

COLLEGE OF  
**MARIN**

**Board of Trustees Meeting  
February 16, 2010  
Minutes**

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**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 on February 16, 2010 in Miwok 181 on the Indian Valley campus, all members having received notice as prescribed by law. Board President Long called the meeting to order at 5:20 p.m. All publicly elected Trustees were present except Trustee Hayashino, who arrived at 5:50 p.m., and Trustee Kranenburg, who participated by telephone from Truckee, California. Student Trustee Parker was absent.

M/s (Conti/Treanor) to approve the agenda for the Board Study Session. The motion passed by a unanimous vote of 6-0.

**2. *Public Comment***

None

**3. *Presidential Search***

Linda Beam, Executive Dean of Human Resources & Labor Relations, introduced Dr. Stan Arterberry, Senior Consultant with Ralph Andersen & Associates, who updated the Board on the presidential search process which he is facilitating for us. He noted that he left flyers advertising our position opening at conferences and site visits he recently attended and planned to spread the word at the upcoming ACCCA Conference. He reported that he has had some inquiries about the position and that he has met with each Trustee to obtain input on the qualities we are looking for in the next CEO and the challenges that will

be faced by that person.

Dr. Arterberry distributed a document entitled Effective Board & CEO Relationships and suggested that the Board have a workshop on Board-CEO relationships immediately after the person is hired to set the right tone for our organization. He also asked the Board to decide now what to do if we don't have someone on board by July 1.

#### **4. Board Discussion**

Dr. Arterberry then distributed a document on the Superintendent/President Selection process and asked the Board to review and sanction it. Board members commented on specifics of the proposed process including the composition of the search committee and the number of finalists to be forwarded to the Board. Concern was expressed over maintaining the confidentiality of the search process and Executive Dean Beam stated that members of the search committee would be required to sign a confidentiality agreement that would continue after the process has been completed. Some Trustees advocated having an odd number of people on the search committee to avoid a tie vote. It was noted that committee members will have to attend all interviews or they'll be removed from the committee. After discussion the Board agreed on a 15 member search committee comprised of 3 faculty representatives, 3 classified representatives, 3 management/supervisory/confidential representatives, 3 student representatives, 2 community representatives, and 1 member of the COM Foundation. Board members agreed that consensus would be the preferred method of decision making by the search committee and that they would be comfortable with a minimum of 4 finalists.

Board members discussed and reviewed a document entitled MCCD Superintendent/President draft brochure content (copy attached). They decided to use the more inclusive option #3 listing of minimum and preferred qualifications. Dr. Arterberry asked for leeway to include some of the personal characteristics that Trustees would like to see in the new CEO in the brochure.

#### **5. Recess to Regular Meeting**

The Study Session was recessed to the regular meeting at 6:35 p.m.

## **B. Regular Meeting**

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

The meeting of the Board of Trustees of the Marin Community College District was reconvened at 6:45 p.m. by Board President Long in Miwok 181 on the Indian Valley campus. She announced that the meeting was being recorded to facilitate the preparation of minutes. All publicly elected Trustees were present except Trustee Kranenburg, who

participated by telephone from Truckee, California. Student Trustee Parker was absent.

M/s (Namnath/Dolan) to approve the agenda with these changes: B.8.J. (Approve Revised Board Policies) and B.10 (Board Policy Review – 1<sup>st</sup> read) were tabled to the March 16 meeting to allow time for the Board Policy Committee to meet and complete their work on these policies and J.11.A (Board Study Session) and 9.A.1 (New Academic Center Design Award) were moved to the top of the agenda. The motion to approve the agenda with these changes passed by a vote of 5-2. Trustees Treanor and Hayashino voted no as they were opposed to delaying B.8.J (Approve Revised Board Policies) and B.10 (Board Policy Review-1<sup>st</sup> read).

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

None

**11. Board Study Session**

**A. Review New Information Regarding Architect Selection**

V-Anne Chernock, Director of Modernization, reviewed the activities regarding architect selection for the new Academic Center that have taken place since the last Board meeting. She reminded Board members that they are being asked to select a design concept and that there will be a year-long design process with many opportunities for community input. She reported that approximately 40 people came to 5 open houses where they were given the opportunity to review the design concepts of the two finalist firms and to fill out comment cards which were forwarded to the selection panel. That panel met last week and a new recommendation from the panel for award of the design contract will be considered for action at this meeting.

**Public Comment:**

Anne Petersen stated that whatever is built will significantly impact the community and that neighbors are very concerned about architectural, parking and traffic circulation issues. She noted that the neighbors want to be involved in what happens on that corner. Ms. Petersen stated that it would be helpful to see models, not just drawings, of the designs and asked how we can go forward unless we have an architect the community can work with.

Rich Haberman, a Kentfield resident, stated that COM has always been a focal point for Kentfield and that not to involve the community is not something he's experienced before. He stated that upgrading has to be in character with the community, the project will define what Kentfield looks like, and he doesn't want Kentfield to turn into a retail environment.

Mark McDonald advocated for the compact design, noting that it fits in better with the existing architecture and that maintenance and security costs would be less.

Patricia Russo, a Grant Park resident, presented a petition signed by 34 residents and commented that even though she saw drawings and models of the new Fine Arts building she couldn't visualize what would be built there and how big the building would be. She noted that we've taken away a large part of open lawn that people enjoy and that the buildings we are building and planning to build do not fit the image of Kentfield or Ross Valley.

Basia Crane, representing the Marin United Taxpayers Association, expressed agreement with most of the people who just spoke and stated that the designs look like we're building a town of Kentfield, not a college. She stated that she read we're taking out more trees and will relocate them and that she hopes they won't be disposed of like before.

Brian O'Connor stated that he has met a lot of his neighbors in recent days and that most of them knew nothing about what we're proposing until they saw the new three story building go up. He stated that he keeps hearing that the proposed designs are only concepts but wonders if the heights of building and setbacks can be changed. Mr. O'Connor expressed concern about parking problems and the possible negative effect of the construction on neighborhood property values. He also commented on a lack of transparency in our planning process. Mr. O'Connor commented that the Board's decision will impact how people vote and how they will think about future bond measures.

Margaret Zegart asked the Board to remember that College of Marin serves people from all over Marin County and other areas and stated that she hopes we will select an architect tonight that has the ability to work with the community. She stated that she hopes we will maintain the quality that COM is known for and that we need to move forward with the project.

Wes Huss commented on the community concerns and alienation that have been expressed regarding the proposed new Academic Center. He stated that the bond measure makes it clear that bond money should be used only for those projects that directly affect the quality of student learning and asked if it is financially prudent to allocate funds to the new Academic Center with no indication yet as to the real costs of projects now in process or the amount of reserves that should be maintained. He asked the Board to delay a decision on architect selection until there is more community input. A copy of his statement is attached to the minutes as part of the official record.

Tom Peters of the Marin Community Foundation commented that he knows the Board is grappling with doing what is best for the college and the community for the present and the future. He noted that he has been in situations like this and knows it's a complex situation. He stated that it's time to make a decision on a particular architect so that in depth work can proceed with faculty, staff and community input and answers can be obtained to the questions the Board and the community are asking.

Dr. Peters stated that he has worked extensively and very successfully with Mark Cavagnero and urged strong consideration of Mr. Cavagnero and his team by the Board. He has seen Mr. Cavagnero engage in detailed exchange with various groups and come out with community consensus.

Scott Peoples, a Kentfield resident, commented on the lack of community inclusion in the planning process, noting that several of the open houses recently held took place in the daytime when many members of the community were at work and could not attend. He stated that the Gateway is totally out of agreement with Measure C and out of character with the other buildings on campus. He stated that renovating and retrofitting seem to be a minor part of the plan and that it seems to be land development instead of modernizing. He doesn't see this as prudent spending of taxpayer money and is concerned about traffic congestion, parking problems and devaluation of neighborhood property. Mr. Peoples also stated that the neighbors are angry and want to be heard. There has been talk of recalling the Board and the bond. Mr. Peoples stated that the quality of life issue and inclusion in the process are being requested and encouraged the Board to delay action at tonight's meeting.

Larry Piatti stated that he and fellow neighbors are here tonight to stop a runaway freight train. He asked why all these people are here at the meeting if there has been a lot of community outreach. He stated that he is not happy with either of the architect's renderings and suggested that we may need a new architect. Mr. Piatti expressed sadness that the nice grassy area in the middle of the campus where graduations and band concerts used to take place isn't there anymore and asked for a delay in action so that the plans can be further discussed.

Bill Scott stated that you have to pick an architect to do the mitigations to take care of the needs of faculty, staff, students and the community. When architects know they are doing the job they can make renderings and meet with various groups. It will take a year to put this together and take care of the mitigations. He noted that if we don't go forward with the project we'll take ourselves out of the favorable construction window we now have. Mr. Scott reminded the Board that the campus is for the students and the community at large as well as the surrounding community.

Deborah Haberman stated that Measure C had specific language not present in any designs of any of the buildings and that the community has been bypassed. She said that the plans are absolutely no reflection of what the neighbors wanted and what they thought their tax dollars were supposed to go toward. Ms. Haberman stated that the community does not want a statement on the street and hopes the Board can join with the community to make changes in the plans. She stated that the beautiful environment of Kentfield and Ross Valley is why people move here and that the old trees and historic buildings are the beauty of COM. She commented that the community has been denied an opportunity to comment and that they thought the buildings would blend into the campus, the trees and the community.

Ms. Haberman stated that what's happened since the passing of the bond is a travesty and that most people don't know the Science Center will be torn down and a new building built.

Board President Long expressed appreciation to those who came and spoke. As chair she stated that our process may have been flawed and that this Board has a credibility problem with the community and needs to take appropriate outreach. She apologized that Homeowners Associations were not alerted to many outreach meetings. Board President Long stated that if the Board chooses to hold off on an architect design selection tonight the Board and a committee must define our design criteria and decide how to reach out to the community.

Board President Long recessed the meeting at 8:35 p.m. and reconvened it at 8:55 p.m.

The architects present in the room, Mark Cavagnero of Cavagnero Architects and Peter Wong of ED2 International, introduced themselves. Brian Wright of TLCD was also present.

Trustee Dolan stated that the community is disappointed in the response of the Board and that the Board has failed to consider the common good. She also stated that we are going in the opposite direction of Measure C, didn't have a community friendly team, and she hopes we can go back to the drawing board.

Trustee Hayashino commented that she does not believe this Board has failed the common good and pointed out that the Academic Center is not a commercial building but rather an academic building with classrooms, a theater, informal student gathering spaces, and faculty and staff offices. She stated that she appreciates the community members who want to be part of the process and that we are trying to move this forward in a positive way.

Architects Cavagnero and Wong were asked to comment on how they would work with the community to move the project forward; on possible modifications they could make to their designs in terms of scope, setbacks, height, mass, and footprint; the design standards they followed; integration of their designs into the campus overall; preservation of historical elements; and parking issues. Both architects noted that they were asked to do a design as part of a design competition and that they did not have the luxury of working with the community as this was not the usual design process. Meetings with stakeholders, refinement of the design, and the addressing of issues important to stakeholders would be addressed during the lengthy design process which would follow the architect selection.

Trustee Treanor mentioned that the selection committee recently met and asked if there was a recommendation to the Board. Dr. White stated that the selection panel

was recommending selection of TLCD/Mark Cavagnero.

**9.A.1. New Academic Center at Kentfield Project (#303B)  
Award Design Professional Services Agreement (\$50,000)**

Trustee Namnath asked for clarification from the chair regarding the status of his tabled substitute motion from the December 8, 2009 Board meeting which offered three options for the design award:

1) TLCD/Mark Cavagnero, 2) ED2 International or 3) none. He noted that this differs from the current proposal to select one firm. Trustees Treanor and Kranenburg commented that since the architect design selection was pulled from the January 19 agenda, there were no current motions on the table and it would be clearer to have a new motion.

Board President Long recessed the meeting at 10:45 p.m. and reconvened it at 10:55 p.m.

Members of the public were again given an opportunity for public comment.

Brian O'Connor thanked the Board for listening to the public comments made this evening and asked the Board to find out if the public wants a compact or linear design before making a decision.

Margaret Zegart asked the Board to pick an architect tonight, noting that public input will come when working with the architect.

Deborah Haberman was encouraged to hear the architects' answers to questions raised by the public and Trustees but urged the Board not to rush into a decision.

Sara McKinnon urged the Board to decide on an architect so that interaction with the public can take place.

M/s (Namnath/Dolan) to withdraw the tabled substitute motion from the December 8, 2009 Board meeting and to table the original motion from the December 8, 2009 Board meeting (to select one of the two design architect firms) to the March 16, 2010 Board meeting.

Board President Long stated that the Board officers need to with staff to develop a process for public interaction, including dialogue with the architects.

The motion passed by a unanimous roll vote of 7-0.

**3. Chief Executive Officer's Report**

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

**a. Staff Reports**

**1. Citizens' Oversight Committee Annual Report Spring 2010 (Bill Scott)  
BP3.1 (Keep modernization program on track)**

Bill Scott, chair of COM's Citizens' Oversight Committee, reviewed the COC Annual Report (copy in Board packets). He stated that the COC recently reviewed that 2<sup>nd</sup> of the two yearly bond audits and there have been no audit exceptions in the last 2- 1/2 years. He complimented Swinerton and the staff on doing an excellent job.

**2. Financial Alert (Al Harrison) – BP1 (Fiscal Accountability)**

Vice President Harrison called the Board's attention to the Financial Alert in their Board packets. Trustee Treanor asked to have a discussion on this at the next meeting since there was not time for this tonight.

**3. Enrollment Update**

President White distributed updated enrollment figures (copy attached).

**4. Modernization Update (V-Anne Chernock)**

**BP3.1 (Keep modernization program on track)**

Reference was made to Director Chernock's reports in the Board packets.

**5. Meeting with COM Foundation (Fran White)**

Dr. White reported that Board President Long recently attended a meeting with Margaret Elliott, Dr. Frank Parnell and consultant Patricia Stirling. The next step will be for the Fund Development Committee to converse with consultant Stirling.

**6. Follow-up Report (in packet)**

**7. WASC Report: Role of Trustees in Accreditation Process (Fran White)**

**SP.2 (Improve Student Learning and Success)**

Dr. White referred the Trustees to the handouts on this subject in their Board packets.

**4. COM Foundation Report**

Dr. Frank Parnell, President of the COM Foundation Board of Directors, updated the Board on the work of the Foundation (copy of report attached). He stated that the Foundation's assets have exceeded \$4 million for the first time and commented on the gift of the Brown family for our journalism program. He expressed appreciation for the Board's inclusion of a Foundation Director in the presidential search committee.

**5. Academic Senate Report**

Yolanda Bellisimo, Academic Senate President, submitted a letter to the Board (copy attached) regarding the Superintendent/President Selection Committee.

**6. Classified Senate Report**

None

**7. Student Senate and Student Association Report**

None

**8. Consent Calendar Items (Roll Call Vote)**

Trustee Namnath asked to pull B.8.H, Declaration of Surplus Property – Miscellaneous Equipment, from the Consent Calendar and Trustee Dolan asked to have B.8.I removed from the Consent Calendar. Both of these agenda items were added to the Action Calendar.

M/s (Hayashino/Dolan) to approve all items on the Consent Calendar except B.8.H, B.8.I and B.8.J (which was pulled when the agenda was adopted). The motion passed by a unanimous vote of 7-0.

**A. Calendar of Upcoming Meetings**

No changes

**B. Approve Classified Personnel Recommendations.**

1. Appointment of Classified Personnel
2. Appointment of Hourly Personnel
3. Temporary Increase/Decrease in Assignment/Salary for Classified Personnel
4. Resignation/Termination of Classified Personnel
5. Classified Request for Leave of Absence/Uncompensated Leave

**C. Approve Short-Term Hourly Positions.**

**D. Approve Academic Personnel Recommendations.**

1. Resignation/Retirement of Academic Personnel

**E. Approve Educational Management Personnel Recommendations.**

1. Appointment and/or Change of Educational Management Personnel

**F. Budget Transfers – Month of January – FY 2009/10**

**G. Warrant Approval**

**9. Other Action Items (10 minutes)**

**Declaration of Surplus Property – Miscellaneous Equipment  
(formerly B.8.H on Consent Calendar)**

M/s (Namnath/Dolan) to take the item pertaining to the football team taken off and postponed indefinitely, to maintain the equipment in our inventory and to approve the other items on the surplus property list. The motion passed by a roll call vote of 4 to 3 with Trustees Namnath, Dolan, Conti, and Long voting yes and Trustees Treanor, Kranenburg and Hayashino voting no.

**Modernization (Measure C) - BP3.1 (Keep modernization program on track)  
(formerly B.8.I on Consent Calendar)**

M/s (Hayashino/Treanor) to approve items 1 to 4. The motion passed by a roll call vote

of 6-1 with Trustee Dolan casting the no vote. She objected to the dollar amount of the change orders.

**1. Ratify/Approve Modernization Contracts, Changes and Amendments (\$379,794)**

**2. Transportation Technology Complex Project (#402A)**

**Approve Contract Amendment #2**

**Jeff Sposato (\$40,000)**

**3. New Fine Arts Building Project (#306C)**

**Approve Contract Amendment 1**

**Consolidated Engineering Laboratories (\$115,000)**

**4. Transportation Technology Complex Project (#402A)**

**Approve Revised Language for Professional Services Agreement –  
Moving Services (\$0)**

**A. Modernization (Measure C) – BP3.1 (*Keep modernization program on track*)**

**2. Utilities – IVC Geothermal and IVC Power Plant (#407B)**

M/s (Hayashino/Treanor) to **Approve Project and Authorize Bidding**. The motion passed by a unanimous vote of 7-0.

**3. SMCP Increment No. 1 – Site Development Utilities Project (#305C)**

M/s (Treanor/Conti) to **Approve Change Order #9 and Resolution 2/16/10**

**B.9.A.3 Attesting No Benefit to Bidding Out Change Order Work – Emarc Engineering (\$153,232)**. The motion passed by a unanimous roll call vote of 7-0.

**B. M/s (Hayashino/Treanor) to Approve Children’s Hospital and Research Center Oakland Hospital Experience Agreement - SP.1 (*Improve Student Access*)**. The motion passed by a unanimous vote of 7-0.

**C. M/s (Dolan/Namnath) to Approve Lease Addendum for North American Resources - Taqueria Restaurant- BP1 – *Fiscal Accountability***. The motion passed by a unanimous vote of 7-0.

**D. (M/s (Treanor/Dolan) to Approve Resolution Authorizing the Governing Board of the Marin Community College District to Enter into an Agreement with the California Department of Education for the Purpose of Providing Child Care and Development Services and Designation of Personnel to Sign Contract Documents for Fiscal Year 2009/2010**

**SP.1 (Improve Student Access).** The motion passed by a unanimous roll call vote of 7-0.

Board President Long announced that a Board meeting would be held on February 23 at 6:30 in the Deedy Staff Lounge on the Kentfield campus.

Trustee Kranenburg ended his participation in the meeting by telephone at 11:30 p.m.

## **12. Board Reports and/or Requests**

### **a. Commendation Resolutions and Other Resolutions**

Reading of the resolutions was waived.

1. M/s (Conti/Dolan) to approve **Resolution in Support of Black History Month.** The motion passed by unanimous vote of 5-0. (Trustee Kranenburg was no longer on the phone and Trustee Treanor was out of the room).
2. M/s (Hayashino/Namnath) to approve **Resolution in Support of Engineering Week.** The motion passed by a unanimous vote of 5-0. (Trustee Kranenburg was no longer on the phone and Trustee Treanor was out of the room).

### **b. Legislative Report**

None

### **c. Committee Chair Reports**

None

### **d. Individual Reports and/or Requests**

None

## **13. Approval of Minutes**

M/s (Conti/Hayashino) to approve the minutes of the January 15 Special Board Meeting (Board Retreat) and January 19, 2010 Board meeting. The motion passed by a unanimous vote of 6-0.

- **Minutes of January 15, 2010 Special Board Meeting (Retreat)**
- **Minutes of January 19, 2010 Board Meeting**

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

### **A. Fundraising –BP4.1 (Implement a Strategic Plan for College Development)**

- B. Planning and Resource Allocation (*April Study Session*)
- C. Budget Development Process (*April*)
- D. Board Liaison to IVC Neighbors (*Next Board Retreat*)
- E. Kentfield Lacrosse/Soccer and IVC Tennis Proposals (*ongoing*)
- F. Board Retreat (*set date*)
- G. IVC Partnership Update (Study Session)

**15. Items for Possible Future Board Action**

- A. Recommendation on Bolinas Field Station – *BP1 (Fiscal Accountability)*
- B. Notice of Completion – LRC Chiller Tower (March)

**16. Information Items**

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

- A. **Contracts and Agreement for Services Report – January, 2010 – *BP1 (Fiscal Accountability)***
- B. **2<sup>nd</sup> Quarter Financial Report - 311Q**
- C. **Modernization Update – *BP3.1 (Keep modernization program on track)***
  - 1. **Director’s Report – *BP3.1 (Keep modernization program on track)***
  - 2. **Revised Schedule – *BP3.1 (Keep modernization program on track)***
  - 3. **Contract Milestones Report through January 2010 – *BP3.1 (Keep modernization program on track)***
  - 4. **Categorical Exemption Filing – Utilities IVC Project (#407B)**
- D. **Calendar of Special Events**
  - Annual Dinner Meeting for School Board Trustees and Superintendents, March 3, 2010, 6 to 9 p.m., Inn Marin Hotel, 250 Entrada Drive, Novato**

Board President Long recessed the meeting to closed session at 11:55 p.m. in memory of Red Diamond and submitted a statement (copy attached) expressing the Board’s sadness at Dr. Diamond’s passing.

**C. 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 closed session in Miwok 181 on the IVC campus. Board President Long called the meeting to order at 12:10 a.m. All publicly elected Trustees were present except Trustee Kranenburg. Fran White, Al Harrison, Linda Beam, Larry Frierson, and Bruce Heid were also in attendance.

**2. *Closed Session***

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.

No action was taken.

**3. *Reconvene to Open Session***

The closed session was reconvened to open session at 12:23 a.m. by Board President Long. Board Clerk Conti reported that no action was taken in closed session. The meeting was adjourned by Board President Long at 12:25 a.m.