

COLLEGE OF
MARIN

**Board of Trustees Meeting
October 18, 2011
Minutes**

A. Open Session

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

The Board of Trustees of the Marin Community College District met in the cafeteria in the Student Services Building on the Kentfield campus, all members having received notice as prescribed by law. Board President Conti called the meeting to order at 5:22 p.m. Trustees Conti, Long, Hayashino and Kranenburg were present.

2. *Public Comment – Closed Session Agenda*

Board President Conti announced that items b, c, e and f would be discussed during closed session and asked if there was any public comment on those items.

There being no public comment the Board recessed to closed session at 5:24 p.m.

B. Closed Session

The Board met in closed session at 5:30 p.m. in the Deedy Staff Lounge in the Student Services Building on the Kentfield campus. All publicly elected Trustees were present except Trustees Dolan, who arrived at 5:35 p.m., and Trustee Namnath, who participated by telephone beginning at 6:00 p.m. Dr. David Wain Coon, attorney Nancy Klein and Roy Stutzman were also in attendance.

M/s (Hayashino/Kranenburg) to approve the agenda. The motion passed by a vote of 5-0.

The closed session recessed at 6:50 p.m.

C. Open Session

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

Board President Conti reconvened the meeting of the Board of Trustees of the Marin Community College District in open session at 7:00 p.m. in the cafeteria on the Kentfield campus. All publicly elected Trustees were present except Trustee Namnath who participated by telephone. Student Trustee Bergstrom-Wood was also in attendance.

M/s (Hayashino/Long) to adopt the agenda. The motion passed by a unanimous vote of 7-0 (plus an advisory aye vote by Student Trustee Bergstrom-Wood).

2. *Report of Closed Session for October 18, 2011*

Board Vice President Long reported that no action was taken in closed session.

3. *Public Comment*

a. **Comments re. Items Not on the Agenda**

None

b. **Comments re. Items on the Agenda – to be heard immediately before the Board of Trustees’ consideration of the item**

4. *Chief Executive Officer’s Report*

a. **Accreditation Update**

Dr. Coon reported that he has spoken with Dr. Jose Ortiz, President of Allan Hancock College and chair of the visiting team, and that Dr. Ortiz is reading our response, is impressed so far and is looking forward to the October 31 follow-up site visit.

b. **Superintendent/President’s Goals/Priorities**

President Coon called the Board’s attention to the draft of his goals and priorities for 2011-2012 in the Board packets and announced that they will be discussed at the November 15 Board Retreat.

c. **New Legislation**

Dr. Coon reviewed several interesting pieces of legislation signed by Governor Brown last week that will have a direct impact on students:

- AB 131, the Dream Act, will allow AB 540 students (undocumented) to apply for state student financial aid beginning January 2013.
- AB 194 requires California State University and California Community College districts, and requests the University of California, to grant priority registration for enrollment to foster youth or former foster youth.

- AB 743 establishes a statewide common assessment system to place community college students in English, Mathematics and English as a Second Language courses.
- AB 795 (public postsecondary education: smoke-free campuses) authorizes community college districts to enforce non-smoking requirements by citation and fine.

d. Fund Development Update

Dr. Coon reported that fund development will be a topic of discussion at the November 15 Board Retreat.

e. Other

President Coon congratulated Dr. Jason Lau, our new Director of Community Education, Lifelong Learning and International Education, for receiving a 2011 Young Alumnus Award from the University of Northern Iowa.

He commented on an article from the October 16 edition of the Marin IJ entitled “College Board Candidates Split on Kentfield Retail Proposal” and stated for clarification that asset management in relation to development of retail space is not on his or the Board’s radar at this time.

President Coon reported that he attended the opening night production of Arabian Nights in the big tent and announced that Cherry Orchards will open on November 2 and will also be presented in the tent.

5. Academic Senate Report

Sara McKinnon, Academic Senate President, reported that the Senate has been reviewing various policies and procedures and will be reviewing proposed resolutions from the State Academic Senate which will be voted on at the ASCCC Plenary in November. The Senate is also looking over the California Community College’s Task Force on Student Success Recommendations and will be working on recommendations for a New Instructor’s Academy to provide support for the new faculty that will be hired over the next few months. A copy of her statement is attached to the minutes as part of the official record.

6. Classified Senate Report

None

7. Student Association Report

Student Trustee Bergstrom-Wood reported that ASCOM gave a \$5,000 grant toward Single Stop and a new Veterans’ Center on campus. He announced that ASCOM would be hosting a Board of Trustees candidates debate on September 20.

8. Board Study Session

a. Fine Arts Project Update

a. Fine Arts Faculty

President Coon welcomed the Fine Arts faculty in the audience. Rick Hall, Bill Abright

and Katrina Wagner addressed the Board regarding problems with the new Fine Arts Building (including weatherization issues; design problems; poor quality of fixtures and furnishings; and ventilation, plumbing, and electrical deficiencies) which have resulted in an inadequate learning environment for our students. They asked the Board to provide funding for weatherization and remediation of the problems. Copies of their statements are attached to the minutes as part of the official record.

b. Modernization Team Update

Modernization Director Laura McCarty presented an update (copy attached) on the Fine Arts Building including the following topics: 1) building turnover status and processing of requests, 2) completed items since last modernization report (June 28 Board meeting), 3) weatherization, and 4) safety and training.

Public Comment:

Vivien Bronshvag apprised the Board of these additional problems in the Fine Arts Building:

- The ladies room on the 2nd floor is outside the north elevation door of the drawing studio so a woman has to get wet to go to the ladies room when it is raining. Weather protection is needed on the north elevation both on the 2nd and 3rd floors.
- It has flooded from the staircase to the bathroom opposite the Art Office because the drain is too high and needs to be lowered.
- The drawing studio on the second floor and the painting studio on the 3rd floor continue to have lights that cannot be adjusted. Overhead lights cannot be controlled for the night classes as well on the 3rd floor.
- The hot water on the main floor for sculpture and ceramics does not go to the third floor and sinks on the 3rd floor in the painting studios will clog up and flood without adequate hot water. Wiring is inadequate for the European boxes that are supposed to heat the studios.
- Jewelry classes have welders' soldering wands, not jewelers' tools. The wands give too large a flame to do precise soldering and many students are afraid to solder anything because the flame is so big and the wand is so heavy.

Sara McKinnon, Academic Senate President, commented that although she has not discussed the Fine Arts Building problems with the Academic Senate she is sure her fellow Senators would fully support the art faculty's requests. She urged the Board to address these problems expeditiously for the health and safety of both students and faculty. A copy of Ms. McKinnon's statement is attached to the minutes as part of the official record.

Doug Wilson, a student in our Art Department and a former construction manager, stated that he has some idea of how complex and difficult a large construction project like this can be and that getting contractors to perform has been for him a wrestling match that goes on for years sometimes. He has an idea of how tough it is to find the right people to manage projects and said we need the right team of people with a lot of experience to handle the situation.

Bonnie Ruder of COM's Art Department advocated for consideration of a permanent and long-term solution to the weatherization problems.

Alan Derwin, a local resident and an artist, commented on things he has noticed as a resident: narrow stairways open to the elements, lockers exposed to the elements, outside of building looks like cheap plastic siding, no benches on the green area. He also stated that locating painting classes on the 3rd floor is absurd because students have to carry equipment up the stairs and commented that the round circular rock formation that you see when you pull into the entryway would be a great place for the seal or logo of the college. He asked if faculty were involved in the planning process and commented that the college has not been negotiating with contractors and architects from a position of strength.

Melissa Panages commented that she was an art student here in the 70's and the campus was gorgeous with the lawn, redwood trees and colonial style buildings. She is amazed at the footprint of this campus today and is visually sorry that the Fine Arts Building is yellow and is a prison-like structure. She stated that whoever did this work failed and that weather proofing needs to be done immediately.

The Trustees thanked faculty, staff and students for their comments and asked for additional information and analysis including the following:

- The allocation for Fine Arts design and construction
- The amount of money saved from projects and where the funds went
- What Dr. Coon needs to resolve these problems as soon as possible and the cost
- Which contractors have been paid and which have not been paid
- Which funds money for added scope items will come from
- Cost (if any) to district to replace warranty items
- More information on weatherization options – would this fit under warranty or increased scope?
- More information on ventilation, exhaust and heating problems – is this a warranty issue or added scope?
- A comprehensive list of the issues that need to be addressed divided into categories: warranty items, design flaws, construction problems
- A list of things people would like that were not in the original scope of the project
- Information on any problems that would cause the general contractor to fail to meet the terms of the bid documents
- An overall review of functionality and safety issues
- Information on why we changed the design because of DSA and square footage issues
- Information on omissions and errors

Trustee suggestions included looking into a team of forensic engineers and architects to assess the situation and provide an independent opinion, determining improprieties (if any) and investigating recourse and accountability, making sure we have a commissioning process in place to make sure everything is okay before we move people into buildings, urging staff to classify priorities and work quickly to remedy the problems, finding permanent solutions to the weatherization problems, putting safeguards in place so that we avoid similar issues with future projects, making decisions based on accurate and complete information, having a full discussion of options in closed session with legal counsel present, and having a peer review on the Performing Arts project.

Dr. Coon acknowledged the presence of the faculty and thanked them for their patience and endurance. He reported that we have an independent review underway and he has a goal of bringing back additional information at the November 15 Board meeting. He commented that health and safety matters are getting top priority and noted that we have slowed down both the Performing Arts and Math/Science/Central Plant projects. He commented that he heard loud and clear that the Board wants long-term solutions and will bring back a range of options to consider.

9. Consent Calendar Items (Roll Call Vote)

M/s (Treanor/Long) to approve all items on the Consent Calendar. The motion passed by a roll call vote of 6-1 with Trustee Dolan casting the no vote (plus an advisory aye vote by Student Trustee Bergstrom-Wood).

A. Calendar of Upcoming Meetings

B. Approve Classified Personnel Recommendations

1. Appointment of Classified Personnel
2. Temporary Reassignment of Classified Personnel
3. Classified Request for Leave of Absence/Uncompensated Leave
4. Resignation/Retirement of Classified Personnel

C. Approve Short-Term Hourly Positions

D. Budget Transfers – Month of September – FY 2011/12

E. Warrant Approval

F. Declaration of Surplus Property – Miscellaneous Equipment

G. Modernization (Measure C) - *BP3.1 (Keep modernization program on track)*

1. **Ratify/Approve Modernization Contracts, Changes and Amendments (\$241, 870.07)**
2. **Approve Subcontractor Substitution Request (steel work)**
Science Math Central Plant Complex Increment 2 & 3 Site Development & Building

Project (305A)

Lathrop Construction Associates, Inc. – (\$0) (stainless steel, cabling & glass handrails)

10. Other Action Items

Trustee Dolan was out of the room when the Board voted on the action items and the minutes.

A. M/s (Treanor/Long) to **Approve Credentials Order Processing Services Inc. (COPSI) Parking Plus Permit Order Management Services Agreement.** The motion passed by a unanimous vote of 6-0 (plus an advisory aye vote by Student Trustee Bergstrom-Wood).

B. M/s (Long/Hayashino) to **Approve McCallum Group Inc. Consulting Agreement for Legislative Advocacy Services.**

After discussion Trustees Long and Hayashino agreed to withdraw their motion and this item was pulled from the agenda.

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

M/s (Hayashino/Long) to approve 10.C.1 & 2. The motion passed by a unanimous vote of 6-0 (plus an advisory aye vote by Student Trustee Bergstrom-Wood).

1. **Approve Re-Authorization for Staff Approval of Measure C Contract Changes & Amendments**

2. **Authorization to Request Proposals for Austin Science Center Swing Space Design**

RESOLUTIONS (Roll Call Vote)

D. M/s (Treanor/Long) to **Approve Resolution to Revise Fiscal Year 2011/12**

Proposition 4 (GANN) Appropriations Limit. The motion passed by a unanimous vote of 6-0 (plus an advisory aye vote by Student Trustee Bergstrom-Wood).

11. **Board Policy Review (1st Reading) – BP1.4a (Review institutional needs and assess institutional effectiveness, using Program Review, Administrative Planning and Assessment, the Strategic Plan and the Educational Master Plan)**

- **BP 4220 Standards of Scholarship**

12. **Future Agenda Items**

- a. **Bolinas Property (November/December)**
- b. **Parcel Tax (November/December)**

13. **Board Reports and/or Requests (15 minutes)**

a. **Legislative Report**

None

b. **Committee Chair Reports**

None

c. **Individual Reports and/or Requests**

Trustee Treanor gave President Coon a report from K-12 lobbyist Jeff Ross for the Joint

Legislative Action Committee regarding information on the release of September revenues and triggers for the budget.

14. Approval of Minutes

▪ Minutes of September 20, 2011 Board Meeting

M/s (Hayashino/Long) to approve the minutes of the September 20, 2011 Board meeting. The motion passed by a vote of 5-0-1 with Trustee Treanor abstaining and Student Trustee Bergstrom-Wood casting an advisory aye vote.

15. Information Items (see written reports)

The Trustees were referred to the information items in their Board packets.

- A. Contracts and Agreement for Services Report – September, 2011 – BP1 (Fiscal Accountability)**
- B. 9/30/11 Year-to-Date Financial Report**
- C. Modernization Update – BP3.1 (Keep modernization program on track)**
 - 1. Director’s Report – BP3.1 (Keep modernization program on track)**
 - 2. Contract Milestones Report through September, 2011 – BP3.1 (Keep modernization program on track)**
 - 3. Schedule – BP3.1 (Keep modernization program on track)**
- D. Calendar of Special Events**
 - Marin Brain Injury Network Open House – October 21, 2011 – 10:00 a.m. to noon
1132 Magnolia Avenue, Larkspur

 - College of Marin New Construction and Modernization Update Community Forums
Kentfield Forum – October 27, 2011– 7:00 to 8:30 p.m., Olney Hall 96, Kentfield

 - WASC Follow-Up Visit – October 31, 2011

 - CCLC Annual Conference – November 17-19, 2011 – San Jose

16. Correspondence

The Trustees were asked to review the correspondence in their Board packets.

17. Board Meeting Evaluation

Trustee Treanor suggested that the Board start closed session at 4:00 since the regular meeting started ½ hour late. Trustee Conti responded that timing of meetings can be agendized for the Retreat and that some Trustees can’t get to meetings earlier.

Several Trustees thanked Dr. Coon and staff for the Study Session and commented that the open process was helpful and it was good to hear from the faculty even though the discussion was not easy or comfortable.

18. Adjournment

M/s (Treanor/Long) to adjourn the meeting. The motion passed by a unanimous vote of 7-0 (plus an advisory aye vote by Student Trustee Bergstrom-Wood) and Board President Conti adjourned the meeting at 9:30 p.m.