BOARD OF TRUSTEES
REGULAR MEETING AGENDA

DECEMBER 8, 2009
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 554957.5 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. 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:

CONFERENCES 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:

CONFERENCES WITH LEGAL COUNSEL-Potential & Existing Litigation

- G. Garabato vs. MCCD (Marin Superior Court)
- UPM/T. Fung, P. Christensen vs. MCCD Grievance
- UPM/Christensen vs. MCCD Arbitration
- SEIU vs. MCCD Grievance (Police Officers – Donning & Doffing)
- UPM/Ordin vs. MCCD Grievance
- UPM/Christensen vs. MCCD Grievance (Overload III)

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

3. Recess to Open Session

BOARD ORGANIZATIONAL MEETING

6:30 P.M. – Deedy Staff Lounge

Student Services Building, Kentfield Campus

B. Board Organizational Meeting

1. Call to Order, Roll Call and Adoption of Agenda
   - Oath of Office

2. Readoption of Policies
It is recommended that the Board of Trustees, in accordance with Board Policy 2305 Annual Organizational Meeting, re-adopt Policies and Procedures for its own operation and the operation of the District (thereby rescinding all Policies and Procedures not readopted) with recommended changes.

3. Meeting Schedule 2010

It is recommended that the Board of Trustees adopt a schedule for 2010 meetings as shown, in accordance with Board Policy 2310 Regular Meetings of the Board.

(All Regular Meetings begin at 6:30 p.m. unless otherwise noted).

**January 15**  
Board Retreat – 8:30 a.m. to 5:00 p.m., Marin Community Foundation, Oak Room, 5 Hamilton Landing, Suite 200, Novato

**January 19**  
Regular Meeting – 6:30 p.m., Staff Lounge, Deedy Student Services, Kentfield

**February 16**  
Regular Meeting – 6:30 p.m., Miwok 181 (Bldg. 15), IVC

**March 16**  
Regular Meeting – 6:30 p.m., Staff Lounge, Deedy Student Services, Kentfield

**April 20**  
Regular Meeting – 6:30 p.m., Staff Lounge, Deedy Student Services, Kentfield

**May 18**  
Regular Meeting – 6:30 p.m., Miwok 181 (Bldg. 15), IVC

**June 8**  
Board Retreat – 9:00 a.m. to 5:00 p.m., Location tbd

**June 22**  
Regular Meeting – 6:30 pm. Staff Lounge, Deedy Student Services, Kentfield  
Tentative Budget Adoption

**July 20**  
Regular Meeting - 6:30 p.m., Miwok 181 (Bldg. 15), IVC

**August 24**  
Regular Meeting – 6:30 p.m., Miwok 181 (Bldg. 15), IVC  
Final Budget Adoption

**September 21**  
Regular Meeting – 6:30 p.m., Staff Lounge, Deedy Student Services, Kentfield

**October 19**  
Regular Meeting – 6:30 p.m., Staff Lounge, Deedy Student Services, Kentfield

**November 16**  
Regular Meeting – 6:30 p.m., Staff Lounge, Deedy Student Services, Kentfield

**December 14**  
Organizational and Regular Meetings - 6:30 p.m., Staff Lounge, Deedy Student Services, Kentfield
4. **Election of Officers**

It is recommended that the Board of Trustees elect a President, Vice President and Clerk of the Board for the year 2010, in accordance with Board Policy 2305 Annual Organizational Meeting.

   a. President of the Board
   b. Vice President of the Board
   c. Clerk of the Board

5. **Appointment of Trustee Representatives**

It is recommended that the following representative be appointed by the Board President:

- Marin County School Boards Association: Trustee Representative to Elect Members of the County School Boards Association and Trustee Representative to Elect Members of the County Committee on School District Organization

- Legislative Representative to California Community Colleges Trustees/California School Board Association (CCCT/CSBA) and Liaison with the Community College League of California

- The Education Task Force

- Board Representatives, Standing Committees & Discretionary Committees
  
  College of Marin Foundation
  President’s Evaluation Committee
  President’s Compensation Committee
  Board of Trustees’ Evaluation Committee
  Alumni Association Liaison
  Kentfield Advisory Committee
  Corte Madera Creek Liaison
  Board Policy Committee
  District Modernization Committee
  IVC Advisory Committee
  Fund Development Committee
  Parliamentarian
  President’s Climate Commitment Task Force
6. Board Comments & Acknowledgments
7. Adjournment

REGULAR MEETING AGENDA
6:45 p.m. – Deedy Staff Lounge
Student Services Building, Kentfield Campus

C. Reconvene to Regular Meeting
1. Call to Order, Roll Call and Adoption of Agenda
2. Report of Closed Session for December 8, 2009 (2 minutes)
3. Citizens’ Requests to Address the Board on Non-Agenda Items (3 minutes)

4. Chief Executive Officer’s Report (5 minutes)
   a. Staff Reports (45 minutes)
      1. WASC Report Status (Fran White) - SP.2 (Improve Student Learning and Success)
      2. Lacrosse/Soccer Proposal (Al Harrison) - BP1 (Fiscal Accountability)
      3. Tennis Proposal (Al Harrison) - BP1 (Fiscal Accountability)
      4. Expenditure Assumptions 2010-2011 (Al Harrison) - BP1 (Fiscal Accountability)
      5. Bond Spending Plan (V-Anne Chernock) – BP3.1 (Keep modernization program on track)
      6. Gateway Selection Process (V-Anne Chernock) – BP3.1 (Keep modernization program on track)
      7. Report on District Annual Financial Audit and Bond Audit (Al Harrison and Tina Treis of Perry-Smith)
      8. Follow-up Report (Fran White)
      9. COM Foundation Report (Dr. Frank Parnell)
5. Academic Senate Report (5 minutes)
6. Classified Senate Report (5 minutes)
7. Student Senate and Student Association Report (5 minutes)

8. Consent Calendar Items (Roll Call Vote)
   A. Calendar of Upcoming Meetings
      No changes
   B. Approve Classified Personnel Recommendations.
      1. Appointment of Hourly Personnel
      2. Temporary Increase/Decrease in Assignment/Salary for Classified Personnel
   C. Approve Academic Personnel Recommendations.
      1. Resignation/Retirement of Academic Personnel
   D. Approve Educational Management Personnel Recommendations.
   E. Short-Term Hourly Positions
   F. Budget Transfers – Month of November – FY 2009/10
   G. Warrant Approval
   H. Modernization (Measure C) - BP3.1 (Keep modernization program on track)
      1. Ratify/Approve Modernization Contracts, Changes and Amendments ($677,944)
      2. Approve Subcontractor Substitution Request (Glazing) Transportation Technology Complex Project (#402A)
         Alten Construction, Inc. – ($50) Architectural General Construction, Inc.
      3. Declaration of Surplus Property
         Miscellaneous Equipment
      4. Approve Sole Source of Dental Equipment
         Main Building Complex Project (#417A)
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 2015 Student Trustee
2. BP 2105 Election of Student Trustee
3. BP 2431 Superintendent/President Selection
4. BP 4030 Academic Freedom

9. Other Action Items (10 minutes)
   A. Accept District Annual Financial Audit and Bond Audit – BP1 (Fiscal Accountability)
   B. Approve 5-Year Scheduled Maintenance Plan- BP3 (Facilities)
   C. Modernization (Measure C) – BP3.1 (Keep modernization program on track)
      1. Approve Updated Bond Spending Plan
      2. Gateway Complex Project (#303B)
         Award Design Professional Services Agreement
      3. Approve Memorandum of Understanding – Kentfield Fire Department
         Dickson Hall Fire Department Training
      4. Hazardous Materials Abatement SMCP Project (#305A)
         Award Construction Contract
      5. Diamond PE Center Alterations, Parking Lot 10 Grade/Pave/Stripe Project (#308B)
         Approve Change Order #2; Resolution Attesting No Benefit to Bidding Out Change Order
         Work; and Notice of Completion ($20,706)
      6. Diamond PE Center Alterations Project (#308B)
         Approve Change Order #19 and Resolution Attesting No Benefit to Bidding Out Change
         Order Work ($31,570)
   D. Approve License Agreement Permitting Marin Head Start Family Development Program to
      Use Space in Building 12 at the Indian Valley Campus for an Early Head Start Infant Toddler
      Child Care Program – SP1 (Improve Student Access).
   E. Public Hearing -Service Employee International Union (SEIU) 1021 Initial Contract Proposal to
      the District and District’s Initial Proposal to SEIU 1021
F. Public Hearing – California School Employees’ Association (CSEA), Chapter 196 Initial Contract Proposal to the District and District’s Initial Proposal to CSEA

10. Board Policy Review (1st Read) - BP1.4a (Review institutional needs and assess institutional effectiveness, using Program Review, Administrative Planning and Assessment, the Strategic Plan and the Educational Master Plan)
   A. BP 2310 Regular Meetings of the Board
   B. BP 2330 Quorum and Voting
   C. BP 2345 Public Participation at Board Meetings
   D. BP 2365 Recording
   E. BP 2410 Policy and Administrative Procedure
   F. BP 2710 Conflict of Interest
   G. BP 2720 Communication Among Board Members
   H. BP 2725 Board Member Compensation
   I. BP 3510 Workplace Violence Plan
   J. BP 5015 Residence Determination

11. Board Study Session
   None

12. 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
   e. Superintendent/President Search Process

13. Approval of Minutes (2 minutes)
   • Minutes of November 17, 2009 Board Meeting
14. Possible Future Agenda Items for Discussion
   A. Fundraising- BP4.1 (Implement a Strategic Plan for College Development)

15. Items for Possible Future Board Action (5 minutes)
   A. Recommendation on Bolinas Field Station – BP1 (Fiscal Accountability)
   B. Plan to Address Athletic Facilities Repair, Maintenance, and ADA and Health and
      Safety Issues – SP.1 (Improve Student Access)
   C. Resource Development Plan – BP4.1 (Implement a Strategic Plan for College Development)
   D. Proposal to Lease IVC Tennis Courts – BP1 (Fiscal Accountability)
   E. Proposal to Enter into a Joint Use Agreement for LaCrosse/Soccer at Kentfield
      BP1 (Fiscal Accountability)

16. Information Items (5 minutes)
   A. Contracts and Agreement for Services Report – November, 2009 – BP1 (Fiscal
      Accountability)
   B. Modernization Update – BP3.1 (Keep modernization program on track)
      1. Director’s Report – BP3.1 (Keep modernization program on track)
      2. Sustainability Report
      3. Schedule – BP3.1 (Keep modernization program on track)
         program on track)
         modernization program on track)
   C. Boilerplate Agreement for Dental Student Experience at Dental Offices
   D. Revised Administrative Procedures
      1. AP 2110 Vacancies on the Board
      2. AP 2710 Conflict of Interest
      3. AP 3510 Workplace Violence Plan
      4. AP 4026 Philosophy and Criteria for International Students
      5. AP 5015 Residence Determination
E. Calendar of Special Events
   COM Commencement – May 29, 2010, 10:00 a.m., COM Athletic Field

17. Correspondence
   Correspondence in Board Packets

18. Board Meeting Evaluation

19. Adjournment
President’s Report
Board of Trustees Meeting
December 8, 2009

COM’s New Planning and Resource Allocation Committee

On the Wednesday before Thanksgiving, the Planning and Resource Allocation Committee (PRAC) held its first meeting. PRAC replaces both the Institutional Planning Committee and the Budget Committee, taking on the major functions of each. There are fourteen voting members—seven faculty, three classified staff, two students, and two managers—plus the Vice President of Student Learning and the President of the Academic Senate, who share co-chairing duties and vote only in the case of a tie. PRAC is charged with ensuring that the college’s planning process is broad-based, offers opportunities for input by appropriate constituencies, allocates necessary resources, and leads to improvement of institutional effectiveness. It reviews and makes recommendations for the tentative budget for resources, including all assets of the college: fiscal resources, facilities, equipment, and personnel. I addressed the committee on Wednesday and underscored the importance of its deliberations for the future of the college, especially given the bleak fiscal picture on the horizon for the next two or three years.

Kudos

The Marin Athletic Foundation had its 22nd annual Marin County High School Athletic Hall of Fame Induction Banquet on Saturday, Nov. 7, at the Embassy Suites Hotel in San Rafael. Two of the honorees this year are College of Marin graduates.

Roger Sweeney played baseball for College of Marin in the early nineties and was drafted by the Los Angeles Dodgers. He transferred from College of Marin to the University of Utah.

Don Collins, a local auto dealer and former master of ceremonies for the Marin Athletic Foundation for over a decade, was a College of Marin graduate in the late ’40s. He was the editor of College of Marin’s newspaper when College of Marin won the 1948 national basketball championship. He went on to graduate from Stanford University in 1950.

COM Director of Health Sciences Roz Hartman has been selected as a National League for Nursing Ambassador. The Ambassador Program is an important initiative of the National League for Nursing ensuring that faculty and educational leaders in all schools of nursing are kept informed about the NLN’s programs, grant opportunities, and member involvement initiatives.

December Brings Many Wonderful Performances to College of Marin

COM Concert Band
Douglas Delaney, Director
Fine Arts Theatre
Wednesday, Dec. 9, at noon
FREE Admission, Parking $3

Paul Sills’ Story Theater
Lisa Klein, Director
Studio Theatre
Dec. 11, and 12 at 8 p.m.
Matinees on Dec. 5, 6, 12 & 13 at 2 p.m.
$15 general, $10 students, staff, seniors, and alumni.
Parking $3
$5 for children 12 and under

Marin Oratorio Presents Felix Mendelssohn’s Elijah
Boyd Jarrell, Director

Fine Arts Theatre
Saturday, Dec. 12, at 8 p.m.
Sunday, Dec. 13, at 3 p.m.
Suggested donation $20 general, $15 students, staff, seniors, and alumni. Parking $3
Call the College of Marin Box Office at (415) 485-9385 for tickets. For more information please visit www.marinoratorio.org

Newly Minted Minstrels
Beginning Voice Class Recital
Linda Noble Brown, Instructor
Lefort Recital Hall (FA 72)
Monday, Dec. 14, at 2:10 p.m.
FREE Admission, Parking $3
Winter Voices
Boyd Jarrell, Director
Jeffrey Paul, Accompanist
Lefort Recital Hall (FA 72)
Tuesday, Dec. 15, at 7:30 p.m.
Donation suggested, parking $3

College of Marin Symphonic Band
Douglas Delaney, Director
Fine Arts Theatre

Wednesday, Dec. 16, at 7:30 p.m.
Donation suggested, parking $3

Amahl and the Night Visitors
Contemporary Art Marin
Paul Smith, Director
Lefort Recital Hall (FA 72)
Friday, Dec. 18, at 7:30 p.m.
Saturday, Dec. 19, at 1 p.m.
FREE Admission, Parking $3
BACKGROUND:

In response to questions posed by Trustees at the November 17, 2009 Board meeting the attached report is submitted for your information.

RECOMMENDATION:

For information only.

Administrator Initiating Item   Dr. Frances L. White, Superintendent/President
**FOLLOW-UPS FROM NOVEMBER 17, 2009 BOARD MEETING**

Dr. White is working with Modernization Director Chernock and Swinerton to address Jamie Deneris’ concerns regarding the new Science Center Complex.

Trustee Treanor asked to have a Study Session in December or January to make sure the Board knows what needs to be done to meet Accreditation Standards.

*This topic will be discussed at the upcoming Board Retreat.*

Trustee Long asked to have wait list needs considered in the budgeting process since some subject areas may need an infusion of funds.

*This request will be passed along to the Planning & Resource Allocation Committee.*

Trustee Treanor asked to have a conversation on how the Board fits into the integrated planning process.

*This topic will be discussed at a future Board Study Session.*

Trustees Paterson and Treanor suggested that the Board assign a liaison to our IVC neighbors in an effort to improve communication.

*This topic will be discussed at the upcoming Board Retreat.*

In response to a request made by our IVC neighbors, Trustee Paterson asked if someone could fix the cracks and chips on the truck turnaround curb.

*Any damage caused by contractors must be repaired by the contractors.*
MARIN COMMUNITY COLLEGE DISTRICT  
Kentfield, CA 94904

BOARD AGENDA ITEM

<table>
<thead>
<tr>
<th>To:</th>
<th>Board of Trustees</th>
<th>Date December 8, 2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>From:</td>
<td>Superintendent/President</td>
<td>Item &amp; File No. C.8.B</td>
</tr>
<tr>
<td>Subject:</td>
<td>Classified Personnel Recommendations</td>
<td></td>
</tr>
<tr>
<td>Reason for Board Consideration:</td>
<td>APPROVAL</td>
<td></td>
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<tr>
<td></td>
<td>Enclosure(s): Recommendations</td>
<td></td>
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</tbody>
</table>

BACKGROUND:

The following actions are included in the Classified Personnel Recommendations:

A. Appointment of Classified Personnel
B. Temporary Increase/Decrease in Assignment/Salary for Classified Personnel

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

L. Loeffler, G. Romo-Padilla & A. Suarez Maldonado 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>2.</td>
<td>*Suarez Maldonado, Alejandro</td>
<td>Administrative Assistant – College Skills</td>
<td>1.0</td>
<td>12</td>
<td>11/2/2009</td>
</tr>
</tbody>
</table>

**BACKGROUND INFORMATION:**

1. Mr. Romo-Padilla has accepted the .53FTE/12MPY position of Administrative Assistant to the College Skills Department effective November 9, 2009.

2. Mr. Suarez Maldonado has accepted the 1.0FTE/12MPY position of Administrative Assistant to the College Skills Department effective November 2, 2009.

* Probationary period 6 months
### B. TEMPORARY INCREASE/DECREASE IN ASSIGNMENT/SALARY FOR CLASSIFIED PERSONNEL

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Name</th>
<th>Position</th>
<th>FTE</th>
<th>MPY</th>
<th>Appt. Type</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Loeffler, Laurie</td>
<td>Administrative Assistant to Dean of Work Force Development</td>
<td>1.0</td>
<td>12</td>
<td>Perm. Temp.</td>
<td>7/01/2009 – 6/30/2009</td>
</tr>
</tbody>
</table>

**BACKGROUND INFORMATION:**

1. Pursuant to agreement between the District and CSEA dated October 27, 2009, pay temporary out of class assignment effective July 1, 2009 through June 30, 2010.
BACKGROUND:

The following actions are included in the Academic Personnel Recommendations:

A. Resignation/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
B. RESIGNATION/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>Kennedy, Robert</td>
<td>Instructor, Business and Information Systems</td>
<td>1.0</td>
<td>Permanent</td>
<td>1/1/2010</td>
</tr>
</tbody>
</table>

BACKGROUND INFORMATION:

1. Mr. Robert Kennedy has submitted his resignation for retirement purposes effective January 1, 2010.
<table>
<thead>
<tr>
<th>To:</th>
<th>Board of Trustees</th>
<th>Date: December 8, 2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>From:</td>
<td>Superintendent/President</td>
<td>Item &amp; File No. C.8.D</td>
</tr>
<tr>
<td>Subject:</td>
<td>Educational Management Personnel Recommendations</td>
<td></td>
</tr>
<tr>
<td>Reason for Board Consideration:</td>
<td>APPROVAL</td>
<td>Enclosure(s): Recommendations</td>
</tr>
</tbody>
</table>

**BACKGROUND:**

The Educational Management Personnel Recommendations are attached.

A. Resignation/Retirement 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
A RESIGNATION/RETIREMENT OF EDUCATIONAL MANAGEMENT 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>White, Frances L.</td>
<td>Superintendent/President</td>
<td>1.0</td>
<td>Permanent</td>
<td>June 30, 2010</td>
</tr>
</tbody>
</table>

BACKGROUND INFORMATION:

1. Dr. Frances L. White has submitted her letter of resignation from her position as Superintendent/President for retirement purposes, effective June 30, 2010.
BOARD AGENDA ITEM

To: Board of Trustees
From: Superintendent/President
Date: December 8, 2009
Item and File No. C.8.E
Subject: Short-Term Hourly Positions
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.

On the non-instructional side of the 50% law:
- Campus Bookstore – Bookstore Clerk
- Campus Bookstore – Office Aid III

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 – December 8, 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, do stock, pricing, shipping, receiving, assist with push/buybacks and provide customer service.</td>
<td>2</td>
<td>12/7/09</td>
<td>2/16/10</td>
<td>$9.75-$16.00 an hour</td>
</tr>
<tr>
<td>Bookstore</td>
<td><strong>Bookstore Office Aid III</strong> – Assist classified staff, cashier, do stock, pricing, shipping, receiving, assist with push/buybacks and provide customer service.</td>
<td>10</td>
<td>12/7/09</td>
<td>2/16/10</td>
<td>$8.00 - $9.00 an hour</td>
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</table>

**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.
MARIN COMMUNITY COLLEGE DISTRICT  
Kentfield, CA 94904

BOARD AGENDA ITEM

To: Board of Trustees  
Date: December 8, 2009

From: Superintendent/President  
Item & File No. C.8.F

Subject: Budget Transfers – Month of November – FY 2009/2010

Reason for Board Consideration: APPROVAL

Enclosure(s):

BACKGROUND:

The accompanying transfer information includes, sixteen budget transfers in November 2009, totaling $23,717 in Unrestricted Funds, including one budget transfer from the Unrestricted Reserve Contingency Funds for $1,200 for Drama equipment.

There were thirty transfers in Restricted Funds for $116,142 in November 2009, including one budget transfer from the Restricted Reserve Contingency Funds, for $32,070 to adjust budget to revised State allocations.

There was one budget transfer in Child Care Contingency Fund for $11,612.00 for MEF offset.

Net effect of transfers for the Month (Through November 23, 2009).

<table>
<thead>
<tr>
<th>Object Code</th>
<th>General Fund</th>
<th>Child Care</th>
<th>Capital Outlay</th>
<th>Measure C Bond</th>
<th>Foundation Trust Fund</th>
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</thead>
<tbody>
<tr>
<td>1000 (Certificated Salary)</td>
<td>(36,127)</td>
<td></td>
<td>11,612</td>
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<td></td>
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<tr>
<td>2000 (Classified Salary)</td>
<td>68,615</td>
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<td></td>
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<tr>
<td>3000 (Employee Benefits)</td>
<td>(29,565)</td>
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<tr>
<td>4000 (Supplies/Eqpt. Repl.)</td>
<td>(10,820)</td>
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<td></td>
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<tr>
<td>5000 (Other Operating Exp.)*</td>
<td>10,111</td>
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<tr>
<td>6000 (Capital Outlay)</td>
<td>31,086</td>
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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 November Budget Transfers – FY 2009/2010.

Administrator Initiating Item

Albert J. Harrison II, Vice President, College Operations
### Budget Transfers

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</table>

### Total General Fund

| (36,127.28) | 68,615.28 | (29,564.55) | (10,819.84) | 10,111.18 | 31,055.51 | (33,270.30) | 106,782 | 106,588.49 | 106,588.49 | 3,193.48 |

### Child Care Fund

| 1 | 5364 | 11,612.00 | | (11,612.00) | 0.00 | 11,612.00 | Offset MEF |

### Measure C

| 1 | 0.00 | 0 | 258,059.28 |

### Total Measure C Building transfers were funds remained within same account code
MARIN COMMUNITY COLLEGE DISTRICT  
Kentfield, CA 94904  

BOARD AGENDA ITEM  

To: Board of Trustees  
From: Superintendent/President  

Date: December 8, 2009  
Item & File No. C.B.G  

Subject: Warrant Approval for Month of November 2009  

Reason for Board Consideration:  

APPROVAL  

Enclosure(s):  

Warrant Listing  

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 11/02/2009 through 11/23/2009, warrants 87162-87766 were issued in the total amount of $3,250,618.  

RECOMMENDATION:  

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

Administrator Initiating Item  

Albert J. Harrison II, Vice President, College Operations
DATE: December 8, 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 87162-87767 in the amount of $3,250,618 for all funds for the period **11/02/2009 through 11/23/2009** 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 $1,506,168 of the above amount. Expenditure Summary includes payroll through November 15, 2009.

President or Designee

EXPENDITURE SUMMARY
2009-2010
General Fund – All Programs
Period Ending 11/23/2009

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<td>Classified Salaries</td>
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<td>Employee Benefits</td>
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<td>Books &amp; Supplies</td>
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<td>Other Operating Expense*</td>
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<td>Capital Outlay</td>
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* 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:** Measure C Contracts  
**Reason for Board Consideration:** CONSENT APPROVAL

**Date:** December 8, 2009  
**Item & File No.:** C.8.H.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

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<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>
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<td>Dance Relocation (850N); Diamond PE Center Alterations (308B)</td>
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<td>Progress Glass Co., Inc.</td>
<td>Diamond PE Center Alterations (308B)</td>
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<td>Western Water Features, Inc.</td>
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## Construction Change Orders – Approval

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<th>Total Contract to Date</th>
<th>Contingency</th>
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<td>Allen Construction, Inc.</td>
<td>Transportation Technology Complex (402A)</td>
<td>$5,895,500.00</td>
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<td>Ashbury Homes dba AHI, Inc.</td>
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<td>DiGiorgio Contracting Co.</td>
<td>Parking Loi-Bioswale &amp; Pathways (401-413A); Main Building Complex; (417A)</td>
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## Professional Services Amendments – Ratification

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<td>4Leaf, Inc.</td>
<td>PE Pool Renovation (308F); Diamond PE Center Alterations (308B); West Campus Bridge (301A)</td>
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<td>Austin Science Center Relocation (850E); DSPS Relocation (850L); Dance Relocation (850N)</td>
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<td>Health Services Portable (650G); PE Complex Portables (850F)</td>
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</tbody>
</table>

1 Change Order No. 11 in the amount of $92,306.00 applies to the Main Building Complex Project (417A). Change Order No. 12 in the amount of $62,589.00 applies to the Parking Lot & Bioswale (401B) and Pathways (413A) Projects.

### FISCAL IMPACT:
These contract changes will be paid from Measure C bond funds.

### RECOMMENDATION:
The Superintendent/President recommends that the Board approve or ratify the above-listed change orders and amendments.
BOARD AGENDA ITEM

To: Board of Trustees
From: Superintendent/President
Date: December 8, 2009
Item & File No. C.8.H.2
Subject: Transportation Technology Complex Project (402A)
Approve Subcontractor Substitution
Alten Construction, Inc.
Reason for Board Consideration: CONSENT APPROVAL
Enclosure(s): None

BACKGROUND:

On September 16, 2008 the Board awarded a contract to Alten Construction, Inc. for the Transportation Technology Complex Project (402A).

Substitutions may be initiated by the General Contractor or subcontractor for various reasons, which are defined in the public contracting code, section 4107. Alten Construction, Inc. (JLCI) requested that the following contractor be released from their contract:

- **Architectural General Construction, Inc.** — Window glazing subcontractor will be replaced by R & S Glazing Specialists, Inc. *Reason: License suspension.*

In all cases, the released party has the right to request a formal hearing by the District within five (5) days of receiving a written notice requesting substitution. Hearings will be held by the District before the December Board meeting and the results of the hearing will be announced at that time.

FISCAL IMPACT:

None

RECOMMENDATION:

The District recommends to the Board of Trustees that Alten Construction, Inc.'s request to substitute a subcontractor be granted.
MARIN COMMUNITY COLLEGE DISTRICT
Kentfield, CA 94904

BOARD AGENDA ITEM

To:       Board of Trustees                                      Date:          December 8, 2009
From:     Superintendent/President                              Item & File No. C.8.H.3

Subject:  Declaration of Surplus Property – Miscellaneous Equipment
Reason for Board Consideration:

CONSENT APPROVAL                                     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 be 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).

FISCAL IMPACT:

None.

RECOMMENDATION:

The Superintendent/President recommends that the Board declare that the items described on the attached list are 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 appropriate.
<table>
<thead>
<tr>
<th>Equipment Disposal List</th>
<th>LRC Room #</th>
<th>Serial Numbers</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>3M OVD #160</td>
<td>222514</td>
<td>Scrap</td>
<td></td>
</tr>
<tr>
<td>3M OVD #169</td>
<td>222515</td>
<td>Scrap</td>
<td></td>
</tr>
<tr>
<td>3M OVD #150</td>
<td>Scrap</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Panasonic CC #18</td>
<td>A8H000060</td>
<td>Scrap</td>
<td></td>
</tr>
<tr>
<td>Panasonic DVD PL #4</td>
<td>VA2DA002452</td>
<td>Scrap</td>
<td></td>
</tr>
<tr>
<td>Panasonic DVD PL #5</td>
<td>VA2DA002454</td>
<td>Scrap</td>
<td></td>
</tr>
<tr>
<td>GoVideo DVD/VHS B.S.</td>
<td>4052140005899</td>
<td>Scrap</td>
<td></td>
</tr>
<tr>
<td>Panasonic VHS AG 1270 #35</td>
<td>L2SA11805</td>
<td>Scrap</td>
<td></td>
</tr>
<tr>
<td>Panasonic VHS AG 1150 #22</td>
<td>D8HE00958</td>
<td>Scrap</td>
<td></td>
</tr>
<tr>
<td>Panasonic VHS AG 1150 #38</td>
<td>G9TB00397</td>
<td>Scrap</td>
<td></td>
</tr>
<tr>
<td>Panasonic VHS AG 1150 #53</td>
<td>Scrap</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Panasonic VHS AG 1150 #50</td>
<td>G9TB00467</td>
<td>Scrap</td>
<td></td>
</tr>
<tr>
<td>Sony Cass Red. TC 135 T84</td>
<td>82220 1975</td>
<td>Scrap</td>
<td></td>
</tr>
<tr>
<td>Philips BB BB17</td>
<td>Scrap</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Singer Caramate C99</td>
<td>A2459</td>
<td>Scrap</td>
<td></td>
</tr>
<tr>
<td>Singer Caramate C10</td>
<td>A23253</td>
<td>Scrap</td>
<td></td>
</tr>
<tr>
<td>MCG Comp Mon</td>
<td>Scrap</td>
<td></td>
<td></td>
</tr>
<tr>
<td>NEC Comp Mon</td>
<td>Scrap</td>
<td></td>
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<tr>
<td>DVD – Toshiba DVD 13</td>
<td>Scrap</td>
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<tr>
<td>Panasonic VHS AG 1150 VHSP 60</td>
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<td>Go Video DVD BSD</td>
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<td>Scrap</td>
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<td>Sharp Cass Deck ACR 82</td>
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<td></td>
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<tr>
<td>Sharp 1000 LCD projector LCD 7</td>
<td>605315943</td>
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<tr>
<td>Sony 12&quot; Monitor CVM 1225 105342 1973</td>
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<td></td>
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<tr>
<td>Sharp ACR ACR 83</td>
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<td></td>
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<tr>
<td>Singer 16 MM 1160A</td>
<td>26146A</td>
<td>Scrap</td>
<td></td>
</tr>
<tr>
<td>KOS 17&quot; Comp Monitor</td>
<td>714DO10031</td>
<td>Scrap</td>
<td></td>
</tr>
<tr>
<td>IBM 19&quot; Comp Monitor</td>
<td>Scrap</td>
<td></td>
<td></td>
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</table>

BOT Action December 8, 2009
Declaration of Surplus Property
<table>
<thead>
<tr>
<th>Equipment Disposal List</th>
<th>LRC Room #</th>
<th>Serial Numbers</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gateway 15&quot; Comp Monitor</td>
<td></td>
<td></td>
<td>Scrap</td>
</tr>
<tr>
<td>Gateway E4200 Computer</td>
<td></td>
<td>6012463878</td>
<td>Scrap</td>
</tr>
<tr>
<td>Sharp PCG-30 LCD projector</td>
<td>#25</td>
<td>101316138</td>
<td>Scrap</td>
</tr>
<tr>
<td>Sharp PCG-30 LCD projector</td>
<td>#26</td>
<td>012314868</td>
<td>Scrap</td>
</tr>
<tr>
<td>Sharp PCG-30 LCD projector</td>
<td>#31</td>
<td>109324365</td>
<td>Scrap</td>
</tr>
<tr>
<td>Sharp PCG-30 LCD projector</td>
<td>#27</td>
<td>10432009</td>
<td>Scrap</td>
</tr>
<tr>
<td>Sharp PCG-30 LCD projector</td>
<td>#33</td>
<td>110325255</td>
<td>scrap</td>
</tr>
<tr>
<td>Sharp PCG-30 LCD projector</td>
<td>#40</td>
<td>004311138</td>
<td>scrap</td>
</tr>
<tr>
<td>Sharp XG-NV5XB LCD projec</td>
<td>#22</td>
<td>002315810</td>
<td>Scrap</td>
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<tr>
<td>Sharp XG-NV5XB LCD projec</td>
<td>#36</td>
<td>907311401</td>
<td>scrap</td>
</tr>
<tr>
<td>Sharp XGNV5XB LCD projec</td>
<td>#28</td>
<td>907311250</td>
<td>scrap</td>
</tr>
<tr>
<td>GoVideo combo</td>
<td>DVD/5</td>
<td>4052140050906</td>
<td>Scrap</td>
</tr>
<tr>
<td>19&quot; Sony TV</td>
<td>87</td>
<td>Circa 1987</td>
<td>Not used</td>
</tr>
<tr>
<td>19&quot; Sony TV</td>
<td>89</td>
<td></td>
<td>Not used</td>
</tr>
<tr>
<td>19&quot; Sony TV</td>
<td>93</td>
<td></td>
<td>Not used</td>
</tr>
<tr>
<td>19&quot; Sony TV</td>
<td>94</td>
<td></td>
<td>Not used</td>
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<tr>
<td>19&quot; Sony TV</td>
<td>99</td>
<td></td>
<td>Not used</td>
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<tr>
<td>20&quot; Panasonic TV</td>
<td>142</td>
<td>Circa 1991</td>
<td>Not used</td>
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<tr>
<td>20&quot; Panasonic TV</td>
<td>144</td>
<td></td>
<td>Not used</td>
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<td>20&quot; Panasonic TV</td>
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<td>20&quot; Panasonic TV</td>
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<td>20&quot; Panasonic TV</td>
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<td>Not used</td>
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<tr>
<td>20&quot; Panasonic TV</td>
<td>221</td>
<td></td>
<td>Not used</td>
</tr>
<tr>
<td>19&quot; Sony TV</td>
<td>86</td>
<td></td>
<td>Not used</td>
</tr>
<tr>
<td>19&quot; Sony TV</td>
<td>91</td>
<td></td>
<td>Not used</td>
</tr>
<tr>
<td>19&quot; Sharp TV</td>
<td>36</td>
<td></td>
<td>Not used</td>
</tr>
<tr>
<td>Misc. photographic equipment</td>
<td></td>
<td>Circa 1970's</td>
<td>Not used</td>
</tr>
</tbody>
</table>

BOT Action December 8, 2009
Declaration of Surplus Property
**MARIN COMMUNITY COLLEGE DISTRICT**  
Kentfield, CA 94904

**BOARD AGENDA ITEM**

<table>
<thead>
<tr>
<th>To:</th>
<th>Board of Trustees</th>
<th>Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>From:</td>
<td>Superintendent/President</td>
<td>Item &amp; File No. C.8.H.4</td>
</tr>
<tr>
<td>Subject:</td>
<td>Main Building Project (417A)</td>
<td>Sole Source of Dental Equipment</td>
</tr>
<tr>
<td>Reason for Board Consideration:</td>
<td></td>
<td>Enclosure(s):</td>
</tr>
</tbody>
</table>

**CONSENT APPROVAL**  
None

**BACKGROUND:**

The Dental program has existing equipment that will be moved into the new building and reused. In order to meet the educational standards of the program and to provide consistency in teaching methodology, the District intends to purchase dental chairs from the existing manufacturer. Other benefits include installation efficiency due to consistent utility connections. Therefore, the District recommends the following:

- Dental Equipment as provided by Patterson Dental.

Pursuant to California Public Contract Code section 3400 (“PCC § 3400”) and other applicable law, the District may make a finding that a particular material, product, thing or services may be designated by specific brand or trade name in order to match other products in use on a particular public improvement either completed or in the course of completion [PCC § 3400 (b) (2)]. The product listed above is specified as a sole source item; an additional quotation was solicited as part of the standard process to determine that the District was receiving good value for the purchase.

**FISCAL IMPACT:**

None

**RECOMMENDATION:**

The Superintendent/President recommends that the Board authorize the “brand only” sole sourcing of the systems noted above for all construction and modernization projects on the Kentfield and Indian Valley campuses associated with the Measure C Bond Program.

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

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

<table>
<thead>
<tr>
<th>To:</th>
<th>Board of Trustees</th>
<th>Date: December 8, 2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>From:</td>
<td>Superintendent/President</td>
<td>Item &amp; File No. C.8.1</td>
</tr>
<tr>
<td>Subject:</td>
<td>Second Reading and Approval of Revised Board Policies</td>
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<tr>
<td>Reason for Board Consideration:</td>
<td>Approval</td>
<td>Enclosure(s): Proposed revised policies</td>
</tr>
</tbody>
</table>

BACKGROUND:

At the November 17, 2009 Board of Trustees meeting, a set of recommended proposals to revise Board Policies in Chapter 3, General Institution and Chapter 5 Student Service was included in the agenda for a first reading.

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

- BP 2015 Student Trustee
- BP 2105 Election of Student Trustee
- BP 2431 Superintendent/President Selection
- BP 4030 Academic Freedom

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve adoption of Board Policies 2015, 2105, 2431, and 4030.

Administrator Initiating Item Dr. Frances L. White, Superintendent/President
BP 2015       STUDENT TRUSTEE

Reference:
Education Code Section 72023.5

❖ From current College of Marin Policy 1.2011 titled Non-Voting Student Member of the Board

The governing Board of Trustees shall include a non-voting student member in addition to the publicly-elected Board members.

a) In accordance with Education Code Section 72023.5, the non-voting student member shall:

1) have the right to attend and participate fully in discussions of issues at all meetings of the Board of Trustees except, the student shall not have the right, or be afforded the opportunity to attend closed sessions of the Board of Trustees;
2) not be held liable for any acts of the governing Board of Trustees;
3) be selected by an election held prior to May 15, run by the student government of the College, and shall be recalled only by a vote of the students enrolled in the College in accordance with procedures prescribed by the Governing Board of Trustees;
4) be a resident of California, enrolled in the College for at least five semester units and shall meet and maintain the minimum standards of scholarship for community college students (2.0 GPA) throughout his/her entire term;
5) serve a one-year term commencing on June 1 of each year; and
6) be entitled to a mileage allowance to the same extent as publicly-elected Board members, but is not entitled to any other compensation except by discretion of the governing Board of Trustees.

b) By discretion of the governing Board of Trustees, the non-voting student member may:

1) make and second motions; cast an advisory vote on any item, excluding personnel and legal matters;
2) receive compensation at the rate of 50% of the maximum amount of compensation authorized by Education Code Section 72425 as it now exists or may hereafter be amended;
3) receive no other benefits or compensation from the District except as appears in section (a)(6) or (b)(2); and
4) participate in all phases of MCCD Board of Trustees evaluation procedures.
5) contribute input to the evaluation of the Superintendent/President, but may not participate in any closed session meeting involving the Board’s evaluation of the Superintendent/President.

c) To meet the requirements of Education Code Section 72023.5 as respects its affording the non-voting student members the privileges enumerated in section (b) of this policy, the Board of Trustees shall consider the re- adoption of its policies at its organizational meeting to include the adoption of these rules and regulations for a one-year term commencing on the following May 15.

NOTE: This policy is legally required. The language in black ink is from current College of Marin Policy 1.2011 titled Non-Voting Student Member of the Board adopted on 12-10-80 and revised on 5-10-05. The information in underlined italics reflects recommended revisions by the Student Affairs Office.

Date Adopted:
(Replaces current College of Marin Policy 1.2011)
Legal Citation for BP 2015

CALIFORNIA CODES EDUCATION CODE SECTION 72023.5

72023.5. (a) The governing board of each community college district shall order the inclusion within the membership of the governing board, in addition to the number of members otherwise prescribed, of one or more nonvoting students who are residents of California as determined pursuant to Part 41 (commencing with Section 68000). These students shall have the right to attend each and all meetings of the governing board, except that student members shall not have the right, or be afforded the opportunity, to attend executive sessions of the governing board.

The students selected to serve on the governing board, in addition to being residents of California as determined pursuant to Part 41 (commencing with Section 68000), shall be enrolled in a community college of the district and shall be chosen, and shall be recalled, by the students enrolled in the community colleges of the district in accordance with procedures prescribed by the governing board. A student member shall be required throughout the term of his or her appointment to be enrolled in a community college of the district for at least five semester units, or its equivalent, and shall meet and maintain the minimum standards of scholarship for community college students prescribed by the community college district. The term of the student members shall be one year commencing on June 1 of each year.

The nonvoting student members appointed pursuant to this section shall be entitled to mileage allowance to the same extent as regular members, but are not entitled to the compensation prescribed by Section 72425.

A nonvoting student member shall be seated with the members of the governing board and shall be recognized as a full member of the board at the meetings, including receiving all materials presented to the board members and participating in the questioning of witnesses and the discussion of issues.

The nonvoting student member shall not be included in determining the vote required to carry any measure before the board.

The nonvoting student member shall not be liable for any acts of the governing board.

(b) Notwithstanding subdivision (a), the student member or members selected to serve on the governing board of a community college district pursuant to subdivision (a) may do any of the following:

(1) Make and second motions at the discretion of the governing board.

(2) Attend closed sessions, other than closed sessions on personnel matters or collective bargaining matters, at the discretion of the governing board.

(3) Receive compensation, at the discretion of the governing board, up to the amount prescribed by Section 72425.

(4) Serve a term of one year commencing on May 15 of each year, at the discretion of the governing board.

(c) It is the intent of the Legislature that any decision or action, including any contract entered into pursuant thereto, upon the motion or second of a motion of a student member, shall be fully legal and enforceable against the district or any party thereto.
(d) The governing board of each community college district that affords the student member or members of the board any of the privileges enumerated in subdivision (b) shall, by May 15 of each year, adopt rules and regulations implementing this section. These rules and regulations shall be effective until May 15 of the following year.
BP 2105   ELECTION OF STUDENT TRUSTEE

References:
   Education Code Sections 72023.5 and 72103

The student member shall be chosen by the students enrolled in the District as follows:

The Student Trustee shall be elected by all the students of the student body in a general election held for that purpose. Normally an election will be held in the spring semester so that the office is filled by June 1.

Special elections shall be held if the office becomes vacant by reason of the resignation or disqualification of an elected student member, or by any other reasons. Special elections shall be held within thirty (30) days after notice of the vacancy comes to the attention of the Superintendent/President.

Candidates for the position may nominate themselves or be nominated by others by the filing of an application certifying that the candidate is eligible for service under the criteria set forth in California law and these policies. The election will be conducted in accordance with administrative procedures established by the Superintendent/President.

NOTE: This policy is legally advised. The language in underlined regular text is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore).

Date Adopted:
(This is a new policy recommended by the League and the League’s legal counsel)
EDUCATION CODE SECTION 72023.5

72023.5. (a) The governing board of each community college district shall order the inclusion within the membership of the governing board, in addition to the number of members otherwise prescribed, of one or more nonvoting students who are residents of California as determined pursuant to Part 41 (commencing with Section 68000). These students shall have the right to attend each and all meetings of the governing board, except that student members shall not have the right, or be afforded the opportunity, to attend executive sessions of the governing board.

The students selected to serve on the governing board, in addition to being residents of California as determined pursuant to Part 41 (commencing with Section 68000), shall be enrolled in a community college of the district and shall be chosen, and shall be recalled, by the students enrolled in the community colleges of the district in accordance with procedures prescribed by the governing board. A student member shall be required throughout the term of his or her appointment to be enrolled in a community college of the district for at least five semester units, or its equivalent, and shall meet and maintain the minimum standards of scholarship for community college students prescribed by the community college district. The term of the student members shall be one year commencing on June 1 of each year.

The nonvoting student members appointed pursuant to this section shall be entitled to mileage allowance to the same extent as regular members, but are not entitled to the compensation prescribed by Section 72425.

A nonvoting student member shall be seated with the members of the governing board and shall be recognized as a full member of the board at the meetings, including receiving all materials presented to the board members and participating in the questioning of witnesses and the discussion of issues.

The nonvoting student member shall not be included in determining the vote required to carry any measure before the board.

The nonvoting student member shall not be liable for any acts of the governing board.

(b) Notwithstanding subdivision (a), the student member or members selected to serve on the governing board of a community college district pursuant to subdivision (a) may do any of the following:

1. Make and second motions at the discretion of the governing board.
2. Attend closed sessions, other than closed sessions on personnel matters or collective bargaining matters, at the discretion of the governing board.
3. Receive compensation, at the discretion of the governing board, up to the amount prescribed by Section 72425.
4. Serve a term of one year commencing on May 15 of each year, at the discretion of the governing board.

(c) It is the intent of the Legislature that any decision or action, including any contract entered into pursuant thereto, upon the motion or second of a motion of a student member, shall be fully legal and enforceable against the district or any party thereto.
(d) The governing board of each community college district that affords the student member or members of the board any of the privileges enumerated in subdivision (b) shall, by May 15 of each year, adopt rules and regulations implementing this section. These rules and regulations shall be effective until May 15 of the following year.

72103. (a) Any person, regardless of sex, who is 18 years of age or older, a citizen of the state, a resident of the community college district, a registered voter, and who is not disqualified by the Constitution or laws of the state from holding a civil office, is eligible to be elected or appointed a member of a governing board of a community college district without further qualifications.

(b) (1) An employee of a community college district may not be sworn into office as an elected or appointed member of that community college district's governing board unless and until he or she resigns as an employee. If the employee does not resign, the employment will automatically terminate upon being sworn into office.

(2) For any individual who is an employee of a community college district and an elected or appointed member of that community college district's governing board prior to January 1, 1992, this subdivision shall apply when he or she is reelected or reappointed, on or after January 1, 1992, as a member of the community college district's governing board. This section does not apply to an individual who is usually employed in an occupation other than teaching and who also is employed part time by the community college district to teach no more than one course per semester or quarter in the subject matter of that individual's occupation.

(c) Notwithstanding any other provision of law, the governing board of a community college district may adopt or the residents of the community college district may propose, by initiative, a proposal to limit or repeal a limit on the number of terms a member of the governing board of the community college district may serve on the governing board of a community college district. Any proposal to limit the number of terms a member of the governing board of a community college district may serve on the governing board of a community college district shall apply prospectively only and shall not become operative unless it is submitted to the electors of the community college district at a regularly scheduled election and a majority of the votes cast on the question favor the adoption of the proposal.

(d) (1) An initiative measure proposed pursuant to subdivision (c) shall be subject to the procedures set forth in Chapter 4 (commencing with Section 9300) of Division 9 of the Elections Code.

(2) A proposal submitted to the electors by the governing board pursuant to subdivision (c) shall be subject to the procedures set forth in Chapter 6 (commencing with Section 9500) of Division 9 of the Elections Code.
BP 2431    SUPERINTENDENT/PRESIDENT SELECTION

References:

ACCJC Accreditation Standards IV.B.1 and IV.B.1.l;
Title 5 Sections 53000 et seq.

In the case of a Superintendent/President vacancy, the Board of Trustees shall establish a search process to fill the vacancy. The process shall be fair and open and comply with relevant regulations.

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).

Date Adopted:
(This is a new policy recommended by the League and the League’s legal counsel)
Legal Citations for Board Policy 2431 Supt./President Selection

Accreditation Standards IV.B.1.j & IV.B.2

Standard IV: Leadership and Governance

B. Board and Administrative Organization

In addition to the leadership of individuals and constituencies, institutions recognize the designated responsibilities of the governing board for setting policies and of the chief administrator for the effective operation of the institution. Multi-college districts/systems clearly define the organizational roles of the district/system and the colleges.

1. The institution has a governing board that is responsible for establishing policies to assure the quality, integrity, and effectiveness of the student learning programs and services and the financial stability of the institution. The governing board adheres to a clearly defined policy for selecting and evaluating the chief administrator for the college or the district/system.

j. The governing board has the responsibility for selecting and evaluating the district/system chief administrator (most often known as the chancellor) in a multi-college district/system or the college chief administrator (most often known as the president) in the case of a single college. The governing board delegates full responsibility and authority to him/her to implement and administer board policies without board interference and holds him/her accountable for the operation of the district/system or college, respectively.

In multi-college districts/systems, the governing board establishes a clearly defined policy for selecting and evaluating the presidents of the colleges.

Title 5 Section 53000 et seq.

Cal. Admin. Code tit. 5, s 53000

TITLE 5. EDUCATION
DIVISION 6. CALIFORNIA COMMUNITY COLLEGES
CHAPTER 4. EMPLOYEES
SUBCHAPTER 1. EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS
ARTICLE 1. GENERAL

s 53000. Scope and Intent.

(a) This subchapter implements and should be read in conjunction with Government Code sections 11135-11139.5, Education Code sections 66010.2, 66030, and Chapter 4.5 of Part 40 of Title 3, commencing with section 66250; Title VI of the Civil Rights Act of 1964 (42 U.S.C. s 2000d), Title IX of the Education Amendments of 1972 (20 U.S.C. s 1681), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. s 794), the Americans with Disabilities Act of 1990 (42 U.S.C. s 12100 et seq.) and the Age Discrimination Act (42 U.S.C. s 6101). Nothing in this subchapter shall be construed to conflict with or be
inconsistent with the provisions of article 1, section 31 of the California Constitution or to authorize conduct that is in conflict with or is inconsistent with such provisions.

(b) The regulations in this subchapter require steps to promote faculty and staff equal employment opportunity which are in addition to and consistent with the nondiscrimination requirements of state or federal law. Therefore, compliance with these regulations or approval of the district's equal employment opportunity plan pursuant to section 53003 does not imply and should not be construed to mean that a district has necessarily complied with its obligations under any other applicable laws or regulations. The Chancellor shall assist districts in identifying other applicable state or federal laws which may affect district equal employment opportunity or nondiscrimination policies.

Note: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Statutes of 1988, Chapter 923, Section 4; Sections 66010.2, 66030, 66071, 66270 and 87360, Education Code; Sections 11135-11139.5, Government Code; Title 20, United States Code, Section 1681; Title 29, United States Code, Section 794; and Title 42, United States Code, Sections 2000
BP 4030  ACADEMIC FREEDOM

References:
ACCJC Accreditation Standard II.A.7;
Title 5 Section 51023

Academic Freedom protects a teacher's right to teach and a student's right to learn and is necessary in order for College of Marin (COM) to fulfill its mission of providing excellent educational opportunities for all members of our diverse community.

The exercise of academic freedom allows society to enjoy the benefits of honest intellectual discourse and the transmittal of unbiased knowledge. COM's academic employees must be free from pressures and demands that restrict intellectual discovery and the dissemination of knowledge. COM shall promote and protect an educational climate in which teachers and students can assert their ideas without fear of reprisal. By the same token, COM faculty and students have a responsibility, under the guidelines of academic freedom, to engage in teaching and learning that honors, respects, and supports divergent viewpoints.

NOTE: The underlined regular text signifies legally required language recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The underlined italics signifies language approved by the Academic Senate 5/14/09. This policy will go to the Task Force and College Council as an information item in the fall and to the Board for adoption.

Date Adopted:
(This is a new policy recommended by the League and the League's legal counsel)
Legal Citations for BP 4030 Academic Freedom

Cal. Admin. Code tit. 5, s 51023

TITLE 5. EDUCATION
DIVISION 6. CALIFORNIA COMMUNITY COLLEGES
CHAPTER 2. COMMUNITY COLLEGE STANDARDS
SUBCHAPTER 1. MINIMUM CONDITIONS

s 51023. Faculty.

The governing board of a community college district shall:

(a) adopt a policy statement on academic freedom which shall be made available to faculty and be filed with the Chancellor;

(b) adopt procedures which are consistent with the provisions of Sections 53000-53206, regarding the role of academic senates and faculty councils and are filed with the Chancellor;

(c) substantially comply with district adopted policy and procedures adopted pursuant to Subsections (a) and (b).

Accreditation Standard II.A: Student Learning Programs and Services

7. In order to assure the academic integrity of the teaching-learning process, the institution uses and makes public governing board adopted policies on academic freedom and responsibility, student academic honesty, and specific institutional beliefs or worldviews. These policies make clear the institution’s commitment to the free pursuit and dissemination of knowledge.

a. Faculty distinguish between personal conviction and professionally accepted views in a discipline. They present data and information fairly and objectively.

b. The institution establishes and publishes clear expectations concerning student academic honesty and the consequences for dishonesty.

c. Institutions that require conformity to specific codes of conduct of staff, faculty, administrators, or students, or that seek to instill specific beliefs or worldviews, give clear prior notice of such policies, including statements in the catalog and/or appropriate faculty or student handbooks.
MARIN COMMUNITY COLLEGE DISTRICT
Kentfield, CA 94904

BOARD AGENDA ITEM

To: Board of Trustees                  Date: December 8, 2009
From: Superintendent/President

Subject: District Financial and Measure C Bond Program Audits for 2008-09

Reason for Board Consideration: ACCEPTANCE

Enclosure(s):

BACKGROUND:

The audits of the District’s financial position and the Measure C Bond Program for 2008-09 were performed by the firm of Perry-Smith, LLP.

Fiscal year 2008-09 is the seventh year the District has complied with the financial statement presentation format as described in Governmental Accounting Standards Board (GASB) statement No. 34/35, which aggregates operations institution-wide rather than the historic reporting by fund. The District Financial Audit is the standard audit, required and performed on an annual basis. The special audit and report on the Measure C Bond Program is also included as required by Proposition 39.

Ms. Tina Treis of Perry-Smith, LLP will present the findings of the audits and be available for discussion and questions.

The College appreciates Perry-Smith’s commitment in completing the audit in such a timely manner, thus enabling us to submit the Audit to the State by the required December 30 deadline.

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees acknowledge receipt of the independent auditor’s reports on the financial statements of the Marin Community College District and the Measure C Bond Program for Fiscal Year 2008-09.

Administrator Initiating Item

Albert J. Harrison II, Vice President, College Operations
To: Board of Trustees

From: Superintendent/President

Date: December 8, 2009


Subject: Scheduled Maintenance Five Year Plan 2010-11 through 2014-15

Reason for Board Consideration: APPROVAL

Enclosure(s): 2010-11 through 2014-15 Scheduled Maintenance Plan

BACKGROUND:

The attached Scheduled Maintenance Plan is reviewed was provided to the Board of Trustees on November 17, 2009 for information in preparation for submission of the plan as required to the State Chancellor’s Office.

The Program Plan reflects current knowledge of the District’s facilities needs; however, the Chancellor’s Office allows Districts considerable freedom to redirect money to respond to changing conditions. Projects for 2010-11 through 2014-15 reflect areas that are in sufficient need of repair or replacement. The District’s proposed Program Plan is oriented heavily towards basic repairs; e.g. roofs, ADA compliance, and life/safety, and will be changed as the District identifies facility needs through the Educational Master Plan and subsequently, the Facilities Master Plan and Measure C Modernization program.

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve the attached Five Year Scheduled Maintenance Plan for submission as required to the State Chancellor’s Office.

Administrator Initiating Item

Albert J. Harrison II, Vice President, College Operations
Marin Community College District

PROPOSED 5-Year Scheduled Maintenance and Special Repairs Program (SMSP) Plan for 2010-11 through 2014-15

December 8, 2009

2010-2011

1. KTD – ADA, Access Barrier and Signage  \$ 100,000
2. IVC – Re-Roof, Pool Locker/Shower Building 21  \$ 402,000

2011-2012

1. IVC – Re-Roof, Pomo Building 5  \$ 221,680
2. IVC – Fire Alarm System Replacement, Pomo Building 4  \$ 293,631

2012-2013

1. IVC – Re-Roof, Pomo Building 6  \$ 225,840
2. KTD – ADA, Access Barrier Removal  \$ 325,840

2013-2014

1. IVC – Re-Roof, Pomo Building 7  \$ 224,485
2. KTD – ADA, Access Barrier Removal  \$ 324,485

2014-2015

1. KTD - ADA, Access Barriers Removal, Student/Counseling Center Phase I  \$ 345,000
2. KTD/IVC – ADA, Access Barrier Removal  \$ 445,000
BACKGROUND:

On October 10, 2006 the Board approved a preliminary bond spending plan for its $249.5 million bond program in order to allow the District to begin work on the Environmental Impact Reports and begin the programming and design phases for six building and construction projects. Following adjustments in February and September 2007, the final bond spending plan was included and approved as part of the Final Environmental Impact Report on November 7, 2007.

Recognizing the need to continue to update the spending plan to accommodate changes in the program, the Board approved subsequent updates to the bond spending plan in January, April and November, 2008. The current update, dated November 2009, is presented herein for approval. This update has several adjustments (totaling $18,742,000) re-allocating reserves and savings from completed projects to the Gateway Complex project and related program budget. One additional small adjustment ($99,000) re-allocates funds to the Science/Math/Central Plant Complex project from its related infrastructure project.

FISCAL IMPACT:

The total budget for the bond program remains at $264.5 million ($249.5 m bond plus $15 m projected interest).

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve the November 2009 Updated Bond Spending Plan so that projects may continue in compliance with current Board directives.
### Program Budgets

<table>
<thead>
<tr>
<th>Approve Plan as of 11/11/2008</th>
<th>% Spent as of 11/09</th>
<th>Requested Adjustment Note</th>
<th>Proposed Update Plan as of 11/17/09</th>
</tr>
</thead>
<tbody>
<tr>
<td>Program costs</td>
<td>$15,883,345</td>
<td>75%</td>
<td>$2,610,000 b</td>
</tr>
<tr>
<td>ERP (technology program)</td>
<td>$10,000,000</td>
<td>55%</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>Reserves</td>
<td>$17,789,000</td>
<td>0%</td>
<td>$11,800,000 b, c</td>
</tr>
</tbody>
</table>

### Projects Approved by Board 10/06

- **KTD Science/Math/CP Complex**
  - $69,414,598
  - 9%
  - $99,000 a
  - $69,513,598

- **KTD Arts Complex - Fine Arts Building**
  - $19,000,000
  - 15%
  - $19,000,000

- **KTD Arts Complex - PA Building modernization**
  - $17,200,000
  - 9%
  - $17,200,000

- **KTD PE Complex modernization**
  - $25,796,073
  - 78%
  - $(4,570,000) f
  - $21,226,073

- **IVC Transportation Complex (incl. machine metals)**
  - $12,151,000
  - 55%

- **IVC Main Building**
  - $23,300,000
  - 40%

### Project Initiated by Board 1/09

- **KTD Gateway Complex (Admin, Humanities, CC)**
  - $17,500,000
  - 1%
  - $16,132,000 c, d, e, f, g
  - $33,632,000

### Infrastructure Budgets

- **KTD Demolition (Austin Science)**
  - $900,000
  - 0%
  - $900,000

- **KTD Tree Removal**
  - $365,100
  - 82%
  - $365,100

- **KTD West Campus Bridge**
  - $2,000,000
  - 53%
  - $(500,000) g
  - $1,500,000

- **KTD Geothermal Field**
  - $7,900,000
  - 75%
  - $(1,899,000) a, e
  - $6,001,000

- **KTD Larkspur Annex**
  - $1,178,773
  - 94%
  - $1,178,773

- **KTD Additional Site Development**
  - $7,746,402
  - 60%
  - $7,746,402

- **IVC Bridge and Pathways**
  - $1,300,000
  - 35%
  - $1,300,000

- **IVC Fire Mitigation**
  - $800,000
  - 98%
  - $800,000

- **IVC Gas Main Replacement**
  - $533,857
  - 100%
  - $533,857

- **IVC Creek Erosion**
  - $1,600,000
  - 49%
  - $1,600,000

- **IVC Storm Drain**
  - $349,428
  - 100%
  - $349,428

- **IVC Tree Removal**
  - $73,424
  - 100%
  - $73,424

- **IVC Geothermal**
  - $1,500,000
  - 99%
  - $1,500,000

- **IVC Parking, Bioswale**
  - $1,000,000
  - 59%
  - $1,000,000

- **IVC Power Plants**
  - $2,800,000
  - 43%
  - $2,800,000

- **Consolidated Swing Space**
  - $6,299,000
  - 58%
  - $(72,000) d
  - $6,227,000

### Total

- **$264,500,000
- Bond Funds**
  - $249,500,000
- **Interest earned to date**
  - $8,100,000
- **Projected additional interest**
  - $6,900,000
<table>
<thead>
<tr>
<th>Note</th>
<th>Amount</th>
<th>From</th>
<th>To</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>a</td>
<td>$99,000</td>
<td>Geothermal</td>
<td>SMCP</td>
<td>Funds moved from Geothermal project to SMCP project: supplemental geothermal work to be completed as part of SMCP contract</td>
</tr>
<tr>
<td>b</td>
<td>$2,610,000</td>
<td>Reserves</td>
<td>Program</td>
<td>Operating funds needed to extend program to completion of Gateway</td>
</tr>
<tr>
<td>c</td>
<td>$11,800,000</td>
<td>Reserves</td>
<td>Gateway</td>
<td>Currently available reserves: $2.8 m base bond, $9 m interest to date</td>
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<tr>
<td>d</td>
<td>$72,000</td>
<td>Swing Space</td>
<td>Gateway</td>
<td>Funds remaining (unused) in completed swing space projects: to Gateway</td>
</tr>
<tr>
<td>e</td>
<td>$1,800,000</td>
<td>Geothermal</td>
<td>Gateway</td>
<td>Funds remaining (unused) in completed Geothermal project: to Gateway</td>
</tr>
<tr>
<td>f</td>
<td>$4,570,000</td>
<td>PE</td>
<td>Gateway</td>
<td>Funds remaining (unused) in completed PE / PV projects: to Gateway</td>
</tr>
<tr>
<td>g</td>
<td>$500,000</td>
<td>West Bridge</td>
<td>Gateway</td>
<td>Funds remaining (unused) in completed West Bridge: to Gateway</td>
</tr>
</tbody>
</table>
## Projected Future Savings

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reserves not yet allocated (projected future interest)</td>
<td>$ 6,000,000</td>
</tr>
<tr>
<td>Potential savings from new Fine Arts Building</td>
<td>$ 400,000</td>
</tr>
<tr>
<td>Potential savings from Science Complex</td>
<td>$ 2,500,000</td>
</tr>
<tr>
<td>Potential savings from IVC New Main Building</td>
<td>$ 800,000</td>
</tr>
</tbody>
</table>

**Subtotal** $ 9,700,000

## Remaining Needs

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child Care Center (mandatory added scope to Gateway)</td>
<td>$ 6,000,000</td>
</tr>
<tr>
<td>Assign to secondary projects:</td>
<td>$ 3,700,000</td>
</tr>
<tr>
<td>ADA upgrades, Kentfield campus</td>
<td>Up to $6 m</td>
</tr>
<tr>
<td>ADA upgrades, IVC</td>
<td>TBD</td>
</tr>
<tr>
<td>Enclosure for TransTech Complex mechanical systems</td>
<td>TBD</td>
</tr>
</tbody>
</table>

**Subtotal remaining needs** $ 9,700,000

## Priority Two projects from original Bond program:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>IVC - Administrative Center (demo or modernize)</td>
<td>TBD</td>
<td></td>
</tr>
<tr>
<td>IVC - Miwok Cluster (demo or modernize)</td>
<td>TBD</td>
<td></td>
</tr>
<tr>
<td>IVC - Ohlone Cluster (demo or modernize)</td>
<td>TBD</td>
<td></td>
</tr>
<tr>
<td>IVC - Old IVC Library (demo or modernize)</td>
<td>TBD</td>
<td></td>
</tr>
<tr>
<td>IVC - Pool / Lockers / Central Plant (modernize)</td>
<td>$ 500,000</td>
<td>from GF</td>
</tr>
<tr>
<td>IVC - Power Plant 1 renovation (modernize)</td>
<td>TBD</td>
<td></td>
</tr>
<tr>
<td>IVC - Remainder of Pomo Cluster (modernize)</td>
<td>TBD</td>
<td></td>
</tr>
<tr>
<td>KTD - Fusselman Hall (modernize)</td>
<td>$ 8,600,000</td>
<td></td>
</tr>
<tr>
<td>KTD - Learning Resource Center (modernize, minimum scope)</td>
<td>$ 13,000,000</td>
<td></td>
</tr>
<tr>
<td>KTD - Maintenance Facility (replace)</td>
<td>$ 8,000,000</td>
<td></td>
</tr>
<tr>
<td>KTD - Student Services Building (modernize)</td>
<td>TBD</td>
<td></td>
</tr>
</tbody>
</table>
**BACKGROUND:**

On January 20, 2009 the Board authorized the District to proceed with planning the Gateway Complex, the last of the seven major building projects in the Measure C modernization program. On June 23, 2009 the Board further authorized the District to proceed with selecting an architect for the project. On August 25, 2009 the Board awarded short form professional services contracts to four teams to develop independent design concepts for the Gateway Complex project.

A selection panel of ten individuals reviewed the four design concepts and selected two teams to present their concepts to the Board on November 17. The two teams are TLC Architecture / Mark Cavagnero Associates and ED2 International.

At this time the Board is asked to select their preferred design concept and award a full design contract to the selected architectural team.

**FISCAL IMPACT:**

The cost of the design contract will be paid from Measure C funds budgeted for the Gateway Complex project.

**RECOMMENDATION:**

The Superintendent/President recommends that the Board select one of the two design concepts for the Gateway Complex as presented on November 17 and award a design contract to the presenting team.
MARIN COMMUNITY COLLEGE DISTRICT  
Kentfield, CA  94904

BOARD AGENDA ITEM

<table>
<thead>
<tr>
<th>To:</th>
<th>Board of Trustees</th>
<th>Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>From:</td>
<td>Superintendent/President</td>
<td>Item &amp; File No. C.9.C.3</td>
</tr>
<tr>
<td>Subject:</td>
<td>Memorandum of Understanding – Kentfield Fire Department Dickson Hall Fire Department Training</td>
<td></td>
</tr>
<tr>
<td>Reason for Board Consideration:</td>
<td></td>
<td>Endorsement(s):</td>
</tr>
</tbody>
</table>

APPROVAL Memorandum of Understanding

BACKGROUND:

As part of the Measure C Bond Modernization Program, the existing Dickson Hall building at the Kentfield Campus is scheduled for demolition.

Recognizing the value of the current and on-going relationship with the Kentfield Fire Department, the District has elected to make Dickson Hall available to the Kentfield Fire Department for the purpose of training.

Legal counsel (MBD) has reviewed the Memorandum of Understanding.

FISCAL IMPACT:

None.

RECOMMENDATION:

The Superintendent/President recommends that the Board approve the Memorandum of Understanding between the Kentfield Fire Department and the Marin Community College District for training.

Administrator Initiating Item  
V-Anne Chernock  
Director of Modernization

Administrator Approving Item  
Albert J. Harrison  
Vice President, College Operations
MEMORANDUM OF UNDERSTANDING – DICKSON HALL FIRE DEPARTMENT TRAINING

This Memorandum of Understanding ("MOU") is dated for identification purposes as of December 9, 2009 and is entered into by and between the Marin Community College District (the "District") and the Kentfield Fire Department ("KFD").

RECITALS

A. The District is the owner of certain real property referred to as Dickson Hall Building located at the Kentfield Campus of the College of Marin in Kentfield, County of Marin, State of California.

B. As part of the Bond Measure C Modernization Program, the District intends to demolish the existing Dickson Hall Building at the Kentfield Campus.

C. Recognizing the value of the current and on-going relationship with the KFD, the District has elected to make Dickson Hall available to the KFD for purposes of training.

D. The District and the KFD recognize the value to KFD to be able to train in a facility which will be completely vacant and slated for demolition in its entirety.

I. OBLIGATIONS OF THE DISTRICT

A. For purposes of conducting Fire Department Training and other activities reasonably related thereto, the District shall provide the KFD access to the Dickson Hall Building between Monday, January 4, 2010 and Monday, January 11, 2010 from 8:00am – 5:00pm, to be referred to as the Training Period ("TP")

B. The TP may only be modified by the District and the District may do so solely at their discretion.

C. KFD access to Dickson Hall is limited solely to the TP.

D. The District shall allow the KFD to utilize the fire road running alongside the Corte Madera Creek (adjacent to lot 4, DSPS & Student Services Buildings) during the TP for staging of equipment and/or vehicles.

E. The District, in its discretion, may also allow KFD to use portions of parking lot 4 during the TP. 72 hour written notice from the KFD requesting use of lot 4 is required. Prior to use of parking lot 4, the KFD must have written authorization from the District.
F. The District acknowledges and hereby makes known to the KFD that certain building materials in the Dickson Hall structure contain Hazardous Materials. The District will provide the KFD access to the District’s Hazardous Materials report for Dickson Hall which identifies the specific type and location of Hazardous Materials.

II. OBLIGATIONS OF THE KFD

A. Burning of Dickson Hall or any its contents by the KFD is not permitted.

B. The KFD may demolish non-structural elements in Dickson hall including partitions, doors, windows, ceilings, floors, railings etc.

C. The KFD may not demolish or damage any facilities, fencing or structures on the exterior of Dickson Hall.

D. The KFD must secure entrance to Dickson Hall from pedestrian access during the TP, both during and outside of training hours. This includes, but is not limited to the temporary boarding of exterior windows, doors or openings demolished by the KFD, roping off areas where debris may escape and fall, and providing signage alerting the public to the Fire Department Training.

III. GENERAL PROVISIONS

A. To the furthest extent permitted by California Law, KFD shall defend, indemnify and hold the District, its officers, employees, directors, harmless from and against any and all liability, loss, expenses (including reasonable attorneys’ fees), or claims for injury or damages arising out of the KFD’s use of Dickson Hall or from the exercise by the KFD of any rights by this MOU, but only in proportion to and to the extent such liability, loss, expenses, attorneys’ fees, or claims for injury or damages are caused by or result from the negligent, wrongful, or intentional acts or omissions of the KFD. The provisions of this Paragraph shall survive the termination or expiration of the MOU.

B. During the term of this MOU, the KFD shall provide comprehensive general public liability and property damage coverage, or programs of self-insurance satisfactory to the District in its reasonable discretion, with minimum limits of $5 million, combined single limit. No later than fifteen (15) calendar days following the execution of this MOU, the KFD shall tender to the District for review and approval, its proposed form of insurance policy, or complete endorsement, or self-insurance.

   a. Endorsements, certificates, and insurance policies shall include the following clause stating:

   “This policy shall not be amended, canceled or modified and the coverage amounts shall not be reduced until notice has been mailed to District stating date of amendment, modification, cancellation or reduction. Date of amendment, modification, cancellation or reduction may not be less than
thirty (30) days after date of mailing notice."

C. The KFD acknowledge and expressly assume all risks and dangers associated with use of Dickson Hall arising from or in relation to Fire Department Training, known or unknown, and inherent or otherwise. The KFD accepts full responsibility for any injury or loss, including death, arising in whole or in part out of use of Dickson Hall arising from or in relation to Fire Department Training.

D. THE KFD HEREBY FOREVER RELEASES AND DISCHARGES the District, its respective agents, employees, board members and representatives from any and all manner of action or actions, cause or causes of action, suits, debts, liens, contracts, agreements, promises, penalties, liabilities, claims, damages, demands, losses, costs, or expenses of any nature, whether now known or unknown, at law or in equity, suspected or unsuspected, and whether or not concealed or hidden, including, but not limited to, all those which arise out of, or relate to use of Dickson Hall arising from or in relation to Fire Department Training.

E. Either party may terminate this agreement at any time, without cause, by providing the other party thirty (30) days advance written notice.

F. Each of the parties hereby represents and warrants that it has full legal authority and is duly empowered to enter into this MOU, and has taken all actions necessary to authorize the execution of this MOU by the persons signing it.

Executed the day, month and year first above written.

MARIN COMMUNITY COLLEGE DISTRICT

By:____________________________________
Dr. Frances White, Superintendent/President

MARIN COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES

By:____________________________________
President of the Board of Trustees

Printed Name: __________________________

KENTFIELD FIRE DEPARTMENT

By:____________________________________
Paul Smith, Jr., Fire Chief
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>December 8, 2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>From:</td>
<td>Superintendent/President</td>
<td>Item &amp; File No. C.9.C.4</td>
<td></td>
</tr>
<tr>
<td>Subject:</td>
<td>Hazardous Materials Abatement SMCPC Project (305A) Award of Construction Contract</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reason for Board Consideration:</td>
<td>Enclosure(s):</td>
<td></td>
<td></td>
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</tbody>
</table>

**ACTION -- AWARD**

None

**BACKGROUND**

On March 17, 2009 the Board of Trustees approved and authorized bidding for the Science Math Central Plant Complex Increments 2 & 3, Site Development & Building Project (305A). The hazardous materials abatement scope for this project does not require DSA approval; therefore, it was determined that there is a benefit to putting this portion of the work out to bid separately and in advance to keep the project on schedule.

The bid opening occurred on November 19, 2009. The five (5) business day bid protest period will be complete on November 30, 2009 (Thanksgiving holiday not included).

Bid results are as follows:

- Asbestos Mgmt Group of CA, Inc. $187,575
- Trade Staff Contracting Services $192,000
- Sterling Environmental Corp $197,200
- Janus Corporation $231,000
- Allied Environmental $232,000
- Synergy Enterprises, Inc. $263,000
- MARCOR Remediation, Inc. $266,640
- Bayview Environmental Services, Inc. $269,000
- PARC Services, Inc. $331,917

The Board of Trustees is asked to authorize award of a construction contract to the lowest responsive bidder following the five (5) business day bid protest period (November 30, 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 $185,000. The contract will be paid from bond funds budgeted for the Science Math Central Plant Complex Increments 2 & 3, Site Development & Building Project (305A).

**RECOMMENDATION**

The Superintendent/President recommends that the Board authorize award of a construction contract for the Science Math Central Plant Complex Increments 2 & 3, Site Development & Building Project (305A) to the lowest responsive bidder subject to successful completion of the five (5) business day bid protest period.

Administrator Initiating Item  
V-Anne Chernock  
Director of Modernization

Administrator Approving Item  
Albert J. Harrison  
Vice President, College Operations
BACKGROUND:
On September 23, 2009, Maggiora & Ghilotti, Inc. was selected to provide General Contracting services for the Diamond PE Center Alterations Project, Lot 10 Pave/Grade/Stripe Portion (308B).

Change Order 2 consists of five (5) Potential Change Orders (PCOs) in the aggregate amount of $20,706 with no time extension. Four (4) PCOs are attributed to Unforeseen Conditions. One (1) PCO (credit) is attributed to Owner Requested Change. There are zero (0) PCO's that exceed $15,000.

- Total Compensation: $20,706
- Total Time extension: Zero (0) working days

In addition, at this time the District gives notice and certifies that:

- The project has been inspected and that it complies with the plans and specifications;
- The contractor has completed the work;
- The retention can be reduced to 5%;
- The contract is accepted and complete; and
- A Notice of Completion (attached) is ready to be filed.

The District recommends that the Board approve Change Order 2 to Maggiora & Ghilotti, Inc. in the amount of $20,706 with no time extension for this work. Because the cumulative value of all change orders exceeds 10%, the Board is also asked to attest by resolution that the District will not benefit from bidding the work separately. The District also recommends reduction of retention from 10% to 5% and approval of the Notice of Completion.

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>Amount</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>$75,813</td>
<td>Original Contract Amount</td>
</tr>
<tr>
<td>$4,261</td>
<td>Change Order 1</td>
</tr>
<tr>
<td>$20,706</td>
<td>Change Order 2</td>
</tr>
<tr>
<td>$100,780</td>
<td>Total Contract Amount</td>
</tr>
</tbody>
</table>

RECOMMENDATION
The Superintendent/President recommends that the Board of Trustees approve Change Order 2 to Maggiora & Ghilotti, Inc. in the amount of $20,706 and Resolution 12/8/09 C.9.C.5 attesting that the District will not benefit from bidding the work separately. The Board is asked also to approve reduction of retention to 5% and approve the Notice of Completion for the Diamond PE Center Alterations Project, Lot 10 Pave/Grade/Stripe Portion (308B).
MARIN COMMUNITY COLLEGE DISTRICT
MEASURE C BOND PROGRAM

RESOLUTION 12/8/09 C.9.C.5 FOR APPROVAL OF CHANGE ORDER NO. 2
TO THE EXISTING CONTRACT WITH
Maggiora & Ghilotti, Inc.

FOR
Diamond PE Center Alterations, PARKING LOT 10 Grade/Pave/Stripe (308B)

WHEREAS, Marin Community College District (the “District”) previously awarded a
contract for work for the Diamond PE Center Alterations, PARKING LOT 10 Grade/Pave/Stripe
(the “Project”) to Maggiora & Ghilotti, 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 $20,706 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, "[w]here 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 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 December 8, 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 December 8, 2009.

______________________________
Secretary, Governing Board
MARIN COMMUNITY COLLEGE DISTRICT
MEASURE C BOND PROGRAM

EXHIBIT A

CHANGE ORDER WORK
<table>
<thead>
<tr>
<th>PCO #</th>
<th>Description</th>
<th>Subtotal</th>
</tr>
</thead>
<tbody>
<tr>
<td>9</td>
<td>Install measures to relieve the saturated soil and flooded Christy Boxes of the water and drain into the storm drain inlets. Reason: Unforeseen Conditions</td>
<td>$4,500</td>
</tr>
<tr>
<td>10</td>
<td>Pave ~50% of Lot 10 an additional 1 and 1/2&quot; to make the thickness 4&quot; total to prevent future crumbling of the parking lot due to saturated soils. Reason: Unforeseen Conditions</td>
<td>$14,500</td>
</tr>
<tr>
<td>11</td>
<td>Labor and Equipment compensation on October 27, 2009 due to idle time during resolution of saturated soils. Reason: Unforeseen Conditions</td>
<td>$2,435</td>
</tr>
<tr>
<td>12</td>
<td>Install 2 new Christy Boxes for new access to low voltage control wiring unearthed during excavation. Reason: Unforeseen Conditions</td>
<td>$281</td>
</tr>
<tr>
<td>13</td>
<td>Remove striping scope of work in Parking Lots 1, 5, and 6. Reason: Owner Requested Change</td>
<td>($1,010)</td>
</tr>
</tbody>
</table>

End of Items

SUBTOTAL This page: $20,706
Notice of Completion
(In pursuant to Civil Code Section 3093, must be recorded within 10 days after completion)

In execution of this Notice, notice is hereby given that:
1. The undersigned is an owner or agent of an owner of the estate or interest stated below.
2. The name of the owner is Marin Community College District.
3. The address of the owner is 835 College Ave, Kentfield CA 94904.
4. The nature of the estate or interest is: Marin Community College District in fee.
5. The name and addresses of all co-owners, if any, who hold any title or interest with the above-named owner in the property are:
   NAMES
   ADDRESSES

6. Work of modernization on the property hereinafter described was completed on: December 7, 2009
7. The Project Name & Number are 308B Diamond PE Center Alterations, Lot 10 Paving Portion
8. The contractor for such work of modernization is Maggiora & Ghilotti, Inc.
9. The name of the contractor’s Surety Co is Travelers Casualty and Surety Company of America
10. The date of contract between the contractor and the above owner is September 23, 2009.
11. The street address of said property is 700 College Avenue
12. The property on which said work of modernization was completed is in the Town of Kentfield,
    County of Marin, State of California, and is described as follows: Diamond Physical Education
    Complex

_________ Date ____________
Signature of Owner
Marin Community College District

Verification

I, undersigned, say:

I am ____________________________
("President," "Owner," "Manager," etc.)

Of the declarant of the foregoing completion; I have read said Notice of Completion and know the contents
thereof; the same is true of my own knowledge.
I declare under penalty of perjury that the foregoing is correct and true.

Executed on __________________________, at __________________________, California.
(City or Town where signed)

(Personal signature of the individual swearing that the contents of the notice are true)
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 19 consists of three (3) Potential Change Orders (PCOs) in the aggregate amount of $31,570 with no time extension. Two (2) PCOs in the amount of $32,287 are attributed to Unforeseen Conditions. One (1) PCO in the amount of <$717> is attributed to Owner Requested Change. There is (1) PCO that exceed $15,000.

<table>
<thead>
<tr>
<th>Total Compensation</th>
<th>$31,570</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Time extension</td>
<td>Zero (0) working days</td>
</tr>
</tbody>
</table>

The District recommends that the Board approve Change Order 19 to Alten Construction, Inc. in the amount of $31,570 with no time extension for this work. Because the cumulative value of all change orders exceeds 10%, the Board is also asked to attest by resolution that the District will not benefit from bidding the work separately. Included in Change Order 19 is a reduction in retention from 10% to 2.5%.

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>$10,552,807</th>
</tr>
</thead>
<tbody>
<tr>
<td>Change Order 1</td>
<td>$17,454</td>
</tr>
<tr>
<td>Change Order 2</td>
<td>$26,061</td>
</tr>
<tr>
<td>Change Order 3</td>
<td>&lt;$5,390&gt;</td>
</tr>
<tr>
<td>Change Order 4</td>
<td>$39,567</td>
</tr>
<tr>
<td>Change Order 5</td>
<td>$47,333</td>
</tr>
<tr>
<td>Change Order 6</td>
<td>$39,907</td>
</tr>
<tr>
<td>Change Order 7</td>
<td>$158,830</td>
</tr>
<tr>
<td>Change Order 8</td>
<td>$183,367</td>
</tr>
<tr>
<td>Change Order 9</td>
<td>$86,981</td>
</tr>
<tr>
<td>Change Order 10</td>
<td>$123,210</td>
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<tr>
<td>Change Order 11</td>
<td>$150,928</td>
</tr>
<tr>
<td>Change Order 12</td>
<td>$114,187</td>
</tr>
<tr>
<td>Change Order 13</td>
<td>$160,591</td>
</tr>
<tr>
<td>Change Order 14</td>
<td>$37,306</td>
</tr>
<tr>
<td>Change Order 15</td>
<td>$33,170</td>
</tr>
<tr>
<td>Change Order 16</td>
<td>$27,838</td>
</tr>
<tr>
<td>Change Order 17</td>
<td>&lt;$12,464&gt;</td>
</tr>
<tr>
<td>Change Order 18</td>
<td>$6,644</td>
</tr>
<tr>
<td>Change Order 19</td>
<td>$31,570</td>
</tr>
<tr>
<td>Total Contract Amount</td>
<td>$11,819,897</td>
</tr>
</tbody>
</table>

RECOMMENDATION
The Superintendent/President recommends that the Board of Trustees approve Change Order 19 to Alten Construction, Inc. in the amount of $31,570, reduce retention to 2.5% and approve Resolution 12/8/09 C.9.C.6 attesting that the District will not benefit from bidding the work separately for the Diamond PE Center Alterations Project (308B).

Administrator Initiating Item
V-Anne Chernock
Director of Modernization

Administrator Approving Item
Albert J. Harrison II
Vice President, College Operations
MARIN COMMUNITY COLLEGE DISTRICT
MEASURE C BOND PROGRAM

RESOLUTION 12/08/09 C.9.C.6 FOR APPROVAL OF CHANGE ORDER NO. 19
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 (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 $31,570 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, "[w]here 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 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 December 8, 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 December 8, 2009.

______________________________
Secretary, Governing Board
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></td>
</tr>
</tbody>
</table>

See Page 2 for details

SUBTOTAL Page 2: $31,570

TOTAL: $31,570

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>
</tr>
</thead>
<tbody>
<tr>
<td>When this Change Order is signed by all parties, it constitutes their agreement:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Original Contract Price: $10,552,807</td>
</tr>
<tr>
<td>Net Change By Previously Authorized Change Order:</td>
<td>$1,235,520</td>
</tr>
<tr>
<td>Contract Price Prior To This Change Order:</td>
<td>$11,788,327</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></td>
</tr>
<tr>
<td>Contract Price Will Be:</td>
<td></td>
</tr>
<tr>
<td>• Increased:</td>
<td></td>
</tr>
<tr>
<td>• Decreased: By this Change Order:</td>
<td></td>
</tr>
<tr>
<td>• Unchanged:</td>
<td>$31,570</td>
</tr>
<tr>
<td>New Contract Price Including This Change Order:</td>
<td>$11,819,897</td>
</tr>
<tr>
<td>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 so changed.</td>
<td></td>
</tr>
<tr>
<td>Contract Time Will Be:</td>
<td></td>
</tr>
<tr>
<td>• Increased:</td>
<td></td>
</tr>
<tr>
<td>• Decreased: By this Change Order:</td>
<td></td>
</tr>
<tr>
<td>• Unchanged:</td>
<td>0</td>
</tr>
<tr>
<td>Date of Substantial Completion As Of The Date Of This Change Order:</td>
<td>8/5/2009</td>
</tr>
</tbody>
</table>

AGREED BY CONTRACTOR

Kwan Henni Architecture/Planning

By: ____________________________ Date: ____________________________

ISSUED BY PROJECT MANAGER

Swinerton Management & Consulting


Date: ____________________________

APPROVED BY ARCHITECT/ENGINEER

Swinerton Management & Consulting

By: Leigh Sota, Program Manager

Date: ____________________________

APPROVED BY OWNER

Marin Community College District

By: __________, Director of Modernization

Date: ____________________________

AUTHORIZED BY OWNER

Marin Community College District

By: ____________________________ Date: ____________________________

Distribution: Owner Consultant Construction Manager Contractor C.O. File Other
BACKGROUND:

This License Agreement is submitted to the Board for action. This License Agreement has been developed, reviewed, and approved by the District’s lawyers, Nancy Klein and Adam Ferber.

This License Agreement is between the Board of Trustees, Marin Community College District and Marin Head Start Family Development Program. This License Agreement permits Marin Head Start to use the former Toddler Center space in building 12 at the Indian Valley Campus for an Early Head Start Infant Toddler Child Care Program with priority enrollment for the children of low-income College of Marin students.

The IVC Early Head Start program will serve as an early childhood demonstration classroom for College of Marin students who are interested in studying early childhood development and will operate in coordination with the demonstration classrooms provided by College of Marin Children’s Centers, which serve preschool-age children. This partnership between the District and Marin Head Start advances educational opportunities for Marin County’s early childhood education workforce and improves the quality of early childhood education in Marin County.

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve the License Agreement between the Marin Community College District and the Marin Head Start Family Development Program.
License Agreement

This License Agreement ("the Agreement") is entered into effective as of the eighth day of December, 2009 by and between the Marin County Community College District ("Licensor") and Marin Head Start Family Development Program ("Licensee").

Recitals

A. Licensor is the owner of certain facilities commonly known as Building 12 on Licensor's Indian Valley Campus located at 1880 Ignacio Blvd., Novato, California 94949. A map of Indian Valley Campus setting forth the location of Building 12 is attached hereto, marked Exhibit A, and incorporated herein by this reference.

B. Licensor offers an Early Childhood Education Program ("ECE Program") which, among other things, trains Licensor's students as teachers for infants, toddlers and preschool aged children. Part of the training in the ECE Program includes child observation, curriculum study and student teaching in licensed child care facilities.

C. Licensee provides comprehensive education, health, nutrition, child development and family involvement services to low-income children and their families. Licensee recently was awarded a grant to establish child care programs for infants and toddlers and desires to open a program in Novato, California.

D. It is highly desirable and beneficial to the ECE Program to have a licensed infant and toddler child care facility situated on the Indian Valley Campus to serve as an on-site "Demonstration Classroom" for ECE Program students. An on-site child care facility would also complement Licensor's programs in pediatric nursing, psychology, dental assisting, drama, and dance, and serve as a resource for members of Licensor's student body who have child care needs.

E. Pursuant to Education Code section 70902(a) and this Agreement Licensor wishes to grant to Licensee and Licensee desires to accept from Licensor a non-exclusive license to use certain premises described below for the operation of a licensed infant and toddler child care facility on the Indian Valley Campus.

Wherefore Licensor and Licensee agree as follows:

1. Premises: The Premises include the portion of Building 12 demarcated on the floor plan of Building 12, which is attached hereto, marked Exhibit B, and incorporated herein by this reference.

2. License:
   a. Use of Premises. Licensor hereby grants to Licensee and Licensee hereby accepts from Licensor a non-exclusive license to use the Premises for the purposes of operating a licensed child care program for low income families with infants and toddlers, providing related education, health, nutrition, child development and family
services to such children and their families, and at times and on terms mutually agreeable to the parties, serving as Demonstration Classroom for Licensor’s students. To the extent Licensee has available space in the child care program Licensee shall give enrollment priority to the infants and toddlers of Licensor’s students who meet Licensee’s eligibility guidelines. Licensee shall comply with Licensor’s policies and regulations including, but not limited to, the prohibitions against unlawful discrimination and use of tobacco and alcohol on Licensor’s property.

b. Modification of Premises. The parties anticipate that the Premises will require some minor modifications to meet Department of Social Services Community Care Licensing Division (“DSS”) requirements for licensed infant and toddler child care facilities. As of the date of this Agreement, the anticipated modifications are as specified in Exhibit C, which is attached here to and incorporated herein by this reference. Subject to Licensor’s advance written approval, modifications required by DSS to operate a licensed infant and toddler child care program (hereinafter collectively “Improvements”) on the Premises may be made in accordance with all applicable laws and regulations pertaining to such work on a California community college campus and other terms and conditions specified by Licensor which may include, without limitation, provision of adequate insurance and proof of adequate funding. All Improvements shall be at Licensee’s sole expense. Any other modifications to the Premises (“Additional Improvements”) shall be subject to the foregoing provisions and to Licensor’s approval of the modification.

3. Term: Subject to termination as provided in this Agreement, the term of the license shall be one (1) calendar year, beginning upon the effective date first set forth above and expiring automatically, unless extended by Licensor and Licensee by means of writing properly authorized by both parties.

4. License Fee: In consideration of the license granted pursuant to this Agreement, Licensee shall pay an annual fee to Licensor of Fourteen Thousand Seven Hundred and Ninety Dollars ($14,790.00), payable in twelve (12) equal monthly payments of one thousand and thirty-two dollars and fifty cents ($1,232.50) in advance on the first day of each month beginning January 1, 2010. The license fee shall be pro-rated if this Agreement is terminated prior to December 31, 2010.

5. Termination: Licensor shall have the right, in its sole discretion, to terminate the license upon sixty (60) days advance written notice to Licensee.

6. Indemnification: To the fullest extent permitted by law Licensee shall hold harmless, defend and indemnify Licensor, its governing board, officers, agents and employees, from and against any liability, claim, action, cost, damage or loss, including reasonable costs and attorneys’ fees, for injury, including death, to any person or damage to any property arising out of the activities of Licensee or its agents, officers, employees, invitees or guests in or about the Premises, whether or not there is concurrent passive or active negligence on the part of Licensor, but excluding liability due to the sole negligence or willful misconduct of Licensor. This obligation shall continue beyond the
term of this Agreement as to any act or omission that occurred during or under this Agreement. This indemnification obligation is not limited in any way by any limitation on the amount or type of damages or compensation payable to Licensee or its employees or agents under workers’ compensation acts, disability benefit acts, or other employee benefit acts.

7. **Insurance:** Licensee shall maintain insurance as described below:
   
a. Commercial or Comprehensive General Liability insurance covering bodily injury and property damage utilizing an occurrence policy form, in an amount no less than $1,000,000.00 combined single limit for each occurrence.

   b. Each said comprehensive or commercial general liability insurance policy shall be endorsed with the following specific language:
      
      i. Licensor, its officers and employees are named as additional insured for all liability arising out of the acts or omissions by or on behalf of the name insured.
      
      ii. The inclusion of more than one insured shall not operate to impair the rights of one insured against another insured, and the coverage afforded shall apply as though separate policies had been issued to each insured, but the inclusion of more than one insured shall not operate to increase the limits of the company’s liability.
      
      iii. The insurance provided herein is primary coverage to Licensor with respect to any insurance or self-insurance programs maintained by Licensor and no insurance held or owned by Licensor shall be called upon to contribute to a loss, except for the sole negligence of Licensor.
      
      iv. This policy shall not be canceled or materially changed without first giving thirty (30) days prior written notice to Licensor.

   c. The following documentation shall be submitted to Licensor on or before the Licensee’s use of the Premises:
      
      i. Properly executed Certificate of Insurance clearly evidencing all coverage, limits, and endorsements required above. Said certificates shall be submitted prior to the execution of this Agreement.
      
      ii. Signed copies of the specified endorsements for each policy. Said endorsement copies shall be submitted within thirty (30) days of execution of this Agreement.
      
      iii. Upon Licensor’s written request, certified copies of insurance policies. Said policy copies shall be submitted within thirty (30) days of Licensor’s request.

   d. Licensee’s indemnity and other obligations shall not be limited by the foregoing insurance requirements.

   e. If Licensee, for any reason, fails to maintain insurance coverage or provide related documentation, as required, Licensor may terminate this Agreement immediately upon written notice.

8. **Notice:** Notice hereunder shall be served personally or by certified mail, return receipt requested, addressed as follows, and shall be effective upon delivery at the indicated address:
9. **Entry by Licensor and Licensee:** Licensor shall have the unrestricted right to enter the Premises at any time. Licensee and its clientele shall have the unrestricted right to enter the Premises during the Licensor’s regular hours of operation. If Licensee requires entry into the Premises at any other time, it shall provide Licensor at least twenty four (24) hours advance notice, which may be by telephone or in writing as provided in Section 8.

10. **Utilities/Services:** Licensor shall provide all necessary utilities, including water and electricity, telephone and internet, maintenance including janitorial, and up to eight (8) parking permits. Licensor will provide security for the Premises to the extent customary for other facilities on Indian Valley Campus.

11. **No Third Party Beneficiaries:** This Agreement is by and between Licensor and Licensee only, and is not intended to and does not benefit or grant any rights to any other person or entity.

12. **This Agreement may not be changed, modified or amended except in a writing signed by both parties.**

In Witness Whereof, Licensor and Licensee have executed this Agreement as of the date first set forth above.

**Marin Community College District**

**Marin Head Start Family Development Program**

By: ____________________________

By: ____________________________
Indian Valley Campus Map and Directory

College of Marin
Indian Valley Campus
1800 Ignacio Blvd.
Novato, CA 94949
Emergency: 911 or 9-911 from Campus extension
Urgent: 415.485.9696
IVC Police Business Phone: 415.883.3179

SPRING 2010 Parking Notice
Due to construction, Parking Lots 1, 2, 3 and 4 are closed.

Spring 2010 Construction Notice
The Golden Gate Transit bus stop has been temporarily moved to Lot 6. The access road & vehicle bridge and the two pedestrian bridges closest to the campus entrance gate are also temporarily closed.
We appreciate your patience during our construction schedule.

Motorcycle and handicap parking available
Vehicles on campus are subject to parking and traffic regulations by the Board of Trustees, Marin Community College District.

All cars must have a parking sticker, or display a daily parking permit which may be purchased from the parking ticket dispenser.
Parking permits are required at all times, except Saturdays, Sundays, and school holidays.

POMO (PM)
1. Auto Collision Repair Lab
   (ACRT & AUTO courses are scheduled in Bldg 24. Bldg 1 is scheduled to open in 2010)
2. Auto Technology Lab
   (ACRT & AUTO courses are scheduled in Bldg 24. Bldg 2 is scheduled to open in 2010)
3. General Classrooms/Labs/Offices/Medical Assisting Lab/Food Vending
   (Rooms 150-154, 250-263)
4. Machine & Metals Tech
   (Rooms 160-175)
5. SIM Center (Rooms 180-189)
6. General Classrooms/Labs/Offices
   (Rooms 100-119, 200-218)
7. Multi Media Lab & Offices
   (Rooms 190-199)

ADMINISTRATIVE SERVICES (AS)
8. Student Services
9. Fiscal Services, College Operations, Health Center
10. Emeritus Meeting Room/Modernization Office
11. Information Systems Center
12. EMT / General Classroom
    Child Care Center (CS)

MIWOK (MW)
13. Offices/Court Reporting Labs
    (Rooms 120-122, 226)
14. Computer Lab (Room 144)
15. Conference Center/Lecture/Board Meetings (Room 181)
    Dance Room (Room 170)
16. Classrooms/Offices/Env, Landscape/Center for Sustainable Horticulture
    (Rooms 101-117, 202-217)

BUILDING #17
17. Career Study Center/Internet Café/Math, English, Computer Labs

OHLONE (OL)
18. Computer Labs (Rooms 120-135)
19. General Classrooms/Labs/Offices/Computer Lab Comm Ed/Intensive English Program
    (Rooms 141-164, 202-223)
20. Food Vending/PE/DSPS PE/Classrooms (Rooms 101-106)
22. Campus Police/Corporation Yard

TRANSPORTATION COMPLEX
    B: Auto Technology Lab

ORGANIC FARM
25. IVC Greenhouse
26. Shade Structure

REST ROOMS:
Buildings 5, 6, 9, 11, 13, 15, 17, 19, 20

For changes due to construction, please refer to the information above.
EXHIBIT B – Floor Plan of Building 12, Indian Valley Campus

COM Children's Center - CA State Preschool Program

Classroom (currently used for EMT training)

Former COM Toddler Center - Proposed site for Early Head Start Infant Toddler Program
EXHIBIT C - Modification of Premises

The premises will require the following minor modifications to meet Department of Social Services Community Care Licensing Division ("DSS") requirements for licensed infant and toddler child care facilities:

- Power wash deck
- Purchase and install movable barrier or gate to separate crib area in infant room
- Install baby gate across entrance to the kitchen
- Shampoo carpet
- Replace missing ceiling tiles in toddler room and kitchen
- Install low fence around garden area
MARIN COMMUNITY COLLEGE DISTRICT
Kentfield, CA 94904

BOARD AGENDA ITEM

To:    Board of Trustees                Date: December 8, 2009
From:  Superintendent/President          Item & File No. C.9.E
Subject: Service Employee International Union (SEIU) 1021 Initial Contract Proposal to the District and District's Initial Proposal to SEIU 1021

Reason for Board Consideration:    Enclosure(s):

PUBLIC HEARING

BACKGROUND:

The Board is receiving a proposal from SEIU 1021 as required by the Educational Employment Relations Act (EERA). The SEIU Collective Bargaining Agreement expired June 30, 2008.

The SEIU has submitted a negotiation proposal for the period beginning July 1, 2008. It proposes a 10% salary increase for all bargaining unit member beginning on the first year, additional salary increases for the members of the Police Department, an increase in the medical premium cap, expansion of post-retirement benefits, and non-economic items for a new contract to be effective July 1, 2008.

The District proposes adjustments to benefit costs that correspond with the current economic climate and non-economic items.

Staff submits the following initial proposal to the Board before holding a public hearing on the SEIU and District proposals as required by the EERA.

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 accept SEIU's initial proposal and the District's initial proposal to SEIU and hold a public hearing.

Administrator Initiating Item: Linda Beam, Executive Dean, Human Resources and Labor Relations
10-16-09 and 11-24-09 SEIU Proposal
(Excerpted Changes)

AGREEMENT

This Agreement entered into this 11th day of December 2008 (insert new date here) by and between the MARIN COMMUNITY COLLEGE DISTRICT, hereinafter referred to as “District”, and SEIU 1021, hereinafter referred to as “Union”.

ARTICLE 6: EVALUATION

C. Permanent employees shall be evaluated formally at least once per year. The evaluation shall be balanced and reflect the entire year.

D. The evaluation form shall provide for the following:
1. Notification of lack of performance and an explanation of what is expected.
2. Such notice shall contain specification of the areas needing improvement.
3. The employee shall be given an opportunity to read and sign the evaluation. Signing of the notice by the employee shall not necessarily be considered agreement with the evaluation, but rather an acknowledgment of receipt of the evaluation.
4. The affected employee shall have the right to submit a written objection to the evaluation.

ARTICLE 7: HOURS AND OVERTIME

A. A standard workday shift is between 6:30 7:00am and 4:00 3:00pm. Work schedules adjusted by mutual agreement as provided in Article 7(A)(3) remain in effect unless mutually changed. The purpose of this standard work shift and work week is applicable to Article 8(A) 3, Salary Shift Differential.

Shifts shall remain as currently practiced except as follows:

2. Management may change the starting or quitting time of any shift in case of emergency. “Emergency” as used in this Article shall mean an out of the ordinary or non-routine event which cannot be performed during a normal work shift, and which would prevent/interfere with the normal functioning of the District, is defined under Article 5 c). Management may not mandate an employee to change their shift, or work past their shift, to compensate for a problem which is not an emergency.

B. Except as otherwise provided herein, all authorized overtime hours as defined in this Article shall be compensated at a rate of pay equal to time and
one-half of the regular rate of pay of the employee. Overtime is defined as any time worked in excess of seven and one-half (7 ½) hours in any one (1) day or in any one (1) shift or in excess of thirty-seven and one-half (37 ½) hours in any workweek. Time for which pay is received but not worked such as vacation, sick leave, and authorized compensatory time off, will be counted towards the base period. Workers shall not be assigned irregular work hours to avoid the payment of overtime. All hours worked on the sixth (6th) and seventh (7th) days shall be compensated at time and one-half, assuming employees so compensated have an average regular work day of four (4) hours or more.

For special events such as basketball tournaments, theater activities and political events where tickets are sold, a fee charged to the event sponsor or generates a large number of attendees and/or which contribute to an increased workload for custodians or gardeners, if management decides to assign overtime, it will assign a minimum overtime of three (3) hours for a custodian and/or three (3) hours for a gardener. Management will notify the appropriate shop steward of events taking place and will attempt to provide as much notice of the need for overtime as is reasonably possible to affected employees and to the appropriate shop steward.

F. Sworn Police Personnel work eight (8) hours per day, five (5) days per week for a total of forty (40) hours per week. Overtime for such employees is that time worked greater than eight (8) hours per day or forty (40) hours per week. Time for which pay is received but not worked such as vacation, sick leave, and authorized compensatory time off, will be counted towards the base period. Police Officers shall not be assigned irregular work hours to avoid the payment of overtime. These employees shall be granted a lunch period and two (2) fifteen minute breaks per eight (8) hour day, but shall be considered to be on duty at those times. All other sections of Article 7 shall apply to Sworn Police Personnel.

Police Officers may propose a flexible work-hour, workday plan to the Chief of Police. The Chief may implement a plan on a trial period after which he will decide whether the plan is to be continued. If a 4-day, 10-hour shift is implemented, overtime will be paid for work in excess of 10 hours per day and on the 5th, 6th, and 7th day. Time for which pay is received but not worked such as vacation, sick leave, and authorized compensatory time off, will be counted towards the base period. Police Officers shall not be assigned irregular work hours to avoid the payment of overtime. Management reserves the right to return to an 8 hour shift based upon operational necessity.

ARTICLE 8: SALARY

A. Salary Schedule
1. The salary schedule provides 5% between steps. The salary schedule is set forth below. The salary schedule shall have longevity steps equal to $W=4.5\%$; $X=7.5\%$; $Y=12.5\%$; $Z=17.5\%$ over step E; $Z+=2.5\%$ over Z.

2. Step increases and longevity, where appropriate, shall be granted.

3. Police Officers, Electricians and the Custodians, whose regular hours of work are other than the standard day shift, shall receive a shift differential of Fifty Dollars ($50) One Hundred Fifty ($150) per month on their regular paycheck.

### Skilled Trades and Operations Unit Salary Schedule

**SEIU Salary Schedule**

Effective July 1, 2006

<table>
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<tr>
<th>TITLE</th>
<th>STEP A</th>
<th>STEP B</th>
<th>STEP C</th>
<th>STEP D</th>
<th>STEP E</th>
<th>STEP W</th>
<th>STEP X</th>
<th>STEP Y</th>
<th>STEP Z</th>
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<td>3994</td>
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<td>3975</td>
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<td>4487</td>
<td>4696</td>
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<tr>
<td>(Non-Sworn)</td>
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<td>3975</td>
<td>4174</td>
<td>4362</td>
<td>4487</td>
<td>4696</td>
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<td>3054</td>
<td>3207</td>
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<td>3770</td>
<td>3945</td>
<td>4121</td>
<td>4203</td>
</tr>
</tbody>
</table>

To align the Police Sergeant supervisory position in line with other supervisory positions within the college district, the Police Sergeant position will be 35% above the Police Officer's pay rate.

Effective July 1, 2008, all employees shall receive a 10% "on-schedule" raise.
Effective January 1, 2010 this Agreement shall be subject to an economic opener per request of the Union.

ARTICLE 9: WORKER EXPENSE AND MATERIALS

D. The District will furnish uniforms for the Maintenance Mechanic and the Maintenance Painters. Three sets Five sets each will be issued and will be replaced at the District's discretion. A uniform set shall include shirt, pants, hat, socks and boots. Upon termination from District employment, the employees will return the uniforms to the District.

The District will furnish two pairs of overalls for the Locksmith and Carpenter per year.

E. The District will maintain a separate account for replacement and maintenance of authorized uniforms and equipment maintenance within the police department budget effective each fiscal year. Reimbursement will be made based on a single submission each fiscal year from each officer with receipts attached to the District form titled "Claim for Reimbursement", not to exceed $600.00 per year per officer. Claims must be submitted no later than June 30th each fiscal year. will be added to each officer's pay check twice a year at $1,200 per year per officer. This allowance will require the officers, after initial uniform and equipment issue, to maintain and purchase all uniforms. This allowance requires officers to keep uniforms clean and presentable. This allowance does not include "Safety" equipment, which will be purchased and maintained by the Department. Officers may at their option and with approval, purchase and use "Safety" equipment. This allowance will be taxed per Federal and State law and counted as income.

ARTICLE 10: FRINGE BENEFITS

A. District Contributions

1. The District's maximum contribution for medical insurance coverage for 2007/2008 shall be the Kaiser Family Rate at the dollar amount set by the carrier. The District will pay the full cost of medical, dental, vision and disability insurance programs at the dollar amount set by the carriers for 2007/2008. Should the rate for any District medical insurance program exceed the Kaiser Family Rate, the unit member will have deducted from his/her paycheck the difference between the Kaiser Family Rate and the rate for the medical insurance program in which the unit member is enrolled.
Co-pays shall remain at $5 per office visit and $5 per generic prescription.

7. Any unit member covered by this Agreement may make written application to the Administrative Executive Dean, Human Resources for waiver of required participation in the medical insurance programs if said employee provides acceptable proof of coverage through other sources. Upon the granting of said waiver the District will pay the affected employee one hundred six hundred dollars ($100 $600) per month.

9. The District will enroll all SEIU members in the PERS program whereby the approximate 7% of wages paid into PERS as the employee’s contribution, when it is paid by the employer as in the case of the District, will be counted as income for pension purposes, but not by the IRS or SSI.

C. Retirement Contribution
The District will contribute premium costs for medical and dental coverage for current employees employed prior to February 1, 1987, at the rates in effect for Kaiser #554 employee only plus one coverage or HealthNet #57140 employee only plus one coverage upon their retirement, provided such employee possesses at least ten (10) twenty (20) years of service and has attained the age of 50. The employee may select any program currently offered by the District up to the dollar amount and time period specified in this paragraph. Said benefit will expire when the employee reaches age 70 or dies, whichever is sooner. Employees who are terminated for cause or who resign while charges are pending are not eligible for this medical and dental coverage upon retirement.

ARTICLE 11: EDUCATION EXPENSE

A. Police Officers and the Police Sergeant shall receive on their paychecks each month Seventy-five One Hundred Dollars ($75) ($100) if they possess an intermediate P. O. S. T. certificate and an additional One Hundred Dollars ($100) if they possess an advanced P. O. S. T. certificate and an additional Seventy-five One Hundred Dollars ($75) ($100) if they possess a Supervisory P.O.S.T. certificate as an educational incentive. Police Officers and Police Sergeant, who are assigned as Field Training Officers (FTO), shall receive a 5% increase while assigned and performing duties as an FTO or FTP SAC.

F. Procedures for College Payment of Employee/Future Retiree Enrollment Fees
1. The program will include College payment of the $12 per unit enrollment fees and a waiver of the student representation fee and health fee. Employee/retiree students will be responsible for any materials fees plus the cost of books and supplies. (Non-resident tuition will not be paid.)

ARTICLE 12: HOLIDAYS

A. Employees shall be allowed sixteen (16) seventeen (17) holidays with pay if they are in a paid status during any portion of the working day immediately preceding or succeeding the holiday and in paid status on the holiday.

B. To add Cesar Chavez Day – March 31

ARTICLE 14: SICK LEAVE

O. Sick Leave Incentive: Beginning July 1, 1987 2008, employees shall have one (1) additional vacation day granted a $500 incentive added to their pay if they have used three (3) days or less sick leave during the immediate past year.

ARTICLE 15: OTHER LEAVES

C. Military Leave:
A bargaining unit employee who is granted a short-term military leave of absence for active military duty, but not for inactive duty, including, but not limited to, scheduled reserve drill periods, and who for a period of not less than one year immediately prior to the effective date of active duty has had continuous college employment that is not broken by a permanent separation, or who has had continuous college employment immediately prior to the effective date of active duty not broken by a permanent separation and sufficient recognized military service that need not be contiguous to equal one year shall be entitled to receive his or her salary or compensation for the first 30 calendar days of active duty served during the absence.

A bargaining unit member who is granted emergency military leave under this Section shall receive his or her salary or compensation as a college employee while going to, engaging in, and returning from the duty. The employee shall not receive his or her salary or compensation for more than 30 days each time he or she is granted the emergency military leave (Education Code Section 87700-87715), a member of the California National
Guard or State Military Reserves shall be provided military leave in accordance with all State and Federal Law. Members in the Federal Military Reserves shall be provided release time in accordance with all State and Federal laws.

A bargaining unit member who is granted emergency military leave under this Section shall receive his or her salary or compensation as a college employee while going to, engaging in, and returning from the duty in accordance with all State and Federal laws.

E. Industrial Accident and Illness Leave

12. For those employed as Police Officer or Police Sergeant, disability leave is for a period up to one calendar year as set forth in Labor Code 4850 through 4856. The District agrees the rules set forth in 4850 through 4856 of the California Labor Code apply to its Police Officers and Police Sergeant.

13. Periods of leave of absence, under these provisions of article E.12, shall not be considered to be a break in service of the employee.

ARTICLE 16: GRIEVANCE PROCEDURE

Level I
Within ten (10) days of when the grievant knew or reasonably should have known of the act or omission which gave rise to the grievance, the grievant must request is encouraged to informally discuss the problem with the immediate supervisor or designated management person. A meeting will be convened as soon as possible with the appropriate supervisor. The District shall communicate a written decision within ten (10) days of the meeting.

Option 1.

a) If the grievant is not satisfied with the decision at Level III, the grievant may within ten (10) days of the receipt of the decision, submit a request in writing to the Union for arbitration of the dispute. Within twenty (20) days of the grievant’s receipt of the decision at Level III, the Union shall inform the District of its intent as to whether or not the grievance will be arbitrated. The Union and the District shall attempt to agree upon an arbitrator. If no agreement can be reached, they shall request that the State Conciliation Service supply a panel of five (5) names of persons experienced in hearing grievances in public schools. Each party shall alternately strike a name until only one (1) name remains. The remaining panel member shall be the arbitrator. The order of the striking shall be determined by lot.
d) The District and the Union agree that the jurisdiction and authority of the arbitrator so selected and the opinions the arbitrator expresses will be confined exclusively to the interpretation of the express provision or provisions of this Agreement at issue between the parties. The arbitrator shall have no authority to add to, subtract from, alter, amend, or modify any provisions of this Agreement or impose any limitations or obligations not specifically provided for under the terms of this Agreement. The arbitrator shall be without power or authority to make any decision that requires the District or the administration to do an act prohibited by law.

h) By filing a grievance and processing it beyond Level III, the grievant expressly waives any right to statutory remedies or to the exercise of any legal process other than as provided by this grievance/arbitration procedure. The processing of a grievance beyond Level III shall constitute an express election on the part of the grievant that the grievance/arbitration procedure is the chosen forum for resolving the issues contained in the grievance, and that the grievant will not resort to any other forum or procedure for resolution or review of the issues. The parties do not intend by the provisions of this paragraph to preclude the enforcement of any arbitration award in any court of competent jurisdiction.

ARTICLE 23: MISCELLANEOUS

G. Comparable Worth – The College of Marin agrees to conduct a comparable worth study for all SEIU Local 1021 workers in the classifications of Network Administrator, Network/PC/Telephone, Police Sergeant, Police Officer and Police Service Aid no later than June 30, 2010.

The salaries of the classifications of Police Sergeant, Police Officer, and Police Service Aid will be compared to the salaries of other local Police Agencies of the following places:

Marin County Sheriff’s Department/Novato Police Department/San Rafael Police Department/Twin Cities Police Department.

The classifications of Network Administrator, Network/PC/Telephone salaries will be compared to the salaries of the following places:

County of Marin/Santa Barbara CCD/Cabrillo CCD/Mira Costa CCD/San Mateo CCD/Monterey Peninsula CCD/Napa Valley CCD/San Luis Obispo Cuesta College CCD/Solano CCD/Sonoma CCD/Tamalpais Union High School District.

The comparable worth study shall be the basis for future salary
negotiations for these classifications.

H. Compensation for Suspension of Campus Activities - In the event of a major incident which requires the district to close a campus, or suspend classes, office work, or activities for the majority of the school, and the district has allowed other staff to take the rest of the day off due to the incident, those SEIU employees who must remain on duty shall be compensated by receiving an amount of compensatory time. The compensatory time accrued from the time the district has declared such closure or suspension, to the time the member was regularly scheduled to go off duty.

I. Donning and Doffing - The classifications of Police Sergeant, Police Officer and Police Service Aid will be compensated for fifteen minutes in excess of the assigned work hours at the beginning and end of each daily shift for the purpose of donning and doffing. Compensation will occur at the established rate for overtime.

ARTICLE 25: UNION RIGHTS

A. The union shall have access to the corporation yard bulletin boards, and mailboxes, e-mail and the phone system for the purpose of posting notices relating to the following:

1. Union elections
2. Union appointments
3. Union meetings
4. Such other notices regarding the transactions of Union business (excluding public political campaign materials except with prior District approval, or libelous materials.)

B. The Union may use school facilities, when not otherwise used for educational purposes, without charge, for SEIU Local 1021 meetings. The Union agrees to leave such facilities in the same condition as the facility was in prior to the meeting.

ARTICLE 27: COMPLETION OF AGREEMENT

This document comprises the entire Agreement between the District and the Union on the matters within the lawful scope of negotiations. The District shall have no further obligation to meet and negotiate, during the term of this Agreement, on any subject whether or not said subject is covered by this Agreement, even though such subject was not known nor considered at the time of the negotiations leading to the execution of this Agreement except where the Agreement so provides. In the event any new practice, subject or matter arises
during the term of this agreement and an action is proposed by the District, the Union shall be afforded all possible notice and shall have the right to meet and confer upon request.

ARTICLE 28: EFFECT ON AGREEMENT

The parties agree that this contract supersedes and replaces previous contracts entered into between the District and the Union. Existing past practices and policies, within the scope of negotiations between the union and the District shall continue only if expressly stated herein, unless changed through Any changes will require mutual agreement of the parties.

ARTICLE 31: TERM

This Agreement shall be in effect from July 1, 2007 through June 30, 2010.

In Witness Whereof, the parties hereto have caused their duly authorized representatives to execute the within agreement this (insert new date here).
Marin Community College District
Initial Proposal to SEIU 1021
(Excerpted Changes)

AGREEMENT

This Agreement entered into this 14th day of December 2008 (insert new date) by and between the MARIN COMMUNITY COLLEGE DISTRICT, hereinafter referred to as “District”, and SEIU 1021, hereinafter referred to as “Union”.

ARTICLE 3: NOTIFICATION TO NEW EMPLOYEES

At the time a new employee is hired who will be subject to this Agreement, the District shall deliver to the employee a copy of this Agreement in recognition of the Union as the exclusive bargaining agent and for the employee’s information. The District shall supply the Union with the names, addresses and classifications of work of new bargaining unit employees and the names of bargaining unit employees terminated on a monthly basis. This information shall be supplied to the Union by the District unless an employee requests in writing that such information be withheld. The Union shall provide the District Human Resource Department Personnel Office with a sufficient number of copies (to be determined by the District Human Resource Department Personnel Office) of this Agreement for new employees.

ARTICLE 7: HOURS AND OVERTIME

B. Overtime offered to the employees shall be compensated by cash or accrued as compensatory time off, as determined by the district-selected by the employee, as long as cash is available for overtime as determined by the District. Overtime funded by external rental/usage fees shall be compensated in cash. Compensatory time shall be taken at a time mutually acceptable to the employee and the District within twelve (12) months of the date on which it was earned. Employees, other than sworn police personnel, may accrue up to 60 hours per fiscal year as compensatory time. Sworn police personnel may accrue up to 120 hours per fiscal year. Any compensatory time accrued beyond these amounts shall require the written approval of the employee’s Department Manager. If the employee is not permitted to use the compensatory time within the twelve (12) month period, then the employee shall be paid for it.

For football games, management will assign a minimum overtime of three (3) hours for a Gardener and three (3) hours for a Custodian, notwithstanding the call-back provisions of this Agreement.

For special events such as basketball tournaments, theater activities and political events where tickets are sold, a fee charged to the event sponsor or generates a large number of attendees and/or which contribute to an increased workload for custodians or gardeners, if management decides to assign overtime, it will assign a minimum overtime of three (3) hours for a custodian and/or three (3) hours for a gardener. Management will attempt to provide as much notice of the need for
overtime as is reasonably possible to affected employees and to the appropriate shop steward.

D. A full-time employee called in to work on a day when the employee is scheduled to be on unpaid status shall work and receive a minimum of two (2) four-(4) hours pay at time and one-half.

E. A full-time employee called back to work after completion of his/her seven and one-half (7 ½) hour daily assignment, shall work and be compensated for at least two (2) four-(4) hours of work at time and one-half.

**ARTICLE 8: SALARY**

A. **Salary Schedule**

2. Step increases and longevity, where appropriate, shall be granted effective on the first of the month following his/her anniversary date.

3. Police Officers, Electricians and the Custodians, whose regular hours of work are other than the standard day shift, shall receive a shift differential of Fifty Dollars ($50) per month on their regular paycheck.

Effective July 1, 2007, all employees shall receive a 3% "off schedule" payment based on their one-year base salary for the year ending June 30, 2008.

B. **Placement and Movement on the Salary Schedule**

4. On the recommendation of the supervisor, an employee shall annually advance from date of hire or promotion, one (1) step within his/her salary range in Steps B through E effective on the first of the month after his/her anniversary. Effective July 1, 2001, longevity Step W shall be granted upon completion of the eighth year of creditable service. Other longevity steps (Steps X, Y, Z and Z+) shall be granted upon the completion of the tenth (10th), thirteenth (13th), and sixteenth (16th) year of creditable service respectively from the date of hire. Effective July 1, 2003 longevity step Z+ shall be granted upon the nineteenth (19th) year of service. Creditable service shall not include leaves of absence without pay for periods exceeding ninety (90) days in the annual period. No step movement shall be permitted without the completion of an approved performance evaluation.

C. **Pay and Allowances Provisions**

3. All employees in the bargaining unit shall be paid once a month, payable on the last working day of the month. If the normal payday falls on a holiday or weekend, the paycheck shall be issued on the preceding workday. The above is subject to the District's County Office of Education payroll warrant schedule.
4. Any employee in the bargaining unit required to use his/her vehicle in assigned District business shall be reimbursed at the IRS federally-approved mileage reimbursement rate for all approved miles driven on behalf of the District. Payment shall be in accordance with District policies and procedures on reimbursement of employee business expenses.

ARTICLE 10: FRINGE BENEFITS

A. District Contributions

The health benefit plans (Kaiser and HealthNet) shall have a $20 (twenty) dollar co-pay for all services and prescriptions. The Benefit Committee shall be asked to review the current plan and advise as to whether there are any lower cost alternatives for modification which would not have a material effect on coverage.

6. Effective January 1, 1996, the District shall participate in the Short Term Disability (STD) and Long Term Disability (LTD) programs. STD and LTD premiums shall be paid by the employee.

7. Retirement: Pursuant to Government Code Section 20615 (Misc.) and Section 21362 and Section 20444 (PD), the District shall pay the normal employee contribution for full-time unit members to the Public Employees Retirement System, for those employees hired prior to January 1, 2010. The College agrees to provide the single highest year retirement calculation for full-time employees covered under this Memorandum of Understanding.

ARTICLE 11: EDUCATION EXPENSE

A. The District shall pay the costs of tuition, training programs, enrollment or license fees, and any associated travel or lodging expenses incurred as a result of attending any seminar, class, conference or training program required by the District as a condition of continuing employment, providing the employee satisfactorily completes the training requirements. Payment shall be in accordance with District policies and procedures on reimbursement of employee business expenses. Payment for hotel, public transportation and course fees may shall be in advance when the cost is known in advance and sufficient time is provided for processing the payment.

B. For job-related training, not directed by the District, and that is not or cannot be offered on campus, the District may sponsor attendance at that activity. For attendance at a job-related College of Marin credit course, the District may pay the cost of tuition and books AND released time for attendance and satisfactory completion (Credit or C and above grade). For a job-related College of Marin Community Education and Services (noncredit) course, the District may pay the cost of fees and books AND released time for attendance. For a job-related workshop that is offered on-site by the Staff Development Office, the District may grant released time for attendance.
If any of the above activities are scheduled during working hours or if they require funding, permission to attend must be granted by the immediate supervisor, the appropriate Vice President, and (for funding) the Director of Staff and Organizational Development.

An employee must submit a request to his/her immediate supervisor who will then forward it (approved or unapproved) to the appropriate Vice President who will forward it (approved or unapproved) to the Director of Staff and Organizational Development. If there is a conflict in granting or not granting the request, the Director of Staff and Organizational Development will try to work it out with the respective supervisor. If this is not possible, the Director will consult with the Appropriate Vice President. The Vice President Director will make the final decision.

E. Staff Development Program

Delete the Staff Development Program.

F. Procedures for College Payment of Employee/Future Retiree Enrollment Fees

The purpose of the program is to promote staff development and opportunities for continued education while at the same time maximizing class productivity/income. This program will continue on an indefinite basis, but will only be available in semesters when the College is below its state-funded cap.

1. The program will be available to any permanent full or part-time employee who is a member of SEIU 1021 or to any future retiree from the College who was a member of this unit.

6. The program will include College payment of the $12 per unit enrollment fee and a waiver of the student representation fee and health fee. Employee/retiree students will be responsible for any materials fees plus the cost of books and supplies. (Non-resident tuition will not be paid.)

7. Employee/retiree students must stay enrolled through the Census Date of the class.

8. Employee/retiree students are subject to the same academic standards, rules and regulations affecting all other students at the College.

9. An employee/retiree student granted College payment in any one semester will not be eligible for the College payment or the waivers in the following semester if the employee/retiree student fails to successfully complete the class (if the program is offered again).

10. If an employee/retiree student was granted College payment and waivers for any one semester and wishes to reapply for the following semester, he/she should register, and once the grades for the previous semester are in, the College will verify successful completion of the course(s).
Effective January 1, 2010, retired SEIU members may waive enrollment fees for one year immediately following the date of retirement.

ARTICLE 13: VACATIONS

L. No supervisor shall deny an employee a scheduled vacation without first obtaining a review of the decision by the next higher level administrator, if requested by the employee. Vacations shall not be denied merely because of the season of the year.

ARTICLE 14: SICK LEAVE

K. No payment for sick leave shall be made unless submitted by the employee on the form specified by the Human Resource Department Office (including electronic means of filing) and signed by the employee and the immediate supervisor.

M. If there is a reasonable doubt as to the ability of the employee to perform his/her job due to an apparent physical or mental disability or when the employee is a hazard to himself/herself or others in the performance of his/her work due to an apparent physical or mental disability, the District may request that an employee undergo an examination by a doctor selected jointly by the employee and the District. In the event that the District and the employee are unable to agree upon a doctor, a doctor will be selected by the County Medical Association and both parties shall be bound by that decision. The employee shall authorize the examining doctor to release the results of the examination to the District. The District shall not use the results of the examination for discipline or discharge unless the employee refuses to complete the prescribed treatment within a specific period of time or unless the results of the examination indicate the employee is unable to perform the work satisfactorily, regardless of treatment. The District shall pay the costs of such examination.

N. Employees whose employment is terminated may request, in writing to the Board, payment in cash for all or any portion of their unused sick leave. Such amount, if granted, shall be payable by separate check, to be processed with the employee’s final pay warrant.

ARTICLE 15: OTHER LEAVES

and

ARTICLE 16: GRIEVANCE PROCEDURE

Replace “Administrative Dean for Human Resources and Labor Relations” with “Executive Dean for Human Resources” and “Personnel Office” with “Human Resource Department” throughout these sections.

ARTICLE 23: MISCELLANEOUS

D. Contracting Out - The District and Union shall form a committee to review proposals for work to be done by outside contractors normally and customarily performed by members of the bargaining unit. The committee shall be composed of two (2) members appointed by the District the Vice-President, Business Services
and the Director of Maintenance (or their appointed designees), and two (2) members selected by the Union.

During the District's Modernization Process, identified projects are excluded from the contracting out provision.

E. Retirees - A District retiree may apply for and will be given employment within the District up to a maximum of ninety (90) days per year, for a maximum period of five (5) years, if work is available and if the retiree can provide evidence of medical fitness to perform the work. The hourly rate of pay will be that which the retiree would have received during the respective year re-employed.

F. Light Duty Assignments - Employee request for light duty assignments shall be reviewed on their merit by the Administrative Executive Dean for Human Resources and labor Relations, and a determination shall be made as to whether light duty is appropriate.

ARTICLE 30: PERSONNEL FILES

Replace "Personnel Office" with "Human Resource Department" throughout this section.

ARTICLE 31: TERM

This Agreement shall be in effect from July 1, 2008 through (insert date).

In Witness Whereof, the parties hereto have caused their duly authorized representatives to execute the within agreement this 14th of December, 2008 (insert date).
MARIN COMMUNITY COLLEGE DISTRICT
Kentfield, CA 94904

BOARD AGENDA ITEM

To: Board of Trustees                                      Date: December 8, 2009
From: Superintendent/President                             Item & File No. C.9.F
Subject: California School Employees’ Association (CSEA), Chapter 196 Initial Contract Proposal
to the District and District’s Initial Proposal to CSEA

Reason for Board Consideration:                           Enclosure(s):
PUBLIC HEARING                                          Proposals

BACKGROUND:

The Board is receiving a proposal from CSEA, Chapter 196 as required by the Educational Employment
Relations Act (EERA). The MCCD-CSEA Chapter 196’s Collective Bargaining Agreement expired on June
30, 2009.

The California School Employees Association (CSEA) has submitted a negotiation proposal for the
period July 1, 2009 through June 30, 2012. It proposes a number of salary changes for a majority of the
CSEA members, an increase to the district paid health insurance portion, and the duration of the
contract.

The District proposes adjustments/cost containment options related to benefit costs and the
negotiation of a phased-in “Equity Study” implementation that corresponds with the current economic
climate.

Staff submits the following initial proposal to the Board before holding a public hearing on the CSEA
and District proposals as required by EERA.

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 accept CSEA’s initial proposal
and the District’s initial proposal and hold a public hearing.

Administrator Initiating Item: Linda Beam, Executive Dean, Human Resources and Labor Relations
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 2310, 2330, 2345, 2365, 2410, 2710, 2720, 2725, 3510, and 5015 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 2310, 2330, 2345, 2365, 2410, 2710, 2720, 2725, 3510, and 5015 for first reading and discussion.

Administrator Initiating Item  Dr. Frances L. White, Superintendent/President
BP 2310 REGULAR MEETINGS OF THE BOARD

References:
Education Code Section 72000(d);
Government Code Sections 54950, 54952.2, 54953 et seq., and 54961;
Robert's Rules of Order

Regular meetings of the Board shall be held at least monthly on a day, time, and place to be determined at the Organizational Meeting. A regular meeting may, however, be set for another date and time by action of the Board at any previous meeting.

A notice identifying the location, date, and time of each regular meeting of the Board of Trustees shall be posted at least ten (10) days prior to the meeting and shall remain posted until the day and time of the meeting. All regular meetings of the Board of Trustees shall be held within the boundaries of the District except in cases where the Board is meeting with another local agency or is meeting with its attorney to discuss pending litigation if the attorney's office is outside the District.

Adjourned meetings may be held as the business of the Board requires. At the time of adjournment, the time, date, and place of continuation of the meeting shall be determined and announced. The adjourned meeting shall take up its business at the point in the agenda where the motion to adjourn was acted upon.

All regular and special Board meetings shall be open to the public, except as provided by law. Public votes and public records shall be open to the public for inspection and duplication.

Except as they may be in conflict with the statute, the Administrative Code or the Bylaws heretofore set forth, Robert's Rules of Order, Newly Revised, in its most current edition, shall constitute the parliamentary authority of the Board.

All regular and special meetings of the Board of Trustees shall be open to the public, be accessible to persons with disabilities, and otherwise comply with Brown Act provisions, except as required or permitted by law.

Also see BP 2340 titled Agendas

Notes: The language struck through is recommended for deletion. The language in underlined italics reflects revisions from the Board Committee on Policy.

Date Adopted: April 21, 2009
(Replaces College of Marin Policies 1.5020, 1.5050, 1.5080, and 1.6030)
BP 2330 QUORUM AND VOTING

References:
Education Code Sections 72000(d)(3), 81310 et seq., 81365, 81432, and 81511;
Government Code Section 53094;
Code of Civil Procedure Section 1245.240

A quorum of the Board shall consist of four members.

The Board of Trustees shall act by majority vote of all of the membership of the Board, except as noted below.

No action shall be taken by secret ballot.

The following actions require a two-thirds majority of all members of the Board of Trustees:

- Resolution of intention to sell or lease real property (except where a unanimous vote is required);
- Resolution of intention to dedicate or convey an easement;
- Resolution authorizing and directing the execution and delivery of a deed;
- Action to declare the District exempt from the approval requirements of a planning commission or other local land use body;
- Appropriation of funds from an undistributed reserve;
- Resolution to condemn real property.

The following actions require a unanimous vote of all members of the Board of Trustees:

- Resolution authorizing a sale or lease of District real property to the state, any county, city, or to any other school or community college district;
- Resolution authorizing lease of District property under a lease for the production of gas.

❖ From current College of Marin Policy 1.5100 titled Quorum

A majority of the full Board shall constitute a quorum for the transaction of business at regular and special meetings. Less than a quorum may adjourn a meeting. E.C. 72203
From current College of Marin Policy 1.5200 titled Required Vote

An affirmative vote of a majority of the full Board (four votes) shall be required for the passage of any motion at a regular or special meeting except where otherwise required by statutes. E.C. 72203

It is the responsibility of elected Board members to vote on all matters except in cases of an announced conflict of interest or approval of minutes of a meeting which the Board member did not attend.

The President of the Board, or other presiding officer, shall vote upon all questions and may engage in general discussion.

From current College of Marin Policy 1.5300 titled Action by Resolution

1.5301 The following actions shall be passed by a majority roll call vote (four votes): E.C. 72203

a) Fixing and determining educational policy.

b) Commendation of individuals for significant accomplishments as recommended by the Board Officers.

c) Authorizing signing of documents on behalf of the Board. E.C. 81665

d) Transfer of funds between expenditure classifications. E.C. 85200

1.5302 The following actions shall be passed by two-thirds majority roll call vote (five votes):

a) Any proceedings for eminent domain. C.C.P. 1245.240

b) Providing for the transfer of funds from the undistributed reserve to any expenditure classification. E.C. 85200

c) Sale or lease of District property. E.C. 81365

From current College of Marin Policy 1.5310 titled Action by Motion

Generally, all other action taken by the Board and not falling in the categories listed above in Section 1.5200 shall be by motion of the Board and passed by a majority voice vote (four votes) at a regular or special meeting unless a member of the Board requests a roll call vote. This would include the following:
a) Fixing and determining curriculum.

b) Appointing and fixing the compensation and term of employment of the District Superintendent and other employees of the District retained on multi-year contracts.

c) Appointing a trustee to fill a vacancy on the Board.

d) Adopting terms and conditions of employment of all District personnel and fixing compensation specifically or under general schedules.

e) Granting power to appoint and employ other officers, agents, and employees and fixing general terms and conditions of such employment.

f) Appointing certificated and classified personnel in accordance with general schedules fixing compensation and terms of employment.

g) Fixing non-resident tuition.

h) Adopting the annual budget and authorizing any revisions therein.

i) Acting upon routine approvals of the Board at a regular or special meeting covering such matters as:

1) Serving as a final adjudicating agency for students, employees and citizens on matters of policy and policy interpretation.

2) Considering communications and requests from citizens and organizations on matters of policy, administration and other items of public concern affecting the District.

3) Maintaining continuous oversight of the District.

4) Adopting rules of order.

5) Appearing before the Board.

6) Authorizing purchases within approved budget, subject to the provisions of Section 6.0015 of Board policies.

7) Authorizing all payments to be made by the Superintendent/President or by his/her designee. This authorization shall require the submission of a written certification by the Superintendent/President or his/her designee within ten (10) days after such payments have been made in reasonably
identifiable detail, including warrant numbers, that all such payments have been properly made. E.G., 85231.2

Adoption of all items appearing on the Consent Calendar shall be approved by one motion, provided any item appearing on the posted Consent Calendar may be removed for separate Board action upon the request by any Board Member.

**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 1.5100 titled Quorum, 1.5200 titled Required Vote, 1.5300 titled Action by Resolution, and 1.5310 titled Action by Motion adopted on 12-10-80 and revised on 5-10-05. The language struck through is recommended for deletion. The language in underlined italics reflects recommended revisions by the Board Committee on Policy.

**Date Adopted:**
(Replaces current College of Marin Policies 1.5100, 1.5200, 1.5300, and 1.5310)
BP 2345   PUBLIC PARTICIPATION AT BOARD MEETINGS

References:
   Education Code Section 72121.5;
   Government Code Sections 54954.3 and 54957.5

    From current College of Marin Policy 1.5090 titled Hearing of Citizens

The order of business of any regular meeting shall include an opportunity for the public to address the Board on any item of business which is included on the agenda. E.C. 72424.5

The President of the Board is authorized to fix such time limits on presentations as he/she deems appropriate to the occasion and may limit the number of spokespersons who appear before it in opposition to or in support of a given issue being considered by the Board. The Board, by majority vote, may extend such limits as it deems appropriate.

Members of the public may also request that matters related to District business be placed on the agenda of a meeting through a written notice delivered to the Secretary to the Board not less than fifteen (15) working days prior to such meeting. Such notice shall specify the item or items so requested.

The Board shall not act on matters brought before it during the Citizens' Request to Address the Board on Non-Agenda items in-public hearings until there has been an opportunity to examine and evaluate all information presented and a recommendation by the District Superintendent regarding appropriate action. E.C. 72424.5

Written communications to the Board shall promptly be made available to all Board members.

If requested, writings that are public records shall be made available in appropriate alternative formats so as to be accessible to persons with a disability.

Claims for damages are not considered communications to the Board of Trustees under this rule, but shall be submitted to the District.
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 1.5090 titled Hearing of Citizens adopted on 12-10-80 and revised on 5-10-05. The language struck through is recommended for deletion. The language in underlined italics reflects revisions from the Board Committee on Policy.

Date Adopted:
(Replaces current College of Marin Policy 1.5090)
BP 2365   RECORDING

References:
   Education Code Section 72121(a);
   Government Code Sections 54953.5 and 54953.6

If the Board of Trustees causes any tape or video recording of a meeting, the recording shall be subject to inspection by members of the public in accordance with the California Public Records Act, Government Code Sections 6250 et seq. The Superintendent/President shall ensure that any such recordings are maintained for at least sixty (60) days following the taping or recording.

Persons attending an open and public meeting of the Board of Trustees may, at their own expense, record the proceedings with an audio or video tape recording or a still or motion picture camera or may broadcast the proceedings. However, if the Board of Trustees finds by a majority vote that the recording or broadcast cannot continue without noise, illumination, or obstruction of view that constitutes or would constitute a persistent disruption of the proceedings, any such person shall be directed by the President of the Board to stop.

❖ From current College of Marin Policy 1.5330 titled Minutes of Meetings

Minutes of regular and special meetings are public records and shall be contained in the Minute Book which shall be open to inspection by any citizen of the District and shall be kept on file at the District offices as a permanent official record of all actions of the Board. -E.C. 72202

The minutes shall record the name of the trustee making a motion, the name of the trustee seconding it, and the vote, attributing each “yea” and “nay” vote, or abstention if not voting, to the individual trustee, unless the motion carries unanimously. A trustee may also have the reasons for his/her vote recorded in the minutes if he/she so requests.

Persons reading statements or desiring specific wording should give a written copy to the Recording Secretary at the meeting to be attached to the Official Minutes of the meeting. The Board indicates neither approval nor disapproval of the attachment by this action.
To facilitate the preparation of the Board's public session meetings, the Secretary to the Board shall cause an audio-tape recording to be made of all public sessions of the Board. The President of the Board shall announce that a recording is being made at the beginning of the meetings, and the recorder shall be placed in plain view of all persons present, insofar as possible. Recordings made during the open sessions of regular or special Board meetings are public records. They shall be kept for at least 60 days and upon request shall be made available for inspection by members of the public on a district recorder without charge (Government Code 54953.5). The recordings shall be erased after 60 days or whenever the minutes of the meeting are adopted by the Board, whichever is later.

**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 Policy 1.5330 titled Minutes of Meetings adopted on 12-10-80 and revised on 5-10-05. The language struck through is recommended for deletion. The language in underlined italics reflects revisions from the Board Committee on Policy.

**Date Adopted:**
(Replaces current College of Marin Policy 1.5330)
BP 2410  BOARD POLICY AND ADMINISTRATIVE PROCEDURE

References:
- Education Code Section 70902;
- ACCJC Accreditation Standard IV.B.1.b and e

The Board of Trustees may adopt such policies as are authorized by law or determined by the Board to be necessary for the efficient operation of the District. Board policies are intended to be statements of intent by the Board on a specific issue within its subject matter jurisdiction.

The policies have been written to be consistent with provisions of law, but do not encompass all laws relating to District activities. All District employees are expected to know of and observe all provisions of law pertinent to their job responsibilities.

Policies of the Board may be adopted, revised, added to, or amended at any regular Board meeting by a majority vote. Proposed changes or additions shall be introduced not less than one regular meeting prior to the meeting at which action is recommended.

* 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 Administrative 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.

Administrative procedures are to be issued by the Superintendent/President as statements of method to be used in implementing Board Policy. Such administrative
procedures shall be consistent with the intent of Board Policy. Administrative procedures may be revised as deemed necessary by the Superintendent/President.

The Superintendent/President shall provide each member of the Board with copies of the administrative procedures. The Board of Trustees reserves the right to direct revisions of the administrative procedures should they, in the Board’s judgment, be inconsistent with the Board’s own policies.

Copies of all policies and administrative procedures are readily available on the District’s website and/or through the Superintendent/President.

- From current College of Marin Policy 1.6010 titled Amendment and Readoption of Bylaws

These Bylaws shall normally be amended or readopted by a majority of the full Board at the organizational meeting of the Board. They may also be revised, repealed or added to at any regular meeting of the Board duly convened, provided, however, that the proposed amendment shall have been presented in writing for discussion at the previous regular meeting of the Board, those cases where it is necessary to remain in compliance with the law being exempt. Amendments shall become effective immediately upon approval. Written copies of such amendment(s) shall be distributed, with amended index(es), quarterly in January, April, July and October to update the policy books of Board members and designated District personnel.

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 1.6010 titled Amendment and Readoption of Bylaws 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. The language in underlined italics reflects revisions from the Board Committee on Policy

Date Adopted:
(Replaces current College of Marin Policies 1.6010 and 7.0002)
BP 2710  CONFLICT OF INTEREST

References:
Government Code Sections 1090 et seq., 1126, and 87200 et seq.;
Title 2 Sections 18730 et seq.

Board members shall not be financially interested in any contract made by the Board of Trustees or in any contract they make in their capacity as Board members.

A Board member shall not be considered to be financially interested in a contract if his/her interest is limited to those interests defined as remote under Government Code Section 1091 or is limited to interests defined by Government Code Section 1091.5.

A Board member who has a remote interest in any contract considered by the Board shall disclose his or her interest during a Board meeting and have the disclosure noted in the official Board minutes. The Board member shall not vote or debate on the matter or attempt to influence any other Board member to enter into the contract.

A Board member shall not engage in any employment or activity that is inconsistent with, incompatible with, in conflict with or inimical to his/her duties as an officer of the District.

In compliance with law and regulation, the Superintendent/President shall establish administrative procedures to provide for disclosure of assets of income of Board members who may be affected by their official actions, and prevent members from making or participating in the making of Board decisions which may foreseeably have a material effect on their financial interest.

Board members shall file statements of economic interest with the filing officer identified by the administrative procedures.

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).

Date Adopted:
(This is a new policy recommended by the CC 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.

Date Adopted:
(This is a new policy recommended by the League and the League’s legal counsel)
Members of the Board who attend all Board meetings shall receive *compensation in accordance with Education Code Section 72024*. The Student Trustee will receive *compensation at the discretion of the Board of Trustees* (see BP 2015 titled Student Trustee). A member of the Board of Trustees who does not attend all meetings held by the Board in any month shall receive, as compensation, an amount not greater than the pro rata share of the number of meetings actually attended.

A member of the Board of Trustees may be paid for a meeting when absent if the Board, by resolution, finds that at the time of the meeting the member is performing services outside the meeting for the District, is ill, on jury duty, or the absence is due to a hardship deemed acceptable by the Board.

*From current College of Marin Policy 1.2060 titled Composition of the Board*

A Board member shall receive compensation in the maximum amount authorized by Education Code Section 72425 as it now exists or may hereafter be amended. At the December organizational meeting, the Board of Trustees will review the Board’s compensation per Education Code 72425.e. Each member may waive the right to receive the maximum compensation by indicating in writing to the District that no compensation, or partial compensation, is desired.

Board members will be compensated for one regular board meeting absence per board year (December through November) for personal reasons and one special board meeting absence per board year for personal reasons. However, such compensation will not be awarded for absence during the Budget Meeting at which the Annual Budget is approved.

A member of the Board may be paid for any meeting of the Board from which the member is absent if the Board, by resolution duly adopted and included in its minutes, finds that at the time of the meeting the member was ill or on jury duty or the absence was due to hardship, deemed acceptable by the Board. (Education Code Section 72425)
Each member may also be reimbursed for necessary travel expenses in connection with the carrying out of his/her position on the Board as provided for in Education Code Section 72423.

Those who so elect may also receive such health and welfare benefits as are extended to District management employees, and the cost of such insurance shall be borne by the District up to the equivalent premium paid for a full-time management employee as specified in the Schedule of Salary and Conditions for Management Personnel. Any amount beyond that shall be borne by the individual member.

NOTE: This policy is legally advised. 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 1.2060 Compensation adopted on 12-10-80 and revised on 12-13-05. The language struck through is recommended for deletion. The language in underlined italics reflects revisions from the Board Committee on Policy.

Date Adopted:
(Replaces current College of Marin Policy 1.2060)
BP 3510  WORKPLACE VIOLENCE PLAN

8 Cal. Code Regs. Section 3203:  
"Workplace Violence Safety Act of 1994" (Code of Civil Procedure Section 527.6 and Penal Code Sections 273.6 and 12021)

The Board of Trustees is committed to providing a District work and learning environment that is free of violence and the threat of violence. The Board's priority is the effective handling of critical workplace violence incidents, including those dealing with actual or potential violence.

The Superintendent/President shall establish administrative procedures that assure that employees are informed regarding what actions will be considered violent acts, and requiring any employee who is the victim of any violent conduct in the workplace, or is a witness to violent conduct to report the incident, and that employees are informed that there will be no retaliation for such reporting.

References:
Cal/OSHA: Labor Code Sections 6300 et seq.;

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 District Police Department.

Date Adopted:
(This is a new policy recommended by the League and the League's legal counsel)
BP 5015  RESIDENCE DETERMINATION

References:
Education Code Sections 68040 and 76140;
Title 5 Sections 54000 et seq.

Students shall be classified at the time of each application for admission or registration as a resident or non-resident student.

A resident is any person who has been a bona fide resident of California for at least one year on the residence determination date. The residence determination date shall be the day immediately preceding the first day of a semester or summer session for which the student applies to attend.

Residence classification shall be made for each student at the time applications for admission are accepted or registration occurs and whenever a student has not been in attendance for more than one semester. A student previously classified as a non-resident may be reclassified as of any residence determination date.

The Superintendent/President shall enact procedures to assure that residence determinations are made in accordance with the Education Code and Title 5 regulations.

From current College of Marin Policy 4.0002 titled Admission Requirements

The Board subscribes to the "open door" concept in order to provide full educational opportunities for all persons eligible. Therefore, the following guidelines shall apply:

1. Eligibility
   a. Students graduating from high school shall be admitted in good standing. (EC 76090)

   b. Non-graduates of high school shall be admitted (1) if they are 18 years of age or older and capable of profiting from college instruction, or (2) if they have successfully passed the California High School Proficiency
Examination or the General Education Development (G.E.D.) Test. (EC 76000)

c. Transfer students from other accredited colleges shall be admitted according to their academic status at their last college of attendance. (EC 76000)

d. Students in high school may be admitted as part-time students upon recommendation of their high school counselor, parent, and college counselor. However, concurrent high school enrollment is required. (EC 76004)

e. Students shall be admitted to College of Marin but not necessarily directly into a particular curriculum.

f. International students entering the College of Marin credit program under a student visa must file a Foreign Student Application by the stipulated deadline. These students must meet all U.S. Immigration requirements and also be proficient in the English language as determined by their score on the Test of English as a Foreign Language (TOEFL) or the ESL Admissions/Placement Test.

2. Residence Requirements

a. Any legal resident of the State of California shall be eligible for admission as a resident student. (EC 68017-18, 68060-68082)

b. Residency determination for all other students shall be made in accordance with the statutes. Non-resident students shall pay a tuition fee established by the Board in accordance with State guidelines in addition to an enrollment fee.

3. Open Enrollment (EC 76000)

a. Unless specifically exempted by statute, every program and course offered by the District for which the District receives State apportionment shall be open to enrollment and participation by any person who has been admitted to the College and who meets such prerequisites as may be established.

b. In keeping with the statute, related and supplemental instruction for apprentices may be restricted to registered apprentices.
NOTE: The underlined regular text signifies legally required language recommended from the Community College League and legal counsel (Lisbert Cassidy Whitmore). The wording in black ink is from current College of Marin Policy 4.0002 titled Admission Requirements adopted on 2/24/82 and revised on 2/12/85, 2/9/88, 1/14/92. This BP was reviewed by the VP of Student Learning and Academic Senate President. It was recommended to go forward by the BP Task Force and College Council on 5/7/09.

Date Adopted:
(Replaces current College of Marin Policy 4.0002)
Board of Trustees Meeting  
November 17, 2009  
Minutes

A. Board Study Session

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

The Board of Trustees of the Marin Community College District met for a Board Study Session in the Deedy Staff Lounge on the Kentfield campus, all members having received notice as prescribed by law. Board President Kranenburg called the meeting to order at 3:10 p.m. All publicly elected Trustees were present except Trustees Dolan and Paterson, who arrived at 3:14 p.m., and Trustee Treanor, who arrived at 3:15 p.m. Student Trustee Parker was also in attendance.

Board President Kranenburg announced that a request had been made to pull C.10.G, Board Policy Review and 1st Read of BP 2715 Code of Ethics. M/s (Long/Namnath) to approve the agenda with the requested change. The motion passed by a unanimous vote of 4-0 (plus an advisory aye vote by Student Trustee Parker).

Leigh Sata, Swinerton Project Manager, reviewed the process which led to the selection of the two firms chosen to present their proposed designs for the Gateway Complex to the Board. Statements of Qualifications (SOQ’s) were solicited in June of 2009 from the architectural and engineering community. Over 100 firms attended the pre-qualification conference and 30 SOQ’s were received as of July 28. The firms submitting SOQ’s were asked to submit two matrices: one listing five projects which highlighted relevant experience and one demonstrating their experience as a team and experience of team members. Eight firms were asked to participate in face to face interviews (stage 2) and four firms were asked to move to stage 3 and participate in the design competition.
The 10 members on the selection panel had an agreement that they would come to consensus on the last two firms that would present to the Board. TLCD/Mark Cavagnero and ED2 International were chosen as the two finalists to make a presentation to the Board at this meeting.

Both firms were asked to incorporate the following features in their design for the Gateway Complex which could be comprised of one or more buildings on the corner of Sir Francis Drake and College Avenue to replace Harlan Center, Business Management, Olney Hall, the Administrative Building, and the Taqueria:

- Academic “smart” classrooms
- Computer labs
- “Gathering” spaces for students & faculty
- 200 seat auditorium (new “Olney Hall”)
- Faculty offices
- Administrative offices
- Focused on students
- Visible from corner of Sir Francis Drake & College Avenue
- Entrances on Sir Francis Drake & College Avenue
- Saves redwood and oak groves
- Auditorium in center of campus
- Fully accessible
- Highly sustainable

Modernization Director Chernock explained the process to be followed during the presentations, noting that each architectural firm would have 30 minutes to make their presentations. Board members were asked to hold their questions to the end and to look at major concepts. Director Chernock informed them that they would be asked to make a selection at the December 8 Board meeting.

Trustees Long and Dolan expressed concern that incoming Trustee Conti was not present for the presentation and discussion. Board President Kranenburg and President White assured the Board that staff would make the information available to her before a public vote is taken and emphasized the fact that no decision would be made at this meeting.

2. Gateway Presentation – TLCD/Mark Cavagnero
Mark Cavagnero of Mark Cavagnero Associates Architects and Allen Butler of TLCD Architecture presented their design concept for the Gateway Complex.

3. Gateway Presentation – ED2 International
ED2 International’s design concept for the Gateway complex was presented by Peter Wong, Frank Fung and Lisa Brock of ED2 International, Aditya Advani of Royston Hanamoto Alley & Abbey, and Mike Lucas of Alfatech Cambridge.
Drawings of the designs of both of the finalists were available for review. Board members thanked staff and the design committee for bringing back two very good designs for consideration.

The Board recessed to closed session at 5:25 p.m.

B. Closed Session

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

The Board of Trustees of the Marin Community College District reconvened in the SS A&B conference room on the Kentfield campus. Board President Kranenburg called the meeting to order at 5:35 p.m. All publicly elected Trustees were present except Trustee Dolan, who arrived at 5:45 p.m. Fran White, Al Harrison, Nick Chang, Linda Beam, Larry Frierson, and Bruce Heid were also in attendance.

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 6:50 p.m.

C. 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 7:00 p.m. by Board President Kranenburg in the Deedey 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 and Student Trustee Parker was also in attendance.

Board President Kranenburg announced that the agenda had been approved during the Study Session with one change: Agenda item C.10.G (Policy Board Review & 1st Read of BP Code of Ethics) was pulled.

2. Report of Closed Session for November 17, 2009

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

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

David White, Production Technician in the COM Drama Department, addressed the Board regarding great infrastructure problems in the Performing Arts Building, noting that
equipment maintenance has been less than ideal and budgets have been going down. He distributed a description of recommended theatrical systems upgrades (copy attached) and asked the Board to please consider funding them. He stated that he understands that some modernization projects have been coming in under budget and asked the Board to consider using some of the savings to fully modernize the Performing Arts Building.

Bill Scott informed the Board that his Careers and Construction class finished on November 5. There were 10 students in the class and one is currently an apprentice working on our IVC main building. As chair of COM’s Citizens’ Oversight Committee, he commented on the Gateway project and stated that we are in a period of perfect storm for building and that our building projects will be way under budget for the next two years. He stated that if we don’t build the Gateway now we’ll miss that window and that we don’t have to do the Gateway to have savings that can be used for other projects.

Jon Gudmundsson, CSEA President, expressed appreciation to Trustee Paterson for her service on the Board and said he was personally sorry to see Dr. White go. He stated that he appreciated the change in the team for negotiations to try to cut costs and informed the Board that CSEA has given the Board a proposal and would appreciate a response. The CSEA negotiating team wants the Board to be reasonable and prepared to negotiate and feels there is no reason to meet if there will be no progress.

4. Chief Executive Officer’s Report

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

a. Staff Reports

1. WASC Report Status

   a. Accreditation Self-Study

      Dr. David Snyder and Dr. Blaze Woodlief, our Accreditation Self-Study Co-Chairs, updated the Board on the status of our 2010 Accreditation Self-Study (copy of presentation attached). The first draft of the Self-Study has been completed and evidence lists for many chapters have been completed. The document will undergo full campus review in December and January. Major issues that need to be addressed are the link between planning and budgeting, human resource concerns (hiring, evaluation, staffing, equity and diversity), and Student Learning Outcomes (implementation and assessment – proficiency expected by 2012). Trustee Treanor asked for a Study Session at an upcoming Board meeting to make sure the Board knows what needs to be done to meet accreditation standards.

   2. 2010/2011 Revenue Assumptions

      Al Harrison, Vice President of College Operations, gave a presentation entitled “COM Budget Analysis and Revenue Assumptions” (copy attached). He reported that restricted general fund budgets for 2010-11 and 2011-12 will continue at the same funding level as 2009-10 without federal (ARRA funds) dollars as backfills. The community services budget is expected to remain stable in which revenue and expenditures are equal. Many challenges will be involved in the funding of our
categorical programs. Next month Vice President Harrison will bring a report on expenditure assumptions. He noted that we will need to do resource allocation planning on a long-term basis and will have to plan seriously for deferred maintenance and staff development. Trustee Long asked to have wait list needs considered in the budgeting process as some subject areas may need an infusion of funds. Trustee Treanor suggested that the Board have a conversation on how the Board fits into the integrated planning process. President White responded that Vice President Chang would put together a Study Session on the planning and resource allocation process.

3. Modernization Update
   V-Anne Chernock, Director of Modernization, alerted the Board to potential change orders on a few bond projects that will exceed 10%.

4. Follow-up Report
   President White called the Board’s attention to the Follow-up Report in their packets.

   With regard to the Follow-up Report to Inquiries from IVC Neighbors in the Board packets, Trustees Paterson and Treanor reported that they had each met with the IVC neighbors and suggested that the Board assign a liaison to the IVC neighbors in an effort to improve communication. In response to some of the concerns expressed by the neighbors, Trustee Treanor suggested speed bumps in Parking Lot 1 and Trustee Paterson asked if someone could fix the cracks and chips on the truck turnaround curb.

   Jamie Deneris, COM biology professor, presented a rebuttal to “Facts about the New Science Center Complex – a Response,” a report which was in the Board packets. Her statement is attached to the minutes as part of the official record. As a point of clarification, Modernization Director Chernock stated that the square footage figure for the new Science Center Complex in the report in the Board packets did not include nursing and the Central Plant. Dr. White will work with Modernization Director Chernock and Swinerton to address Ms. Deneris’ concerns.

5. Academic Senate Report
   Yolanda Bellisimo, Academic Senate President, informed the Board that there is a great deal of support in the state legislature for a transfer degree and expressed concern that a resurrected version of AB 440, if passed, would take away local control and Academic Senate control of these degrees by putting them into state statute. A copy of Ms. Bellisimo’s statement is attached to the minutes as part of the official record.

6. Classified Senate Report
   None
7. **Student Senate and Student Association Report**

Student Trustee Parker reported that ASCOM is organizing the 3rd Annual Night of Giving scheduled for December 4. They are collecting donations for gifts and money for meals and hope to invite 200 to 300 people to the event. ASCOM is exploring textbook rental and open textbook programs. Student Trustee Parker also reported that ASCOM will explore the possibility of a non-mandatory student activities fee and the State Senate will discuss the results of the fall general assembly.

8. **Consent Calendar Items**

M/s (Long/Treonor) to adopt all items on the Consent Calendar. The motion passed by a unanimous vote (7-0) plus an advisory aye vote by Student Trustee Parker.

A. **Calendar of Upcoming Meetings**

   No changes

B. **Approve Classified Personnel Recommendations.**
   1. Appointment of Classified Personnel
   2. Appointment of Hourly Personnel

C. **Budget Transfers – Month of October – FY 2009/10**

D. **Warrant Approval**

E. **Declaration of Surplus Property – Miscellaneous Equipment**

F. **Modernization (Measure C) - BP3.1 (Keep modernization program on track)**
   1. Ratify/Approve Modernization Contracts, Changes and Amendments ($138,542)
   2. Approve Subcontractor Substitution Request (Mechanical)
      New Fine Arts Building Project (#306C)
      Jeff Luchetti Construction, Inc. – ($0) Monarch Mechanical

G. **Approve New Community Services Courses**

H. **Approve New Credit Courses**

I. **Approve Credit Course Revisions**

J. **Approve Credit Course Deletions**

K. **Approve Noncredit New Courses**

L. **Approve Noncredit Course Revisions**

9. **Other Action Items**

A. M/s (Treonor/Long) to Approve Resolution to Submit Notice of Intent to Withdraw from Schools Excess Liability Fund (SELF). The motion passed by a vote of 6-1 with
Trustee Dolan casting the no vote. Student Trustee Parker cast an advisory aye vote.

B. M/s (Treasnor/Hayashino) to Approve Contract with Industrial Employers and Distributors Association (IEDA) - BP1 (Fiscal Accountability). The motion passed by a unanimous vote of 7-0 plus an advisory aye vote by Student Trustee Parker.

C. M/s (Hayashino/Treasnor) to Award Bid for LRC Cooling Tower Replacement Project. The motion passed by a unanimous vote of 7-0 plus an advisory aye vote by Student Trustee Parker.

D. Modernization (Measure C) – BP3.1 (Keep modernization program on track)
   1. Diamond PE Center Alterations Project (#308C)
      M/s (Treasnor/Long) to Approve Change Order #18 and Resolution Attesting No Benefit to Bidding Out Change Order Work ($6,644). The motion passed by a vote of 5-1-1 with Trustee Namnath abstaining and Trustee Dolan voting no. Student Trustee Parker cast an advisory aye vote.

   2. SMCP Increment No. 1 – Site Development Utilities Project (#305C)
      M/s (Treasnor/Long) to Approve Change Order #8 and Resolution Attesting No Benefit to Bidding Out Change Order Work ($64,495). The motion passed by a vote of 5-1-1 with Trustee Namnath abstaining and Trustee Dolan voting no. Trustee Dolan’s reason for voting no was that the percentage (19% or original contract value) was too much.

   10. Board Policy Review (1st Read) - BP1.4a (Review institutional needs and assess institutional effectiveness, using Program Review, Administrative Planning and Assessment, the Strategic Plan and the Educational Master Plan)
       A. BP 2015 Student Trustee
       B. BP 2105 Election of Student Trustee
       C. BP 2360 Minutes
          Trustee Long asked if use of Robert’s Rules of Order should be mentioned in this policy. She also asked why recording of minutes is being stricken and said the Policy Committee should reconsider this.
       D. BP 2431 Superintendent/President Selection
       E. BP 2432 Superintendent/President Succession
          Trustee Dolan asked how long the Superintendent/President could be out before the Board would have to act on this.
       F. BP 2610 Presentation of Initial Collective Bargaining Proposals
Trustee Long asked if the collective bargaining units have looked at this policy.

G. BP 2715 Code of Ethics (this policy was pulled)

H. BP 2716 Political Activity
   Trustee Long asked if there is a policy on political activity for staff.

I. BP 2717 Personal Use of Public Resources
   Trustee Long asked for clarification of this policy.

J. BP 2735 Board Member Travel
   Trustee Treanor stated that she doesn’t think Board members should have to
   pay some of these expenses and said there should be a process to see if
   reimbursement is appropriate.

K. BP 2740 Board Education
   Trustee Long would like to add the word “training” after “conference attendance” in the second sentence.

L. BP 2745 Board Self-Evaluation
   Trustee Long would like to add “and the instrument” after “process” in the fourth sentence. Also, in the last sentence she would like to add “areas of improvement” after “accomplishments in the past year” and “and objectives” after “goals.”

M. BP 4030 Academic Freedom

Trustee Hayashino stated that these questions and comments would be taken back to the Board Policy Committee for review and evaluation.

11. Board Study Session
    None

12. Board Reports and/or Requests (15 minutes)
    a. Commandation Resolutions and Other Resolutions
       None
    b. Legislative Report
    c. Committee Chair Reports
       1. Board Self-Evaluation (Trustees Hayashino, Treanor & Namnath)
          No report
d. **Individual Reports and/or Requests**

Trustee Dolan reported that she and Trustee Namnath attended COM’s fabulous dance program. She also noted that she and Trustee Long attended the November 13 Teacher Appreciation Dinner and found it to be very enjoyable.

Trustee Treanor thanked Student Trustee Parker for helping to set up the Board candidate forum and Student Trustee Parker thanked the candidates and Board members who attended.

Board President Kranenburg acknowledged receipt of Dr. White’s letter announcing her retirement effective June 30, 2010, and announced that the Board would review the process for finding a replacement at the December Board meeting.

e. **Discussion of Board Officers**

Board President Kranenburg asked Board members to indicate their willingness and availability to serve as Board officers next year. Trustees Namnath, Dolan, Hayashino and Kranenburg stated they would be willing to serve. Trustee Long asked to reserve her comments until the next meeting. Trustee Treanor expressed a willingness to serve but stated that she would prefer to wait until 2011 if we have an Interim Superintendent/President for a year, as she would like to contribute her experience as chair of the last Presidential Search Committee to the upcoming presidential search. Board officers will be elected at the December 8 Board meeting.

13. **Approval of Minutes**

   - **Minutes of October 13, 2009 Board Meeting**

M/s (Treanor/Hayashino) to approve the minutes of the October 13, 2009 Board meeting. The motion passed by a unanimous vote of 7-0 (plus an advisory aye vote by Student Trustee Parker).

14. **Possible Future Agenda Items for Discussion**

   A. **Kentfield Lacrosse/Soccer Request (Al Harrison)- SP.1 (Improve Student Access)**
B. Fundraising – BP4.1 (*Implement a Strategic Plan for College Development*)

15. Items for Possible Future Board Action (5 minutes)
   A. Recommendation on Bolinas Field Station – BP1 (*Fiscal Accountability*)
   B. Resource Development Plan – BP4.1 (*Implement a Strategic Plan for College Development*)
   C. Scheduled Maintenance Five-Year Plan (December) – BP3 (*Facilities*)
   D. IVC Tennis Court Proposal

16. Information Items

   Board members were asked to review the information items in their packets.
   
   B. 1st Quarter Financial Statements (311Q) – 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 October 2009 – BP3.1 (*Keep modernization program on track*)
   D. Revised Administrative Procedures
      1. AP 2015 Student Trustee
      2. AP 2105 Election of Student Trustee
      3. AP 2360 Minutes
      4. AP 2610 Presentation of Collective Bargaining Proposals
      5. AP 4026 Philosophy & Criteria for International Education
      6. AP 4102 Career Technical Programs
      7. AP 4104 Contract Education
      8. AP 5012 International Students
   E. Boilerplate Agreement for Health Sciences Program Experience at Community Agency/Clinical Facilities
   F. Boilerplate Agreement for EMT 1 Student Experience at Ambulance Services and Fire Departments
   G. Calendar of Special Events
      CCLC Annual Convention – November 18-21, 2009, Hyatt Regency SFO
COM Commencement – May 29, 2010, 10:00 a.m., COM Athletic Field

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

18. Board Meeting Evaluation
Board members made positive comments about the new agenda order.
Board President Kranenburg presented a gift to outgoing Trustee Paterson and thanked her for her service on the Board and her energy and enthusiasm.
Trustee Paterson read a statement to the Board (copy attached) expressing thanks to her fellow Trustees and staff and offering some observations and feedback from her two years on the COM Board.

19. Adjournment
M/s (Treanor/Hayashino) to adjourn the meeting. The motion passed by a unanimous vote of 7-0 (plus an advisory aye vote by Student Trustee Parker) and Board President Kranenburg adjourned the meeting at 9:55 p.m.
## PROGRESS REPORT ON GOALS AND PRIORITIES

<table>
<thead>
<tr>
<th>SP/BP PRIORITIES</th>
<th>BOARD ACTIONS TAKEN</th>
<th>DATE</th>
<th>VOTES AYES/NOES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>BP1: Fiscal Accountability</strong></td>
<td>Approve Contract with Industrial Employers and Distributors Association (IEDA)</td>
<td>November 17, 2009</td>
<td>7-0 plus advisory aye vote by Student Trustee</td>
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<tr>
<td><strong>BP3: Facilities</strong></td>
<td><strong>3.1: Keep modernization program on track</strong></td>
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<td>Ratify/Approve Modernization Contracts, Changes and Amendments</td>
<td>November 17, 2009</td>
<td>7-0 plus advisory aye vote by Student Trustee</td>
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<td>Approve Subcontractor Substitution Request – New Fine Arts Building Project</td>
<td>November 17, 2009</td>
<td>7-0 plus advisory aye vote by Student Trustee</td>
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<td></td>
<td>Approve Change Order #18 and Resolution Attesting No Benefit to Bidding Out Change Order Work – Diamond PE Center Alterations Project</td>
<td>November 17, 2009</td>
<td>5-1-1 plus advisory aye vote by Student Trustee</td>
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<tr>
<td></td>
<td>Approve Change Order #8 and Resolution Attesting No Benefit to Bidding Out Change Order Work – SMCP Increment No. 1 – Site Development Utilities Project</td>
<td>November 17, 2009</td>
<td>5-1-1 plus advisory aye vote by Student Trustee</td>
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<tr>
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College of Marin

Theatrical Systems Narrative
100% Schematic Design

The following narrative describes our recommended approach for the production and technical systems related to the theatrical systems upgrades at College of Marin in Kentfield, CA. With the emergence of broadly accessible media creation, and its inherent nature of merging the arts, it becomes more necessary than ever to provide students with the resources to experiment with the tangible and live arts foundations. The dramatist, musician and their audiences are aided and supported by the facilities in which they work. The performers are always accompanied by allied design and technical functions that are fields unto their own. The ultimate goal is to focus on the architectural design, technical operation and what it takes for audiences to have rich and captivating experiences, what it takes to inspire and support artists and theatre makers, what it takes to maintain financial viability for the project and the working facility, and what it takes to design and build a successful arts education and performance venue.

These recommendations are based on conversations with the User's committee and assumptions made from experience on similar projects of this type, and incorporating new directions.

All systems are Group I (base building construction) equipment integrated with the construction of the building. This document describes the complete scope of all recommendations discussed. The final scope of the project will be based on budget allowances. The information included in this narrative has been grouped first by room location and then ranked by priority.

1. Main Theatre

First Priority

Stage Rigging Renovation and Repair

The single most physically complicated and expansive system is the counterweight rigging system which involves a series of pipes running across the stage suspended with aircraft cable and rigged over pulleys ("blocks") to T-bar guided counterweight "arbors" at one side of the stage. As a pipe is loaded with scenery, and equivalent quantity of counterweight in the form of steel bricks is added to an arbor, thus balancing it and making the heavy loads easily manipulated by a manual "operating line".

The stage rigging system in the main theatre has been subject to water damage from a leak in the smoke batches over the stage. The water has been leaking on the rigging equipment for years and some of the linesets do not operate smoothly. All of the moving parts of the rigging system must be replaced. The hemp "operating lines" should be replaced with synthetic "Multiline II" ropes to guard against humidity based stretching and rot. The T-bar guide track appears to be in decent working condition, but the rest of the system must be replaced.

The existing fire curtain is asbestos and should be replaced with a code compliant (non-asbestos) fabric. Additional work is necessary to refit the related rigging system components so that the curtain may be code compliant.
In order to address the inherent safety concern with counterweight rigging systems (a condition of a "run-away arbor" can occur, often by operator error or unauthorized use) an out-of-balance sensing rope lock has been developed in the industry. Cost includes retrofitting the locking rail and all 32 rope locks with the newer, safer rope locks. The SC is installing them as standard on all our Community College projects.

The original stage "electrics" battens (primary theatrical lighting pipes) cannot be used easily and safely because students/faculty cannot reach the counterweight arbor. During normal use these battens are temporarily overloaded and manually overhauled to get the pipe into a good working location. This is an inherently unsafe condition. The safety and ease of use of the production lighting would be improved with the addition of three counterweight assist motors for the stage lighting "electrics" and a fourth motorized unit located over the orchestra pit. The motors are designed to safely raise and lower these battens when fully loaded significantly decreasing the need for faculty and students to handle loose steel weights over people's heads.

**Production Lighting Control**

The existing lighting control system should be replaced with a system that will allow student experimentation, and be compatible with outside producing organizations. A complete control system will be provided that consists of a control console, control electronics, dimmers and circuit outlet boxes ("distribution").

The computer control console is the user interface for programming cues. These consoles allow for channel patching, programmable cues and advanced control for lighting effects such as color changers and moving lights, it would interface with the sound system, and would include peripherals such as a video monitor, handheld focus remote and printer, and output via Ethernet and DMX protocol.

A data network would provide the means to run effects as well as providing control integration of the house lights. Lighting control data output and constant power will be provided at all lighting positions for advanced lighting effects such as color scrollers and moving lights. House light control would be both at the console and with simple wall stations. Simple presentations or concerts could be run though use of presets controlled at the wall stations without the use of the console.

The system would include all of the control elements described above and the following approximate quantities of 20A, 2.4kw dimmers for the following purposes:

192 dimmers for production
12 dimmers for house lighting
204 dimmers total

Dimmers are housed in racks of (96) dimmers each (max) within an electrical room located remotely from the stage to provide acoustical isolation between the racks and the performance.

Circuit distribution would entail wiring in conduit from the dimmers to 3-pin wiring devices strategically placed at the lighting positions. The wiring device types will vary depending upon the specific lighting position.

For overhead lighting "electrics" on stage, manually operated counterweight rigging system battens will be used with dedicated connector strips. An inventory of multi-cable extensions, fan-outs and extension cable would be used to augment circuit distribution. Cabling and extensions would be provided under "group 2".

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College of Marin
Theatrical Systems Narrative- 100% SD

June 19, 2007
Page 2 of 9
The orchestra shell ceiling panels (described below) will include permanent concert lighting fixtures that will be circuited to dedicated dimmers within the lighting control system. They will be controllable through the control console and through simple preset panels so a concert can take place without a lighting board operator present. The shell ceiling control circuiting will include a safety tilt sensor so that the lights will not be operable when the ceiling is in storage.

**Production Power**
One 400A, 3-phase, 120/208VAC “company switch” power source will be provided at stage level for variable power needs, including portable lighting & rigging equipment.

One 200A, 3-phase, 120/208VAC “isolated ground company switch” power outlet will provide a generic power source to temporary AV systems. The 200A company switch will be a purpose built device including a breaker, indicator lights, a “Calmlok” connection panel with double neutrals and a protected connection chamber with lugs for “tails”.

**Orchestra Pit Lift**
The existing hydraulic orchestra pit lift does not meet current safety standards. All locations where people and equipment may come in contact with a shear condition should have pressure sensitive sensors installed to guard against injury. A system of magnetic door interlocks, sensors and indicator lights will be developed in accordance with standard practice.

A recessed orchestra pit is required to have wheelchair accessibility and two means of egress. Architectural accommodations will be required to provide wheelchair accessibility to the orchestra pit level.

**Fixed Theatre Seating**
Accessible seating will be developed in multiple locations in the auditorium. The areas at the rear of the auditorium will be enlarged to accommodate additional wheelchair and companion seating while new wheelchair seating areas will be integrated into the lower orchestra seating area.

**AV Systems**

**Program Audio**
Audio program from each of the production spaces will be distributed to backstage support spaces, such as dressing rooms, offices and shop areas. The current system is in disrepair, and does not allow for program and paging from each space to the back of house support areas (dressing rooms, green rooms, etc.)

**Wiring Infrastructure**
A well designed wiring infrastructure is key to the success of the AV systems. To that end, a series of cable paths for portable or temporary cable will be provided to interconnect intermediate spaces within each larger space, as well as paths for connecting larger spaces together. This will be accomplished with cable trays, fire-rated cable pass-thrus, and large conduits as appropriate. The current wiring infrastructure is outdated and no longer in use. It is likely that most or all existing conduits can be reused, however additional conduit will likely be required to fully modernize the infrastructure.
AV conduit networks are a significant part of the system. In order to maintain signal separation and garner the highest signal-to-noise ratio, a series of six conduits are used, divided by signal type:

A: Mic Level, B: Line Level, C: Video & Communications, D: Loudspeaker, E: Empty, F: Fiber

Separating signals by level, while required, quickly results in a great deal of conduit raceways. Care will be taken to minimize the amount of conduit required. The engineering report further outlines assumed conduit lengths & sizes.

**Second Priority**

**Stage Trap Platform Replacement**

Stage traps are large removable sections in the middle of the stage that can be selectively removed to support theatrical functions. These sections should be designed to be replaced with relative ease using a crew of several students. The existing stage traps are too heavy for the staff to use and as a result, this function is not available to the students and faculty. The stage trap units should be replaced with lighter platforming units with pre-manufactured hardware systems.

**Audio System**

A well-designed audio reinforcement system is key to the enjoyment of theatrical events, and will allow students the opportunity to learn fundamental audio principals on a professional-grade system. A sound reinforcement system consists of loudspeakers, amplifiers, signal processing, a mixing console, and source equipment, such as microphones, CD players, computers, etc. For theatrical flexibility, a left/center/right loudspeaker system, using line array loudspeakers for left and right, will be designed for the main system, with a multi-channel surround loudspeaker system covering the house. The surround system may be used for theatrical or cinematic presentations. A subwoofer will also be installed for low-frequency content, as well as delay and fill loudspeakers for locations where the main system cannot adequately reach. The sound system will be adequate for large events, including musicals, concerts, and other high-volume program. The sound system will be replaced in it’s entirety, as most existing equipment is outdated and/or in disrepair.

The mixing console will have 32+ inputs, and will be capable of handling large events, such as musicals or concerts. A computer-based sound effects playback system will be provided to allow students to learn how to create multi-channel sound effects on a simple and widely-used platform.

For simple events not requiring an operator, an automixing system will be provided. This will allow a user to plug in a microphone and have a working system without assistance from an AV technician.

Two channels of wireless microphones will be provided, and will include both handheld and lavalier-style transmitters.

A separate cinema loudspeaker system will not be provided. Cinematic presentations will utilize the reinforcement & effects Left/Center/Right/Sub and Surround loudspeaker system described above.

Additionally, a network of audio lines and integrated patchbay will be provided.
Recording

A system for making simple DVD and/or CD recordings of live presentations for archival purposes will be provided. A more sophisticated audio and/or video recording system will be available in the recording control room. Audio and Video tie lines will be provided to allow recording from this space to the recording control room.

Intercom

A two-channel wired production intercom system will be provided for technical communications between the control room, AV rack rooms, other production spaces, and the backstage areas.

Production Video

A production video system consists of a video projector, video switcher and source equipment, such as DVD & VHS players, computer and camera. Video projection will be from the Control Booth with a single video projector. The video mixer / switcher will be located in the control booth, and will accept any video signal.

Film projection is not included in permanent equipment or room accommodations. The Control Booth is therefore not currently envisioned as a “projection room” as defined by code.

Computer video inputs will be provided on stage to allow for PowerPoint-style presentations from portable laptops.

A modulated TV system, similar to cable-TV will be provided, allowing for distribution of on-stage video to backstage and support spaces, such as dressing rooms, offices and shop areas.

Additionally, a network of video lines and integrated patchbay will be provided.

Projection Screen

The projection screen will be motorized, an in place of the existing screen. The screen will be sized appropriately to allow audience members at the back of the theatre to read text and spreadsheet content.

Assistive Listening System

As required by the building code and the ADA (Americans with Disabilities Act), compliant assistive listening systems will be provided for 4% of audience seating capacity. Receivers would be checked out in the lobby, and signage provided. Use of this system will require little or no input from the patron.

Integrated Control System

A touch screen-based control system will be implemented to allow for simple presentations to take place without an operator present. Control will be via presets, and will have options such as “PowerPoint lecture”, “DVD presentation,” and “Lecture.” The system will control both AV devices and room lighting presets.
Third Priority

Production Lighting Fixtures and Cable
An inventory of approximately 50 theatrical lighting fixtures (typically ellipsoidal, fresnels, pars and cyc lights) plus accessories would be provided.

Accommodation for the integration of advanced devices such as color changers or moving yokes will be provided within the control system, but the initial budgets established will likely not include those types of fixtures and accessories.

Production AV Loose Equipment & Accessories
An assortment of AV-systems related cables, microphones, stands, and other accessories would be provided.

Orchestra Shell
A new orchestra shell system consisting of portable towers and flown ceiling elements will be provided. The acoustic performance and configuration parameters of the orchestra shell will be determined based on criteria established by the Acoustics Consultant.

So that the volume of the fly tower does not present an acoustical sink when the stage is used for un-amplified music, an “orchestra shell” is provided to modify the acoustical envelope. A series of orchestra shell ceilings hang from the manually operated counterweight rigging system and tip into position effectively cutting off the upper volume of the fly tower and coupling the area in which the musicians perform with the volume of the audience chamber.

The Acoustical Consultant’s design concept is based on the Wenger Corporation “Diva” shell. This is a high quality “off the shelf” shell that allows for limited customization.

2. Blackbox Theatre

First Priority

Production Power
One 100A, 3-phase, 120/208VAC “company switch” power outlet will provide a generic power source to miscellaneous temporary systems. Additional smaller capacity dedicated isolated ground outlets will be placed at strategic locations throughout the theatre.

Second Priority

AV Systems

Computer-based Playback System
AV systems in the black box are in good shape, and will offer several more years of use. We suggest the addition of a computer-based sound effects playback system to add flexibility to blackbox productions. The playback system would consist of a computer with multi-channel sound card running specialized sound-effects playback software.
Third Priority

Production Lighting Control
To provide for a system that will allow cross-compatibility with the new lighting system in the main theatre, an Ethernet-based control system would be installed, and would utilize existing dimming systems.

3. Recording Control Room

Second Priority

AV Systems

Audio System

Existing equipment in the recording studio is very old and no longer used. Because of that, we recommend complete replacement of the equipment and wiring infrastructure to allow for recordings from any of the performance spaces in the building.

The recording control room will house a multi-track computer recording system, capable of recording audio from any of the production spaces listed above via building-wide tie lines. The same computer platform can also be used for sound effects creation. A multi-channel monitoring system will be provided to help simulate the multi-channel systems in the theatre and other performance spaces.

The ability to produce final product on CD and/or DVD will be provided. Basic video production capabilities are included as well, utilizing pan/tilt/zoom cameras located in each space.

Intercom

Intercom connections will be available for communications to other performance spaces.

Portable Equipment

A complement of portable equipment, including cables, microphones, stands, portable loudspeakers, and other related items will be provided under “Group 2- FF&E”.

4. Band Room & Chorus Room

Second Priority

AV Systems

The band & chorus rooms will act as the main “recording studios” for the recording control room. Installed room mics will be provided for quick recording tasks, and multiple microphone jacks will be provided for multi-track recordings. In addition to the recording capabilities, a high-fidelity audio playback system will be provided with the capability to reproduce media of all types, including CD/DVD, Cassette, and Vinyl Record.

A video projection system would also be installed, with motorized roll-down projection screen and the ability to display laptop computer video, DVD/VHS video and other portable video devices.
5. Dance Studios (Qty: 2)

Second Priority

AV Systems

The dance studios will contain a high volume audio playback system with separate subwoofers will be provided with the capability to playback CD, Cassette and MP3 player audio.

A video projection system would also be installed, with motorized roll-down projection screen and the ability to display laptop computer video, DVD/VHS video and other portable video devices.

6. Drama Classroom

Second Priority

Pipe Grid

A lighting pipe grid will be provided for flexibility in lighting and other staging requirements. The pipe grid should be 1-1/2” nominal diameter (1.9” o.d.) schedule 40 pipe, clear of all conduit and other obstructions. Pipes will have a live load capacity of 20#/lin.ft., be laterally braced per seismic requirements, and braced for the support of maintenance ladders.

Access to all lighting & suspended staging items (ie: scenic drops) for maintenance and adjustment would be provided from ladders or personnel lifts from below.

Production Lighting

All production lighting for this space will be portable. A quantity of high-power outlets will be provided to support portable dimming equipment.

AV Systems

Audio System

The director’s studio will have a simple installed audio playback system to accommodate CD and portable MP3 players.

Recording

Audio and Video tie lines will be provided to allow recording from this space to the recording control room.

Intercom

Intercom connections will be available for communications to other production spaces.
7. Piano Classroom & Ensemble Room

Third Priority

AV Systems

The piano classroom and ensemble room will contain a high-fidelity audio playback system with the capability to reproduce media of all types, including CD/DVD, Cassette, and Vinyl Record. Additionally, a local recording system, capable of making finished CDs would be provided for basic recording. A series of tie lines to the main recording studio would be provided for multi-channel recording.

A video projection system would also be installed, with motorized roll-down projection screen and the ability to display laptop computer video, DVD/VHS video and other portable video devices.

8. Shared Classroom & Music Classroom

Third Priority

AV Systems

These rooms will contain a high-fidelity audio playback system with the capability to reproduce media of all types, including CD/DVD, Cassette, and Vinyl Record.

A video projection system would also be installed, with motorized roll-down projection screen and the ability to display laptop computer video, DVD/VHS video and other portable video devices.

9. Other Production-Related Aspects To Be Incorporated

**Electrical:** Infrastructure and services to be provided to suit the systems as described above. Wireways and wall penetrations should be provided for the accommodation of future wiring throughout the building. *See the engineering report for further information.*

**Data/Telcom:** Provide phone jacks to all technical areas and a wireless high speed internet access point for connection throughout the facility.

**Mechanical:** Assume a cooling demand set for the long term in the near term planning. The mechanical system should be designed to be quiet (levels as recommended by an Acoustical Consultant). *See the engineering report for further information.*

**Specialty Floors:**

Theatre – “sprung” floor assembly of:
- 1/4” double tempered, painted Masonite hardboard screwed over
- 2 layers 3/4” A/C plywood over
- 2x4 treated sleepers at 24” o.c. over
- 4” square x 3/4” thick Mason Industries “Super W” resilient pads and shims over concrete

END OF REPORT
TRANSMITTAL / MEMO

Project: College of Marin
Date: June 19, 2007
Via: e-mail
Fax: Tel:
To: Donn Logan
Kent Royle
From: Jason Davis
Ian Hunter, CTS
Re: Theatrical Systems
Opinion of Probable Cost - 100% SD
# of pgs. 5
including cover:

8.3 Theatrical System Opinion of Probable Cost

Below are listed budget allowance recommendations for production systems within the College of Marin theatre systems improvement project.

Please forward this document to the Cost Estimator for inclusion in the total project estimate. It is important to note that not all sections represent a complete and installed cost. In particular, the Cost Estimator is responsible for developing structural and electrical allowances necessary to support the production systems infrastructure and installation (typically Divisions 5 and 16 allowances). Those major needs are described below.

The recommendations below are listed in 2007 dollars and do not include escalation, General Contractors mark-up, general conditions, or overall contingencies.

The budget is broken down by priority.

First Priority

Main Theatre

Stage Rigging: Replace Damaged Equipment (Safety Issue) $175,000
The stage rigging system in the main theatre has been subject to water damage from a leak in the smoke hatches over the stage. The water has been leaking on the rigging equipment for years and some of the linesets do not operate smoothly. All of the moving parts of the rigging system that have gotten wet and must be replaced. The hemp hand operating lines should be replaced with synthetic "Multiline II" ropes to guard against humidity based stretching and rot. The T-bar guide track appears to be in decent working condition, but the rest of the system must be replaced.

Stage Rigging: Replace/Tune Fire Curtain (Safety Issue) $35,000
The existing fire curtain is asbestos and should be replaced and the rigging and release mechanism refit for proper action. This allowance assumes that the existing fire curtain machinery is in decent working condition.
Stage Rigging: Replace Rope Locks (Safety Issue) $16,000
In order to address the inherent safety concern with counterweight rigging systems (a condition of a "run-away arbor" can occur, often by operator error or unauthorized use) an out-of-balance sensing rope lock has been developed in the industry. Cost includes retrofitting the locking rail and all 32 rope locks with the newer, safer rope locks. The SC is installing them as standard on all our Community College projects.

Stage Rigging: New Motorized Electrics (Safety Issue) $50,000
The original stage "electrics" batten (primary theatrical lighting pipes) cannot be used easily and safely because students/faculty cannot reach the counterweight arbor. During normal use these batten are temporarily overloaded and manually overhauled to get the pipe into a good working location. This is an inherently unsafe condition. The safety and ease of use of the production lighting would be improved with the addition of three counterweight assist motors for the stage lighting "electrics" and a fourth motorized unit located over the orchestra pit. The motors are designed to safely raise and lower these batten when fully loaded significantly decreasing the need for faculty and students to handle loose steel weights over people's heads.

Related Exclusions: Electrical work including power and control wire, conduit, installation of starter panels, terminations and complete electrical installation.

Production Lighting Control (Comprehensive Replacement) $105,000
Educational and Performance System allowance to include (192) 20A, 2.4kw dimmers/non-dims for production, house, concert and work/rehearsal lighting, control console with focus remote, control processor and network components, control and circuit wiring devices and stage cable, equipment only. Related Exclusions: Div. 16 work including infrastructure as described in engineering report, architectural lighting fixtures or emergency lighting/transfer, distribution and control wire, conduit, and complete installation.

Orchestra Pit Lift (Safety Issue) $35,000
The current building code requires wheelchair access to the orchestra pit when it is lowered into orchestra pit mode. In addition, the orchestra pit lift does not have adequate life safety/ shear protection systems installed. Remedial work is required to provide an accessible route to the orchestra pit, and to install critical life safety systems on the orchestra lift.

Related Exclusions: Div. 16 work including infrastructure related to orchestra pit machinery as described in engineering report. Architectural, structural, electrical accommodations related to providing wheelchair access to orchestra pit.

Audience Seating (ADA Accommodations) $10,000
The current building codes state that the auditorium seating capacity requires more wheelchair seating than is currently provided AND additional wheelchair seating locations. Additional wheelchair seating locations will be developed at the rear of the auditorium and the sidewalk entrances flanking the stage will be developed into accessible seating locations. The existing aisle lighting does not meet the code required illumination levels. This allowance provides for additional seat mounted aisle lights to be retrofit to the existing chairs, and for removal and reinstallation of existing fixed seating.

Related Exclusions: Electrical remediation for existing aisle lighting.

AV Systems – Program Monitoring (Comprehensive Replacement) $25,000
New program & paging systems, allowing back-of-house audio & video monitoring of events in both main theatre & blackbox theatre. Wire, pull and system integration and installation.

Related Exclusions: Div. 16 work to support infrastructure as described in engineering report.

College of Marin
Theatrical Systems Opinion of Probable Cost - 100% SD

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June 19, 2007
AV Systems – Wiring Infrastructure (Comprehensive Replacement) $35,000
New wiring & connection panels throughout for audio, video & communications systems. Wire, pull and system integration and installation.
Related Exclusions: Div. 16 work to support infrastructure as described in engineering report.

Second Priority

Main Theatre

Stage Trap Platforms (Replacement) $50,000
The existing stage trap platforms are very heavy and difficult to manage requiring a long changeover time. The existing stage trap platforms should be replaced with lightweight honeycomb decks so that the stage traps are light enough that they would be used. The current system is prohibitively heavy and replacement would allow for more frequent use.
Related Exclusions: Architectural accommodations to repair and refinsh stage flooring adjacent to stage trap area.

AV Systems (Comprehensive Replacement) $250,000
Comprehensive system to include new wiring infrastructure, fixed video projection, Left/Center/Right loudspeakers for audio reinforcement/amplification, Surround loudspeakers, mixing in booth and in-house, video mixing console, computer-based playback and effects, wire, pull and system integration and installation.
Related Exclusions: Div. 16 work including: Infrastructure as described in engineering report.

Black Box Theatre

AV Systems (Augmentation) $15,000
Computer-based playback system and production intercom system. Existing audio system would be reused. Addition of video camera & microphone to feed back-of-house monitoring systems. No installed video projection.
Related Exclusions: Div. 16 work including: Infrastructure as described below

Recording Control Booth

AV Systems (Comprehensive Replacement) $150,000
Comprehensive system to include wiring infrastructure, multi-track recording console with digital connections to computer recording software. Multi-channel (surround) monitoring system. Talkback system to both music rooms & theatre. Tie lines to both music rooms & theatre for audio, video & communications, custom millwork.
Related Exclusions: Div. 16 work including: Infrastructure as described in engineering report.

Band Room & Chorus Room

AV Systems (Comprehensive Replacement) $15,000 (ea)
Wiring infrastructure, high-fidelity recording and playback, wire, pull and system integration and installation.
Related Exclusions: Div. 16 work including: Infrastructure as described below
Dance Studios (Two total)

AV Systems (Comprehensive Replacement) $15,000 (ea)
Wiring infrastructure, high-fidelity playback, wire, pull and system integration and installation.
Related Exclusions: Div. 16 work including: Infrastructure as described below

Drama Classroom

Pipe Grid and Drapery Tracks $32,000
Budget includes 1200 sq. ft. of 8' x 8' pipe grid and (2) full-perimeter walk-along drapery tracks, installed.
Related Exclusions: Structural and architectural accommodations.

Production Lighting (new) $12,000
Budget includes specialty lighting fixtures, wiring devices, room dimming ((18) 10A dimmed circuits using (3) portable dimmer packs) and wall panel preset control panels, equipment only.
Related Exclusions: Overhead lighting pipes, Div. 16 work including wire, conduit, (6) L21-20 receptacles, 100A 3-Ø 120/208 company switch for portable equipment, and complete installation.

AV Systems (new) $15,000
Wiring infrastructure, portable audio playback console with playback, flexible loudspeaker systems, wire, pull and system integration and installation.
Related Exclusions: Div. 16 work including: Infrastructure as described below.

Third Priority

Main Theatre

Production Lighting Fixtures (Augmentation) $25,000
Replacement and augmentation of the production lighting fixture inventory would provide improved artistic and educational opportunities, and improve concert and work lighting.

Loose AV equipment (Augmentation) $25,000
Includes additional microphones, cables, stands, etc.

Orchestra Shell (Replacement) $150,000
For unamplified music performances, the band and orchestra would be benefited by replacement of the existing sound reflecting portable "towers", with new more effective and easier to use towers and ceiling units.

Black Box Theatre

Production Lighting Control (Augmentation) $10,000
The existing production lighting control system in the black box theatre would be replaced with an Ethernet based control system. The allowance would provide for new Ethernet switchgear in the control
booth and would enable the black box theatre control system to match the entirely new lighting control system in the main theatre.

**Piano Classroom & Ensemble Room**

**AV Systems (Comprehensive Replacement)** $15,000 (ea)
Wiring infrastructure, audio playback & recording, wire, pull and system integration and installation.
*Related Exclusions: Div. 16 work including: Infrastructure as described in engineering report.*

**Shared Classroom & Music Classroom**

**AV Systems (Comprehensive Replacement)** $10,000 (ea)
Wiring infrastructure, audio playback, wire, pull and system integration and installation.
*Related Exclusions: Div. 16 work including: Infrastructure as described in engineering report.*

**Miscellaneous Aspects To Be Included In Other Sections**

**Specialty Architectural Lighting**
As determined by architectural lighting consultant

**Replacement of smoke hatches over the stage**

**Replacement of main theatre stage flooring**

**AV Low-Voltage Conduit System (by Division 16):**
The low-voltage portion of the AV system will comprise a significant amount of EMT conduit.
See engineering report for detailed information.

**Millwork: allowance for cabinets**
Dressing Rooms - counters, mirrors, shelves, operable partition between 2 rooms
Control Booths

**END OF REPORT**
College of Mann
2010 Accreditation Self Study
Progress Report

Thanks one and all!

First draft completed.
Evidence lists completed for many chapters.
- Full campus review December/January
  Evidence needs to be inserted as chapter endnotes by mid-February
  Evidence needs to be compiled as URLs or hard copy documents
- Update full draft for currency, completeness & final formatting, spring 2010
- Self study completed by end of spring 2010

Progress & Upcoming Tasks

Link between Budget & Planning
- HR concerns (hiring, evaluation, staffing, equity & diversity)
- Student Learning Outcomes (implementation & assessment – proficiency expected by 2012)

Major Issues to be Addressed

SELF STUDY UPDATE:
Summary of areas in which the college presently does not fully meet standards

November 17, 2009
Standard 1:
College meets all standards except: I.B.4 and I.B.6 – College partially meets these standards.

I.B.4. The institution provides evidence that the planning process is broad based, offers opportunities for input by appropriate constituencies, allocates necessary resources, and leads to improvement of institutional effectiveness.

I.B.6. The institution assures the effectiveness of its ongoing planning and resource allocation processes by systematically reviewing and modifying, as appropriate, all parts of the cycle, including institutional and other research efforts.

PLANNING AGENDA: I.B.4., I.B.6
- Ensure that the PRAC receives sufficient, timely budget information and has strong processes in place to ensure integration of planning and resource allocation agendas.
- Clearly communicate to the College community how resources are or have been allocated in support of specific planning priorities.
- Conduct a formal, campus-wide assessment of the integrated planning process in 2011.
Standard II.A:
College meets all standards except: II.A.1.a, II.A.1.c, II.A.2.b, II.A.2.f; II.A.6;
College partially meets these standards.

II.A.1.a. The institution identifies and seeks to meet the varied educational needs of its
students through programs consistent with their educational preparation and the
diversity, demographics, and economy of its communities. The institution relies upon
research and analysis to identify student learning needs and to assess progress toward
achieving stated learning outcomes.

PLANNING AGENDA II.A.1.a
- Develop and offer ongoing training for faculty and staff in effective practices for
  assessing student achievement of SLOs.
- Develop systematic assessments and regular reports of achievement of SLOs in all
  Five Pathways, at the program, degree, certificate and college level.

II.A.1.c. The institution identifies student learning outcomes for courses, programs,
certificates, and degrees; assesses student achievement of those outcomes; and uses
assessment results to make improvements.

PLANNING AGENDA II.A.1.c
- Develop and implement a formal assessment of student achievement of the College
  Learning Outcomes by 2012.
- Continue to assist programs in developing and using assessment tools for both
  course-level and program-level SLOs to ensure that all programs use the results of
  their assessments to make improvements.

II.A.2.b. The institution relies on faculty expertise and the assistance of advisory
committees when appropriate to identify competency levels and measurable student
learning outcomes for courses, certificates, programs including general and vocational
education, and degrees. The institution regularly assesses student progress towards
achieving those outcomes.

II.A.2.b The College partially meets the standard.

PLANNING AGENDA II.A.2.b
- Develop and implement a formal assessment of student achievement of the College
  Learning Outcomes by 2012.
- Continue to assist programs in developing and using assessment tools for both
  course-level and program-level SLOs to ensure that all programs use the results of
  their assessments to make improvements.
A.2.f. The institution engages in ongoing, systematic evaluation and integrated planning to assure currency and measure achievement of its stated student learning outcomes for courses, certificates, programs including general and vocational education, and degrees. The institution systematically strives to improve those outcomes and makes the results available to appropriate constituencies.

II.A.2.f - The college partially meets the standard.

PLANNING AGENDA
- Develop systematic assessments and regular reports of achievement of SLOs in all Five Pathways, at the program, degree, certificate and college level.

II.A.6. The institution assures that students and prospective students receive clear and accurate information about educational courses and programs and transfer policies. The institution describes its degrees and certificates in terms of their purpose, content, course requirements, and expected student learning outcomes. In every class section, students receive a course syllabus that specifies learning objectives consistent with those in the institution's officially approved course outline.

II.A.6. - The college partially meets the standard.

PLANNING AGENDA
- Complete identification of SLO’s for all courses offered at the College, and ensure that all syllabi reflect the approved course SLO’s. Provide staff and/or technological support to make it easy for faculty to electronically post syllabi for each section.

Standard II.B.
College meets all standards; no planning agenda items

Standard II.C.
College meets all standards except II.C.1.c; College partially meets this standard

II.C.1.c. The institution provides students and personnel responsible for student learning programs and services adequate access to the library and other learning support services, regardless of their location or means of delivery.

PLANNING AGENDA
- Develop and implement a plan for building and staffing a new library at IVC, with adequate information resources to support programs on this campus.
Standard III.A.
College meets all standards except III.A.1.a, III.A.1.b, III.A.2, III.A.3.a, IIIA.4.b, III.A.4.c, III.A.6; College partially meets these standards

III.A.1.a. Criteria, qualifications, and procedures for selection of personnel are clearly and publicly stated. Job descriptions are directly related to institutional mission and goals and accurately reflect position duties, responsibilities, and authority. Criteria for selection of faculty include knowledge of the subject matter or service to be performed (as determined by individuals with discipline expertise), effective teaching, scholarly activities, and potential to contribute to the mission of the institution. Institutional faculty plays a significant role in selection of new faculty. Degrees held by faculty and administrators are from institutions accredited by recognized U.S. accrediting agencies. Degrees from non-U.S. institutions are recognized only if equivalence has been established.

PLANNING AGENDA
- Hiring practices follow detailed regulations, both from district policy and state regulations. This is occasionally perceived as cumbersome and time-consuming. The planned modification of a more flexible selection for part-time faculty – while assuring minimum qualifications – will be one attempt to streamline the hiring process. The Human Resource Department and the Academic Senate will continue to work collaboratively to develop appropriate faculty hiring procedures.
- Continued expansion of the recently initiated online recruitment process should support the College’s effort to maintain a ready resource for qualified and interested part-time faculty. Ensuring appropriate training at the department and division levels should assist with personnel scheduling.

III.A.1.b. The institution assures the effectiveness of its human resources by evaluating all personnel systematically and at stated intervals. The institution establishes written criteria for evaluating all personnel, including performance of assigned duties and participation in institutional responsibilities and other activities appropriate to their expertise. Evaluation processes seek to assess effectiveness of personnel and encourage improvement. Actions taken following evaluations are formal, timely, and documented.

PLANNING AGENDA
- Develop a more comprehensive evaluation tracking system district-wide.
- Provide regular training opportunities for managers regarding the performance appraisal process.
- Provide administrative consequences for the responsible parties who do not adhere to the evaluation process and timelines.

II.A.2. The institution maintains a sufficient number of qualified faculty with full-time responsibility to the institution. The institution has a sufficient number of staff and
administrators with appropriate preparation and experience to provide the administrative services necessary to support the institution’s mission and purposes.

PLANNING AGENDA
- During the 2009-2010 academic year, four new full-time faculty positions were filled. Once a new faculty contract is approved, and as resources are available, the College will hire full-time faculty members to ensure that each department has a sufficient core of full-time faculty.
- Review and improve processes for determining staffing needs, to improve linkages between program planning, program review, and resource allocation.

III.A.3.a. The institution establishes and adheres to written policies ensuring fairness in all employment procedures.

PLANNING AGENDA
- Continue the complete review and revision of all personnel-related board policies and procedures through the established governance process.
- Establish applicable trainings upon the approval of the new policies and procedures.

III.A.4.b. The institution regularly assesses its record in employment equity and diversity consistent with its mission.

PLANNING AGENDA
- Establish regular reporting processes for district decision-making and planning. Publicize the district’s demographics internally and externally.
- Continue efforts to attract and retain a diverse workforce.

III.A.4.c. The institution subscribes to, advocates, and demonstrates integrity in the treatment of its administration, faculty, staff, and students.

PLANNING AGENDA
- Continue to update all Human Resource related board policies and procedures integrating the Colleges mission and goals.
- Monitor the campuses facility improvements to assure accessibility and a environment conducive to work and learning.

III.A.6. Human resource planning is integrated with institutional planning. The institution systematically assesses the effective use of human resources and uses the results of the evaluation as the basis for improvement.
PLANNING AGENDA

- As the college implements its strategic and institutional plans, the integration of human resources as a significant component must be taken into consideration, including funding prioritizations and organizational structures.

- As employee/district contracts are negotiated, the evaluation process for all employees needs to be expanded to include effectiveness assessment in producing progress toward stated student learning outcomes, particularly for faculty and others most directly responsible for helping produce these outcomes. The development of student learning outcomes and methods to measure their effectiveness must also become integral to professional development for employees.

**Standard III.B.**
College meets all standards except III.B.2.a, III.B.2.b; College does not meet these standards

III.B.2.a. *Long-range capital plans support institutional improvement goals and reflect projections of the total cost of ownership of new facilities and equipment.*

PLANNING AGENDA

Prior to the MCCD Board approving any major renovation of facilities, new construction and/or major equipment/system upgrade projects; an analysis will be accomplished to determine the impact on budgetary/resource allocations requirements. This analysis will be based on a three year budget strategy and present to the Facilities Planning Committee, Budget and Resource Allocation Committees for review and forward to the College of Marin President/CEO with recommendations.

This analysis will, as part of the “total cost of ownership” process, incorporate elements that include but not limited to:

1. Sustainability Design (Green Design)
2. Energy efficiency of new systems.
3. Encompass standard maintenance requirements as identified in all applicable equipment manuals associated with the project, and other resources such as:
   - Custodial and site requirements, technology impact, review of staff and impact on new skills requirements, Equipment Replacement Plan.
4. Preventive/Planned Maintenance Staffing and Material Requirements

III.B.2.b. *Physical resource planning is integrated with institutional planning. The institution systematically assesses the effective use of physical resources and uses the results of the evaluation as the basis for improvement.*
PLANNING AGENDA
The Planning Agenda addressed above in III.B.2.a, along with the Technology Replacement Plan developed by the Technology Committee, will enable the district to meet this Standard.

**Standard III.C.**

College meets all standards.

**Standard III.D.**

College meets all standards except III.D.1.a, III.D.1.b, III.D.1.d; college does not meet III.D.1.b, college partially meets III.D.1.a, III.D.1.d

III.D.1.a. *Financial planning is integrated with and supports all institutional planning.*

PLANNING AGENDA
Update S10 to reflect current state of affairs – whether administrative reviews have been completed, and whether the new PRAC is actually involved with making budget recommendations, following subcommittee recommendations. Include Planning Agenda if it is determined college doesn’t meet the standard.

III.D.1.b. *Institutional planning reflects realistic assessment of financial resource availability, development of financial resources, partnerships, and expenditure requirements.*

PLANNING AGENDA
(Update S10 to reflect current state of affairs, including new PRAC.)
Insofar as funds are available or budget cuts need to be considered, PRAC should be responsible for recommending budget policy and scenarios to the college president and board. These recommendations should be substantiated and rationalized based on program reviews and their support of college strategic goals and initiatives. PRAC should receive all requests for additional or new funding and upon review of criteria and funding
availability, make recommendations to the President about whether requests should be funded.

Finally, the college should be sure to include as part of instructional and administrative program reviews the consideration of partnerships, contractual agreements and special projects in order to assure that the specific activity is creating outcomes beneficial to the College, as well as contributing to meeting strategic initiatives and goals.

III.D.1.d. The institution clearly defines and follows its guidelines and processes for financial planning and budget development with all constituencies having appropriate opportunities to participate in the development of institutional plans and budgets.

PLANNING AGENDA
(Update this section Spring 10 to reflect current state of affairs.)
Standard IV.A.

College meets all standards.

Standard IV.B.

College meets all standards except IV.B.1.h, IV.2.b.(2)

IV.B.1.h. The board has a code of ethics that includes a clearly defined policy for dealing with behavior that violates its code.

PLANNING AGENDA
Complete and approve the code of ethics policy.

IV.B.2.b.(2). The president guides institutional improvement of the teaching and learning environment by ensuring that evaluation and planning rely on high quality research and analysis on external and internal conditions.

PLANNING AGENDA
Ensure adequate staffing for the research and planning functions at the college.
COM BUDGET ANALYSIS & REVENUE ASSUMPTIONS

DON'T SHOOT THE MESSENGER!
TUFF JOB BUT SOMEONE HAS TO DO IT!

PRIMARY REVENUE SOURCES

- COMMUNITY SERVICES
- RESTRICTED GENERAL FUNDS
- UNRESTRICTED GENERAL FUNDS
REVENUE ASSUMPTIONS SUMMARY

1. COMMUNITY SERVICES BUDGET WILL REMAIN STABLE IN WHICH REVENUE AND EXPENDITURES ARE EQUAL.

2. RESTRICTED GENERAL FUND BUDGETS FOR 2010-11 AND 2011-12 WILL CONTINUE AT THE SAME FUNDING LEVEL AS 2009-10 WITHOUT THE FEDERAL (ARRA FUNDS) DOLLARS AS BACKFILLS.

3. FOR 2010-11, NO CPI INFLATION ADJUSTMENT FOR SECURED PROPERTY TAXES. THE TAX ROLLS WILL REMAIN THE SAME AS THE 2009-10 TAX ROLLS WHICH MEAN NO INCREASE IN SECURED PROPERTY TAX REVENUES.

4. SUPPLEMENTAL PROPERTY TAXES WILL CONTINUE AT THE SAME FUNDING LEVELS AS WAS COLLECTED FOR THE 2009-10 FISCAL YEAR.
5. FOR 2009-10 FISCAL YEAR, ENROLLMENT FEES ARE PROJECTED TO INCREASE APPROXIMATELY $500,000 AS A RESULT OF A $6.00 FEE INCREASE AND AN INCREASE IN THE NUMBER OF UNITS STUDENTS ARE ENROLLED IN.

6. NO CHANGE PREDICTED FOR OTHER STATE REVENUE FOR THE 2010-11 FISCAL YEAR. REVENUE WILL REMAIN CONSTANT.

7. NO CHANGE PREDICTED FOR LOCAL REVENUE FOR THE 2010-11 FISCAL YEAR. REVENUE PROJECTED TO REMAIN CONSTANT.
UNRESTRICTED GENERAL FUNDS

SOURCES OF FUNDS

- PROPERTY TAXES 90%
- ENROLLMENT FEES 3%
- STATE REVENUES 5%
- LOCAL REVENUES 2%
## Property Taxes

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Actual 2012-13</th>
<th>Actual 2013-14</th>
<th>Actual % Change</th>
<th>Estimated 2012-13</th>
<th>Estimated 2013-14</th>
<th>Estimated % Change</th>
<th>Modified 2012-13</th>
<th>Modified 2013-14</th>
<th>Modified % Change</th>
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<tbody>
<tr>
<td>PROGRAM-BASED FUNDING</td>
<td>$205,090</td>
<td>202,918</td>
<td>-1.02%</td>
<td>197,933</td>
<td>194,600</td>
<td>-1.69%</td>
<td>205,416</td>
<td>202,148</td>
<td>-1.60%</td>
</tr>
<tr>
<td>STATE APORTMENT</td>
<td>$ -</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>STATE SUBVENTIONS</td>
<td>$205,090</td>
<td>202,918</td>
<td>-1.02%</td>
<td>197,933</td>
<td>194,600</td>
<td>-1.69%</td>
<td>205,416</td>
<td>202,148</td>
<td>-1.60%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$205,090</td>
<td>202,918</td>
<td>-1.02%</td>
<td>197,933</td>
<td>194,600</td>
<td>-1.69%</td>
<td>205,416</td>
<td>202,148</td>
<td>-1.60%</td>
</tr>
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## Property Taxes

<table>
<thead>
<tr>
<th>Type</th>
<th>Actual 2012-13</th>
<th>Actual 2013-14</th>
<th>Actual % Change</th>
<th>Estimated 2012-13</th>
<th>Estimated 2013-14</th>
<th>Estimated % Change</th>
<th>Modified 2012-13</th>
<th>Modified 2013-14</th>
<th>Modified % Change</th>
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</thead>
<tbody>
<tr>
<td>SECURED</td>
<td>$20,480,100</td>
<td>20,945,805</td>
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<td>20,150,967</td>
<td>20,616,615</td>
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<td>20,513,922</td>
<td>20,984,582</td>
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<td>SUPPLEMENTAL</td>
<td>$1,400,133</td>
<td>1,511,091</td>
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<td>1,581,972</td>
<td>7.57%</td>
<td>1,546,932</td>
<td>1,658,885</td>
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<td>UNSECURED</td>
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<tr>
<td>PRIOR YEAR</td>
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<td>9,015</td>
<td>9,015</td>
<td>0.00%</td>
<td>9,015</td>
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<tr>
<td>TOTAL TAXES</td>
<td>$22,615,640</td>
<td>22,668,328</td>
<td>0.23%</td>
<td>22,355,867</td>
<td>22,989,903</td>
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<td>22,613,951</td>
<td>23,073,985</td>
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## Revenue Projections

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<tr>
<td>STATE APPORTIONMENT</td>
<td>$284,816</td>
<td>277,842</td>
<td>-2.46%</td>
<td>281,688</td>
<td>277,668</td>
<td>-1.39%</td>
<td>281,688</td>
<td>277,668</td>
</tr>
<tr>
<td>STATE SUBVENTIONS</td>
<td>$284,816</td>
<td>277,842</td>
<td>-2.46%</td>
<td>281,688</td>
<td>277,668</td>
<td>-1.39%</td>
<td>281,688</td>
<td>277,668</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$284,816</td>
<td>277,842</td>
<td>-2.46%</td>
<td>281,688</td>
<td>277,668</td>
<td>-1.39%</td>
<td>281,688</td>
<td>277,668</td>
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<td>PROPERTY TAXES</td>
<td>$27,733,052</td>
<td>28,261,591</td>
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<td>28,156,202</td>
<td>28,617,331</td>
<td>1.74%</td>
<td>28,099,024</td>
<td>28,561,321</td>
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<td>SUPPLEMENTAL</td>
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<td>708,333</td>
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<tr>
<td>UNSECURED</td>
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<td>193,022</td>
<td>0.00%</td>
<td>193,022</td>
<td>193,022</td>
<td>0.00%</td>
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<tr>
<td>PRIOR YEAR</td>
<td>$1,306,813</td>
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<td>TOTAL TAXES</td>
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<td>30,575,068</td>
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<td>30,567,267</td>
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<tr>
<td>PARTNERSHIP FOR EXCELLENCE</td>
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<td>2.26%</td>
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<td>48,493,582</td>
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<td>OTHER STATE</td>
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<td>4.22%</td>
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<td>TOTAL STATE</td>
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<td>4.00%</td>
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<td>31,028,582</td>
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<td>INTEREST</td>
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<td>HELPER INCOME</td>
<td>$80,000</td>
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<td>80,000</td>
<td>80,000</td>
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<td>80,000</td>
<td>80,000</td>
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<tr>
<td>OTHER STUDENT CHARGES</td>
<td>$40,000</td>
<td>40,000</td>
<td>0.00%</td>
<td>40,000</td>
<td>40,000</td>
<td>0.00%</td>
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<td>40,000</td>
</tr>
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<td>INSURANCE</td>
<td>$30,000</td>
<td>30,000</td>
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<td>0.00%</td>
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<td>INTANGIBLE ASSETS</td>
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<tr>
<td>TOTAL REVENUE</td>
<td>$44,731,013</td>
<td>45,039,471</td>
<td>0.65%</td>
<td>45,039,471</td>
<td>45,433,431</td>
<td>0.86%</td>
<td>45,433,431</td>
<td>45,827,492</td>
</tr>
</tbody>
</table>

**Note:** The above tables are excerpts from a financial document. The full document contains detailed financial information for the fiscal year and includes additional tables and sections that are not shown here.
**Property Tax Inflation Rate**

- Article XIII CA Constitution (Proposition 13)
  1. Base value for all real property.
  2. Adjusted annually for an amount not to exceed 2 percent.
  3. Adjustment may be less than 2 percent.
  4. AND, Inflation factor may result in a reduction in the base factor.

---

**Property Tax Inflation Rate**

- Since passage of Proposition 13
  1. On five occasions adjustment has been less than 2 percent.
  2. However, we were not Basic–Aid so the less than 2% adjustment did not matter.
  3. There has never been a negative base adjustment.
Consumer Price Index
Projected thru October, 2009

State Apportionment Funding
MARISS COMMUNITY COLLEGE DISTRICT
State Apportionment Funding Summary
Funding as of November 4, 2009

<table>
<thead>
<tr>
<th>ALLOCATION</th>
<th>State</th>
<th>ARIA</th>
<th>Funding</th>
<th>From 2008-2009</th>
<th>Conclusion</th>
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<tr>
<td>RESTRICTED STATE APPORTIONMENT FUNDING SOURCES</td>
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<tr>
<td>- Basic 04s</td>
<td>122,914 $  93,600 $  3,310 $  81,100 $ (20,739) $  227,545</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Basic Financial Assistance Program At-risk Allow</td>
<td>105,771</td>
<td>105,416</td>
<td>-</td>
<td>110,476</td>
<td>(259)</td>
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<td>- CalWORKS</td>
<td>214,077</td>
<td>114,040</td>
<td>5,061</td>
<td>133,714</td>
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<td>- Cooperative Agencies Resources for Education</td>
<td>9,295</td>
<td>38,214</td>
<td>3,053</td>
<td>42,934</td>
<td>(22,941)</td>
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<td>- Student Services Programs &amp; Services</td>
<td>7,752,425</td>
<td>74,376</td>
<td>90,313</td>
<td>854,083</td>
<td>(570,514)</td>
</tr>
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<td>- Employment/Welfare: 2% Administrative</td>
<td>12,811</td>
<td>14,315</td>
<td>-</td>
<td>14,360</td>
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<td>575,564</td>
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<td>56,328</td>
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<td>(191,144)</td>
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<td>- Faculty and Staff Diversity</td>
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<td>- Mailing/Student Services</td>
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<td>(4,000)</td>
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<td>TOTAL</td>
<td>2,189,815 $  1,034,216 $  146,568 $  2,058,152 $ (1,881,931) $  329,007</td>
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CHILDRENS APARTIONMENT FUNDING SOURCES
* Grants To Related $ 514,894 $ 75,063 $ 7,074 $ 77,765 (71,918) $ 75,474

* Senate/Assembly programs
My name is Jamie Deneris and I am a faculty member in the Life and Earth Science Department. I am here this evening to discuss the, “Facts About the New Science Center Complex – A Response” that was included in this evening’s Board Packet. This Response is to a statement presented by Don Foss, Jamie Deneris, Ph.D., and David Egert, Ph.D. to the Board of Trustees during the 13 October 2009 meeting. There were many points made in our original presentation that were not addressed or refuted in this Response. I will limit my comments this evening to those points of our presentation challenged in the Response and not take up the Board’s time repeating those points for which there is no contention.

1. The Response states that the total square footage of the new Science Center will be 10,904 square feet larger. Although this is true, it does not take into account the fact that the new Science Center will house Nursing, Anthropology, Environmental Science, and Environmental Landscaping Programs which are currently located outside of the Austin Science Center. In addition I.T. and the power plant may be housed there as well. V-Anne later stated during this Board meeting that the Nursing Program was not included in the figures presented in the response. V-Anne did not comment on the space needs of the additional remaining programs.

The Response did state that the nursing space could be, “retrofitted into science laboratories” if and when it becomes necessary. It will be necessary the day we move into the building. What the Response did not make clear is that, “retrofitted” means building laboratory space, the most expensive space the State of California pays for. Remodeling space, especially to add gas, vacuum, water, and power for laboratories, is fantastically more expensive after a building is completed that it is putting it into an empty shell. The Response also did not address where the nursing program will go should this occur.

In addition, it remains that the Science Center is still losing three science labs. The response called these, “classrooms” implying that our courses might be located elsewhere. This is not classroom but laboratory space we are losing. As we are currently operating at maximum capacity in the Life and Earth Science Department, we will have to cut course offerings if we are moved to the new Science Center and the Austin Science Center is demolished. This is particularly disturbing to the Life and Earth Science Department as we are poised to add two additional sections of Biology 110 laboratory and are going from a two semester biology major’s series to a three semester sequence. This change is in response to the needs of our students transferring to the State system and is the result of three years of study and preparation.

The situation is further complicated by the fact that we will have no space to set up laboratory practical examinations (which take an average of four hours each), no space for tutoring as student
require equipment, samples, and models located in laboratories, and no space for accommodating students who find themselves in difficult circumstances.

As circumstances currently exist, many of our faculty members are on Tuesday/Thursday or Monday/Wednesday teaching schedules, schedules for which we have been severely criticized. We are not working these days by choice. For example, I arrive at the College of Marin at 9:00 a.m. and leave at 11:00 p.m. with two, half hour breaks every Tuesday and Thursday. To say the least, these are extremely long and tiring days. Our faculty works these schedules so that we can maximize classroom use and minimize technician time. Just for the record, I do not know of any faculty member in our department or the Chemistry Department that is not teaching at least one additional day per week.

Further, we spoke with Dr. Eric Dunmire from the chemistry department. He was intimately involved in the initial design of the new building to make sure the chemistry department could schedule classes appropriately. This is particularly important to the Science Departments as chemistry is a prerequisite for all biology, nursing, geology, geography, environmental science, and physics majors, as well as chemistry majors. Since the initial analysis was done, the chemistry department has added several sections. As a result, a move to the new building would necessitate the Chemistry Department decreasing their offerings as well. Even before the new sections of chemistry were added, keeping the old schedule in the new building would require hiring another full-time chemistry technician. Dr. Dunmire has offered several times to repeat the analysis with the current building design but has not been allowed to do so.

The Response also pointed out that we will have 613 rather than 764 (25%) fewer seats in the new Science Center. We currently have waiting lists for many of our courses that have more students than the number enrolled in the classes. This should be unacceptable.

Finally, the faculty never, “agreed early on to design dual purpose classrooms”. In fact, from the first day we asked to have the Austin Science Center remodeled and maintained as our current structure is well-designed and meets our needs.

2. The statement in the Response to our concern that the proposed new space will not house our current equipment and supplies discusses the availability of support space i.e. technician work rooms. This is not our concern. We were discussing the fact that we have no room in our teaching laboratories for equipment and supplies used directly by our students making the discussion in the Response irrelevant. We had numerous meetings with architects (two groups of them) to point out the inadequacies in the proposed new space. At one particularly telling meeting, we were asked if it was possible to move old cabinetry and equipment from the old science center into the new one. Ultimately, the architects (both groups) that agreed with the faculty, and drew up new plans to accommodate our changes, were fired.
The statement in the Response that faculty participated, “to varying degrees for all modernization, including the Science Complex” in fact means that those faculty members who agreed uncritically with what was being discussed were invited to the meetings and those that did not were systematically ignored and eventually left out of the process entirely. During the last meeting that Dr. Egert and I attended, a Friday meeting to discuss the Physiology/Microbiology laboratory, (which David came in from San Francisco and I came in from Mendocino County to attend) our dean, who had not made a single comment in any meeting including this one, stormed to the front of the room and told us that we were slowing the process and that if we refused to accept the room as it was being presented, we should leave. We did, but returned when Anita Martinez, the then Vice President of Academic Affairs, followed us out and asked us to return. We were assured that our suggestions would be incorporated and that we would be kept apprased of the developing plans. That was the last meeting we were ever notified about and the last plans we saw. The next thing we heard about the Science Center was at the 2009 convocation. It was there we learned that the ground breaking for the New Science Center was imminent.

3. The response to our concern that we are losing our only large lecture space which seats 100 students is that there will be a two classrooms in the new building with a removable wall that when opened will provide space for 48 students, and that in the future we might get a space that will hold 56 students by remodeling three additional classrooms. We need space for 100 students, not 48, not 56, for biology, geology, chemistry, and physics classes. In addition, if this space is being used for a large lecture, it means that it is not available for smaller classes to meet. We are already out of small lecture space. It was further stated that there will be other large lecture space in other new buildings on campus. It is our understanding that due to cost restraints, many of these lecture halls have been removed from the final iterations of plans. Finally, the Response stated that we could use Olney Hall, Fusselman 120, and the Performing Arts Theatre as lecture space. Olney Hall is almost impossible to teach in for reasons I won’t bore you with now, but which are apparent to anyone who has attended a convocation there; Fusselman Hall is already heavily utilized; and the Life and Earth Science Department was unable to reserve the Performing Arts Theatre even on the three occasions we had guest speakers for one evening a piece.

The Response also stated that the Science Faculty expressed the desire to integrate the Science program with other programs on campus. First, the Science and Math Departments do a better job of integrating our programs than any other departments on campus. Our student’s success depends on it. Secondly, where we are lecturing has absolutely nothing to do with the integration of programs. This statement is absurd.

4. The Response states that the decision to replace the Austin Science Center instead of refurbishing it was based, but not limited to, costs and the environment. The statement made about the cost was that it would be extremely complex and costly to modernize the building. This statement is deceptive at
best, as no cost analysis was ever done. We find it difficult to believe that the cost of a remodel would ever come close to the cost of constructing a new building especially in light of all of the possible, extensive remodeling that will need to be done after it is constructed.

We stated that the environmental costs of destroying the Austin Science Center and constructing a new building are staggering. This is the truth. There is no way the environmental costs of demolishing an existing structure and building a new one can ever be mitigated. On a miniscule scale, this is why we recycle rather than construct new soda cans. The Response to this comment was to point out that the hazardous waste from the old Science Center would be handled responsibly and that the new building would have a, “silver rating”. These facts have absolutely nothing to do with the environmental costs we are addressing and I will not comment further on the ridiculousness of these statements. As an aside, it is our understanding that to maintain a, “silver rating” the College will have to hire someone to monitor the building.

The response also stated that the Science Center is located in a flood plain. The building has been located in a flood plain since 1974 when it was constructed. Although the statement was made that this has been, “costly” again, no numbers or data were offered. In a final comment, the Response states that if enrollment indicates a valid need for additional space (it already does), the Austin Science Center may be retained. We wonder if the flood plain will spontaneously move as a result of our enrollment needs.

The decision to relocate the Science Center has nothing to do with cost, environmental considerations, or service to our students. As we have pointed out repeatedly, the Austin Science Center is superior in all of these attributes. What is clear is that the new building and the demolition of the old science center will free space to be used for a retail shopping district. We are sacrificing our college and our students to serve the interests of developers and politicians. The fact that this point is just coming to light is additional evidence of the underhanded nature of this endeavor.

We are not here this evening because we do not have more interesting things to do. Our lives would be much easier in the new Science Center built as planned as it would dictate changes in our curriculum which would result in much less work for us. We are here this evening for our students. As stewards of the College of Marin, you should be too.

Thank you,

Jamie Deneris, Ph.D.
Donald Foss
David Egert, Ph.D.
ACADEMIC SENATE PRESIDENT'S REPORT
November 17, 2009

Transfer Degrees

Sara McKinnon and I attended the ASCCC Plenary in Ontario this past week. I want to give you an example of the types of challenges senates grapple with in the technical areas of academia – or in this case, where academic meets politics. This has to do with “Transfer Degrees.”

In the last legislative session, Assembly Bill 440, had it passed, would have authorized a community college to award an associate degree in a major or area of emphasis designated “for transfer.” Students who completed a minimum of 60 transferable semester units consisting of an approved transfer GE program, e.g., IGETC or CSU GE, and a major or area of emphasis as locally defined would be eligible for the degree. AB 440 would have prohibited colleges who offer such degrees from requiring additional local requirements that are not included in the GE package or the major or area of emphasis.

Apparently, the original version of the bill would have reduced the requirements for associate degrees to the “minimum required for transfer” with no requirement for completion of a major or area of emphasis.

Senates realized that if this version of the bill passed, we would end up with a two-tiered system of degrees. The “for transfer” degrees would have externally defined standards that require less than the degrees we offer students who are not transferring.

Both versions of the bill take away local control of some of our degrees (the “transfer” degrees) and put them into state statute. Currently, degrees are in Title 5 and subject to revisions by the Academic Senate in consort with the Chancellor's Office. Needless to say, local senates objected to codifying any degrees in state statute. Legislatures generally don't make laws about what degrees can or will contain in the way of coursework. The decisions about requirements for degrees are and should be left to the experts.

However, there is a great deal of support in the legislature for a “transfer degree” and the concern is that a resurrected version of AB 440 will move through the legislature this session and if passed, will take away local control and Senate control of these degrees by putting them into state statute.

Different local senates offered resolutions they thought would pre-empt this by designing a transfer degree that was under Title 5 and provided more local control. There were three separate resolutions offered at the State Senate Plenary. One asked that the ASCCC work with the Chancellor’s Office to change Title 5 regulations so colleges would be permitted to offer associate degrees in a major or area of emphasis with GE and 60 transferable units of which a minimum of 18 semester units are in a major or area of emphasis. The original version of this referendum called for requiring colleges to refrain from adding local requirements. One amendment attempted to strike the part that said, “...refrain from adding local requirements.” A second amendment tried to strengthen the wording assuring colleges could choose to offer such degrees and that the major or area of emphasis must meet the requirements of transfer institutions. Thus, schools could choose not to offer “transfer degrees.”

A second resolution sought to change Title 5 requiring colleges to offer a transfer associate degree but allowing schools to add local requirements.
The third and final resolution on the subject asked that the ASCCC oppose any legislation that seeks to alter its curriculum, degree, and certificate requirement and reaffirm its support of local autonomy and faculty primacy in this area.

In the end, all of the resolutions were referred to the ASCCC executive council to solicit feedback from local senates. This will be brought back to the floor at the spring plenary.

There was concern among many of the local senate representatives at Plenary that if we don’t act, the legislature will make the decision for us and this may likely happen before the spring plenary. Many of the senate reps don’t agree with the degree being offered, or don’t agree that it should disallow local requirements, but they are worried that if we don’t work with the Chancellor’s Office to provide this option, the state legislature will mandate this or something even more restrictive. Then, it will be in statute rather than in Title 5, which makes the degree requirements far less flexible and responsive to local needs.

We’ll be discussing this at the Senate and we are interested in your feedback on this as well.
November 17, 2009

Closing Comments from Trustee Paterson

I would like to say thank you and goodbye for now with some closing comments and observations from my 2 years on the COM BOT.

This has been a rich and full time for me personally and professionally. From day 1, I have been so impressed with the hard work, dedication and achievements of our students, staff, faculty and administration. As soon as I was appointed, my fellow trustees and staff brought me up to speed with extraordinary commitment and excitement at what the future would bring for the board and the college.

I would like to thank Dr. White and your team for the excellence you bring to our community college. Your professionalism and stature in the community, state and nation has helped the college shine – you can feel the effects of your work on both campuses.

I also want to thank student board member Nathaniel Parker for his work which has made me a better board member. Nathaniel, I urge you to speak up and speak out as you continue to learn and grow in this new role which you are so well suited for.

During 2008, the board and college made significant strides, with COM fully accredited once again, groundbreakings and new partnerships enlivening both campuses.

And though I am known for my positive spin on things, I am now going to reflect on the difficult issues for our board and faculty. I feel it is important to speak the truth as I see it, and since I am outgoing, I have a chance to give you some feedback in hopes that talking about it brings new light to old problems and maybe change--
2009 has been a difficult year for the board, as we all know. As I reflect back on the events that soured our teamwork, 2 stand out. One is the officer’s vote in December 2008 and the other the football vote, when we discontinued this program. In the case of the officer’s vote, I believe that my election as vice president created disappointment and rifts which began to fracture our teamwork. With the football vote, we had both an academic and emotional challenge- with our Academic Senate recommending discontinuance yet an audience of students and coaches begging us to reconsider. These are the times when decision making is painful and so very difficult. Sadly, despite many efforts to help us regain our unity as a board, it seems to me these events created deep division, or brought out divisions that were under the surface.

Based on my understanding of the history of this board, this type of division is not new. Of course, we are an elected, and appointed, board so politics (the good and the bad in that definition) is never very far away as we do our best to represent the public.

Unfortunately, this past election has further deepened the divide both in our meetings and on the campaign trail-- with comments during board meetings about the “NRA” Never Reelect Anyone club and veiled threats from trustees during meetings about votes and “reelection” being at risk.

With a new board member on board in December, and some new officers, you will have a chance to start again with new dynamics – it will be an exciting and challenging time as we have talked about tonight. Keep COM moving into the 21st century- not holding on to the past. As Trustee Long said not to long ago, dream about what the college campus and neighborhood can be and will be for the future.

My final comments are directed to the faculty at College of Marin. To the faculty I would say first:

Thank you for your continuing professionalism and job well done. I hear many kudos from your students and former students in the community. You are our greatest asset.
I am deeply concerned, however, about your public face, that of your union, United Professors of Marin. Let me say I am a union member myself, Novato Federation of Teachers, and a former organizer for SEIU.

So I say this as one union member to another: take back your union. During the past 2 years, I have had numerous opportunities to observe and hear the tactics of the UPM leadership. Of course, I was a target of UPM PAC late attack during the campaign which is well known by now.

I believe the current UPM tactics to gain attention and power are ultimately hurting you, the faculty. The antics of a small group of leaders who are chronically angry, mean and small time bullies come across as just that to the community at large. I have heard from many community members that they were not only outraged by the negative campaign letter, post card and phone calls, but embarrassed by them because they were so unprofessional. Whether or not they hurt or helped candidates or not, one has to question the damage done to your reputation and that of COM in the long term. Those tactics may win some battles but degrade your profession and our college over time.

In working on bully issues over the years as an educator, I have learned that “silence is consent”. So tonight I decided to speak out against the bully tactics of your union leaders.

Just recently, I participated in a student government led candidates forum here in the Student Services building. It was aptly organized and led by our own trustee. Upon arriving at the forum, there in the parking lot illegally parked in a handicap zone, was one of your union leader’s truck with my name and another’s plastered on it as unfair to labor. I have grown accustomed to it the past 2 years but it struck me--Is this the kind of silly display of union strength your leadership should be wasting time on? This same leader was also present at the forum taking copious notes, which is his right, but then proceeded to scold students studying near by him for talking during the forum, causing them to leave. Whose forum was this? Another instructor there was seen coaching a student regarding questions to ask candidates during the forum.
I give these observations to let the rank and file know: this type of union leadership is caustic and does not serve the faculty well, from my point of view, for what it is worth. If you agree, and are looking for a new way into the 21st century as faculty, I urge you to speak up and speak out. Others will be with you in the community. I am with you.

Thank you for hearing me out. I will submit these comments in writing for the record.

Again, to my fellow board members I say thank you and best to you always.

Annan Paterson
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.
### Contracts and Agreement for Services

**OVER $1,000.00**

**MONTHLY REVIEW**

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<td>Legal services for UPM Arbitration, UPM fact finding, CSEA Negotiations, SEIU grievance and miscellaneous legal services.</td>
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<tr>
<td>P0207491</td>
<td>Bartlett Tree Experts</td>
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<td>$4,625.00</td>
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<tr>
<td></td>
<td>General tree services and mycorrhiza root builder/treatments.</td>
<td></td>
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</tr>
<tr>
<td>P0207492</td>
<td>Professional Personnel Leasing, Inc</td>
<td>Planning &amp; Research</td>
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<td></td>
<td>Temporary services for Planning, Research and Institutional Effective’s Interim Director.</td>
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<tr>
<td>P0207496</td>
<td>Community College League of California</td>
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<td>$7,669.77</td>
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<td>Library database services for Summer and Fall of 2009, unrestricted portion.</td>
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<td>P0207498</td>
<td>Marin Independent Journal</td>
<td>Community Relations</td>
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<td></td>
<td>Advertising services for the College, in the TV guide section of the Sunday Paper.</td>
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<tr>
<td>Agreement Number</td>
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<td>P0207501</td>
<td>Hutton Sherer Marketing Advertising Design</td>
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<td>Writing and editing services for the marketing additional collateral issues.</td>
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<td>P0207502</td>
<td>EBSCO Subscription Service</td>
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<td>Renewal services of the service provider of e-journal, e-book and e-journal package and print subscriptions, e-resource managements tools, full-text and secondary data bases and related services for the library.</td>
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<td>P0207507</td>
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<td>Maintenance</td>
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<td>Maintenance/Repair services for the high voltage work at the Kentfield Campus to be performed in late December 2009.</td>
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<td>P0207508</td>
<td>High Voltage Systems</td>
<td>Maintenance</td>
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<td>Service/Maintenance agreement for the 12KV maintenance at the IVC Campus.</td>
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<td>Library database services for the Summer and Fall of 2009, restricted portion.</td>
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<tr>
<td>Measure C</td>
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<tr>
<td>P0207420</td>
<td>Mcgraw-Hill Construction Regional</td>
<td>Measure C</td>
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<td>Publications</td>
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<td>Advertising services for the Hazardous Materials Abatement of the Science and Math Complex project.</td>
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<tr>
<td>P0207478</td>
<td>San Francisco Commercial Builders, Inc</td>
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<td></td>
<td>Installation services for medicine ball trees, storage racks, coat racks and free standing benches. Modify existing mailboxes, mount existing track boards, etc.</td>
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<tr>
<td>P0207483</td>
<td>Western Messenger Service, Inc</td>
<td>Measure C</td>
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</tr>
<tr>
<td></td>
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<td>Mailing services for the Bond related mailings.</td>
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</tr>
</tbody>
</table>
Marin Community College District
Measure C Bond Modernization Program

Modernization Director's Report to Board of Trustees
December 8, 2009

BUDGET UPDATE

- Bond spending plan: $264.5 million ($249.5 m bond, $15 m interest)
- Reserves: $17,789,000
- Expended to date: $88 million (33.3% of bond spending plan)
  - Assessment $ 5.5 million
  - Planning/design $36.0 million
  - Construction $46.5 million

- Summary of modernization items in this agenda:

  Consent (all routine items not requiring resolution or discussion):
  Three (3) new construction contracts for ratification ($304,982)
  Four (4) construction change orders < 10% ($365,994)
  Five (5) professional services amendments ($6,968)

  Action (items requiring resolution or discussion):
  Two (2) construction change orders > 10%, with resolutions ($53,276)
  One (1) new construction contract ($187,575)
  Four (4) approvals with no immediate cost impact

- Net value of new contracts / changes / amendments in this agenda: $918,795

MAJOR BUILDING PROJECTS (DESIGN) - BOARD UPDATE/ACTION SCHEDULE

1. KTD Gateway Complex
   - Select and award design contract
   - December 2009

   Revised completion date (based on revise DSA and construction projections) is shown in updated master schedule.

CURRENT CONSTRUCTION (major building projects are listed in bold)

- Diamond PE Center:
  - Change order #19 submitted this month; change orders = 12%. Punch-list work being completed.

- IVC Trans. Tech. Complex:
  - Change order #5 submitted this month; change orders = 5.7%.

  Revised completion date (due to construction changes) is shown in updated master schedule.

- IVC Main Building Complex:
  - Change orders #11 and #12 submitted this month; change orders = 4.5%.

  Revised completion date (due to construction changes) is shown in updated master schedule.
Marin Community College District
Measure C Bond Modernization Program

- KTD Fine Arts Building: No issues this month.
- KTD SMCP Utility Project: Claim pending; total exposure > 10%.
- KTD West Bridge: Punchlist in progress.
- Parking Lot 10 Paving Project: Change order #2 submitted this meeting; change orders = 32.9%.
- KTD Pool Repair Project: No issues this month.
- KTD Hazmat Abatement: Bids opened November 19; contract award submitted this month.

**FUTURE CONSTRUCTION (major projects are listed in bold)**

- IVC Power Plant (Utilities Project): Design continues.
- **KTD Science/Math/CP:** Winter (~ January) 2010 – Mid-2012. Fire department training will be held inside Dickson Hall before demolition begins (first week in January).

  *Revised completion date (due to lengthy DSA review) is shown in updated master schedule.*

- KTD Gateway Complex: Design selection this meeting.

**OTHER OPEN INITIATIVES**

- Swing space/relocation:
  - Literacy Lab
  - Dance
  - Dickson Hall
  - Orchard Greenhouse

- Furniture, fixtures, equipment:

- Building signage, Phase 1:
- External signage:
- Project Stabilization Agreement:
- LEED

Construction underway.
Change order #2 submitted this month; change orders = 4.4%.
Classroom moves scheduled for week of Dec 21.
Ordered; installation expected early Winter.

Proceeding.
Proceeding.
Proceeding.
Proceeding.
<table>
<thead>
<tr>
<th>COMPLETED PROJECTS</th>
<th>Potential Savings</th>
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</thead>
<tbody>
<tr>
<td>• KTD and IVC Tree Removal</td>
<td>$70,000</td>
</tr>
<tr>
<td>• KTD and IVC Geothermal Fields</td>
<td>$1,800,000*</td>
</tr>
<tr>
<td>• KTD Larkspur Annex Restoration</td>
<td>$0</td>
</tr>
<tr>
<td>• KTD Portable Village Swing Space</td>
<td>$72,000*</td>
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<tr>
<td>• KTD DSPS Relocation</td>
<td>$0</td>
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<td>• KTD Health Services Relocation</td>
<td>$0</td>
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<tr>
<td>• KTD Dickson Hall Faculty Relocation</td>
<td>$0</td>
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<tr>
<td>• KTD Photovoltaic System</td>
<td>$570,000*</td>
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<tr>
<td>• KTD College Avenue Utility Conduit Crossing</td>
<td>$0</td>
</tr>
<tr>
<td>• KTD-IVC Greenhouse/Shade Structure Relocation</td>
<td>$0</td>
</tr>
<tr>
<td>• IVC Fire Mitigation</td>
<td>$0</td>
</tr>
<tr>
<td>• IVC 12kV Utility Extension</td>
<td>$0</td>
</tr>
<tr>
<td>• IVC Gas Main Replacement</td>
<td>$0</td>
</tr>
<tr>
<td>• IVC Creek Erosion Mitigation</td>
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<td>• IVC Storm Drain Repairs</td>
<td>$0</td>
</tr>
<tr>
<td>• IVC Pomo 4 Roof Replacement</td>
<td>$0</td>
</tr>
<tr>
<td>• IVC TransTech Swing Space</td>
<td>$0</td>
</tr>
</tbody>
</table>

*Requested re-allocation to Gateway project
TRANSPORTATION DEMAND MANAGEMENT

Carpool/vanpool and Fuel Efficient Vehicle parking spaces have been marked in Parking Lots 10 and 12 (adjacent to the PE Center). Signs are being fabricated and will be installed during Winter Break. A large publicity campaign is planned as soon as signs are posted.

RECYCLING

A new recycling work group, which will be student-led, postponed its first meeting due to illness but convened instead on November 30 to begin discussions about creating a full COM recycling program. This group will continue to meet throughout the academic year.

LEED

Final LEED certification applications have been submitted to the US Green Building Council for several of our building projects, and USGBC reviews have started. The PE Center, our first completed project, is expecting to receive silver certification.
### 305A - Science Math Central Plant Complex

**See Note 1**

<table>
<thead>
<tr>
<th>Year</th>
<th>Q1</th>
<th>Q2</th>
<th>Q3</th>
<th>Q4</th>
<th>Total</th>
<th>Current Date</th>
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<tr>
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<td>$62,923,000</td>
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<td>2012</td>
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<td>2013</td>
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<td></td>
<td>$69,540,000</td>
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</tr>
</tbody>
</table>

**Oct. 06 Schedule / Budget**

**Feb. 07 Schedule / Budget**

**March 09 Schedule / Budget**

**Nov. 09 Schedule / Budget**

**Current Schedule (% of current phase):** 95%

**Current expenditures (% of budget):** 90%

**$5,945,865**

### 306C New Fine Arts Building

**See Note 2**

<table>
<thead>
<tr>
<th>Year</th>
<th>Q1</th>
<th>Q2</th>
<th>Q3</th>
<th>Q4</th>
<th>Total</th>
<th>Current Date</th>
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<td>2006</td>
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<td>$15,977,000</td>
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<td>2009</td>
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<td>$17,150,000</td>
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<td>2010</td>
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<td>$21%</td>
<td>100%</td>
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<td>2011</td>
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<td></td>
<td>$1,857,594</td>
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</table>

**Oct. 06 Schedule / Budget**

**Feb. 07 Schedule / Budget**

**March 09 Schedule / Budget**

**Current Schedule (% of current phase):** 100%

**Current expenditures (% of budget):** 7%

### 306A Performing Arts Modernization

**See Note 3**

<table>
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<tr>
<th>Year</th>
<th>Q1</th>
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<th>Q3</th>
<th>Q4</th>
<th>Total</th>
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<td>2009</td>
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<td>$15,622,000</td>
<td>$17,200,000</td>
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</table>

**Oct. 06 Schedule / Budget**

**Feb. 07 Schedule / Budget**

**March 09 Schedule / Budget**

**Current Schedule (% of current phase):** 95%

**Current expenditures (% of budget):** 95%

**$1,494,561**
### 308 Diamond PE Center Alterations

See Note 4

<table>
<thead>
<tr>
<th>Oct. 06 Schedule / Budget</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
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<tbody>
<tr>
<td></td>
<td>Q3</td>
<td>Q4</td>
<td>Q3</td>
<td>Q4</td>
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<td>Q2</td>
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</table>

#### Current Schedule (% of current phase)

| 100% | 100% |

#### Current expenditures (% of budget)

| 91%  | 70%  |

#### 402A Transportation Technology Complex

See Note 5

<table>
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<tr>
<th>Oct. 06 Schedule / Budget</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
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<td>Q4</td>
<td>Q1</td>
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<td>Q3</td>
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</table>

#### Current Schedule (% of current phase)

| 100% | 86%  |

#### Current expenditures (% of budget)

| 95%  | 45%  |

### 417A Main Building Complex

See Note 5

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<th>2007</th>
<th>2008</th>
<th>2009</th>
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<th>2011</th>
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<td>Q4</td>
<td>Q3</td>
<td>Q4</td>
<td>Q1</td>
<td>Q2</td>
<td>Q3</td>
<td>Q4</td>
<td>Q1</td>
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<td>$21,594,000</td>
<td>$21,594,000</td>
<td>$21,594,000</td>
<td>$21,594,000</td>
<td>$21,594,000</td>
<td>$21,594,000</td>
<td>$21,594,000</td>
</tr>
</tbody>
</table>

#### Current Schedule (% of current phase)

| 100% | 55%  |

#### Current expenditures (% of budget)

| 80%  | 40%  |

### 303B Gateway Complex

See Note 7

<table>
<thead>
<tr>
<th>Oct. 06 Schedule / Budget</th>
<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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<tbody>
<tr>
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<td>Q4</td>
<td>Q3</td>
<td>Q4</td>
<td>Q1</td>
<td>Q2</td>
<td>Q3</td>
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</tr>
</tbody>
</table>

#### Current Schedule (% of current phase) & Current expenditures (% of budget)

| 8%       | 0%   |

| 11%      | 0%   |
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/Fall, 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) In field construction issue needing DSA approval, schedule adjusted to current status.

6A) Slight delay for bidding due to delay in DSA approval

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>
</table>
| Geothermal System at Kentfield Campus | Construction: Original 11/15/07-3/15/08  
                                      Current: 4/7/08-10/15/08 | Amendment 10     | In close out     |
|                                    | 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 |
| Electrical & IT design services for 12 KV Utility extension project | to follow project 402A schedule | Amendment 14     |                  |
| Electrical design for add alternate 8-ticket dispensing machine and future blue light telephone (413A) | 11/15/2009 | Amendment 21     |                  |

# B. Amy Skewes-Cox (EIR)

<table>
<thead>
<tr>
<th>Activity</th>
<th>Milestone Date</th>
<th>Document</th>
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</thead>
<tbody>
<tr>
<td>No outstanding items</td>
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</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>
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</thead>
<tbody>
<tr>
<td>No outstanding items</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fine Arts building engineering survey (803A)</td>
<td>8/25/2009</td>
<td>Amendment 26</td>
<td></td>
</tr>
<tr>
<td>Gateway Complex engineering survey (803A)</td>
<td>9/2/2009</td>
<td>Amendment 26</td>
<td></td>
</tr>
<tr>
<td>Main Building Complex (417A)</td>
<td>10/1/2009</td>
<td>Amendment 26</td>
<td></td>
</tr>
<tr>
<td>Design Services to replace backflow devices at PE Center (308B)</td>
<td>?</td>
<td>Amendment 27</td>
<td></td>
</tr>
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</table>

# D. Degenkolb Engineers (District Structural Engineers)

<table>
<thead>
<tr>
<th>Activity</th>
<th>Milestone Date</th>
<th>Document</th>
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</thead>
<tbody>
<tr>
<td>No outstanding items</td>
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# E. ED2 International (Science / Math / Central Plant)

<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 2/1/2009 - Current 10/01/09</td>
<td>Contract</td>
<td></td>
</tr>
<tr>
<td>Bidding Phase - to Notice to Proceed</td>
<td>Original 5/1/2009 - Current 11/15/09</td>
<td>Contract</td>
<td></td>
</tr>
<tr>
<td>Construction Phase - 24 Months</td>
<td>9/15/09-4/30/11</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>
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</thead>
<tbody>
<tr>
<td>No outstanding items</td>
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# G. HKIT (Hardison, Komatsu, Ivieich & Tucker) (Transportation Technology Center)

<table>
<thead>
<tr>
<th>Activity</th>
<th>Milestone Date</th>
<th>Document</th>
<th>Completed</th>
</tr>
</thead>
</table>
| Construction Phase                 | Original 6/15/08-8/31/09  
                                      Current completion 12/15/09 | Contract         | On Going         |
| Operation/Project Close-out Phase - 12 months | Plans came out of DSA July 8, 2008. | Contract         |                  |
### 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>Construction Docs for DSA Review and back check (306A)</td>
<td>10/15/2009</td>
<td>Amendment 4</td>
<td></td>
</tr>
<tr>
<td>Construction Docs at 100% for bid and 100% for fabrication (306A)</td>
<td>5/1/2010</td>
<td>Amendment 4</td>
<td></td>
</tr>
<tr>
<td>Diamond PE Center Signage (308B)</td>
<td>8/31/2009</td>
<td>Amendment 5</td>
<td></td>
</tr>
<tr>
<td>TransTech Complex Signage (412A)</td>
<td>12/31/2009</td>
<td>Amendment 5</td>
<td></td>
</tr>
<tr>
<td>Main Building Complex Signage (417A)</td>
<td>9/30/2010</td>
<td>Amendment 5</td>
<td></td>
</tr>
</tbody>
</table>

### I. Kwan Henmi (Diamond PE Center)

<table>
<thead>
<tr>
<th>Activity</th>
<th>Milestone Date</th>
<th>Document</th>
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</thead>
<tbody>
<tr>
<td>Construction Phase</td>
<td></td>
<td>Contract</td>
<td>Close out</td>
</tr>
<tr>
<td>DSA look 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>
<td></td>
</tr>
<tr>
<td>Operation/Project Close-out Phase - 12 months</td>
<td>1/1/10-1/1/11</td>
<td>Contract</td>
<td></td>
</tr>
<tr>
<td>Additional service fee to re-register the project from LEED EB to NC (308B)</td>
<td>n/a</td>
<td>Amendment 3</td>
<td></td>
</tr>
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### J. Marcy Wong and Donn Logan (FA / PA Buildings)

<table>
<thead>
<tr>
<th>Activity</th>
<th>Milestone Date</th>
<th>Document</th>
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<tbody>
<tr>
<td>Performing Arts</td>
<td></td>
<td>Contract</td>
<td>Amendment 4</td>
</tr>
<tr>
<td>Estimated DSA Stamp-out (100% CD's)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Due to user group questions 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>12/15/09-3/15/10</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 specs 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>Contract</td>
<td>Amendment 4</td>
</tr>
<tr>
<td>Bidding Phase</td>
<td></td>
<td></td>
<td>X</td>
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<tr>
<td>Due to user group questions concerning restrooms and classroom sizes, the start of CD drawings was delayed.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction Phase</td>
<td></td>
<td>Contract</td>
<td>Amendment 4</td>
</tr>
<tr>
<td>Due to user group questions concerning restrooms and classroom sizes, the start of CD drawings was delayed.</td>
<td></td>
<td>On Going</td>
<td></td>
</tr>
<tr>
<td>Operation/Project Close-out Phase - 12 months</td>
<td></td>
<td>Contract</td>
<td>Amendment 4</td>
</tr>
<tr>
<td>Due to user group questions concerning restrooms and classroom sizes, the start of CD drawings was delayed.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Project Close-out with DSA</td>
<td></td>
<td>Contract</td>
<td>Amendment 4</td>
</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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### K. Ninyo & Moore (District Industrial Hygienist Consultant)

<table>
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<th>Activity</th>
<th>Milestone Date</th>
<th>Document</th>
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<tbody>
<tr>
<td>No outstanding Items</td>
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</table>
L. Royston Hanamoto Alley & Abey (District Landscape Consultant)

<table>
<thead>
<tr>
<th>Activity</th>
<th>Milestone Date</th>
<th>Document</th>
<th>Completed</th>
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<tbody>
<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>LEED Services</td>
<td>6/15/07 through CA Phase</td>
<td>Amendment 4</td>
<td></td>
</tr>
<tr>
<td>Construction Administration</td>
<td>Part of IVC Main project</td>
<td>Amendment 5</td>
<td>In Construction</td>
</tr>
<tr>
<td>Additional landscape design services (401B)</td>
<td>9/30/2010</td>
<td>Amendment 11</td>
<td></td>
</tr>
<tr>
<td>Additional landscape design services (413A)</td>
<td>7/15/2009</td>
<td>Amendment 11</td>
<td></td>
</tr>
<tr>
<td>Additional services to provide parking diagram in accordance w/USGBC standards for LEED Accreditation (305C)</td>
<td>7/31/2009</td>
<td>Amendment 12</td>
<td>X</td>
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M. Steinberg Architects (District Architect)

Activity: No outstanding items

N. Transitions (FF & E Consultant)

<table>
<thead>
<tr>
<th>Activity</th>
<th>Milestone Date</th>
<th>Document</th>
<th>Completed</th>
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<tbody>
<tr>
<td>FF&amp;E Specifications - PA Modernization (306A)</td>
<td>1/1/2011</td>
<td>Amendment 3</td>
<td>On Going</td>
</tr>
<tr>
<td>FF&amp;E Specifications - SMCP Incriment #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>
</tr>
<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 (305C)</td>
<td>1/15/2009</td>
<td>Amendment 3</td>
<td>On Going</td>
</tr>
<tr>
<td>FF&amp;E Specifications - Diamond PE Center (308B)</td>
<td>9/1/2009</td>
<td>Amendment 3</td>
<td>On Going</td>
</tr>
<tr>
<td>Additional FF&amp;E for Adaptive PE Program in Room 40 - Diamond PE Center (308B)</td>
<td>n/a</td>
<td>Amendment 12</td>
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</table>

O. VBN Architects (IVC Main Building)

<table>
<thead>
<tr>
<th>Activity</th>
<th>Milestone Date</th>
<th>Document</th>
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<tbody>
<tr>
<td>Construction Phase</td>
<td>Original: 4/4/08-12/1/09 Current: 11/20/08-11/20/2/10</td>
<td>Contract</td>
<td>On Going</td>
</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>Fire service line re-routing design services (417A)</td>
<td>no change</td>
<td>Amendment 6</td>
<td></td>
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</table>

Bidding and construction start was delayed with plan check review
BOARD AGENDA ITEM

To: Board of Trustees  
From: Superintendent/President  
Subject: Quarterly Progress Report – Period Ending September 30, 2009  
Reason for Board Consideration: 

| INFORMATION | SMC Quarterly Report 3Q 2009 |

**BACKGROUND:**

The following bond program item is presented herein for Board information:


**FISCAL IMPACT:**

None.

**RECOMMENDATION:**

For information only.

Administrator Initiating Item: V-Anne Chernock  
Administrator Approving Item: Albert J. Harrison II  
Director of Modernization  
Vice President, College Operations
MARIN COMMUNITY COLLEGE DISTRICT  
Kentfield, CA 94904  

BOARD AGENDA ITEM

To: Board of Trustees  
From: Superintendent/President  
Subject: Boilerplate Agreement for Dental Student Experience at Dental Offices  
Date: December 8, 2009  
Item & File No. C.16.C

Reason for Board Consideration: INFORMATION

Enclosure(s): Agreement

BACKGROUND:

The College’s Dental program requires students to gain experience by working at outside facilities. The department is constantly looking for facilities in which student can obtain this experience.

The attached boilerplate agreement has been reviewed with School & College Legal Services, Keenan & Associates for liability and the Bickmore Risk Services and Consulting for Worker’s Compensation.

The District will use this agreement for agencies that do not have their own experience agreements.

Administrator Initiating Item  
Albert J. Harrison II, Vice President, College Operations
COLLEGE OF MARIN DENTAL ASSISTING PROGRAM
COOPERATIVE AGREEMENT OF AFFILIATION

It is mutually agreed between the Marin Community College District, College of Marin Dental Assisting Program ("College") and (Enter Name of Dentist) ___________ ("Dentist"), from February __, 200__ through June 30, 20__:

I. THE COLLEGE AGREES TO:

A. Instruct students on professional conduct in the performance of their duties during RDA clinical training.

B. Provide instruction as approved by the Commission on Accreditation of Dental of the American Dental Association and of the California State Board of Dental Examiners.

C. Provide the student with academic, pre-clinical and clinical training in all phases of dental assisting and registered dental assisting duties, including radiology, four-handed chair-side assisting and laboratory techniques, and coronal polish according to rules and regulations as set forth by California State Board of Dental Examiners.

D. Require each student to complete California Radiation Safety Course and have Coronal Polish training prior to clinical training.

E. Assign a faculty member to assess students and consult with dentist or RDA regarding student performance and /or conduct.

F. Orient the doctor and staff as to the College of Marin Dental Assisting Program requirements for internship.

G. Require students to have liability insurance coverage, HIPPA training, current immunizations that include TB clearance, tetanus and Hepatitis B vaccination, current CPR certificate, and OSHA training, and Medical and Dental Emergencies training.

II. THE DENTAL ASSISTING STUDENT AGREES TO:

A. Inform the office of her/his assignment and set up an appointment to visit the office prior to the first in-office training date to meet the doctor and staff.

B. Attend all assigned days of training, in conformance with office hours as well as College of Marin regulations and holidays.

C. In case of illness or accident, notify dental office and dental assisting instructor before the beginning of the workday.

D. Be in “uniform” according to office preference or College of Marin standard uniform.
E. Advise dentist and office staff of procedures for evaluating their clinical performance and attendance.

F. Receive no financial remuneration for any training during internship.

G. Conform to all office policies.

III. THE DENTIST AGREES TO:

A. Orient the student as to office procedures and infection control policy at the beginning of internship.

B. Be willing to provide instruction to the student.

C. Allow use of office facilities and equipment for instruction of the student.

D. Be familiar with the DA and RDA functions as identified in the Rules and Regulations of the California Dental Practice Act.

E. Allow the student to participate in chair-side and office functions.

F. When appropriate, allow the student to perform functions as identified in the Rules and Regulations of the California Dental Practice Act, including the exposure of radiographs, coronal polish, and taking impressions.

G. Provide evaluations of the student and constructive criticism for the student and faculty advisor.

H. Permit faculty supervisors to visit, observe and evaluate student’s performance in the private dental office.

I. Allow the student to attend educational programs and conferences dealing with the practice of dentistry, which occur during the student’s internship period.

J. Not to permit any student who is also an employee of District to simultaneously perform paid employee services and internship hours under this Agreement.

IV. STATEMENT OF NON-DISCRIMINATION

The parties shall comply with all applicable federal, state and local laws, rules and regulations regarding nondiscrimination because of race, color, ancestry, national origin, religion, sex, sexual orientation, marital status, age, medical condition, disability, or other prohibited basis. All nondiscrimination statutes and regulations required by law to be included in this Agreement shall be deemed incorporated herein by this reference.

V. HOLD HARMLESS
Each party agrees to defend, indemnify, and hold harmless the other party and its board of trustees, officers, agents and employees from and against any and all claims, demands, damages, costs, and expenses of whatever nature, including court costs and attorney fees, arising out of or resulting from the acts or omission, with respect to this Agreement, of the party or its board of trustees, officers, agents or employees.

VI. INSURANCE

A. College Instructors and students shall be covered by College’s Worker’s Compensation program, but students shall not be considered employees of the College for purposes of this Agreement.

B. At all times this Agreement is in effect College shall maintain professional liability insurance for its instructors and students with limits of $1,000,000 per occurrence and $3,000,000 annual aggregate.

C. At all times this Agreement is in effect each party shall maintain occurrence-based general liability coverage with limits of at least $1,000,000 per occurrence and $3,000,000 aggregate, combined single limit. At the commencement of this Agreement and prior to expiration of any policy required hereunder, each party shall provide the other with a certificate of insurance evidencing the required coverage and an endorsement naming the other party and its board of trustees, officers, agents and employees, as additional insured. At its option, College may provide for such insurance through membership in the Northern California Community Colleges Self Insurance Authority (NCCCSIA), a joint powers authority.

VII. TERMINATION OF AGREEMENT:

Termination of the above-stated agreement by any of the parties may occur on any infraction of the above-stated responsibilities. Termination may also occur for any previously unstated reasons deemed necessary by any of the parties. However, any party shall be required to give at least two (2) days notice before termination can become effective. This will allow for continuity in the student’s practical education.

VIII. GENERAL PROVISIONS

A. This Agreement may be amended at any time only by mutual written agreement of the parties.

B. Notices required or permitted under this Agreement shall be served on the parties personally, or by certified or registered mail, to the attention of the designated primary contact person at the address set forth below:

   COLLEGE          DENTIST
C. If any portion of this Agreement is determined to be invalid or unenforceable by a court of competent jurisdiction, the invalid or unenforceable portion shall be severed and the remaining terms and conditions shall continue in full force and effect.

D. This Agreement shall be governed by and construed in accordance with the laws of the State of California.

DENTIST:

(Print Name & Title)

By: ________________
(Signature)

Date: ________________

MARIN COMMUNITY COLLEGE DISTRICT

(Print Name & Title)

By: ________________
(Signature)

Date: ________________
BOARD AGENDA ITEM

To: Board of Trustees
From: Superintendent/President
Date: December 8, 2009
Item & File No. C.16.D
Subject: Revised Administrative Procedures
Reason for Board Consideration: Enclosure(s):

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.

Administrative Procedure 2110, 2710, 3510, 4026, and 5015 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 2110  VACANCIES ON THE BOARD

References:

Education Code Sections 5090 et seq.;
Government Code Sections 1770 and 6061

When the Board of Trustees determines to fill the vacancy by appointment, the Superintendent/President shall assure that there is ample publicity to and information for prospective candidates. Publicity shall include posting in three public places in the District and publication in a newspaper of general circulation.

The posted notice of vacancy shall include directions regarding applications or nominations of legally qualified candidates. Persons applying or nominated must meet the qualifications required by law for members of the Board of Trustees.

Persons applying for appointment to the Board of Trustees shall receive Marin Community College District Board of Trustees Vacancy Application Form to be completed and returned by a specific date. In addition, District documents (e.g., Board Policies, catalog, schedule of classes, etc.) shall be made available to applicants.

The Board of Trustees shall request personal interviews with candidates. Interviews will be conducted in a public hearing scheduled for that purpose.

Each Board member will review all Marin Community College District Board of Trustees Vacancy Application Form, with final selection made by a majority vote of the Board members at a public meeting called for that purpose.

Whenever a provisional appointment is made, the Board of Trustees shall, within ten days of the provisional appointment, post notices of both the actual vacancy or the filing of a deferred resignation and the provisional appointment in three public places in the District. It shall also publish a notice in a newspaper of general circulation.

The notice shall state the fact of the vacancy or resignation and the date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation. It shall also contain the full name of the provisional appointee to the Board of Trustees, the date of appointment, and a statement that unless a petition calling for a special election, containing a sufficient number of signatures, is filed in the office of
county superintendent of schools within 30 days of the date of the provisional appointment, it shall become an effective appointment.

A provisional appointment confers all powers and duties of a Board member upon the appointee immediately following his or her appointment.

A person appointed to fill a vacancy shall hold office only until the next regularly scheduled election for Board members. An election shall be held to fill the vacancy for the remainder of the unexpired term. A person elected at an election to fill the vacancy shall hold office for the remainder of the term in which the vacancy occurs or will occur.

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 language in underlined italics reflects revisions from Board Committee on Policy.

Date Approved:
(This is a new procedure recommended by the CC League and the League’s legal counsel)
AP 2710  CONFLICT OF INTEREST

References:
   Government Code Sections 87105 and 87200-87210;
   Title 2 Sections 18700 et seq. and as listed below

Incompatible Activities (Government Code Sections 1126 and 1099)
Board members shall not engage in any employment or activity that is inconsistent with,
incompatible with, in conflict with or inimical to the Board member's duties as an officer
of the District. A Board member shall not simultaneously hold two public offices that are
incompatible. When two offices are incompatible, a Board member shall be deemed to
have forfeited the first office upon acceding to the second.

Financial Interest (Government Code Sections 1090 et seq.)
Board members and designated employees shall not be financially interested in any
contract made by the Board of Trustees or in any contract they make in their capacity as
members of the Board of Trustees or as designated employees.

A Board member shall not be considered to be financially interested in a contract if
his/her interest meets the definitions contained in applicable law (Government Code
Section 1091.5).

A Board member shall not be deemed to be financially interested in a contract if he/she
has only a remote interest in the contract and if the remote interest is disclosed during a
Board meeting and noted in the official Board minutes. The affected Board member
shall not vote or debate on the matter or attempt to influence any other member of the
Board to enter into the contract. Remote interests are specified in Government Code
Section 1091(b); they include, but are not limited to, the interest of a parent in the
earnings of his/her minor child.

No Employment Allowed (Education Code Section 72103(b))
An employee of the District may not be sworn in as an elected or appointed member of
the Board of Trustees unless and until he/she resigns as an employee. If the employee
does not resign, the employment will automatically terminate upon being sworn into
office. This provision does not apply to an individual who is usually employed in an
occupation other than teaching and who also is, at the time of election to the Board,
employed part time by the District to teach no more than one course per semester or
quarter in the subject matter of that individual’s occupation (Education Code Section 72103(b)).

Financial Interest in a Decision (Government Code Sections 87100 et seq.)
If a Board member or designated employee determines that he/she has a financial interest in a decision, as described in Government Code Section 87103, this determination shall be disclosed and made part of the Board’s official minutes. In the case of a designated employee, this announcement shall be made in writing and submitted to the Board of Trustees. A Board member, upon identifying a conflict of interest, or a potential conflict of interest, shall do all of the following prior to consideration of the matter:

- Publicly identify the financial interest in detail sufficient to be understood by the public;
- Recuse himself/herself from discussing and voting on the matter;
- Leave the room until after the discussion, vote, and any other disposition of the matter is concluded unless the matter is placed on the agenda reserved for uncontested matters. A Board member may, however, discuss the issue during the time the general public speaks on the issue.

Gifts (Government Code Section 89503)
Board members and any employees who manage public investments shall not accept from any single source in any calendar year any gifts in excess of the prevailing gift limitation specified in law.

Designated employees shall not accept from any single source in any calendar year any gifts in excess of the prevailing gift limitation specified in law if the employee would be required to report the receipt of income or gifts from that source on his/her statement of economic interests.

The above limitations on gifts do not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays, and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value.

Gifts of travel and related lodging and subsistence shall be subject to the above limitations except as described in Government Code Section 89506.

A gift of travel does not include travel provided by the District for Board members and designated employees.

Board members and any employees who manage public investments shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering (Government Code Sections 89501 and 89502).

Designated employees shall not accept any honorarium that is defined as any payment made in consideration for any speech given, article published, or attendance at any
public or private gathering, if the employee would be required to report the receipt of income or gifts from that source on his/her statement of economic interests. The term “honorarium” does not include:

- Earned income for personal services customarily provided in connection with a bona fide business, trade, or profession unless the sole or predominant activity of the business, trade or profession is making speeches.
- Any honorarium that is not used and, within 30 days after receipt, is either returned to the donor or delivered to the District for donation into the general fund without being claimed as a deduction from income tax purposes.

Representation (Government Code Section 87406.3)
Elected officials shall not, for a period of one-year after leaving their position, act as an agent or attorney for, or otherwise represent for compensation, any person appearing before that local government agency.

❖ From current College of Marin Policy 6.0007 titled Purchasing Conflict of Interest

It shall be the policy of the Board not to procure through the purchase order process, goods or services from any employee, or members of the Board, of the District, or from a business of which the employee, or Board member, is the owner, directly or indirectly or beneficially.

When not in conflict with existing law, all requests for exceptions to this policy shall require approval by the Board.

❖ From current College of Marin Procedure 6.0007 titled Purchasing Conflict of Interest

(GC-1091, 1091.1, 1091.2, et-seq.)

For purposes of Policy No. 6.0007, beneficial interest on the part of an employee or Board member is defined as a financial interest worth more than $10,000, or interest of ten percent (10%) or greater, in a business entity. Exception to the $10,000/10% criteria are as follows:

1. The ownership of less than three percent (3%) of the shares of a corporation for profit, provided the total annual income to him or her from dividends, including the value of stock dividends, from the corporation does not exceed five percent (5%) of his or her total annual income, and any other payments made to him or her by the corporation do not exceed five percent (5%) of his or her total annual income.
2. When sealed bids have been requested by the District, and the Board of Trustees votes to accept the lowest, responsible bid.

NOTE: This procedure 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 6.0007 titled Purchasing Conflict of Interest adopted on 7-29-80 and revised on 3-12-85 and 3-18-03 current College of Marin Procedure 6.0007 titled Purchasing Conflict of Interest approved on 3-4-86 and revised on 3-17-03. The language struck through is recommended for deletion by the Board Committee on Policy.

Date Approved:
(Replaces current College of Marin Policy 6.0007 and Procedure 6.0007)
AP 3510  WORKPLACE VIOLENCE PLAN

References:
- Cal/OSHA – Labor Code Sections 6300 et seq.;
- Title 8 Section 3203;
- Code of Civil Procedure Section 527.8;
- Penal Code Sections 273.6, 626.9, 626.10, and 12021

Responding to Threats of Violence
The top priority in this process is to immediately respond and address critical workplace incidents, especially those dealing with actual or potential violence.

Violence or the threat of violence against or by any employee of the District or any other person is unacceptable.

Should a non-employee on District property demonstrate or threaten violent behavior, he/she may be subject to criminal prosecution.

Should an employee, during working hours, demonstrate or threaten violent behavior he/she may be subject to disciplinary action and/or criminal prosecution.

The following actions are considered violent acts:
- Striking, punching, or assaulting another person
- Fighting or challenging another person to fight
- Engaging in dangerous, threatening, or unwanted horseplay
- Possession, use, or threat of use of a firearm, knife, explosive, or other dangerous object, including but not limited to any facsimile firearm, knife, or explosive, on District property, including parking lots, other exterior premises, District vehicles, or while engaged in activities for the District in other locations, unless such possession or use is a requirement of the job
- Threatening harm or harming another person, or any other action or conduct that implies the threat of bodily harm
- Bringing or possessing any dirk, dagger, ice pick, or knife having a fixed blade longer than 2½ inches upon the grounds, unless the person is authorized to possess such a weapon in the course of his/her employment, has been authorized by a District employee to have the knife, or is a duly appointed peace officer who is engaged in the performance of his/her duties
Any employee who is the victim of any violent threatening or harassing conduct, any witness to such conduct, or anyone receiving a report of such conduct, whether the perpetrator is a District employee or a non-employee, shall immediately report the incident to the District Police Department, Human Resources, and his/her supervisor.

No person, acting in good faith, who initiates a complaint or reports an incident under this policy will be subject to retaliation or harassment.

Any employee reported to be a perpetrator shall be afforded due process before disciplinary action is taken.

In the event the District fears for the safety of the perpetrator or the safety of others at the scene of the violent act, the District Police and/or appropriate law enforcement personnel will be called.

Offices of Primary Responsibility: Human Resources
College Operations (District Police Department)

NOTE: This procedure is legally required. The underlined regular text is language recommended by the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in underlined italics reflects revisions from the District Police Department. Human Resources needs to review this document.

Date Approved:
(This is a new procedure recommended by the CCLC and the League’s legal counsel)
AP 4026 PHILOSOPHY AND CRITERIA FOR INTERNATIONAL EDUCATION

Reference:
Education Code Section 66015.7

International education encourages programs that support learning about other cultures, global issues, and the exchange of Californians and international students and scholars, such as:

- develop courses of study in as many fields as possible to increase students' understanding of global issues and cultural differences.
- offer courses in languages other than English to train students to communicate effectively in other cultures and to enhance their understanding of other nations' values.
- provide opportunities for students in all majors to participate in study abroad programs to enrich their academic training, perspectives, and personal development.
- provide opportunities for domestic and international students to interact effectively and routinely share their views, perceptions, and experiences in educational settings.
- develop innovative public educational forums and venues to explore global issues and showcase world cultures.

For international students and scholars:

- Encourage the presence of qualified students from other countries with sufficient geographic diversity to inspire an appreciation for differences among cultures and a deeper understanding of the values and perspectives of other people.
- Establish admissions requirements for international students (see AP 5012 titled International Students)
- Facilitate faculty exchange and collaborative partnership programs with institutions in other countries.
- Initiate collaborative research undertakings to address issues of global significance.
- Recruit and retain the world's best and brightest faculty to educate California's students as globally competent citizens.

Office of Primary Responsibility: Office of Student Learning
NOTE: The underlined regular text signifies optional language suggested as good practice by the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in underlined italics reflects revisions from the Office of Student Learning.

Date Approved:
(Replaces portions of current College of Marin Procedure 4.0003 DP.10)
AP 5015 RESIDENCE DETERMINATION

References:
Education Code Sections 68000 et seq. and 68130.5;
Title 5 Sections 54000 et seq.

Residence Classification
Residency classifications shall be determined for each student at the time of each registration and whenever a student has not been in attendance for more than one semester. Residence classifications are to be made in accordance with the following provisions:

- A residence determination date is that day immediately preceding the opening day of instruction for any session during which the student proposes to attend.
- Residence classification is the responsibility of the Office of Admissions and Records.
- Students must be notified of residence determination within 14 calendar days of submission of application.

Right to Appeal
Students who have been classified as non-residents have the right to a review of their classification (Title 5 Section 54010 (a)). Any student, following a final decision of residence classification by the Office of Admissions and Records, may make written appeal to the Dean of Enrollment Management within 30 calendar days of notification of final decision by the District regarding classification.

Appeal Procedure
The appeal is to be submitted to the Office of Admissions and Records which must forward it to the Dean of Enrollment Management within five working days of receipt. Copies of the original application for admission, the residency questionnaire, and evidence or documentation provided by the student, with a cover statement indicating upon what basis the residence classification decision was made, must be forwarded with the appeal.

The Dean of Enrollment Management shall review all the records and have the right to request additional information from either the student or the Office of Admissions and Records.
Within 30 calendar days of receipt, the Dean of Enrollment Management shall send a written determination to the student. The determination shall state specific facts on which the appeal decision was made.

Reclassification
A student previously classified as a non-resident may submit a petition to the Office of Admissions and Records to be reclassified as of any residence determination date. A residence determination date is that day immediately preceding the opening day of instruction for any session during which the student proposes to attend.

Petitions must be submitted prior to the semester for which reclassification is to be effective. Extenuating circumstances may be considered in cases where a student failed to petition for reclassification prior to the residency determination date. In no case, however, may a student receive a non-resident tuition refund after the date of the first census.

Written documentation may be required of the student in support of the reclassification request.

A questionnaire to determine financial independence must be submitted with the petition for reclassification. Determination of financial independence is not required for students who were classified as non-residents by the University of California, the California State University, or another community college district. (Education Code Section 68044)

A student shall be considered financially independent for purposes of residence reclassification if the applicant meets all of the following requirements:
- Has not and will not be claimed as an exemption for state and federal tax purposes by his/her parent in the calendar year prior to the year the reclassification application is made;
- Has not lived and will not live for more than six weeks in the home of his/her parent during the calendar year the reclassification application is made.

A student who has established financial independence may be reclassified as a resident if the student has met the requirements of Title 5 Sections 54020, 54022, and 54024.

Failure to satisfy all of the financial independence criteria listed above does not necessarily result in denial of residence status if the one year requirement is met and demonstration of intent is sufficiently strong.

Financial dependence in the current or preceding calendar year shall weigh more heavily against finding California residence than financial dependence in the preceding second and third calendar years. Financial dependence in the current or preceding calendar year shall be overcome only if (1) the parent on whom the student is dependent is a California resident, or (2) there is no evidence of the student's continuing residence in another state.
The Dean of Enrollment Management will make a determination, based on the evidence and notify the student not later than 14 days of receipt of the petition for reclassification.

Non-Citizens
The District will admit any non-citizen who is 18 years of age or a high school graduate.

If non-citizens are present in the United States illegally or with any type of temporary visa, they will be classified as non-residents and charged non-resident tuition unless they meet the exceptions contained below.

If, for at least one year and one day prior to the start of the semester in question, a non-citizen has possessed any immigration status that allows him/her to live permanently in the United States and he/she meets the California residency requirements, the student can be classified as a resident.

A student who is without lawful immigration status may be classified as a resident if he/she meets the following requirements:

- high school attendance in California for three or more years;
- graduation from a California high school or attainment of the equivalent thereof;
- registration for classes not earlier than the fall semester or quarter of 2001-2002;
- the filing of an affidavit that the student has filed an application to legalize his/her immigration status, or will file an application as soon as he/she is eligible to do so.

The initial residency classification will be made at the time the student applies for admission. Students may file residency questionnaire forms through the third week of the semester to request a review of their residency status. Final residency determination is made by the Dean of Enrollment Management. Students may appeal the decision.

❖ From current College of Marin Procedure 4.0003 DP.1 titled Academic Standards
(Pages 21-22)

Residence Determination
EC 68100-68180, 68014-68079, 76140, 76143 Title V.
54000-54070

Residency determination for all students shall be made in accordance with statutes and non-resident students shall pay a tuition fee established by the Board of Trustees in accordance with State guidelines. Any legal resident of the State of California shall be eligible for admission as a resident student. In general it requires at least one-year of physical presence combined with one year of documented intent to qualify for legal resident status. The Board of Trustees has established the residence determination date as the day preceding the beginning of each semester or session.
Each applicant will be required to submit a completed and signed application form on which the applicant swears the information provided is complete and accurate. Applicants who are not U.S. Citizens/Permanent Residents, or who have resided in the State for less than 2 years, will be required to submit a detailed residence questionnaire and documentation may also be required. An oath or affirmation may further be required in connection with taking testimony necessary to ascertain a student’s classification.

The Dean of Enrollment Services, or other appropriate designee as determined by the Dean of Enrollment Services, will be authorized to administer oaths or residency affirmations.

The procedures for determining residence and appellate procedures involving redeterminations will be as follows:

1. All applicants will have a residency determination made at the time their application is accepted.

2. The first appellate procedure will be to request an Admissions and Records Specialist to re-evaluate the original application. If this redetermination remains the same, the applicant will be asked to complete a detailed residency questionnaire and provide substantiating documentation.

3. An Admissions and Records Specialist will make a redetermination based upon an evaluation of all residency information provided on the original application and the detailed questionnaire.

4. The next appellate procedure open to the candidate will be to request the Dean of Enrollment Services to review the determination.

5. If this review results in a "non-resident" classification, and is still contested, the President/designee will make final determination and notify the student by pre-paid US mail.

6. A "non-resident" student who is a full-time employee of College of Marin, or a student who is a child or spouse of a full-time employee of the College, will be entitled to resident classification until the minimum time necessary to become a resident.

Office of Primary Responsibility: Office of Admissions and Records

NOTE: The underlined regular text signifies legally required language (unless indicated otherwise) recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The information in black type is current College of Marin Procedure 4.0003 DP.1 titled Academic Standards approved on 2/8/05. The language struck through is recommended for deletion. The language in underlined italics was added by Bob Balestreri. This AP was reviewed by the VP of Student Learning and Academic Senate President. It was recommended to go forward by the BP Task Force and College Council on 5/7/09.
Date Approved:
(Replaces part of current College of Marin Procedure 4.0003 DP.1)