of AB 386 (Disabled Students: audio captioning) and AB 669 (Foster Youth: higher education residency requirements) which were passed by the Legislature and sent to the governor for approval. She also called the Board's attention to AB 774 (Community college transportation fees) and SB 410 (Workforce Investment-federal funding) which are also on their way to the governor's desk.

c. Committee Chair Reports

1. Board Self-Evaluation

Trustee Hayashino thanked the three Trustees who have responded to the Board Self-Evaluation survey and announced that the survey will be resent as the committee would like to have 100% participation. Results of the survey will be summarized at the next meeting. Trustee Dolan suggested having an outside person evaluate the actions and not just the words of the Board. President White said that the committee could take this under consideration but reminded the Trustees that self-evaluation by the Board is required by WASC.

2. Format for Board Agenda

Board President Kranenburg called the Board's attention to the fact that Board Budget Priorities and Strategic Plan Priorities have been added to the agenda where applicable. He noted that in an effort to be more considerate of the time of Board members, staff and the public there may be an opportunity to collectively give direction to the Board officers to reorder the Board agenda format by moving items of public interest and items that are voted on up toward the front of the agenda so that the audience won't have to wait til the end of the meeting for items of interest to them. Suggestions offered by Trustees included moving approval of the minutes and Board reports and requests toward the end of the agenda and reversing the Consent and Action calendars. Board members reached consensus on having Board President Kranenburg and President White use these suggestions and put together a reordered agenda for the next meeting to be tried on a trial basis and evaluated.

d. Individual Reports and/or Requests

Trustee Long asked for an explanation from Dr. White of limitations on the use of DeBorba funds.

Trustee Namnath asked the Board to consider endorsing a resolution in support of H.R.3221, "The Student Aid and Fiscal Responsibility Act of 2009" – particularly the section on Grants to Eligible Entities for Community College Reform. Dr. White asked him to send information and proposed language for a resolution to her and he agreed. He also asked for information on the underrepresented groups on our campus and the

programs which foster the successful graduation or granting of certificates to those individuals on our campus.

Trustee Treanor announced that she has been appointed president of the Board of the Marin Education Fund which provides scholarships to the underrepresented groups in Marin. It consists of support from the Marin Community Foundation and in her time on the board the MEF has given \$16 million in scholarships to students who are the first in their families to go to college. She noted that 60% of MEF's scholarship recipients are College of Marin students.

Trustee Long shared a postcard she received from Santa Rosa College advertising their community ed courses and a letter from the Campaign for College Opportunity explaining their higher education budget recommendations. She asked if the Board would consider generating a letter in response saying that we support certain aspects of their recommendations.

Trustee Long also asked for a report on savings that have been generated from Measure C projects, the recommended disposition of savings from Measure C projects, and the amount of bond interest funds. She also asked for a report on how many students are actually wait listed for core academic classes and what the resolutions are for that.

Trustee Dolan stated that she had been receiving input from community members that reflects what Don Foss was talking about concerning environmental problems caused by the construction. She asked what happened to the evaluation of our historical fabric and open spaces in the environmental impact report. Trustee Dolan also asked for a report on tree removal and relocation and was informed that this would be presented later in the meeting by Modernization Director Chernock.

Trustee Long asked Dr. White to read a letter addressed to Dr. White and the Board complaining about closure of the parking lot for the Arts Department on September 14 for a dedication ceremony without making parking available for students who are handicapped to park within a reasonable walk to class. Dr. White read the letter and a copy is attached to the minutes as part of the official record. She noted that a response to the letter will be prepared by Modernization Director Chernock and that the modernization team will work with the police department during special events to make sure that parking designations are clear and that students know where they can park.

M/s (Long/Treanor) to move agenda item B.11.D.5 up on the agenda. The motion passed by a unanimous vote of 7-0 (plus an advisory aye vote by Student Trustee Parker).

B.11.D.5 Geothermal Fields Kentfield & IVC Projects (#305B & 417B)

Approve Change Order #1R and Resolution Attesting No Benefit to Bidding Out Change Order Work (\$737,500) and Notice of Completion – Trison Construction

Modernization Director Chernock presented a staff report (copy attached) on the Trison settlement and responded to questions posed by Trustees. Trustee Namnath requested a review of the bid process on the Trison contract and that will be provided at a future meeting. Trustee Dolan asked what can be done to stop change orders and amendments.

M/s (Treanor/Paterson) to **Approve Change Order #1R and Resolution Attesting No Benefit to Bidding Out Change Order Work (\$737,500) and Notice of Completion – Trison Construction**. The motion passed by a roll call vote of 6-1 with Trustees Long, Namnath, Treanor, Paterson, Kranenburg, and Hayashino voting yes and Trustee Dolan voting no. Student Trustee Parker cast an advisory aye vote.

Trustee Namnath left the meeting at 8:30 p.m.

M/s (Treanor/Long) to move B.8, Student Senate and Student Association Report, up on the agenda. The motion passed by a unanimous vote of 6-0 plus an advisory aye vote by Student Trustee Parker.

8. Student Senate and Student Association Report

Student Trustee Parker introduced ASCOM President Nicolas Pampanin who stated that he and Student Trustee Parker were elected by the highest voter turnout in 10 years and that they feel they both speak for the students of this school. He took issue with statements made by Don Foss regarding the new Science Complex and stated that the students are in favor of the new Science Center and will be happy to have it. He also complimented the modernization team for doing a stellar job and commented that the students' input needs to be heard. Mr. Pampanin reported that ASCOM and the Student Senate would be sponsoring the following events in recognition of the Hispanic Heritage Month: a food sale and salsa dance lessons, a forum on immigration with a special guest speaker and the showing of a film from the Latino Film Festival.

Student Trustee Parker also responded to Don Foss' comments by stating that most students support the modernization projects and are excited about having new and up-to-date facilities. He stated that he thinks the modernization team has done an excellent job and that seems to be the general opinion of students on campus. Student Trustee Parker reported that ASCOM and the Student Senate sponsored a showing of the film *The Great Debaters* on September 16 as part of a Constitution Day celebration. He also announced that student representatives have been recruited for all but one governance committee and that the Student Senate endorsed HR 3221. He reported that a student club called MAMA (Marin Art and Music Alliance) has been putting on some notable musical events on campus that have gathered quite a bit of attention. There has been growing attendance and he hopes these activities will contribute to a culture of music and all-around involvement on campus.

e. WASC Report Status

President White reported that we are on schedule with work on the Self-Study (which is co-chaired by Dr. David Snyder and Dr. Blaze Woodlief) and plan to have a presentation on this document at the October or November Board meeting.

5. Chief Executive Officer's Report

President White called the Board's attention to her report in their packets.

a. Staff Reports

Vice President Chang presented a brief report (copy attached) on Open College at COM. He explained that in reviewing Title 5 and after consultation with our legal counsel, it became apparent that this is a non-compliant program that was designed to get around regulatory requirements regarding repeatability of courses. The largest group of students who will be affected by the discontinuation of Open College in spring 2010 are the ones enrolled in PE173A (Beginning Yoga). To accommodate these students two sections of Community Education Yoga classes will be scheduled.

1. Enrollment Update

Nick Chang, Vice President of Student Learning, updated the Board on enrollment figures, noting that our fall 2009 headcount is up 13.4% over fall 2008. A copy of his report is attached.

2. Modernization Update

Modernization Director Chernock reported that the new west bridge was installed last week and that the concrete deck was scheduled to be poured on September 24. The bridge is expected to be open for pedestrian traffic within the month. It will be open for a few months and then will be closed during construction.

She updated the Board on tree removal and replanting on both campuses, noting that seven of the trees in the footprint of the Fine Arts Building have been relocated and that a plan for tree removal surrounding the new Science Complex will be developed later this fall and will include a map showing each tree and its location. She noted that our Environmental Impact Report specifies that for every native tree removed we will replant or replace by a ratio of 2 to 1. A copy of Director Chernock's report is attached to the minutes.

Director Chernock reported that one of our contractors uncovered some Native American artifacts while digging a trench near the location of the Fine Arts Building. Archeological experts were brought in and the situation will be handled in accordance with proper protocols and our agreement with the Federated Indians of Graton Ranchero.

Finally, Director Chernock reported that the modernization team has received comments written by the Science/Math faculty with regard to plans for the new building and will have a response ready at the October or November Board meeting.

3. Follow-up Report

President White called the Board's attention to this new report which will be prepared for each Board meeting to provide answers to questions posed by Trustees.

4. Board Budget Priorities to Implement Strategic Plan

Dr. White called the Board's attention to the list of Board Budget Priorities 2009/2010 (approved at the March 17, 2009 Board meeting) in their packets.

President White introduced Greta Siegel, COM's new Dean of Student Development & Special Services.

6. Academic Senate Report

Yolanda Bellissimo, Academic Senate President, read a resolution recognizing retiring former Academic Senate President David Rollison for his years of service and wishing him well in his retirement. A copy of the resolution is attached to the minutes as part of the official record.

7. Classified Senate Report

No report

9. Board Study Session

None

10. Consent Calendar Items

M/s (Treanor/Hayashino) to approve all items on the Consent Calendar. The motion passed by a roll call vote of 5-0-1. Trustee Dolan abstained and Student Trustee Parker cast an advisory aye vote.

A. Calendar of Upcoming Meetings

No changes

B. Approve Classified Personnel Recommendations.

1. Appointment of Classified Personnel
2. Appointment of Hourly Personnel
3. Classified Request for Leave of Absence/Uncompensated Leave

- C. **Approve Academic Personnel Recommendations.**
 - 1. Appointment of Academic Personnel
 - 2. Temporary Credit Instructors Added and Changed Appointments Fall Semester 2009
 - 3. Temporary Non-Credit ESL and Community Education and Services Instructors Fall 2009
 - 4. Academic Personnel Lottery to Determine Order of Employment
 - D. **Short-Term Hourly Positions**
 - E. **Budget Transfers – Month of August - FY 2009/10**
 - F. **Warrant Approval**
 - G. **Declaration of Surplus Property – Miscellaneous Equipment**
 - H. **Modernization (Measure C) - BP3.1 (*Keep modernization program on track*)**
 - 1. **Ratify/Approve Modernization Contracts, Changes and Amendments (\$12,896,706)**
 - 2. **Approve Contract Amendment**
PE Pool Renovation Project (#308F)
Aquatic Design Group – Amendment 1 (\$4,740)
 - I. **Approve Revised Board Policies – BP1.4a (*Review institutional needs and assess Institutional effectiveness, using Program Review, Administrative Planning and Assessment, the Strategic Plan and the Educational Master Plan*)**
 - 1. BP 3250 Institutional Planning
 - 2. BP 5150 EOPS
 - J. **Approve Classified Management Personnel Recommendation**
 - K. **Approve Out-of-Country Travel**
11. **Other Action Items**
- A. **M/s (Treanor/Paterson) to Approve San Mateo Community College District and College of Marin Memorandum of Understanding to Support Solar Technician Training Program at IVC – SP.2 (*Improve Student Learning and Success*).**
The motion passed by a vote 6-0 plus an advisory aye vote by Student Trustee Parker.
 - B. **M/s (Treanor/Hayashino) to Approve Sim Center Memorandum of Understanding Renewal with Marin General Hospital – SP.2 (*Improve Student***

Learning and Success). The motion passed by a vote of 6-0 plus an advisory aye vote by Student Trustee Parker.

- C. M/s (Treanor/Hayashino) to **Approve Sim Center Memorandum of Understanding Renewal with Novato Community Hospital – SP.2 (Improve Student Learning and Success)**. The motion passed by a vote of 6-0 plus an advisory aye vote by Student Trustee Parker.
- D. **Modernization (Measure C) – BP3.1 (Keep modernization program on track)**
M/s (Treanor/Paterson) to approve agenda items D. 1-3. The motion passed by a vote of 6-0 plus an advisory aye vote by Student Trustee Parker.
 - 1. **Approve Diamond PE Center Alterations, Parking Lot 10 Grade/Pave/Stripe Portion Project (#308B) Award Construction Contract – Maggiora and Ghilotti, Inc. (\$75,813).**
 - 2. **(PE Pool Renovation Project (#308F) Pre-Authorize Award of Construction Contract**
 - 3. **Health Services Portable Project (#850G) Notice of Completion - Fort Bragg Electric, Inc.**
 - 4. M/s (Treanor/Long) to approve **Diamond PE Center Alterations Project (#308B) Approve Change Order #16 and Resolution Attesting No Benefit to Bidding Out Change Order Work (\$27,838) – Alten Construction, Inc.**
The motion passed by a roll call vote of 5-1 with Trustee Dolan casting the no vote. Student Trustee Parker cast an advisory aye vote.

12. Possible Future Agenda Items for Discussion

- A. **Kentfield Pool Use Request Update (Al Harrison)- SP.1 (Improve Student Access)**

13. Items for Possible Future Board Action

- A. **Revised Board Policies (First Readings) – BP1.4a (Review institutional needs and assess institutional effectiveness, using Program Review, Administrative Planning and Assessment, the Strategic Plan and the Educational Master Plan)**
 - 1. **BP 5020 Non-Resident Tuition**
 - 2. **BP 5035 Withholding of Student Records**
 - 3. **BP 5052 Open Enrollment**

- B. Bid Award for LRC Cooling Tower Replacement Project (October) – *BP1 (Fiscal Accountability)*
- C. Recommendation on Bolinas Field Station – *BP1 (Fiscal Accountability)*
- D. Recommendations for Reduction of District Legal Fees – *BP1 (Fiscal Accountability)*
- E. Plan to Address Athletic Facilities Repair, Maintenance, and ADA and Health and Safety Issues – *SP.1 (Improve Student Access)*
- F. Resource Development Plan – *BP4.1 (Implement a Strategic Plan for College Development)*
- G. Kentfield Asset Management Plan (October)- *BP1.5 (Implement asset management for long-term fiscal health)*

14. Information Items

Board members were asked to review the information items in their Board packets.

- A. Contracts and Agreement for Services Report – August, 2009 – *BP1 (Fiscal Accountability)*
- B. 4th Quarter Financial and CCFS 311Q for 2008/09 – *BP1 (Fiscal Accountability)*
- C. Modernization Update – *BP3.1 (Keep modernization program on track)*
 - 1. Director's Report – *BP3.1 (Keep modernization program on track)*
 - 2. Sustainability Report
 - 3. Contract Milestones Report through August 2009 – *BP3.1 (Keep modernization program on track)*
 - 4. Quarterly Progress Report Period for Period Ending June 30, 2009 – *BP3.1 (Keep modernization program on track)*
- D. Revised Administrative Procedures
 - 1. AP 4225 Course Repetition
 - 2. AP 5020 Non-Resident Tuition
 - 3. AP 5035 Withholding of Student Records
 - 4. AP 5052 Open Enrollment
- E. Calendar of Special Events
 - Diamond PE Center Ribbon Cutting Ceremony – October 1, 2009, 4:00 p.m.
 - ACCT Congress – October 7-10, 2009 – San Francisco Hilton

15. Correspondence

Board President Kranenburg called the Board's attention to the correspondence in their Board Packets.

16. Board Meeting Evaluation

Comments were made in support of talking about restructuring the agenda to be more appreciative and respectful of people's time. Appreciation was also expressed to several Trustees for making an effort to look for alternatives, options and strategies to make it possible to work together for decision making.

17. Adjournment

M/s (Treanor/Hayashino) to adjourn the meeting in honor of Melinda Molloy's wedding. The motion passed by a unanimous vote of 6-0 (plus an advisory aye vote by Student Trustee Parker) and Board President Kranenburg adjourned the meeting at 9:30 p.m.

PROGRESS REPORT ON GOALS AND PRIORITIES

SP/BP PRIORITIES	BOARD ACTIONS TAKEN	DATE	VOTES AYES/NOES
SP.1: <i>Improve Student Access</i>	Approve Resolution in Support of Hispanic Heritage Month	September 22, 2009	7-0 plus advisory aye vote by Student Trustee
SP.2: <i>Improve Student Learning and Success</i>	Approve San Mateo Community College District and College of Marin Memorandum of Understanding to Support Solar Technician Training Program at IVC	September 22, 2009	6-0 plus advisory aye vote by Student Trustee
	Approve Sim Center Memorandum of Understanding Renewal with Marin General Hospital	September 22, 2009	6-0 plus advisory aye vote by Student Trustee
	Approve Sim Center Memorandum of Understanding Renewal with Novato Community Hospital	September 22, 2009	6-0 plus advisory aye vote by Student Trustee
BP3: <i>Facilities</i> 3.1: <i>Keep modernization program on track</i>	Ratify/Approve Modernization Contracts, Changes and Amendments	September 22, 2009	5 ayes and 1 abstention plus advisory aye vote by Student Trustee
	Approve Aquatic Design Group Contract Amendment #1 for PE Pool Renovation Project	September 22, 2009	5 ayes and 1 abstention plus advisory aye vote by Student Trustee

SP/BP PRIORITIES	BOARD ACTIONS TAKEN	DATE	VOTES AYES/NOES
<p><i>BP3: Facilities</i> 3.1: <i>Keep modernization program on track</i></p>	Award Construction Contract to Maggiora and Ghilotti, Inc. for Diamond PE Center Alterations, Parking Lot 10 Grade/Pave/Stripe Portion Project Pre-Authorize Award of Construction Contract for Pool Renovation Project	September 22, 2009 September 22, 2009	6-0 plus advisory aye vote by Student Trustee 6-0 plus advisory aye vote by Student Trustee
	Approve Notice of Completion for Health Services Portable Project – Fort Bragg Electric, Inc.	September 22, 2009	6-0 plus advisory aye vote by Student Trustee
	Approve Change Order #16 and Resolution Attesting No Benefit to Bidding Out Change Order Work for Diamond PE Center Alterations Project - Alten Construction, Inc.	September 22, 2009	5-1 plus advisory aye vote by Student Trustee
	Approve Change Order and Resolution Attesting No Benefit to Bidding Out Change Order Work and Notice of Completion for Geothermal Fields Kentfield & IVC Projects – Trison Construction	September 22, 2009	6-1 plus advisory aye vote by Student Trustee

SP /BP PRIORITIES	BOARD ACTIONS TAKEN	DATE	VOTES AYES/NOES
<p><i>BP1: Fiscal Accountability</i> <i>1.4a Review institutional needs and assess institutional effectiveness, using Program Review, Administrative Planning and Assessment, the Strategic Plan and the Educational Master plan</i></p>	<p>Approve Revised Board Policies BP 3250 Institutional Planning and BP 5150 EOPS</p>	<p>September 22, 2009</p>	<p>5 ayes and 1 abstention plus advisory aye vote by Student Trustee</p>

BOARD STUDY SESSIONS/STAFF REPORTS

SP/BP PRIORITIES	BOARD STUDY SESSIONS/STAFF REPORTS	DATE	PRESENTER
SP.2: <i>Improve Student Learning and Success</i>	WASC Report Status	September 22, 2009	Dr. Fran White
BP2: <i>Improve Student Access and Success in Instruction and Student Services</i> 2.2: <i>Continue to improve enrollments, retention, transfer, completion rates in credit and non-credit)</i>	Enrollment Update	September 22, 2009	Nick Chang
BP3: <i>Facilities</i> 3.1 <i>Keep modernization program on track</i>	Modernization Report	September 22, 2009	V-Anne Chernock

Environmental Foot Print of the Ward Austin Science Center College of Marin Kentfield

1. Carbon Dioxide Released into the Atmosphere from the concrete held in the building. Is equal to 8,800,000 pounds.
 - a. Over 33 million pounds of Concrete was used in the construction of the building. This figure does not take into account the concrete used in the ramps and stub walls of the structure. The limestone, calcium carbonate milled to generate the cement for this concrete released over 4, 400, 000 pounds of Carbon dioxide, a greenhouse gas, into the atmosphere. The amount of CO₂ released from the actual mining process and heating of the bulk limestone is about equal to the CO₂ released from the chemical structure of the limestone proper. Thus the total mass of Carbon Dioxide generated from the concrete in the Ward Austin Science Center is on the order of 8, 800,000 pounds. This amount of Carbon Dioxide is equal 2,250 cars with a fuel efficiency of 20 miles/gallon driving around the equatorial circumference of Earth.
 - b. It is worthy to note that in 1974 the aggregate used in mixing the concrete for the Science Center came from the Russian River Aggregate Resource Area. This source has been shut down and rounded aggregate for all future projects will be imported from the Great Valley.
2. Over 168, 810 linear feet of ½ inch diameter rebar, reinforcement steel, is tied off in the above concrete, just over 31 miles of steel bar. This is equal to a ½ inch diameter steel bar extending from Novato to a point just north of Santa Rosa. The amount of Carbon Dioxide generated in the smelting of this steel has not been calculated, however the steel required to replace this re-bar will be imported from China
3. A very cursive and conservative estimate of the amount of wire used in the structure indicates that the building has over 65,000 linear feet of copper wire strung from one end to the other.
4. 114 fire rated doors, at a cost of \$750.00 each or just over \$110,000 in doors alone not counting locking mechanisms and door handles, seal the structure from internal fires.
5. The sprinkler system alone has over 4,460 linear feet of 1 ½ inch iron pipe. Over 460 sprinkler brass and copper sprinkler heads lead off from this pipe.
6. There are over 300 very pricy overhead light fixtures found in the structure.
7. A new HVAC system was installed on the Ward Austin Science Center not more than five years ago.
8. The Science Center was re-roofed no more than three years ago
9. All for a building constructed, with the finest materials available, in 1974. A building that meets the needs of the current science offerings and could with a minimal investment serve the future needs of our student population as well.

Some of us are here this evening to address the decision by College of Marin to eliminate the Open College Option for all students. We are being told that the college is out of compliance with the state due to Title 5, and we would like to know exactly what this means. Is this a tax issue, is this a school charter issue, and what are the logistics involved that might lead you to reverse this decision?

The College Of Marin has served it's constituents well for many years offering credit and non-credit classes to young students out of high school, aspiring to transfer to a four year college, as well as older students ages 45 years and above, that represents 42.9% of our Marin population. Because of Marin's large aging population we have different needs than most other counties in the state, and the Open College is the best way to address those needs.

The classes that have been offered have taken faculty members years to develop an excellent curriculum, and each program has a following of dedicated senior students who use the programs to continue their healthy functioning in the Marin Community. One such class is Alice Rocky's Yoga class. There are students who have taken this class for over twenty years and still benefit greatly from the expert instruction and guidance Alice offers. Many of the language literature classes change the books that are read each semester, so that the content stays relevant and diverse and allows for repetition. The same can be said for the Art and PE classes.

The students who attend these classes range in age from 18 to 80; some are handicapped and many are on fixed incomes. Most seniors can't afford the expense of private yoga classes , language instruction, or the myriad of classes offered by Open College. We count on College of Marin to provide these unique programs .

As taxpayers we support the College of Marin precisely because it is a vanguard in providing programs for seniors, compared to other counties, and we vote with our tax dollars so that these programs will be available to us.

Learning doesn't stop when one graduates college, and as a community, we wonder whether age discrimination plays a role in your decision.

The Open College has a long successful history, and those of us who participate in it are very concerned about what the college will offer in it's place. Title 5 seems to standardize what community colleges can offer when In fact each community has very different needs.

We are hoping that you will study this issue carefully and include it in the agenda at your next board meeting. We would be happy to participate in any way to help the college keep the Open College option available to all students.

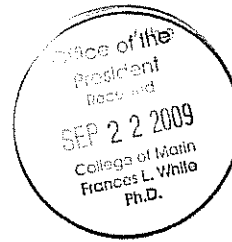
Thank you very much for your time.

Deedy Staff Lounge
6:30

September 16, 2009

President Francis White
The Board of Directors
College of Marin
835 College Avenue
Kentfield, CA 94904

Dear Trustees;
we will respond.
She got a ticket
and was obviously
not happy about
it.
F.



Dear President White and College of Marin Board Members:

I understand you are meeting this Friday, September 18th. I request this letter be read at that meeting and action be taken concerning the following untenable situation.

This letter of complaint concerns the college's construction of the new Arts Department building.

On Monday, September 14 the parking lot for the Arts Department was closed to all traffic. Signs were posted directing students to temporary lots *but no parking was made available for those of us who are handicapped to park within a reasonable walk to class*. As a result, I and many other handicapped students, missed our classes.

I was informed by the campus police that this closure was to allow for a dedication ceremony. *Is it the college policy to put the needs of its students below the pomp of an opening ceremony? It appears it is. Shame on you.*

I was also told that the college plans to close this parking lot in January, 2010 for several years while the new building is constructed. Where do you expect handicapped students to park during construction? If we cannot walk the distance from the "temporary" parking lots, where do we park? Is it not a law in California that adequate and convenient parking be provided for handicapped persons?

This cavalier attitude is not only illegal, it is shocking disrespect to students with handicaps. What were the architects and contractors thinking when they planned this lengthy project?

What do you, the President and Board of Directors of the College of Marin, plan to do to remedy this situation? The college is a vital center for handicapped students of Marin.

We expect the college to adhere to the law. We assure you we take this issue seriously and request an immediate response and solution.

As one of many handicapped students, I am,

Sincerely,

A handwritten signature in black ink, appearing to read "Barbara Wornum". The signature is fluid and cursive.

Barbara Wornum
63 Tamalpais Avenue
Mill Valley, CA 94941

Trison Settlement Summary

During construction of the geothermal projects at Kentfield and IVC, many technical challenges and issues surfaced, due in part to the tight conditions on the Kentfield site, and due in part to California laws regulating disposal of water and spoils from underground drilling operations. Construction was delayed as a result of these challenges, and resolution of PCOs was tabled in an effort to complete the project in time for Fall semester 2008.

By early January discussions on resolution of PCOs and other issues reached a halt, and the District issued an invitation to Trison to sit down at the table to negotiate a settlement of all outstanding issues. This meeting finally took place on August 27.

The meeting was attended by three Trison officials: President Brian Haggart, Director of Operations Keith Helgeson, and financial officer Darren Heckman. I represented the District and was supported by Swinerton personnel Bill Krill, Dale Molyneux and Debra Mathau.

Trison came to the table with a request for about a million dollars over the original contract amount. At issue were unallocated contract allowances, four major PCOs totaling more than a million dollars alone, as well as half a dozen other PCOs not yet finalized; a claim of delayed payment; and 17 potential backcharges based on delays and damages.

It became immediately clear that the District and Trison would not be able to settle each individual issue quickly, if at all. In an amicable effort to reach a settlement, both parties agreed to recommend a settlement of \$737,000, which covers items owed to Trison as well as approximately \$500,000 to split the unresolved difference in claims and counter-claims.

The total settlement equals a construction contingency of slightly less than 15%, which is within the project budget, and is the only change order this contract will have. The change order will be accompanied by a Final Settlement document and Notice of Completion. The only remaining action on this contract will be final release of retention after the required Notice of Completion waiting period.

Open College

How It Came About: Open College at COM was created in Spring 2006 to accommodate students primarily enrolled in the Arts, Modern Languages, and Physical Education credit courses who have exceeded their allowable number of repeats (four) under Title 5 but who wish to re-enroll in the course, and also for J-1 status students who take ESL. At that time, a special section number was created for any credit class for which a student wished to enroll as a not for credit, fee paying, student assuming the instructor agreed to accept the student. The student paid a fee considerably higher than that of a credit student, and it was administered by the Community Education Program. That process has changed more recently to a system whereby an Open College student enrolls, pays the higher fee, but does not show up at all in the credit head count or Management Information System (MIS) report.

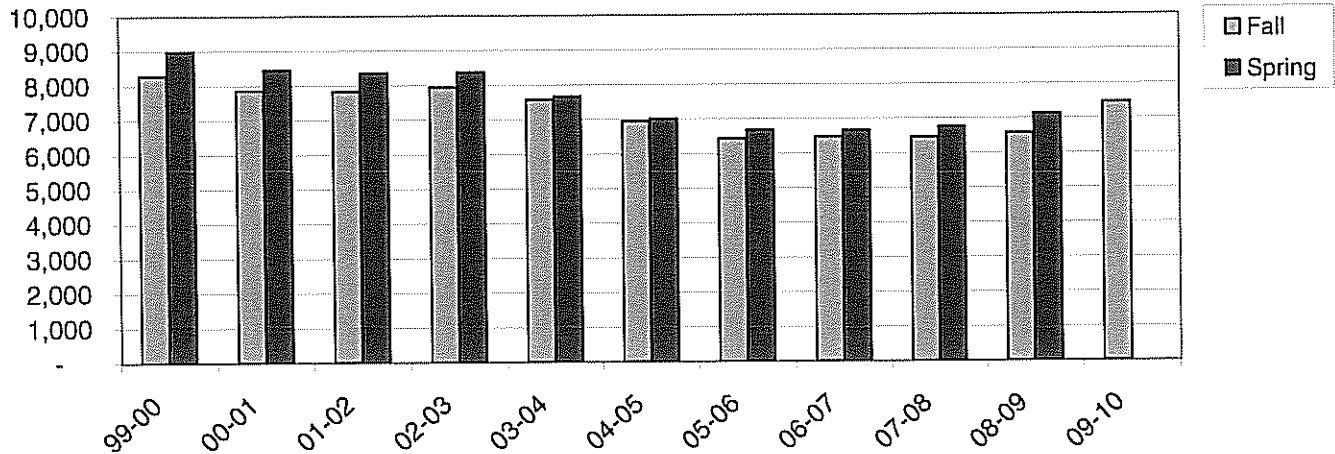
Why It Is Being Discontinued: In reviewing Title 5, and after consultation with our Legal Counsel, it became apparent that this is a non-compliant program that was designed to get around the regulatory requirements. Title 5 authorizes three types of courses that a community college can offer: credit, noncredit, and fee-based community education. It does not authorize hybrid classes such as Open College and does not sanction such mechanisms for getting around the repeat policies. There is no category in the MIS for reporting a credit class that has primarily noncredit students. In this period of financial crisis, the State is examining the Fine Arts and Physical Education courses and some of these practices very closely. College of Marin should be very careful to make sure that our practices follow Title 5 regulations.

Finally, Open College creates a number of administrative issues that are difficult to resolve:

- How to determine the pay rate for an instructor of an assigned credit class who has primarily noncredit students;
- How to count attendance on these classes and report to the State; and
- How to report J-1 students' progress and attendance, as required by the Department of Homeland Security, when they are enrolled as Open College or Community Education students, where their attendance is not recorded.

What Alternative Is Being Provided: With the discontinuation of Open College in the Spring Semester 2010, the largest group of students who will be affected are the ones enrolled in *PE 173A (Beginning Yoga)*. Anticipating this, two sections of Community Education Yoga classes will be scheduled to accommodate these students. They will have a choice of enrolling either in a regular, credit, Yoga class (if they have not exceeded their allowable number of repeats) or in a Community Education Yoga class. These classes will be taught by highly qualified Yoga instructors.

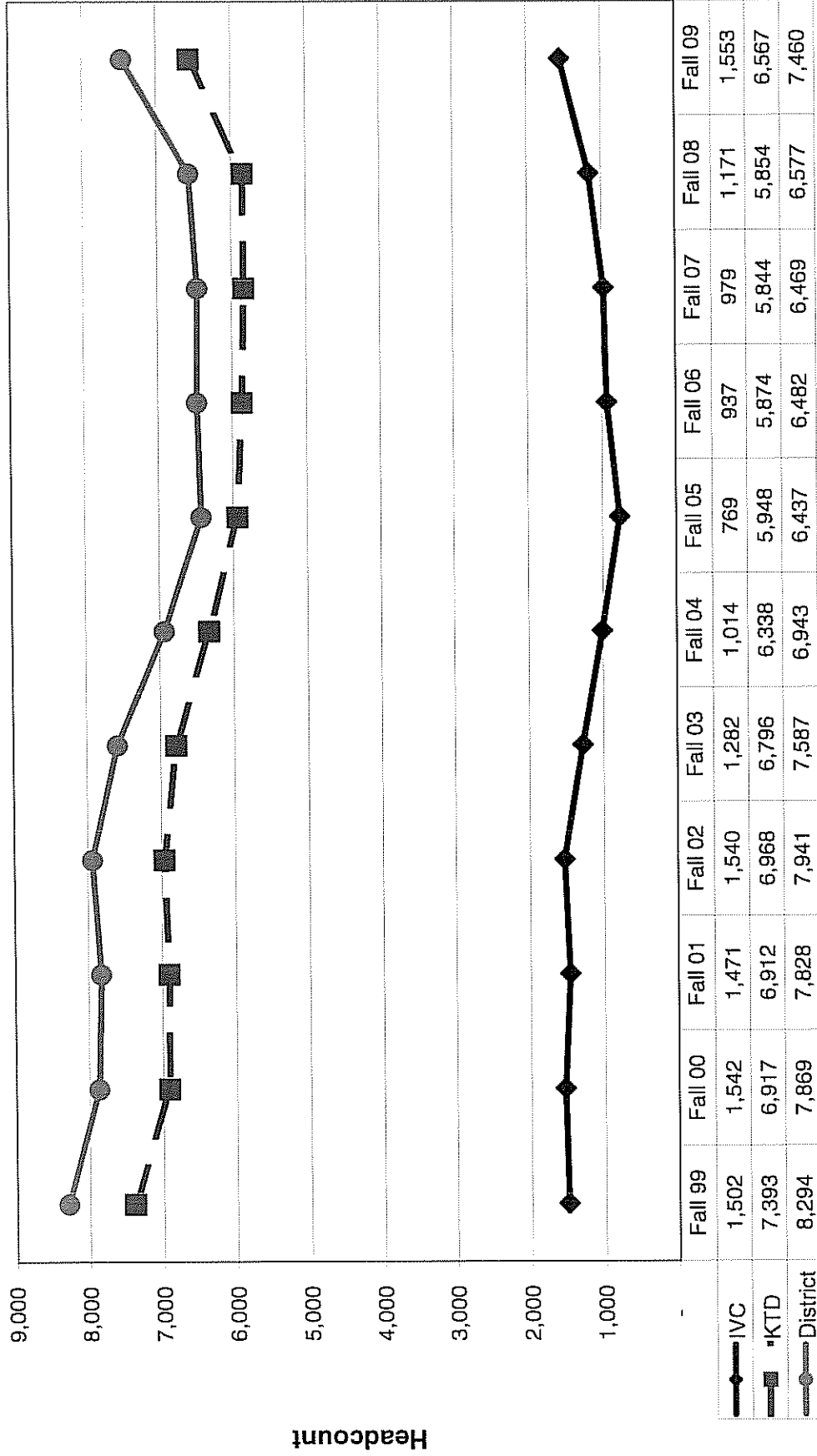
College of Marin Headcount Of Credit Students As Of First Census Day



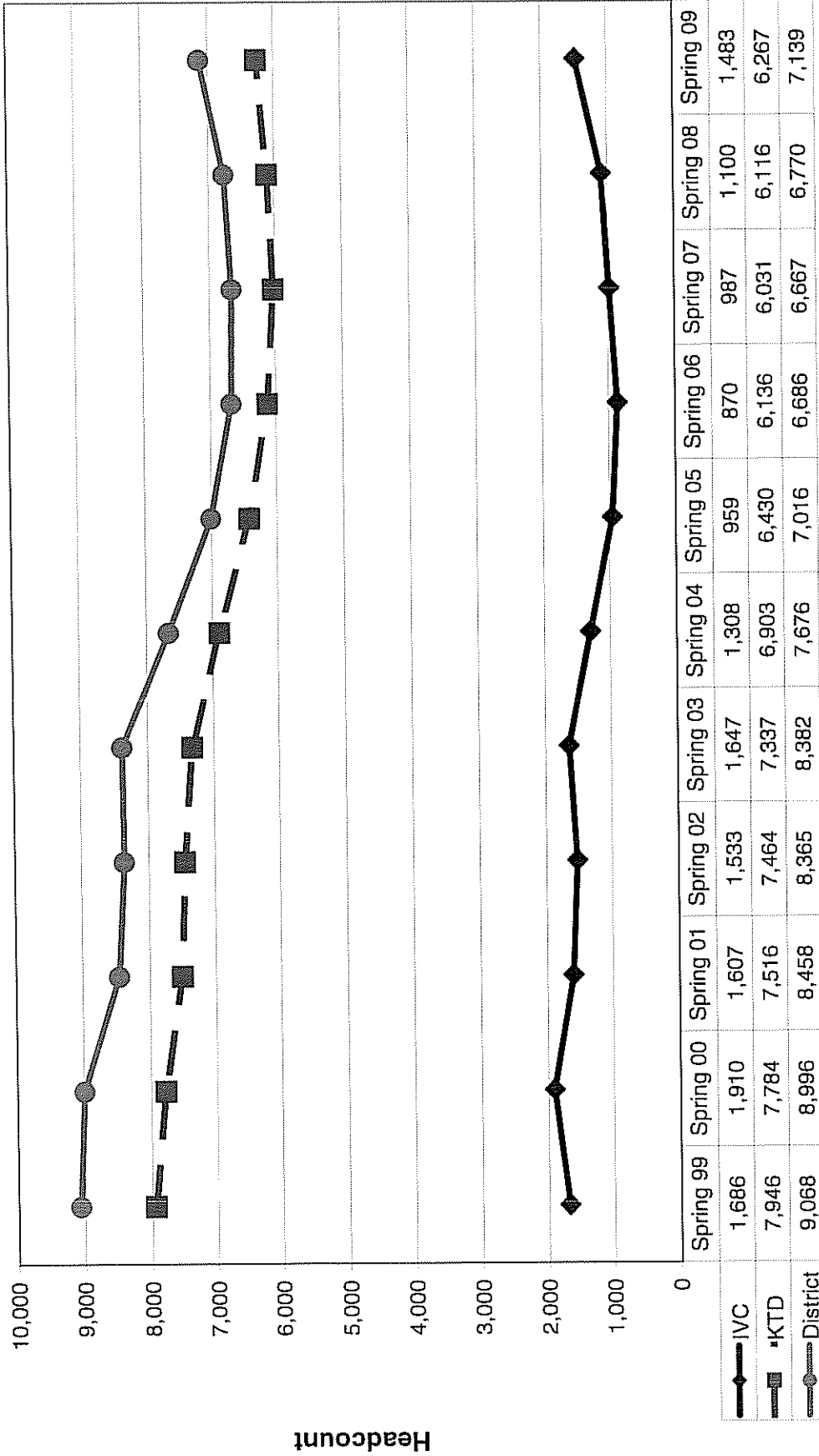
Headcount of Credit Students

<u>Year</u>	<u>Fall</u>	<u>Spring</u>	<u>% Change Fall to Fall</u>	<u>% Change Spring to Spring</u>
99-00	8,294	8,996		
00-01	7,869	8,458	-5.1%	-6.0%
01-02	7,828	8,365	-0.5%	-1.1%
02-03	7,941	8,382	1.4%	0.2%
03-04	7,587	7,676	-4.5%	-8.4%
04-05	6,943	7,016	-8.5%	-8.6%
05-06	6,437	6,686	-7.3%	-4.7%
06-07	6,482	6,667	0.7%	-0.3%
07-08	6,469	6,770	-0.2%	1.5%
08-09	6,577	7,139	1.7%	5.5%
09-10	7,460		13.4%	

Headcount of Credit Students By Campus Fall 1999-Fall 2009



Headcount of Credit Students By Campus Spring 1999-Spring 2009



IVC headcount plus KTD headcount does not equal District headcount, because some students attend both campuses.
sp99 to sp09 enrollment chart.xlsx (Research Office) 3/2/2009

TREE UPDATE

History: tree removal 2006, Kentfield and IVC

In August 2006 the Board awarded a contract to Atlas Tree Surgery to maintain, treat, and/or remove trees on the Kentfield and IVC campuses as part of the Measure C bond program. At that time, about 20% of the trees, bushes and shrubs inventoried on the Kentfield campus (126 total) were removed. Nineteen trees labeled as mature (larger than 20 inches in diameter) were removed; they all had significant structural or health issues. They included eucalyptus, palm, walnut, acacia, plum, pine and maple; none were redwood.

Update on exact number of trees removed for Fine Arts, final disposition of all

According to the final report from *Mighty Tree Movers*, seven of the trees in the footprint of the Fine Arts building were relocated: 3 chestnut trees to Red Hill Field, 1 green-leafed maple to Los Gatos, and 3 – two chestnuts and one green-leaf maple – on the Kentfield campus. One birch was donated to campus departments for art projects; and the single redwood was donated to the M&O department for benches. The redwood and one remaining chestnut were originally slated for relocation but were too intertwined with underground utilities to survive removal. The remaining trees were recycled into 100 yards of mulch.

Plan for tree removal surrounding new Science Complex

Expect later this Fall – plan will include a map showing each tree and its location.

Re-planting plan

2:1 native per Initial Study (EIR) for Fine Arts and Science

IVC

Five trees (oaks) removed as part of Parking Lot 4 reconfiguration: issues with grading; re-planting 2:1 to be honored

One oak lost to SOD; others to be treated as soon as rains begin

Communications

- Press releases to *Echo Times*, *Marin IJ*
- Postings on website and student portal
- COM-All notices
- President's Briefing
- Maps to be posted in the vicinity of the Science project
- Inclusion in the monthly Director's report to the Board

COLLEGE OF MARIN
ACADEMIC
SENATE

Whereas David Rollison has been a member of the College of Marin English Department faculty for 34 years and has served several terms as chair of the English/Humanities department; and

Whereas David Rollison has been a member of the Academic Senate; and

Whereas David Rollison has served as President of the Academic Senate; and

Whereas David Rollison has been instrumental in establishing the participatory governance system at the College of Marin; and

Whereas David Rollison created and helped organize the Faculty ListServ; and

Whereas David Rollison has served on numerous governance and hiring committees; and

Whereas David Rollison has championed the academic interests of the faculty and students at the college:

Be it Resolved that the Academic Senate of the College of Marin acknowledges David's dedication to the college, its faculty and its students. We, the Academic Senate, thank David for his years of service and wish him well in his retirement.

Yolanda Bellisimo
Academic Senate President

Derek Wilson
Academic Senate Vice President

Approved by the Academic Senate, September 3, 2009