



**Board of Trustees Meeting
February 23, 2010
Approved Minutes**

A. Regular Meeting

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

The Board of Trustees of the Marin Community College District met in the Deedy Staff Lounge in the Student Services Building, Kentfield campus, all members having received notice as prescribed by law. Board President Long called the meeting to order at 6:40 p.m. All publicly elected Trustees were present except Trustee Conti, who arrived at 6:47 p.m., and Trustee Hayashino. Student Trustee Parker was also present. Board President Long announced that the meeting was being recorded to facilitate the preparation of minutes.

Board President Long called on the Board to approve the agenda. M/s (Treanor/Kranenburg) to approve the agenda with one change: moving the Consent Calendar item (4.a) to follow closed session. Trustee Dolan made a substitute motion (seconded by Trustee Namnath) to approve the agenda with this change: moving the Consent Calendar item (4.a) up on the agenda to follow A.2 (Citizens' Requests to Address the Board on Non-Agenda Items) because she had a prior obligation, would not be able to participate in the whole meeting, and wanted to participate in the Consent Calendar item. Trustee Treanor's reason for wanting to move the item to follow closed session was that she had questions related to the contract which she thought might be answered in closed session.

Board President Long called for a vote on Trustee Dolan's substitute motion. The vote was 3-3-1 with Trustees Namnath, Dolan and Long voting aye and Trustees Kranenburg, Treanor and Conti voting no. Student Trustee Parker abstained. Board President Long declared that the vote did not carry and called for a vote on Trustee Treanor's motion to move the Consent Calendar Item (4.a) to follow closed session. The vote was 3-3-1 with Trustees Kranenburg, Treanor and Conti voting yes and Trustees Namnath, Dolan and Long voting no. Student Trustee Parker abstained. Board President Long stated that the

agenda remains the same. Trustee Treanor asked to pull 4.a from the Consent Calendar and move it to action. Board President Long called for a vote on the present agenda (including Trustee Treanor's request to pull 4.a from Consent). The agenda was approved by a vote of 4-2-1 with Trustees Conti, Namnath, Dolan and Long voting yes and Trustees Treanor and Kranenburg voting no. Student Trustee Parker abstained.

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

Bud Broomheld spoke on behalf of the Friends of Kentfield and stated that they voted for Measure C and want Measure C and appreciate the fact that we're creating a legacy for our children, the future and the community. They need access to plans, vision and information for the new Academic Center and asked the Board to assign a budget to incorporating community input into the process. He asked for an approval cycle to include community input and a timeframe for submitting input. The group wants the architectural design to be in line with the surrounding community, open spaces and land use. Mr. Broomheld stated that everyone wants to have the project and to be proud of it and asked for a delay in the architect selection, stating that he is not comfortable with the March 16 date.

John Rowlings addressed the Board on behalf of the Friends of Kentfield. He stated that the group wants to move in a positive direction with the new Academic Center (formerly called Gateway) and wants to avoid an adversarial relationship with the college. The Friends of Kentfield propose a contractual relationship between COM, Swinerton and the design architect that clearly defines a scope of work that includes design review meetings with the community, project definition and adherence to architectural design guidelines and landscape design guidelines established in our Master Plan document. A copy of Mr. Rowlings' statement is attached to the minutes as part of the official record.

Brian O'Connor informed the Board that the Friends of Kentfield really want a chance to communicate and to be involved in the architectural design process. The group now has a website and attorneys.

Board President Long distributed and read into the record a memo, survey and draft timeline (copy attached) for the community outreach effort which the Board officers put together. She asked Board members to complete the five question survey and send their answers to Clerk Conti by Friday, February 26.

President White stated that she had not seen this draft timeline and had not had an opportunity to review it with staff. She noted that the suggested calendar is very aggressive and that it would be problematic for staff to be able to prepare the necessary information for so many meetings. Trustees Dolan, Treanor and Kranenburg also commented that meeting on a weekly basis would be problematic for staff and their own

schedules.

Trustee Long commented that the timeline is a draft and can be modified. She stated that Board committees were having difficulty finding time to meet and suggested that some Tuesday evenings be set aside for committee meetings. She also announced that Supervisor Hal Brown is convening Kentfield Visioning Task Force meetings from March through June and that we are being urged not to make fast decisions re. the new Academic Center and to wait until the visioning committee has finished its work.

Additional Public Comment:

Anne Petersen called the Board's attention to the three people who spoke earlier and stated that the community wants to be positive and move forward.

Scott Peoples advocated for a contractual agreement allocating funds to arrange dialogue between the architects and the Friends of Kentfield. He said that the Friends of Kentfield want to get this right and thanked the Board for the offer of partnership.

Brian O'Connor expressed excitement about tonight's meeting as the Friends of Kentfield realize they need more time for this process, too, and need input from other people.

Scott Peoples asked to have Board meetings held at Kentfield when campus modernization projects at Kentfield are on the agenda.

3. Chief Executive Officer's Report

a. Staff Reports

1. Financial Alert

Peggy Isozaki, Director of Fiscal Services, and Al Harrison, Vice President of College Operations, presented a budget update (copy attached). There has been a further reduction in secured property taxes and supplemental property taxes are anticipated at less than half of 2008/09. Enrollment fees are projected to increase approximately \$500,000 as a result of the \$6 fee increase and increased enrollment. We are currently looking at a revenue decrease of \$285,000 and an expense increase of \$812,000 and looking at a resulting 2009/10 deficit of \$802,000.

Dr. White noted that she has advised the administration to look for ways to cut expenses for the 2010/11 academic year. She also informed the Board that we have an integrated planning process and that she expects recommendations from the Planning and Resource Allocation Committee (PRAC). Board members expressed support for having staff give high priority to our policy on reserves and for working on a proactive budget plan this year.

Trustee Dolan left the meeting at 8:15 p.m.

2. WASC Report: Role of Trustees in the Accreditation Process

President White reviewed the handouts given to Board members on the role of Trustees in the accreditation process and our Standard 4 Self-Study. She noted that we have to provide documentation and evidence as to how we're meeting the standards. Any comments by Board members regarding the Standard 4 report need to be sent to the Standard 4 Self-Study Committee by the end of March and supporting evidence would be required by mid-April.

3. Update on Legal Costs

President White referred the Board to the report on legal fees in their Board packets and noted that we've had almost a 50% cut in our legal fees since July due to changes we've made.

4. Consent Calendar Items

- a. The Board of Trustees is requested to review and approve an agreement for legal services to be entered into between the Marin Community College District and the law firm of Kronick, Moskovitz, Tiedemann & Girard.**

This item was pulled from the Consent Calendar earlier in the evening and moved to action.

Trustee Treanor stated that she had obtained copies of our other legal agreements and that this one is not in keeping with them. She also said that she wants to see that a contract has been approved by legal counsel and thinks SCLC should have reviewed this agreement. Trustee Treanor expressed concern that this is an open ended agreement which allows costs and expenses not allowed in other contracts, contains an acceleration clause, and gives Eva Long signing authority.

President White passed out copies (attached) of our current policies and procedures on contracts, noting that the contract submitted this evening is meaningless legally. Vice President Harrison explained that our procedures call for administrators to sign contracts, not the Board, after the Board approves contracts. Dr. White suggested replacing Eva Long's name as signatory with Board of Trustees. Board President Long stated that she had no problem changing Eva Long to Board of Trustees on page 5.

She also stated that the Board of Trustees provided direction to have this item placed on the agenda and the Board President was not acting alone.

M/s (Treanor/Kranenburg) to not accept this contract at this time. The vote was 2 ayes (Trustees Kranenburg and Treanor), 3 noes (Trustees Long, Namnath and Conti) and 1 advisory abstention by Student Trustee Parker. The motion did not carry.

M/s (Namnath/Conti) to approve the legal services agreement between the Marin Community College District and the law firm of Kronick, Moskovitz, Tiedemann & Girard with an amended section listing the Board of Trustees as the client instead of Eva Long and asking an attorney firm that does not have a conflict of interest to review the contract.

Trustee Treanor made a substitute motion (seconded by Trustee Kranenburg) to approve the legal contract with these changes: deleting the second paragraph under #3 (Billing Rates) and removing the reference to Eva Long's name and listing the client as Board of Trustees. The vote was 2 ayes (Trustees Kranenburg and Treanor), 3 noes (Trustees Long, Conti and Namnath) and 1 advisory abstention (Student Trustee Parker). The motion did not carry.

A vote was then taken on Trustee Namnath's motion and the results were as follows: 3 ayes (Trustees Conti, Long and Namnath), 2 noes (Trustees Kranenburg and Treanor), and 1 advisory abstention (Student Trustee Parker). President White informed the Board that the Education Code requires a governing board to act by majority vote of the whole membership and that this motion did not pass because 4 aye votes were required.

B. Closed Session

Closed session was canceled.

M/s (Namnath/Conti) to adjourn the meeting. The motion passed by a vote of 5-0 plus an advisory aye vote by Student Trustee Parker and Board President Long adjourned the meeting at 9:10 p.m.