

COLLEGE OF
MARIN

**Board of Trustees Meeting
June 23, 2009
Minutes**

A. Board Study Session

1. *Call to Order, Roll Call, 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, members having received notice as prescribed by law. Board President Kranenburg called the meeting to order at 3:35 p.m. All publicly elected Trustees were present and Nathaniel Parker, the new Student Trustee, was also in attendance.

M/s (Long/Hayashino) to approve the agenda as presented. The motion passed by a unanimous vote of 7-0.

2. *PPV Presentation on Asset Management*

Dr. White introduced Jim Goodell of Public Private Ventures (PPV) who, along with Rob Barthelman of ABA Architects and Jim Grossi of CSW/ST2, presented ideas and recommendations for an asset management program for the college. A copy of their presentation is attached. Their report focused on the feasibility of leasing land south of the current Science Building (along the backside of Woodlands Market) and where the portables are located in parking lot 6 for retail development. On the basis of the preliminary market analysis they have conducted thus far, they believe that this project has financial viability. Additional financial analysis and refining of the plan need to take place and community acceptance needs to be tested.

The Trustees asked questions and provided feedback to the presenters, expressing concern about traffic and parking problems and stressing the importance of finding asset management options that both generate income for the college and promote student success. They want to obtain input from the surrounding community and would like to examine more options for use of our property, including the IVC campus. They noted that timing and budget constraints would have to be considered before proceeding with a project of this magnitude. The Board asked for a modified, simpler

service agreement with PPV and for a report detailing the work that was done and what was considered before the recommendations presented were developed.

Patricia Russo, a Kentfield resident, asked the Board to take into consideration the fact that increased traffic on College Avenue resulting from increased retail activity would not be beneficial to the surrounding Kentfield community.

3. *Status Report on Gateway Complex*

V-Anne Chernock, Director of Modernization, reported that the estimated cost of the proposed Gateway Complex on the northwest corner of the campus is \$25-\$40 million and that we currently have \$17.5 in the budget for this project. Our options are to reduce the scope of the building or to increase funding with bid savings and reserves (interest). The modernization team wants to begin the architectural process now. There is a high level of interest in the project among architects and we plan to have a design competition. She noted that the Board will be asked during the evening session to authorize the modernization team to start the architect selection process. The modernization team would like to have one Board member serve on the architect selection panel. A copy of Director Chernock's presentation is attached to the minutes as part of the official record.

The Board recessed to closed session at 5:35 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 5:40 p.m. All publicly elected Trustees were present. Fran White, Al Harrison, Nick Chang, Larry Frierson, Armond Phillips, and Linda Beam were also in attendance.

M/s (Long/Treanor) to adopt the agenda as presented. The motion passed by a vote of 7-0.

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

The closed session recessed at 6:50 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 6:55 p.m. by Board President Kranenburg in the Deedy Staff Lounge 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 Nathaniel Parker was also in attendance.

M/s (Treanor/Hayashino) to approve the agenda with one change. Item C.11.E was pulled so that staff can do further work on the PPV proposal and contract. The motion passed unanimously (7- 0).

- **Administration of Oath of Office to Student Trustee**

President White administered the Oath of Office to Student Trustee Nathaniel Parker.

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

M/s (Treanor/Long) to approve the minutes of the May 12, 2009 Board meeting. The motion passed unanimously (7-0) plus an advisory aye vote by Student Trustee Parker.

M/s (Paterson/Treanor) to approve the minutes of the June 9 Special Board Meeting (Retreat). The motion passed unanimously (7-0) plus an advisory aye vote by Student Trustee Parker.

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

Board President Kranenburg read the following statement:

“This statement is made in response to a verbal request on June 17, 2009 from Ira Lansing that the settlement in the case of Sheri Rollison v. Marin Community College District be announced publicly.

On November 11, 2008, the Board acted in closed session by unanimous vote to authorize settlement of the litigation. The settlement was subsequently approved by Ms. Rollison and her attorney.

The Settlement Agreement provides for a dismissal of the lawsuit and release of all claims against the District. Rollison agreed to terminate any employment relationship with the District and never to apply for employment with the District. Rollison and her attorney were paid \$55,000.00 by the District and SWACC, the insurance joint powers authority which serves the District.”

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

None

4. *Board Reports and/or Requests*

a. *Commendation Resolutions and Other Resolutions*

None

b. Legislative Report.

Trustee Paterson reported that a number of bills are being held in the Senate and Assembly Appropriations Committees due to the budget crisis. She encouraged fellow Board members to keep a close watch on the current health care reform debate and announced that Martha Kanter was confirmed as Undersecretary of Education.

c. Committee Chair Reports

Trustee Hayashino reported that the members of the Board Self-Evaluation Committee have been in contact with each other and that an evaluation instrument will be e-mailed to Board members next month.

Board President Kranenburg reported that Dr. White's office was to have received documents from Trustee Dolan to give to the Board Policy Committee related to her concerns about loss of local control in recently revised Board policies and that these documents have not been received. Trustee Paterson will follow up with Trustee Dolan on this. Trustee Hayashino reported that the Board Policy Committee, comprised of Trustee Paterson and herself, has met and reviewed more than half of the Board policies.

d. Individual Reports and/or Requests

Trustee Long reported on the COM Foundation scholarship event, COM Puente program and COM dental assisting program which she recently attended.

Trustee Paterson congratulated Dr. White for being awarded a Women in Business Award in Education by the North Bay Business Journal.

1. Request for Written Evaluation of the Program Revitalization and Discontinuance Policy (Trustee Long)

Trustee Long expressed concern that some questions were not answered when discontinuance of the football program was addressed by the Board at the March 17 meeting and stated that she wants to make sure that a new policy works to the benefit of our educational program and is evaluated and modified if necessary. She also asked for a report on how the 45 students on the football team were helped and where they are now going to school.

Yolanda Bellisimo, Academic Senate President, reminded the Board that any evaluation of a 10 + 1 policy is within the purview of the Academic Senate and the Vice President of Student Learning and not the Board of Trustees.

After discussion the Board decided not to agendize this item but requested an update from Dr. White on what happened to the 45 students on the football team.

2. Request for Report on Legal Fees, Costs and Reimbursements (Trustee Namnath)

Trustee Namnath requested a report on legal fees in our district as they are quite high and asked to bring an action item to see if we can find a way to lower our legal costs. Dr. White stated that a report is being prepared and will be presented at the July meeting. She noted that we do not have staff capacity to do a study to compare our legal fees with those of other districts but that our report will address our level of legal fees, costs and reimbursements and cost saving ideas.

e. WASC Report Status

President White reported that we are working on our Self-Study and preparing for our comprehensive visit in October of 2010. She introduced Barbara Beno, President of the Accrediting Commission for Community and Junior Colleges, who congratulated us on our successes and encouraged us to continue our work to become a higher functioning district.

5. Chief Executive Officer's Report

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

a. Staff Reports

1. COM Foundation Report

President White introduced Dr. Frank Parnell, President of the COM Foundation Board of Directors, who updated the Board on the work of the Foundation. He reported that investments are down 15% and contributions are down 27% but that the Foundation still has over \$3,000,000 in assets. The Foundation gave \$494,000 to the college in scholarships, grants and program support. At the May 22 COM Foundation Scholarship event 120 scholarships were given to 100 students. The Foundation has also assisted 168 students with lunch vouchers, 333 students with funds for books, and 94 student nurses with individual grants. Dr. Parnell also reported that the COM Foundation will participate in the Osher Foundation Scholarship Endowment Fund through the California Community College Foundation which will enable the Foundation to give more scholarships. Finally, he informed the Board that the Foundation has a new website: www.comf.org.

2. Information on SMCP Increment 1 Project

V-Anne Chernock, Director of Modernization, responded to a question posed at the last Board meeting regarding how our construction bids compare to our cost estimates. She referred the Board to a copy of the Board item from the August 26, 2008 Board meeting which awarded a construction contract for the SMCP Increment No. 1 – Site Development Utilities Project to Dick Emard Electric, Inc. in the amount of \$2,820,000. This low base bid was 26% below budget as the final construction cost estimate for this contract is \$3,810,000. Director Chernock explained that the Board Report template for construction contract awards will always contain the final cost estimate and the contract amount, enabling the reader to see the difference between the bid and the construction cost estimate in dollar amounts and percentages.

3. Track & Field Update

Vice President Harrison reviewed the analysis of COM's track, field and bleachers prepared by Keenan & Associates, our Loss Control/Risk Management consultants. He reported that our football field becomes slippery when it is saturated and, therefore, should not be used when wet. The bleachers are in very poor condition and need to be repaired or closed. Our running track is unsafe and needs to be closed, replaced, or taken up and left as dirt or converted to a clay-type track.

President White informed the Board that Vice President Chang has been asked to inform staff not to schedule any activities on the track or on the football field when it is wet. The recommendation of the administration is to take the bleachers down since we don't have the funds to repair them at this time. The suggestion was made to place these items on our donor opportunity list.

4. Fiscal Accountable Approval Update

Al Harrison, Vice President of College Operations, announced that we signed an MOU with Mary Jane Burke, Marin County Superintendent of Schools, on June 11 to go fiscally accountable. We will do our own payroll and accounts payable warrants will be signed by officers of COM. Vice President Harrison expressed appreciation to Fiscal Services and Human Resources staff for putting in extra time and effort for the past 2½ years to make this accomplishment possible.

5. Summer School Enrollment Report

Nick Chang, Vice President of Student Learning, reported that our spring enrollment was up 3% and our summer enrollment is up 14%. He informed the Board that due to CSU cutbacks we are offering more core classes in the fall. A copy of the enrollment figures he presented to the Board is attached to the minutes as part of the official record.

6. Academic Senate Report

Yolanda Bellisimo, Academic Senate President, addressed the Board on the subject of evaluating the process and criteria for determining the discontinuance of programs. She stated that any evaluation of the implementation of the procedure or the assessment of the process and criteria for evaluating and modifying the procedure is the purview of the Academic Senate. She also noted that the notion of standardizing the evaluation process has serious limitations. A copy of Ms. Bellisimo's statement is attached to the minutes as part of the official record.

7. Classified Senate Report

No report.

8. Student Senate and Student Association Report

No report.

9. Board Study Session

a. Tentative Budget 09/10 Presentation

Vice President Harrison reviewed the tentative 09/10 budget. He noted that he is usually confident that tentative budget numbers will be close to the final budget but that this is not the case this year. There is no indication that the state will have a final budget by August and our projected property tax revenue will be adjusted after October. We are currently looking at a \$534,828 deficit for 2009/10 and will have to put this budget back into balance. Dr. White stated that our reserves are inadequate and that deficit spending is unacceptable. The 2009/10 tentative budget is available on our website under the “About the College” tab (www.marin.edu/WORD-PPT/TENTBUDGET09-10.pdf)

10. Consent Calendar Items (Roll Call Vote)

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

A. Calendar of Upcoming Meetings

B. Classified Personnel Recommendations. Approve the Classified Personnel Recommendations:

1. Appointment of Classified Personnel
2. Appointment of Hourly Personnel
3. Resignation of Classified Personnel

C. Academic Personnel Recommendations. Approve the Academic Personnel Recommendations:

1. Appointment and/or Change of Academic Personnel
2. Phased-In Early Retirement of Academic Personnel

D. Educational Management Personnel Recommendations

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

E. Short-Term Hourly Positions

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

G. Warrant Approval

H. Declaration of Surplus Property – Miscellaneous Equipment

I. Modernization (Measure C)

1. **Ratify/Approve Modernization Contracts, Changes and Amendments (\$98,796)**

Small Construction Contracts
Construction Change Orders
Professional Services Amendments

2. **Various Projects**

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

3. **SMCP Building Project Increments 2 & 3 (#305A)**

Approve List of Prequalified General Contractors (\$0)

- 4. **Transportation Technology Complex Project (#402A)**
Authorize Procurement of Specialty Equipment (\$0)
- 5. **Various Projects – Kentfield Campus**
Pre-Authorize Award of Construction and Moving Contracts for Swing Space (\$0)
- 6. **Approve Renewal Contract**
Modernization Legal Counsel
Miller Brown and Dannis (\$125,000)
- 7. **Approve Annual Renewal of Reprographics Contract**
Ford Graphics (\$200,000)
- 8. **Main Building Complex (417A), Parking Lot-Bioswale & Pathways Projects (401B-413A)**
Approve Subcontractor Substitution, Di Giorgio Contracting Company, Inc. (\$0)
- J. **Approve Revised Board Policies (Second Reading)**
 - 1. **BP 3100 Organizational Structure**
 - 2. **BP 3200 Accreditation**
 - 3. **BP 3275 Annual Report**
 - 4. **BP 5300 Student Equity**
- K. **Approve New Credit Courses**
- L. **Approve Credit Course Revisions**
- M. **Approve Credit Course Deletions**
- N. **Approve New Noncredit Courses**
- O. **Approve Noncredit Course Revisions**

11. Other Action Items:

- A. M/s (Treanor/Hayashino) to **Approve 2009-10 Tentative Budget**. The motion passed by a unanimous vote of 7-0 (plus an advisory aye vote by Student Trustee Parker).
- B. M/s (Treanor/Hayashino) to **Approve Signature Authorization Resolutions**. The motion passed by a unanimous roll call vote of 7-0 (plus an advisory aye vote by Student Trustee Parker).
- C. M/s (Paterson/Treanor) to **Approve Purchase Order for Community Education Schedule Bid**. The motion passed by a unanimous vote of 7-0 (plus an advisory aye vote by Student Trustee Parker).
- D. M/s (Treanor/Paterson) to **Approve Renewal Agreement with SPURR for Purchase of Natural Gas**. The motion passed by a unanimous vote of 7-0 (plus an advisory aye vote by Student Trustee Parker).
- F. **Modernization (Measure C)**
 - 1. M/s (Treanor/Hayashino) to approve **Gateway Complex Project (#303B) Authorization to Proceed**. The motion passed by a vote of 6-1 with Trustee Dolan casting the no vote. Student Trustee Parker cast an advisory aye vote.
 - 2. **New Fine Arts Building Project (#306C)**
M/s (Long/Treanor) to **Award Construction Contract to Alten**

Construction (\$11,872,601). The motion passed by a unanimous vote of 7-0 (plus an advisory aye vote by Student Trustee Parker).

3. Diamond PE Center Alterations Project (#308B)

M/s (Long/Treanor) to **Approve Change Order #13 and Resolution Attesting No Benefit to Bidding Out Change Order Work (\$160,591)**. The motion passed by a unanimous roll call vote of 7-0 (plus an advisory aye vote by Student Trustee Parker).

4. SMCP Increment No. 1 – Site Development Utilities (#305C)

M/s (Hayashino/Treanor) to **Approve Change Order #6 and Resolution Attesting No Benefit to Bidding Out Change Order Work (\$199,892)**. The motion passed by a unanimous roll call vote of 7-0 (plus an advisory aye vote by Student Trustee Parker).

G. Public Hearing on MCCD/SEIU 1021 Collective Bargaining Agreement

Board President Kranenburg declared the public hearing open. There being no comments from the public, he declared the hearing closed.

12. Possible Future Agenda Items for Discussion

- A. Request for Written Evaluation of the Program Revitalization and Discontinuance Policy (Trustee Long)**
- B. Request for Report on Legal Fees, Costs and Reimbursements (Trustee Namnath) (July)**
- C. Kentfield Pool Use Request Update (Al Harrison)**

Staff reports on items 12.A & 12.B will be presented at the July 21 Board meeting.

13. Items for Possible Future Board Action

- A. Bid Award for Learning Resource Center Cooling Tower Installation Project**
- B. Revised Board Policies (First Reading) (July)**
 - 1. BP 2110 Vacancies on the Board**
 - 2. BP 2200 Board Duties and Responsibilities**
 - 3. BP 2305 Annual Organizational Meeting**
 - 4. BP 2320 Special and Emergency Meetings**
 - 5. BP 2340 Agendas**
 - 6. BP 2350 Speakers**
 - 7. BP 2355 Decorum/Conduct**
 - 8. BP 2430 Delegation of Authority to Superintendent/President**
 - 9. BP 2435 Evaluation of Superintendent/President**
 - 10. BP 2720 Communications Among Board Members**

Trustee Namnath asked the Board Policy Committee to review BP 2350 to make sure it complies with the Brown Act. President White noted that we have received a legal opinion on this already and have been advised that Trustees can ask clarifying questions of public speakers addressing the Board but cannot make statements or speeches. Trustee Dolan commented on BP 2355

and BP 2200 and was asked to provide her concerns in writing to staff and to the Board Policy Committee. Suggestions from Trustee Long included changing name Education Task Force to Marin Teaching Network in BP 2305 and adding “and instrument” after “evaluation process” in the second paragraph of BP2435.

14. Information Items

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

- A. Contracts and Agreement for Services Report – May, 2009**
- B. Modernization Update**
 - 1. Director’s Report**
 - 2. Master Schedule with Spent to Date through May 2009**
 - 3. Contract Milestone Report through May 2009**
- C. Sustainability Report**
- D. Revised Administrative Procedures**
 - 1. AP 2320 Special and Emergency Meetings**
 - 2. AP 2340 Agendas**
 - 3. AP 2435 Evaluation of Superintendent/President**
- E. Calendar of Special Events**

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

15. Correspondence

Trustees were asked to review the correspondence in their Board Packets.

16. Board Meeting Evaluation

Several Trustees noted that the work done at the Board Retreat was paying off and that they appreciated efforts made to acknowledge and understand what others were saying.

17. Adjournment

M/s (Treanor/Hayashino) to adjourn the meeting in memory of Ernie Berg, the founding president of College of Alameda and Indian Valley College. 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.