BOARD OF TRUSTEES
REGULAR MEETING AGENDA

NOVEMBER 17, 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 §54957.5 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. Board Study Session – 3:00 to 5:30 p.m. – Deedy Staff Lounge, Student Services Building, Kentfield Campus

1. Call to Order, Roll Call and Adoption of Agenda
2. Gateway Presentation- TLCD/Mark Cavagnero
3. Gateway Presentation – ED2 International
4. Board Discussion

5. Recess to Closed Session

B. Closed Session – 5:30 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:
           CONFERENCE 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
       54956.8:
           CONFERENCE WITH LEGAL COUNSEL-Potential & Existing Litigation
           Six – 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
REGULAR MEETING AGENDA
6:30 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 November 17, 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)
            a. Accreditation Self-Study (David Snyder)
         2. 2010/2011 Revenue Assumptions (Al Harrison) – BP1 (Fiscal Accountability)
         3. Modernization Update (V-Anne Chernock) - BP3.1 (Keep modernization program on track)
         4. Follow-up Report
   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 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 (10 minutes)
   A. Approve Resolution to Submit Notice of Intent to Withdraw from Schools Excess Liability Fund (SELF)
   B. Approve Contract with Industrial Employers and Distributors Association (IEDA)
      BP1 (Fiscal Accountability)
   C. Award Bid for LRC Cooling Tower Replacement Project
   D. Modernization (Measure C) – BP3.1 (Keep modernization program on track)
      1. Diamond PE Center Alterations Project (#308C)
         Approve Change Order #18 and Resolution Attesting No Benefit to Bidding Out Change Order Work ($6,644)
      2. SMCP Increment No. 1 – Site Development Utilities Project (#305C)
         Approve Change Order #8 and Resolution Attesting No Benefit to Bidding Out Change Order Work ($64,495)

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
    D. BP 2431 Superintendent/President Selection
    E. BP 2432 Superintendent/President Succession
F. BP 2610 Presentation of Initial Collective Bargaining Proposals
G. BP 2715 Code of Ethics
H. BP 2716 Political Activity
I. BP 2717 Personal Use of Public Resources
J. BP 2735 Board Member Travel
K. BP 2740 Board Education
L. BP 2745 Board Self-Evaluation
M. BP 4030 Academic Freedom

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
      1. Board Self-Evaluation (Trustees Hayashino, Treanor & Namnath)
   d. Individual Reports and/or Requests
   e. Discussion of Board Officers

13. Approval of Minutes (2 minutes)
   • Minutes of October 13, 2009 Board Meeting

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 (5 minutes)
   A. Contracts and Agreement for Services Report – October, 2009 – BP1 (Fiscal Accountability)
   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, 2009, 10:00 a.m., COM Football Field

17. Correspondence
   Correspondence in Board Packets

18. Board Meeting Evaluation

19. Adjournment
President’s Report
Board of Trustees Meeting
November 17, 2009

SFSU Ed.D. Candidate Will Study COM Institutional Effectiveness

San Francisco State University student Janet Egiziano is planning to study the leadership and organizational culture at College of Marin during the period that the accreditation agency imposed probation upon the college through the removal of sanctions and the reaffirmation of the institution’s accreditation in June 2008. The research study will examine organizational values, perception of leadership, and the effects of leadership traits and organizational values on institutional effectiveness. It is expected that the research project will begin early next year.

Club Mud Holiday Sale
Find unique gifts for the holidays, or just because, right here on campus. College of Marin’s Club Mud will be selling hand-crafted ceramic goods on Saturday and Sunday, Nov. 21 and 22, from 10 a.m. to 5 p.m. in the Ceramics Studio, Fine Arts Building, Room 10. For more information contact Bill Abright at Bill.Abright@marin.edu.

Russian Masters
Tchaikovsky & Shostakovich
COM Symphony Orchestra
Tara Flandreau, Director
Paul Smith, Piano
The College of Marin Symphony Orchestra, conducted by Tara Flandreau, performs a powerful program of great Russian music. Shostakovich’s Fifth Symphony, one of his most well-known works, is a study of conflict, power, and man’s triumph in a complex and difficult world. The orchestra will be joined by renowned Bay Area pianist Paul Smith who will perform as soloist in the Tchaikovsky Piano Concerto No. 1. Donation suggested, free parking.

St. Hilary Church, Tiburon Saturday, Nov. 21, 7:30 p.m. Unity In Marin, Novato Sunday, Nov. 22, 3:00 p.m. The Dance Palace, Pt. Reyes Station Monday, Nov. 23, 7:30 p.m.

Kudos

Former COM Student is Resident Director of EcoDorm
Dylan Flynn, son of Counselor Robert Flynn, attended College of Marin as a concurrently enrolled high school student from 2002 to 2004. During those two years he also attended Marin Academy. He was able to complete the first year of his four-year degree at COM and learned a great deal from Rick Hall in the Art Department. After graduation he took a year off to backpack in New Zealand and Costa Rica. When he returned to the U.S. he started at Warren Wilson College in Swannanoa, N.C. This small liberal arts school has fewer than 1,000 students – but those students are very involved in the sustainability movement.
Dylan Flynn is currently the resident director of EcoDorm, one of only two student residences in the nation that have earned LEED's platinum rating. He was pictured in The New York Times magazine forging the centerpiece of a campus balcony railing in the school's blacksmith shop, where he is the lead teacher. He will graduate this winter with a degree in environmental studies. Flynn is a perfect example of a student who started his education at a community college and has gone on to pursue and become successful in an area that he has always had a passion for. To view the complete article visit http://tiny.cc/ztz64

Screenwriting Instructor Sandy Handsher was invited to the staff/crew screening of the Sam Cooke Crossing Over documentary by her former student, director John Antonelli. Although Handsher was not a part of the staff or crew of this film, Antonelli felt compelled to invite her because of the incredible impact her Beginning Screenwriting class had on him. Kudos to you, Sandy, for being such a powerful part of student success.
**BACKGROUND:**

In response to questions posed by Trustees at the October 13, 2009 Board meeting the attached report is submitted for your information.

**RECOMMENDATION:**

For information only.

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Administrator Initiating Item   Dr. Frances L. White, Superintendent/President
FOLLOW-UPS FROM OCTOBER 13, 2009 BOARD MEETING

Trustee Paterson asked for a staff update on the issues raised by Terry Malouf of the Ignacio Creek Homeowners Association.

*Director of Modernization Chernock's report is attached.*

Trustee Dolan asked for a staff report on the microbiology lab assistant situation brought up by microbiology students.

*Dr. White responded that by law personnel issues cannot be discussed except in closed session. An update will be provided at the November 17 closed session meeting.*

Trustee Hayashino asked to have fundraising placed on the agenda for further discussion.

*This item is on the November 17 agenda under Possible Future Agenda Items for Discussion.*

Trustee Dolan asked for a report on the open classrooms that many adults accessed in the past and are not going to have accessibility to.

*Vice President Nick Chang gave a report on Open College at the September 22, 2009 Board meeting. A copy is attached.*

Trustee Dolan asked if staff could be prepared to respond to student questions at Board meetings without giving out confidential information.

*No*

Trustee Dolan asked if there was some way for community members to get a report on actions taken by the Board and said this might improve community relations.

*They can go to www.marin.edu and check the website for Board agendas, reports, minutes, and actions taken by the Board.*
A report entitled “Facts about the New Science Complex – A Response” prepared by
Modernization Director Chernock is attached in response to a letter from Don Foss,
Jamie Deneris and David Egert received by staff on September 15 and comments made
by Don Foss at the September 22 Board meeting.

Information on concurrent high school enrollment at COM prepared by Vice President
Chang is attached in response to a request for this information made by Trustee
Paterson at the September 22 Board meeting.

A report summarizing the reasons for cost overruns on the geothermal projects at
Kentfield and IVC prepared by Modernization Director Chernock is attached in
response to a request for this information made by Trustee Namnath at the
September 22 meeting.

A report entitled Report on Waiting Lists for Core GE and Transfer Classes prepared by
Vice President Chang is attached in response to a request for this information made by
Trustee Long at the September 22 Board meeting.
FOLLOWUP TO INQUIRIES FROM IVC NEIGHBORS  
November 2009

This document provides data responding to questions from IVC neighbors as presented to staff by Trustee Patterson on October 12, 2009.

1. **Security / Police Services**
   a. *What are current hours of police visits? Can District provide a general schedule of officer visits to the IVC campus?*
   The Police Department, for reasons of liability and security, does not publish its hours of operation or schedule of visits to any parts of either campus.

   b. *Is there more service due to construction? Will current service continue after construction is completed?*
   Police services have not changed as a result of construction, and no change is anticipated after construction is completed.

   c. *Is the main gate locked nightly? At what time?*
   The gate is locked every night at approximately 10:30 p.m.

2. *Can the new stop signs at the entrance and exit by the gates stay up after construction?*
   The District will consider this request based on safety and code requirements.

3. *Can the District create a bike/pedestrian lane using one outbound lane from street?*
   The District has been advised by its consultants that reducing lanes of traffic increases risk and should not be implemented. The District will continue to explore other opportunities to improve bicycle and pedestrian paths of travel on the IVC campus.

4. *Is the sidewalk on the hill (north side of Ignacio Boulevard) going to be redone?*
   The Measure C bond program does not include plans to rebuild the sidewalk on the north side of Ignacio Boulevard. The District recognizes the condition of this sidewalk and has included plans for improvement as resources allow.

5. *Can the bio-retention pond be fenced to prevent misuse by the community?*
   Current plans call for a short fence section around the northeast corner of the bio-retention pond to discourage pedestrian and bicycle entry into the eastern edge of the pond closest to the property fence line. The remainder of the pond perimeter will be planted with bushes and trees to impede intrusion into the pond.

6. *Why is there a footpath along the west side of the bio-retention pond from the street to the creek?*
   This footpath was design to route pedestrian traffic away from the property line (between the bio-retention pond and the neighbors' fence), and to provide a safe path of travel from Parking Lot 1 to...
the New Main Building on the north side of the creek. Placing the path farther west, toward the building, was deemed not viable because of the fire/loop road in that location.

7. **Will the new design of the parking lot allow misuse by cars speeding in “doughnut” fashion around the lot?**

The new parking lot, in addition to being significantly smaller than the old lot, includes raised islands, bio-swales and trees that should discourage speeding. The District will monitor traffic patterns in the lot after it is re-opened, and will consider additional features if a speeding problem surfaces.
Open College

How It Came About: Open College at COM was created in Spring 2006 to accommodate students primarily enrolled in the Arts, Modern Languages, and Physical Education credit courses who have exceeded their allowable number of repeats (four) under Title 5 but who wish to re-enroll in the course, and also for J-1 status students who take ESL. At that time, a special section number was created for any credit class for which a student wished to enroll as a not for credit, fee paying, student assuming the instructor agreed to accept the student. The student paid a fee considerably higher than that of a credit student, and it was administered by the Community Education Program. That process has changed more recently to a system whereby an Open College student enrolls, pays the higher fee, but does not show up at all in the credit head count or Management Information System (MIS) report.

Why It Is Being Discontinued: In reviewing Title 5, and after consultation with our Legal Counsel, it became apparent that this is a non-compliant program that was designed to get around the regulatory requirements. Title 5 authorizes three types of courses that a community college can offer: credit, noncredit, and fee-based community education. It does not authorize hybrid classes such as Open College and does not sanction such mechanisms for getting around the repeat policies. There is no category in the MIS for reporting a credit class that has primarily noncredit students. In this period of financial crisis, the State is examining the Fine Arts and Physical Education courses and some of these practices very closely. College of Marin should be very careful to make sure that our practices follow Title 5 regulations.

Finally, Open College creates a number of administrative issues that are difficult to resolve:

- How to determine the pay rate for an instructor of an assigned credit class who has primarily noncredit students;
- How to count attendance on these classes and report to the State; and
- How to report J-1 students’ progress and attendance, as required by the Department of Homeland Security, when they are enrolled as Open College or Community Education students, where their attendance is not recorded.

What Alternative Is Being Provided: With the discontinuation of Open College in the Spring Semester 2010, the largest group of students who will be affected are the ones enrolled in PE 173A (Beginning Yoga). Anticipating this, two sections of Community Education Yoga classes will be scheduled to accommodate these students. They will have a choice of enrolling either in a regular, credit, Yoga class (if they have not exceeded their allowable number of repeats) or in a Community Education Yoga class. These classes will be taught by highly qualified Yoga instructors.

Nick Chang, Vice President of Student Learning – September 22, 2009
FACTS ABOUT THE NEW SCIENCE COMPLEX – A RESPONSE
November 2009

This document provides data responding to statements put forth by Don Foss, Jamie Deneris and David Egert in the Life and Earth Sciences Department, received by staff on September 15, 2009.

1. The new structure will be much smaller than our current building. The result is that every discipline, including Biology, Chemistry, Geology, and Geography will lose at least one laboratory space. The loss of these laboratories will dictate a strict limit in our course offerings (such as Microbiology and Physiology) as we are currently running at maximum capacity. This obviously does not allow the science departments to continue to grow.

The total size of the entire Science Complex is 77,945 gross square feet. Size comparisons between the old Austin Science Building and the Science/Math portion of the new Science Complex are as follows:

<table>
<thead>
<tr>
<th></th>
<th>Austin Science Building</th>
<th>New Science Complex (Science/Math only)</th>
<th>The new building:</th>
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<tbody>
<tr>
<td>Gross square feet</td>
<td>51,000 gsf</td>
<td>61,904 gsf</td>
<td>is 21% larger</td>
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<td>Assignable square feet</td>
<td>35,000 asf</td>
<td>38,300 asf</td>
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<tr>
<td>Number of classrooms</td>
<td>22</td>
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<td>(including classroom/ lab combinations)</td>
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<td>Number of seats</td>
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<td>613</td>
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Early in the programming phase of the project, the Science faculty made the choice to design dual-purpose classroom/lab spaces to optimize the use of the facility.

The building is also designed in modular fashion for future growth: when and if the Science program mandates additional space in the building, the rooms currently dedicated to the Nursing program can be retrofitted into science laboratories.

2. The proposed laboratories will not house our current equipment and supplies which will limit the curriculum we will be able to offer. Our outstanding collections, obtained with great effort over the past 80 years, will be stored in containers. The faculty suggestions about how to mitigate some of these problems have been ignored.

Every laboratory in the Science Complex has lab support space assigned to it, for a total of 14 support spaces. Eight additional storage rooms have been included in the building, with 4 sets of rolling shelving to optimize the use of those rooms. The Science Complex houses a small museum...
and a storage room for collections, and a space has been set aside for a future museum expansion, not currently funded by the bond. The modernization team has no plans to store collections in containers.

Faculty members have participated to varying degrees in the entire design process for all modernization projects, including the Science Complex. In situations where faculty suggestions could not be accommodated, reasons were provided. In no instance have faculty suggestions been ignored.

3. The science departments will lose their large lecture space. The new building design does not have a room which will accommodate over 40 people. This is particularly detrimental to the Biology, Chemistry, and Physics/Astronomy programs as Science Center 101 is in constant use by them and all large lectures in these disciplines in the future will have to be located someplace away from the new Science Center.

The second floor of the new Science Complex contains two double-sized classrooms rooms (no. 224, 226) each capable of housing 48 students. Classrooms no. 215 and 217 can be opened via folding divider into a third 48-student classroom, and three medium (35-student) classrooms (no. 225, 227, and 229) can be remodeled into two classrooms, each of which will accommodate 56 students, as future needs dictate.

Larger lecture spaces (90+) are available elsewhere on campus, including Olney Hall, the Performing Arts Theater, and Fusselman Hall 120. These classrooms, as well as the classrooms planned for the Gateway Complex, are intended to be shared campus-wide. This sharing concept arose from early (2006) planning charrettes, whose attendees expressed a strong desire to integrate the Science program with other instructional programs on the campus.

4. The current plan is to demolish the old Science Center. The environmental costs of destroying the Austin Science Center and constructing a new building are staggering. Not only will the new building be grossly inadequate to host our curriculum and serve students, with a fraction of the budget, the Austin Science Center could be refurbished into an outstanding, modern, scientifically up to date facility.

The decision (made at the beginning of the modernization program) to replace the Austin Science Center instead of refurbishing it was based on several factors, including but not limited to costs and the environment:

- The building has several significant structural issues that would be extremely complex and costly if the building is modernized.
- The building is located in a flood plain, which cannot be mitigated and contributes to costly maintenance issues.
• Early (2005/2006) retreats and charettes expressed a strong desire to relocate the Science program to a building north of Corte Madera Creek in an effort to integrate the Science program with other instructional programs on the campus.

• Demolition of the Austin Science Center will include removal of harmful asbestos and other toxic chemicals, and building materials (including rebar and concrete) removed during the demolition will be recycled whenever possible.

• The new building is expected to achieve at least a LEED silver rating, which will result in environmental savings over time.

If future enrollment indicates a valid need for additional space, the Austin Science Center may be retained.
## Concurrent High School Enrollment

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<th>Term</th>
<th>Semester</th>
<th>Student</th>
<th>Credit Attempted</th>
<th>Average Credit Attempted</th>
<th>Credit Passed</th>
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Concurrent High School Passed Percentage
Number of Students

Concurrent High School Enrollment
MEMORANDUM

Date: 10/22/09 V2, revised on 10/23/09
To: V-Anne Chernock, Director of Modernization, MCCD
From: Leigh Sata, SMC Program Manager
Re: Follow up to Board request, Trison settlement (305B and 417B)

At the request of the Board of Trustees at the Board meeting on October 13th, 2009, this memo summarizes the reasons for cost overruns on the geothermal projects at KTD and IVC.

Context:
The purpose of the project is to provide geothermal cooling and heating to both campuses for the District’s new buildings. The system consists of vertical pipes placed in existing parking lots, connected horizontally and fed to a central plant. The system is efficient, cost effective and will require less maintenance than a “standard” HVAC system. The payback time was estimated at 7 years. The project had three major issues that were in dispute. These issues were resolved in a settlement that was approved by the Board on September 22nd, 2009. The issues were as follows:

1. Treatment of contaminated soils and drill water.
2. Construction inefficiency due to treatment of the contaminated soils and drill water.
3. Replacement soil in the horizontal trenches.

Financial information:

Original Construction budget: $7,667,000.00
Original Construction contingency: + $820,000.00
Total construction budget + contingency (item A): $8,487,000.00

Low bid (a total of 4 bids were received): $4,929,500.00
10% change order allowance: + $492,950.00
Construction cost, including 10% contingency: $5,422,450.00

Low Bid (not including 10% construction contingency): $4,929,500.00
The total of all approved Change Orders is: + $737,500.00
The total of all approved PCO’s is: + $0.00
The total of all projected PCO’s is: + $0.00
Total Construction costs, including “Change Order 1R” (item B): $5,667,000.00

Total Change Orders above construction budget (in percentage): 10%
Total change orders above low bid (expressed in percentage): 15%

“Item A” minus “item B”: $2,820,000.00 project savings
Summary:
The original settlement proposal from Trison was approximately $1,475,000. This was based on the PCO log, which contained a total of 25 PCOs. The largest five of these disputed PCOs were in excess of $125,000. Four of the five were disputed for both scope and cost, and the fifth was in dispute for cost only. A settlement in the amount of $737,500 was reached.

Change Order 1R, approved by the Board on September 22nd, 2009, resolved all outstanding change orders, cost of delays and disputes on the project. The negotiated settlement represented less than 15% of the original contract and less than 10% of the original budget.

The settlement allowed the District to avoid potentially protracted legal proceedings. The decision to approve this Change Order saved the District over $2.8 million dollars.
Report on Waiting Lists for Core GE and Transfer Classes

This is the waiting list information that the Board requested two meetings ago. Attached are breakdowns of the core GE and transfer class waiting lists for Spring, Summer and Fall 2009 divided into morning, afternoon, evening and distance education classes. It gives a general picture on the demand for these classes.

However, this picture may be misleading for two reasons:

- Banner creates a waiting list once the capacity of a class is reached. However, when students withdraws, thus creating opens spaces in the class, Banner does not backfill those vacancies from the wait list. In other words, the waiting list only goes up but does not go down to reflect the changing number of students who could not enroll in that class. For example, a class has a cap of 30 and a waiting list of 6; the cap is reached but through withdrawals the enrollment drops to 27. But the waiting list still shows 6 and not 3 because Banner does not automatically backfill the openings with students in the waiting list. The attached report has taken this into consideration and used a “best guess” formula to estimate the real number.

- The waiting list numbers are cumulative for all the courses in that core GE and transfer discipline and may seem high, but are often much lower for a given class at a given scheduled time.

The College had anticipated some of the demands for these areas and added sections in Biology, Chemistry and English for fall 2009, but the demand is still strong as reflected in the fall waiting lists. The Department Chairs and Deans are constantly monitoring enrollment in all classes and make scheduling adjustments as needed, often within their allotted units.
# Waiting List Classes Only

**Spring 2009**

<table>
<thead>
<tr>
<th>Morning</th>
<th>WL</th>
</tr>
</thead>
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</tr>
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<table>
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## Waiting List Classes Only
### Spring 2009

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**Total:** 217

### Weekend
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**Total:** 10

### Distance Education
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### Spring 2009 Grand Total: 957
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## Waiting List Classes Only

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## Waiting List Classes Only

### Fall 2009

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### Evening

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### Fall 2009 Grand Total: 1310
MARIN COMMUNITY COLLEGE DISTRICT  
Kentfield, CA 94904  

BOARD AGENDA ITEM  

<table>
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<tr>
<th>To:</th>
<th>Board of Trustees</th>
<th>Date: November 17, 2009</th>
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<tbody>
<tr>
<td>From:</td>
<td>Superintendent/President</td>
<td>Item &amp; File No. C.8.B</td>
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<tr>
<td>Subject:</td>
<td>Classified Personnel Recommendations</td>
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<tr>
<td>Reason for Board Consideration:</td>
<td>Enclosure(s):</td>
<td>Recommendations</td>
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APPROVAL

BACKGROUND:

The following actions are included in the Classified Personnel Recommendations:

   A. Appointment of Classified Personnel
   A.1 Appointment of Hourly Personnel

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

   J. Gilbert, P. Lama and M. Pratchenko 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>
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<tr>
<th>Item No.</th>
<th>Name</th>
<th>Division/Department</th>
<th>FTE</th>
<th>MPY</th>
<th>Effective Date</th>
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BACKGROUND INFORMATION:

1. Ms. Pratchenko has accepted the .53FTE/9.5MPY position of Office Technician in the Internet Café effective November 4, 2009.

* Probationary period 6 months
A.1 APPOINTMENT OF HOURLY PERSONNEL

<table>
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<th>Start Date</th>
<th>Expiration Date</th>
<th>Hourly Rate</th>
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<td>2. Lama, Pasang</td>
<td>Health Services</td>
<td>11/2/2009</td>
<td>12/15/2009</td>
<td>$30.00</td>
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1. Ms. Gilbert will assist the Health Center with the distribution of the H1N1 vaccines to college students and community during the months of November and December of 2009.

2. Ms. Lama will assist the Health Center with the distribution of the H1N1 vaccines to college students and community during the months of November and December 2009.
To: Board of Trustees
From: Superintendent/President
Subject: Budget Transfers – Month of October – FY 2009/2010
Reason for Board Consideration: APPROVAL

BACKGROUND:
The accompanying transfer information includes twenty-two budget transfers in October 2009, totaling $27,417 in Unrestricted Funds.

There were fifteen transfers in Restricted Funds for $38,008 in October 2009.

Net effect of transfers for the Month:

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<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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<tr>
<td>5000 (Other Operating Exp.)*</td>
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<tr>
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<td>7000 (Other Outgo)**</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 October Budget Transfers – FY 2009/2010.

Administrator Initiating Item

Albert J. Harrison II, Vice President, College Operations
### August 2009 Budget Transfers

**BT #**

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**Restricted Fund**

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**Total General Fund**

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<th>TOTAL GENERAL FUND</th>
<th>14,658.74</th>
<th>9,159.79</th>
<th>1,375.00</th>
<th>9,467.98</th>
<th>(34,873.71)</th>
<th>212.20</th>
<th>-</th>
<th>0.00</th>
<th>34,873.71</th>
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**Child Care Fund**

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**Measure C**

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<th>Measure C</th>
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<th>3</th>
<th>4</th>
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</thead>
<tbody>
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<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
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</table>

**Total Measure C**

<table>
<thead>
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<th>TOTAL ALL FUND</th>
<th>14,658.74</th>
<th>9,159.79</th>
<th>1,375.00</th>
<th>9,467.98</th>
<th>(34,873.71)</th>
<th>212.20</th>
<th>-</th>
<th>0.00</th>
<th>34,873.71</th>
</tr>
</thead>
</table>

Budget inter-project transfers were funds remained within the same account code and transfers offset to zero, not included in totals.
MARIN COMMUNITY COLLEGE DISTRICT
Kentfield, CA 94904

BOARD AGENDA ITEM

<table>
<thead>
<tr>
<th>To:</th>
<th>Board of Trustees</th>
</tr>
</thead>
<tbody>
<tr>
<td>From:</td>
<td>Superintendent/President</td>
</tr>
<tr>
<td>Date:</td>
<td>November 17, 2009</td>
</tr>
<tr>
<td>Item &amp; File No.:</td>
<td>C.8.D</td>
</tr>
<tr>
<td>Subject:</td>
<td>Warrant Approval for Month of October 2009</td>
</tr>
<tr>
<td>Reason for Board Consideration:</td>
<td></td>
</tr>
<tr>
<td>Enclosure(s):</td>
<td>Warrant Listing</td>
</tr>
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</table>

**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 **10/01/2009 through 10/27/2009**, warrants 86488-87161 were issued in the total amount of $5,376,052.

**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: November 17, 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 86488-87161 in the amount of $5,376,052 for all funds for the period 10/1/2009 through 10/27/2009 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 $1,529,164 of the above amount. Expenditure Summary includes payroll through October 31, 2009.

President or Designee

EXPENDITURE SUMMARY 2009-2010
General Fund – All Programs
Period Ending 10/31/2009

<table>
<thead>
<tr>
<th>Category</th>
<th>Budget</th>
<th>Encumbered</th>
<th>Expended</th>
<th>Balance</th>
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<tbody>
<tr>
<td>Certificated Salaries</td>
<td>20,666,647</td>
<td>0</td>
<td>4,856,841</td>
<td>15,809,806</td>
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<tr>
<td>Classified Salaries</td>
<td>11,041,013</td>
<td>0</td>
<td>2,663,569</td>
<td>8,377,444</td>
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<tr>
<td>Employee Benefits</td>
<td>10,783,115</td>
<td>0</td>
<td>2,430,767</td>
<td>8,352,348</td>
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<tr>
<td>Books &amp; Supplies</td>
<td>1,277,329</td>
<td>114,890</td>
<td>212,562</td>
<td>949,877</td>
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<tr>
<td>Other Operating Expense*</td>
<td>6,358,743</td>
<td>795,691</td>
<td>1,583,542</td>
<td>3,979,510</td>
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<tr>
<td>Capital Outlay</td>
<td>1,535,253</td>
<td>26,398</td>
<td>78,961</td>
<td>1,429,894</td>
</tr>
<tr>
<td>Other Outgo**</td>
<td>6,156,901</td>
<td>0</td>
<td>2,445,056</td>
<td>3,711,845</td>
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<tr>
<td>Total</td>
<td>57,819,001</td>
<td>936,979</td>
<td>14,271,298</td>
<td>42,610,724</td>
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</table>

* 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

Date: November 17, 2009
Item & File No. C.8.E

Subject: Declaration of Surplus Property – Miscellaneous Equipment

Reason for Board Consideration: APPROVAL
Enclosure(s): 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).

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees declare the items described on the attached 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 is appropriate.

Administrator Initiating Item
Albert J. Harrison II, Vice President of College Operations
<table>
<thead>
<tr>
<th>Campus</th>
<th>Bldg</th>
<th>Quant</th>
<th>Detailed Description</th>
<th>Inventory #</th>
<th>Age</th>
<th>Condition</th>
<th>Recommendation</th>
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</thead>
<tbody>
<tr>
<td>KTD</td>
<td>BC 104/102</td>
<td>15</td>
<td>Computers</td>
<td>See Attached</td>
<td>8+</td>
<td>Obsolete or not needed</td>
<td>Dispose/Recycle</td>
</tr>
<tr>
<td>KTD</td>
<td>BC 104/102</td>
<td>14</td>
<td>LCD Monitors</td>
<td>See Attached</td>
<td>8+</td>
<td>Obsolete or not needed</td>
<td>Dispose/Recycle</td>
</tr>
<tr>
<td>KTD</td>
<td>BC 104/102</td>
<td>30</td>
<td>Keyboards</td>
<td>See Attached</td>
<td>8+</td>
<td>Obsolete or not needed</td>
<td>Dispose/Recycle</td>
</tr>
<tr>
<td>KTD</td>
<td>BC 104/102</td>
<td></td>
<td>Misc Computer Equipment</td>
<td>See Attached</td>
<td>8+</td>
<td>Obsolete or not needed</td>
<td>Dispose/Recycle</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>CRT Monitor / Power supplies /</td>
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<td></td>
<td>Hard Drives/Floppy Drives / cards</td>
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<td></td>
<td>Cables</td>
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<tr>
<td>IVC</td>
<td>As 131</td>
<td>1</td>
<td>GBC Shredmaster Crosscut Shredder Ser# OQ02789</td>
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<td>?</td>
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All had memory and batteries removed
Partly cannibalized the rest was surplus

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<td>PC Plus</td>
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<td>S/N01214 48872/05</td>
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<tr>
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<td>12727 001626</td>
<td>S/N01214 48872/01</td>
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<td>12739 001622</td>
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<td>12801</td>
<td>000966 20307 53803/14</td>
<td>20307 53803/14</td>
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Monitors
S/N
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KDS CRT
5004377100175 12800
5004551500641 12789
5004551500638 12804
5004551500644 12794
5004551500642 12822
5004377100248 12818
5004377100376 12836
5004377100374 12834
5004377100397 12820
5004377100301 12828
5004377100351 12796
5004551500636 12808
154098C156005 12810
5004377100362 12812

KDS 15" LCD
5004377100175 12800
5004551500641 12789
5004551500638 12804
5004551500644 12794
5004551500642 12822
5004377100248 12818
5004377100376 12836
5004377100374 12834
5004377100397 12820
5004377100301 12828
5004377100351 12796
5004551500636 12808
154098C156005 12810
5004377100362 12812

Box of transformers for the KDS monitors, keep with the monitors.
2 boxes of 15 PS2 Keyboards
One box of miscellaneous, floppy drives, hard drives, power supplies, cards, cables etc.
To: Board of Trustees
From: Superintendent/President
Subject: Measure C Contracts
Date: November 17, 2009
Item & File No. C.8.F.1

Reason for Board Consideration: CONSENT APPROVAL
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.

<table>
<thead>
<tr>
<th>Contract Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Firm Name</td>
</tr>
<tr>
<td>-------------</td>
</tr>
<tr>
<td><strong>Construction Contracts – Ratification</strong></td>
</tr>
<tr>
<td>Classic Plumbing</td>
</tr>
<tr>
<td>D&amp;D Pipelines, Inc.</td>
</tr>
<tr>
<td>RevoDesign Studios</td>
</tr>
<tr>
<td>San Francisco Commercial Builders</td>
</tr>
<tr>
<td>Weatherproofing Technologies, Inc. (Division of Tenncs)</td>
</tr>
</tbody>
</table>

<p>| <strong>Construction Change Orders – Approval</strong> |</p>
<table>
<thead>
<tr>
<th>Firm Name</th>
<th>Project</th>
<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>
</tr>
</thead>
<tbody>
<tr>
<td>Allen Construction, Inc.</td>
<td>Transportation Technology Complex (402A)</td>
<td>$6,895,500.00</td>
<td>4</td>
<td>$17,110.00</td>
<td>$185,993.00</td>
<td>$7,081,493.00</td>
<td>2.6%</td>
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<tr>
<td>Ashbury Homes dba AHL, Inc.</td>
<td>Dance Relocation (850N)</td>
<td>$180,959.00</td>
<td>1</td>
<td>$2,127.00</td>
<td>$2,127.00</td>
<td>$183,086.00</td>
<td>1.2%</td>
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<tr>
<td>DiGlorio Contracting Co.</td>
<td>Parking Lot-Bioswale &amp; Pathways (4018-413A); Main Building Complex (417A)</td>
<td>$14,097,250.00</td>
<td>9</td>
<td>$84,980.00</td>
<td>$483,349.00</td>
<td>$14,580,699.00</td>
<td>3.4%</td>
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<tr>
<td>Maggiora &amp; Ghilotti</td>
<td>Lot 10 Paving Project; Diamond PE Center Alterations (308B)</td>
<td>$75,813.00</td>
<td>1</td>
<td>$4,261.00</td>
<td>$4,261.00</td>
<td>$80,074.00</td>
<td>5.6%</td>
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</tbody>
</table>

<p>| <strong>Professional Services Amendments – Ratification</strong> |</p>
<table>
<thead>
<tr>
<th>Firm Name</th>
<th>Project</th>
<th>Original $</th>
<th>No. of Changes</th>
<th>This Change</th>
<th>Total Changes</th>
<th>Total Contract to Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>CSW/Stuber-Stroeh Engineering</td>
<td>Diamond PE Center Alterations (308B)</td>
<td>$436,067.00</td>
<td>27</td>
<td>$4,960.00</td>
<td>$1,243,550.00</td>
<td>$1,679,617.00</td>
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<tr>
<td>Davis Langdon</td>
<td>Diamond PE Center Alterations (308B)</td>
<td>$21,500.00</td>
<td>1</td>
<td>$3,850.00</td>
<td>$3,850.00</td>
<td>$25,350.00</td>
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<tr>
<td>EduTracks</td>
<td>LEED Registration Fees (815A)</td>
<td>$16,929.00</td>
<td>1</td>
<td>$1,921.00</td>
<td>$1,921.00</td>
<td>$18,850.00</td>
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<tr>
<td>Sensible Environmental Solutions</td>
<td>Dance Relocation (850N)</td>
<td>$15,000.00</td>
<td>6</td>
<td>$1,040.00</td>
<td>$127,998.00</td>
<td>$142,998.00</td>
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<tr>
<td>Transitions ... managing change in the workplace, inc.</td>
<td>Diamond PE Center Alterations (308B)</td>
<td>$353,854.00</td>
<td>12</td>
<td>$465.00</td>
<td>$233,705.00</td>
<td>$558,560.00</td>
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</tbody>
</table>
Change Order No. 9 in the amount of $65,912.00 applies to the Main Building Complex Project (417A). Change Order No. 10 in the amount of $19,068.00 applies to the Parking Lot & Bioswale (404B) 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.

<table>
<thead>
<tr>
<th>Administrator Initiating Item</th>
<th>Administrator Approving Item</th>
</tr>
</thead>
<tbody>
<tr>
<td>V-Anne Chernock</td>
<td>Albert J. Harrison II</td>
</tr>
<tr>
<td>Director of Modernization</td>
<td>Vice President, College Operations</td>
</tr>
</tbody>
</table>
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>November 17, 2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>From:</td>
<td>Superintendent/President</td>
<td>Item &amp; File No.</td>
<td>C.8.F.2</td>
</tr>
<tr>
<td>Subject: New Fine Arts Building (306C)</td>
<td>Approve Subcontractor Substitution</td>
<td>Jeff Luchetti Construction, Inc.</td>
<td></td>
</tr>
<tr>
<td>Reason for Board Consideration:</td>
<td>CONSENT APPROVAL</td>
<td>Enclosure(s):</td>
<td>None</td>
</tr>
</tbody>
</table>

**BACKGROUND:**

On July 21, 2009 the Board awarded a contract to Jeff Luchetti Construction, Inc. for the New Fine Arts Building Project (306C).

Jeff Luchetti Construction, Inc. has requested a subcontractor substitution for the mechanical work. Substitutions may be initiated by the General Contractor to replace a non-performing subcontractor. In the case of a non-performing subcontractor, the released party has the right to request a formal hearing by the District. In accordance with the objection to substitution and request for hearing by the subcontractor, the District conducted a hearing pursuant to Public Contract Code Section 4107(a), which states, in part:

> If written objections are filed, the awarding authority shall give notice in writing of at least five working days to the listed subcontractor of a hearing by the awarding authority on the primary contractor’s request for substitution.

The District conducted the hearing on Tuesday, October 20, 2009 and is hereby recommending that the Board grant the Contractor’s request for substitution based on all relevant information presented to it, including all information presented by the parties at the hearing.

**FISCAL IMPACT:**

None

**RECOMMENDATION:**

The District recommends to the Board of Trustees that Jeff Luchetti Construction, Inc.’s request to substitute a subcontractor be granted.

Administrator Initiating Item  
V-Anne Chernock  
Director of Modernization

Administrator Approving Item  
Albert J. Harrison II  
Vice President, College Operations
MARIN COMMUNITY COLLEGE DISTRICT  
Kentfield, CA 94904

BOARD AGENDA ITEM

<table>
<thead>
<tr>
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<th>November 17, 2009</th>
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<tbody>
<tr>
<td>From:</td>
<td>Superintendent/President</td>
<td>Item &amp; File No. C.8.G</td>
<td></td>
</tr>
<tr>
<td>Subject:</td>
<td>New Community Services Courses</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reason for Board Consideration:</td>
<td>APPROVAL</td>
<td>Enclosure(s):</td>
<td></td>
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</tbody>
</table>

BACKGROUND:

New courses are developed by faculty in the Community Education area. Courses are reviewed and approved according to Board policy 3.0001 and 3.0002.

The Community Education Program will offer the following new Community Services courses for the first time during Winter 2010. These fee-based courses are recommended by the appropriate Community Education faculty and staff as well as the Vice President of Student Learning, and are “designed to meet the educational, social, economic, cultural, and recreational needs” of Marin County residents, as specified in Board policy. The proposed new courses are listed below, along with brief descriptions.

**Anthropology through Literature: Demagogues and Democracy in the 1900s**  
*Meets seven Mondays for a total of 14 hours, off campus*  
In the 1900s many European colonies became independent, and women gained political rights in numerous countries. Dictators like Hitler and Cuba’s Batista were ousted, yet other repressive demagogues were not swept away by the revolutions in Russia and China. Established social patterns were changed by technological developments: from the typewriter to the computer, the wireless telegraph to the internet, the zeppelin to the international space station. Creative perspectives shifted from Shaw to Stoppard, from Rachmaninoff to Cage, from Gauguin to Pollack, and from Rodin to Calder.

**Argentine Tango: Practica and Cultural Series**  
*Meets four Fridays for a total of 8 hours*  
This course is open to all levels. Practice what you have learned in Level 1 during the supervised “Practica” portion of this class. A challenging figure will be presented to the more advanced students each week. In addition we explore the Argentine Tango culture through the presentation of films, music, lectures, and discussions. During the practica we will take a short break to present video and discuss cultural issues.

**Basic Screenwriting Techniques**  
*Meets for four Thursdays for a total of 8 hours*  
In this class, you will have the opportunity to practice various screenwriting techniques and learn the business behind the art of writing for Hollywood. Develop your writing skills, understand the structure of a screenplay, and learn how to submit a screenplay to an agent. We will use a variety of formatting techniques necessary to write a professional screenplay for Hollywood.
Beginning Argentine Tango
Meet four Fridays for a total of 4 hours
This course is an introduction to the social form of Argentine Tango as danced in Buenos Aires. No previous experience necessary! You will learn a code of movement that will get you started with this improvised dance. Embrace, posture, connection with your partner, and basic navigation on the dance floor will be emphasized. It is highly recommended that this class be taken in conjunction with Argentine Tango: Practica and Cultural Series which is held directly following this class.

Beginning Computing for Older Adults
Meet 7 Saturdays for a total of 14 hours
This course is designed to be a hands-on introduction to basic computer usage and the Windows XP Operating System for older adult beginning computer users. At the first class meeting, you will have a chance to examine the inside of a computer. During classes, mini-lectures followed by hands-on exercises will help you understand the computer and build skills and confidence. Weekly handouts include glossaries, exercise instructions, and topical reference information. By the time class is finished, you will have had the opportunity to learn how to turn on the computer, log in, and shut down; manipulate the mouse effectively (there are tricks for those with limited mobility); use a web browser and search engine; create, save, open, close, and print files; and send an email with attachments, including photographs.

Celebrate Retirement: The Freedom and the Frustration
Meet seven Thursdays for a total of 14 hours
Every business day approximately 15,000 doctors, lawyers, engineers, CEO’s, entrepreneurs, teachers, and others retire. We’re talking about Boomers, those over 55. This group leaves the work force with well-honed talents and skills. They have amazing gifts needed by their communities. If this describes you, this is your class! Discover what gives meaning and purpose to retirement. Learn how to handle unexpected frustrations and make adjustments. Using a well-crafted workbook, we will complete stimulating and dynamic written exercises in class and engage in lengthy discussions about what we discovered about ourselves and this new enterprise called “Retirement.”

Change Happens! Making Change Work for You
Meet two Saturdays for a total of 6 hours
Financial reverses? Marriage/Divorce? Birth/Empty nest? Job loss? Career Change? Retirement? There are two kinds of change: the change you choose and the change that chooses you. Are you exhilarated by the change, paralyzed or somewhere in between? Do you feel like you are spinning your wheels? This class will provide a framework within which you will create your own roadmap toward future opportunities. You will leave the workshop with tools to move forward including a personal roadmap and action plan. Make change work for you!

Do It Yourself College Counseling for Parents of High School Students
Meet one Saturday for a total of 2 hours
This introductory course is for any parent interested in learning about the ins and outs of applying to college today. You will receive the necessary tools to get started and keep you and your child organized and on-track with the college application process. Learn about College Entrance Tests (SATs & ACT) and the appropriate time for your child to take them. Understand how colleges will evaluate your student's transcript including the best courses to take in high school. Discover what role extra-curricular activities play in the application process and receive tips for choosing the best activities for your child. Examples of how these factors relate to different colleges including the UC, Cal State, and selective private colleges will be provided. You will have plenty of opportunity to ask questions.
Exercise, Fitness, and Wellness

Meets seven Monday for a total of 14 hours

These seven sessions provide an overview of major components that contribute to a balanced and healthy lifestyle. Areas of focus will include stress management, goal setting, cardiovascular fitness, body composition, low back care, flexibility, weight management, muscular endurance, and designing workouts you can do at home or outdoors. Class will include assessment and goal setting, testing to determine fitness level and body composition, a balanced approach to weight management, an individualized workout program, and more! Each week the class will be half lecture and half activity.

French Literature: Le Cid – Pierre Corneille’s First Masterpiece

Meets seven Wednesdays for a total of 14 hours

Join us in discussing “Le Cid” 17th century play, and first masterpiece of the famous French playwright Pierre Corneille. With Le Cid, Corneille changed the form of the dramatic play, and his transformation met with applause from the audience in spite of displeasing Cardinal Richelieu. This tragic-comedy demonstrates the interplay between reality and illusion, characteristic of Baroque art.

Griefwriting

Meets six Mondays for a total of 9 hours

Engage in the practice of writing as a therapeutic expression of grief that can lead to a feeling of catharsis or release of emotions. In a context of empathetic discussion and insightful readings, describe how mourning feels, what helps (if anything), tell the story of what happened, and begin to research and articulate a philosophical or religious stance that provides perspective and a larger context for understanding and acceptance.

Hans Christian Andersen’s Fairy Tales

Meets seven Tuesdays for a total of 14 hours

This course offers the opportunity to study a variety of Andersen’s fairy tales. We will analyze the tales in terms of their structure, style, and meaning. Moreover, we will discuss the impact Andersen’s stories had on the literary scene not only in Denmark but also in that of foreign countries.

How to Be Heard by (Almost) Anyone

Meets one Saturday for a total of 3 hours

“He tunes me out.” “It’s like talking to a brick wall.” “I just can’t get through to them.” “She rubs me the wrong way.” Sound familiar? The problem could be as simple as a difference in communication styles. It is human nature to communicate with everyone the same way, and most of the time it works for us; however, occasionally it doesn’t work and we wonder what’s wrong with “them.” In this highly interactive and fun workshop you will learn about your natural communication style, when it can be your most powerful asset and when it might work against you. You will also learn how to recognize others’ styles and how to communicate best with them!

How to Write Flash Fiction — And Why You Want to

Meets for seven Wednesdays for a total of 14 hours

Flash fiction is the art of writing a complete story in 500 words, or two pages. The practice of writing these short-shorts causes you to flex your best writing muscle: precision. In addition to being a writing adventure, flash fiction -- unlike many other writing exercises -- has a market. It is an official genre, with an ever-increasing number of print and online litmags, and anthologies publishing it. Some of our best contemporary authors write flash fiction. Learn what else is needed, how to write these brief stories, and where to publish.
Introduction to Farsi (Persian)
Meet seven Saturdays for a total of 14 hours
You will be introduced to basic Farsi vocabulary and simple sentence structure. The emphasis of this class is on learning Persian sounds, pronunciation, and vocabulary building. Upon successful completion of this course, you will be able to speak in simple sentences and be familiar with general expressions, short phrases, proper greetings, and how to make introductions.

Literature and Science
Meet for seven Fridays for a total of 17.5 hours
In every age there have been writers who hold together several worlds in one drama and alter our perspectives. They blend lyrical and technical vocabulary, as does Shakespeare who fuses the discourses of astronomy, medicine, political theory, and religion in his sonnets. The poet Emily Dickinson tests the outer boundaries of her thought by mapping astrophysics, microbiology and cellular geometry onto her poetic experiments. Thomas Mann’s Death in Venice portrays Europe breaking apart into war as a progressive illness. Mark Haddon filters his novel The Curious Incident of the Dog in the Nighttime through the mind of a boy with Asperger Syndrome. And William Burroughs, in his outrageous Naked Lunch, conceives of images and words as viruses invading the receptive host and replicating themselves. We will explore the viewpoints, scientific and poetic, through which these writers enrich our perception.

Painting from Your Heart in Watercolor
Meet one Saturday for 7 hours
Learn to paint rich, colorful, personal paintings from your heart. This easy learning experience for beginners and experienced watercolor painters will let your creativity flow out of you, free your spirit, and nourish your soul. Learn 18 new techniques to open your heart to painting beautifully. Learn and enjoy the experience of painting from your heart in watercolor in a relaxed, safe environment for creative expression.

Poetry of the Spirit and Consciousness
Meet 7 Thursdays for a total of 14 hours
The course will focus on spiritual poetry of the last 1,000 years and seek to bring out the mystical connection between various traditions. Each week we will read aloud five to six poems from poets such as Rumi, Hafiz, Kabir, Mirabai, St John of the Cross, St Teresa of Avila, St. Catherine, and Rilke. Through discussion and brief meditation periods, we will enrich our knowledge and understanding of spiritual poetry, mysticism, and the nature of consciousness.

Sculpting the Human Face in Oil Base Clay
Meet three Saturdays for a total of 15 hours
In this class, you will learn to look at the human face from a new perspective, based on structure, light, shadow, mass, and proportion, while working in a flexible medium. You will select your own model and be shown at the orientation how to prepare photographs to work from. A series of proportion guidelines will enable you to zero in on exactly what is not working with your construction and allow you to fix it immediately.

The Eternal City: The Art and Architecture of Rome
Meet seven Thursdays for a total of 14 hours
Join Art Historian Kerrin Meis on a virtual tour of the Eternal City for her origins in 753 BCE through the seventeenth century. Through colored slides and informed narrative we will focus on patronage, discussing the great monuments of the Caesars, early Christian imagery in the catacombs, the Rome of the Renaissance Popes and, finally, the Baroque masterpieces of the Counter-Reformation. Highlights include the Pantheon, Hadrian’s Villa, triumphal arches, Santa Costanza, San Clemente, St. Peter’s, and the Vatican. Artists include Fra Angelico, Masolino, Botticelli, Raphael, Michelangelo, Caracci, Caravaggio, and the architects Borromini and Bernini.
Thriving with Adult ADHD: Managing the Challenges and Maximizing the Gifts
Meets seven Mondays for a total of 10.5 hours

Are you, or a loved one, restless and easily distracted, or have difficulty sustaining attention and concentration? Are you energetic, creative... an out-of-the-box thinker? Do you have difficulties with time management, organization, and planning? You may have Attention Deficit/Hyperactivity Disorder (ADHD). People who learn to maximize the gifts that often accompany ADHD excel personally and professionally--think Albert Einstein, Winston Churchill, Eleanor Roosevelt, Justin Timberlake. Join us to gain a better understanding of ADHD.

What is Islam?
Meets seven Thursdays for a total of 14 hours

Religion lies at the root of every culture, decisively influencing art, literature, legislation, economics, and more. Without knowing the religious background and traditions of a people, it is very difficult, if not impossible, to understand their history, literature, art, and even their current politics. Religion shapes a worldview--a way of looking at things and a way of interpreting reality. The purpose of this course is to familiarize you with the meaning of Islam, being Muslim, and sources of many misconceptions about Islam through power point presentation and through reading and discussing excerpts from the Quran and the Bible.

Wines of Italy
Meets four Mondays for a total of 8 hours, off campus

Learn about the wine and wine grape growing regions in Italy. We will explore the principle growing regions, taste representative wines, and discuss their uniqueness to each area, including Tuscany, Piedmont, Tre Venezia, and Southern Italy.

Women Take the Stage: Modern European Drama
Meets seven Tuesdays for 14 hours

Women take title roles from the end of the 19th century to the late 20th century. We will consider Ibsen: Hedda Gabler (1890), A Doll’s House (1879); Stindberg: Miss Julie (1888); Shaw: Mrs. Warren’s Profession (1898); Chekhov: Three Sisters (1904); Jean Anouilh: Antigone (1944); Giraudoux: The Madwoman of Chaillot (1946); Brecht: Mother Courage (1941); Beckett: Happy Days (1961). The class will read scenes from the plays and view outstanding performances on DVD.

Yoga for a Healthy Back
Meets for seven Tuesdays & seven Thursdays for a total of 21 hours

This course teaches you safe and effective strategies for a healthy back. It especially focuses on the lower back, an important supporting structure that often becomes compromised. If you have mild chronic back pain and/or are interested in an educational, preventive approach to back care, this program is for you. There will be emphasis on slow movements that strengthen, stabilize, and stretch the lower back. With the aid of breathing techniques we will activate the deep core muscles, support the lumbar, and promote intervertebral space. As a way to address underlying causes for back problems we will also explore appropriate range of motion, bring awareness to movement patterns, and develop healthy ones.

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve the proposed new Community Services Courses.

Administrator Initiating Item

Nick Chang, Vice President of Student Learning
BACKGROUND:

New courses are developed by faculty at the discipline level. They are proposed to the Curriculum Committee, a standing committee of the Academic Senate. Courses are reviewed and approved according to Board policy 2.0001 and 2.0001 DP.1.

The Academic Program will offer the following new credit courses. The courses are recommended by the appropriate academic departments, the Curriculum Committee, and the Vice President of Student Learning. The proposed new courses may be categorized as follows:

**Liberal Arts and Sciences**

Courses of freshman and sophomore level in the area of liberal arts and sciences transfer education.

- **PE 194**  Volleyball Theory
  
  A comprehensive class designed for the student interested in participating or coaching the sport of volleyball.

**New Vocational/Professional Offerings**

Courses designed to assist students in learning new skills using advanced technical equipment and approaches.

- **MMST 161**  Interactive Animation
  
  This course will provide an increased knowledge of animation by expanding on the dynamic capabilities using ActionScripting for interactive content in games, websites and standalone applications.

- **MMST 183**  Page Layout Design
  
  This course will provide a basic knowledge of layout design as it applies to printed media and paperless publishing. Design and layout skills will be developed through hands-on projects.
Selected Topics

Course designed to explore specialized and contemporary topics, which are not traditionally taught in the regular credit program.

ART  139A  Selected Topics: History of Impressionism and post-Impressionism

This class is designed both for students with a general interest in the topics, and for those who wish to prepare for the two major exhibitions from the Musée d’Orsay in Paris, coming to the De Young Museum in spring and fall of 2010.

ART  139AB  Selected Topics: Advanced Projects in ART

This course will provide advanced students with an opportunity to design and implement individual or group creative projects under the direction of the instructor. Intended for students who are ready to plan, design and implement independent projects such as exhibitions, publications, and performance.

ACRT  139EV  Selected Topics: Electrical Vehicle COMvert – a practical approach to electric vehicle conversion

This class teaches the basic steps to convert a gasoline engine vehicle to an electrical powered vehicle.

ELEC  139EV  Selected Topics: Electrical Vehicle COMvert – a practical approach to electric vehicle conversion

This class teaches the basic steps to convert a gasoline engine vehicle to an electrical powered vehicle.

MUS  139  Selected Topics: Music Notation at the Computer

In this course, students will learn how to create professional looking musical scores or compositions, arrangements, or study aids, and will work with standard professional music notation software (finale or Sibelius) to create musical scores.

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve the proposed new credit courses.

Administrator Initiating Item:
Nick Chang, Vice President of Student Learning
BOARD AGENDA ITEM

To: Board of Trustees  
From: Superintendent/President  
Subject: Credit Course Revisions  
Reason for Board Consideration: APPROVAL

Date: November 17, 2009  
Item & File No. C.8.1

BACKGROUND:

Revised courses are developed by faculty at the discipline level. Revisions are proposed by departments to the Curriculum Committee, a standing committee of the Academic Senate. Courses are reviewed and approved according to Board Policy 2.0001 and 2.0001 DP.1.

The following course revisions are recommended by appropriate academic departments, the Curriculum Committee, and the Vice President of Student Learning.

<table>
<thead>
<tr>
<th>Course</th>
<th>Title</th>
<th>Change Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>BIOL 116</td>
<td>Plant and Animal Diversity</td>
<td>Change prerequisite from BIOL 110 and BIOL 110L to MATH 103 or MATH 103A and B or MATH 103X and MATH 103Y. Change advisory from none to BIOL 110, BIOL 110L and concurrent enrollment in Chemistry 131. Revise texts/assigned reading.</td>
</tr>
<tr>
<td>COUN 130</td>
<td>Career Life Skills Planning</td>
<td>Revise schedule description.</td>
</tr>
<tr>
<td>DANC 161</td>
<td>Beginning Ballroom Dance</td>
<td>Revise student outcomes and texts/assigned reading.</td>
</tr>
<tr>
<td>DANC 175</td>
<td>Summer Intensive: Workshop in Summer Classical Performance II</td>
<td>Revise course content, critical thinking, student outcomes, methods of evaluation, and texts/assigned reading.</td>
</tr>
<tr>
<td>DANC 232AB</td>
<td>Modern Dance III</td>
<td>Revise catalog description, course content, critical thinking, student outcomes, and texts/assigned reading.</td>
</tr>
<tr>
<td>DANC 240AB</td>
<td>Modern Dance IV</td>
<td>Change course number from “DANC 240” to “DANC 240AB”. Revise catalog description, course content, critical thinking, student outcomes, and texts/assigned reading.</td>
</tr>
<tr>
<td>GEOL 102</td>
<td>Geologic Setting of the National Parks</td>
<td>Revise schedule description, critical thinking, student outcomes, methods of evaluation, methods of instruction, and texts/assigned reading.</td>
</tr>
</tbody>
</table>
MMST 151
Illustration and Animation

MUS 183
Chamber Singers
Revise course content.

N E 103
Open Skills Laboratory
Revise catalog description and course content.

N E 135
Nursing I: Fundamentals Of Nursing
Change prerequisite from ENGL 120 to ENGL 150. Revise catalog description and schedule description.

N E 205
Open Skills Laboratory
Revise catalog description and course content.

N E 210L
Nursing Care of the Childbearing Family Clinical Laboratory
Revise course content.

PHIL 112
Introduction to Logic
Revise catalog description, course content, schedule description, student outcomes, methods of evaluation, and texts/assigned reading.

PHIL 117
History of Philosophy: Late Modern to Contemporary
Revise student outcomes and texts/assigned reading.

POLS 210
War, Peace, and the United Nations
Revise catalog description, course content, schedule description, methods of instruction, and text/assigned reading.

RECOMMENDATION:
The Superintendent/President recommends that the Board of Trustees approve the proposed credit course revisions.

Administrator Initiating Item:
Nick Chang, Vice President of Student Learning
BACKGROUND:

Credit courses are recommended for deletion status by the faculty at the discipline level. These deletions are proposed by the academic departments to the Curriculum Committee, a standing committee of the Academic Senate. Deletions are reviewed and approved according to Board policy 2.0001 and 2.000 DP.1.

The following courses are recommended for deletion by the Curriculum Committee from the College of Marin credit curriculum. These courses have not been taught for a period of time or have been replaced by other courses more relevant to student needs.

DELETIONS

<table>
<thead>
<tr>
<th>BIOL</th>
<th>108</th>
<th>Animal Behavior</th>
</tr>
</thead>
<tbody>
<tr>
<td>BIOL</td>
<td>234</td>
<td>Fishery Biology</td>
</tr>
<tr>
<td>COMP</td>
<td>140</td>
<td>Fundamentals of Programming in FORTRAN</td>
</tr>
<tr>
<td>COMP</td>
<td>150B</td>
<td>Programming in MATLAB for Engineers</td>
</tr>
<tr>
<td>DANC</td>
<td>118</td>
<td>Dancercise II</td>
</tr>
<tr>
<td>DANC</td>
<td>133</td>
<td>Musical Theater II</td>
</tr>
<tr>
<td>DANC</td>
<td>162</td>
<td>Continuing Ballroom Dance</td>
</tr>
<tr>
<td>DANC</td>
<td>222</td>
<td>Musical Theater III</td>
</tr>
<tr>
<td>ENGG</td>
<td>150</td>
<td>Construction Engineering: Materials and Methods I</td>
</tr>
<tr>
<td>ENGG</td>
<td>150B</td>
<td>Programming in MATLAB for Engineers</td>
</tr>
<tr>
<td>ENGG</td>
<td>151</td>
<td>Construction Engineering: Materials and Methods II</td>
</tr>
<tr>
<td>ENGG</td>
<td>156</td>
<td>Intermediate Technical Drawing, with Introduction to CADD</td>
</tr>
</tbody>
</table>
**DELETIONS** – Continued

<table>
<thead>
<tr>
<th>Course</th>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENGG</td>
<td>256</td>
<td>Practical Materials Science</td>
</tr>
<tr>
<td>ENGG</td>
<td>257</td>
<td>Practical Plane Surveying</td>
</tr>
<tr>
<td>MATH</td>
<td>095E</td>
<td>Automotive Technician Applications</td>
</tr>
<tr>
<td>MATH</td>
<td>095K</td>
<td>Investigative Geometry I</td>
</tr>
<tr>
<td>MATH</td>
<td>095L</td>
<td>Investigative Geometry II</td>
</tr>
<tr>
<td>MUS</td>
<td>180AB</td>
<td>Chamber Music Ensemble A&amp;B</td>
</tr>
</tbody>
</table>

**RECOMMENDATION:**

The Superintendent/President recommends that the Board of Trustees approve the proposed credit course deletions.

Administrator Initiating Item:
Nick Chang, Vice President of Student Learning
MARIN COMMUNITY COLLEGE DISTRICT  
Kentfield, CA 94904  

BOARD AGENDA ITEM  

To: Board of Trustees  
From: Superintendent/President  
Subject: Noncredit New Courses  
Reason for Board Consideration: APPROVAL  

Date: November 17, 2009  
Item & File No. C.B.K  
Enclosure(s):  

BACKGROUND:  

New courses are developed by faculty at the discipline level. They are proposed to the Curriculum Committee, a standing committee of the Academic Senate. Courses are reviewed and approved according to Board policy 2.0001 and 2.0001 DP.1.

The Academic Program will offer the following noncredit new courses. The courses are recommended by the appropriate academic departments, the Curriculum Committee, and the Vice President of Student Learning:

- **HSFN 9015** Exercise for Fitness and Pleasure A
  
The goals of this class are to maintain and improve general health and fitness for the active adult.

- **HSFN 9016** Exercise for Fitness and Pleasure B
  
This class continues to build on the abilities and skills developed in HSFN 9015, including stretching, toning, strengthening, relaxation techniques and rhythmic activities set to music.

- **HSFN 9028** Advanced Wild Goose for Active Older Adults B
  
This course will include instruction of Second Set of 64 movements, practice of the First Set introduced in HSFN 9027, Qigong warm ups, acupressure massage and meditation.

- **OLAD 7006** Do It Yourself Pain Relief: A New way to Exercise B
  
This exercise class is designed to provide life skill proficiency for older adults and continuing education for nurses.
Noncredit New Courses - Continued

OLAD 7041  Aqua Exercise for the Older Adult B

This class is designed to provide gentle health exercise in water for older adults to maintain and improve flexibility, strength, endurance, and cardiovascular system.

OLAD 7056  Psychology of Joy B

This class will help students to develop an increased appreciation for the positive, nurturing experiences in life, to illustrate the human experience of joy through poetry, story and song, and to use dream work and artistic expression to explore the power of memory.

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve the proposed new noncredit courses.

Administrator Initiating Item

Nick Chang, Vice President of Student Learning
MARIN COMMUNITY COLLEGE DISTRICT  
Kentfield, CA 94904 

BOARD AGENDA ITEM 

To: Board of Trustees                      Date: November 17, 2009

From: Superintendent/President           Item & File No. C.B.L

Subject: Noncredit Course Revisions

Reason for Board Consideration: APPROVAL

Enclosure(s): 

BACKGROUND:

Revised courses are developed by faculty at the discipline level. Revisions are proposed by departments to the Curriculum Committee, a standing committee of the Academic Senate. Courses are reviewed and approved according to Board Policy 2.0001 and 2.0001 DP.1.

The following noncredit course revisions are recommended by appropriate academic departments, the Curriculum Committee, and the Vice President of Student Learning.

<table>
<thead>
<tr>
<th>Course</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>HSFN 9030 Joy of Tai Chi Older Adults 1A</td>
<td>Change course title from “Tai Chi for Active Older Adults 1A” to “Joy of Tai Chi Older Adults 1A.” Revise catalog description.</td>
</tr>
<tr>
<td>OLAD 7040 Aqua Exercise for the Older Adult A</td>
<td>Revise course content and catalog description.</td>
</tr>
<tr>
<td>OLAD 7060 Music and Your Inner World</td>
<td>Change course title from “History of Sacred Music: Music and Our Inner World” to “Music and Your Inner World.” Revise catalog description and course content.</td>
</tr>
<tr>
<td>OLAD 7062 Chorus Emeritus A</td>
<td>Revise catalog description and course content.</td>
</tr>
</tbody>
</table>

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve the proposed noncredit course revisions.

Administrator Initiating Item
Nick Chang, Vice President of Student Learning
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>November 17, 2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>From:</td>
<td>Superintendent/President</td>
<td>Item &amp; File No. C:9:A</td>
<td></td>
</tr>
<tr>
<td>Subject:</td>
<td>Request Approval to Submit Notice of Intent to Withdraw from Schools Excess Liability Fund (SELF)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reason for Board Consideration:</td>
<td>APPROVAL</td>
<td>Enclosure(s):</td>
<td>Resolution &amp; Insurance Information</td>
</tr>
</tbody>
</table>

**BACKGROUND:**

The District is a member of the Northern California Community Colleges Self Insurance Association (NCCC SIA) and the Statewide Association of Community Colleges Joint Powers Agreement (SWACC) for property and liability insurance. Excess liability coverage is currently provided by Schools Association for Excess Risk (SAFER) for $1,000,000 - $5,000,000 and Schools Excess Liability Fund (SELF) for $5,000,000 - $25,000,000. Under the current structure, there is the potential for a gap in coverage in the event of a catastrophic claim because the two policies (SAFER and SELF) do not mirror each other and are open to interpretation when coverage moves from one level to the next.

SWACC now provides an alternative coverage for the excess of $5,000,000 liability coverage layer with SAFER. This coverage allows one single claims administrator to follow any catastrophic claim through to conclusion and at a cost that is affordable and predictable to all District members of SWACC. Other district members of SWACC who are participating in SELF have determined there is a need to ensure fiscally stable excess liability coverage to protect their agency against unforeseen liability claims and to provide quality services and coverage consistent with the existing primary liability coverage program.

In order to participate in this alternative coverage with SAFER effective July 1, 2010, the District must provide a notice of withdrawal to SELF no later than December 31, 2009.

**RECOMMENDATION:**

The Superintendent/President recommends that the Board of Trustees adopt the attached Resolution to notify Schools Excess Liability Fund (SELF) of our intent to withdraw from the program.

---

Administrator Initiating Item  
Albert J. Harrison II, Vice President, College Operations
NOTICE OF WITHDRAWAL FROM THE SCHOOLS EXCESS LIABILITY FUND
JOINT POWERS AUTHORITY

WHEREAS, the Marin Community College District ("District") and other community college
districts within the Statewide Association of Community Colleges Joint Powers Authority (SWACC) have
joined with various school districts to procure excess liability coverage under the Schools Excess Liability
Fund Joint Powers Authority (SELF) excess insurance program; and

WHEREAS, the District presently has $5,000,000 in liability limits, through its membership in the
SWACC; and

WHEREAS, multiple community college districts participating in the SELF program have
determined there is a need to ensure fiscally stable excess liability coverage to protect their agency
against unforeseen liability claims and to provide quality services and coverage consistent with the
existing primary liability coverage program; and

WHEREAS, the SWACC Joint Powers Authority now provides its members with $25,000,000 in
liability coverage that eliminates any gaps in coverage; and

WHEREAS, the District desires seamless liability coverage and to have the flexibility of the
SWACC $25,000,000 excess liability coverage plan that best meets its needs for the upcoming fiscal year,
it must provide notice of withdrawal to the SELF by December 31, 2009.

NOW, THEREFORE BE IT RESOLVED that the Governing Board of the Marin Community College
District authorize the District to notify the School Excess Liability Fund Joint Powers Authority of its
intent to withdraw effective July 1, 2010.

PASSED AND ADOPTED this 17th day of November 2009, by the Governing Board of the Marin
Community College District, County of Marin, State of California, at a regular meeting of the Governing
Board by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

I hereby certify the foregoing to be a true and correct resolution duly adopted by the Board of Trustees
of the Marin Community College District.

Frances L. White
Superintendent/President
<table>
<thead>
<tr>
<th>Name</th>
<th>Role</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carole Hayashino, Ph.D.</td>
<td>Member</td>
</tr>
<tr>
<td>Philip J. Kranenburg, Ph.D.</td>
<td>Member</td>
</tr>
<tr>
<td>Eva Long, Ph.D.</td>
<td>Member</td>
</tr>
<tr>
<td>James Namnath, Ph.D.</td>
<td>Member</td>
</tr>
<tr>
<td>Wanden Treanor, Ph.D.</td>
<td>Member</td>
</tr>
<tr>
<td>Barbara Dolan, Ph.D.</td>
<td>Member</td>
</tr>
<tr>
<td>Annan Paterson, Ph.D.</td>
<td>Member</td>
</tr>
<tr>
<td>Nathaniel Parker, Ph.D.</td>
<td>Student Member</td>
</tr>
</tbody>
</table>
MARIN COMMUNITY COLLEGE DISTRICT

SELF-INSURANCE LIABILITY PROGRAM Through NCCCSIA

MARIN CCD

- Self-Insured through participation in the NORTHERN CALIFORNIA COMMUNITY COLLEGES SIA (NCCCSIA)

MARIN CCD

- What is Self-Insurance?
  - Risk-Sharing partnership of public entities, such as Community College Districts.

NCCCSIA

Member Districts in the Self-Insured Liability Program
- Butte-Glenn CCD
- Feather River CCD
- Lassen CCD
- Marin CCD
- Mendocino-Lake CCD
- Napa Valley CCD
- Redwoods CCD
- Siskiyou Jl. CCD
- Solano CCD
- Yuba CCD

NCCCSIA

- Goals of Self-Insurance
  - Reduced Costs
  - Long-term Stability
  - Greater Flexibility
  - Better Control over claim costs
  - Increased Leverage through pooling

NCCCSIA

- Joins with other JPAs to obtain $25 Million in Liability Protection
  - SWACC JPA
  - SAFER JPA
  - SELF JPA

10/29/2009
**MARIN CCD**

- **Current Liability Program Structure through NCCCSIA, SWACC, SAFER & SELF**

<table>
<thead>
<tr>
<th></th>
<th>SAFER JPA</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>SAFER JPA</td>
</tr>
<tr>
<td></td>
<td>$1,000,000 - $25,000,000</td>
</tr>
<tr>
<td>SELF JPA</td>
<td>SAFER JPA</td>
</tr>
<tr>
<td></td>
<td>$5,000,000 - $25,000,000</td>
</tr>
<tr>
<td>SWACC JPA</td>
<td>SAFER JPA</td>
</tr>
<tr>
<td></td>
<td>$5,000,000 - $5,000,000</td>
</tr>
<tr>
<td>NCCCSIA</td>
<td>SWACC JPA</td>
</tr>
<tr>
<td></td>
<td>$25,000 - $1,000,000</td>
</tr>
<tr>
<td>Marin CCD</td>
<td>NCCCSIA</td>
</tr>
<tr>
<td></td>
<td>$1,000 - $25,000</td>
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<tr>
<td></td>
<td>Marin CCD</td>
</tr>
<tr>
<td></td>
<td>$1,000 Deductible</td>
</tr>
</tbody>
</table>

**SELF JPA**

- **SELF Currently provides NCCCSIA with Excess Liability Coverage from $5,000,000 to $25,000,000.**
- **HOWEVER...**
- **SELF’s coverage DOES NOT MIRROR the underlying coverage.**
- **THEREFORE...**
  - Possibility of COVERAGE GAPS in Current Program.

**SAFER JPA**

- **SAFER Currently provides NCCCSIA with Excess Liability Coverage from $1,000,000 to $5,000,000.**
- **HOWEVER...**
  - Coverage is Available through SAFER up to $25,000,000.
  - **AND...**
  - SAFER MIRRORS SWACC’s & NCCCSIA’s coverage. Eliminates Coverage Gaps.
  - Single Claims Examiner from Start to Finish.
  - **2009/2010 SAFER Rate is Lower and Better Funded.**

**MARIN CCD**

**Program Comparison**

<table>
<thead>
<tr>
<th>Current Program</th>
<th>Recommended Program</th>
</tr>
</thead>
<tbody>
<tr>
<td>SELF JPA</td>
<td>SAFER JPA</td>
</tr>
<tr>
<td>$5,000,000 - $25,000,000</td>
<td>$1,000,000 - $25,000,000</td>
</tr>
<tr>
<td>SAFER JPA</td>
<td>SAFER JPA</td>
</tr>
<tr>
<td>$1,000,000 - $5,000,000</td>
<td>$1,000,000 - $25,000,000</td>
</tr>
<tr>
<td>SWACC JPA</td>
<td>SWACC JPA</td>
</tr>
<tr>
<td>$25,000 - $1,000,000</td>
<td>$25,000 - $1,000,000</td>
</tr>
<tr>
<td>NCCCSIA</td>
<td>NCCCSIA</td>
</tr>
<tr>
<td>$1,000 - $25,000</td>
<td>$1,000 - $25,000</td>
</tr>
<tr>
<td>Marin CCD</td>
<td>Marin CCD</td>
</tr>
<tr>
<td>$1,000 Deductible</td>
<td>$1,000 Deductible</td>
</tr>
</tbody>
</table>

**MARIN CCD**

**Recommendation**

- **Notice of Intent to withdraw from SELF must be filed by December 31, 2009 to withdraw on July 1, 2010.**
- **Recommendation:** Staff recommends approval of resolution to withdraw from SELF and recommends purchasing excess liability insurance coverage through the SAFER JPA.
To: Board of Trustees                                 Date: November 17, 2009
From: Superintendent/President                        Item & File No. C.9.B
Subject: Approve Contract with Industrial Employers and Distributors Association (IEDA)
Reason for Board Consideration:                      Enclosure(s):

INFORMATION

BACKGROUND:

The college is entering into an agreement with Industrial Employers and Distributors Association (IEDA), a non-profit corporation, to assist the Superintendent/President or her designated representative in negotiations with certain employee organizations. The agreement shall cover the period from October 1, 2009, through June 30, 2010, and the District agrees to pay IEDA $1,940.02 per month. The contract has been reviewed by legal counsel.

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve the contract with Industrial Employers and Distributors Association.

Administrator Initiating Item  Dr. Frances L. White, Superintendent/President
CONFIDENTIAL CLIENT COMMUNICATION

AGREEMENT

THIS AGREEMENT is between the MARIN COMMUNITY COLLEGE DISTRICT, hereinafter called the “College” and INDUSTRIAL EMPLOYERS AND DISTRIBUTORS ASSOCIATION, a non-profit corporation, hereinafter called “IEDA.”

Recitals

Pursuant to the provisions of the Educational Employment Relations Act (Government Code, Sections 3540 et seq.), two (2) organizations, California School Employees Association (“CSEA”) and Service Employees International Union (“SEIU”), have been designated as recognized classified employee organizations of the College.

The Superintendent/President of the College or her designated representative has been designated as the College’s representative in employer-employee relations.

The Superintendent/President is now and in the future will be engaged in meeting and negotiating in good faith with representatives of CSEA and SEIU on matters within the scope of bargaining as defined by the Educational Employment Relations Act (BERA).

It is necessary and desirable that the College obtain the services of qualified persons to consult with and advise the College’s Board of Trustees and the Superintendent/President in employer-employee relations, and to assist the Superintendent/President in meeting and negotiating in good faith with representatives of CSEA and SEIU.

IEDA is qualified to provide such services to the College.

NOW THEREFORE, in consideration of the mutual terms and conditions hereinafter set forth, the College and IEDA agree as follows:

1. SERVICES TO BE PROVIDED BY IEDA
   IEDA shall assign qualified persons to provide the following services to the College:

   A. Advise and consult with the College’s Board of Trustees and the Superintendent/President of the College at such times and places as may be mutually agreed upon by IEDA and the Board of Trustees or the Superintendent/President on all matters within the scope of bargaining under the BERA.

   B. Along with a management employee of the College IEDA, as the designated labor negotiations representative for the College’s Board of Trustees, will meet and negotiate in good faith at such times and places as may be mutually agreed upon by the College, IEDA, and representatives of CSEA and SEIU.

   C. Report to the Board of Trustees and the Superintendent/President on the progress of meeting and negotiating in good faith with CSEA and SEIU.
CONFIDENTIAL CLIENT COMMUNICATION

D. Prepare written memoranda of understanding with CSEA or SEIU in a form and manner approved by the Board of Trustees and the Superintendent/President.

E. Review College collective bargaining agreements and personnel policy and make recommendation(s) for revision.

2. PAYMENT

A. Fees: For the period October 1, 2009 and ending June 30, 2010, the College agrees to pay IEDA and IEDA agrees to accept as full and complete payment for all services rendered under this Agreement One Thousand Nine Hundred Forty Dollars and Two Cents ($1,940.02) per month.

B. After June 30, 2010, the monthly fee shall be adjusted in accordance with the attached “Computation of Fees” procedures dated July 1, 2009.

C. Payment Schedule: Payment of the fees shall be made in equal monthly installments, commencing in October, 2009.

3. TERM
This Agreement shall be effective October 1, 2009, and shall remain in effect until such time as either the College or IEDA exercises the right to terminate this Agreement as provided in Section 4, below.

4. TERMINATION
The College or IEDA may terminate this Agreement at any time upon ninety (90) days written notice to the other.

5. INDEPENDENT CONTRACTOR STATUS
The parties agree that IEDA shall act as an independent contractor under this Agreement. IEDA shall have control of the work and the manner in which it is performed. IEDA is not an employee of College and is not entitled to participate in any pension plans, insurance, bonus or similar benefits that College provides to its employees.

6. INSURANCE
At all times while this Agreement is in effect, IEDA shall maintain as follows:

A. Workers’ Compensation: Workers’ compensation insurance with statutory limits as required by the Labor Code or the State of California, endorsed with the following language: "This policy shall not be canceled or materially changed without first giving thirty (30) days prior written notice to the College."

B. General Liability: Commercial or comprehensive general liability insurance covering bodily injury and property damage under an occurrence based policy, in an amount no less than $1,000,000 combined single limit for each occurrence. This insurance shall include, but not be limited to: premises and operations liability, independent IEDAs’ liability, and personal injury liability.
C. **Automobile Liability:** Automobile liability insurance covering bodily injury and property damage in an amount no less than $1,000,000 combined single limit for each occurrence. This insurance shall include coverage for owned, hired, and non-owned vehicles.

D. **Endorsements:** Each comprehensive or commercial general liability and automobile liability insurance policy shall be endorsed with the following specific language:

1. College, including its officers and employees, are named as additional insured for all liability arising directly or indirectly out of the operations by or on behalf of the named insured in the performance of this Agreement.

2. 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.

3. The insurance provided herein is primary coverage and no insurance held or owned by College shall be called upon to contribute to a loss.

4. This policy shall not be canceled or materially changed without first giving thirty (30) days prior written notice to College.

E. **Documentation:** The following documentation shall be submitted to the College:

1. Properly executed certificates of insurance clearly evidencing all coverages, limits, and endorsements required above, shall be submitted prior to the execution of this Agreement.

2. Signed copies of the specified endorsements for each policy shall be submitted upon execution of this Agreement.

3. Certified copies of insurance policies shall be submitted within thirty (30) days of College’s written request.

F. **Material Breach:** Failure to maintain insurance coverage as required by this Agreement shall be deemed a material breach of this Agreement. College, at its sole option, may terminate this Agreement. Alternatively, College may purchase such required insurance coverage, and without further notice to IEDA, may deduct the cost of such coverage from any payments otherwise due to IEDA. These remedies shall be in addition to any other remedies available to College.

7. **GENERAL PROVISIONS**

A. **Notice**

All notices, requests, demands, amendments, modifications, bills, or payments under this Agreement shall be in writing. Notice shall be sufficient for all such purposes if personally delivered or sent by first class, registered or certified mail, return receipt requested. Notice shall be effective upon personal delivery or confirmed receipt.
B. Assignment and Successors
Neither party may transfer or assign its rights or obligations under this Agreement, without the other party's prior written consent. This Agreement is binding on the heirs, successors, and permitted assigns of the parties hereto.

C. Nondiscrimination
IEDA shall comply with all applicable federal, state and local laws, rules and regulations regarding nondiscrimination in employment because of race, color, ancestry, national origin, religion, sex, marital status, age, medical condition, disability, or other prohibited basis. All nondiscrimination rules or regulations required by law to be included in this Agreement are incorporated by this reference.

D. Choice of Law and Venue
This Agreement shall be governed by California law, and venue shall be in the County of Marin, California, and no other place.

E. Severability
If any provision of this Agreement is determined to be illegal, invalid, or unenforceable, in part or in whole, the remaining provisions, or portions of the Agreement shall remain in full force and effect.

F. Amendment
No supplement, amendment, or modification of this Agreement shall be binding unless it is in a writing duly authorized and signed by the parties to this Agreement.

G. Entire Agreement
This Agreement constitutes the final, complete, and exclusive statement of the terms of the agreement between the parties regarding the subject matter of this Agreement and supersedes all prior written or oral understandings or agreements of the parties.

H. Waiver
No waiver of a breach, failure of any condition, or any right or remedy contained in or granted by the provisions of this Agreement shall be effective unless it is in writing and signed by the party waiving the breach, failure, right, or remedy. No waiver of any breach, failure, right, or remedy shall be deemed a waiver of any other breach, failure, right, or remedy, whether or not similar, nor shall any waiver constitute a continuing waiver unless the writing so specifies.
CONFIDENTIAL CLIENT COMMUNICATION

I. Headings
The headings in this Agreement are included for convenience only and shall neither affect the construction or interpretation of any provision in this Agreement nor affect any of the rights or obligations of the parties to this Agreement.

J. Authorization
Each individual executing this Agreement, or its counterpart, on behalf of the respective party, warrants that he/she is authorized to do so and that this Agreement constitutes the legally binding obligation of the entity which he/she represents.

8. APPROVAL OF BOARD OF TRUSTEES.

This Agreement is subject to the approval of the College’s Board of Trustees.

Dated: 10/28/09

COLLEGE OF MARIN

By ____________________________

Dated: 10/26/09

INDUSTRIAL EMPLOYERS AND DISTRIBUTORS ASSOCIATION,
A non-profit corporation

By ____________________________
DEFINITIONS

Formula Employees: All full time employees and full time equivalent employees (FTE) of the College who are represented by CSEA or SEIU whether or not those employees are members of CSEA or SEIU.

Full Time Equivalent Employees: The number of full time equivalent employees (FTEs) is determined by dividing by 2,080 hours the total number of part time hours worked by College employees who are represented by CSEA or SEIU as of July 1, 2010.

Major Collective Bargaining Agreement ("CBA"): Any CBA that covers 100 or more formula employees.

COMPUTATION

For the year July 1, 2009 through June 30, 2010 the College’s monthly fee shall be determined by multiplying the number of formula employees under a Major CBA by $10.52, and the number of formula employees not covered by a Major Memorandum of Understanding by $14.48.

If the number of formula employees exceeds 450, the agency’s monthly fee will not be calculated on each separate union or employee organization but on the total number of represented employees. The fee shall be $4,734.00 (450 x $10.52) plus $1.69 for each formula employee over 450.

Minimum Monthly Fee: $174.00 per union or employee organization

<table>
<thead>
<tr>
<th></th>
<th>More than 100 employees per MOU*</th>
<th>Fewer than 100 employees per MOU</th>
<th>More than 450 employees per agency</th>
<th>Minimum per union/employee organization</th>
</tr>
</thead>
<tbody>
<tr>
<td>7/09 - 6/10</td>
<td>$10.52</td>
<td>$14.48</td>
<td>$1.69</td>
<td>$174.00</td>
</tr>
<tr>
<td>7/10 - 6/11</td>
<td>$10.74</td>
<td>$14.77</td>
<td>$1.73</td>
<td>$178.00</td>
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<tr>
<td>7/11 - 6/12</td>
<td>$11.07</td>
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</tr>
</tbody>
</table>

*More than 100 employees per MOU or first 450 employees for agencies with 450 or more employees
**BOARD AGENDA ITEM**

<table>
<thead>
<tr>
<th>To:</th>
<th>Board of Trustees</th>
<th>Date:</th>
<th>November 17, 2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>From:</td>
<td>Superintendent/President</td>
<td>Item &amp; File No. C.9.C</td>
<td></td>
</tr>
<tr>
<td>Subject:</td>
<td>Bid Award Learning Resource Cooling Tower Replacement Project</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reason for Board Consideration:</td>
<td>APPROVAL</td>
<td>Enclosure(s):</td>
<td></td>
</tr>
</tbody>
</table>

**BACKGROUND:**

As a result of a failure of the chiller portion of the HVAC system in the Learning Resource Center, the Board of Trustees authorized the purchase of a new cooling tower and authorized staff to go to bid for replacement of the cooling tower.

The Cooling Tower has been purchased and the work to replace the tower was advertised. Two bids were received on October 9, 2009.

| Carrier Corporation | $89,000 |
| Marin Mechanical    | $129,000 |

Staff has reviewed the bid information with engineers and the recommends awarding the project to the lowest responsive bidder, Carrier Corporation.

**RECOMMENDATION:**

The Superintendent/President recommends that the Board of Trustees authorize staff to award the bid for the Learning Resource Center Cooling Tower Replacement project to Carrier Corporation in the amount of $89,000.000.

**Administrator Initiating Item**

Albert J. Harrison II, Vice President, College Operations
MARIN COMMUNITY COLLEGE DISTRICT  
Kentfield, CA 94904

BOARD AGENDA ITEM

To: Board of Trustees  
Date: November 17, 2009

From: Superintendent/President  
Item & File No. C.9.D.1

Subject: Diamond PE Center Alterations Project (308B)  
Alten Construction, Inc. – Change Order 18 & Board Resolution

Reason for Board Consideration:  
ACTION - APPROVAL  
Enclosure(s):  
Change Order 18  
Board Resolution No. 11/17/09 C.9.D.1

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 18 consists of six (6) Potential Change Orders (PCOs) in the aggregate amount of $6,644 with no time extension. Three (3) PCOs in the amount of <$3,234> are attributed to Owner Requested Changes. Two (2) PCOs in the amount of $7,181 are attributed to Unforeseen Conditions. One (1) PCO in the amount of $2,697 is attributed to Code Interpretation. There are zero (0) PCO’s that exceed $10,000. The average of the six (6) PCOs is $1,107.

<table>
<thead>
<tr>
<th>Total Compensation</th>
<th>$ 6,644</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 18 to Alten Construction, Inc. in the amount of $6,644 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.

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>
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<tr>
<td>Change Order 5</td>
<td>$ 47,333</td>
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<tr>
<td>Change Order 6</td>
<td>$ 39,907</td>
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<td>Change Order 7</td>
<td>$158,830</td>
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<tr>
<td>Change Order 8</td>
<td>$183,367</td>
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<td>Change Order 9</td>
<td>$ 86,981</td>
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<td>Change Order 10</td>
<td>$123,210</td>
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<td>Change Order 11</td>
<td>$150,928</td>
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<tr>
<td>Change Order 12</td>
<td>$114,187</td>
</tr>
<tr>
<td>Change Order 13</td>
<td>$160,591</td>
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<tr>
<td>Change Order 14</td>
<td>$ 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 17</td>
<td>$ 6,644</td>
</tr>
</tbody>
</table>

Total Contract Amount | $11,788,327
**RECOMMENDATION**
The Superintendent/President recommends that the Board of Trustees approve Change Order 18 to Alten Construction, Inc. in the amount of $6,644 and Resolution 11/17/09 C.9.D.1 attesting that the District will not benefit from bidding the work separately for the Diamond PE Center Alterations Project (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 $6,644 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 November 17, 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 November 17, 2009

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

EXHIBIT A

CHANGE ORDER WORK
To: Allen Construction

You are directed to make the following Changes in this Contract:

PCO # Description
See Page 2 for details

SUBTOTAL, Page 2: $6,644

TOTAL: $6,644

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.

AGREEMENT

When this Change Order is signed by all parties, it constitutes their agreement:

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

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.

CONTRACT VALUE ADJUSTMENT

- Original Contract Price: $10,552,807
- Net Change By Previously Authorized Change Order: $1,228,876
- Contract Price Prior To This Change Order: $11,781,683

Contract Price Will Be:
- Increased: $6,644
- Decreased: By this Change Order
- Unchanged: $11,788,327

New Contract Price Including This Change Order: $11,788,327

TIME ADJUSTMENT

Contract Time Will Be:
- Increased: 0
- Decreased: By this Change Order
- Unchanged: 0

Date of Substantial Completion As Of The Date Of This Change Order: 8/5/2009

AGREED BY CONTRACTOR

Allen Construction

By: ________________________________ Date: ________________________________

APPROVED BY ARCHITECT/ENGINEER

Kwan Henmi Architecture/Planning

By: ________________________________ Date: ________________________________

ISSUED BY PROJECT MANAGER

Swinerton Management & Consulting


Date: ________________________________

RECOMMENDED BY PROGRAM MANAGER

Swinerton Management & Consulting

By: Leigh Sinu, Program Manager

Date: ________________________________

APPROVED BY OWNER

Marin Community College District

By: V-Anne Chernock, Director of Modernization

Date: ________________________________

AUTHORIZED BY OWNER

Marin Community College District

By: Albert J. Harrison II, VP of College Operations

Date: ________________________________

Distribution: Owner Consultant Construction Manager Contractor C.O. File Other
Carole Hayashino, Member

Philip J. Kranenburg, Member

Eva Long, Ph.D., Member

James Namnath, Ph.D., Member

Wanden Treanor, Member

Barbara Dolan, Member

Annan Paterson, Member

Nathaniel Parker, Student Member
MARIN COMMUNITY COLLEGE DISTRICT  
Kentfield, CA 94904  

BOARD AGENDA ITEM

To: Board of Trustees  
Date: November 17, 2009  

From: Superintendent/President  

Subject: SMCP Increment No. 1 – Site Development Utilities Project (305C)  
Dick Emard Electric, Inc. dba Emard Engineering – Change Order 8 & Board Resolution  

Reason for Board Consideration: ACTION - APPROVAL  
Enclosure(s):  
Change Order 8  
Board Resolution No. 11/17/09 C.9.D.2

BACKGROUND:  
On August 26, 2008, Dick Emard Electric, Inc. (dba Emard Engineering) was selected to provide General Contracting services for the SMCP Increment No. 1 – Site Development Utilities Project (305C).

Change Order 8, presented herein for approval, consists of six (6) Potential Change Orders (PCOs) in the aggregate amount of $64,495 with no time extension. One (1) PCO is an owner requested change, three (3) PCOs are due to unforeseen conditions, two (2) of which are attributed to PG&E work and one (1) attributed to the Ross Valley Sanitation District work and one (1) PCO is due to a design clarification. After review it has been determined that there would be no cost benefit in rebidding this scope of work.

| Total Compensation | $64,495 |
| Total Time extension | Zero working days |

At this time, the Board is asked to approve Change Order 8. 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 recommends that the Board approve Change Order 8 to Dick Emard Electric, Inc. (dba Emard Engineering) in the amount of $64,495, with no time extension for this work.

FISCAL IMPACT:  
The total amount of this contract to date is as follows and will be paid from Measure C bond funds:

| Original Contract Amount | $2,820,000 | Site Development Utilities Project (305C) |
| Change Order 1 | $42,088 | Change Order 1 (1.5% of original contract value) |
| Change Order 2 | $16,424 | Change Order 2 (2.1% of original contract value) |
| Change Order 3 | $31,086 | Change Order 3 (3.2% of original contract value) |
| Change Order 4 | $38,615 | Change Order 4 (4.5% of original contract value) |
| Change Order 5 | $136,342 | Change Order 5 (9.4% of original contract value) |
| Change Order 6 | $199,892 | Change Order 6 (16.5% of original contract value) |
| Change Order 7 | $7,260 | Change Order 7 (16.7% of original contract value) |
| Change Order 8 | $64,495 | Change Order 8 (19.0% of original contract value) |
| Total Contract Amount | $3,356,202 |

RECOMMENDATION:  
The Superintendent/President recommends that the Board of Trustees approve Change Order 8 to Dick Emard Electric, Inc. dba Emard Engineering in the amount of $64,495 and Resolution 11/17/09 C.9.D.2 attesting that the District will not benefit from bidding the work separately for the SMCP Increment No. 1 – Site Development Utilities Project (305C).

Administrator Initiating Item  
V-Ann Chernock  
Director of Modernization

Administrator Approving Item  
Albert J. Harrison II  
Vice President, College Operations
WHEREAS, Marin Community College District (the “District”) previously awarded a contract for work for the SMCP Increment #1, 2 & 3 (the “Project”) to Dick Emard Electric Construction; 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 $64,495.00 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 **November 17, 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 November 17, 2009.

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

EXHIBIT A

CHANGE ORDER WORK
# CONTRACT CHANGE ORDER

**Project:** SMCT Increment No. 1 - Site Development Utilities  
**Contractor:** Dick Emsel Electric, Inc dba Emsel Engineering  
**Owner:** Marin Community College District  
**Architect:** ED2 International/Alfa Tech Cambridge Group

**C.O. #8**  
**BT Approval Date:** 11/17/2009  
**DSA File #:** 25-C1  
**DSA Application #:** 01-109358

---

**To:**  
You are directed to make the following Changes in this Contract:

<table>
<thead>
<tr>
<th>Item Number</th>
<th>Description</th>
<th>Quantity</th>
<th>Unit</th>
<th>Rate</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>PCG 65</td>
<td>Provide clear access in SS bunker. With the revised electrical switchgear in the bunker at the North East corner of Student Services, the new cable required clearances require the concrete steps to be removed. Unforeseen Condition</td>
<td>1</td>
<td></td>
<td>$1,990.00</td>
<td></td>
</tr>
</tbody>
</table>
| PCG 68      | Relocate Gas Meter and Gas Supply Lines  
Prvideal excavation and backfill for the new PG & E gas line to the new gas meter location. The new location required 280 LF of trench, piping and backfill. The revised valves required 6 new gas valves. Unforeseen Condition | 1 | | $39,381.00 |
| PCG 69R1    | Install temporary bypass system for sewer to allow pipe bursing to continue. This is for the engineering work completed prior to being stopped by Ross Valley Sanitary District. Unforeseen Condition | 1 | | $7,862.00 |
| PCG 72      | Paint Chiller Pipes  
Paint chiller piping with a rust converter to prevent rust. Design Clarification | 1 | | $310.00 |
| PCG 80      | Pave Laurel Drive at PG & E crossing  
Repave Laurel Drive at Circle drive at sewer bypass and PG & E conduit. Unforeseen Condition | 1 | | $20,451.00 |
| PCG 86      | Reduce remaining allowance to $0 - Owner request | 1 | | $5,699.00 |

**End of Items**  
**SUBTOTAL:** $64,495.00

**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.

---

**AGREEMENT**  
When this Change Order is signed by all parties, it constitutes their agreement:

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

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.

---

**CONTRACT VALUE ADJUSTMENT**

<table>
<thead>
<tr>
<th>Item</th>
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<th>Quantity</th>
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Repave Laurel Drive at Circle drive at sewer bypass and PG & E conduit. Unforeseen Condition | 1 | | $20,451.00 |
| PCG 86 | Reduce remaining allowance to $0 - Owner request | 1 | | $5,699.00 |

**END OF ITEMS**  
**SUBTOTAL:** $64,495.00

**TIME ADJUSTMENT**

- **Contract Time Will Be:**  
  - [ ] Increased:  
  - [ ] Decreased:  
  - [ ] Unchanged:  

**Date of Contract Completion As Of The Date Of This Change Order:** 01/31/2009

---

**AGREED BY CONTRACTOR**

Dick Emsel Electric, Inc dba Emsel Engineering  
By: ___________________________  
Date: ___________________________

---

**APPROVED BY ARCHITECT/ENGINEER**

ED2 International  
By: ___________________________  
Date: ___________________________

---

**ISSUED BY PROJECT MANAGER**

Swinerton Management & Consulting  
By: ___________________________  
Date: ___________________________

**PROJECT MANAGER**

Project Manager  
By: ___________________________  
Date: ___________________________

**CONSTRUCTION MANAGER**

By: ___________________________  
Date: ___________________________

**RECOMMENDED BY PROGRAM MANAGER**

Leigh Sato, Program Manager  
By: ___________________________  
Date: ___________________________

---

**APPROVED BY OWNER**

Marin Community College District  
By: ___________________________  
Date: ___________________________

**AUTHORIZED BY OWNER**

Marin Community College District  
By: ___________________________  
Date: ___________________________

**Distribution:** [ ] Owner  [ ] Consultant  [ ] Construction Manager  [ ] Contractor  [ ] C. O. File  [ ] Other

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Page 1 of 1
MEMORANDUM

Date: 10/22/00 V2, revised 10/23/09
To: V-Anna Chernock, Director of Modernization, MCCD
From: Leigh Sata, SMC Program Manager
Re: Follow up to Board request, Emard Engineering (305C)

At the request of the Board of Trustees at the Board meeting on October 13th, 2009, this memo summarizes the various reasons for cost overruns on project 305C, the Science Math and Central Plant increment 1 (underground piping) project.

Context:
The intent of this project is to provide new underground utilities to the new Science, Math and Central Plant project. This type of work carries a higher than normal amount of risk, as the work is largely underground. Furthermore, the work was undertaken in areas that have not had major work since the campus was constructed years ago and needed to be coordinated with the new geothermal project and west campus bridge project. The scope of work included three major underground systems that added a further level of complexity:

- Sanitary Storm system – replaces the existing surface runoff on campus and redirects the water to new bioswales.
- Sewer system – replaces the existing system serving the new Fine Arts and existing Performing Arts projects.
- Chiller system – replace the existing chiller feeding the Student Services and Fusselman classroom buildings. These buildings are not part of the modernization program at this time.

Financial summary information:

Original construction budget: $3,300,000.00
Original construction contingency: $344,504.00
Total construction budget + contingency (Item A): $3,644,504.00

Low bid (a total of 4 bids were received): $2,820,000.00
10% change order allowance: + $282,000.00
Construction cost, including 10% contingency: $3,102,000.00

Low bid (not including 10% construction contingency): $2,820,000.00
The total all Change Orders approved by the Board to date (#1 – 7) is: $471,707.00
The total of all approved PCO's is (not yet in CO format): + $56,633.00
The total of all projected PCO's is (not yet in CO format): + $283,958.00
Total Projected construction cost (Item B): $3,632,298.00

(continued)
Total Change Orders above construction budget (in percentage): 25%
Total change orders above low bid (expressed in percentage): 29%

"Item A" minus "item B": $12,206.00 project savings

Summary:
While the project is still ongoing and further unknown underground conditions may be found, the project is projected is scheduled to be completed in December 2009, assuming favorable weather conditions and a final approval from the local review agency. The final PCOs are currently being negotiated and there are an estimated 90 PCOs for the project. The average PCO is $9,000. The largest 4 PCOs are in excess of $45,000 and three of these PCOs are related to the redesign and approval of a new sewer bypass. The bypass became necessary when an existing underground storm drain pipe was discovered at an unexpected elevation. The sewer system feeding both the campus and neighboring community needed to be rerouted to accommodate this discovery.

Excluding the sewer re-design work, the project would have finished 15% over the low bid. While 10% is the usual construction contingency, 15% would be considered within a normal range for a major underground project. The project is still projected to finish within the original construction budget.
Carole Hayashino, Member

Philip J. Kranenburg, Member

Eva Long, Ph.D., Member

James Namnath, Ph.D., Member

Wanden Treanor, Member

Barbara Dolan, Member

Annan Paterson, Member

Nathaniel Parker, Student Member
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 2015, 2105, 2360, 2431, 2432, 2610, 2715, 2716, 2717, 2735, 2740, 2745, and 4030 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 2015, 2105, 2360, 2431, 2432, 2610, 2715, 2716, 2717, 2735, 2740, 2745, and 4030 for first reading and discussion.

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 MGCD 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-adoptions 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)
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)
BP 2360    MINUTES

References:
Education Code Section 72121(a);
Government Code Section 54957.5

The Superintendent/President shall cause minutes to be taken of all meetings of the Board. The minutes shall record all actions taken by the Board of Trustees. The minutes shall be public records and shall be available to the public. If requested, the minutes shall be made available in appropriate alternative formats so as to be accessible to persons with a disability.

❖ 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 at the time of vote.

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

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**Date Adopted:**
(Replaces current College of Marin Policy 1.5330)
BP 2431    SUPERINTENDENT/PRESIDENT SELECTION

References:

ACCJC Accreditation Standards IV.B.1 and IV.B.1.i.;
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)
BP 2432 SUPERINTENDENT/PRESIDENT SUCCESSION

References:

Education Code Sections 70902(d) and 72400;
Title 5 Section 53021(b)

* From current College of Marin Policy 7.0008 titled Acting Chief Executive Officer

In those cases when the Superintendent/President is absent from the District, the Superintendent/President shall designate another College management employee as acting Superintendent/President.

This policy is not intended to cover an extended absence or a permanent vacancy in the Superintendent/President’s office, at which time the Board shall establish its own procedures for filling the office, including the appointment of an Interim Superintendent/President, if appropriate.

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 7.0008 titled Acting Chief Executive Officer adopted on 2-24-82 and revised on 4-9-85 and 3-18-03.

Date Adopted:
(This is current College of Marin Policy 7.0008
—just re-numbered)
BP 2610 PRESENTATION OF INITIAL COLLECTIVE BARGAINING PROPOSALS

Reference:
Government Code Section 3547

The Superintendent/President is directed to enact administrative procedures that assure compliance with the requirements of Government Code Section 3547 regarding the presentation to the Board of initial proposals for collective bargaining.

Collective bargaining begins when either an exclusive representative or the District itself presents an initial proposal for consideration.

❖ From current College of Marin Policy 5.0031 titled Public Notice Relating to Meeting and Negotiating Under the EERA

{GC-3547}

Pursuant to Government Code Section 3547, the Marin Community College District hereby adopts the following public notice policy relative to meeting and negotiating with exclusive representatives under the Educational Employment Relations Act:

I. Initiation of Meeting and Negotiating

A. Meeting and negotiating between the District and the exclusive representative shall not take place until the provisions of this policy relating to the presentation of initial proposals, public hearing, and Board adoption of its initial proposal have been completed.

II. Presentation of Initial Proposal

A. The initial proposal of an exclusive representative or of the District, which relates to matters within the scope of representation, shall be presented at a public meeting of the Board.
1. For purposes of this policy, the term "initial proposal" shall include all non-technical amendments to an agreement.

B. After the initial proposal has been presented at a public meeting of the Board, it shall be a public record.

C. Copies of the initial proposal presented pursuant to I(A) above shall be made available as Board Agenda Items.

III. Public Hearing

A. The Board shall schedule a public hearing on the initial proposal after the public has been given a reasonable time within which to become informed of the contents of the proposal. The public hearing may be scheduled to be held at a regular meeting or at a special meeting.

B. The public shall have an opportunity to express itself regarding the proposal.

IV. Presentation of the Initial Proposal in Response to the First Initial Proposal

A. Either an exclusive representative or the District may present the first initial proposal.

B. The presentation of the initial proposal in response to the first initial proposal shall be processed in accordance with Sections II and III above.

V. Adoption of the District's Initial Proposal

A. After the public has had the opportunity to express itself on the District's initial proposal, the Board shall, at a public meeting, adopt its initial proposal.

VI. New Subjects of Meeting and Negotiating

A. New subjects of meeting and negotiating arising after the presentation of initial proposals shall be made public within twenty-four hours.

B. If a vote is taken on such subject by the Board, the vote thereon by each member voting shall be made public within twenty-four hours.

See BP 7140 titled Collective Bargaining and AP 2610 titled Presentation of Initial Collective Bargaining Proposals

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 Policy 5.0031 titled Public Notice Relating to Meeting and Negotiating Under the EERA adopted on 2-24-82 and revised on 2-12-85 and 3-18-03. The language in underlined italics reflects revisions from Human Resources.

Date Adopted:
(Replaces current College of Marin Policy 5.0031)
BP 2715     CODE OF ETHICS/STANDARDS OF PRACTICE

References:
  ACCJC Accreditation Standards IV.B.1.a, e, and h

- From current College of Marin Policy 1.2090 titled Ethics and Authority of Individual Members of the Board and the District Superintendent

All individual members of the Board of Trustees shall have power and authority only when acting formally as members of the Board in session or when entrusted authorized by the Board with specific and definite assignments.

No individual member of the Board or the District Superintendent has or shall assume sole power or responsibility to make decisions affecting the District, the Board, or its agents except as that power has been specifically delegated by the Board Bylaws Policies or by state/federal laws or regulations Education Code Section 72400.

As a member of the governance structure of the District, but also as a public figure, it is the duty of each Board member and the District Superintendent to work in a responsible way to strengthen the institution. Support for the District should be continuing, and criticism made only after carefully ascertaining the facts. When Board members or the District Superintendent question District policy, procedures or activities, they should do so judiciously and in a constructive manner.

When a Board member or the District Superintendent expresses himself or herself publicly in a way which is not accurate or which is critical of the actions or character of a member of the Board or the District Superintendent, it shall be the responsibility of one or more Board members to bring this to the attention of the individual.

- From current College of Marin Policy 1.2091 titled Board of Trustees Code of Ethics/Standards of Practice

{Accreditation-Standard-10.A.5}
The Board of Trustees acknowledges that a code of ethics and general standards of good practice, which include an affirmation of responsibilities of service and individual performance standards, are an integral part of effective community college governance.

a) In support of effective community college governance, the Board believes that it:
   • derives its authority from the community and that it must always act as an advocate on behalf of the entire community;
   • clearly define and articulate its role;
   • is responsible for creating and maintaining a spirit of true cooperation, teamwork and a mutually supportive relationship with its Superintendent/President;
   • strives to differentiate between external and internal processes in the exercise of its authority;
   • engages in a regular and ongoing process of in-service training and continuous improvement
   • comes to each meeting prepared and ready to debate issues full and openly
   • has its members listen, strive to reach agreement, vote their conscience and support the decision or policy made;
   • strives to exemplify ethical behavior and conduct that is above reproach;
   • endeavors to remain always accountable to the community
   • honestly debates the issues affecting the community and speaks with one voice once a decision or policy is made.

b) With a deep sense of responsibility and conviction, each member of the Board of Trustees affirms that he or she:
   • understands that authority exists only when acting collectively with fellow board members, and that such authority is derived from, and obliged to serve the interests of the entire community;
   • strives to exemplify ethical behavior and conduct that is above reproach;
   • engages in an ongoing process of in-service education and continuous improvement;
   • participates in open and honest and deliberation with one’s colleagues, votes one’s own conscience rather than to advance any special interests, and supports the decisions and policy the Board makes;
   • respects and honors the division of responsibility between the Board and the Superintendent/President and staff, and contributes to creating a spirit of true cooperation and a mutually supportive relationship in support of our community.

c) In support of maintaining high standards of ethical conduct by meeting individual performance standards, each member of the Board of Trustees is responsible to:
   • act only in the best interests of the community;
   • ensure public input into Board deliberations
• adhere to the law and the spirit of the open meeting laws and regulations;
• prevent conflicts of interest and the perception of conflicts of interest;
• exercise authority only as part of the Board in a legally constituted meeting, not as an individual;
• use appropriate channels of communication;
• respect others and act with civility;
• be informed about the District, educational issues and responsibilities of trusteeship;
• devote adequate time to Board work;
• maintain confidentiality of closed sessions.

❖ From the Association of Community College Trustees’ (ACCT) Model Code of Ethics

Board members are responsible to:
• devote time, thought, and study to the duties and responsibilities of a community college Board member so that they may render effective and creditable service;
• work with fellow Board members in a spirit of harmony and cooperation in spite of differences of opinion that arise during vigorous debates of points of issue;
• base personal decisions upon all available facts in each situation; vote by honest conviction in every case, unswayed by partisan bias of any kind; therefore, to abide by and uphold the final majority decision to the Board;
• remember at all times that an individual a Board member has no legal authority outside the meetings of the Board and to conduct relationships with the community college staff, the local citizenry, and all media of the community on the basis of this fact;
• resist every temptation and outside pressure to use their position as a community college Board member to personally benefit or benefit any other individual or agency apart from the total interest of the community college district;
• recognize that it is as important for the Board to understand and evaluate the educational program of the community college as it is to plan for the business of college operation;
• bear in mind under all circumstances that the primary function of the Board is to establish the policies by which the community college is to be administered;
• welcome and encourage active cooperation by citizens, organizations, and the media of communication in the District with respect to establishing policy on current college operations and proposed future developments;
• support the state and national community college trustees associations and;
• strive toward ideal conditions for the most effective community college Board service to the community, in a spirit of teamwork and devotion to public education as the greatest instrument for the preservation and the perpetuation of our representative democracy.

The Board President and Superintendent/President are authorized to consult with legal counsel when they become aware of or are informed about actual or perceived violations of
pertinent laws and regulations, including but not limited to conflict of interest, open and public meetings, confidentiality of closed session information, and use of public resources. Violations of law may be referred to the District Attorney or Attorney General as provided for in law.

Violations of this policy (BP 2715 titled Code of Ethics/Standards of Practice) will be addressed by the President of the Board, who will first discuss the violation with the Board member to reach a resolution. If resolution is not achieved and further action is deemed necessary, the Board President may appoint an ad hoc committee composed of two Board members to examine the matter and recommend further courses of action to the Board. Sanctions will be determined by the Board officers (or committee) and may include a recommendation to the Board of Trustees to censure the Board member. If the President of the Board of Trustees is perceived to have violated the code, the Vice President of the Board of Trustees is authorized to pursue resolution.

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 1.2090 titled Ethics and Authority of Individual Members of the Board and the District Superintendent and 1.2091 titled Board of Trustees Code of Ethics/Standards of Practice adopted on 12-10-80 and revised on 5-10-05. The language in underlined italics reflects revisions from Board Policy Committee

Date Adopted:
(Replaces current College of Marin Policies 
1.2090 and 1.2091)
Legal Citations for Board Policy 2715 Code of Ethics

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.

a. The governing board is an independent policy-making body that reflects the public interest in board activities and decisions. Once the board reaches a decision, it acts as a whole. It advocates for and defends the institution and protects it from undue influence or pressure.

e. The governing board acts in a manner consistent with its policies and bylaws. The board regularly evaluates its policies and practices and revises them as necessary.

h. The governing board has a code of ethics that includes a clearly defined policy for dealing with behavior that violates its code.
Board of Trustees

BP 2716  POLITICAL ACTIVITY

References:
Education Code Sections 7054 and 7056;
Government Code Section 8314

Members of the Board shall not use District funds, services, supplies or equipment to urge the passage or defeat of any ballot measure or candidate, including, but not limited to, any candidate for election to the Board.

Initiative or referendum measures may be drafted on an area of legitimate interest to the District. The Board of Trustees may by resolution express the Board’s position on ballot measures. Public resources may be used only for informational efforts regarding ballot measures.

Also see BP 7370 titled Use of District Resources for Political Activity

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 underlined italics reflects revisions from the Board Policy Committee.

Date Adopted:
(This is a new policy recommended by the League and the League’s legal counsel)
BP 2717  PERSONAL USE OF PUBLIC RESOURCES

References:
   Government Code Section 8314;
   Penal Code Section 424

No Board member shall use or permit others to use public resources, except that which is incidental and minimal, for personal purposes or any other purpose not authorized by law.

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)
BP 2735    BOARD MEMBER TRAVEL

References:
Education Code Section 72423 and 87032

Members of the Board of Trustees shall have travel expenses paid whenever they travel as representatives of and perform services directed by the Board. The Board is expected to travel in the most economically prudent manner possible.

❖ From current College of Marin Policy 1.2061 titled Expense Reimbursement and/or Payment

Trustees who seek reimbursement and/or payment for expenses incurred for in-state travel, conferences or meetings of governmental agencies, professional associations and educational organizations or associations shall be reimbursed and/or paid up to the annually approved limit allocated in the Board of Trustees’ travel budget. Such reimbursements and/or payments shall be governed by the applicable provisions of State law, Education Code Sections 72423 and 87032 and Board Policy 6.0009.

Out-of-state travel for Trustees must be approved in advance by a majority of the Board to be eligible for reimbursement and payment.

NOTE: This policy is legally required except as noted otherwise. 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 1.2061 titled Expense Reimbursement and/or Payment adopted on 12-10-80 and revised on 12-13-05. The language in underlined italics reflects revisions from the Board Policy Committee.

Date Adopted:
(Replaces current College of Marin Policy 1.2061)
BP 2740    BOARD EDUCATION

Reference:
ACCJC Accreditation Standard IV.B.1.f

The Board of Trustees is committed to its ongoing development as a Board and to an education program that includes an orientation for new Board members.

To that end, the Board of Trustees will engage in study sessions, provide access to reading materials, and support conference attendance and other activities that foster Board member education.

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)
BP 2745   BOARD SELF-EVALUATION

References:

ACCJC Accreditation Standards IV.B.1.e and g

The Board of Trustees is committed to *annually* assessing its own performance as a Board in order to *identify* its strengths and areas in which it may improve its functioning.

To that end, the Board of Trustees has established the following processes:

A committee of the Board shall be appointed at the *annual organizational meeting in December* to determine the instrument or process to be used in Board self-evaluation. Any evaluation instrument shall incorporate criteria contained in these Board Policies regarding Board operations, as well as criteria defining Board effectiveness promulgated by recognized practitioners in the field.

The process for evaluation shall be recommended to and approved by the Board of Trustees.

All Board members will be asked to complete the evaluation instrument and submit them to the Board Committee on Self-Evaluation.

A summary of the evaluations will be presented and discussed at a *regular meeting of the Board*. The results will be used to identify accomplishments in the past year and goals for the following year.

*NOTE:* This policy is *legally required except as noted otherwise.* 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 the Board Policy Committee.

Date Adopted:

(This is a new policy recommended by the League and the League’s legal counsel)
Legal Citations for Board Policy 2745 Board Self-Evaluation

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.

e. The governing board acts in a manner consistent with its policies and bylaws. The board regularly evaluates its policies and practices and revises them as necessary.

g. The governing board's self-evaluation processes for assessing board performance are clearly defined, implemented, and published in its policies or bylaws.
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.
A. Closed Session

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

   The Board of Trustees of the Marin Community College District met in the SS A&B conference room on the Kentfield campus, all members having received notice as prescribed by law. Board President Kranenburg called the meeting to order at 5:40 p.m. All publicly elected Trustees were present except Trustee Long, who arrived at 5:50 p.m., and Trustee Namnath. Fran White, Al Harrison, Nick Chang and Linda Beam were also in attendance.

   M/s (Treanor/Hayashino) to adopt the agenda with two changes: Action items B.9.A & B.9.B were pulled. The motion passed unanimously (5-0).

   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 6:34 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 6:40 p.m. by Board President Kranenburg in the Deedy 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 except Trustee Namnath. Student Trustee Parker was also in attendance.
Board President Kranenburg announced that the agenda had been approved in closed session with two changes: Agenda items B.9.A (Approve Bid Award Learning Resource Cooling Tower Replacement Project) and B.9.B (Approve Contract with Industrial Employers and Distributors Association) were pulled.

2. **Report of Closed Session for October 13, 2009**

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

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

Karen Nelson, a College of Marin pre-nursing student, requested the Board’s support in supplying hot water in the restroom faucets in the Science Building where nursing classes are taken. She noted the importance of washing one’s hands frequently to stop the spread of colds and flu. Don Flowers, COM Maintenance Supervisor, responded that according to the health information we have received there is a requirement to wash hands frequently with soap but no requirement to use hot water when washing one’s hands.

Vanae Nelson requested that water aerobics classes for older adults continue to be offered at IVC in addition to Kentfield, noting the importance of these classes to seniors who would not be able to attend classes on the Kentfield campus.

Terry Malouf, representing the Ignacio Creek Homeowners Association, addressed the Board regarding safety and security problems he and his neighbors have endured because of the inability of COM to control activities on parking lot 1 on the IVC campus. He noted that the Ignacio Creek Homeowners Association offered input and recommended solutions when the IVC redevelopment project was announced. Their concerns and recommendations are in the final EIR and have been expressed at a community forum in November 2007 and through correspondence and e-mails to COM staff. He contended that an agreement was reached at the November 2007 meeting but that he and his neighbors found out in March of this year that the problems were not being corrected by the construction plans. He asked the Board for assistance in correcting the problems he and his neighbors have lived with for so long. A copy of his statement is attached to the minutes as part of the official record.

Trustee Paterson asked for a staff report on this situation at the November 17 Board meeting.

Laura Maatz made a statement on behalf of six other microbiology students in attendance regarding a situation in the Science Department where the microbiology lab technician was dismissed, brought back and then placed on a forced leave of absence so that she could enter COM’s nursing program, leaving 48 microbiology students without a lab technician. This put the 48 students in a position where they might not have been able to complete the curriculum for the course. Since COM accepts nursing students only
in January and microbiology is a required course, their lives would have been put on hold for a year if they had not been able to complete the course requirements. Ms. Maatz stated that Ms. Martinez served the department very well for three years and that it hurt the morale of the 48 students to see how she was treated. She feels that this situation is indicative of a larger, more systemic problem in the Science Department and would like to follow up with an administrator to mend fences and develop better communication between the students in the Science Department, administration and the Board. Trustee Dolan asked staff to comment and Dr. White responded that details will be provided at the next closed session since by law personnel issues can only be discussed in closed session.

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**
         President White reported that the Self-Study for the Fall 2010 Accreditation visit is under way and is still being refined. A report on the Self-Study will be presented to the Board at the November meeting.
      
      2. **Bolinas Marine Station Proposal**
         Dr. White called the Board’s attention to a brief proposal in their packets written by the Director of the California Academy of Sciences regarding the Bolinas Marine Station. She stated that we are looking forward to hearing back in terms of how this proposal, which would utilize federal stimulus funds, may aid our efforts to resolve the Bolinas Marine Station situation.
      
      3. **2009 Audit Plan**
         Vice President Harrison pointed out the 2009 Audit Plan prepared by our auditors, Perry Smith LLP. Tina Treis of Perry Smith was present to answer questions and provide clarification. The client audit plan is a new concept of communicating the planned scope and timing of the annual audit for our district. It was designed to communicate the details of the audit process.
      
      4. **Quarterly Financial Report**
         Vice President Harrison distributed copies of the COM First Quarter Financial Report 7/1/09-9/30/09, a new report (copy attached) designed to keep the Board consistently informed of our financial situation.
      
      5. **Follow-up Report**
         President White called the Board’s attention to the Follow-up Report in their packets.

5. **Academic Senate Report**
   Yolanda Bellisimo, Academic Senate President, informed the Board that the faculty expects the Trustees to perform a yearly program review similar to administrative and instructional programs. She also stated that the college needs an aggressive capital improvement plan in which the Board takes a leadership role and that the faculty considers the Board’s work in this area to be a top priority and one that should be addressed in the Board’s self-
evaluation. A copy of Ms. Bellisimo’s statement is attached to the minutes as part of the official record. Trustee Hayashino asked to have fundraising placed on a future agenda for further discussion.

6. **Classified Senate Report**
Kathleen Kirkpatrick, Classified Senate President, reported that the Classified Senate has scheduled two events this semester designed to provide staff with important information about various college initiatives. On October 20 Robert Kennedy and Yolanda Bellisimo will present information about the instructional blueprint that will affect class scheduling and other projects currently being worked on by the Academic Senate. A Modernization and Governance Update for classified staff is scheduled for December 2. A copy of Ms. Kirkpatrick’s statement is attached to the minutes as part of the official record.

7. **Student Senate and Student Association Report**
Student Trustee Parker reported that the Senate is reviewing and discussing resolutions for the fall general assembly put on by CCLC. He also announced that preliminary planning is taking place for public open discussion-type events designed to promote more student involvement in campuswide issues.

8. **Consent Calendar Items**

M/s (Long/Treasnor) to approve all items on the Consent Calendar. The motion passed by a roll call vote of 6-0 with the exception of a no vote on 8.G by Trustee Dolan. Student Trustee Parker cast an advisory aye vote.

A. Calendar of Upcoming Meetings
   No changes

B. Approve Classified Personnel Recommendations.
   1. Appointment of Hourly Personnel
   2. Classified Request for Uncompensated Leave

C. Short-Term Hourly Positions

D. Budget Transfers – Month of September – FY 2009/10

E. Warrant Approval

F. Modernization (Measure C) - **BP3.1 (Keep modernization program on track)**
   1. Ratify/Approve Modernization Contracts, Changes and Amendments ($376,954)
   2. Approve Re-authorization for Consulting Contract Amendments
   3. Approve Subcontractor Substitution Requests (Mechanical, Electrical, Plumbing and Elevator)
      New Fine Arts Building Project (#306C)
Jeff Luchetti Construction, Inc. - ($0) Mechanical, Electrical, Plumbing and Elevator

G. 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 5020 Non-Resident Tuition
   2. BP 5035 Withholding of Student Records
   3. BP 5052 Open Enrollment

9. Other Action Items
   These items were pulled from the agenda.
   A. Approve Bid Award Learning Resource Cooling Tower Replacement Project - BP3 (Facilities)
   B. Approve Contract with Industrial Employers and Distributors Association (IEDA) – BP1 (Fiscal Accountability)

10. Board Policy Review (1st Read)
    None

11. Board Study Session
    None

12. Board Reports and/or Requests
    a. Commendation Resolutions and Other Resolutions
       1. M/s (Long/Treanor) to Approve Resolution Declaring October 2009 as Extended Opportunity Programs and Services (EOPS) Month – SP.1 (Improve Student Access).
       EOPS staff members in the audience (Dr. Victoria Coad and Sherry Saccuzzo) were asked to stand so that they could be recognized for their contributions to student success while Board Clerk Hayashino read the resolution.
       The motion passed by a unanimous vote of 6-0 plus an advisory aye vote by Student Trustee Parker.
b. Legislative Report

Trustee Paterson updated the Board on information she obtained on federal education initiatives from Undersecretary of Education Martha Kanter at the recent CCLC conference. President Obama’s goals for 2020 include having the best educated, most competitive workforce in the world and having 60% of our residents in possession of advanced degrees. There will be a 32% increase in student financial assistance and an increase in Pell grants. The federal financial aid form is being simplified and will become fully web based. The Senate version of HR 3221 is expected to be released shortly. Trustee Paterson also reported that Governor Schwarzenegger signed AB 669 (Foster Children) and AB 386 (Disabled Students – Audio Captioning).

c. Committee Chair Reports

1. Board Self-Evaluation

Trustee Hayashino, on behalf of Trustees Treanor and Namnath, the other members of the Board Self-Evaluation Committee, reviewed the results of the Board Self-Evaluation questionnaire (copy attached). She noted that the instrument is a self-assessment of how the Board works together as a whole and is based on ACCT and CCLC criteria. The survey results indicate that three areas need improvement: Community Relations & Advocacy, Board Leadership and Board Meetings. Trustee Hayashino will bring a summary of the open-ended questions and a comparative response to each individual question to the November Board meeting.

Trustee Paterson reported that the Board Policy Committee (Trustees Hayashino and Paterson) would be meeting later in the week to continue its work. She also reported that she and Student Trustee Parker had been participating in the Gateway Complex design interviews.

Trustee Hayashino announced that she, Trustee Treanor and President White would be meeting on Friday, October 16, with our development consultants to discuss fundraising efforts.

d. Individual Reports and/or Requests

Trustee Treanor acknowledged Dr. White’s upcoming birthday and stated that
while out on the campaign trail she has noticed that everyone in the community knows who the President of College of Marin is and thanked Dr. White for making a huge difference in the community’s perception of the college. She reported that she has been hearing positive feedback on the COM community report recently mailed to residents.

Trustee Dolan thanked whoever was responsible for holding off on the Kentfield Asset Management Proposal presentation and stated that she hopes this issue will be looked at closely. She asked for a report on open classrooms that many adults have accessed in the past and are not going to have accessibility to. She asked if staff could be prepared to respond to student questions at Board meetings without giving out confidential information. Trustee Dolan also asked if there was some way for community members to get a report on actions taken by the Board and said this might improve community relations.

Trustee Kranenburg reported that he, along with other Trustees, was at the groundbreaking for the PE complex which he described as fabulous. He has heard many positive comments about the event and the facility and extended kudos to all who worked to make this happen. Trustee Kranenburg also reported that the Board recently received two awards: a safety award related to work done at the Diamond PE Center and the Green California Community College Summit Pioneer Award which he accepted at the Green Technology Summit for Community Colleges in Pasadena.

Trustee Long expressed appreciation for the update on the opening of the PE Building and stated that she was on business travel and was unable to attend. This is the first opening she’s missed. She commented that the PE complex is a very exciting modernization project and that we can be very proud of it.

Trustee Treanor also praised the new PE Complex, noting that it shows our commitment to parity and has many elements that reflect our community.
Trustee Hayashino announced that she has been asked to serve on the Community College League of California (CCLC) nominating committee.

13. Approval of Minutes
M/s (Treanor/Hayashino) to approve the minutes of the September 22, 2009 Board meeting. The motion passed by a unanimous vote of 6-0 (plus an advisory aye vote by Student Trustee Parker).

14. Possible Future Agenda Items for Discussion
A. Kentfield Pool Use Request Update (Al Harrison) – SP.1 (Improve Student Access)
B. IVC Tennis Court Proposal
C. Kentfield Lacrosse/Soccer Request
D. Recommended Architect for Gateway

15. Items for Possible Future Board Action
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)

16. Information Items
Board members were asked to review the information items in their Board packets.
A. Contracts and Agreement for Services Report – September, 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
C. Calendar of Special Events
   Diamond PE Center Ribbon Cutting Ceremony – October 1, 2009, 4:00 p.m.
   ACCT Congress – October 7-10, 2009 – San Francisco Hilton
17. Correspondence
Board President Kranenburg asked the Board to review the correspondence in their Board Packets.

18. Board Meeting Evaluation
Trustee Treanor thanked Modernization Director Chernock for including the list of completed Measure C projects in her Director’s Report, noting that it makes us realize that a lot of work has been done since the bond was passed.

Trustee Long expressed appreciation for the verbatim transcript of the discussion of agenda item B.11.G at the August 25 Board meeting. She said the lesson she learned from reviewing the transcript was that each Board member can be clearer about what they mean and that it would be helpful for the chair to clarify if something is a motion or if a topic is just being discussed.

19. Adjournment
M/s (Treanor/Hayashino) to adjourn the meeting. The motion passed by a unanimous vote of 6-0 (plus an advisory aye vote by Student Trustee Parker) and Board President Kranenburg adjourned the meeting at 8:15 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>
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<tr>
<td>SP.1: Improve Student Access</td>
<td>Approve Resolution Declaring October 2009 as Extended Opportunity Programs and Services (EOPS) Month</td>
<td>October 13, 2009</td>
<td>6-0 plus advisory aye vote by Student Trustee</td>
</tr>
<tr>
<td>BP3: Facilities 3.1: Keep modernization program on track</td>
<td>Ratify/Approve Modernization Contracts, Changes and Amendments</td>
<td>October 13, 2009</td>
<td>6-0 plus advisory aye vote by Student Trustee</td>
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<td></td>
<td>Approve Re-authorization for Consulting Contract Amendments</td>
<td>October 13, 2009</td>
<td>6-0 plus advisory aye vote by Student Trustee</td>
</tr>
<tr>
<td></td>
<td>Approve Subcontractor Substitutions for New Fine Arts Building Jeff Luchetti Construction</td>
<td>October 13, 2009</td>
<td>6-0 plus advisory aye vote by Student Trustee</td>
</tr>
<tr>
<td>BP1: Fiscal Accountability 1.4a Review institutional needs and assess institutional effectiveness, using Program Review, Administrative Planning and Assessment, the Strategic Plan and the Educational Master Plan</td>
<td>Approve Revised Board Policies BP 5020 Non-Resident Tuition, BP 5035 Withholding of Student Records, and BP 5020 Open Enrollment</td>
<td>October 13, 2009</td>
<td>5 ayes and 1 no plus advisory aye vote by Student Trustee</td>
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<tr>
<td>SP/BP PRIORITIES</td>
<td>BOARD STUDY SESSIONS/STAFF REPORTS</td>
<td>DATE</td>
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<td>SP.2: Improve Student Learning and Success</td>
<td>WASC Report Status</td>
<td>October 13, 2009</td>
<td>Dr. Fran White</td>
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<td>Bolinas Marine Station Proposal</td>
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<tr>
<td>BP1: Fiscal Accountability</td>
<td>2009 Audit Plan</td>
<td>October 13, 2009</td>
<td>Al Harrison</td>
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<tr>
<td>BP1: Fiscal Accountability</td>
<td>Quarterly Financial Report</td>
<td>October 13, 2009</td>
<td>Al Harrison</td>
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</table>
MY NAME IS TERRY MALOUF, I LIVE IN NOVATO AT 1005 INDIAN WAY. TO GIVE YOU AN IDEA WHERE THIS IS, MY LIVING ROOM IS 38 FEET FROM IVC PARKING LOT #1 PROPERTY LINE. SOME OF MY NEIGHBORS ARE EVEN CLOSER.

BECAUSE WE’RE SUCH CLOSE NEIGHBORS, WE ARE KEENLY AWARE OF THE ACTIVITIES AT PARKING LOT #1. WE ALSO RECOGNIZE THE CHALLENGES FACED BY THE CAMPUS POLICE IN THEIR EFFORT TO MAINTAIN CONTROL OVER LARGE, WIDELY SEPARATED CAMPUSSES, WITH THEIR LIMITED STAFF.

AND WHILE WE HAVE BEEN IMPRESSED WITH THE CONCERN AND PROFESSIONALISM OF THE CAMPUS POLICE OFFICERS WE WORKED WITH, WE HAVE STILL HAD TO ENDURE AN ENDLESS SERIES OF SAFETY AND SECURITY PROBLEMS BECAUSE OF THE INABILITY OF THE COLLEGE OF MARIN TO CONTROL ACTIVITIES ON PARKING LOT #1.

THESE PROBLEMS STARTED LONG BEFORE THE REDEVELOPMENT PROJECT, AND ARE WELL DOCUMENTED IN THE CAMPUS POLICE LOG AND IN NUMEROUS LETTERS / E-MAILS TO PRESIDENT WHITE AND HER STAFF. PLEASE NOTE THAT OUR LETTERS HAVE BEEN MORE THAN JUST COMPLAINTS BECAUSE WE HAVE ALSO RECOMMENDED SOLUTIONS TAKING INTO CONSIDERATION THE LIMITED STAFF AVAILABLE.

IN SHORT, WE HAVE TRIED TO ACT IN GOOD FAITH....... AND AS GOOD NEIGHBORS ....... UNFORTUNATELY, THE COM HAS NOT RECIPROCATED.

WHEN THE IVC REDEVELOPMENT PROJECT WAS ANNOUNCED, WE WERE ENCOURAGED AND SAW THIS AS A GOLDEN OPPORTUNITY TO FINALLY RESOLVE THESE OLD PROBLEMS BY CHANGING THE PHYSICAL LAYOUT OF THE PROBLEM AREA.


ABOUT A MONTH LATER, IN NOVEMBER 2007, MY NEIGHBORS AND I ATTENDED A COMMUNITY FORUM CONDUCTED BY V-ANNE CHERNOCK. AT THIS FORUM WE ADVISED V-ANNE OF OUR CONCERNS AND WE WERE ASSURED BY HER THAT THEY WOULD BE ADDRESSED IN THE FINAL PLANS.

I CONFIRMED THE DETAILS OF OUR AGREEMENT IN A LETTER TO V-ANN THE FOLLOWING DAY AND SPECIFICALLY REQUESTED THAT WE BE INFORMED OF ANY CHANGES THAT WOULD AFFECT OUR AREAS OF CONCERN.
WE RECEIVED NO REPLY AND WE WERE NOT CONTACTED BY ANYONE FROM THE COM
SO WE ASSUMED OUR CONCERNS WERE BEING ADDRESSED AS AGREED.

IT WAS ALMOST A YEAR AND A HALF LATER, ON MARCH 31ST OF THIS YEAR, THAT WE
DISCOVERED, THROUGH OUR OWN EFFORTS, THE PROBLEMS WERE NOT BEING
CORRECTED BY THE CONSTRUCTION PLANS.

I IMMEDIATELY E-MAILED V-ANNE REPORTING THIS AND REMINDING HER OF OUR
NOVEMBER 2007, AGREEMENT.

THIS STARTED AN EXCHANGE OF LETTERS AND E-MAILS THAT ENDED ABRUPTLY ON
JUNE 26TH THIS YEAR, WHEN PRES. WHITE FAILED TO RESPOND TO A LETTER FROM
THE PRESIDENT OF OUR HOME OWNER ASSOCIATION. EVEN AFTER SENDING A
FOLLOW UP REMINDER TO PRES. WHITE IN MID AUGUST, WE HAVE STILL HAD NO
REPLY AND IT HAS NOW BEEN OVER 3½ MONTHS.

THE COM’S POSITION SEEMS TO BE TO IGNORE THESE PROBLEMS UNTIL AFTER THE
RECONSTRUCTION PROJECT IS COMPLETE AND THEN TO “MONITOR THE SITUATION”.

THIS IS AN UNWISE, EXPENSIVE AND DANGEROUS APPROACH

OUR RECOMMENDED SOLUTIONS ARE NOT COSTLY........ONE ACTUALLY SAVES MONEY
BY ELIMINATING UNNECESSARY CONSTRUCTION. Not Discussed

THESE PROBLEMS, AS WELL AS OUR CONCERNS, ARE REAL AND ARE WELL
DOCUMENTED AND THEY CAN BE CORRECTED INEXPENSIVELY IF YOU ACT SOON.

WE ARE HERE TONIGHT REPRESENTING THE IGNACIO CREEK HOA .......AS YOUR
NEIGHBORS .... TO ASK THE COMBOT FOR THEIR ASSISTANCE IN CORRECTING THE
PROBLEMS WE HAVE HAD TO LIVE WITH SO LONG.

I WOULD LIKE TO ASK: .................
HOW SOON WE CAN EXPECT A DECISION FROM THE COMBOT?

THANK YOU FOR ALLOWING ME TO SPEAK.

I WILL NOW TRY TO ANSWER YOUR QUESTIONS.
College of Marin
First Quarter Financial Report
7/1/09-9/30/09

Overview

- Comparison of annual revenue and expenditure budgets 2-3
  - 2008/09 Budget vs. Actual
  - 2008/09 Budget vs. 2009/10
- Year over year first quarter highlights 4
- Revenues: 5-6
  - Year over year total revenue comparison
  - 2009/10 budget to actual comparison
  - Quarter over quarter revenue comparison
- Expenditures: 7-11
  - Year over year total expenditure comparison
  - 2009/10 budget to actual comparison
  - Quarter over quarter expenditure comparison
  - Salary and benefits detail
- Cash flow 12
2008/09 Budget vs. Actual Revenues shows actual revenue received close to budgeted projection

Adoption Budget
- 89% Property Taxes
- 6% State
- 3% Enrollment
- 2% Other Local

Actual Revenues
- 88% Property Taxes
- 6% State
- 3% Enrollment
- 3% Other Local

Yr/Yr Revenue Budget Comparison shows minor change in revenue sources

2008/09
- 89% Property Taxes
- 6% State
- 3% Enrollment
- 2% Other Local

2009/10
- 80% Property Taxes
- 5% State
- 3% Enrollment
- 2% Other Local
2008/09 Budget vs. Actual Expenses shows slight variances from budget

Adoption Budget
- 65% Salaries
- 22% Benefits
- 4% Fixed Expenses
- 7% Operating Expenses
- 2% Capital Outlay/Other Outgo

Actual Expenditures
- 63% Salaries
- 22% Benefits
- 4% Fixed Expenses
- 8% Operating Expenses
- 3% Capital Outlay/Other Outgo

Yr/Yr Expense Budget Comparison aligns spending pattern closer to Actual Results

2008/09
- 65% Salaries
- 22% Benefits
- 4% Fixed Expenses
- 7% Operating Expenses
- 2% Capital Outlay/Other Outgo

2009/10
- 64% Salaries
- 23% Benefits
- 4% Fixed Expenses
- 8% Operating Expenses
- 3% Capital Outlay/Other Outgo
## 1st Qtr YTD Financial Highlights

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<th>9/30/09</th>
<th>9/30/08</th>
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<td><strong>Revenues</strong></td>
<td>$ 1.8M</td>
<td>$ 1.4M</td>
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<td><strong>Expenses</strong></td>
<td>$10.0M</td>
<td>$ 9.9M</td>
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<tr>
<td><strong>Net</strong></td>
<td>($ 8.2M)</td>
<td>($ 8.5M)</td>
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Revenues come in at a much slower rate than expenditures go out.

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## Statement of Sources and Uses

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<td>950,000</td>
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<td><strong>USE OF FUNDS</strong></td>
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<td>Salaries</td>
<td>10,018,160</td>
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<td>10.6%</td>
<td>10,018,160</td>
<td>2,195,644</td>
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<td><strong>TOTAL SALARIES &amp; BENEFITS</strong></td>
<td>14,932,123</td>
<td>6,322,321</td>
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<td>28,555,622</td>
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<td>34,694</td>
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| Other O
date             | 121,471    | 14,037    | 11.5%     | 121,471    | 110,419   | 91.5%     |           |           |           |           |           |           |           |           |           |
| **TOTAL OTHER EXPENSES** | 6,53,182 | 2,241,112 | 32.4%     | 6,53,182  | 2,241,112 | 20.3%     |           |           |           |           |           |           |           |           |           |
| **TOTAL USES**        | 44,713,444 | 8,843,523 | 20.0%     | 44,713,444 | 8,843,523 | 20.0%     |           |           |           |           |           |           |           |           |           |
| **SOURCES OVER/UNDER USES** | -3,745,645 | -2,755,290 | -677.5%   | -3,745,645 | -2,755,290 | -719.1%   |           |           |           |           |           |           |           |           |           |
Yr/Yr Revenues

- 2009/10
  - $44.7M budgeted
  - $1.8M actual YTD
  - 4.0% of budget
- 2008/09
  - $43.5M budgeted
  - $1.4M actual YTD
  - 3.2% of budget
- 89% of revenue comes from property taxes; 85% from unsecured taxes

Statement of Sources of Funds

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<th>FISCAL YEAR</th>
<th>ADOPTION</th>
<th>1ST QTR</th>
<th>2ND QTR</th>
<th>3RD QTR</th>
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<td>BUDGET</td>
<td>ACTUAL</td>
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<td>ACTUAL</td>
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<td>144.4%</td>
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<td>285,000</td>
<td>141.7%</td>
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<td>260,000</td>
<td>144.4%</td>
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<td>MISCELLANEOUS</td>
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<td>100.0%</td>
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<tr>
<td>TOTAL REVENUE</td>
<td>356,000</td>
<td>575,000</td>
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<td>162.1%</td>
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10/13/09
Yr/Yr Expenditures

- 2009/10
  - $44.4M budgeted
  - $10.0M actual YTD
  - 22.4% of budget

- 2008/09
  - $44.7M budgeted
  - $9.9M actual YTD
  - 22.0% of budget

- Expenditures are incurred relatively evenly throughout the year

Statement of Uses of Funds

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Adoption</th>
<th>1st QTR</th>
<th>1st QTR %</th>
<th>Adoption</th>
<th>1st QTR</th>
<th>1st QTR %</th>
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<tr>
<td>Salaries</td>
<td>$29,152,123</td>
<td>$6,018,958</td>
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<td>$38,565,522</td>
<td>$6,569,124</td>
<td>23.0%</td>
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<tr>
<td>Benefits</td>
<td>15,018,460</td>
<td>1,903,363</td>
<td>19.6%</td>
<td>9,003,992</td>
<td>2,193,644</td>
<td>22.2%</td>
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<td>Total Salaries &amp; Benefits</td>
<td>$44,160,583</td>
<td>$7,922,321</td>
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<td>Fixed Expenses</td>
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<td>448,950</td>
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<td>Other Operating</td>
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<td>3,429,836</td>
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<td>Capital Outlay</td>
<td>182,169</td>
<td>28,315</td>
<td>15.5%</td>
<td>181,276</td>
<td>24,644</td>
<td>12.9%</td>
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<tr>
<td>Other Outgo</td>
<td>121,474</td>
<td>110,442</td>
<td>90.0%</td>
<td>2,125,642</td>
<td>110,449</td>
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<td>Educ. Excellence Reserve</td>
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<td>190,000</td>
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<tr>
<td>Board Properties</td>
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<td>-</td>
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<td>200,000</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Total Other Expenses</td>
<td>5,331,861</td>
<td>1,241,192</td>
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<td>5,567,754</td>
<td>1,212,272</td>
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<tr>
<td>Total Uses</td>
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<td>$9,972,240</td>
<td>22.4%</td>
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</tbody>
</table>
1st Qtr Budget vs. Actual Expenses

- 92.4% of expenses are fixed:
  - 64% salaries
  - 22% benefits
  - 6.4% utilities, insurance, audit, legal, election, loan repayment
- 7.6% of expenses are discretionary

1st Qtr Yr/Yr Salaries and Benefits

Spending pattern similar to last year
## Salary Analysis

<table>
<thead>
<tr>
<th>FISCAL YEAR</th>
<th>ADOPTION BUDGET 2009-2010</th>
<th>1st QTR ACTUAL 2009-2010</th>
<th>1st QTR %</th>
<th>ADOPTION BUDGET 2009-2010</th>
<th>1st QTR ACTUAL 2009-2010</th>
<th>1st QTR %</th>
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<tbody>
<tr>
<td>SALARIED</td>
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<tr>
<td>FACULTY</td>
<td></td>
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<tr>
<td>INSTRUCTORS-REGULAR</td>
<td>8,143,619</td>
<td>1,642,201</td>
<td>22.4%</td>
<td>7,979,150</td>
<td>1,638,179</td>
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<td>INSTRUCTORS-HOURLY</td>
<td>7,618,013</td>
<td>1,726,364</td>
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<td>7,493,000</td>
<td>1,713,313</td>
<td>23.0%</td>
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<tr>
<td>NONINSTRUCTORS-REGULAR</td>
<td>1,321,265</td>
<td>227,365</td>
<td>17.6%</td>
<td>1,162,905</td>
<td>220,647</td>
<td>21.5%</td>
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<tr>
<td>NONINSTRUCTORS-HOURLY</td>
<td>613,633</td>
<td>127,511</td>
<td>20.7%</td>
<td>562,600</td>
<td>110,747</td>
<td>20.0%</td>
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<tr>
<td>FACULTY TOTAL</td>
<td>15,786,926</td>
<td>3,693,251</td>
<td>22.8%</td>
<td>15,334,230</td>
<td>3,351,281</td>
<td>22.3%</td>
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<tr>
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</tr>
<tr>
<td>STAFF-REGULAR</td>
<td>7,531,545</td>
<td>1,703,527</td>
<td>22.8%</td>
<td>7,652,311</td>
<td>1,783,384</td>
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<tr>
<td>INSTRUCTIONAL-REGULAR</td>
<td>1,124,171</td>
<td>235,063</td>
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<td>1,040,250</td>
<td>208,642</td>
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<td>HOURLY INSTRUCTIONAL</td>
<td>378,773</td>
<td>84,074</td>
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<td>312,010</td>
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<td>203,317</td>
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<td>900,000</td>
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<td>CLASSIFIED TOTAL</td>
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<td>9,104,581</td>
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<td>1,192,877</td>
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<td>ADMINISTRATIONS TOTAL</td>
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<td>TOTAL SALARIES</td>
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<td>19,937,052</td>
<td>8,166,134</td>
<td>20.7%</td>
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## Benefit Analysis

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<th>1st QTR ACTUAL 2009-2010</th>
<th>1st QTR %</th>
<th>ADOPTION BUDGET 2009-2010</th>
<th>1st QTR ACTUAL 2009-2010</th>
<th>1st QTR %</th>
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<td>$ 1,405,199</td>
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<td>PERS</td>
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<td>64,978</td>
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<td>$ 131,234</td>
<td>(9,080)</td>
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<td>$ 497,192</td>
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<td>4,665,824</td>
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<tr>
<td>TOTAL HEALTH</td>
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<td>$ 15,018,423</td>
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1st Qtr Yr/Yr Other Expenses

Spending pattern similar to last year

Fixed Expense Analysis

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<th>ADOPTION BUDGET</th>
<th>1st QTR ACTUAL</th>
<th>1st QTR %</th>
<th>ADOPTION BUDGET</th>
<th>1st QTR ACTUAL</th>
<th>1st QTR %</th>
<th>ADOPTION BUDGET</th>
<th>1st QTR ACTUAL</th>
<th>1st QTR %</th>
<th>ADOPTION BUDGET</th>
<th>1st QTR ACTUAL</th>
<th>1st QTR %</th>
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<td>GAS &amp; ELECTRICITY</td>
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<td>PEST CONTROL</td>
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<tr>
<td></td>
<td>$ 1,963,407</td>
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<td>22.0%</td>
<td>$ 2,142,000</td>
<td>$ 442,365</td>
<td>21.0%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

TOTAL
### Other Operating Expense Analysis

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Adoption Budget</th>
<th>1st QTR</th>
<th>1st QTR %</th>
<th>Adoption Budget</th>
<th>1st QTR</th>
<th>1st QTR %</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Other Operating Expenses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supplies &amp; Materials</td>
<td>$583,051</td>
<td>$142,051$</td>
<td>24.4%</td>
<td>$583,051</td>
<td>$278,929</td>
<td>17.0%</td>
</tr>
<tr>
<td>Personal &amp; VSG, Lecture</td>
<td>34,066*</td>
<td>12,075*</td>
<td>35.1%</td>
<td>54,065</td>
<td>23,322</td>
<td>43.3%</td>
</tr>
<tr>
<td>Travel &amp; Conference</td>
<td>136,256</td>
<td>17,114</td>
<td>12.6%</td>
<td>136,256</td>
<td>23,191</td>
<td>17.0%</td>
</tr>
<tr>
<td>Dues &amp; Membership</td>
<td>28,423</td>
<td>20,533</td>
<td>71.7%</td>
<td>44,402</td>
<td>67,219</td>
<td>71.4%</td>
</tr>
<tr>
<td>Legal</td>
<td>241,919</td>
<td>59,143</td>
<td>24.5%</td>
<td>239,000</td>
<td>52,945</td>
<td>22.1%</td>
</tr>
<tr>
<td>Audits &amp; Election</td>
<td>58,022</td>
<td>4,123</td>
<td>7.0%</td>
<td>58,022</td>
<td>4,123</td>
<td>7.0%</td>
</tr>
<tr>
<td>Contracted Services</td>
<td>1,066,257</td>
<td>253,425</td>
<td>24.0%</td>
<td>1,066,257</td>
<td>276,292</td>
<td>25.0%</td>
</tr>
<tr>
<td>Postage</td>
<td>106,687</td>
<td>15,990</td>
<td>14.0%</td>
<td>106,687</td>
<td>161</td>
<td>0.2%</td>
</tr>
<tr>
<td>Printing &amp; Publication</td>
<td>80,713</td>
<td>11,370</td>
<td>14.1%</td>
<td>175,195</td>
<td>17,622</td>
<td>10.0%</td>
</tr>
<tr>
<td>Rental &amp; Leases</td>
<td>43,469</td>
<td>6,449</td>
<td>14.8%</td>
<td>99,969</td>
<td>3,509</td>
<td>7.0%</td>
</tr>
<tr>
<td>Recruitment</td>
<td>128,812</td>
<td>77,887</td>
<td>60.5%</td>
<td>175,000</td>
<td>68,614</td>
<td>39.1%</td>
</tr>
<tr>
<td>Other Discretionary Exp.</td>
<td>2,590</td>
<td>252</td>
<td>27.7%</td>
<td>2,590</td>
<td>252</td>
<td>27.7%</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>2,590</td>
<td>252</td>
<td>27.7%</td>
<td>2,590</td>
<td>252</td>
<td>27.7%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$2,683,731</td>
<td>$667,649</td>
<td>23.0%</td>
<td>$2,426,836</td>
<td>$640,189</td>
<td>26.0%</td>
</tr>
</tbody>
</table>

### Capital Outlay Analysis

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Adoption Budget</th>
<th>1st QTR</th>
<th>1st QTR %</th>
<th>Adoption Budget</th>
<th>1st QTR</th>
<th>1st QTR %</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Capital Outlay</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Library Books/Periodicals</td>
<td>$15,000</td>
<td>$460</td>
<td>3.1%</td>
<td>$15,000</td>
<td>$3,300</td>
<td>22.0%</td>
</tr>
<tr>
<td>Equipment New &amp; Leased</td>
<td>100,166</td>
<td>27,602</td>
<td>27.5%</td>
<td>100,166</td>
<td>27,602</td>
<td>27.5%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$115,166</td>
<td>$31,062</td>
<td>26.6%</td>
<td>$115,166</td>
<td>$30,903</td>
<td>26.6%</td>
</tr>
</tbody>
</table>

### Other Outlay

<table>
<thead>
<tr>
<th></th>
<th>Adoption Budget</th>
<th>1st QTR</th>
<th>1st QTR %</th>
<th>Adoption Budget</th>
<th>1st QTR</th>
<th>1st QTR %</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Energy Loan Repayment</strong></td>
<td>$110,354</td>
<td>$110,442</td>
<td>100.0%</td>
<td>$110,354</td>
<td>$110,449</td>
<td>100.0%</td>
</tr>
<tr>
<td>Other</td>
<td>11,130</td>
<td>na</td>
<td>na</td>
<td>11,130</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>Intra-Fund/Inter-Fund Transfers:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Child Care Fund</td>
<td>na</td>
<td>na</td>
<td>na</td>
<td>$62,500</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>GIFTS</td>
<td>na</td>
<td>na</td>
<td>na</td>
<td>na</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>RISK &amp; LITIGATION FUND</td>
<td>na</td>
<td>na</td>
<td>na</td>
<td>na</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>PLINTH</td>
<td>na</td>
<td>na</td>
<td>na</td>
<td>na</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>NONSTUDY</td>
<td>na</td>
<td>na</td>
<td>na</td>
<td>na</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>MISCELLANEOUS</td>
<td>na</td>
<td>na</td>
<td>na</td>
<td>na</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$121,474</td>
<td>$110,442</td>
<td>91.1%</td>
<td>$212,642</td>
<td>$110,449</td>
<td>52.1%</td>
</tr>
</tbody>
</table>
1st Qtr YTD Cash Position

9/30/09   9/30/08
- Cash Balance  $8.9M  $8.4M
- TRAN borrowing  $8.5M  $9.835M

- Cash inflow is revenues - our major source, property taxes, received primarily in December and April.
- Cash outflow is expenses – about $3.3M per month
- TRAN provides operating cash until mid-December when property taxes are received

Yr/Yr Cash Flow
Academic Senate Report to the Board of Trustees
October 2009

At last month's board meeting, the board members were reminded that their board evaluations were due and several had not been completed. Apparently, some board members were concerned about the length of the questionnaire; given this is an election year.

This week, the administration rolled out its Administrative Unit Program Review template and the faculty’s Program Review Committee met to finalize its program review template for this year. The Administrative Program Review, which will be completed by administrators and staff from every area, is over 15 pages long. The instructional program review is over 25 pages. The administrative and instructional program reviews have deadlines set for the middle of December and there are no excuses for late reviews.

We live in different times now, where accountability has become the norm and that accountability applies to everyone and everybody that serves the public and does so on public dollars. Boards are no exception.

It is the expectation of the faculty that the Board of Trustees should perform a yearly program review similar to administrative and instructional programs. The review should be public and it should include substantive data to recognize the board’s achievements in meeting its benchmarks and it should illustrate where improvement is needed.

We expect the board to address its fiduciary responsibilities in its program review. And in these economic times, that responsibility goes far beyond a balanced budget. For at least the past two years, we have balanced the budget by using savings from funded/unfilled faculty and staff positions. Without these unfilled positions, we would not meet our expenses. We can’t continue to expect Al Harrison and the Budget Committee to balance the books by robbing Peter to pay Paul.

We need an aggressive capital improvement plan in which the board takes a leadership role, personally participates, and shows expertise in major fund raising for this college.

In looking at other colleges, it is clear that our board has fallen behind the times in this. The faculty considers the board’s work in this area a top priority and one that should be addressed in the board’s self evaluation.
Good Evening.

This will be a very brief report to update you on a couple activities the Senate is planning.

With so much going on at the College, the Classified Senate is focusing on its core mission and trying to work smarter and more efficiently. Our goal is to be a reliable liaison for issues that affect classified staff as well as an information resource to staff on College-wide issues. As part of this effort, we’ve scheduled two events this semester that we believe will provide staff with important information about various College initiatives.

On Tuesday, October 20 we’re sponsoring a presentation by the Academic Senate. Robert Kennedy and Yolanda Bellisimo will present information about the instructional blueprint that will affect class scheduling as well as other projects that the Academic Senate is currently working on. The event will take place 12:45-1:45 in the Staff Lounge. All classified staff will be invited to attend. This event will help us meet our goal to increase communication and information sharing between the Classified and Academic Senates.

We’ve also scheduled a Modernization and Governance Update for classified staff on Wednesday, December 2. This event will take place in the teleconferencing rooms on each campus thus enabling both Kentfield and IVC staff to easily participate. V-Anne Chernock has been invited to provide information about building and construction projects and address staff questions. The second part of the event will be an update on the work of the various governance committees provided by classified staff governance representatives.

Through these targeted activities we hope to provide a source for accurate information, give classified staff opportunities to get their questions answered and/or concerns addressed and to improve communication.

Thank you very much.
Survey Items

I. Mission and Planning
II. Policy Role
III. Board-CEO Relations
IV. Community Relations
V. Fiduciary Role
VI. Board Leadership
VII. Board Meetings
VIII. Board Education

Instrument Design: ACCT and CCLC Standards
Performance rating scale to get numerical averages
Level of agreement with the following criteria
5 Strongly Agree
4 Agree
3 Neutral
2 Disagree
1 Strongly Disagree

Accreditation Survey Scale: Meets, Partially Meets, Does Not Meet
Open Ended Questions at the end of the survey form.

<table>
<thead>
<tr>
<th>CRITERIA</th>
<th>RATING</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>I. Mission, Planning, and Policy</strong></td>
<td>3.9</td>
</tr>
<tr>
<td>1. The board assures that there is an effective planning process and is appropriately involved in the process.</td>
<td>4.2</td>
</tr>
<tr>
<td>2. The board regularly reviews the district’s mission and goals and monitors progress toward the goals.</td>
<td>4.2</td>
</tr>
<tr>
<td>3. The board fulfills its policy role; the board’s policies are up-to-date and regularly reviewed.</td>
<td>3.5</td>
</tr>
<tr>
<td><strong>II. Board-CEO Relations</strong></td>
<td>4.2</td>
</tr>
<tr>
<td>4. The board maintains an excellent working relationship with the CEO.</td>
<td>4.1</td>
</tr>
<tr>
<td>5. The board sets clear expectations for and effectively evaluates the CEO</td>
<td>4.2</td>
</tr>
</tbody>
</table>
6. The board delegates authority to and supports the CEO.  

III. Community Relations & Advocacy  

7. Board members represent the interests of the citizens in the district.  

8. The board advocates on behalf of the college to local, state, and federal governments.  

IV. Educational Programs and Quality  

9. The board effectively monitors the quality and effectiveness of the educational program and services.  

10. Board members are knowledgeable about the district's educational programs and services.  

V. Fiduciary Role  

11. The board assures the fiscal stability and health of the district.  

12. The board monitors implementation of the facilities plan.  

VI. Human Resources and Staff Relations  

13. Board members refrain from attempting to manage employee work.  

14. The board respects faculty, staff, and student participation in college decision-making.  

VII. Board Leadership  

15. The board understands and fulfills its roles and responsibilities.  

16. The board expresses its authority only as a unit.  

17. The board regularly reviews and adheres to its code of ethics or standards of practice.
<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>18. Board members avoid conflicts of interest and the perception of such conflicts.</td>
<td>3.5</td>
</tr>
<tr>
<td><strong>VIII. Board Meetings</strong></td>
<td>3.4</td>
</tr>
<tr>
<td>19. Board meeting agendas and conduct provide sufficient information and time to explore and resolve key issues.</td>
<td>3.1</td>
</tr>
<tr>
<td>20. The board understands and adheres to the Brown Act.</td>
<td>3.7</td>
</tr>
<tr>
<td><strong>IX. Board Education</strong></td>
<td>3.9</td>
</tr>
<tr>
<td>21. New members receive orientation to board roles and the institution.</td>
<td>4.0</td>
</tr>
<tr>
<td>22. Board members participate in trustee development activities.</td>
<td>4.2</td>
</tr>
<tr>
<td>23. The board evaluation process helps the board enhance its performance.</td>
<td>3.5</td>
</tr>
</tbody>
</table>
Accreditation Standards as Criteria
Rating scale for this approach is
3   The board fully meets the standards
2   The board partially meets the standard
1   The board does not meet the standard

<table>
<thead>
<tr>
<th></th>
<th>Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td>2.8</td>
</tr>
<tr>
<td>2. The governing board adheres to a clearly defined policy for selecting and evaluating the chief administrator for the college or the district/system.</td>
<td>2.8</td>
</tr>
<tr>
<td>3. The governing board is an independent policy-making body that reflects the public interest in board activities and decisions.</td>
<td>2.5</td>
</tr>
<tr>
<td>4. Once the board reaches a decision, it acts as a whole.</td>
<td>2.1</td>
</tr>
<tr>
<td>5. The board advocates for and defends the institution and protects it from undue influence or pressure.</td>
<td>2.1</td>
</tr>
<tr>
<td>6. The governing board establishes policies consistent with the mission statement to ensure the quality, integrity, and improvement of student learning programs and services and the resources necessary to support them.</td>
<td>2.7</td>
</tr>
<tr>
<td>7. The governing board has ultimate responsibility for educational quality, legal matters, and financial integrity.</td>
<td>2.7</td>
</tr>
<tr>
<td>8. The institution or the governing board publishes the board bylaws and policies specifying the board’s size, duties, responsibilities, structure, and operating procedures.</td>
<td>2.7</td>
</tr>
<tr>
<td>9. The governing board acts in a manner consistent with its policies and bylaws. The board regularly evaluates its policies and practices and revises them as necessary.</td>
<td>2.4</td>
</tr>
<tr>
<td>10. The governing board has a program for board development and new member orientation. It has a mechanism for providing for continuity of board membership and staggered terms of office.</td>
<td>2.7</td>
</tr>
<tr>
<td>11. The governing board’s self-evaluation processes for assessing board performance are clearly defined, implemented, and published in its policies or bylaws.</td>
<td>2.4</td>
</tr>
<tr>
<td></td>
<td>Description</td>
</tr>
<tr>
<td>---</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>12</td>
<td>The governing board is informed about and involved in the accreditation process.</td>
</tr>
<tr>
<td>13</td>
<td>The governing board delegates full responsibility and authority to the CEO to implement and administer board policies without board interference and holds him/her accountable for the operation of the district.</td>
</tr>
<tr>
<td>14</td>
<td>The board regularly reviews the mission statement.</td>
</tr>
<tr>
<td>15</td>
<td>The board adopts policies on academic freedom and responsibility, student academic honesty, and specific institutional beliefs or worldviews.</td>
</tr>
<tr>
<td>16</td>
<td>The board has adopted personnel policies that are available for information and review. Such policies are equitably and consistently administered.</td>
</tr>
<tr>
<td>17</td>
<td>The board has a written policy providing for faculty, staff, administrator, and student participation in decision-making processes.</td>
</tr>
<tr>
<td>18</td>
<td>Through established governance structures, processes, and practices, the governing board, administrators, faculty, staff, and students work together for the good of the institution.</td>
</tr>
</tbody>
</table>
Open-Ended Questions

1. What are the board’s greatest strengths?
2. What are the major accomplishments of the board in the past year?
3. What are areas in which the board could improve?
4. In order for our board to become a high performing board we need to
5. As a trustee, I am most pleased about ____________________________
6. As a trustee, I have concerns about ______________________________
7. As a trustee, I would like to see the following changes in how the board operates:
8. What issues have most occupied the Board’s time and attention during the past year? Were these closely tied to the mission and goals of the District and the Board?
9. Please describe how the board functions as a team. Is it functioning as a team as well as it should? Why or why not?
10. Please describe the board’s relationship with the CEO? What does the board do to maintain a positive relationship? What does the board need to change, if anything?
11. Describe a typical board meeting. Do the agendas and conduct of the meeting effectively meet the purposes of board meetings? Why or why not?
12. I recommend that the board has the following goals for the coming year:

NOTES TO SURVEY BY COMMITTEE:
Mission, Planning and Policy: Responses include strongly agree, agree, neutral, disagree
Board-CEO Relations: High overall average (4.2)
Community Relations & Advocacy: Agree to Neutral (3.2)
Monitoring Educational Programs and Quality: Agree
Fiduciary Role: Strongly agree, Agree, Neutral
Human Resources and Staff Relations: Agree
Board Leadership: Agree to Neutral (3.5)
Board Meeting: Most disagreed (3.4)
Board Education: Strongly agree, Agree, Neutral

NOTES TO ACCREDITATION:
Most agree the board fully or partially meets the standards
Unanimous agreement that the board is informed and involved in the accreditation process
Unanimous agreement that the board adopts policies on academic freedom, responsibility, student academic honesty, etc.

Next Steps:
Comparative responses to individual questions

Summary of the open-ended responses
BACKGROUND:

The District’s Scheduled Maintenance Plan is reviewed with the Board of Trustees annually 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.

The plan will be brought back to the Board in December for approval.
Marin Community College District

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

November 17, 2009

<table>
<thead>
<tr>
<th>Year</th>
<th>Project Description</th>
<th>Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010-2011</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>KTD – ADA, Access Barrier and Signage</td>
<td>$100,000</td>
</tr>
<tr>
<td>2.</td>
<td>IVC – Re-Roof, Pool Locker/Shower Building 21</td>
<td>$302,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$402,000</td>
</tr>
<tr>
<td>2011-2012</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>IVC – Re-Roof, Pomo Building 5</td>
<td>$221,680</td>
</tr>
<tr>
<td>2.</td>
<td>IVC – Fire Alarm System Replacement, Pomo Building 4</td>
<td>$71,951</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$293,631</td>
</tr>
<tr>
<td>2012-2013</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>IVC – Re-Roof, Pomo Building 6</td>
<td>$225,840</td>
</tr>
<tr>
<td>2.</td>
<td>KTD – ADA, Access Barrier Removal</td>
<td>$100,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$325,840</td>
</tr>
<tr>
<td>2013-2014</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>IVC – Re-Roof, Pomo Building 7</td>
<td>$224,485</td>
</tr>
<tr>
<td>2.</td>
<td>KTD – ADA, Access Barrier Removal</td>
<td>$100,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$324,485</td>
</tr>
<tr>
<td>2014-2015</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>KTD - ADA, Access Barriers Removal, Student/Counseling Center Phase I</td>
<td>$345,000</td>
</tr>
<tr>
<td>2.</td>
<td>KTD/IVC – ADA, Access Barrier Removal</td>
<td>$100,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$445,000</td>
</tr>
</tbody>
</table>
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 $1,000 with a description of services provided.
<table>
<thead>
<tr>
<th>Agreement Number</th>
<th>Vendor/Description</th>
<th>Location/Dept.</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>P0206773</td>
<td>Casey Printing</td>
<td>Communications</td>
<td>$ 1,487.39</td>
</tr>
<tr>
<td></td>
<td>Printing services for the new the 2009-2010 Course Catalogs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0206782</td>
<td>Cook Paging</td>
<td>Maintenance</td>
<td>$ 1,288.62</td>
</tr>
<tr>
<td>P0206783</td>
<td>North Bay Leadership Council</td>
<td>District Wide</td>
<td>$ 3,600.00</td>
</tr>
<tr>
<td></td>
<td>Membership services for the coalition representing employees in Marin and Sonoma Counties. Membership includes position papers and alerts regarding current legislation, overview of local projects.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0206787</td>
<td>De Lage Landen</td>
<td>Maintenance</td>
<td>$ 3,139.20</td>
</tr>
<tr>
<td></td>
<td>Sharp copier maintenance service contract for Maintenance copier.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0206813</td>
<td>Isis, Inc</td>
<td>Staff Development</td>
<td>$ 3,000.00</td>
</tr>
<tr>
<td></td>
<td>Training services for staff to use Office 2007.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0206815</td>
<td>Health Special Risk, Inc</td>
<td>College Operations</td>
<td>$50,000.00</td>
</tr>
<tr>
<td></td>
<td>Health Insurance services for Students and Athletic Insurance Policy.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0206817</td>
<td>Westminster Press, Inc</td>
<td>Community Services</td>
<td>$46,098.37</td>
</tr>
<tr>
<td></td>
<td>Printing services for Community Services course schedules for Fall 2009, Winter 2010, Spring 2010 and Summer 2010.</td>
<td></td>
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<tr>
<td>P0206818</td>
<td>Easy Permit Postage</td>
<td>Community Services</td>
<td>$28,309.49</td>
</tr>
<tr>
<td></td>
<td>Mailing/Postal services for mailing of the Community Services schedules for Fall 2009, Winter 2010, Spring 2010 and Summer 2010.</td>
<td></td>
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</tr>
<tr>
<td>P0206822</td>
<td>North Bay Overhead Door, Inc</td>
<td>Maintenance</td>
<td>$ 2,800.00</td>
</tr>
<tr>
<td></td>
<td>Install rolling steel overhead door at Physical Education 81.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0206825</td>
<td>Mission Linen &amp; Uniform Service</td>
<td>Workforce Development</td>
<td>$ 1,725.00</td>
</tr>
<tr>
<td></td>
<td>Laundry services for the Auto Tech Program.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0206857</td>
<td>Law Office of Larry Frierson</td>
<td>District Wide</td>
<td>$ 7,685.00</td>
</tr>
<tr>
<td></td>
<td>Legal services for UPM Conference, UPM Overload Grievance, UPM Lawsuit and miscellaneous legal services.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Contracts and Agreement for Services

**OVER $1,000.00**

**MONTHLY REVIEW**

<table>
<thead>
<tr>
<th>Agreement Number</th>
<th>Vendor/Description</th>
<th>Location/Dept.</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>P0206875</td>
<td>Arnold Bray: Legislative advocacy services for Community Colleges for services July through December, 2009.</td>
<td>District Wide</td>
<td>$13,000.00</td>
</tr>
<tr>
<td>P0206878</td>
<td>Sensible Environmental Services: Asbestos and mold post clean-up inspections and air sampling services for restroom in the paint shop building Kentfield Campus.</td>
<td>Maintenance</td>
<td>$1,190.00</td>
</tr>
<tr>
<td>P0206887</td>
<td>WK Mclellan Company: Paving repair services for various parking lots at the Kentfield Campus.</td>
<td>Maintenance</td>
<td>$4,500.00</td>
</tr>
<tr>
<td>P0206897</td>
<td>Marsh Affinity Group Services: Insurance services for Nursing Student malpractice for 2009/2010, for 150 class I students and 45 class II students.</td>
<td>District Wide</td>
<td>$4,596.00</td>
</tr>
<tr>
<td>P0206900</td>
<td>Sterling Environmental Corporation: Asbestos abatement services for IVC, building 21, mechanical room near shower/locker.</td>
<td>Maintenance</td>
<td>$1,880.00</td>
</tr>
<tr>
<td>P0206904</td>
<td>National League for Nursing: Membership services for the registered nursing program for the 2009/2010 year.</td>
<td>Nursing</td>
<td>$1,020.00</td>
</tr>
<tr>
<td>P0206909</td>
<td>Rain Bird Services Corporation: Evaluation services for the primary and secondary comm path system components and features.</td>
<td>Grounds</td>
<td>$1,490.00</td>
</tr>
<tr>
<td>P0206926</td>
<td>Accrediting Commission for Community Colleges: Membership services for the College.</td>
<td>District Wide</td>
<td>$16,622.00</td>
</tr>
<tr>
<td>P0206926</td>
<td>Council for Higher Education Accreditation: Membership services for the College.</td>
<td>District Wide</td>
<td>$1,502.00</td>
</tr>
<tr>
<td>P0206926</td>
<td>Academic Senate for California Community Colleges: Membership services for the College.</td>
<td>Academic Senate</td>
<td>$1,540.80</td>
</tr>
<tr>
<td>P0206950</td>
<td>ATCO Pest Control: Rodent/Pest removal services for the Kentfield Campus for six months.</td>
<td>District Wide</td>
<td>$1,665.00</td>
</tr>
<tr>
<td>P0206951</td>
<td>ATCO Pest Control: Rodent/Pest removal services for the Kentfield Campus cafeteria for six months.</td>
<td>District Wide</td>
<td>$2,140.00</td>
</tr>
<tr>
<td>P0206955</td>
<td>Poor Ann's Press: Printing services for the College.</td>
<td>Logistics</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>Agreement Number</td>
<td>Vendor/Description</td>
<td>Location/Dept.</td>
<td>Amount</td>
</tr>
<tr>
<td>------------------</td>
<td>-------------------</td>
<td>-----------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>P0206963</td>
<td>Xerox Corporation</td>
<td>Logistics</td>
<td>$2,500.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Maintenance/Service agreement for Xerox 260 Color Copier Serial DRB131112.</td>
<td></td>
</tr>
<tr>
<td>P0206969</td>
<td>Alexander Bolias</td>
<td>Community Services</td>
<td>$1,160.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Instructional services for First Aid/Public Safety classes for Summer 2009.</td>
<td></td>
</tr>
<tr>
<td>P0206970</td>
<td>Perfect Timing</td>
<td>Human Resources</td>
<td>$3,576.46</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Temporary services for a front desk receptionist for Human Resources.</td>
<td></td>
</tr>
<tr>
<td>P0206978</td>
<td>CAWC Waterproofing and Restoration</td>
<td>Maintenance</td>
<td>$4,850.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Provide waterproofing for Learning Resource Room 81, protect IDF closet and switch.</td>
<td></td>
</tr>
<tr>
<td>P0207033</td>
<td>Print Inkorporated/Paul Giampaoli</td>
<td>Community Relations</td>
<td>$12,977.14</td>
</tr>
<tr>
<td></td>
<td></td>
<td>President’s report to the Community.</td>
<td></td>
</tr>
<tr>
<td>P0207043</td>
<td>Reliable Distribution, Inc</td>
<td>Logistics</td>
<td>$2,000.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Schedule distribution around Marin County in various locations, bookstores, cafes, etc, to promote classes.</td>
<td></td>
</tr>
<tr>
<td>P0207044</td>
<td>California Volleyball Coaching official Association</td>
<td>Physical Education</td>
<td>$2,140.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>A referee service for 10 games includes mileage and administrative fees.</td>
<td></td>
</tr>
<tr>
<td>P0207048</td>
<td>North State Environmental</td>
<td>Maintenance</td>
<td>$1,555.99</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Hazardous waste removal services for removal of waste at the Pomo Building.</td>
<td></td>
</tr>
<tr>
<td>P0207064</td>
<td>Statewide Association of Community Colleges of Northern California</td>
<td>District Wide</td>
<td>$1,747.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Processing services of endorsements 10,11 and 12, 10 to add the portable restrooms at the MS3 Dance building, 11 Portable Buildings 8 and 9 on Kentfield Campus, endorsement 12 to add 16 Photovoltaic Solar Array Umbrellas at the parking lot at the Physical Education Diamond Center and endorsement.</td>
<td></td>
</tr>
</tbody>
</table>

**Restricted**

<table>
<thead>
<tr>
<th>Agreement Number</th>
<th>Vendor/Description</th>
<th>Location/Dept.</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>P0206935</td>
<td>Medical Educations Technologies, Inc</td>
<td>Health Sciences</td>
<td>$9,280.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Measure C**

<table>
<thead>
<tr>
<th>Agreement Number</th>
<th>Vendor/Description</th>
<th>Location/Dept.</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>P0206831</td>
<td>O'Mara Sprung Floors</td>
<td>Measure C</td>
<td>$22,172.63</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Prefinished sprung floor system, for installation into MS-3 dance studio, floors and installation.</td>
<td></td>
</tr>
<tr>
<td>Agreement Number</td>
<td>Vendor/Description</td>
<td>Location/Dept.</td>
<td>Amount</td>
</tr>
<tr>
<td>------------------</td>
<td>-------------------</td>
<td>----------------</td>
<td>-------------</td>
</tr>
<tr>
<td>P0206832</td>
<td>Statewide Educational Wrap Up Program</td>
<td>Measure C</td>
<td>$346,625.00</td>
</tr>
<tr>
<td></td>
<td>Insurance services for Workers’ Comp, General Liability, Aggregate Workers’ Comp and General Liability, Program Administration and JPA services.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0206833</td>
<td>Keenan and Associates</td>
<td>Measure C</td>
<td>$37,791.97</td>
</tr>
<tr>
<td></td>
<td>Insurance services for the New Fine Arts Building Project, based on construction value and covers Contractor’s Pollution Liability, Builders risk and Owners Protective Professional Indemnity services.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0207056</td>
<td>Mcgraw-Hill Construction Regional Publications</td>
<td>Measure C</td>
<td>$1,240.00</td>
</tr>
<tr>
<td></td>
<td>Advertising services for the Physical Education Pool Renovation Project at the Kentfield Campus, run dates August 28 and September 3, 2009.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0207056</td>
<td>Mcgraw-Hill Construction Regional Publications</td>
<td>Measure C</td>
<td>$1,984.00</td>
</tr>
<tr>
<td></td>
<td>Advertising services for the paving and striping of Lot 10 at the Diamond Physical Education at the Kentfield Campus, run dates August 26 and September 1, 2009.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
# 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>November 17, 2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>From:</td>
<td>Superintendent/President</td>
<td>Item &amp; File No.</td>
<td>C.16.B</td>
</tr>
<tr>
<td>Subject:</td>
<td>First Quarter Financial Status Report and CCFS-311 Q for 2009/10</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reason for Board Consideration:</td>
<td></td>
<td>Enclosure(s):</td>
<td>CCFS-311Q</td>
</tr>
</tbody>
</table>

## BACKGROUND:

The CCFS-311Q report is attached for review. Staff is available to answer any questions.

Administrator Initiating Item: Albert J. Harrison II, Vice President – College Operations
CALIFORNIA COMMUNITY COLLEGES
CHANCELLOR'S OFFICE

Quarterly Financial Status Report, CCFS-311Q
CERTIFY QUARTERLY DATA

District: (330) MARIN

Your Quarterly Data is Certified for this quarter.

Chief Business Officer
CBO Name: Albert J. Harrison
CBO Phone: 415-883-2211
CBO Signature:
Date Signed: 11-3-09

Chief Executive Officer Name: Frances L. White
CEO Signature:
Date Signed:

Electronic Cert Date: 11/03/2009

District Contact Person
Name: Peggy Isozaki
Title: Director, Fiscal Services
Telephone: 415-883-2211
Fax: 415-883-3261
E-Mail: peggy.isozaki@marin.edu

California Community Colleges, Chancellor's Office
1102 Q Street Sacramento, California 95814-6511

Send questions to:
Christine Atalig (916)327-5772 catalig@cccco.edu or Glen Campora (916)323-6899 gcampora@cccco.edu
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### Quarterly Financial Status Report, CCFS-311Q

**View Quarterly Data**

**District:** (330) MARIN

<table>
<thead>
<tr>
<th>Line</th>
<th>Description</th>
<th>Actual 2006-07</th>
<th>Actual 2007-08</th>
<th>Actual 2008-09</th>
<th>Projected 2009-2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.1</td>
<td>Unrestricted General Fund Revenues (Objects 8100, 8600, 8800)</td>
<td>43,761,845</td>
<td>44,436,659</td>
<td>45,788,647</td>
<td>44,720,529</td>
</tr>
<tr>
<td>A.2</td>
<td>Other Financing Sources (Object 8900)</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>A.3</td>
<td>Total Unrestricted Revenue (A.1 + A.2)</td>
<td>43,761,845</td>
<td>44,436,659</td>
<td>45,788,647</td>
<td>44,720,529</td>
</tr>
<tr>
<td>B.1</td>
<td>Unrestricted General Fund Expenditures (Objects 1000-6000)</td>
<td>42,154,547</td>
<td>44,678,091</td>
<td>44,178,109</td>
<td>44,223,216</td>
</tr>
<tr>
<td>B.2</td>
<td>Other Outgo (Objects 7100, 7200, 7300, 7400, 7500, 7600)</td>
<td>119,497</td>
<td>609,956</td>
<td>1,313,096</td>
<td>202,952</td>
</tr>
<tr>
<td>B.3</td>
<td>Total Unrestricted Expenditures (B.1 + B.2)</td>
<td>42,274,044</td>
<td>45,288,057</td>
<td>45,491,205</td>
<td>44,426,168</td>
</tr>
<tr>
<td>C.</td>
<td>Revenues Over(Under) Expenditures (A.3 - B.3)</td>
<td>1,487,801</td>
<td>-851,398</td>
<td>297,442</td>
<td>294,361</td>
</tr>
<tr>
<td>D.</td>
<td>Fund Balance, Beginning</td>
<td>3,982,851</td>
<td>5,470,652</td>
<td>4,618,497</td>
<td>4,915,939</td>
</tr>
<tr>
<td>D.1</td>
<td>Prior Year Adjustments + (-)</td>
<td>0</td>
<td>-757</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>D.2</td>
<td>Adjusted Fund Balance, Beginning (D + D.1)</td>
<td>3,982,851</td>
<td>5,469,895</td>
<td>4,618,497</td>
<td>4,915,939</td>
</tr>
<tr>
<td>E.</td>
<td>Fund Balance, Ending (C. + D.2)</td>
<td>5,470,652</td>
<td>4,618,497</td>
<td>4,915,939</td>
<td>5,210,300</td>
</tr>
<tr>
<td>F.1</td>
<td>Percentage of GF Fund Balance to GF Expenditures (E. / B.3)</td>
<td>12.9%</td>
<td>10.2%</td>
<td>10.8%</td>
<td>11.7%</td>
</tr>
</tbody>
</table>

**II. Annualized Attendance FTES:**

<table>
<thead>
<tr>
<th>Line</th>
<th>Description</th>
<th>2006-07</th>
<th>2007-08</th>
<th>2008-09</th>
<th>2009-2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>G.1</td>
<td>Annualized FTES (excluding apprentice and non-resident)</td>
<td>4,278</td>
<td>4,424</td>
<td>4,737</td>
<td>4,651</td>
</tr>
</tbody>
</table>

**III. Total General Fund Cash Balance (Unrestricted and Restricted)**

As of the specified quarter ended for each fiscal year:

- 2006-07
- 2007-08
- 2008-09
- 2009-2010

[https://misweb.cccco.edu/cc311Q/view.aspx](https://misweb.cccco.edu/cc311Q/view.aspx)

11/3/2009
IV. Unrestricted General Fund Revenue, Expenditure and Fund Balance:

<table>
<thead>
<tr>
<th>Line</th>
<th>Description</th>
<th>Adopted Budget (Col. 1)</th>
<th>Annual Current Budget (Col. 2)</th>
<th>Year-to-Date Actuals (Col. 3)</th>
<th>Percentage (Col. 3/Col. 2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>I.</td>
<td>Revenues:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>I.1</td>
<td>Unrestricted General Fund Revenues (Objects 8100, 8600, 8800)</td>
<td>44,720,529</td>
<td>44,720,529</td>
<td>2,016,100</td>
<td>4.5%</td>
</tr>
<tr>
<td>I.2</td>
<td>Other Financing Sources (Object 8800)</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>I.3</td>
<td>Total Unrestricted Revenue (I.1 + I.2)</td>
<td>44,720,529</td>
<td>44,720,529</td>
<td>2,016,100</td>
<td>4.5%</td>
</tr>
<tr>
<td>J.</td>
<td>Expenditures:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>J.1</td>
<td>Unrestricted General Fund Expenditures (Objects 1000-6000)</td>
<td>44,213,526</td>
<td>44,214,026</td>
<td>9,896,091</td>
<td>22.4%</td>
</tr>
<tr>
<td>J.2</td>
<td>Other Outgo (Objects 7100, 7200, 7300, 7400, 7500, 7600)</td>
<td>212,642</td>
<td>212,142</td>
<td>110,449</td>
<td>52.1%</td>
</tr>
<tr>
<td>J.3</td>
<td>Total Unrestricted Expenditures (J.1 + J.2)</td>
<td>44,426,168</td>
<td>44,426,168</td>
<td>10,006,540</td>
<td>22.5%</td>
</tr>
<tr>
<td>K.</td>
<td>Revenues Over(Under) Expenditures (I.3 - J.3)</td>
<td>294,351</td>
<td>294,361</td>
<td>-7,990,440</td>
<td></td>
</tr>
<tr>
<td>L.</td>
<td>Adjusted Fund Balance, Beginning</td>
<td>4,915,939</td>
<td>4,915,939</td>
<td>4,915,939</td>
<td></td>
</tr>
<tr>
<td>L.1</td>
<td>Fund Balance, Ending (C. + L.2)</td>
<td>5,210,300</td>
<td>5,210,300</td>
<td>-3,074,501</td>
<td></td>
</tr>
<tr>
<td>M</td>
<td>Percentage of GF Fund Balance to GF Expenditures (L.1 / J.3)</td>
<td>11.7%</td>
<td>11.7%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

V. Has the district settled any employee contracts during this quarter? NO

If yes, complete the following: (if multi-year settlement, provide information for all years covered.)

<table>
<thead>
<tr>
<th>Contract Period Settled</th>
<th>Management</th>
<th>Academic</th>
<th>Temporary</th>
<th>Classified</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Specify) YYYY-YY</td>
<td>Total Cost Increase</td>
<td>% *</td>
<td>Total Cost Increase</td>
<td>% *</td>
</tr>
<tr>
<td>a. SALARIES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Year 1:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Year 2:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

https://misweb.cccco.edu/cc311Q/view.aspx

11/3/2009
<table>
<thead>
<tr>
<th>Year</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Year 3:</td>
<td></td>
</tr>
<tr>
<td>Year 1:</td>
<td></td>
</tr>
<tr>
<td>Year 2:</td>
<td></td>
</tr>
<tr>
<td>Year 3:</td>
<td></td>
</tr>
</tbody>
</table>

*As specified in Collective Bargaining Agreement or other Employment Contract*

c. Provide an explanation on how the district intends to fund the salary and benefit increases, and also identify the revenue source/object code.

VI. Did the district have significant events for the quarter (include incurrence of long-term debt, settlement of audit findings or legal suits, significant differences in budgeted revenues or expenditures, borrowing of funds (TRANs), issuance of COPs, etc.)? YES

If yes, list events and their financial ramifications. (Enter explanation below, include additional pages if needed.)

The district issued an $8.5 million TRAN in July 2009.

VII. Does the district have significant fiscal problems that must be addressed? This year? NO Next year? NO

If yes, what are the problems and what actions will be taken? (Enter explanation below, include additional pages if needed.)
Marin Community College District
Measure C Bond Modernization Program

Modernization Director’s Report to Board of Trustees
November 17, 2009

BUDGET UPDATE

- Bond spending plan: $264.5 million ($249.5 m bond, $15 m interest)
- Reserves: $17,789,000
- Expended to date: $86.2 million (32.6% of bond spending plan)
  - Assessment $ 5.5 million
  - Planning/design $35.2 million
  - Construction $45.5 million

Summary of modernization items in this agenda:

Consent (all routine items not requiring resolution or discussion):
Five (5) new construction contracts ($17,828)
Four (4) construction change orders ($108,378) within 10% contingency
Five (5) consulting agreement amendments ($12,236) within pre-approved allocations
One (1) request for subcontractor substitution

Action (items requiring resolution or discussion):
Two (2) construction change orders ($71,139) exceeding 10% contingency

Net value of new contracts / changes / amendments in this agenda: $209,581

MAJOR BUILDING PROJECTS (DESIGN) - BOARD UPDATE/ACTION SCHEDULE

1. KTD Science/Math/Central Plant
   Award construction contract
   Early 2010
2. KTD Performing Arts Building
   Authorize bidding
   2011
3. KTD Gateway Complex
   Select and award design contract
   December 2009

CURRENT CONSTRUCTION (major building projects are listed in bold)

- Diamond PE Center:
  Change order #18 submitted this month; change orders = ___%. Punch-list work being completed.

- IVC Trans. Tech. Complex:
  Change order #4 submitted this month; change orders = 2.6%.

- IVC Main Building Complex:
  Change orders #9 and #10 submitted this month; change orders = 3.4%.

- KTD Fine Arts Building:
  No issues this month.

- KTD SMCP Utility Project:
  Change order #8 submitted this month; change orders = ___ %.

- KTD West Bridge:
  Construction substantially complete.
Marin Community College District
Measure C Bond Modernization Program

- Parking Lot 10 Paving Project: Change order #1 submitted this meeting; change orders = 5.6%. Significant soils issues; change orders expected to exceed 35%.

- KTD Pool Repair Project: No issues this month.

FUTURE CONSTRUCTION (major projects are listed in bold)

- IVC Power Plant (Utilities Project): Design continues.
- KTD Hazmat Abatement: Project scheduled for early January 2010; to be completed prior to demolition and construction.
- KTD Demo (Dickson, D/L, DSPS): Winter (~ January) 2010. Delay in schedule related to length of DSA review. Will be consolidated with SMCP construction. Fire department training will be held inside Dickson Hall before demolition begins (first week in January).
- KTD Gateway Complex: Final architect presentations at 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: Apprentice laborer, Marin resident and student in IVC’s construction careers class, hired for Main Building project per Project Stabilization Agreement’s commitment to Marin labor.

- LEED Credits are being submitted for six projects; some design credit reviews are underway.

Construction underway.
Change order #1 submitted this month; change orders = 1.2%.
Classroom moves scheduled for Winter break. Ordered; installation expected late Fall.

Proceeding.
Proceeding.
Proceeding.
COMPLETED PROJECTS

- KTD and IVC Tree Removal
- KTD and IVC Geothermal Fields
- KTD Larkspur Annex Restoration
- KTD Portable Village Swing Space
- KTD DSPS Relocation
- KTD Health Services Relocation
- KTD Dickson Hall Faculty Relocation
- KTD Photovoltaic System
- KTD College Avenue Utility Conduit Crossing
- KTD-IVC Greenhouse/Shade Structure Relocation
- IVC Fire Mitigation
- IVC 12kV Utility Extension
- IVC Gas Main Replacement
- IVC Creek Erosion Mitigation
- IVC Storm Drain Repairs
- IVC Pomo 4 Roof Replacement
- IVC TransTech Swing Space
TRANSPORTATION DEMAND MANAGEMENT

The COM Police Department has received its stickers for the carpool/vanpool/AFV preferred parking program, which will be activated as soon as Parking Lot 10 (adjacent to the PE Center) is re-paved this month. A large publicity campaign is planned as soon as signs are posted.

The TDM Work Group has also begun discussions about IVC parking, commuter surveys and public transit improvements.

RECYCLING

A new recycling work group, which will be student-led, held its first meeting on October 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!
### A. Alfa Tech Cambridge Group (Geothermal / PV @ PE / Sitework)

<table>
<thead>
<tr>
<th>Activity</th>
<th>Milestone Date</th>
<th>Document</th>
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<tbody>
<tr>
<td>Geothermal System at Kentfield Campus</td>
<td>Construction: Original 11/15/07-3/15/08</td>
<td>Amendment 10</td>
<td>In close out</td>
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<tr>
<td></td>
<td>Current: 4/7/08-10/15/08</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Revisions / clarifications to the design</td>
<td></td>
<td></td>
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<tr>
<td>documents delayed bid into holidays. To</td>
<td></td>
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<tr>
<td>have adequate bid response it was</td>
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<tr>
<td>determined to postpone bid until after the</td>
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<tr>
<td>holidays. Project was then rebid, with BOT</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>approval, due to incomplete bid</td>
<td></td>
<td></td>
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<tr>
<td>documentation. Construction delays</td>
<td></td>
<td></td>
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<tr>
<td>due to out of sequence work in Parking Lot 4</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>and incorrect piping in Parking Lot 7</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Electrical &amp; IT design services for 12 KV</td>
<td>to follow project 402A schedule</td>
<td>Amendment 14</td>
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<tr>
<td>Utility extension project</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Electrical design for add alternate 8-ticket</td>
<td></td>
<td>Amendment 21</td>
<td></td>
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<tr>
<td>dispensing machine and future blue light</td>
<td>11/15/2009</td>
<td></td>
<td></td>
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<tr>
<td>telephone (413A)</td>
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### B. Amy Skewes-Cox (EIR)

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### C. CSW Stuber-Stroeh (Bioswale / West Campus Bridge / Sitework)

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<tr>
<td>Fine Arts building engineering survey (803A)</td>
<td>8/25/2009</td>
<td>Amendment 26</td>
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<tr>
<td>Gateway Complex engineering survey (803A)</td>
<td>9/2/2009</td>
<td>Amendment 26</td>
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<tr>
<td>Main Building Complex (417A)</td>
<td>10/1/2009</td>
<td>Amendment 26</td>
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### D. Degenkolb Engineers (District Structural Engineers)

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### E. ED2 International (Science / Math / Central Plant)

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<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 5/12/2009 - Current 11/01/09</td>
<td>Contract</td>
<td></td>
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<tr>
<td>Construction Phase - 24 Months</td>
<td>5/15/09-4/30/11</td>
<td>Contract</td>
<td></td>
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<tr>
<td>Operation/Project Close-out Phase - 12 months</td>
<td>4/30/2012</td>
<td>Contract</td>
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### F. Fugro West, Inc. (District Soils Engineer)

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<td>outstanding</td>
<td>items</td>
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### G. HKIT (Hardison, Komatsu, Ivelich & Tucker) (Transportation Technology Center)

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<td>Construction Phase</td>
<td>Original 6/15/08-9/31/09</td>
<td>Contract</td>
<td>On Going</td>
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<tr>
<td></td>
<td>Current completion 12/15/09</td>
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<tr>
<td>Operation/Project Close-out Phase - 12 months</td>
<td>9/1/09-9/1/10</td>
<td>Contract</td>
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<tr>
<td>Plans came out of DSA July 8, 2008.</td>
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H. Kate Keating Associates, Inc. (District Signage Consultant)

<table>
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<tr>
<td>Construction Docs for DSA Review and back check (306A)</td>
<td>10/15/2009</td>
<td>Amendment 4</td>
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<tr>
<td>Construction Docs at 100% for bid and 100% for fabrication (306A)</td>
<td>5/1/2010</td>
<td>Amendment 4</td>
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<tr>
<td>Diamond PE Center Signage (308B)</td>
<td>8/31/2009</td>
<td>Amendment 5</td>
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<tr>
<td>TransTech Complex Signage (402A)</td>
<td>12/31/2009</td>
<td>Amendment 5</td>
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<tr>
<td>Main Building Complex Signage (417A)</td>
<td>9/30/2010</td>
<td>Amendment 5</td>
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I. Kwan Henmi (Diamond PE Center)

<table>
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<tr>
<td>Construction Phase</td>
<td>Original: 12/4/07-5/15/09 Revised to 3/15/08 - 5/13/09 Current Completion Date 8/05/09</td>
<td>Contract</td>
<td>Close out</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<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>
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<tr>
<td>Operation/Project Close-out Phase - 12 months</td>
<td>1/1/10-1/1/11</td>
<td>Contract</td>
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<tr>
<td></td>
<td>n/a</td>
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J. Marcy Wong and Donn Logan (FA / PA Buildings)

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<td></td>
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<td>Amendment 4</td>
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<tr>
<td></td>
<td>Due to user group questions concerning restrooms and classroom sizes, the start of CD drawings was delayed.</td>
<td></td>
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<tr>
<td>Bidding Phase</td>
<td>12/15/09-3/15/10</td>
<td>Contract</td>
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<tr>
<td>Construction Phase</td>
<td>3/10/10-6/30/11</td>
<td>Contract</td>
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<tr>
<td>Operation/Project Close-out Phase - 12 months</td>
<td>5/1/11-7/31/11</td>
<td>Contract</td>
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<tr>
<td>Project Close-out with DSA</td>
<td>4/30/11-9/31/11</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>
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<tr>
<td>Survey specs and prem project scope guidelines</td>
<td>dates not changed</td>
<td>Amendment 1</td>
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<td>Fine Arts</td>
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<tr>
<td>Bidding Phase</td>
<td>Original: 11/16/08-1/15/09 Current Bid Date: 5/15/09 Revised to 6/26/09</td>
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<td></td>
<td></td>
<td>Amendment 4</td>
<td>X</td>
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<td></td>
<td>Due to user group questions concerning restrooms and classroom sizes, the start of CD drawings was delayed.</td>
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<td></td>
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<tr>
<td>Construction Phase</td>
<td>Original: 1/16/09-5/31/10 Current: 5/16/09 - 9/31/10</td>
<td>Contract</td>
<td>Amendment 4</td>
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<tr>
<td></td>
<td></td>
<td>On Going</td>
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<td></td>
<td>Due to user group questions concerning restrooms and classroom sizes, the start of CD drawings was delayed.</td>
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<tr>
<td>Operation/Project Close-out Phase - 12 months</td>
<td>Original: 5/1/10-7/31/10 Current: 9/31/10 - 12/31/10</td>
<td>Contract</td>
<td>Amendment 4</td>
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<td></td>
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<td>Due to user group questions concerning restrooms and classroom sizes, the start of CD drawings was delayed.</td>
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<td>Project Close-out with DSA</td>
<td>Original: 4/30/10-8/31/10 Current: 2/11/11</td>
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<td></td>
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<td>Due to user group questions concerning restrooms and classroom sizes, the start of CD drawings was delayed.</td>
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K. Ninio & Moore (District Industrial Hygienist Consultant)

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### L. Royston Hanamoto Alley & Abey (District Landscape Consultant)

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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>
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<tr>
<td>LEED Services</td>
<td>6/15/07 through CA Phase</td>
<td>Amendment 4</td>
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</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>
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<tr>
<td>Additional landscape design services (413A)</td>
<td>7/15/2009</td>
<td>Amendment 11</td>
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<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>
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### M. Steinberg Architects (District Architect)

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### N. Transitions (FF & E Consultant)

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<td>FF&amp;E Specifications - PA Modernization (306A)</td>
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<td>FF&amp;E Specifications - SMCP Increment #3 (305A)</td>
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<td>FF&amp;E Specifications - TransTech Complex (402A)</td>
<td>7/1/2008</td>
<td>Amendment 3</td>
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<td>FF&amp;E Specifications - Main Building Complex (417A)</td>
<td>7/1/2008</td>
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<td>FF&amp;E Specifications - New FA Building (306C)</td>
<td>1/15/2009</td>
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<td>FF&amp;E Specifications - Diamond PE Center (308B)</td>
<td>9/1/2009</td>
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### O. VBN Architects (IVC Main Building)

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<tr>
<td></td>
<td>Current: 11/20/08-11/20/210</td>
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<td></td>
<td>Bidding and construction start was delayed with plan check review</td>
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<td>Operation/Project Close-out Phase</td>
<td>12/1/09-5/31/10</td>
<td>Contract</td>
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<tr>
<td>Fire service line re-routing design services (417A)</td>
<td>no change</td>
<td>Amendment 6</td>
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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 Procedures 2015, 2105, 2360, 2610, 4026, 4102, 4104, and 5012 are presented herein for information.
FISCAL ANALYSIS:

No fiscal impact for the District.

RECOMMENDATION:

For information only. No action is required.
AP 2015 STUDENT TRUSTEE

Reference:
Education Code Section 72023.5

The student member shall have the following responsibilities:

- attend meetings of the Board of Trustees
- hold the position of President of the Student Senate
- meet monthly with the Superintendent/President
- meet with the Student Senate
- meet with the Associated Students
- serve as a member of College Council
- present a monthly report at regular Board Meetings

**NOTE:** This procedure is optional, depending on the amount of detail included in Board Policy. If the duties are not stated in Board Policy, the language above 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 underlined italics was recommended by the Student Affairs Office.

Date Approved:
(This is a new procedure recommended by the CC League and the League's legal counsel)
AP 2105  ELECTION OF STUDENT TRUSTEE

Reference:
Education Code Section 72023.5

The Student Trustee shall be elected by a plurality vote of those voting in a regular election of the student body. All members of the student body may vote. Normally, the election will be conducted during the spring semester and will be completed in time for the Student Trustee to take office on June 1.

The Student Trustee may be recalled in an election conducted in the same manner as the election to office. An election will be called upon presentation to the Superintendent/President of a petition signed by at least ten percent of the students enrolled at the time of filing the petition. No recall election will be held if the petition is received within 30 days of a regularly scheduled election for the Student Trustee.

Upon notice to the Superintendent/President that a vacancy has occurred, the Superintendent/President shall, within 30 days, call a special election. No special election will be called if the vacancy occurs within 60 days of a regularly scheduled election for Student Trustee. The office shall become vacant if the Student Trustee becomes ineligible for the office, resigns, is recalled, or dies.

Office of Primary Responsibility: Student Affairs

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 underlined italics was recommended by Student Affairs.

Date Approved:
(This is a new procedure recommended by the CC League and the League’s legal counsel)
AP 2360  MINUTES

Reference:
   Education Code Section 72121(a)

The Superintendent/President shall cause minutes to be taken of all meetings of the Board of Trustees. Such minutes shall record every official account of the Board and shall be kept in sufficient detail to show compliance with the law. Minutes shall record the late arrival of any Board Member arriving late. Minutes shall include names of those who make a motion, second the motion, and the vote, unless unanimous. A member voting against a proposition may state her/his reasons and may have them recorded in the minutes if requested at the time of voting.

Upon the request of a speaker who is addressing the Board, a statement shall be included in the minutes with an understanding that the speaker will provide a written copy of the statement at the time it is presented.

NOTE: This procedure 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 information in underlined italics reflects recommended language from the Office of the Superintendent/President and the Board Committee on Policy.

Date Approved:
(This is a new procedure recommended by the CC League and the League's legal counsel)
Whenever an initial collective bargaining proposal is received from an exclusive representative of District employees, or whenever the District’s own negotiator presents an initial proposal, the following actions must be taken at public meetings of the Board:

- The exclusive representative or the District must present the initial collective bargaining proposal orally or in writing to the Board of Trustees at a public meeting.
- The public shall have an opportunity to respond to the exclusive representative’s or District’s initial proposal at a subsequent public Board meeting. The opportunity for public response shall appear on the Board’s regular agenda. Public response shall be taken in accordance with the Board’s Policies regarding speakers.
- After the public has an opportunity to respond to an initial proposal presented by the District, the Board of Trustees shall, at the same meeting or a subsequent meeting, adopt the District’s initial proposal. The adoption shall be indicated as a separate action item on the Board agenda. There shall be no amendment of the District’s initial proposal unless the public is again afforded a reasonable opportunity to respond to the proposed amendment at a public meeting.
- If new subjects of meeting and negotiating arise after the presentation of initial proposals, the following procedure shall be followed: all new subjects of meeting and negotiating, whether proposed by the exclusive representative or the District, shall be posted by the District in the same public place as it posts its agendas within twenty-four (24) hours after their presentation in negotiations.
- When a request to reopen a collective bargaining agreement, as required by the agreement, is received from an exclusive representative or is made by the District, the public notice procedure outlined in this procedure shall be followed.

When the District and the exclusive representative agree to amend an executed collective bargaining agreement in accordance with the agreement, the following procedure shall be followed:

- The amendment shall appear on the agenda as a notice item, for action at a subsequent Board meeting.
- The public shall have an opportunity to respond to the amendment at a subsequent Board meeting. The public response shall be indicated on the agenda.

Also see BP 7140 titled Collective Bargaining
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 information in underlined italics is language to consider including.

Date Approved:
(This is a new procedure recommended by the CC League 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)
Legal Citation for AP 4026 Philosophy and Criteria for International Education

Education Code Section 66015.7

66015.7. (a) In order to maintain and strengthen the high quality of international education in California, the Legislature encourages all public and private institutions of higher education to further develop, as their resources permit, programs that support learning about other cultures, global issues, and the exchange of Californians and international students and scholars.

(b) For California students and scholars, institutions are encouraged, as resources permit, to accomplish all of the following:

1. Develop courses of study in as many fields as possible to increase students' understanding of global issues and cultural differences.
2. 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.
3. Provide opportunities for students in all majors to participate in study abroad programs to enrich their academic training, perspectives, and personal development.
4. Provide opportunities for domestic and international students to interact effectively and routinely share their views, perceptions, and experiences in educational settings.
5. Develop innovative public educational forums and venues to explore global issues and showcase world cultures.
(c) For international students and scholars, institutions are encouraged, as resources permit, to accomplish all of the following:

1. 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.
2. Facilitate faculty exchange and collaborative partnership programs with institutions in other countries.
3. Initiate collaborative research undertakings to address issues of global significance.
4. Recruit and retain the world's best and brightest faculty to educate California's students as globally competent citizens.
AP 4102     CAREER/TECHNICAL PROGRAMS

References:
    Title 5 Sections 55600 et seq.

All career/technical programs have regularly scheduled advisory committee meetings. Advisory committee membership should include working professionals in the appropriate program field whose expertise would benefit the growth and development of the program. Members may be recommended by the faculty in a particular program and reviewed and appointed by the Division Dean.

Advisory committees are used for planning purposes, curriculum development, District relations, and maintaining career/technical programs that are relative to job needs and up-to-date with current field practices.

Functions of the Career/Technical Advisory Committee

- To study the educational needs of a specific career/technical program and to make recommendations to the District program faculty and administration relating to these needs. Such recommendations may be included in the program’s academic program review.
- To interpret the program to the communities served and the communities’ needs to the District.
- To furnish specialized information and advice on technical requirements for the effective operation of the program.
- To provide channels of communication between the District and the various organizations and agencies of the community interested in the program.
- To further a cooperative relationship between the District and the resource agencies of the community in support of the program.

Operations of the Committee

- A faculty member of the particular career/technical program or a member of the advisory committee may serve as chairperson of the committee and shall preside at all meetings.
- Subcommittees may be appointed, if and as desired by the committee.
- Committee responsibilities of individual members may be designated, as required.
• Meetings shall have prepared agendas that are sent to committee members and other appropriate parties in advance of the meeting and kept on file in the Division office.
• Minutes shall be taken at all meetings and shall become a permanent record of the meeting and be kept on file in the Division Office.
• It is recommended that meetings be held at least twice during the academic year.
• Additional meetings may be called by the committee chairperson or by the appropriate administrator, as necessary.

Provisions for Documenting the Competencies of Students Completing Career/ Technical Programs

All programs are responsible for monitoring, documenting, and communicating with their advisory committee how students are progressing toward the competencies, objectives, and student learning outcomes identified for the particular program.

Students may demonstrate proficiency in one or more of the following ways:
• Achieving grades on all assignments and examinations in each course within the program that would enable them to receive a certificate of training, certificate of completion, and/or a degree in the particular field.
• Performing all identified skills needed to enter a particular profession at a level that indicates proficiency in the particular skill.
• Completing all required clinical rotations or internships as required by the program.
• Passing all required local, state, and/or national certification or licensure tests or examinations.
• Achieving identified course, program, and institutional student learning outcomes.

Office of Primary Responsibility:  Office of Student Learning

NOTE: The underlined regular text signifies legally required language recommended from 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:
(This is a new procedure recommended by the CC League and the League’s legal counsel)
Legal Citations for AP 4102 Career and Technical Programs

Title 5 Sections 55600 et seq.

Cal. Admin. Code tit. 5 Section 55600

TITLE 5. EDUCATION
DIVISION 6. CALIFORNIA COMMUNITY COLLEGES
CHAPTER 6. CURRICULUM AND INSTRUCTION
SUBCHAPTER 7. OCCUPATIONAL EDUCATION
ARTICLE 1. VOCATIONAL EDUCATION CONTRACTS

s 55600. Definitions.

For the purposes of this article the following definitions apply:

(a) "Vocational education contract" means a written agreement between any community college district and a contractor which meets standards prescribed herein to provide vocational instruction to students enrolled in community colleges. Such agreements shall also be required to comply with the provisions of article 5 (commencing with section 8090) of chapter 1, part 6 of the Education Code.

(b) "The California State Plan for Vocational Education" means an official agreement between the United States Commissioner of Education and the California State Board of Education which provides standards, policies, and procedures that shall apply to the operation of various phases of vocational education to qualify for financial support from the Education Amendments of 1976 (Public Law 94-482 and 95-40), part A, Vocational Education, or any subsequent federal legislation.

(c) "Contractor" as used in section 55602 means any private postsecondary school authorized or approved pursuant to the provisions of chapter 3 (commencing with section 94300), and which has been in operation not less than two (2) full calendar years prior to the effective date of the contract, to provide vocational skill training authorized by this Code.

(d) "Eligible costs" means all direct and indirect related instructional costs but does not include expenditures for capital outlay (6000 category in the California Community Colleges Budget and Accounting Manual).

Cal. Admin. Code tit. 5 Section 55602

TITLE 5. EDUCATION
DIVISION 6. CALIFORNIA COMMUNITY COLLEGES
CHAPTER 6. CURRICULUM AND INSTRUCTION
SUBCHAPTER 7. OCCUPATIONAL EDUCATION
ARTICLE 1. VOCATIONAL EDUCATION CONTRACTS

s 55602. Authority to Contract.

Any community college district or districts may contract with a private post secondary school authorized or approved pursuant to the provisions of chapter 3 (commencing with section 94300) of part 59 of the Education Code and which has been in operation not less than two full calendar years
prior to the effective date of such contract to provide vocational skill training authorized by the Education Code. Any community college district may contract with an activity center, work activity center, or sheltered work shop to provide vocational skill training authorized by the Education Code in any adult education program for substantially handicapped persons operated pursuant to subdivision (e) of section 41976 of the Education Code.

All contracts between a community college district and a private postsecondary school entered into pursuant to this section, or an activity center, work center, or sheltered workshop shall do all of the following:

(1) Be approved by the Chancellor.

(2) Provide that the amount contracted for per student shall not exceed the total direct and indirect costs to provide the same training in the community colleges or the tuition the private postsecondary school charges its private students, whichever is lower.

(3) Provide that the community college students receiving training in a private postsecondary school, or an activity center, work activity center, or sheltered workshop pursuant to that contract may not be charged additional tuition for any training included in the contract. The attendance of those students pursuant to a contract authorized by this section shall be credited to the community college district for the purposes of apportionments from the State School Fund.

(4) Provide that all programs, courses, and classes of instruction shall meet the standards set forth in the California State Plan for Vocational Education, or is a course of study for adult schools approved by the Department of Education under section 51056 of the Education Code.

The students who attend a private postsecondary school or an activity center, work activity center or sheltered workshop pursuant to a contract under this section shall be enrollees of the community college and the vocational instruction provided pursuant to that contract shall be under the exclusive control and management of the governing body of the contracting community college district. The Chancellor may audit the accounts of both the district and the private party involved in these contracts to the extent necessary to assure the integrity of the public funds involved.

Cal. Admin. Code tit. 5 Section 55602.5

TITLE 5. EDUCATION
DIVISION 6. CALIFORNIA COMMUNITY COLLEGES
CHAPTER 6. CURRICULUM AND INSTRUCTION
SUBCHAPTER 7. OCCUPATIONAL EDUCATION
ARTICLE 1. VOCATIONAL EDUCATION CONTRACTS

s 55602.5. Contracts for Vocational Education for Students with Impaired Physical Capacity.

Notwithstanding any provision in the Education Code to the contrary, the governing board of a community college district and a proprietary or nonprofit organization, a public entity, or a proprietary or nonprofit private corporation may enter into a contract for the education of community college students whose capacity to function is impaired by physical deficiency or injury in vocational education classes to be conducted for such students by the proprietary or nonprofit organization, the public entity, or the proprietary or nonprofit private corporation maintaining the vocational education classes. All instruction pursuant to this Section shall be approved of and supervised by the governing
board of the community college district and shall be conducted by academic employees. The full-time equivalent student of such community college students attending classes under the provisions of this Section shall be credited to the community college district, and college credit may be granted to students who satisfactorily complete the course of instruction in such classes.

Cal. Admin. Code tit. 5 Section 55603

TITLE 5. EDUCATION
DIVISION 6. CALIFORNIA COMMUNITY COLLEGES
CHAPTER 6. CURRICULUM AND INSTRUCTION
SUBCHAPTER 7. OCCUPATIONAL EDUCATION
ARTICLE 1. VOCATIONAL EDUCATION CONTRACTS

s 55603. Instructional Purpose.

Contractors shall provide vocational, technical, and occupational instruction related to attainment of skills, knowledge, and attitudes so that students may be prepared for:

(a) Gainful employment in the occupational area for which training was provided, or

(b) Occupational upgrading so students will have higher level skills required by new and changing technology and employment practices, or

(c) Enrollment in more advanced training programs.

Cal. Admin. Code tit. 5 Section 55604

TITLE 5. EDUCATION
DIVISION 6. CALIFORNIA COMMUNITY COLLEGES
CHAPTER 6. CURRICULUM AND INSTRUCTION
SUBCHAPTER 7. OCCUPATIONAL EDUCATION
ARTICLE 1. VOCATIONAL EDUCATION CONTRACTS

s 55604. Application for Approval.

Cal. Admin. Code tit. 5 Section 55605

TITLE 5. EDUCATION
DIVISION 6. CALIFORNIA COMMUNITY COLLEGES
CHAPTER 6. CURRICULUM AND INSTRUCTION
SUBCHAPTER 7. OCCUPATIONAL EDUCATION
ARTICLE 1. VOCATIONAL EDUCATION CONTRACTS

s 55605. Contract Approval and Limitations.

Vocational education contracts entered into pursuant to section 55602 shall:

(a) Not exceed one year;
(b) Be approved by the Chancellor;

(c) Include such details to explain and justify intended offerings.

(d) Be maintained in conformity with applicable provisions of the Education Code, Title 5 of the California Code of Regulations, California Community Colleges Budget and Accounting Manual, and the California State Plan for Vocational Education; and

(e) Be organized and administered by community college districts in such a manner that there will be separate accounts for all income and expenditures applicable to the contract.

Cal. Admin. Code tit. 5 Section 55606

TITLE 5. EDUCATION
DIVISION 6. CALIFORNIA COMMUNITY COLLEGES
CHAPTER 6. CURRICULUM AND INSTRUCTION
SUBCHAPTER 7. OCCUPATIONAL EDUCATION
ARTICLE 1. VOCATIONAL EDUCATION CONTRACTS

s 55606. Administration.

Cal. Admin. Code tit. 5 Section 55607

TITLE 5. EDUCATION
DIVISION 6. CALIFORNIA COMMUNITY COLLEGES
CHAPTER 6. CURRICULUM AND INSTRUCTION
SUBCHAPTER 7. OCCUPATIONAL EDUCATION
ARTICLE 1. VOCATIONAL EDUCATION CONTRACTS

s 55607. Reporting.

All records related to district income and expenditures applicable to contracts with a contractor pursuant to section 55602 shall be made available for audit by the state or federal government and will be retained for five (5) years or one year after audited, whichever comes first.

Cal. Admin. Code tit. 5 Section 55608

TITLE 5. EDUCATION
DIVISION 6. CALIFORNIA COMMUNITY COLLEGES
CHAPTER 6. CURRICULUM AND INSTRUCTION
SUBCHAPTER 7. OCCUPATIONAL EDUCATION
ARTICLE 1. VOCATIONAL EDUCATION CONTRACTS

s 55608. Accounting Procedure.

Cal. Admin. Code tit. 5 Section 55620

TITLE 5. EDUCATION
s 55620. Standards.

The following conditions shall be used to determine the appropriateness of vocational education contracts with contractors:

(a) Manpower needs and job opportunities are identified and established for the instruction program.

(b) The program or courses do not unnecessarily duplicate offerings available in the region served.

(c) The program or courses provide vocational education opportunities not otherwise available.

(d) The programs or courses shall not reduce or supplant the vocational education efforts of any district.

(e) Eligible costs shall not exceed the same cost to provide the same training in the public entity or the tuition the private postsecondary school charges its private students, whichever is lower.

(f) The community college student may not be charged additional tuition for any training included in the contract.

(g) Each student eligible for enrollment under a contract between a community college district and a contractor must: (1) have reached his or her sixteenth birthday and (2) be enrolled in a community college.

(h) The contractor must be accredited by an accrediting agency recognized by the United States Office of Education or conform to guidelines on contractual relationships with nonaccredited organizations established by the agency accrediting the community college.
AP 4104   CONTRACT EDUCATION

Reference:  
Title 5 Section 55170

The District may contract for instructional classes to be offered at the request of public or private agencies or groups.

❖ From current College of Marin Policy 2.0016 titled Contract Courses (5-CCR 55170)

The educational services of the District shall include the placement of credit and noncredit courses in local business and government organizations. These courses shall be provided to such organizations on a contract basis as the need arises.

Contract credit and noncredit courses shall be consistent with the goals of the District, and responsive to the educational requirements of the respective public or private agencies or groups local business and government organizations requesting them.

These programs are normally closed to the general public and are therefore not eligible for the apportionment of state school funds, in accordance with the Education Code (EC-84500.4)

The Board, therefore, directs the Superintendent/President shall to assess continually the need for such services and to coordinate all contract credit and noncredit courses to prevent unnecessary duplication.

All contracted educational services will be approved by the Board of Trustees in advance.

Office of Primary Responsibility: Office of Student Learning

NOTE: The underlined regular text signifies legally advised language recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in black ink is from current College of Marin Policy 2.0016 titled Contract Courses adopted on 8/4/82 and revised on 2/12/85. The language in underlined italics was added by Student Learning. The language struck through is recommended for deletion.
Date Approved:
(Replaces current College of Marin Policy 2.0016)
s 55170. Contract Classes.

(a) Notwithstanding subdivision (c) of section 55000, "contract classes" means those classes which a community college district offers in fulfillment of a contract with a public or private agency, corporation, association, or other body or person.

(b) No approval of a contract class is required if the district does not claim state support for the class and if the legislation which authorizes that class does not require approval. If the district claims state support for a contract class, approval of the class shall be obtained in the manner provided for classes of the same type, as provided in this article. Approval of the contract shall be obtained in the manner provided for by law.

Note: Authority cited: Sections 66700 and 70901, Education Code. Reference: Sections 8092, 70902 and Article 1.5 (commencing with Section 78020) of Chapter 1, Part 48, Education Code.
AP 5012  INTERNATIONAL STUDENTS

References:
Education Code Sections 76141 and 76142;
Title 5 Section 54045;
Title 8 U.S. Code Section 1101 et seq.

Credit Program
The District is authorized under federal law to admit and enroll F-1 non-immigrant students. The District shall admit students who meet the following requirements:

1. Complete a Credit Application for Admissions
2. Complete an International Student Application for Admissions
3. Provide evidence of English proficiency, if native language is not English
   a. An acceptable score on the official Test of English as a Foreign Language (TOEFL) of 500 on the written exam, 173 for the computer test or 61 on the internet based test or
   b. Students living in the United States may take the College of Marin's Institutional TOEFL in lieu of the official TOEFL. (Institutional TOEFL scores from other schools will not be accepted)
4. Show means of adequate financial support by completing an Official Certification of Personal or Family Funds Form
5. Provide an Enrollment Status Form completed by the last school attended in the United States
6. Provide evidence of high school graduation and transcripts from all colleges/universities attended in the United States
7. Submit $50 Application Processing Fee (non-refundable) by cashier's check. The amount must be in United States currency (cash will not be accepted)
8. All accepted students are required to take the English Placement Test and Math Placement Test (in addition to #3 above)
9. Mandatory medical insurance is required and payable at the time of registration
10. Students are required to obtain a tuberculosis test clearance from the Campus Health Center

Calculation of non-resident tuition fee applicable to non-citizens who have not or cannot establish residence, in an amount not to exceed the amount expended by the District for capital
outlay in the preceding fiscal year divided by the total full-time equivalent students. This fee cannot exceed 50 percent of the non-resident tuition charged other non-residents.

- From current College of Marin Procedure 4.0003 DP.10 titled Academic Standards (Pages 2-5 and Page 26)

International Student Advisory Board
Title V. 58007, 58050 EC 76140, 76380, 84757,

The International Student Advisory Board is a subcommittee of the Academic Standards Committee.

The International Student Advisory Board is composed of two International Student Counselors, one teaching faculty member, a teacher of specialized courses required of International Students, the Dean of Enrollment Services, two Admissions and Records Specialists, and two students. The functions of the International Student Advisory Board are as follows:

1. Accept International Students into the Credit and Intensive ESL Program;
2. Make decisions relative to the reinstatement of disqualified International Students;
3. Establish required courses for International Students;
4. Provide information regarding transfer to 4-year institutions;
5. Authorize the issuance of immigration forms;
6. Make decisions relative to Extension of Stay Petitions.

International Students may be admitted to the College International Student Credit Program under the following conditions:

1. Students seeking admission must provide evidence of English proficiency:
   a) Applicants living outside of the San Francisco Bay Area must provide an acceptable score on the TOEFL (Test of English as a Foreign Language). A score of 500 is required.
   b) Students living in the San Francisco Bay Area may take the College of Marin institutional TOEFL in the Testing Office.
   c) Students may provide evidence of passing articulated course from an ESL program.
2. Students must show means of adequate financial support by completing the "Official Certification of Personal or Family Funds" or an affidavit from a sponsoring organization and are expected to have sufficient funds to complete their education at the College of Marin.

3. Students shall provide transcripts from all colleges/universities attended in the United States.

4. No student will be accepted if the application, application fee (non-refundable), and evidence that the student has fulfilled requirements 1, 2 and 3 above have not been received by the College by the stipulated deadline.

5. Registration priority will be given to students who apply early.

6. International Students will be required to enroll in all courses approved by the International Student Advisor. Failure to comply will result in the cancellation of a student's class enrollment.

7. All accepted International Students, whose native language is not English, will be required to take the English Placement Test (in addition to 1 above). As a result of this test, International Students may be required to take one or more semesters of English.

8. International Students in the credit program must be continuously enrolled as full-time students (12 or more units). International Students who drop below 12 units will not be allowed to continue.

9. International Students must pay non-resident tuition, which is subject to change without notice.

10. International Students must obtain tuberculosis test clearance from the College of Marin Health Center upon arrival.

11. International Students may not accept any type of employment while in the United States unless granted a work permit. Permits are only granted by the International Student Advisory Board in cases of extreme and unusual circumstances.

12. International Students transferring to College of Marin from another school must have a letter indicating they left their last school of attendance in good standing. The letter must be attached to their application.

13. Upon acceptance, the student will be notified by a letter, which will include a listing of Rules and Regulations and appropriate forms.
14. Requests to process applications for visa extensions must be made at least 2 days in advance.

15. International Students who return to their country for a visit, or leave the United States for any reason whatsoever, should obtain an Admission and Records Specialist's signature on appropriate forms before they leave. These requests must be made 2 days in advance. In cases of extreme emergency, the forms will be mailed.

16. Requests for letters of verification of full-time enrollment must be made at least 2 days in advance to the Office of Admissions and Records.

17. International Students are required to pay in full the non-resident tuition for each semester at the time of registration. No Promissory Notes will be accepted. Non-payment of tuition will result in cancellation of the student's admission.

18. International Students who apply for an immigration visa or permanent residence in the United States must notify the Office of Admissions and Records.

19. It will be each International Student's responsibility to provide the Office of Admissions and Records with his/her current address.

20. International Students must pay medical insurance premium at time of registration.

Intensive English Program

International Students are admitted to the District’s College of Marin Intensive English Program under the following conditions:

1. Students must be eighteen years of age or older or a high school graduate by the first day of the semester, and must have completed at least one year of English studies. Students who will not be 18 years of age by the first day of the semester, must have their parent and/or legal guardian sign a Parent/Legal Guardian Authorization Form.

2. Students applying for International Student status must also submit to the Office of Admissions and Records:

   a) Admissions Application and Application Fee (non-refundable)

   b) An "Attendance Verification Form" completed by the last school attended in the United States, if applicable

   c) A copy of an "Official Certification of Personal or Family Funds" showing adequate financial support while attending the Intensive Program
d) Verification of medical insurance

e) Tuberculosis Clearance. Upon acceptance into the Intensive English Program, students will receive information about tuberculosis testing requirements.

f) A copy of the student’s passport, passport visa stamp, and any other student visas issued.

It is the policy of the Intensive English Program to require attendance in all classes unless a student is ill or has a verified personal emergency. Students are also required to speak English in classes and keep up with the course work and homework. Students who fail to meet these requirements may be asked to leave the program or may not be permitted to attend subsequent semesters.

Tuition is due prior to the first day of class. Students accepted into the program will be mailed instructions for registration. Refunds are not given after the first two weeks of the program.

Foreign Language Classes (From Page 26)

Students will not be precluded from enrolling in language classes after completion of more advanced courses but should be aware that these units may not be accepted at transfer institutions.

Both credit and IEP students entering the United States on an F-1 Visa must complete at least one full term at the College of Marin before the District will authorize a transfer to another school.

Office of Primary Responsibility: Office of Student Learning

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 language struck through is recommended for deletion. The language in underlined italics is recommended by the Dean of Enrollment Management and David Snyder. The language in black ink is from current College of Marin Procedure 4.0003 DP.10 titled Academic Standards approved on 2/8/05.

Date Approved:
(This is a new procedure recommended by the CC League and the League’s legal counsel)
Legal Citations for Admin. Procedure 5012 International Students

Education Code Sections 76140, 76141, and 76142; Title 5 Section 54045; Title 8 U.S. Code Section 1101 et. seq.

76140. (a) A community college district may admit and shall charge a tuition fee to nonresident students. The district may exempt from all or parts of the fee any person described in paragraph (1), (2), or (3):

(1) All nonresidents who enroll for six or fewer units. Exemptions made pursuant to this paragraph shall not be made on an individual basis.

(2) Any nonresident who is both a citizen and resident of a foreign country, if the nonresident has demonstrated a financial need for the exemption. Not more than 10 percent of the nonresident foreign students attending any community college district may be so exempted. Exemptions made pursuant to this paragraph may be made on an individual basis.

(3) (A) A student who, as of August 29, 2005, was enrolled, or admitted with an intention to enroll, in the fall term of the 2005-06 academic year in a regionally accredited institution of higher education in Alabama, Louisiana, or Mississippi, and who could not continue his or her attendance at that institution as a direct consequence of damage sustained by that institution as a result of Hurricane Katrina.

(B) The chancellor shall develop guidelines for the implementation of this paragraph. These guidelines shall include standards for appropriate documentation of student eligibility to the extent feasible.

(C) This paragraph shall apply only to the 2005-06 academic year.

(b) A district may contract with a state, a county contiguous to California, the federal government, or a foreign country, or an agency thereof, for payment of all or a part of a nonresident student's tuition fee.

(c) Nonresident students shall not be reported as full-time equivalent students (FTES) for state apportionment purposes, except as provided by subdivision (k) or another statute, in which case a nonresident tuition fee may not be charged.

(d) The nonresident tuition fee shall be set by the governing board of each community college district not later than February 1 of each year for the succeeding fiscal year. The governing board of each community college district shall provide nonresident students with notice of nonresident tuition fee changes during the spring term before the fall term in which the change will take effect. Nonresident tuition fee increases shall be gradual, moderate, and predictable. The fee may be paid in installments, as determined by the governing board of the district.

(e) The fee established by the governing board pursuant to subdivision (d) shall represent for nonresident students enrolled in 30 semester units or 45 quarter units of credit per fiscal year (1) the amount that was expended by the district for the expense of education as defined by the California Community College Budget and Accounting Manual in the preceding fiscal year increased by the projected percent increase in the United States Consumer Price Index as determined by the Department of Finance for the current fiscal year and succeeding fiscal year and divided by the FTES (including nonresident students) attending in the district in the preceding fiscal year, (2) the expense of education in the preceding fiscal year of all districts increased by the projected percent increase in the United States Consumer Price Index as determined by the Department of Finance for the fiscal year and succeeding fiscal year and divided by the FTES (including nonresident students) attending all districts during the preceding fiscal year, (3) an amount not to exceed the fee established by the governing board of any
contiguous district, or (4) an amount not to exceed the amount that was expended by the district for the expense of education, but in no case less than the statewide average as set forth in paragraph (2). However, if for the district's preceding fiscal year FTES of all students attending in the district in noncredit courses is equal to, or greater than, 10 percent of the district's total FTES attending in the district, the district, in calculating the amount in paragraph (1), may substitute, instead, the data for expense of education in grades 13 and 14 and FTES in grades 13 and 14 attending in the district.

(f) The governing board of each community college district also shall adopt a tuition fee per unit of credit for nonresident students enrolled in more or less than 15 units of credit per term by dividing the fee determined in subdivision (e) by 30 for colleges operating on the semester system and 45 for colleges operating on the quarter system and rounding to the nearest whole dollar. The same rate shall be uniformly charged nonresident students attending any terms or sessions maintained by the community college. The rate charged shall be the rate established for the fiscal year in which the term or session ends.

(g) In adopting a tuition fee for nonresident students, the governing board of each community college district shall consider nonresident tuition fees of public community colleges in other states.

(h) Any loss in district revenue generated by the nonresident tuition fee shall not be offset by additional state funding.

(i) Any district that has fewer than 1,500 FTES and whose boundary is within 10 miles of another state that has a reciprocity agreement with California governing student attendance and fees may exempt students from that state from the mandatory fee requirement described in subdivision (a) for nonresident students.

(j) Any district that has more than 1,500, but less than 3,001, FTES and whose boundary is within 10 miles of another state that has a reciprocity agreement with California governing student attendance and fees may, in any one fiscal year, exempt up to 100 FTES from that state from the mandatory fee requirement described in subdivision (a) for nonresident students.

(k) The attendance of nonresident students who are exempted pursuant to subdivision (i) or (j), or pursuant to paragraph (3) of subdivision (a), from the mandatory fee requirement described in subdivision (a) for nonresident students may be reported as resident FTES for state apportionment purposes. Any nonresident student reported as resident FTES for state apportionment purposes pursuant to subdivision (i) or (j) shall pay a fee of forty-two dollars ($42) per course unit. That fee is to be included in the FTES adjustments described in Section 76330 for purposes of computing apportionments.

76141. (a) In addition to the nonresident tuition fee established pursuant to Section 76140, a community college district may charge to nonresident students who are both citizens and residents of a foreign country an amount not to exceed the amount that was expended by the district for capital outlay in the preceding fiscal year divided by the total full-time equivalent students of the district in the preceding fiscal year.

(b) Any fee charged pursuant to this section shall not exceed 50 percent of the nonresident tuition fee established pursuant to Section 76140.

(c) (1) Any student who can demonstrate economic hardship, or who is a victim of persecution or discrimination in the country in which the student is a citizen and resident, is exempt from this fee.
(2) For purposes of this section, the governing board of each community college district that chooses to impose the fee authorized by this section shall adopt a definition of economic hardship that encompasses the financial circumstances of a person who is a recipient of benefits under the Temporary Assistance for Needy Families program described in Parts A and F of Title IV of the Social Security Act (42 U.S.C. Secs. 601 et seq.), the Supplemental Income/State Supplementary Program, or a general assistance program.

(d) Revenue from any fee charged pursuant to this section shall be expended only for purposes of capital outlay, maintenance, and equipment.

76142. (a) A community college district may charge nonresident applicants who are both citizens and residents of a foreign country a processing fee not to exceed the lesser of: (1) the actual cost of processing an application and other documentation required by the federal government, or (2) one hundred dollars ($100), which may be deducted from the tuition fee at the time of enrollment.

(b) No processing fee shall be charged to an applicant who would be eligible for an exemption from nonresident tuition pursuant to Section 76140 or who can demonstrate economic hardship. For purposes of this section, the governing board of each community college district that chooses to impose the fee authorized by this section shall adopt a definition of economic hardship that includes the financial circumstances of a person who is a victim of persecution or discrimination in the foreign country in which the applicant is a citizen and resident, or who is a recipient of benefits under the Temporary Assistance for Needy Families program described in Parts A and F of Title IV of the Social Security Act (42 U.S.C. Secs. 601 et seq.), the Supplemental Income/State Supplementary Program, or a general assistance program.

Cal. Admin. Code tit. 5, s 54045

TITLE 5. EDUCATION
DIVISION 6. CALIFORNIA COMMUNITY COLLEGES
CHAPTER 5. STUDENTS
SUBCHAPTER 1. STUDENT RESIDENCE CLASSIFICATION

s 54045. Alien Students.

(a) An alien not precluded from establishing domicile in the United States by the Immigration and Nationality Act (8 U.S.C. 1101, et seq.) shall be eligible to establish residency pursuant to the provisions of this subchapter.

(b) An alien is precluded from establishing domicile in the United States if the alien:

(1) entered the United States illegally (undocumented aliens);

(2) entered the United States under a visa which requires that the alien have a residence outside of the United States; or

(3) entered the United States under a visa which permits entry solely for some temporary purpose.
(c) An alien described in paragraph (b) shall not be classified as a resident unless and until he or she has taken appropriate steps to obtain a change of status from the Immigration and Naturalization Service to a classification which does not preclude establishing domicile, and has met the requirements of Sections 54020-54024 related to physical presence and the intent to make California home for other than a temporary purpose. The Chancellor shall, after consultation with the University of California and the California State University, issue guidelines for the implementation of this section.

(d) Notwithstanding any other provision of this subchapter, an alien who was classified as a California resident by any college in a district as of September 30, 1991, or during the Fall 1991 term, shall not be subject to recategorization unless the student has not been in attendance at any college in the district for more than one semester or quarter.

Title 8 U.S. Code § 1101. Definitions

Release date: 2006-04-21

(a) As used in this chapter—
(1) The term “administrator” means the official designated by the Secretary of State pursuant to section 1104 (b) of this title.
(2) The term “advocates” includes, but is not limited to, advises, recommends, furthers by overt act, and admits belief in.
(3) The term “alien” means any person not a citizen or national of the United States.
(4) The term “application for admission” has reference to the application for admission into the United States and not to the application for the issuance of an immigrant or nonimmigrant visa.
(6) The term “border crossing identification card” means a document of identity bearing that designation issued to an alien who is lawfully admitted for permanent residence, or to an alien who is a resident in foreign contiguous territory, by a consular officer or an immigration officer for the purpose of crossing over the borders between the United States and foreign contiguous territory in accordance with such conditions for its issuance and use as may be prescribed by regulations. Such regulations shall provide that (A) each such document include a biometric identifier (such as the fingerprint or handprint of the alien) that is machine readable and
(B) an alien presenting a border crossing identification card is not permitted to cross over the border into the United States unless the biometric identifier contained on the card matches the appropriate biometric characteristic of the alien.
(7) The term “clerk of court” means a clerk of a naturalization court.
(8) The terms “Commissioner” and “Deputy Commissioner” mean the Commissioner of Immigration and Naturalization and a Deputy Commissioner of Immigration and Naturalization, respectively.
(9) The term “consular officer” means any consular, diplomatic, or other officer or employee of the United States designated under regulations prescribed under authority contained in this chapter, for the purpose of issuing immigrant or nonimmigrant visas or, when used in subchapter III of this chapter, for the purpose of adjudicating nationality.
(10) The term “crewman” means a person serving in any capacity on board a vessel or aircraft.
(11) The term “diplomatic visa” means a nonimmigrant visa bearing that title and issued to
a nonimmigrant in accordance with such regulations as the Secretary of State may prescribe.

(12) The term “doctrine” includes, but is not limited to, policies, practices, purposes, aims, or procedures.

(13)

(A) The terms “admission” and “admitted” mean, with respect to an alien, the lawful entry of the alien into the United States after inspection and authorization by an immigration officer.

(B) An alien who is paroled under section 1182 (d)(5) of this title or permitted to land temporarily as an alien crewman shall not be considered to have been admitted.

(C) An alien lawfully admitted for permanent residence in the United States shall not be regarded as seeking an admission into the United States for purposes of the immigration laws unless the alien—

(i) has abandoned or relinquished that status,

(ii) has been absent from the United States for a continuous period in excess of 180 days,

(iii) has engaged in illegal activity after having departed the United States,

(iv) has departed from the United States while under legal process seeking removal of the alien from the United States, including removal proceedings under this chapter and extradition proceedings,

(v) has committed an offense identified in section 1182 (a)(2) of this title, unless since such offense the alien has been granted relief under section 1182 (h) or 1229b (a) of this title, or

(vi) is attempting to enter at a time or place other than as designated by immigration officers or has not been admitted to the United States after inspection and authorization by an immigration officer.

(14) The term “foreign state” includes outlying possessions of a foreign state, but self-governing dominions or territories under mandate or trusteeship shall be regarded as separate foreign states.

(15) The term “immigrant” means every alien except an alien who is within one of the following classes of nonimmigrant aliens—

(A)

(i) an ambassador, public minister, or career diplomatic or consular officer who has been accredited by a foreign government, recognized de jure by the United States and who is accepted by the President or by the Secretary of State, and the members of the alien’s immediate family;

(ii) upon a basis of reciprocity, other officials and employees who have been accredited by a foreign government recognized de jure by the United States, who are accepted by the Secretary of State, and the members of their immediate families; and

(iii) upon a basis of reciprocity, attendants, servants, personal employees, and members of their immediate families, of the officials and employees who have a nonimmigrant status under (i) and (ii) above;

(B) an alien (other than one coming for the purpose of study or of performing skilled or unskilled labor or as a representative of foreign press, radio, film, or other foreign information media coming to engage in such vocation) having a residence in a foreign country which he has no intention of abandoning and who is visiting the United States temporarily for business or temporarily for pleasure;

(C) an alien in immediate and continuous transit through the United States, or an alien who qualifies as a person entitled to pass in transit to and from the United Nations Headquarters District and foreign countries, under the provisions of paragraphs (3), (4), and (5) of section 11 of the Headquarters Agreement with the United Nations (61 Stat. 758);

(D)
(i) an alien crewman serving in good faith as such in a capacity required for normal 
operation and service on board a vessel, as defined in section 1288 (a) of this title (other 
than a fishing vessel having its home port or an operating base in the United States), or 
aircraft, who intends to land temporarily and solely in pursuit of his calling as a crewman 
and to depart from the United States with the vessel or aircraft on which he arrived or some 
other vessel or aircraft;
(ii) an alien crewman serving in good faith as such in any capacity required for normal 
operations and service aboard a fishing vessel having its home port or an operating base in 
the United States who intends to land temporarily in Guam and solely in pursuit of his 
calling as a crewman and to depart from Guam with the vessel on which he arrived;
(E) an alien entitled to enter the United States under and in pursuance of the provisions of 
a treaty of commerce and navigation between the United States and the foreign state of 
which he is a national, and the spouse and children of any such alien if accompanying or 
following to join him;
(i) solely to carry on substantial trade, including trade in services or trade in technology, 
principally between the United States and the foreign state of which he is a national; or 
(ii) solely to develop and direct the operations of an enterprise in which he has invested, or 
of an enterprise in which he is actively in the process of investing, a substantial amount of 
capital;
(F) 
i) an alien having a residence in a foreign country which he has no intention of 
abandoning, who is a bona fide student qualified to pursue a full course of study and who 
seeks to enter the United States temporarily and solely for the purpose of pursuing such a 
course of study consistent with section 1184 (l) [1] of this title at an established college, 
university, seminary, conservatory, academic high school, elementary school, or other 
academic institution or in a language training program in the United States, particularly 
designated by him and approved by the Attorney General after consultation with the 
Secretary of Education, which institution or place of study shall have agreed to report to the 
Attorney General the termination of attendance of each nonimmigrant student, and if any 
such institution of learning or place of study fails to make reports promptly the approval 
shall be withdrawn,
(ii) the alien spouse and minor children of any alien described in clause (i) if accompanying 
or following to join such an alien, and 
(iii) an alien who is a national of Canada or Mexico, who maintains actual residence and 
place of abode in the country of nationality, who is described in clause (i) except that the 
alien’s qualifications for and actual course of study may be full or part-time, and who 
commutes to the United States institution or place of study from Canada or Mexico;

(G) 
(i) a designated principal resident representative of a foreign government recognized de 
jure by the United States, which foreign government is a member of an international 
organization entitled to enjoy privileges, exemptions, and immunities as an international 
organization under the International Organizations Immunities Act (59 Stat. 669) [22 U.S.C. 
288 et seq.], accredited resident members of the staff of such representatives, and 
members of his or their immediate family;
(ii) other accredited representatives of such a foreign government to such international 
organizations, and the members of their immediate families;
(iii) an alien able to qualify under (i) or (ii) above except for the fact that the government 
of which such alien is an accredited representative is not recognized de jure by the United 
States, or that the government of which he is an accredited representative is not a member 
of such international organization; and the members of his immediate family;
(iv) officers, or employees of such international organizations, and the members of their
immediate families;

(v) attendants, servants, and personal employees of any such representative, officer, or employee, and the members of the immediate families of such attendants, servants, and personal employees;

(H) an alien (i)\{(a) Repealed. Pub. L. 106–95, § 2(c), Nov. 12, 1999, 113 Stat. 1316\} (b) subject to section 1182 (j)(2) of this title, who is coming temporarily to the United States to perform services (other than services described in subclause (a) during the period in which such subclause applies and other than services described in subclause (ii)(a) or in subparagraph (O) or (P)) in a specialty occupation described in section 1184 (i)(1) of this title or as a fashion model, who meets the requirements for the occupation specified in section 1184 (i)(2) of this title or, in the case of a fashion model, is of distinguished merit and ability, and with respect to whom the Secretary of Labor determines and certifies to the Attorney General that the intending employer has filed with the Secretary an application under section 1182 (n)(1) of this title, or (b1) who is entitled to enter the United States under and in pursuance of the provisions of an agreement listed in section 1184 (g)(8)(A) of this title, who is engaged in a specialty occupation described in section 1184 (i)(3) of this title, and with respect to whom the Secretary of Labor determines and certifies to the Secretary of Homeland Security and the Secretary of State that the intending employer has filed with the Secretary of Labor an attestation under section 1182 (t)(1) of this title, or (c) who is coming temporarily to the United States to perform services as a registered nurse, who meets the qualifications described in section 1182 (m)(1) of this title, and with respect to whom the Secretary of Labor determines and certifies to the Attorney General that an unexpired attestation is on file and in effect under section 1182 (m)(2) of this title for the facility (as defined in section 1182 (m)(6) of this title) for which the alien will perform the services; or (ii)(a) having a residence in a foreign country which he has no intention of abandoning who is coming temporarily to the United States to perform agricultural labor or services, as defined by the Secretary of Labor in regulations and including agricultural labor defined in section 3121 (g) of title 26 and agriculture as defined in section 203 (f) of title 29, of a temporary or seasonal nature, or (b) having a residence in a foreign country which he has no intention of abandoning who is coming temporarily to the United States to perform other temporary service or labor if unemployed persons capable of performing such service or labor cannot be found in this country, but this clause shall not apply to graduates of medical schools coming to the United States to perform services as members of the medical profession; or (iii) having a residence in a foreign country which he has no intention of abandoning who is coming temporarily to the United States as a trainee, other than to receive graduate medical education or training, in a training program that is not designed primarily to provide productive employment; and the alien spouse and minor children of any such alien specified in this paragraph if accompanying him or following to join him;

(I) upon a basis of reciprocity, an alien who is a bona fide representative of foreign press, radio, film, or other foreign information media, who seeks to enter the United States solely to engage in such vocation, and the spouse and children of such a representative, if accompanying or following to join him;

(J) an alien having a residence in a foreign country which he has no intention of abandoning who is a bona fide student, scholar, trainee, teacher, professor, research assistant, specialist, or leader in a field of specialized knowledge or skill, or other person of similar description, who is coming temporarily to the United States as a participant in a program designated by the Director of the United States Information Agency, for the purpose of teaching, instructing or lecturing, studying, observing, conducting research, consulting, demonstrating special skills, or receiving training and who, if he is coming to the United States to participate in a program under which he will receive graduate medical education or training, also meets the requirements of section 1182 (j) of this title, and the alien spouse
and minor children of any such alien if accompanying him or following to join him;

(K) subject to subsections (d) and (p) [2] of section 1184 of this title, an alien who—

(i) is the fiancee or fiance of a citizen of the United States and who seeks to enter the
United States solely to conclude a valid marriage with the petitioner within ninety days after
admission;

(ii) has concluded a valid marriage with a citizen of the United States who is the petitioner,
is the beneficiary of a petition to accord a status under section 1151 (b)(2)(A)(i) of this title
that was filed under section 1154 of this title by the petitioner, and seeks to enter the
United States to await the approval of such petition and the availability to the alien of an
immigrant visa; or

(iii) is the minor child of an alien described in clause (i) or (ii) and is accompanying, or
following to join, the alien;

(L) subject to section 1184 (c)(2) of this title, an alien who, within 3 years preceding the
time of his application for admission into the United States, has been employed continuously
for one year by a firm or corporation or other legal entity or an affiliate or subsidiary thereof
and who seeks to enter the United States temporarily in order to continue to render his
services to the same employer or a subsidiary or affiliate thereof in a capacity that is
managerial, executive, or involves specialized knowledge, and the alien spouse and minor
children of any such alien if accompanying him or following to join him;

(M)

(i) an alien having a residence in a foreign country which he has no intention of abandoning
who seeks to enter the United States temporarily and solely for the purpose of pursuing a
full course of study at an established vocational or other recognized nonacademic institution
(other than in a language training program) in the United States particularly designated by
him and approved by the Attorney General, after consultation with the Secretary of
Education, which institution shall have agreed to report to the Attorney General the
termination of attendance of each nonimmigrant nonacademic student and if any such
institution fails to make reports promptly the approval shall be withdrawn,

(ii) the alien spouse and minor children of any alien described in clause (i) if accompanying
or following to join such an alien, and

(iii) an alien who is a national of Canada or Mexico, who maintains actual residence and
place of abode in the country of nationality, who is described in clause (i) except that the
alien's course of study may be full or part-time, and who commutes to the United States
institutions or place of study from Canada or Mexico;

(N)

(i) the parent of an alien accorded the status of special immigrant under paragraph
(27)(I)(l) (or under analogous authority under paragraph (27)(L)), but only if and while the
alien is a child, or

(ii) a child of such parent or of an alien accorded the status of a special immigrant under
clause (ii), (iii), or (iv) of paragraph (27)(I) (or under analogous authority under paragraph
(27)(L));

(O) an alien who—

(i) has extraordinary ability in the sciences, arts, education, business, or athletics which has
been demonstrated by sustained national or international acclaim or, with regard to motion
picture and television productions a demonstrated record of extraordinary achievement, and
whose achievements have been recognized in the field through extensive documentation,
and seeks to enter the United States to continue work in the area of extraordinary ability; or

(ii)

(I) seeks to enter the United States temporarily and solely for the purpose of accompanying
and assisting in the artistic or athletic performance by an alien who is admitted under clause
(I) for a specific event or events,
(II) is an integral part of such actual performance,
(III) (a) has critical skills and experience with such alien which are not of a general nature and which cannot be performed by other individuals, or
(b) in the case of a motion picture or television production, has skills and experience with such alien which are not of a general nature and which are critical either based on a pre-existing longstanding working relationship or, with respect to the specific production, because significant production (including pre- and post-production work) will take place both inside and outside the United States and the continuing participation of the alien is essential to the successful completion of the production, and
(IV) has a foreign residence which the alien has no intention of abandoning; or
(iii) is the alien spouse or child of an alien described in clause (i) or (ii) and is accompanying, or following to join, the alien;
(P) an alien having a foreign residence which the alien has no intention of abandoning who—
(i) (a) is described in section 1184 (c)(4)(A) of this title (relating to athletes), or
(b) is described in section 1184 (c)(4)(B) of this title (relating to entertainment groups);
(ii) (I) performs as an artist or entertainer, individually or as part of a group, or is an integral part of the performance of such a group, and
(II) seeks to enter the United States temporarily and solely for the purpose of performing as such an artist or entertainer or with such a group under a reciprocal exchange program which is between an organization or organizations in the United States and an organization or organizations in one or more foreign states and which provides for the temporary exchange of artists and entertainers, or groups of artists and entertainers;
(iii) (I) performs as an artist or entertainer, individually or as part of a group, or is an integral part of the performance of such a group, and
(II) seeks to enter the United States temporarily and solely to perform, teach, or coach as such an artist or entertainer or with such a group under a commercial or noncommercial program that is culturally unique; or
(iv) is the spouse or child of an alien described in clause (i), (ii), or (iii) and is accompanying, or following to join, the alien;
(Q) (i) an alien having a residence in a foreign country which he has no intention of abandoning who is coming temporarily (for a period not to exceed 15 months) to the United States as a participant in an international cultural exchange program approved by the Secretary of Homeland Security for the purpose of providing practical training, employment, and the sharing of the history, culture, and traditions of the country of the alien’s nationality and who will be employed under the same wages and working conditions as domestic workers; or
(ii) (I) an alien citizen of the United Kingdom or the Republic of Ireland, 21 to 35 years of age, unemployed for not less than 12 months, and having a residence for not less than 18 months in Northern Ireland, or the counties of Louth, Monaghan, Cavan, Leitrim, Sligo, and Donegal within the Republic of Ireland, which the alien has no intention of abandoning who is coming temporarily (for a period not to exceed 24 months) to the United States as a participant in a cultural and training program approved by the Secretary of State and the Secretary of Homeland Security under section 2(a) of the Irish Peace Process Cultural and Training Program Act of 1998 for the purpose of providing practical training, employment,
and the experience of coexistence and conflict resolution in a diverse society, and

(II) the alien spouse and minor children of any such alien if accompanying the alien or following to join the alien;

(R) an alien, and the spouse and children of the alien if accompanying or following to join the alien, who—

(i) for the 2 years immediately preceding the time of application for admission, has been a member of a religious denomination having a bona fide nonprofit, religious organization in the United States; and

(ii) seeks to enter the United States for a period not to exceed 5 years to perform the work described in subclause (I), (II), or (III) of paragraph (27)(C)(ii);

(S) subject to section 1184 (k) of this title, an alien—

(i) who the Attorney General determines—

(I) is in possession of critical reliable information concerning a criminal organization or enterprise;

(II) is willing to supply or has supplied such information to Federal or State law enforcement authorities or a Federal or State court; and

(III) whose presence in the United States the Attorney General determines is essential to the success of an authorized criminal investigation or the successful prosecution of an individual involved in the criminal organization or enterprise; or

(ii) who the Secretary of State and the Attorney General jointly determine—

(I) is in possession of critical reliable information concerning a terrorist organization, enterprise, or operation;

(II) is willing to supply or has supplied such information to Federal law enforcement authorities or a Federal court;

(III) will be or has been placed in danger as a result of providing such information; and

(IV) is eligible to receive a reward under section 2708 (a) of title 22,

(T)

and, if the Attorney General (or with respect to clause (ii), the Secretary of State and the Attorney General jointly) considers it to be appropriate, the spouse, married and unmarried sons and daughters, and parents of an alien described in clause (i) or (ii) if accompanying, or following to join, the alien;

(i) subject to section 1184 (o) of this title, an alien who the Attorney General determines—

(I) is or has been a victim of a severe form of trafficking in persons, as defined in section 7102 of title 22,

(II) is physically present in the United States, American Samoa, or the Commonwealth of the Northern Mariana Islands, or at a port of entry thereto, on account of such trafficking,

(III)

(aa) has complied with any reasonable request for assistance in the investigation or prosecution of acts of trafficking, or

(bb) has not attained 18 years of age, and

(IV) the alien would suffer extreme hardship involving unusual and severe harm upon removal; and

(ii) if the Attorney General considers it necessary to avoid extreme hardship—

(I) in the case of an alien described in clause (I) who is under 21 years of age, the spouse, children, unmarried siblings under 18 years of age on the date on which such alien applied for status under such clause, and parents of such alien; and

(II) in the case of an alien described in clause (i) who is 21 years of age or older, the spouse and children of such alien,

(U)

if accompanying, or following to join, the alien described in clause (i);

(i) subject to section 1184 (p) of this title, an alien who files a petition for status under this
subparagraph, if the Attorney General determines that—

(I) the alien has suffered substantial physical or mental abuse as a result of having been a victim of criminal activity described in clause (ii);

(II) the alien (or in the case of an alien child under the age of 16, the parent, guardian, or next friend of the alien) possesses information concerning criminal activity described in clause (iii);

(III) the alien (or in the case of an alien child under the age of 16, the parent, guardian, or next friend of the alien) has been helpful, is being helpful, or is likely to be helpful to a Federal, State, or local law enforcement official, to a Federal, State, or local prosecutor, to a Federal or State judge, to the Service, or to other Federal, State, or local authorities investigating or prosecuting criminal activity described in clause (iii); and

(IV) the criminal activity described in clause (iii) violated the laws of the United States or occurred in the United States (including in Indian country and military installations) or the territories and possessions of the United States;

(ii) if the Attorney General considers it necessary to avoid extreme hardship to the spouse, the child, or, in the case of an alien child, the parent of the alien described in clause (i), the Attorney General may also grant status under this paragraph based upon certification of a government official listed in clause (i)(III) that an investigation or prosecution would be harmed without the assistance of the spouse, the child, or, in the case of an alien child, the parent of the alien; and

(iii) the criminal activity referred to in this clause is that involving one or more of the following or any similar activity in violation of Federal, State, or local criminal law: rape; torture; trafficking; incest; domestic violence; sexual assault; abusive sexual contact; prostitution; sexual exploitation; female genital mutilation; being held hostage; peonage; involuntary servitude; slave trade; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; or attempt, conspiracy, or solicitation to commit any of the above mentioned crimes; or

(V) subject to section 1184 (c) of this title, an alien who is the beneficiary (including a child of the principal alien, if eligible to receive a visa under section 1153 (d) of this title) of a petition to accord a status under section 1153 (a)(2)(A) of this title that was filed with the Attorney General under section 1154 of this title on or before December 21, 2000, if—

(i) such petition has been pending for 3 years or more; or

(ii) such petition has been approved, 3 years or more have elapsed since such filing date, and—

(II) an immigrant visa is not immediately available to the alien because of a waiting list of applicants for visas under section 1153 (a)(2)(A) of this title; or

(II) the alien’s application for an immigrant visa, or the alien’s application for adjustment of status under section 1255 of this title, pursuant to the approval of such petition, remains pending.

(16) The term “immigrant visa” means an immigrant visa required by this chapter and properly issued by a consular officer at his office outside of the United States to an eligible immigrant under the provisions of this chapter.

(17) The term “immigration laws” includes this chapter and all laws, conventions, and treaties of the United States relating to the immigration, exclusion, deportation, expulsion, or removal of aliens.

(18) The term “immigration officer” means any employee or class of employees of the Service or of the United States designated by the Attorney General, individually or by regulation, to perform the functions of an immigration officer specified by this chapter or any section of this title.

(19) The term “ineligible to citizenship,” when used in reference to any individual,
notwithstanding the provisions of any treaty relating to military service, an individual who
is, or was at any time permanently debarred from becoming a citizen of the United States
under section 3(a) of the Selective Training and Service Act of 1940, as amended (54 Stat.
885; 55 Stat. 844), or under section 4(a) of the Selective Service Act of 1948, as amended
(62 Stat. 605; 65 Stat. 76) [50 App. U.S.C. 454 (a)], or under any section of this chapter,
or any other Act, or under any law amendatory of, supplementary to, or in substitution for,
any of such sections or Acts.

(20) The term “lawfully admitted for permanent residence” means the status of having
been lawfully accorded the privilege of residing permanently in the United States as an
immigrant in accordance with the immigration laws, such status not having changed.

(21) The term “national” means a person owing permanent allegiance to a state.

(22) The term “national of the United States” means
(A) a citizen of the United States, or
(B) a person who, though not a citizen of the United States, owes permanent allegiance to
the United States.

(23) The term “naturalization” means the conferring of nationality of a state upon a person
after birth, by any means whatsoever.


(25) The term “noncombatant service” shall not include service in which the individual is
not subject to military discipline, court martial, or does not wear the uniform of any branch
of the armed forces.

(26) The term “nonimmigrant visa” means a visa properly issued to an alien as an eligible
nonimmigrant by a competent officer as provided in this chapter.

(27) The term “special immigrant” means—
(A) an immigrant, lawfully admitted for permanent residence, who is returning from a
temporary visit abroad;
(B) an immigrant who was a citizen of the United States and may, under section 1435 (a)
or 1438 of this title, apply for reacquisition of citizenship;
(C) an immigrant, and the immigrant’s spouse and children if accompanying or following to
join the immigrant, who—
(i) for at least 2 years immediately preceding the time of application for admission, has
been a member of a religious denomination having a bona fide nonprofit, religious
organization in the United States;
(ii) seeks to enter the United States—
(I) solely for the purpose of carrying on the vocation of a minister of that religious
denomination,
(II) before October 1, 2008, in order to work for the organization at the request of the
organization in a professional capacity in a religious vocation or occupation, or
(III) before October 1, 2008, in order to work for the organization (or for a bona fide
organization which is affiliated with the religious denomination and is exempt from taxation
as an organization described in section 501 (c)(3) of title 26) at the request of the
organization in a religious vocation or occupation; and
(iii) has been carrying on such vocation, professional work, or other work continuously for
at least the 2-year period described in clause (I);
(D) an immigrant who is an employee, or an honorably retired former employee, of the
United States Government abroad, or of the American Institute in Taiwan, and who has
performed faithful service for a total of fifteen years, or more, and his accompanying spouse
and children: Provided, That the principal officer of a Foreign Service establishment (or, in
the case of the American Institute in Taiwan, the Director thereof), in his discretion, shall
have recommended the granting of special immigrant status to such alien in exceptional
circumstances and the Secretary of State approves such recommendation and finds that it is
in the national interest to grant such status;

(E) an immigrant, and his accompanying spouse and children, who is or has been an employee of the Panama Canal Company or Canal Zone Government before the date on which the Panama Canal Treaty of 1977 (as described in section 3602 (a)(1) of title 22) enters into force [October 1, 1979], who was resident in the Canal Zone on the effective date of the exchange of instruments of ratification of such Treaty [April 1, 1979], and who has performed faithful service as such an employee for one year or more;

(F) an immigrant, and his accompanying spouse and children, who is a Panamanian national and

(i) who, before the date on which such Panama Canal Treaty of 1977 enters into force [October 1, 1979], has been honorably retired from United States Government employment in the Canal Zone with a total of 15 years or more of faithful service, or

(ii) who, on the date on which such Treaty enters into force, has been employed by the United States Government in the Canal Zone with a total of 15 years or more of faithful service and who subsequently is honorably retired from such employment or continues to be employed by the United States Government in an area of the former Canal Zone;

(G) an immigrant, and his accompanying spouse and children, who was an employee of the Panama Canal Company or Canal Zone Government on the effective date of the exchange of instruments of ratification of such Panama Canal Treaty of 1977 [April 1, 1979], who has performed faithful service for five years or more as such an employee, and whose personal safety, or the personal safety of whose spouse or children, as a direct result of such Treaty, is reasonably placed in danger because of the special nature of any of that employment;

(H) an immigrant, and his accompanying spouse and children, who—

(i) has graduated from a medical school or has qualified to practice medicine in a foreign state,

(ii) was fully and permanently licensed to practice medicine in a State on January 9, 1978, and was practicing medicine in a State on that date,

(iii) entered the United States as a nonimmigrant under subsection (a)(15)(H) or (a)(15)(J) of this section before January 10, 1978, and

(iv) has been continuously present in the United States in the practice or study of medicine since the date of such entry;

(I)

(i) an immigrant who is the unmarried son or daughter of an officer or employee, or of a former officer or employee, of an international organization described in paragraph (15)(G)(i), and who

(II) while maintaining the status of a nonimmigrant under paragraph (15)(G)(iv) or paragraph (15)(N), has resided and been physically present in the United States for periods totaling at least one-half of the seven years before the date of application for a visa or for adjustment of status to a status under this subparagraph and for a period or periods aggregating at least seven years between the ages of five and 21 years, and

(II) applies for a visa or adjustment of status under this subparagraph no later than his twenty-fifth birthday or six months after October 24, 1988, whichever is later;

(ii) an immigrant who is the surviving spouse of a deceased officer or employee of such an international organization, and who

(II) while maintaining the status of a nonimmigrant under paragraph (15)(G)(iv) or paragraph (15)(N), has resided and been physically present in the United States for periods totaling at least one-half of the seven years before the date of application for a visa or for adjustment of status to a status under this subparagraph and for a period or periods aggregating at least 15 years before the date of the death of such officer or employee, and

(II) files a petition for status under this subparagraph no later than six months after the date of such death or six months after October 24, 1988, whichever is later;
(iii) an immigrant who is a retired officer or employee of such an international organization, and who
(I) while maintaining the status of a nonimmigrant under paragraph (15)(G)(iv), has resided and been physically present in the United States for periods totaling at least one-half of the seven years before the date of application for a visa or for adjustment of status to a status under this subparagraph and for a period or periods aggregating at least 15 years before the date of the officer or employee’s retirement from any such international organization, and
(II) files a petition for status under this subparagraph no later than six months after the date of such retirement or six months after October 25, 1994, whichever is later; or
(iv) an immigrant who is the spouse of a retired officer or employee accorded the status of special immigrant under clause (iii), accompanying or following to join such retired officer or employee as a member of his immediate family;
(J) an immigrant who is present in the United States—
(i) who has been declared dependent on a juvenile court located in the United States or whom such a court has legally committed to, or placed under the custody of, an agency or department of a State and who has been deemed eligible by that court for long-term foster care due to abuse, neglect, or abandonment;
(ii) for whom it has been determined in administrative or judicial proceedings that it would not be in the alien’s best interest to be returned to the alien’s or parent’s previous country of nationality or country of last habitual residence; and
(iii) in whose case the Attorney General expressly consents to the dependency order serving as a precondition to the grant of special immigrant juvenile status; except that—
(I) no juvenile court has jurisdiction to determine the custody status or placement of an alien in the actual or constructive custody of the Attorney General unless the Attorney General specifically consents to such jurisdiction; and
(II) no natural parent or prior adoptive parent of any alien provided special immigrant status under this subparagraph shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this chapter;
(K) an immigrant who has served honorably on active duty in the Armed Forces of the United States after October 15, 1978, and after original lawful enlistment outside the United States (under a treaty or agreement in effect on October 1, 1991) for a period or periods aggregating—
(i) 12 years and who, if separated from such service, was never separated except under honorable conditions, or
(ii) 6 years, in the case of an immigrant who is on active duty at the time of seeking special immigrant status under this subparagraph and who has reenlisted to incur a total active duty service obligation of at least 12 years, and the spouse or child of any such immigrant if accompanying or following to join the immigrant, but only if the executive department under which the immigrant serves or served recommends the granting of special immigrant status to the immigrant;
(L) an immigrant who would be described in clause (i), (ii), (iii), or (iv) of subparagraph (I) if any reference in such a clause—
(i) to an international organization described in paragraph (15)(G)(i) were treated as a reference to the North Atlantic Treaty Organization (NATO);
(ii) to a nonimmigrant under paragraph (15)(G)(iv) were treated as a reference to a nonimmigrant classifiable under NATO-6 (as a member of a civilian component accompanying a force entering in accordance with the provisions of the NATO Status-of-Forces Agreement, a member of a civilian component attached to or employed by an Allied Headquarters under the "Protocol on the Status of International Military Headquarters" set up pursuant to the North Atlantic Treaty, or as a dependent); and
(iii) to the Immigration Technical Corrections Act of 1988 or to the Immigration and Nationality Technical Corrections Act of 1994 were a reference to the American Competitiveness and Workforce Improvement Act of 1998.

(4) subject to the numerical limitations of section 1153 (b)(4) of this title, an immigrant who seeks to enter the United States to work as a broadcaster in the United States for the International Broadcasting Bureau of the Broadcasting Board of Governors, or for a grantee of the Broadcasting Board of Governors, and the immigrant's accompanying spouse and children.

(28) The term "organization" means, but is not limited to, an organization, corporation, company, partnership, association, trust, foundation or fund; and includes a group of persons, whether or not incorporated, permanently or temporarily associated together with joint action on any subject or subjects.

(29) The term "outlying possessions of the United States" means American Samoa and Swains Island.

(30) The term "passport" means any travel document issued by competent authority showing the bearer's origin, identity, and nationality if any, which is valid for the admission of the bearer into a foreign country.

(31) The term "permanent" means a relationship of continuing or lasting nature, as distinguished from temporary, but a relationship may be permanent even though it is one that may be dissolved eventually at the instance either of the United States or of the individual, in accordance with law.

(32) The term "profession" shall include but not be limited to architects, engineers, lawyers, physicians, surgeons, and teachers in elementary or secondary schools, colleges, academies, or seminaries.

(33) The term "residence" means the place of general abode; the place of general abode of a person means his principal, actual dwelling place in fact, without regard to intent.

(34) The term "Service" means the Immigration and Naturalization Service of the Department of Justice.

(35) The term "spouse", "wife", or "husband" do not include a spouse, wife, or husband by reason of any marriage ceremony where the contracting parties thereto are not physically present in the presence of each other, unless the marriage shall have been consummated.

(36) The term "State" includes the District of Columbia, Puerto Rico, Guam, and the Virgin Islands of the United States.

(37) The term "totalitarian party" means an organization which advocates the establishment in the United States of a totalitarian dictatorship or totalitarianism. The terms "totalitarian dictatorship" and "totalitarianism" mean and refer to systems of government not representative in fact, characterized by

(A) the existence of a single political party, organized on a dictatorial basis, with so close an identity between such party and its policies and the governmental policies of the country in which it exists, that the party and the government constitute an indistinguishable unit, and

(B) the forcible suppression of opposition to such party.

(38) The term "United States", except as otherwise specifically herein provided, when used in a geographical sense, means the continental United States, Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands of the United States.

(39) The term "unmarried", when used in reference to any individual as of any time, means an individual who at such time is not married, whether or not previously married.

(40) The term "world communism" means a revolutionary movement, the purpose of which is to establish eventually a Communist totalitarian dictatorship in any or all the countries of the world through the medium of an internationally coordinated Communist political movement.

(41) The term "graduates of a medical school" means aliens who have graduated from a
medical school or who have qualified to practice medicine in a foreign state, other than such aliens who are of national or international renown in the field of medicine.

(42) The term "refugee" means

(A) any person who is outside any country of such person’s nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, or

(B) in such special circumstances as the President after appropriate consultation (as defined in section 1157 (e) of this title) may specify, any person who is within the country of such person’s nationality or, in the case of a person having no nationality, within the country in which such person is habitually residing, and who is persecuted or who has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. The term “refugee” does not include any person who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion. For purposes of determinations under this chapter, a person who has been forced to abort a pregnancy or to undergo involuntary sterilization, or who has been persecuted for failure or refusal to undergo such a procedure or for other resistance to a coercive population control program, shall be deemed to have been persecuted on account of political opinion, and a person who has a well founded fear that he or she will be forced to undergo such a procedure or subject to persecution for such failure, refusal, or resistance shall be deemed to have a well founded fear of persecution on account of political opinion.

(43) The term “agravated felony” means—

(A) murder, rape, or sexual abuse of a minor;

(B) illicit trafficking in a controlled substance (as defined in section 802 of title 21), including a drug trafficking crime (as defined in section 924 (c) of title 18);

(C) illicit trafficking in firearms or destructive devices (as defined in section 921 of title 18) or in explosive materials (as defined in section 841(c) of that title);

(D) an offense described in section 1956 of title 18 (relating to laundering of monetary instruments) or section 1957 of that title (relating to engaging in monetary transactions in property derived from specific unlawful activity) if the amount of the funds exceeded $10,000;

(E) an offense described in—

(i) section 842 (h) or (i) of title 18, or section 844(d), (e), (f), (g), (h), or (l) of that title (relating to explosive materials offenses);

(ii) section 922 (g)(1), (2), (3), (4), or (5), (j), (n), (o), (p), or (r) or 924 (b) or (h) of title 18 (relating to firearms offenses); or

(iii) section 5861 of title 26 (relating to firearms offenses);

(F) a crime of violence (as defined in section 16 of title 18, but not including a purely political offense) for which the term of imprisonment at [41] least one year;

(G) a theft offense (including receipt of stolen property) or burglary offense for which the term of imprisonment at [41] least one year;

(H) an offense described in section 875, 876, 877, or 1202 of title 18 (relating to the demand for or receipt of ransom);

(I) an offense described in section 2251, 2251A, or 2252 of title 18 (relating to child pornography);

(J) an offense described in section 1962 of title 18 (relating to racketeer influenced corrupt organizations), or an offense described in section 1084 (if it is a second or subsequent offense) or 1955 of that title (relating to gambling offenses), for which a sentence of one
year imprisonment or more may be imposed;

(K) an offense that—

(i) relates to the owning, controlling, managing, or supervising of a prostitution business;

(ii) is described in section 2421, 2422, or 2423 of title 18 (relating to transportation for the purpose of prostitution) if committed for commercial advantage; or

(iii) is described in any of sections 1581–1585 or 1588–1591 of title 18 (relating to peonage, slavery, involuntary servitude, and trafficking in persons);

(L) an offense described in—

(i) section 793 (relating to gathering or transmitting national defense information), 798 (relating to disclosure of classified information), 2153 (relating to sabotage) or 2381 or 2382 (relating to treason) of title 18;

(ii) section 421 of title 50 (relating to protecting the identity of undercover intelligence agents); or

(iii) section 421 of title 50 (relating to protecting the identity of undercover agents);

(M) an offense that—

(i) involves fraud or deceit in which the loss to the victim or victims exceeds $10,000; or

(ii) is described in section 7201 of title 26 (relating to tax evasion) in which the revenue loss to the Government exceeds $10,000;

(N) an offense described in paragraph (1)(A) or (2) of section 1324 (a) of this title (relating to alien smuggling), except in the case of a first offense for which the alien has affirmatively shown that the alien committed the offense for the purpose of assisting, abetting, or aiding only the alien's spouse, child, or parent (and no other individual) to violate a provision of this chapter;

(O) an offense described in section 1325 (a) or 1326 of this title committed by an alien who was previously deported on the basis of a conviction for an offense described in another subparagraph of this paragraph;

(P) an offense

(i) which either is falsely making, forging, counterfeiting, mutilating, or altering a passport or instrument in violation of section 1543 of title 18 or is described in section 1546(a) of such title (relating to document fraud) and

(ii) for which the term of imprisonment is at least 12 months, except in the case of a first offense for which the alien has affirmatively shown that the alien committed the offense for the purpose of assisting, abetting, or aiding only the alien's spouse, child, or parent (and no other individual) to violate a provision of this chapter;

(Q) an offense relating to a failure to appear by a defendant for service of sentence if the underlying offense is punishable by imprisonment for a term of 5 years or more;

(R) an offense relating to commercial bribery, counterfeiting, forgery, or trafficking in vehicles the identification numbers of which have been altered for which the term of imprisonment is at least one year;

(S) an offense relating to obstruction of justice, perjury or subornation of perjury, or bribery of a witness, for which the term of imprisonment is at least one year;

(T) an offense relating to a failure to appear before a court pursuant to a court order to answer to or dispose of a charge of a felony for which a sentence of 2 years' imprisonment or more may be imposed; and

(U) an attempt or conspiracy to commit an offense described in this paragraph.

The term applies to an offense described in this paragraph whether in violation of Federal or State law and applies to such an offense in violation of the law of a foreign country for which the term of imprisonment was completed within the previous 15 years. Notwithstanding any other provision of law (including any effective date), the term applies regardless of whether the conviction was entered before, on, or after September 30, 1996.
(A) The term “managerial capacity” means an assignment within an organization in which the employee primarily—
(i) manages the organization, or a department, subdivision, function, or component of the organization;
(ii) supervises and controls the work of other supervisory, professional, or managerial employees, or manages an essential function within the organization, or a department or subdivision of the organization;
(iii) if another employee or other employees are directly supervised, has the authority to hire and fire or recommend those as well as other personnel actions (such as promotion and leave authorization) or, if no other employee is directly supervised, functions at a senior level within the organizational hierarchy or with respect to the function managed; and
(iv) exercises discretion over the day-to-day operations of the activity or function for which the employee has authority.
A first-line supervisor is not considered to be acting in a managerial capacity merely by virtue of the supervisor’s supervisory duties unless the employees supervised are professional.
(B) The term “executive capacity” means an assignment within an organization in which the employee primarily—
(i) directs the management of the organization or a major component or function of the organization;
(ii) establishes the goals and policies of the organization, component, or function;
(iii) exercises wide latitude in discretionary decision-making; and
(iv) receives only general supervision or direction from higher level executives, the board of directors, or stockholders of the organization.
(C) If staffing levels are used as a factor in determining whether an individual is acting in a managerial or executive capacity, the Attorney General shall take into account the reasonable needs of the organization, component, or function in light of the overall purpose and stage of development of the organization, component, or function. An individual shall not be considered to be acting in a managerial or executive capacity (as previously defined) merely on the basis of the number of employees that the individual supervises or has supervised or directs or has directed.
(45) The term “substantial” means, for purposes of paragraph (15)(E) with reference to trade or capital, such an amount of trade or capital as is established by the Secretary of State, after consultation with appropriate agencies of Government.
(46) The term “extraordinary ability” means, for purposes of subsection (a)(15)(O)(i) of this section, in the case of the arts, distinction.
(47)
(A) The term “order of deportation” means the order of the special inquiry officer, or other such administrative officer to whom the Attorney General has delegated the responsibility for determining whether an alien is deportable, concluding that the alien is deportable or ordering deportation.
(B) The order described under subparagraph (A) shall become final upon the earlier of—
(i) a determination by the Board of Immigration Appeals affirming such order; or
(ii) the expiration of the period in which the alien is permitted to seek review of such order by the Board of Immigration Appeals.
(48)
(A) The term “conviction” means, with respect to an alien, a formal judgment of guilt of the alien entered by a court or, if adjudication of guilt has been withheld, where—
(i) a judge or jury has found the alien guilty or the alien has entered a plea of guilty or nolo contendere or has admitted sufficient facts to warrant a finding of guilt, and
(ii) the judge has ordered some form of punishment, penalty, or restraint on the alien’s
liberty to be imposed.

(B) Any reference to a term of imprisonment or a sentence with respect to an offense is
deemed to include the period of incarceration or confinement ordered by a court of law
regardless of any suspension of the imposition or execution of that imprisonment or
sentence in whole or in part.

(49) The term “stowaway” means any alien who obtains transportation without the consent
of the owner, charterer, master or person in command of any vessel or aircraft through
concealment aboard such vessel or aircraft. A passenger who boards with a valid ticket is
not to be considered a stowaway.

(50) The term “intended spouse” means any alien who meets the criteria set forth in

(b) As used in subchapters I and II of this chapter—

(1) The term “child” means an unmarried person under twenty-one years of age who is—

(A) a child born in wedlock;

(B) a stepchild, whether or not born out of wedlock, provided the child had not reached
the age of eighteen years at the time the marriage creating the status of stepchild occurred;

(C) a child legitimated under the law of the child’s residence or domicile, or under the law
of the father’s residence or domicile, whether in or outside the United States, if such
legitimation takes place before the child reaches the age of eighteen years and the child is
in the legal custody of the legitimating parent or parents at the time of such legitimation;

(D) a child born out of wedlock, by, through whom, or on whose behalf a status, privilege,
or benefit is sought by virtue of the relationship of the child to its natural mother or to its
natural father if the father has or had a bona fide parent-child relationship with the person;

(E) a child adopted while under the age of sixteen years if the child has been in the legal
custody of, and has resided with, the adopting parent or parents for at least two years:
Provided, That no natural parent of any such adopted child shall thereafter, by virtue of
such parentage, be accorded any right, privilege, or status under this chapter; or

(ii) subject to the same proviso as in clause (i), a child who:

(I) is a natural sibling of a child described in clause (i) or subparagraph (F)(i);

(II) was adopted by the adoptive parent or parents of the sibling described in such clause
or subparagraph; and

(III) is otherwise described in clause (i), except that the child was adopted while under the
age of 18 years; or

(F) a child, under the age of sixteen at the time a petition is filed in his behalf to accord
a classification as an immediate relative under section 1151 (b) of this title, who is an orphan
because of the death or disappearance of, abandonment or desertion by, or separation or
loss from, both parents, or for whom the sole or surviving parent is incapable of providing
the proper care and has in writing irrevocably released the child for emigration and
adoption; who has been adopted abroad by a United States citizen and spouse jointly, or by
an unmarried United States citizen at least twenty-five years of age, who personally saw
and observed the child prior to or during the adoption proceedings; or who is coming to the
United States for adoption by a United States citizen and spouse jointly, or by an unmarried
United States citizen at least twenty-five years of age, who have or has complied with the
preadoption requirements, if any, of the child’s proposed residence; Provided, That the
Attorney General is satisfied that proper care will be furnished the child if admitted to the
United States: Provided further, That no natural parent or prior adoptive parent of any such
child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status
under this chapter; or
(ii) subject to the same provisos as in clause (i), a child who:
(I) is a natural sibling of a child described in clause (i) or subparagraph (E)(i);
(II) has been adopted abroad, or is coming to the United States for adoption, by the adoptive parent (or prospective adoptive parent) or parents of the sibling described in such clause or subparagraph; and
(III) is otherwise described in clause (i), except that the child is under the age of 18 at the time a petition is filed in his or her behalf to accord a classification as an immediate relative under section 1151 (b) of this title.

(2) The terms "parent", "father", or "mother" mean a parent, father, or mother only where the relationship exists by reason of any of the circumstances set forth in subdivision (1) of this subsection, except that, for purposes of paragraph (1)(F) (other than the second proviso therein) in the case of a child born out of wedlock described in paragraph (1)(D) (and not described in paragraph (1)(C)), the term "parent" does not include the natural father of the child if the father has disappeared or abandoned or deserted the child or if the father has in writing irrevocably released the child for emigration and adoption.

(3) The term "person" means an individual or an organization.

(4) The term "immigration judge" means an attorney whom the Attorney General appoints as an administrative judge within the Executive Office for Immigration Review, qualified to conduct specified classes of proceedings, including a hearing under section 1229a of this title. An immigration judge shall be subject to such supervision and shall perform such duties as the Attorney General shall prescribe, but shall not be employed by the Immigration and Naturalization Service.

(5) The term "adjacent islands" includes Saint Pierre, Miquelon, Cuba, the Dominican Republic, Haiti, Bermuda, the Bahamas, Barbados, Jamaica, the Windward and Leeward Islands, Trinidad, Martinique, and other British, French, and Netherlands territory or possessions in or bordering on the Caribbean Sea.

(c) As used in subchapter III of this chapter—
(1) The term "child" means an unmarried person under twenty-one years of age and includes a child legitimated under the law of the child's residence or domicile, or under the law of the father's residence or domicile, whether in the United States or elsewhere, and, except as otherwise provided in sections 1431 and 1432 [6] of this title, a child adopted in the United States, if such legitimation or adoption takes place before the child reaches the age of 16 years (except to the extent that the child is described in subparagraph (E)(ii) or (F)(ii) of subsection (b)(1) of this section), and the child is in the legal custody of the legitimating or adopting parent or parents at the time of such legitimation or adoption.

(2) The terms "parent", "father", and "mother" include in the case of a posthumous child a deceased parent, father, and mother.


(e) For the purposes of this chapter—
(1) The giving, loaning, or promising of support or of money or any other thing of value to be used for advocating any doctrine shall constitute the advocating of such doctrine; but nothing in this paragraph shall be construed as an exclusive definition of advocating.

(2) The giving, loaning, or promising of support or of money or any other thing of value for any purpose to any organization shall be presumed to constitute affiliation therewith; but nothing in this paragraph shall be construed as an exclusive definition of affiliation.

(3) Advocating the economic, international, and governmental doctrines of world communism means advocating the establishment of a totalitarian Communist dictatorship in any or all of the countries of the world through the medium of an internationally coordinated Communist movement.

(f) For the purposes of this chapter—
No person shall be regarded as, or found to be, a person of good moral character who,
during the period for which good moral character is required to be established is, or was—
(1) a habitual drunkard;
(3) a member of one or more of the classes of persons, whether inadmissible or not, described in paragraphs (2)(D), (6)(E), and (9)(A) of section 1182 (a) of this title; or subparagraphs (A) and (B) of section 1182 (a)(2) of this title and subparagraph (C) thereof of such section [7] (except as such paragraph relates to a single offense of simple possession of 30 grams or less of marihuana), if the offense described therein, for which such person was convicted or of which he admits the commission, was committed during such period;
(4) one whose income is derived principally from illegal gambling activities;
(5) one who has been convicted of two or more gambling offenses committed during such period;
(6) one who has given false testimony for the purpose of obtaining any benefits under this chapter;
(7) one who during such period has been confined, as a result of conviction, to a penal institution for an aggregate period of one hundred and eighty days or more, regardless of whether the offense, or offenses, for which he has been confined were committed within or without such period;
(8) one who at any time has been convicted of an aggravated felony (as defined in subsection (a)(43) of this section); or
(9) one who at any time has engaged in conduct described in section 1182 (a)(3)(E) of this title (relating to assistance in Nazi persecution, participation in genocide, or commission of acts of torture or extrajudicial killings) or 1182(a)(2)(G) of this title (relating to severe violations of religious freedom).

The fact that any person is not within any of the foregoing classes shall not preclude a finding that for other reasons such person is or was not of good moral character. In the case of an alien who makes a false statement or claim of citizenship, or who registers to vote or votes in a Federal, State, or local election (including an initiative, recall, or referendum) in violation of a lawful restriction of such registration or voting to citizens, if each natural parent of the alien (or, in the case of an adopted alien, each adoptive parent of the alien) is or was a citizen (whether by birth or naturalization), the alien permanently resided in the United States prior to attaining the age of 16, and the alien reasonably believed at the time of such statement, claim, or violation that he or she was a citizen, no finding that the alien is, or was, not of good moral character may be made based on it.

(g) For the purposes of this chapter any alien ordered deported or removed (whether before or after the enactment of this chapter) who has left the United States, shall be considered to have been deported or removed in pursuance of law, irrespective of the source from which the expenses of his transportation were defrayed or of the place to which he departed.

(h) For purposes of section 1182 (a)(2)(E) of this title, the term “serious criminal offense” means—
(1) any felony;
(2) any crime of violence, as defined in section 16 of title 18; or
(3) any crime of reckless driving or of driving while intoxicated or under the influence of alcohol or of prohibited substances if such crime involves personal injury to another.

(i) With respect to each nonimmigrant alien described in subsection (a)(15)(T)(i) of this section—
(1) the Attorney General and other Government officials, where appropriate, shall provide the alien with a referral to a nongovernmental organization that would advise the alien regarding the alien’s options while in the United States and the resources available to the alien; and
(2) the Attorney General shall, during the period the alien is in lawful temporary resident status under that subsection, grant the alien authorization to engage in employment in the United States and provide the alien with an "employment authorized" endorsement or other appropriate work permit.
# BOARD AGENDA ITEM

<table>
<thead>
<tr>
<th>To:</th>
<th>Board of Trustees</th>
<th>Date:</th>
<th>November 17, 2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>From:</td>
<td>Superintendent/President</td>
<td>Item &amp; File No.</td>
<td>C.16.E</td>
</tr>
<tr>
<td>Subject:</td>
<td>Boilerplate Agreement for Health Sciences Program Experience at Community Agency / Clinical Facilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reason for Board Consideration:</td>
<td>INFORMATION</td>
<td>Enclosure(s):</td>
<td>Agreement</td>
</tr>
</tbody>
</table>

## BACKGROUND:

Health Sciences programs require 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 Marin Schools Insurance Authority for worker’s compensation.

The District will use this agreement for agencies that do not have their own experience agreements.
MARIN COMMUNITY COLLEGE DISTRICT
COMMUNITY AGENCY / CLINICAL FACILITIES AGREEMENT

THIS AGREEMENT is made this ______ day of ________ 20____, by and between the MARIN COMMUNITY COLLEGE DISTRICT, hereinafter called “College”, and _____________________________ hereinafter called “Clinical Agency.”

WITNESSETH

WHEREAS, the College offers programs which require that students gain experience in a variety of clinical settings as part of their health sciences education and training, and

WHEREAS, Clinical Agency is a health care provider with [hospital / office/ ________] facilities located at __________________________ , ________, California;

WHEREAS, Clinical Agency’s facilities are suitable for providing clinical field experience opportunities for College’s students enrolled in the College’s [insert e.g., Registered Nursing] _________________ Program (“Program”); and

WHEREAS, it is beneficial to the Clinical Agency to support the education and training of future health care personnel;

NOW, THEREFORE, the parties agree as follows:

I. COLLEGE’S DUTIES AND RESPONSIBILITIES

A. The College shall designate an employee as the primary contact person for the administration of this Agreement.

B. The College shall designate for assignment to the Clinical Agency only students currently enrolled in the Program.

C. The College shall be responsible for Program content, instruction, attendance records, academic standards, and student evaluations.

D. The College shall provide sufficient qualified instructors to work with Clinical Agency’s staff in planning and coordinating student clinical field experiences.

E. The College shall provide Worker’s Compensation insurance for College employees and for students assigned to Clinical Agency’s facilities pursuant to this Agreement, but students shall not be considered employees of College for purposes of this Agreement.

II. CLINICAL AGENCY’S DUTIES AND RESPONSIBILITIES

A. Clinical Agency shall designate a primary contact person for the administration of this Agreement.

B. In compliance with all applicable laws and to the extent necessary to ensure safe and continuous patient health care, Clinical Agency shall at all times staff its facility with a sufficient number of its own fully-
trained, appropriately licensed personnel. The College’s instructors and students shall not be included in Clinical Agency’s calculation of staffing ratios.

C. Clinical Agency shall assign appropriately trained and qualified staff to supervise students who are assigned pursuant to this Agreement.

D. Clinical Agency shall, upon request, permit visits to its facilities by agencies having jurisdiction over the College’s accreditation status.

E. Clinical Agency shall provide:

1. Orientation for instructors and/or students;

2. Qualified supervisors for students assigned to Clinical Agency’s facility pursuant to this Agreement;

3. Space for storage of personal belongings when assigned to Clinical Agency’s facility;

4. Conference space when available; and

5. Use of cafeteria at individual’s expense.

F. In accordance with Clinical Agency’s policies Clinical Agency shall provide first aide or emergency medical treatment for students who are injured at Clinical Agency’s facility while participating in a clinical field experience under this Agreement.

III. PARTIES’ JOINT DUTIES AND RESPONSIBILITIES

A. The College shall develop written student “Learning Objectives” which specify the kind and level of clinical competencies a student is expected to achieve during student’s assignment to Clinical Agency’s facility. Clinical Agency shall provide opportunities for clinical field experiences that are consistent with the Learning Objectives mutually agreed upon by the parties.

B. The College shall notify Clinical Facility of its intended clinical rotation schedule for student assignments including beginning and ending dates, number of students, and their level of preparation. The beginning and ending dates and number of students assigned to Clinical Agency’s facilities shall be subject to parties’ mutual agreement which shall be coordinated by their respective contact persons.

C. The parties’ respective contact persons shall work together to establish appropriate communication channels and schedule conferences, as necessary, to provide continuous discussion of students’ progress and any performance / conduct concerns.

D. The parties agree that students shall be subject to Clinical Agency’s immunization and health clearance requirements prior to participation in any clinical field experience under this Agreement and other mutually agreed upon policies and procedures.

E. The parties agree that any staff assigned by Clinical Agency to supervise students under this Agreement shall meet the qualifications required by: [specify appropriate licensing]
IV. 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.

V. INSURANCE

A. 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.

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. 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.

VI. 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 statues and regulations required by law to be included in this Agreement shall be deemed incorporated herein by this reference.

VII. TERM AND TERMINATION

This AGREEMENT shall commence on ________________, 200__, and continue in effect until either party serves the other with a notice of termination or the parties mutually agree to terminate this Agreement. The termination of this Agreement shall be as to the assignment of any new students to the Clinical Agency’s facilities. All students then-currently assigned to Clinical Agency’s facilities shall be permitted to complete their clinical rotation unless the parties otherwise mutually agree.

VIII. GENERAL PROVISIONS

A. This Agreement may be amended at any time only by mutual written agreement of the parties.
B. The parties shall first meet and confer to resolve any disputes arising out of this Agreement. If the parties are unable to so resolve a dispute, before proceeding to litigation, they shall participate in mediation before a mediator selected by the parties by mutual agreement or by alternately striking names from a list of mediators requested by the parties from a mediation service.

C. 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

Address

CLINICAL FACILITY

Address

D. 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.

E. This Agreement shall be governed by and construed in accordance with the laws of the State of California.

CLINICAL AGENCY: MARIN COMMUNITY COLLEGE DISTRICT:

By: ________________________________ By: ________________________________

(Signature) (Signature)

Date: ______________________________ Date: ______________________________

10/21/09 (Reviewed by School & College Legal, Keenan & Associates and MSIA)
BACKGROUND:

EMT 1 students are required to do observations and assist with certain assessments under the supervision of fully trained emergency medical staff. The department is constantly looking for facilities in which students can obtain this experience.

The attached boilerplate agreement has been reviewed with School & College Legal Services, Keenan & Associates for liability and the Marin Schools Insurance Authority for worker’s compensation.

The District will use this agreement for agencies that do not have their own experience agreements.
MARIN COMMUNITY COLLEGE DISTRICT  
EMT – FIELD EXPERIENCE AGREEMENT  

THIS AGREEMENT is made this ______ day of _______ 20___, by and between the MARIN COMMUNITY COLLEGE DISTRICT, hereinafter called “College”, and ___________________________ hereinafter called “Emergency Responder.”

WITNESSETH

WHEREAS, the College offers an Emergency Medical Training Program (“Program”) approved by the Department of Health and Human Services, Bureau of Emergency Medical Services;

WHEREAS, the Program includes an Emergency Medical Technician 1 (“EMT1”) course with a field experience requirement that EMT1 students do observations and assist with certain measurements and assessments under the supervision of fully-trained emergency medical staff;

WHEREAS, Emergency Responder operates ambulances with fully-trained staff who respond to medical emergencies that could provide appropriate field experience opportunities for EMT1 students, and

WHEREAS, it is beneficial to Emergency Responder to support the education and training of future emergency medical personnel;

NOW, THEREFORE, the parties agree as follows:

I. COLLEGE’S DUTIES AND RESPONSIBILITIES

A. The College shall designate an employee as the primary contact person for the administration of this Agreement.

B. The College shall be responsible for Program content, instruction, attendance records, academic standards, and student evaluations.

C. The College shall designate for assignment under this Agreement only students currently enrolled in EMT1.

D. The College shall notify Emergency Responder of its intended clinical field experience schedule for student assignments including beginning and ending dates and number of students.

II. EMERGENCY RESPONDER’S DUTIES AND RESPONSIBILITIES

A. Emergency Responder shall designate a primary contact person for the administration of this Agreement.

B. In compliance with all applicable laws and to the extent necessary to ensure safe and continuous patient health care, Emergency Responder shall at all times staff its ambulances with a sufficient number of its own fully-trained, appropriately licensed personnel. The College’s instructors and staff shall not be included in Emergency Responder’s calculation of staffing ratios.
C. Emergency Responder shall, upon request, permit visits to its facilities by agencies having jurisdiction over the College’s accreditation status.

D. In accordance with Emergency Responder’s policies, Emergency Responder shall provide first aide or emergency medical treatment for students who are injured while participating in clinical field experience under this Agreement.

III. PARTIES’ JOINT DUTIES AND RESPONSIBILITIES

A. The parties agrees that students shall be subject to Emergency Responder’s immunization and health clearance requirements prior to participation in any clinical field experience under this Agreement and other mutually agreed upon policies and procedures.

B. The parties’ respective contact persons shall work together to establish appropriate communication channels and schedule conferences, as necessary, to provide regular discussion of students’ progress and any performance or conduct concerns.

C. The beginning and ending dates and number of students assigned under this Agreement shall be subject to the mutual agreement of the parties.

D. California Code of Regulations, Title 22, section 100068, provides that “[s]upervision for the [EMT-1] clinical experience shall be provided by an individual who meets the qualifications of a principal instructor or teaching assistant” and that “no more than three (3) students will be assigned to one (1) qualified supervisor.” The parties agree that Emergency Responder shall assign staff to supervise students assigned under this Agreement and that such staff shall meet the following qualifications: [specify]

IV. 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.

V. INSURANCE

A. 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 (NCCC SIA), a joint powers authority.

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. 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.

VI. 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.

VII. TERM AND TERMINATION

This AGREEMENT shall commence on ______________________, 200__, and continue in effect until either party serves the other with a notice of termination or the parties mutually agree to terminate this Agreement. The termination of this Agreement shall be as to the future assignment of any new students. Any students already assigned for field experience under this Agreement shall be permitted to complete the assignment unless the parties otherwise mutually agree.

VIII. GENERAL PROVISIONS

A. This Agreement may be amended at any time only by mutual written agreement of the parties.

B. The parties shall first meet and confer to resolve any disputes arising out of this Agreement. If the parties are unable to so resolve a dispute, before proceeding to litigation, they shall participate in mediation before a mediator selected by the parties by mutual agreement or by alternately striking names from a list of mediators requested by the parties from a mediation service.

C. 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
    Address

    EMERGENCY RESPONDER
    Address

D. 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.

E. This Agreement shall be governed by and construed in accordance with the laws of the State of California.

EMERGENCY RESPONDER: MARIN COMMUNITY COLLEGE DISTRICT: