BOARD OF TRUSTEES
REGULAR MEETING AGENDA

SEPTEMBER 22, 2009
Board of Trustees Meeting

Agenda

September 22, 2009

Deedy Staff Lounge, Student Services Building, Kentfield Campus

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 “B.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. Closed Session – 5:00 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

1
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 54956.9:
CONFERENCE WITH LEGAL COUNSEL-Potential & Existing Litigation
Seven – Mize-Kurzman vs. MCCD (Marin Superior Court)
G. Garabato vs. MCCD (Marin Superior Court)
UPM/T. Fung, P. Christensen vs. MCCD Grievance
UPM/D. Rollison vs. MCCD Arbitration
UPM/Christensen vs. MCCD Arbitration
UPM/D. Martin, G. Hritz, B. Wilson, R. Pagan vs. MCCD Grievance
UPM/P. Christensen, D. Martin, R. Pagan, and S. Weldon vs. MCCD Grievance

(c) PUBLIC EMPLOYEE DISCIPLINE/DISCUSSION/DISMISSAL/RELEASE/SEPARATION

(d) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - GOALS
(Government Code Section 54957)
Title: Superintendent/President

3. Recess to Open Session

REGULAR MEETING AGENDA
6:30 p.m. – Deedy Staff Lounge
Student Services Building, Kentfield Campus

B. Reconvene to Regular Meeting
1. Call to Order, Roll Call and Adoption of Agenda
2. Approval of Minutes (4 minutes)
   • Minutes of August 25, 2009 Board Meeting
   • Report of Closed Session for September 22, 2009
3. Citizens’ Requests to Address the Board on Non-Agenda Items (3 minutes)

4. Board Reports and/or Requests (15 minutes)
   a. Commendation Resolutions and Other Resolutions
      1. Resolution in Support of Hispanic Heritage Month – SP.1 (Improve Student Access)
   b. Legislative Report
   c. Committee Chair Reports
      1. Board Self-Evaluation (Trustees Hayashino & Paterson)
      2. Format for Board Agenda (Board Officers)
   d. Individual Reports and/or Requests
   e. WASC Report Status – SP.2 (Improve Student Learning and Success)

5. Chief Executive Officer’s Report (5 minutes)
   a. Staff Reports (45 minutes)
      1. Enrollment Update (Nick Chang)- BP2.2 (Continue to improve enrollments, retention, transfer, completion rates in credit and non-credit)
      2. Modernization Report (V-Anne Chernock)-BP3.1 (Keep modernization program on track)
      3. Follow-up Report
      4. Board Budget Priorities to Implement Strategic Plan (Fran White)

6. Academic Senate Report (5 minutes)

7. Classified Senate Report (5 minutes)

8. Student Senate and Student Association Report (5 minutes)

9. Board Study Session
   None

10. 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
3. Classified Request for Leave of Absence/Uncompensated Leave

C. Approve Academic Personnel Recommendations.
   1. Appointment of Academic Personnel
   2. Temporary Credit Instructors Added and Changed Appointments Fall Semester 2009
   3. Temporary Non-Credit ESL and Community Education and Services Instructors Fall 2009
   4. Academic Personnel Lottery to Determine Order of Employment

D. Short-Term Hourly Positions

E. Budget Transfers – Month of August - FY 2009/10

F. Warrant Approval

G. Declaration of Surplus Property – Miscellaneous Equipment

H. Modernization (Measure C) - BP3.1 (Keep modernization program on track)
   1. Ratify/Approve Modernization Contracts, Changes and Amendments
      ($12,896,706)
   2. Approve Contract Amendment
      PE Pool Renovation Project (#308F)
      Aquatic Design Group – Amendment 1 ($4,740)

I. 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 3250 Institutional Planning
   2. BP 5150 EOPS

J. Approve Classified Management Personnel Recommendation

K. Approve Out-of-Country Travel

11. Other Action Items (10 minutes)
   A. Approve San Mateo Community College District and College of Marin Memorandum of Understanding to Support Solar Technician Training Program at IVC – SP.2 (Improve Student Learning and Success)

   B. Approve Sim Center Memorandum of Understanding Renewal with Marin General Hospital – SP.2 (Improve Student Learning and Success)
C. Approve Sim Center Memorandum of Understanding Renewal with Novato Community Hospital— SP.2 (Improve Student Learning and Success)

D. Modernization (Measure C) – BP3.1 (Keep modernization program on track)
   1. Approve Diamond PE Center Alterations, Parking Lot 10 Grade/Pave/Stripe Portion Project (#308B)
      Award Construction Contract – Maggiora and Ghilotti, Inc. ($75,813)
   2. PE Pool Renovation Project (#308F)
      Pre-Authorize Award of Construction Contract
   3. Health Services Portable Project (#850G)
      Notice of Completion – Fort Bragg Electric, Inc.
   4. Diamond PE Center Alterations Project (#308B)
      Approve Change Order #16 and Resolution Attesting No Benefit to Bidding Out Change Order Work ($27,838) – Alten Construction, Inc.
   5. Geothermal Fields Kentfield & IVC Projects (#305B & 417B)
      Approve Change Order #1R and Resolution Attesting No Benefit to Bidding Out Change Order Work ($737,500) and Notice of Completion – Trison Construction

12. Possible Future Agenda Items for Discussion
   A. Kentfield Pool Use Request Update (Al Harrison)- SP.1 (Improve Student Access)

13. Items for Possible Future Board Action (5 minutes)
   A. Revised Board Policies (First Readings) – 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
   B. Bid Award for LRC Cooling Tower Replacement Project (October) – BP1 (Fiscal Accountability)
   C. Recommendation on Bolinas Field Station – BP1 (Fiscal Accountability)
   D. Recommendations for Reduction of District Legal Fees – BP1 (Fiscal Accountability)
   E. Plan to Address Athletic Facilities Repair, Maintenance, and ADA and Health and Safety Issues – SP.1 (Improve Student Access)
   F. Resource Development Plan – BP4.1 (Implement a Strategic Plan for College Development)
   G. Kentfield Asset Management Plan (October)- BP1.5 (Implement asset management for long-term
14. Information Items (5 minutes)
   A. Contracts and Agreement for Services Report – August, 2009 – BP1 (Fiscal Accountability)
   B. 4th Quarter Financial and CCFS 311Q for 2008/09 – 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 August 2009 – BP3.1 (Keep modernization program on track)
   D. Revised Administrative Procedures
      1. AP 4225 Course Repetition
      2. AP 5020 Non-Resident Tuition
      3. AP 5035 Withholding of Student Records
      4. AP 5052 Open Enrollment
   E. 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

15. Correspondence
    Correspondence in Board Packets

16. Board Meeting Evaluation

17. Adjournment
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 AS 101 conference room on the IVC campus, all members having received notice as prescribed by law. Board President Kranenburg called the meeting to order at 5:09 p.m. All publicly elected Trustees were present except Trustee Namnath, who arrived at 5:10 p.m. Fran White, Al Harrison, Nick Chang, Linda Beam and Larry Frierson were also in attendance.

M/s (Treonor/Long) to adopt the agenda as presented. The motion passed unanimously (7-0).

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

The closed session recessed at 6:33 p.m.

B. Regular Meeting

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

The meeting of the Board of Trustees of the Marin Community College District was reconvened at 6:45 p.m. by Board President Kranenburg in Miwok 181 on the IVC campus. He announced that the meeting was being recorded to facilitate the preparation of minutes. All publicly elected Trustees were present. Student
Trustee Nathaniel Parker was also in attendance.

Board President Kranenburg announced that the agenda had been approved in closed session. Trustee Dolan asked to have 10.J.4 pulled from the Consent Calendar and moved to the Action Calendar. This request was granted.

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

M/s (Paterson/Long) to approve the minutes of the July 21, 2009 Board meeting. Trustee Long asked to correct the minutes by adding a statement on page 4 under 11.C.3 that she requested background information on and an introduction to the new construction company. The motion (including Trustee Long’s correction) passed by a vote of 5-0-2. Trustees Treanor and Dolan abstained since they were not present at the meeting and Student Trustee Parker cast an advisory aye vote.

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

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

Robert Atkinson, a Novato resident and neighbor of the IVC campus, urged the Board to consider allocating funds to take care of the renovation, repair and deferred maintenance work needed on the IVC campus – particularly in the pool locker rooms, campus walkways and retaining walls on the perimeter ring road. He noted that if we continue to allow the infrastructure to deteriorate, the repair work will cost more in the future.

Vanae Nelson, a COM water aerobics student, informed the Board that she is circulating a petition for repair of our pools and athletic facilities. She thinks we should repair the facilities we have to encourage community participation on our campus.

Diana Conti and Mark Ginalske, candidates for the MCCD Board of Trustees, introduced themselves.

4. **Board Reports and/or Requests**

a. **Commendation Resolutions and Other Resolutions**

M/s (Treanor/Long) to waive the reading of both resolutions. The motion passed unanimously (7-0) plus an advisory aye vote by Student Trustee Parker.

1. M/s (Treanor/Long) to Approve Resolution in Support of Constitution Day – September 17. The motion passed by a unanimous vote of 7-0 (plus an advisory vote by Student Trustee Parker). Board members requested a report on the activities planned for Constitution Day and will receive that information at the next meeting.

2. M/s (Treanor/Hayashino) to Approve Resolution Endorsing President Obama’s Graduation Initiative. The motion passed by a vote of 5-0-2 with Trustees Namnath and Dolan abstaining and Student Trustee Parker casting an advisory
aye vote. Trustee Namnath’s reason for abstaining was that he wants to see more legislative detail before he can support the initiative. Trustee Dolan’s reason for abstaining was that she does not feel this resolution is applicable and that we support our graduation policies and always have.

d. Legislative Report.
None

c. Committee Chair Reports
Trustee Hayashino reported that the Board Self-Evaluation instrument will be ready in a few days and will come to Board members via survey Monkey. She announced that results of our Board Self-Evaluation will be summarized and presented at the September Board meeting.

Trustee Paterson distributed and reviewed an update on the Board Policy/Administrative Procedure Revision Project provided by consultant Jane Wright (copy attached). She noted that as of July 2009 the Board has adopted more than 70 Policies and that 56 administrative procedures have been approved through the governance process. Over 40 policies and procedures are scheduled to be reviewed and proceed through the approval process in the fall.

Trustee Paterson updated the Board on the Harry J. Moore memorial project (copy of report attached). She and Trustee Tcranor have been consulting with Mrs. Moore and other community members regarding an outdoor memorial at IVC for former Trustee Moore. They are recommending a bench made of sustainable materials, a plaque describing the geothermal fields and Harry’s legacy as a Trustee, and landscaping using drought resistant plants. The memorial is estimated to cost $10-15,000 and will be paid for with privately donated funds. The Trustees expressed enthusiastic support for this project and shared fond memories of their association with Trustee Moore and his leadership in the “greening” of this district.

d. Individual Reports and/or Requests
Trustee Dolan asked to have the modernization consent agenda items placed on the action calendar so that a summarized staff report can be presented on them and the items can be more thoroughly discussed by the Board in an effort to provide more information to the public. Board President Kranenburg responded that we already receive many reports from the modernization staff and are trying to run our meetings more efficiently and to be respectful of time. If we need clarity or more information, questions can be asked.

Trustee Long expressed her appreciation to the staff for organizing the Opening Day breakfasts on both campuses. She reported that while on the IVC campus for the breakfast, she visited the organic farm and garden and the automotive technology department and was very impressed with both of them.
e. WASC Report Status
President White reported that we are on schedule with work on the Self-Study and plan to have a presentation on this document at the October Board meeting.

5. Chief Executive Officer’s Report
President White called the Board’s attention to her report in their packets.

a. Staff Reports

1. Bond Funds and Athletic Facilities, College of Marin
V-Anne Chernock, Director of Modernization, gave a presentation (copy attached) on the use of bond funds for COM’s athletic facilities in response to questions raised at the last meeting regarding the use of bond funds to repair and renovate our track, football field, bleachers and pools. She reported that according to legal counsel bond funds can be used legally for tracks, fields and swimming pools and then reviewed the history of our bond planning and project prioritization process which culminated in the approval of our bond spending plan in October of 2006. An extensive shared governance process was followed to get us where we are today. She stated that every dollar of the bond spending plan, except bond reserves, is allocated to a specific project or category, called the Board’s attention to our list of deferred projects, and provided estimates on what it would cost to modernize our track, fields and pools.

The Trustees discussed this issue at length and asked staff to bring back a plan to address the need to repair and restore our athletic facilities and to deal with related ADA and health and safety issues.

2. Sustainability at the College of Marin
Director of Modernization Chernock presented a report (copy attached) on Sustainability at the College of Marin, noting that all six of our building projects registered to date will receive LEED certification. One or two may attain gold rating. We are working on a transportation demand management plan designed to help reduce the number of cars on the freeways. Our Climate Action Plan is due September 15 as part of our participation in the Presidents Climate Commitment. Director Chernock noted that we are receiving more publicity in the community regarding our sustainability efforts and are being asked to participate in upcoming workshop presentations at sustainability conferences.

3. Enrollment Update
Nick Chang, Vice President of Student Learning, reported that there are nine more days of enrollment left but that as of last night, our enrollment is up 16% from last fall and IVC’s enrollment is up 30%. The Trustees were very pleased to hear this news.
4. Use of Legal Services for Legal Review
Al Harrison, Vice President of College Operations, informed the Board that due to frequent changes in the law we do need legal review of all contracts and memoranda of understanding. He is working with our attorneys to develop a way to get our documents to them in a form that will reduce the amount of time they need to spend reviewing these items.

5. Bolinas Field Station Update
President White reported that we are in the process of updating the property appraisal on the Bolinas Field Station and will bring that information and a recommendation for action on the future of this property to the Board at a future meeting.

6. Evaluation of Use of an In-House Legal Counsel
Linda Beam, Executive Dean of Human Resources & Labor Relations, commented on the Survey of Community College Legal Services in their Board packets. She noted that six of the colleges surveyed have or will have an in-house counsel and that they are larger, multi-college campuses. President White reported that staff have been looking at ways to reduce legal costs and that she will be bringing recommendations back to the Board at a future meeting.

7. Tree Relocation Plan
Leigh Sata, Swinerton Program Manager, updated the Board on our tree relocation plan, noting that 4 of the trees in front of the Fine Arts Building were donated to a tree farm, 3 were donated to a local school and 4 to 6 will be relocated on campus property. In addition, the art faculty has requested tree trunks to use in art projects and the remaining trees will be recycled as mulch.

6. Academic Senate Report
Yolanda Bellisimo, Academic Senate President, updated the Board on the Blueprint and Program Review MOU’s and the unit allocation process document which the Senate is working on with the administration. A copy of her report is attached to the minutes as part of the official record.

7. Classified Senate Report
Kathleen Kirkpatrick, Classified Senate President, shared the remarks she prepared for our recent College Convocation with the Board (copy attached).

8. Student Senate and Student Association Report
Student Trustee Parker reported that ASCOM has a full Board and the members are fully engaged. They hope to encourage more student involvement in student government and to promote a spirit of community. They are planning barbecues, activities for Constitution Day, and the 3rd Annual Night of Giving. The Student Senate will meet next
week and committee assignments will be made. Both the ASCOM and Student Senate websites are being updated.

9. **Board Study Session**
   None

10. **Consent Calendar Items**
    Items 10.J.4 and 10.J.5 were pulled from the Consent Calendar and moved to the Action Calendar.

    M/s (Toreanor/Hayashino) to approve all items on the Consent Calendar with the exception of 10.J.4 and 10.J.5. The motion passed unanimously (7-0) plus an advisory aye vote by Student Trustee Parker.

A. **Calendar of Upcoming Meetings**
    No changes

B. **Approve Classified Personnel Recommendations.**
    1. Appointment of Classified Personnel
    2. Appointment of Hourly Personnel
    3. Resignation/Termination of Classified Personnel
    4. Temporary Increase/Decrease in Assignment/Salary for Classified Personnel

C. **Approve Classified Management Personnel Recommendation.**

D. **Approve Academic Personnel Recommendations.**
    1. Appointment of Academic Personnel
    2. Resignation/Retirement of Academic Personnel

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

F. **Short-Term Hourly Positions**

G. **Budget Transfers – Month of July - FY 2009/10**

H. **Warrant Approval**

I. **Approve New Community Services Courses**

J. **Modernization (Measure C)**
    1. Ratify/Approve Modernization Contracts, Changes and Amendments ($88,933)
    2. Approve Contract Amendment
       West Campus Bridge Project (#301A)
       Consolidated Engineering Laboratories – Amendment 5 ($26,412)
    3. Approve Contract Amendment
Diamond PE Center Alterations Project (#308B)
Kwan Henmi Architecture & Planning – Amendment 4 ($49,000)

6. Approve New Short Form Professional Services Agreement
   LEED Display (#815A)
   EduTracks ($16,929)

K. Approve Revised Board Policies
   1. BP 4231 Grade Changes
   2. BP 7240 Confidential Employees
   3. BP 7350 Resignations

L. Approve New Noncredit Courses

M. Approve Credit Course Deletions

11. Other Action Items

(From Consent Calendar)

10.J.4. M/s (Teanor/Paterson) to Approve New Short Form Professional Services Agreement - New Fine Arts Building Project (#306C)
Consolidated Engineering Laboratories ($50,000)
In response to a question from Trustee Dolan regarding the purpose of the contract, Leigh Sata responded that it is for testing and inspection services required by law. The motion passed by a unanimous vote (7-0) plus an advisory aye vote by Student Trustee Parker.

10.J.5. Approve New Short Form Professional Services Agreement
IVC Utilities Project (#407B)
Power Plants Design Services
Alfa Tech Consulting Enterprise ($50,000)
Kam Shadan of NBA/Gannett Fleming Inc. addressed the Board regarding this proposed contract award. He stated that his firm was one of seven short-listed firms invited to an interview and that the incumbent firm was selected. He wonders why the district went to such lengths to interview so many firms if the incumbent was chosen. He stated that he requested a debriefing and was asked at that time to submit his questions in writing. His firm has not received an answer to their letter yet and they were not informed that this contract would be going to the Board this
evening until late last evening. Since there is no protest process he asked the Board not to award the contract at this meeting and requested a hearing.

Leigh Sata of Swinerton Management & Consulting responded that Swinerton gave a debriefing as a courtesy as this was not legally required. Swinerton staff received the letter with the written questions last Friday (copy attached) and have 10 days in which to respond. Mr. Sata reported that Alfa Tech was selected on the basis of competence and professional qualifications and that the standard selection process was followed. The selection was the consensus decision of the five members of the selection panel.

M/s (Treasnor/Hayashino) to Approve New Short Form Professional Services Agreement with Alfa Tech Consulting Enterprise for Power Plants Design Services for the IVC Utilities Project. The motion passed by a vote of 4-1-2 with Trustee Dolan casting the no vote and Trustees Long and Namnath abstaining. Student Trustee Parker cast an advisory aye vote.

A. Public Hearing on 2009/10 Adoption Budget

Board President Kranenburg declared a public hearing on the 2009/10 budget. There were no comments from the public and Board President Kranenburg declared the hearing closed.

B. Approve 2009/10 Adoption Budget

Al Harrison, Vice President of College Operations, presented an overview of the 2009/10 adoption budget (copy attached). He noted that our FTES is increasing, our tax revenue increases have been declining, and our expenditures are increasing. The 2009/10 adoption budget is available for review on the website at: www.marin.edu/WORD-PPT/AdoptionBudget2009-10_000.pdf

He stated that in response to health and safety concerns expressed by the public and Board members, the administration is recommending allocating $500,000 in next year’s budget to fix the IVC pool, showers and locker room.

M/s (Paterson/Treasnor) to Approve 2009/10 Adoption Budget with specific approval for allocation of $500,000 to the IVC locker room and pool area to address health and safety concerns. Trustees Dolan and Namnath advocated for adding repair of the Kentfield track. President White reported that she plans to bring back a fundraising/community partnership/resource development plan at a future Board meeting which can include facilities. Trustee Long urged staff to include
stairs with a rail in the IVC pool and was told this would be considered by staff. Trustee Paterson withdrew her original motion and restated it as follows:

Approve 2009/10 Adoption Budget with the understanding that staff are directed to allot $500,000 to the IVC pool and locker facility. Trustee Torean seconded the motion and it passed by a unanimous vote of 7-0 (plus an advisory aye vote by Student Trustee Parker).

C. M/s (Torean/Hayashino) to Approve Extension of Agreement with SunGard Higher Education for Information Technology Professional Services. The motion passed unanimously (7-0) plus an advisory aye vote by Student Trustee Parker.

D. M/s (Hayashino/Paterson) to Approve Resolution Authorizing Temporary Transfer of Funds from the County of Marin. The motion passed by a unanimous roll call vote of 7-0 (plus an advisory aye vote by Student Trustee Parker).

E. M/s (Long/Torean) to Approve Resolution Establishing Fiscal Year 2009/10 Proposition 4 (GANN) Appropriations Limit. The motion passed by a unanimous roll call vote of 7-0 (plus an advisory aye vote by Student Trustee Parker). Trustee Dolan asked the amount of last year’s GANN appropriations limit and Vice President Harrison will provide this information.

F. M/s (Torean/Hayashino) to Approve WIA Grant for Dental Assisting – January 2009-December 2010. The motion passed by a unanimous vote of 7-0 (plus an advisory aye vote by Student Trustee Parker).

G. M/s (Torean/Hayashino) to Approve Agreement with Cardaronella Stirling Associates (CSA) for Strategic Development Assessment. Trustee Long proposed an amendment specifying that once the Development Office is constituted, the $40,000 plus expenses will be reimbursed to the district and go back into instructional programs. There was no second. President White noted that when the Development Office is structured, the MOU will address administrative fees and gift agreements and ways to recover the college’s investment over time. Trustee Long then suggested taking the start-up funds from the De Borba funds instead of from general funds. Dr. White responded that these funds are restricted in their use and she would not recommend using them for this type of activity. The original motion passed by a vote of 5-2 with Trustees Dolan and Long casting the no votes. Student Trustee Parker cast an advisory aye vote.

H. Modernization (Measure C)

1. Diamond PE Center Alterations Project (#308B)
   M/s (Torean/Paterson) to Approve Alten Construction, Inc. Change Order #15 and
Resolution Attesting No Benefit to Bidding Out Change Order Work ($33,170). The motion passed by a roll call vote of 6-1 with Trustee Dolan casting the no vote. Student Trustee Parker cast an advisory aye vote.

2. SMCP Increment No. 1 – Site Development Utilities Project (#305C)
M/s (Treonor/Hayashino) to Approve Dick Emard Electric, Inc. dba Emard Engineering Change Order #7 and Resolution Attesting No Benefit to Bidding Out Change Order Work ($7,260). The motion passed by a unanimous roll call vote of 7-0 (plus an advisory aye vote by Student Trustee Parker).

3. Gateway Complex Project (#303B)
Architectural Design Competition
M/s (Treonor/Paterson) to Award Four (4) New Professional Services Agreements ($100,000).

M/s (Namnath/Dolan) to table this agenda item until the next Board meeting and until funding for the track and field repair and maintenance needs has been identified. The motion was defeated (3 ayes, 4 noes and 1 advisory no vote by Student Trustee Parker). Trustees Namnath, Dolan and Long voted aye and Trustees Kranenburg, Paterson, Treanor and Hayashino voted no.

The vote on the original motion was 4 ayes (Trustees Kranenburg, Paterson, Treanor and Hayashino) and 3 noes (Trustees Namnath, Long and Dolan). Student Trustee Parker cast an advisory aye vote.

Trustee Namnath’s reasons for voting no were as follows: He doesn’t think it makes sense to design a building without a cost parameter and thinks we should deal with immediate needs like taking care of facilities in need of repair before planning a new building. He asked if we have money left in Measure C funds after the first priority projects to even do the Gateway project. He expressed concern that we haven’t decided yet that the 45-55% ratio of administrative, classroom space is proper and that other questions about the Gateway concept need to be answered. Trustee Namnath urged the Board not to rush into this and to wait another meeting or two to see what we are doing about immediate needs that need to be addressed.

Trustee Long opposed the motion because she thinks the design competition procedure is flawed with no design criteria based on what was posted on the website and wonders why we’re not going through the usual screening process. She asked about the costs beyond the competition already spent on the first
preliminary drawings by Rob Barthelman and now the $100,000 which is wasteful spending. She objected to not having a discussion of what the options are for the Gateway project. Trustee Long questioned the timing of putting up a new building during these challenging economic times, noting that things changed when the state said the District was not qualified for the state matching funds for our Gateway project. She also commented on the requests for urgent repairs we have received in the last few months which were on the original bond list and expressed concern that the public will wonder why we’re building a new building when so many facilities issues with continued deterioration need to be addressed. Trustee Dolan’s reasons for voting no were as follows: The Gateway project is rushed and premature. We have enough going on without adding another project and there is not enough public buy-in on the Gateway.

4. M/s (Treasor/Hayashino) to Approve Subcontractor Substitution
   Main Building Complex (#417A), Parking Lot-Bioswale & Pathways Projects
   (#401B-413A)
   Di Giorgio Contracting Company, Inc. (#0)
   The motion passed by a unanimous vote of 7-0 (plus an advisory aye vote by Student Trustee Parker).

12. Possible Future Agenda Items for Discussion
   A. Kentfield Pool Use Request Update (Al Harrison)

13. Items for Possible Future Board Action
   Board members were asked to review the revised Board Policies in their Board packets.
   A. Revised Board Policies (First Readings)
      1. BP 3250 Institutional Planning
      2. BP 5150 Extended Opportunity Programs and Service
   B. Bid Award for LRC Cooling Tower Installation Project
   C. Recommendation on Bolinas Field Station

14. Information Items
   Board members were asked to review the information items in their Board packets.
B. Modernization Update
   1. Director's Report
   2. Master Schedule with Spent to Date through July 2009

C. Sustainability
   1. COM Climate Action Plan for American College and University Presidents
      Climate Commitment

D. Revised Administrative Procedures
   1. AP 5150 Extended Opportunity Programs and Services

E. Calendar of Special Events
   1:00 p.m. – Parking Lot 4
   Diamond PE Center Ribbon Cutting Ceremony – October 1, 2009, 4:00 p.m.
   ACCT Congress – October 7-10, 2009 – San Francisco Hilton

15. Correspondence
   Board members were asked to review the correspondence in their Board Packets.

16. Board Meeting Evaluation
   Staff were commended for their excellent work on the Educational Master Plan document.

17. Adjournment
   M/s (Torean/Paterson) to adjourn the meeting. The motion passed unanimously (7-0)
   plus an advisory aye vote by Student Trustee Parker and Board President Kranenburg
   adjourned the meeting at 11:59 p.m.
To: Board of Trustees, College of Marin
From: Vice President Paterson
CC: 
Date: 8/25/2009
Re: Board Policy/Administrative Procedure Revision Project

This is an update and review of the work of the Board Policy/Administrative Procedure Revision Project provided by consultant Jane Wright.

I will review with you at our August 25, 2009 meeting.

Thank you.
Policy/Procedure Update for the August COM Board Meeting

Effective Board Governance
The policy/procedure templates were developed or reviewed by League staff members who are experts on Board roles/responsibilities and differentiating policy from administrative procedures. The templates are designed to reinforce Board effectiveness and strengthen the appropriate delegation to and accountability of the chief executive officer.

The policy/procedure templates provide the minimum essential language required or advised by law or regulation. The templates reflect the delegated authority in the laws or regulation. If a law or regulation directs or provides for Board authority or action, a board policy template was provided. Some laws and regulations mandate District operations, but do not require the Board to have a policy. In these cases, the League’s Policy and Procedure Service provides procedure templates, and there is no related board policy.

Legal Review
The policy/procedure templates were drafted or vetted by the law firm of Liebert Cassidy Whitmore (LCW), the League’s partner in the Policy and Procedure Service. Mary Dowell, who is the lead attorney for the project, and others in the firm are well known for their expertise in community college law.

The language in the League’s Policy and Procedure Templates was carefully written and was thoroughly reviewed by LCW. Therefore, changes to the template language that affect the meaning and intent as well as additions that add further constraints should be reviewed by local District legal counsel. There are some exceptions where retaining the language as written is strongly advised, including the policies and procedures related to conflict of interest, discrimination, harassment, auxiliary organizations, and portions of templates that essentially repeat law and regulation.

Delegation to the CEO
Boards of trustees are authorized to delegate their authority to CEOs and accreditation standards require the Board to do so (see Accreditation Standard IV.B.1.j). The League’s Policy and Procedure Service recommends that board policies include a blanket delegation policy, such as the sample provided in BP 2430 titled Delegation of Authority to the Superintendent/President as well as specific delegatory language in each board policy.

Roles and Responsibilities
Successfully completing a comprehensive review and update of Policy and Procedure Manuals requires dedicated personnel, time, and other support. Roles and responsibilities include:

- **Superintendent/President leadership** to make it a priority to update policy and procedure manuals and to ensure that time and resources are allocated to the implementation process.
- **Board leadership** in expecting an up-to-date policy manual, with policies that affirm the Board’s role and clearly delegate authority and responsibility to the Superintendent/President.
• **District Project Coordinators** ensure that manuals are up-to-date. Responsibilities include establishing and coordinating a system to review and revise policies/procedures as well as track, follow-up, monitor, and facilitate the review process.

• **Consultant** has drafted approximately 360 new and revised policy/procedure documents incorporating previous District policy/regulation language, provided samples from other districts for comparison, and included legal citation language for reference. Meets with District leaders and assists with the review and approval process.

• **Constituency groups**, such as the Academic Senate, are responsible to review drafts of policies/procedures according to the agreed-upon local decision-making processes.

• **The College Council** recommends policy and procedure to the Superintendent/President and/or approves procedure.

**Key Components**

**Clarify and support delegation to and role of the Superintendent/President:** As good practice and to fulfill the legal accountability of the District, board policy should contain clear statements of the authority and responsibility the Board has delegated to the Superintendent/President.

**Clarify and support the principle that procedures are the responsibility of the District:** Reinforce the responsibility and authority of the District’s decision-making processes and bodies to approve procedures. Procedural decisions should not be delegated to the Board because administrative procedures are prescriptive and delineate responsibilities to administrators, faculty, and staff members.

**Policy and procedure language should be simple and to the point:** Excess verbiage can obfuscate, rather than clarify, policies and procedures. Additional language must be carefully considered and used sparingly as it is subject to “evidence” in litigation where the District could be held liable for conforming to it.

**Samples from Other Districts**
The League Consultant has provided sets of examples for policies and procedures from other districts for reference. In addition, the consultant has included all of the legal citation language for each policy/procedure.

**Progress to Date**
As of July 2009, the Board has adopted more than 70 policies. In addition, a total of 56 administrative procedures have been approved through the governance process.

Over 40 policies and procedures are targeted to be reviewed and proceed through the approval process in the fall.
Distinguishing Between Policies/Procedures & Legal Compliance

The League's Policy and Procedure Service is based on principles inherent in effective Board governance, policy development, and local decision-making. This differentiation between policies and procedures is very helpful in distinguishing the role of the Board and the responsibilities of District employees.

Definition of Policy

- The voice of the Board
- Best expressed in broad statements
- Establishes the “what”
- Defines general goals & acceptable practices for the District's operations
- Implements state and federal laws/regulations
- Legally binds the District
- Statements should be clear, succinct, and current
- Delegates implementation
- Requires official Board adoption

The Board, through policy (BP 2430 titled Delegation of Authority to the Superintendent/President), delegates authority to and through the chief executive to administer the District. The Superintendent/President and District staff members are responsible to reasonably interpret Board policy as well as other relevant laws and regulations that govern the District.

Definition of Procedure

- Implements Board policy, laws, and regulations
- Addresses "how" the general goals of the District are achieved
- Defines the operations of the District
- Creates plan of action for achieving a policy
- Includes details of policy implementation, responsibility, and accountability
- Developed and implemented by the Superintendent/President, administration, faculty, and staff
- Does not require Board action

The policies/procedures are divided into three ranking levels reflecting legal compliance:

Legally Required:
- Must have a policy and/or procedure (based on state or federal law and/or regulation)
- Needs to include certain elements
- Not subject to major local variation
- Meets accreditation standards

Legally Advised:
- Not required by specific law, regulation, or court case
- Protects the District from liability
- Strengthens the District's position in litigation
- Subject to some local variation
Suggested as Good Practice/Optional:
- Not required by law, regulation, or court case
- Promotes effective operations
- Commonly found in District manuals
- High degree of local variation
Harry J. Moore Memorial

Indian Valley Campus

College of Marin

To: College of Marin Trustees

From: Vice President Paterson

Date: August 25, 2009

Trustee Treanor and I have been consulting with Mrs. Moore and other community members regarding an outdoor memorial for former Trustee Harry J. Moore. Given his Novato roots and passion for IVC, we recommend that the memorial be located at IVC.

As you know, Harry was a champion for sustainability and environmental stewardship. Many of the green features of our modernization projects are thanks to his tireless advocacy for College of Marin taking the lead in this area.

With this in mind, we recommend that the memorial focus on the geothermal fields at IVC, a source of renewable heating and cooling.

The memorial will feature a bench made of sustainable materials, a plaque describing the geothermal fields and Harry's legacy as a Trustee, and landscaping using drought resistant plants.

Cost of the memorial is estimated at $10,000-$15,000. 100% of the funds will be privately donated to the college for this use.

Attached are a bio of Harry from the Marin Independent Journal and some pictures of possible memorial features.

Thank you for your comments and questions.
Mr. Moore was born in San Francisco on April 4, 1929, and graduated from Mission High School. He went on to earn a master's degree from San Jose State University, where he wrote a thesis on the "Legal Liability of Coaches in California."

Mr. Moore also served in the Army in Korea as a corporal in a MASH unit. In 1955, he married Callita Olive Temme.

Mr. Moore served as principal, vice principal and dean at several Novato schools for almost three decades, including at Pleasant Valley Elementary, San Ramon Elementary, San Marin High, Novato High and Hill Middle School.

Football was a large part of his life as he coached teams at Palma High in Salinas, Marin Catholic High and Novato High, where the team won the league championship in 1965.

Mr. Moore is also credited with being the driving force behind construction of the Hill Middle School gymnasium.

In the 1970s, Mr. Moore served on the Marin Community College district board, helping to advance the college's Indian Valley campus, and again served on the panel from 2003 until last year, when he lost a re-election bid. A Democrat, Mr. Moore ran for state Assembly in 1972, 1974 and 1992, but fell short all three times.

In the early 1980s, Mr. Moore served on the Novato Planning Commission, which helped to set environmental and quality standards for development in Novato.

In 1985, Mr. Moore was elected to the Novato City Council and served from 1985 to 1994. The Hamilton development was approved while Mr. Moore was mayor of Novato, and it was his leadership that was credited with resolving the decades-long development issue.

"To many, Harry was Mr. Novato," said Dennis Fishwick, who served with Mr. Moore on the Novato City Council. "Harry was very active in both the Novato school system and in local Novato civic issues."

Mr. Moore left the City Council when he was elected to serve four years as Novato's representative on the Marin County Board of Supervisors.

From Marin Independent Journal 2008
Former College of Marin Trustee Harry Moore was a strong supporter of the Indian Valley Campus, and a vocal proponent of sustainability throughout the community. In his memory, the Board of Trustees has established a Harry Moore Memorial recognizing sustainable activities being undertaken by the College of Marin.

The memorial is a sign illustrating the geothermal field installed at IVC in 2008, with a bench nearby. The sign and bench will be located south of the New Main Building in the quad area near the creek.

Contributions for the memorial may be made to College of Marin, Harry Moore Memorial, 1800 Ignacio Boulevard, Novato, CA 94949. Contributors to the memorial will be acknowledged on the sign.
MEASURE C
BOND FUNDS AND
ATHLETIC FACILITIES
COLLEGE OF MARIN

A report to the
Board of Trustees
August 25, 2009

The first question
- Can bond funds be used legally for tracks, fields and/or swimming pools?

The first answer
- Can bond funds be used legally for tracks, fields and/or swimming pools?
- "This wording about fields is the basis for the District to upgrade athletic fields with available bond funds."
  David Cosnocha, bond counsel

The next questions
- What would it cost to modernize tracks, fields and/or swimming pools?
- Shall bond funds be used for tracks, fields and/or swimming pools?

First, some background
- Who’s involved in the Measure C program?
- How we got here
- What’s in the Bond Spending Plan
- What’s next on the list

Who’s involved
- Early Planning Consultants
  Support for bond, facilities assessment
- Modernization Team
  Design, construction, management
- District Modernization Committee
  Recommendations on priorities
- Modernization Subcommittees
  Development of standards
Who's involved

- User groups (faculty, staff, students)
  Input to design
- Administration
  Data support, analysis, resources
- Citizen's Oversight Committee
  Audit and oversight
- Board of Trustees
  Final approval

How we got here, pre-bond

- 2002: CMA Facilities Assessment
  Original facility assessment

- New building at main entrance

How we got here, pre-bond

- 2002: CMA Facilities Assessment
  Original facility assessment

- 2003: Godbe Survey of Voters
  Assess support for a GO bond

- The survey did not mention track, fields or pools
- Voter “reluctance to pay for new, non-classroom construction”

How we got here, Step 1

- 2002: CMA Facilities Assessment
  Original facility assessment
- 2003: Godbe Survey of Voters
  Assess support for a GO bond
- 2004: 3D/1 Facilities Master Plan (FMP)
  Based on facilities assessment

- Represents a long-term vision for the College
- No recommendation related to track, fields, pools

Dropped from FMP, Step 1

KENTFIELD:
- Addition to Student Center
- Entrance plaza
- Amphitheater and creek bank
- Campanile
- Parking structure
- Academic facility

INDIAN VALLEY:
- Community center
- Planetarium / observatory
- Amphitheater / clock tower

How we got here, Step 2

- 2002: CMA Facilities Assessment
  Original facility assessment
- 2003: Godbe Survey of Voters
  Assess support for a GO bond
- 2004: 3D/1 Facilities Master Plan
  Based on facilities assessment
- 2004: Facilities Bond Measure Program Plan
  $249.5 million
How we got here, Step 3

2002: CMA Facilities Assessment
Original facility assessment

2003: Godbe Survey of Voters
Assess support for a GO bond

2004: 3D/1 Facilities Master Plan
Based on facilities assessment

2004: Facilities Bond Measure Program Plan
$249.5 million

8/06: Capital Improvement Program
$379 million

Deferred, Step 3

- IVC demolition $2.3 m
- IVC pool, lockers, Corp Yd $7.2 m
- KTD demolition $1.9 m
- Fusselman Hall $4.2 m
- Learning Resource Center $34.0 m
- Student Union $8.6 m
- Maintenance Facility $10.1 m
- Other scope reductions $41.2 m
- Total includes ~$6 m in ADA upgrades $129.5 m

How we got here, Step 4

2002: CMA Facilities Assessment
Original facility assessment

2003: Godbe Survey of Voters
Assess support for a GO bond

2004: 3D/1 Facilities Master Plan
Based on facilities assessment

2004: Facilities Bond Measure Program Plan
$249.5 million

8/06: Capital Improvement Program
$379 million

10/06: Bond Spending Plan
$264.5 million ($249.5 m plus interest)

What's in the Bond Spending Plan

- Three modernized facilities
  - Diamond PE Center
  - Performing Arts Building
  - Transportation Technology Complex

- Four new replacement facilities
  - New Main Building
  - New Fine Arts Building
  - Science/Math/central Plant Complex
  - The Gateway Complex

What's in the bond spending plan

- Infrastructure projects
  - Old Science demolition
  - Tree removal
  - West campus bridge
  - Geothermal fields
  - Larkspur annex
  - IVC bridge and pathways
  - Fire mitigation
  - Gas main replacement
  - Creek erosion
  - Storm drain repairs
  - Parking lots and bioswales
  - Power plants
What's in the bond spending plan

- Infrastructure projects
  - Old Science demolition
  - Tree removal
  - West campus bridge
  - Geothermal fields
  - Larkspur annex
  - IVC bridge and pathways
  - Fire mitigation
  - Gas main replacement
  - Creek erosion
  - Storm drain repairs
  - Parking lots and bioswales
  - Power plants

What's in the bond spending plan

- Technology program (ERP)
- Temporary facilities / relocation costs
- Program costs
- Bond reserves

Every dollar of the bond spending plan, except bond reserves, is allocated to a specific project or category

What’s next on the list:

- Remainder of Gateway Complex $22.5 m
- Required ADA upgrades $6.0 m
- Deferred (Step 3) projects $82.3 m (not including ADA above)
- Total $110.8 m
- Reserves $17.5 m
- Potential project savings $???

The second question:

- What would it cost to modernize tracks, fields, and/or swimming pools?

- Kentfield pool: $400,000 +
  - Skimmer, drain modifications, pool and deck resurfacing, new diving boards
  - To be covered by Bond Spending Plan
The second answer:
- What would it cost to modernize tracks, fields, pools?
  - Kentfield pool: $400,000+
  - IVC pool: $500,000+
  - Showers, locker rooms, drains, etc.

The second answer:
- What would it cost to modernize tracks, fields, pools?
  - Kentfield pool: $400,000+
  - IVC pool: $500,000+
  - Kentfield track/fields: up to $3.2 million
  - Kentfield bleachers: $220,000
  - Professional estimate, 2007 dollars

The third question
- Shall bond funds be used for tracks, fields and/or swimming pools?

The third answer
- Shall bond funds be used for tracks, fields and/or swimming pools?
- The Board decides:
The Board decides:

Process:
- District Modernization Committee
- Re-prioritize bond spending plan

Considerations:
- Loyalty to voter preferences
- Educational master plan
- Strategic plans
- Academic program reviews

The Board decides:

- Remainder of Gateway Complex $22.5 m
- Required ADA upgrades $6.0 m
- Deferred (Step 3) projects $82.0 m

- Total $110.8 m
- Reserves $17.5 m
- Potential project savings $???

QUESTIONS/COMMENTS ?
Global Vision

- Stop global warming
- Reduce greenhouse gases by 80% by 2050
  - Zero carbon footprint
  - Off the grid
  - Climate neutral
  - Renewable energy
  - Carbon offsets

California Vision

- California Global Warming Solutions Act of 2006 – AB 32
- CCC Board of Governors Energy and Sustainability Policy

College of Marin Vision

- Board resolution 2004
- Renewable energy / geothermals
- LEED certification
- Environmental Impact Report
- Instructional programs
- Transportation Demand Management
- Presidents Climate Commitment

College of Marin Vision

- Board resolution 2004
- Renewable energy / geothermals
- LEED certification
- Environmental Impact Report
- Instructional programs
- Transportation Demand Management
- Presidents Climate Commitment

Board Resolution 2004

- Site, design, deconstruct, construct, renovate, operate, and maintain District facilities and infrastructure that are models of energy, water, and material efficiency, while providing healthy, productive, and comfortable indoor environments and long-term benefits to students, faculty and staff.
College of Marin Vision
- Board resolution 2004
- Renewable energy / geothermals
- LEED certification
- Environmental Impact Report
- Instructional programs
- Transportation Demand Management
- Presidents Climate Commitment

Renewable Energy

Geothermal Heat Exchange

College of Marin Vision
- Board resolution 2004
- Renewable energy / geothermals
- LEED certification
- Environmental Impact Report
- Instructional programs
- Transportation Demand Management
- Presidents Climate Commitment

LEED Certification
- Energy efficient MEP systems
- Low-emitting building materials
- Tobacco smoke control
- Green roofs
- Bioswales

LEED Certification
- Waterless urinals
- Dual flush toilets
- Commissioning
- Solar panels to heat water
- Transportation demand management
LEED Certification

- Six building projects registered to date
- Four have applied for Gold rating
- Two have applied for Silver rating

College of Marin Vision

- Board resolution 2004
- Renewable energy / geothermals
- LEED certification
- Environmental Impact Report
- Instructional programs
- Transportation Demand Management
- Presidents Climate Commitment

CEQA

Environmental Impact Report

- Transportation demand management
- Construction impact mitigation
- Cultural resources monitoring

College of Marin Vision

- Board resolution 2004
- Renewable energy / geothermals
- LEED certification
- Environmental Impact Report
- Instructional programs
- Transportation Demand Management
- Presidents Climate Commitment

Instructional Programs

- Solar technician certificate program
- Center of Sustainable Horticulture
- Water Mgmt Technology and Education Center
- Environmental landscaping
- Environmental science and ecology
- Clean Air Car courses
- Combustion engine conversion program

Student Interests

- Recycling
- Green gardening / composting
- Tree planting
- Carbon offsets
- Waste management
- Public transportation / bicycles
College of Marin Vision

- Board resolution 2004
- Renewable energy / geothermal
- LEED certification
- Environmental Impact Report
- Instructional programs
- Transportation Demand Management
- Presidents Climate Commitment

Transportation Demand Management

- The goal of TDM is to reduce the demand for single-occupancy use of oil-consuming motor vehicles in order to save energy and reduce greenhouse gas emissions.
- 65% of our greenhouse gas is caused by commuting!

How do we do that?

- Other forms of transportation
  - Public transit
  - Carpools, vanpools
  - Bicycles*
  - Shuttles

*Grant coming!

How do we do that?

- Parking
  - Manage space
  - Increase cost
  - Reduce availability
  - Provide incentives

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<td>Reserve Lot 13 to Retirees</td>
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<td>20% enrollment growth</td>
<td>2,248</td>
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How do we do that?

- Commute patterns
  - Four-day work weeks
  - Telecommuting
  - Distance learning

Transportation Demand Management

- Marin County Transit District
- 511.org - Rideshare
- Transportation Authority of Marin (TAM)
- School Pool
- Guaranteed Ride Home
- Marin County Bicycle Coalition
- County Supervisors
**College of Marin Vision**

- Board resolution 2004
- Renewable energy / geothermals
- LEED certification
- Environmental Impact Report
- Instructional programs
- Transportation Demand Management
- Presidents Climate Commitment

**Presidents Climate Commitment**

- Reduce greenhouse gases by 80% by 2050
- Take immediate tangible actions
  - Purchase Energy-Star products
  - Encourage use of public transit

**Presidents Climate Commitment**

- Emissions inventory (2008)
  - 11,860 metric tons of CO2e
  - 65% attributed to commuting
  - 35% attributed to electricity

- Climate Action Plan due Sept. 15, 2009

**Presidents Climate Commitment**

- Emissions inventory (2008)
  - 11,860 metric tons of CO2e
  - 65% attributed to commuting
  - 35% attributed to electricity

- Climate Action Plan due Sept. 15, 2009

**Climate Action Plan**

- Target date for achieving climate neutrality
  - Interim targets for goals and actions
- Mitigation strategies
- Education and outreach
- Financing
- Tracking progress

**Target dates**

![Graph showing target dates for emissions reduction and CO2e emissions reduction](chart.png)
**Mitigation Strategies**
- Transportation Demand Management
- Reduction of Purchased Electricity
- Other Source Reductions
- Carbon Offsets

**Education and Outreach**
- Sustainability curricula
- Community partnerships
- Memberships

**Financing - Costs**
- Capital construction
- Direct energy purchases
- Carbon offsets
- Instructional programs
- Staffing and general operations

**Financing - Sources**
- Reduced energy savings
- General operating funds
- Capital construction (bond) programs
- Grants, loans and rebates
- Third party financing

**Tracking Progress**
- Bi-annual emissions inventories
- Individual mitigation programs
- Sustainability Office / management
- Database development

**Questions?**

Thank You!
1. As of 8/24/09 Fall 2009 credit enrollment is 6,966 which is 974 students, or 16% over the same time last fall.

2. KTD has 6,193 credit students and IVC has 1,402 as of 8/24/09. At the same time Fall 2008, KTD had 5,400 students and IVC had 1,050 students.

3. There are almost two more weeks of enrollment, and if past pattern holds, another 10% or so will enroll during that period.
The Senate is working with the administration on two MOUs and one process document.

a) The first MOU is about the Blueprint and will define what a blueprint is and how the blueprint from each program will be used to inform the creation of a college wide master schedule. Our goal is to make it possible for students to prepare their schedules is such a way that they can complete a program – transfer, career, AA or AS degree in a reasonable amount of time. We are especially concerned about students who work during the day and take the majority of their courses in the early evenings and at night. We want to make sure they have enough of the courses they need spread throughout the week and that these classes meet their college objectives. We are also focusing on providing necessary transfer courses for students who take the majority of their classes at IVC. Nick Chang, and faculty members Derek Wilson and Robert Kennedy, in addition to the entire counseling department, have been instrumental in shepherding this MOU through. We’re excited about the way this process will coordinate interdepartmental offerings and how a structured, data driven scheduling system will put students first.

b) The second MOU is on Program Review. We have an MOU for Student Learning Outcomes and WASC will expect us to have one for Program Review as well. This document outlines what program review is used for – and what it’s not used for. It describes the role of faculty, administration and staff in preparing program reviews or administrative work plans and it assures both common data and the use of additional assessment tools by those who prepare the program reviews.

c) The third document we are working on with the administration has to do with the allocation of course units, the criteria for the cancellation of courses, the process for petitioning to have units from cancelled courses kept in the department, and the reallocation of units when a petitions process is not completed or not approved. We think this is a fairly novel idea but it is a logical extension of the blueprint process and of the WASC directive to use data to drive decision making. The unit allocation process will be overseen by the VPSL and will involve an ad hoc committee of the soon to be constructed Planning and Resource Allocation Committee. The Senate is especially interested in getting this process underway and once it’s fine-tuned, we should share it with other community colleges. This may be one of the most innovative collaborative efforts that has come out of the participatory governance movement.
Good Evening.

Since the Classified Senate hasn’t started meeting yet this semester, I thought I’d share with you the remarks I prepared for our recent College Convocation.

*It seems like just yesterday, we were congratulating our graduates and looking forward to a long, hot summer. Well, summer never seems as long as you think it will be in May and it really didn’t get all that hot, but here we are already at the start of the fall semester and this time we’re anticipating more students than we’ve had in quite some time.*

*Rest assured classified staff will be at the ready to register students; answer questions; prepare classrooms; sell books and supplies; handle emergencies; support faculty and administrators; ensure computer systems are functioning; distribute financial aid; provide placement tests, tutoring and support services; staff student labs and the library; send and distribute mail; design and print informational, promotional and learning materials; maintain grounds, electrical systems, heating and air conditioning; continue painting and updating facilities and offices (that aren’t part of Measure CI); install software and computers; maintain networks; monitor budget accounts and provide accounting services; order equipment and supplies; provide research data; process purchase orders, contracts and invoices; schedule rooms and sort out room conflicts; prepare brochures, flyers and programs; update Web pages; install and deliver media equipment; support instructional programs, student services and college operations; participate in governance and the Self-study and more!*

*We look forward to working with our administrative and faculty colleagues as we implement major planning initiatives like the Educational Master Plan, Strategic Plan and Integrated Planning Process Model and continue work on the Accreditation Self-study.*

*Welcome to Fall Semester 2009. Fasten your seatbelts --- it’s going to be a busy year!*
August 19, 2009

Mr. Leigh Sata, AIA
Program Manager
835 College Ave. Bldg. MS-3
Kentfield CA 94904

Subject: MARIN COMMUNITY COLLEGE DISTRICT
REQUEST FOR QUALIFICATION FOR PROFESSIONAL CONSULTANT SERVICES
DATED MAY, 2009

Dear Leigh:

Thank you for the briefing you provided us today. You did not have the answers to our questions at the debriefing and requested that we put them in writing. We are providing you the requested questions in writing below. In the mean time, please consider this letter as a protest and a request under the Freedom of Information ACT for information regarding this selection process. We ask that the District refrain from awarding the contract till such time as this matter is satisfactorily resolved. The following is our questions:

1. We were disappointed that this debriefing was not conducted by a district employee since many of our concerns relate to the way the selection process was conducted. Therefore, we request a hearing with the district officer in charge of this procurement.
2. We would like to know what the district’s goals are in using small, disadvantage and local businesses and what districts’ performance goal is to date against these goals.
3. We would like to know on what basis the district decided not to have a protest procedure in the RFQ for a procurement that falls under state public contracting laws.
4. We would like to know why the district short listed seven firms to an interview when it decides to choose an incumbent mainly for the reasons of being familiar with the district project. We need to see your scoring sheets and the selection report to assess why such a large pool of consultants were asked to expend resources to come to an interview when a competitive range could have been established with a shorter list after the proposal review.
5. Last but not least the RFQ states that “other projects may be awarded to short listed firms” and we would like to know if the district can give us an opportunity to work on any miscellaneous projects that you may have to show our capability.

If you decide not to re-do the procurement or provide us with an opportunity to serve, we would like to know of the date of the district board meeting which you wish to recommend award of contract to the incumbent.
Joint Venture

We are local business, community members who voted for the bond measure and are qualified to do work for the district. Our objective is to serve our community. We hope this discourse will provide this opportunity and help improve district's selection process. We look forward to hearing from you.

Please call if you have any questions or need additional information.

Sincerely,
NBA Engineering, Inc.

[Signature]

Natalie Alavi

Gannett Fleming

[Signature]

fr: Kam Shadan
August 19, 2009

Mr. Leigh Sata, AIA
Program Manager
835 College Ave. Bldg. MS-3
Kentfield CA 94904

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2. We would like to know what the district's goals are in using small, disadvantage and local businesses and what districts' performance goal is to date against these goals.
3. We would like to know on what basis the district decided not to have a protest procedure in the RFQ for procurement that falls under state public contracting laws.
4. We would like to know why the district short listed seven firms to an interview when it decides to choose an incumbent mainly for the reasons of being familiar with the district project. We need to see your scoring sheets and the selection report to assess why such a large pool of consultants were asked to expend resources to come to an interview when a competitive range could have been established with a shorter list after the proposal review.
5. Last but not least the RFQ states that "other projects may be awarded to short listed firms" and we would like to know if the district can give us an opportunity to work on any miscellaneous projects that you may have to show our capability.

If you decide not to re-do the procurement or provide us with an opportunity to serve, we would like to know of the date of the district board meeting which you wish to recommend award of contract to the incumbent.
Joint Venture

We are local business, community members who voted for the bond measure and are qualified to do work for the district. Our objective is to serve our community. We hope this discourse will provide this opportunity and help improve district’s selection process. We look forward to hearing from you.

Please call if you have any questions or need additional information.

Sincerely,
NBA Engineering, Inc.

[Signature]
Natalie Alavi

Gannett Fleming

[Signature]
fn: Kam Shadan
College Of Marin
Overview of the 2009-10 Adopted Budget

Dr. Frances White, President / Superintendent

FTES CHART

YEAR ENDING June 30, XXXX
College Of Marin
BUDGETED REVENUE SOURCES 2009-10

Enrollment Fees
$1,350,000  3.3%
Property Taxes
$40,100,980  96.7%
Program-Based Funding
$41,450,980  92.7%
Other Revenues
$1,750,423  3.9%
P for E
$1,509,126  3.4%

Unrestricted General Funds 2009-2010

College Of Marin
Expenditure Budget  2008-09

How are dollars spent?

DISCRETIONARY
$3,685,610  7.5%
FIXED COSTS
$1,280,347  3.8%
TRANSFERS
$1,462,240  3.0%
ENDING BAL
$4,052,145  10.0%

SALARIES & BENEFITS
$37,435,898  75.6%
BENEFITS
$9,537,656  25.5%
SALARIES
$27,998,241  74.5%

2008-09 Unrestricted General Funds
College Of Marin
ESTIMATED Expenditure Budget 2009-10

How are dollars spent?

2009-10 Unrestricted General Funds

Categorical Programs
Categorical Programs

- At the State Budget conference on Friday:
- Concern was raised about unresolved issues regarding specific allocations of ARRA funding
- There is a possibility that we will not receive as much as expected in Federal funding, and the amount may be as low as half the expectation
- This could translate into cuts of 28% to 42% instead of the anticipated 16% to 32%

Categorical Programs

ABX4.1 (cuts) / ABX4.2 (flexibility)

- Two Categories
- Protected:
  - Smaller cuts
  - Program requirements continue
- Unprotected
  - Deeper cuts
  - Upon vote of local governing board in a public meeting, funds can be used for any other categorical purpose.
  - After vote, all program requirements are deemed met.
Categorical Programs

Unprotected

- Apprenticeship
- Career/Technical Education
- Child Care Tax Break
- Economic Development
- Matriculation
- Part-time Faculty Compensation
- Health Insurance and Office Hours
- Physical Plant/Instr./Equip.
- Transfer Ed and Articulation

Categorical Programs
College of Marin

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<td>$444,000.00</td>
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<td>39,000.00</td>
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<td>Core Instructional (Enroll)</td>
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</tbody>
</table>

*Percentage changes based on budget-to-budget change.
* Percentages rounded off to nearest whole number.
Categorical Programs

- Because of the severe cuts to State categorical programs, a flexibility provision applies to the categorical programs with the more severe cuts:
- It allows funds to be redirected from these programs into any categorical program but not the other way - matriculation can be redirected to EOPS but EOPS cannot be redirected to matriculation
- Categorical programs under the flexibility rules lock-in 2008/09 district allocation levels, less the 2009/10 cut, through 2012-13
- For 2009/10 through 2012/13, districts that elect the flexibility provision will be deemed to be in compliance with the program and funding requirements
- Exercising the flexibility option to move funds from one program to another:
- Requires a public hearing to discuss the redirection of funds
WHEREAS, National Hispanic Heritage Month is traditionally observed from September 15 to October 15 of each year, and;

WHEREAS, Hispanic Heritage Month evolved from a "National Hispanic Heritage Week" Resolution of the U.S. Senate and House of Representatives approved on September 17, 1968, and;

WHEREAS, on September 15, 1998, the President of the United States of America expanded the one-week observance of Hispanic culture and contributions in America to one month, and;

WHEREAS, in recognition of the expanding prominence of the Hispanic contributions to American history, values, and culture, and;

WHEREAS, in recognition of the millions of Hispanic men and women who have migrated to the United States from Mexico, Puerto Rico, Cuba, and other Latin American countries in search of peace, freedom, educational opportunities, and a better future;

NOW, THEREFORE, BE IT RESOLVED that on this 22nd day of September, 2009, the Board of Trustees of the Marin Community College District hereby endorses Hispanic Heritage Month.

PASSED AND ADOPTED this 22nd day of September, 2009, by the Board of Trustees of the Marin Community College District of Marin County, California, by the following vote:

AYES:
NOES:
ABSENT:

STATE OF CALIFORNIA
COUNTY OF MARIN

I, Frances L. White, Secretary to the Board of Trustees of the Marin Community College District of Marin County, California, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by said Board at a regular meeting thereof, held at its regular place of meeting at the time and by the vote above stated.

Frances L. White, Superintendent/President
Secretary to the Board
President’s Report
Board of Trustees Meeting
September 22, 2009

Educational Excellence Innovation Fund Update
Two EEIF projects, the Student-Athlete Academic Service Program (SAASP) and Umoja, will be funded this year thanks to the generous support of College of Marin President’s Circle members. All other EEIF grant projects that would have been funded by the college’s general fund have been suspended this year due to budget constraints.

Matt Markovich and the Physical Education and Athletic Departments plan to improve COM’s Student-Athlete Academic Service Program (SAASP). SAASP will offer a variety of resources designed to ensure academic success, including a study hall, tutoring, life skills, and a grade and attendance check program among others. Thanks to the EEIF grant the SAASP program will be able to create more opportunities for student-athletes to benefit from college services and programs.

The creation of the College of Marin Umoja Project will be coordinated by Walter Turner and Rinetta Early. This innovative endeavor is designed to prepare College of Marin for membership in the California Community Colleges Umoja Consortium. The Umoja Project is a California Community Colleges based consortium of schools and learning pedagogies dedicated to enhancing the cultural and educational experiences of African-American and other students.

Kudos
Modern Languages Professor Radica Ostojic-Portello was acknowledged this summer by the Institute of International Education for her involvement as a National Selection Panelist for the Benjamin A. Gilman International Scholarship Program. Because of participation by individuals such as Ostojic-Portello, 850 highly deserving students will be selected as Gilman Scholarship winners. These students will broaden their horizons and enrich our society as they study in the midst of other cultures.

The CCC Network for Student Learning Outcomes Assessment recently announced the winners of the 2009 POWER Awards (Promising Outcomes Work and Exemplary Research). College of Marin is proud to have two award winners in the Institutional Outcomes category: Professor and Academic Senate President Yolanda Bellisimo and Professor Robert Kennedy. The awards will be presented at the SLO Coordinators Pre-Conference session at the Strengthening Student Success Conference in San Francisco on Oct. 7, 2009. For more information about the awards go to http://www.sloassessment.com/. Congratulations, Yolanda and Robert!

Communications Survey
In the coming weeks, COM students will receive an e-mail invitation to participate in a voluntary survey asking them about their media and communications preferences. The survey will be facilitated by Interact Communications and will provide information that will inform future outreach campaigns and help target recruitment efforts for college programs.
Upcoming Event

College of Marin Diamond Physical Education Center
Ribbon Cutting Ceremony
  Thursday, October 1, 2009, at 4 p.m.
  835 College Ave., Kentfield, CA
  Refreshments, tours, and ribbon cutting

College of Marin Presents Tartuffe
The College of Marin Drama Department will open the 2009/2010 theatrical season with a production of Molière’s great comedy classic, Tartuffe. Tartuffe will be presented in the Fine Arts Theatre on the Kentfield Campus on October 2, 3, 9, 10, 16 and 17 at 8 p.m. and on October 11 and 18 at 2 p.m. The show will be directed by W. Allen Taylor. Tickets for TARTUFFE are $15 general and $10 for students, seniors and College of Marin employees. To reserve tickets by phone, please call the Box Office at 415-485-9385 after Tuesday, September 22, when the Box Office re-opens for the season.
**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>September 22, 2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>From:</td>
<td>Superintendent/President</td>
<td>Item &amp; File No. B.S.a.3</td>
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<tr>
<td>Subject:</td>
<td>Follow-up Report</td>
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<td></td>
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<tr>
<td>Reason for Board Consideration:</td>
<td>Enclosure(s):</td>
<td></td>
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**INFORMATION**

**BACKGROUND:**

In response to questions posed by Trustees at the August 25, 2009 Board meeting the attached report is submitted for your information.

**RECOMMENDATION:**

For information only.

Administrator Initiating Item: Dr. Frances L. White, Superintendent/President
FOLLOW-UPS FROM AUGUST 25, 2009 BOARD MEETING

Trustees Long and Dolan asked for a report on Constitution Day activities.

*In celebration of Constitution Day, September 17, the Associated Students, College of Marin, in collaboration with the Student Senate, will be showing the feature film, *The Great Debaters*, starring Denzel Washington on Wednesday, September 16, 2009 in the Staff Lounge in the Deedy Student Services Building. The film will be shown beginning at 5:00 p.m. and will be followed by a discussion of the film in reference to constitutional rights of individuals. Free popcorn will be provided. The campus community and the public are welcome to attend. Courtesy of Congresswoman Lynn Woolsey, approximately 75 pocket-size constitutions will be given away at the movie presentation.*

Trustee Dolan asked to have the bond items on the Consent Calendar moved to the Action Calendar and to have a summarized staff report presented so that the public can be better informed and to provide more opportunity for discussion on these items.

*This request is in conflict with a previous Board directive and should be considered by the entire Board before changes are made. Items can be pulled from the consent agenda for discussion.*

Trustee Dolan asked for a report on the reduction of parking and how this will affect our “senior” students.

- **Current available spaces:** 1417
- **Average peak use:** 965 based on 20% enrollment growth this year
- **Average peak rate:** 68%

*Loss of parking will affect all staff, faculty and students, including “senior” students, by requiring adjustments in parking habits, possibly including use of more remote locations (e.g., Lot 12, adjacent to the PE Center). Senior students with disabled placards may park in available blue spaces.*
Trustee Dolan asked the cost of LEED certification. She wondered if some of the fees for this could be used to fix the IVC pool.

Cost to certify Measure C buildings for LEED (approximate)

- **KTD Diamond PE Complex** $1,750
- **IVC TransTech Complex** $2,250
- **IVC New Main Building** $2,250
- **KTD New Fine Arts Building** $2,250
- **KTD Science Complex** $2,700
- **KTD Gateway Complex** $2,300

**TOTAL** $16,650 (average $2,400 per bldg)

Trustee Dolan asked the amount of last year’s GANN appropriations limit.

- **Gann Limit 2008-09** $45,612,751
- **Gann Limit 2009-10** $49,142,681

Trustee Long asked the amount of Rob Barthelman’s contract for a preliminary Gateway design.

-$83,000, including preparation of Final Project Proposal for State funding-
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>September 22, 2009</th>
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<tr>
<td>From:</td>
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<td>Item &amp; File No. B.5.a.4</td>
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<tr>
<td>Subject:</td>
<td>Board Budget Priorities to Implement Strategic Plan</td>
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<tr>
<td>Reason for Board Consideration:</td>
<td>Enclosure(s):</td>
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**INFORMATION**

**BACKGROUND:**

The Marin Community College District adopted a ten-year Educational Master Plan (EMP) and Strategic Plan last spring. In an effort to ensure the implementation of the Strategic Plan, the Board of Trustees adopted budget priorities to ensure Strategic Plan outcomes and results. The Strategic Plan is based on the EMP and is updated every three years.

The following priorities are provided as information only.

**RECOMMENDATION:**

For information only. No action required.

Administrator Initiating Item  Dr. Frances L. White, Superintendent/President
BOARD BUDGET PRIORITIES 2009/2010
Approved at March 17, 2009 Board Meeting

BP1: Fiscal Accountability

1.1 Set appropriate reserve levels.

1.1a Establish a prudent reserve level range.

1.2 Unfunded Liability

1.2a Continue to fund the unfunded liability.

1.3 Equity Study

1.3a Determine strategy to fund the Equity Study.

Timeline: Fall 2009 and review annually

1.4 Improve coordination and balance of institutional and program needs for proper use of basic aid funds.

1.4a Review institutional needs and assess institutional effectiveness, using Program Review, Administrative Planning and Assessment, the Strategic Plan and the Educational Master Plan.

Timeline: Begin Fall 2009

1.5 Implement asset management for long-term fiscal health.

1.5a Identify resource models for consideration and planning.

Timeline: Begin 2009/2010

BP2: Improve Student Access and Success in Instruction and Student Services

2.1 Review and evaluate the current Strategic Plan on an annual basis.

Timeline: Ongoing

2.2 Continue to improve enrollments, retention, transfer, completion rates in credit and non-credit.

Timeline: Ongoing
2.3  *Continue efforts in marketing and outreach.*

Timeline: On-going

**BP3:** Facilities

3.1  *Keep modernization program on track.*

3.1a  *Comply with timelines, schedules, budgets, and reporting.*

Timeline: Ongoing

**BP4:** College Development to Open Doors for Academic and Student Success

4.1  *Implement a Strategic Plan for College Development.*

Timeline: Spring 2009
MARIN COMMUNITY COLLEGE DISTRICT  
Kentfield, CA  94904

BOARD AGENDA ITEM

To:               Board of Trustees  
From:             Superintendent/President  
Subject:          Classified Personnel Recommendations
Date: September 22, 2009       
Item & File No. B.10.B

Reason for Board Consideration:  
APPROVAL

Enclosure(s):
Recommendations

BACKGROUND:

The following actions are included in the Classified Personnel Recommendations:

A.   Appointment of Classified Personnel
     A.1  Appointment of Hourly Personnel
     B.   Classified Request for Leave of Absence/Uncompensated Leave

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

S. McKinnon is on the instructional side of the 50% law.

M. O’Connor, S. Chung and C. Larre 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>
<thead>
<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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<tbody>
<tr>
<td>1</td>
<td>*O’Connor Mary</td>
<td>Police Officer</td>
<td>1.0</td>
<td>12</td>
<td>08/24/2009</td>
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<tr>
<td>2</td>
<td>**Chung, Shook-Chu</td>
<td>Senior Creative Designer</td>
<td>1.0</td>
<td>12</td>
<td>10/01/2009</td>
</tr>
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</table>

**BACKGROUND INFORMATION:**

1. Ms. O’Connor has accepted the 1.0 FTE/12 MPY position of Police Officer effective August 24, 2009.

2. Ms. Chung has accepted the 1.0 FTE/12 MPY position of Senior Creative Designer effective October 1, 2009.

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

<table>
<thead>
<tr>
<th>Name</th>
<th>Division/Department</th>
<th>Start Date</th>
<th>Expiration Date</th>
<th>Hourly Rate</th>
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<tr>
<td>*McKinnon, Sara</td>
<td>Testing</td>
<td>07/01/2009</td>
<td>12/31/2009</td>
<td>$46.42</td>
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</table>

1. Ms. McKinnon will serve as a Professional Expert to assist the Testing area with reading of the NC ESL Essays for Summer 09 and Fall 2009 sessions.

*Human Resources did not receive necessary paperwork from the department until after these individuals worked. These hourly employees need to be paid for work that has already been completed.

September 22, 2009 Board Item
**B. CLASSIFIED REQUEST FOR LEAVE OF ABSENCE/UNCOMPENSATED LEAVE**

<table>
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<tr>
<th>Item No.</th>
<th>Name</th>
<th>Position</th>
<th>FTE</th>
<th>MPY</th>
<th>Effective Date</th>
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<tr>
<td>1.</td>
<td>Larre, Christelle</td>
<td>Custodian</td>
<td>1.0</td>
<td>12</td>
<td>08/26/09 – 10/31/2009</td>
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**BACKGROUND INFORMATION:**

1. Employee has requested a Leave of Absence/Uncompensated Leave for personal reasons effective August 26, 2009 through October 31, 2009.
MARIN COMMUNITY COLLEGE DISTRICT  
Kentfield, CA 94904

BOARD AGENDA ITEM

To: Board of Trustees
From: Superintendent/President
Date: September 22, 2009
Item & File No. B.10.C

Subject:
Academic Personnel Recommendations

Reason for Board Consideration: APPROVAL

Enclosure(s):
Recommendations

BACKGROUND:

The following actions are included in the Academic Personnel Recommendations:

A. Appointment of Academic Personnel
   A1. Temporary Credit Instructors Added and Changed Appointments Fall Semester 2009
   A2. Temporary Non-Credit ESL and Community Education and Services Instructors Fall 2009
B. Academic Personnel Lottery to Determine Order of Employment

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

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve the Academic Personnel Recommendations.

Administrator Initiating Item: Linda Beam, Executive Dean of Human Resources and Labor Relations
### A. APPOINTMENT OF ACADEMIC PERSONNEL

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<td>2.</td>
<td>Marlow, Colleen</td>
<td>Instructor, Physics</td>
<td>1.0</td>
<td>Probationary</td>
<td>1/20/10</td>
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**BACKGROUND INFORMATION:**

1. Appointment to 1st Year Probationary position in Anthropology.
2. Appointment to 1st Year Probationary position in Physics.
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<th>Name</th>
<th>FTE</th>
<th>Status</th>
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<td>Abouaf, Jeffrey R.</td>
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<td>Albini, Dianna L.</td>
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<td>Andrews, Nilda F.</td>
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<td>Antonaccio-Benge, Andrea L.</td>
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<td>Ariano, Vaughan</td>
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<td>Aten, Duane E.</td>
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A.1. Temporary Credit Instructors Added and Changed Appointments Fall 2009

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A.1. Temporary Credit Instructors Added and Changed Appointments Fall 2009

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## A.2. Temporary Non-Credit ESL and Community Education and Services Instructors Fall 2009

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A.2. Temporary Non-Credit ESL and Community Education and Services Instructors Fall 2009

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<table>
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<tr>
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<th>Name</th>
<th>Discipline/ Title</th>
<th>Appt. Type</th>
<th>Lot No.</th>
<th>Drawn</th>
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<tr>
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<td>1</td>
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<tr>
<td></td>
<td>McKinnon, Sara</td>
<td>Instructor, Non-Credit ESL</td>
<td>1st Year Probationary</td>
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<td>2</td>
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**BACKGROUND INFORMATION:**

In accordance with Education Code Sections 87414 and 87415, a lot drawing is required to establish the order of employment of academic employees who rendered their first day of probationary service in the District on the same date. On August 28, 2009, a lottery drawing was held to establish the order of employment for those employees having a start date of **August 12, 2009**. The official, signed, witnessed and confirmed document resulting from this drawing is a part of the records of the Marin Community College District Human Resources Department, with number 1 indicating the greatest level of employment seniority while each succeeding number, in increasing numerical order, shall represent a correspondingly diminishing order of employment seniority.
MARIN COMMUNITY COLLEGE DISTRICT
Kentfield, CA 94904

BOARD AGENDA ITEM

To: Board of Trustees
From: Superintendent/President
Subject: Short-Term Hourly Positions

Reason for Board Consideration: APPROVAL

Enclosure(s):
Job Descriptions

Date: September 22, 2009
Item and File No. B.10.D

BACKGROUND

Pursuant to A.B. 500 a Short-Term hourly employee cannot begin working until the Board has taken action at a regularly scheduled meeting to approve these positions. The attached job descriptions are submitted for approval:

Short-Term Hourly Positions

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

On instructional side of the 50% law:

- Environmental Landscaping – Lab Tech
- Health Sciences – Department Aide IV
- Health Sciences – Grant Monitor
- Life and Earth Sciences – Lab Assistant
- Mathematics – Math Lab Tutor
- Physical Education – Athletic Study Hall Monitor

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve the Short-Term Hourly Positions.

Administrator Initiating Item: Linda Beam, Executive Dean of Human Resources & Labor Relations
### A. SHORT TERM HOURLY POSITIONS – September 22, 2009

<table>
<thead>
<tr>
<th>DEPT.</th>
<th>JOB TITLE</th>
<th>NUMBER OF POSITIONS</th>
<th>START DATE</th>
<th>END DATE</th>
<th>HOURLY RATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental Landscaping</td>
<td><strong>Lab Tech</strong> – Assist Farm Manager on site at IVC farm.</td>
<td>1</td>
<td>8/17/09</td>
<td>12/30/09</td>
<td>$14.14 hour</td>
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<tr>
<td>Health Sciences/Medical Assisting</td>
<td><strong>Department Aide IV</strong> – Work in collaboration with instructor to set up skills lab. Assist with skills demonstrations. Address student questions as appropriate. Order lab supplies, stock supplies, keep inventory, and clean and maintain lab equipment.</td>
<td>1</td>
<td>8/31/09</td>
<td>12/23/09</td>
<td>$12.60 hour</td>
</tr>
<tr>
<td>Health Sciences</td>
<td><strong>Grant Monitor</strong> – Oversee, track, record, and generate reports of grant activities and results for Dental Grant.</td>
<td>1</td>
<td>9/1/09</td>
<td>6/30/10</td>
<td>$21.00 hour</td>
</tr>
<tr>
<td>Life and Earth Sciences</td>
<td><strong>Lab Assistant</strong> – Assist with the set up of the labs and their various functions, including inventory assistance.</td>
<td>4</td>
<td>9/1/09</td>
<td>12/18/09</td>
<td>$10.75 hour</td>
</tr>
<tr>
<td>Mathematics</td>
<td><strong>Math Lab Tutor</strong> – Tutor math lab students.</td>
<td>4</td>
<td>8/17/09</td>
<td>12/18/09</td>
<td>$10.75 hour</td>
</tr>
<tr>
<td>Physical Education</td>
<td><strong>Athletic Study Hall Monitor</strong> – Work under the supervision of the Athletic Academic Counselor and Athletic Director to monitor attendance in and other academic needs in Athletic Study Hall. Assist students with tutoring, study tables, and other academic needs in coordination with existing Tutoring Center Coordinator. Provide periodic grade reports to Counselor, student, and coach. Function as the liaison between teachers, athletes, and their Counselor. Other duties as assigned by Athletic Academic Counselor or Athletic Director.</td>
<td>2</td>
<td>8/17/09</td>
<td>3/17/10</td>
<td>$15.00 hour</td>
</tr>
</tbody>
</table>

**BACKGROUND:**
Pursuant to A.B. 500 a short-term hourly employee cannot begin working until the Board has taken action at a regularly scheduled meeting to approve these positions. The above job descriptions are submitted for approval.
BACKGROUND:

The accompanying transfer information includes, fourteen budget transfers in August 2009, totaling $349,638, in Unrestricted Funds.

There were eleven transfers in Restricted Funds for $247,992 in August 2009. There was one budget transfer from the Restricted Reserve Contingency Fund for $106,500 in August, to allocate the Allied Health Grant.

There were three budget transfers in Measure C funds for $10,200. There was one budget transfer, for $95,000, from Measure C Reserve Contingency Fund for SMC Construction to augment budget.

Net effect of transfers for the Month.

<table>
<thead>
<tr>
<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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</thead>
<tbody>
<tr>
<td>1000 (Certificated Salary)</td>
<td>114,885</td>
<td>-</td>
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<td>2000 (Classified Salary)</td>
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<td>3000 (Employee Benefits)</td>
<td>46,176</td>
<td>-</td>
<td>-</td>
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<tr>
<td>4000 (Supplies/Eqpt. Repl.)</td>
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<td>5000 (Other Operating Exp.)*</td>
<td>295,604</td>
<td>-</td>
<td>-</td>
<td>7,800</td>
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<tr>
<td>6000 (Capital Outlay)</td>
<td>62,690</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<tr>
<td>7000 (Other Outgo)**</td>
<td>(106,500)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>(95,000)</td>
</tr>
</tbody>
</table>

*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 August Budget Transfers – FY 2009/2010.

Administrator Initiating Item

Albert J. Harrison II, Vice President, College Operations
<table>
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</tr>
</tbody>
</table>

### TOTAL GENERAL FUND

- 114,885.00 (107,755.21) 46,176.00 (305,099.30) 295,604.01 62,589.50 (106,500.00) 0.00 519,354.51

### Child Care Fund

- 0.00 0

### Measure C

- 0.00 0

### TOTAL ALL FUND

- 114,885.00 (107,755.21) 46,176.00 (305,099.30) 303,404.01 148,889.50 (201,500.00) 0.00 614,354.51

Budget Inter-project transfers were funds remained within the same account code and transfers offset to zero, not included in totals.

### Object Code

- 4000 4000 5000 5000 6000 6000 (2,500,000) (2,500,000) 0.00 0.00
- 4834 4869 4870 4891 4940 0.00 0.00 0.00 0.00
- 2,801,500.00 2,801,500.00

Total Measure C Building transfers were funds remained within same account code.
MARIN COMMUNITY COLLEGE DISTRICT
Kentfield, CA 94904

BOARD AGENDA ITEM

To: Board of Trustees
From: Superintendent/President
Subject: Warrant Approval for Month of August 2009
Date: September 22, 2009
Item & File No. B.10.F

Reason for Board Consideration: APPROVAL
Enclosure(s): Warrant Listing

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 08/03/2009 through 08/31/2009, warrants 85254-85661 were issued in the total amount of $3,026,385.

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: September 15, 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 85254 - 85661 in the amount of $3,026,385, for all funds for the period 08/3/2009 through 8/31/2009 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 $1,985,705 of the above amount. Expenditure Summary includes payroll through August 31, 2009.

President or Designee

EXPENDITURE SUMMARY
2009-2010
General Fund – All Programs
Period Ending 08/31/2009

<table>
<thead>
<tr>
<th>Category</th>
<th>Budget</th>
<th>Encumbered</th>
<th>Expended</th>
<th>Balance</th>
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<td>Certificated Salaries</td>
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<td>Employee Benefits</td>
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<td>9,309,137</td>
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<tr>
<td>Books &amp; Supplies</td>
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<td>64,917</td>
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<td>Other Operating Expense*</td>
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<td>517,751</td>
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<td>Capital Outlay</td>
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<tr>
<td>Other Outgo**</td>
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<td>Total</td>
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<td>8,132,611</td>
<td>48,991,473</td>
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</tbody>
</table>

* Includes utilities, consultants, travel, legal services, maintenance contracts, etc.
** Includes financial aid awards and inter-fund transfers.
**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 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.
<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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<tr>
<td>KTD</td>
<td>FA 127</td>
<td>1</td>
<td>HP Laserjet 4 Plus Printer</td>
<td>827</td>
<td>15 yrs</td>
<td>Not Used</td>
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<td>KTD</td>
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<td>1</td>
<td>Sharp UX106 Roll Paper Fax Mach</td>
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<td>10 yrs</td>
<td>Broken</td>
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<tr>
<td>IVC</td>
<td>Auto Cmplx</td>
<td>1</td>
<td>1995 Nissan Altima</td>
<td>#123</td>
<td>19 yrs</td>
<td>Not useful to program</td>
<td>Junk</td>
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<td></td>
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<tr>
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<td>Auto Cmplx</td>
<td>1</td>
<td>1990 Nissan Sentra</td>
<td>#4370</td>
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<td>Poor quality</td>
<td>Company will recycle</td>
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<tr>
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</table>
**BOARD AGENDA ITEM**

**To:** Board of Trustees  
**From:** Superintendent/President  
**Subject:** Measure C Contracts  
**Date:** September 22, 2009  
**Item & File No.:** B.10.H.1  
**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.

### Contract Description

<table>
<thead>
<tr>
<th>Firm Name</th>
<th>Project Description</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>
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<td><strong>Construction Contracts – Ratification</strong></td>
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<tr>
<td>Jeff Luchetti Construction, Inc.</td>
<td>New FA Bldg (306C)</td>
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<tr>
<td>TMP Services, Inc.</td>
<td>Dance Reloc (850N)</td>
<td>$2,319.00</td>
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<td><strong>Construction Change Orders – Approval</strong></td>
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<td>DiGiorgio Contracting Co.</td>
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<td>$23,027.00</td>
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<td><strong>Professional Services Amendments – Ratification</strong></td>
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<td>Transitions</td>
<td>Diamond PE Center Alterations (308B)</td>
<td>$353,854.00</td>
<td>11</td>
<td>$1,011.00</td>
<td>$233,241.00</td>
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<td>Kleinfielder, Inc.</td>
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<td>CSW/Stuber-Stroeh</td>
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<td>26</td>
<td>$25,285.00</td>
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<td>Chipman Relocations</td>
<td>Diamond PE Center Alterations (308B)</td>
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<td>$900.00</td>
<td>$7,550.00</td>
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<td>Inspection Services, Inc.</td>
<td>Main Bldg (417A); Parking Lot-Bioswale (401B)</td>
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<td>Inspection Services, Inc.</td>
<td>Trans Tech (402A)</td>
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<td>Aquatic Design Group</td>
<td>PE Pool Renov (308F)</td>
<td>$22,500.00</td>
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<td>$4,740.00</td>
<td>$4,740.00</td>
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<td>Cohn + Associates</td>
<td>SMCP Greenhouse (305A)</td>
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<td>West Campus Bridge (301A)</td>
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<td>Professional Services Contracts – Ratification</td>
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<td>LEED (815A)</td>
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**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.
BACKGROUND:

On May 12, 2009, the Board of Trustees approved a short form professional services agreement for Aquatic Design Group for design services for the renovation of the Kentfield pools. Due to unforeseen conditions common in this type of work associated with the design of the pool renovation, additional design services are required. These additional design services are necessary in order to complete the design of the project. The District will gain efficiency by continuing to use the same consultant through the end of the project. Amendment 1 is brought to the Board for approval because Aquatic Design Group is not part of the pre-approved allocation of funds for amendments (Board approval for pre-approved funds typically occurs in April and October).

The Board is asked to approve Amendment 1 in the amount of $4,740 to cover the additional design services necessary to complete the design of the PE Pool Renovation Project (308F).

FISCAL IMPACT:

Amendment 1 will be paid from Measure C bond funds allocated to the PE Pool Renovation Project (308F).

<table>
<thead>
<tr>
<th>Original Contract Amount</th>
<th>Amendment 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>$ 22,500</td>
<td>$ 4,740</td>
</tr>
</tbody>
</table>

Total Contract Amount $ 27,240

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve Amendment 1 with Aquatic Design Group in the amount of $4,740 for design services for the PE Pool Renovation Project (308F).
BACKGROUND:

At the August 25, 2009 Board of Trustees meeting, a set of recommended proposals to revise Board Policies in Chapter 3, General Institution and Chapter 5, Student Services was included in the agenda for a first reading.

After review by the Board the following Board Policies are hereby presented for a second reading and Board approval:

- BP 3250 Institutional Planning
- BP 5150 EOPS

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve adoption of Board Policies 3250 and 5150.
BP 3250 INSTITUTIONAL PLANNING

References:
ACCJC Accreditation Standard I.B;
Title 5 Sections 51008, 51010, 51027, 53003, 54220, 55250, 55400 et seq.,
55510, and 56270 et seq.

The Superintendent/President shall ensure that the District has and implements a
broad-based comprehensive, systematic, integrated system of planning and resource
allocation that involves appropriate segments of the college community and is
supported by institutional effectiveness research.

The planning system shall include plans required by law, including, but not limited to:
- Long Range Educational Master Plan
- Facilities Plan
- Equal Employment Opportunity Plan
- Student Equity Plan
- Matriculation Plan
- Transfer Center Plan
- Cooperative Work Experience Plan
- Extended Opportunity Programs and Services (EOPS) Plan

The Superintendent/President shall submit those plans to the Board of Trustees for
which Board approval is required per Title 5.

The Superintendent/President shall inform the Board of Trustees about the status of
planning and the various plans.

The Superintendent/President shall ensure the Board of Trustees has an opportunity to
assist in developing the general institutional mission and goals for the comprehensive
plans.

- From current College of Marin Policy 7.0005 titled District Master Plan

The Board recognizes the value of a Master Plan to serve as a planning document,
recommending goals and objectives relevant to the needs of those to be served.
Therefore, the Superintendent/President shall develop for review and approval by the Board an action plan, to be known as the District Master Plan, reducing the prescribed mission and goals of the District to a specific timetable within which certain educational priorities shall be accomplished, based upon a current determination of community needs and responsible utilization of fiscal, physical, and human resources.

The District Master Plan shall address the following areas: profile of Marin County; projected needs of Marin County; District philosophy, mission, goals, organization and management; educational programs and services; staffing requirements; financial requirements; facility requirements; annual priorities and evaluation of outcomes.

The Plan shall be updated periodically at the direction of the Board and subject to its approval. Periodic reports relating to the progress made in reaching the approved goals and objectives shall be made by the Superintendent/President to the Board.

Also see BP/AP 3200 titled Budget Preparation

Date Adopted:
(Replaces current College of Marin Policy 7.0005)

NOTE: The underlined regular text signifies language recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). Language in underlined italics was recommended by the Office of Planning and Development. The language that is struck through is from current College of Marin Policy 7.0005 titled District Master Plan adopted on 5/12/81 and revised on 4/9/85. This policy was reviewed by the Board Policy Task Force on 5/4/09 and recommended to go forward. College Council recommended it go forward to the BOT at its 5/7/09 meeting.
BP 5150  EXTENDED OPPORTUNITY PROGRAMS AND SERVICES

References:
Education Code Sections 69640 – 69656;
Title 5 Sections 56200 et seq.

Support services and programs that are over and above the traditional student services programs shall be provided in order to assist students who have economic, academic, language, and social disadvantages to succeed academically in the District.

The Extended Opportunity Programs and Services (EOPS) Program is established to provide services that may include, but are not limited to, outreach, recruitment, orientation, assessment, tutorial services, counseling and advising, and financial aid.

The Superintendent/President shall assure that the EOPS Program conforms to all requirements established by the relevant law and regulations.

Date Adopted:

NOTE: This is a new policy recommended by the CC League and the League’s legal counsel. The underlined regular text signifies legally required language recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The underlined italics text was recommended by the EOPS Director. This policy has been reviewed by the Office of Student Development, EOPS, the Vice President of Student Learning, the Academic Senate President and ASC Chair and is recommended to go forward. It was approved by the Academic Senate under its 10 + 1 purview. It was reviewed as an Information Item by the Board Policy Task Force on 5/4/09 and College Council on 5/7/09.
BOARD AGENDA ITEM

To: Board of Trustees
From: Superintendent/President
Subject: Classified Management Personnel Recommendation
Reason for Board Consideration: APPROVAL

Date: September 22, 2009
Item & File No. B.10.J
Enclosure(s):
Recommendations

BACKGROUND:

The following actions are included in the Classified Management Personnel Recommendations:

A. Appointment of Classified Management Personnel

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve the Classified Management Personnel Recommendation.
To: Walter Turner

From: Nick Chang, Vice President of Student Learning

CC: David Erlenheim; Jim Arnold

Date: September 16, 2009

Re: Travel/Conference

Comments:

Your conference request to participate in the Vietnam at the Crossroads delegation to the country of Vietnam on October 8-23, 2009, has been recommended for approval by the Professional Affairs Committee. PAC approved $1,000 based on your estimated costs. (Approval is contingent upon Board of Trustees approval for Out-of-Country travel). Please be aware that PAC distributes funds based on a formula, and if your actual costs differ, your approval amount may change.

I concur with their recommendation and have signed the attached form and forwarded a copy to David Erlenheim in Fiscal Services.

Please note the following regarding travel:

Please refer to Board Policy 6.0009 TRAVEL EXPENSES, for important information regarding reimbursement allowances, especially for meals.

No arrangements for travel (purchase orders for registration fees, hotel accommodations, air travel, or claims for reimbursement) will be processed without the approved PAC form on file.

Purchase orders need to be submitted by the employee traveling for conference/seminar registration and for hotel accommodations. If these items are paid by the employee, or other expenses incurred, a Claim for Reimbursement must be submitted (with receipts attached). Receipts are required for all expenditures. According to District procedure, all claims for travel expenses must be submitted no later than 60 days after you return.

Travel approved by the UPM/AFT Travel Committee (PAC) should be charged to 11100-20101-52000-601000.

An Absence Report must be submitted to Human Resources when you return.

Attachment
**Confidential, Honorary Leave, Short Course Request Form for UPM/AFT Unit Members**

<table>
<thead>
<tr>
<th>Name:</th>
<th>WALTER TURNER</th>
<th>Discipline(s): Social Sciences</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of Application:</td>
<td>9/14/69</td>
<td>Phone: 415-485-9636</td>
</tr>
</tbody>
</table>

**LEAVE TYPE (check one):**
- [ ] Permanent/Probationary unit member
- [ ] Temporary (part time) unit member (must be employed for at least 40% FTE or average 40% in academic year). Your % FTE: __________ |

**NAME OF CONFERENCE/SHORT COURSE:** Vietnam at Crossroads

**LOCATION OF EVENT:** North South Vietnam

**CRITERIA MET (check one or more):**
- [ ] Significant benefit to the institution (explain): __________________________________________________________________________
- [ ] Benefit to member by staying current in own discipline
- [ ] Benefit to District by retraining member for teaching, counseling, librarianship, or administration
- [ ] Enhancement of teaching methodology
- [ ] Increased expertise in meeting learning needs of a changing student population, i.e., re entry student, older student, remediation, etc.
- [ ] Formally invited to participate in professional activities with a recognized group, organization, or national/international body

List other MCCD personnel who will attend: NONE

**DATES OF LEAVE:** From 9/14/69 to 9/23/69

Will you share: Hotel costs? [ ] Yes [ ] No
Transportation costs? [ ] Yes [ ] No

Dates you will be absent from class: 9 Dates and hours you will need a [ ] Paid [ ] Trade Substitute: __________

**BUDGET INFORMATION:**
All items must be completed or the form will be returned.

| Car: | __________ miles @ $ __________/mile = $ __________ |
| Airfare: | $ 1620.80 |
| Other: | __________ $ __________ |
| Hotel: Your cost for __________ nights is $ __________ |
| Conference fees: | __________ |
| Meals: | __________ |
| Other Fees: | Property exp. $ __________ |

Total travel cost: $ __________

If honorary leave, amount of compensation: $ __________

Above to be paid from General Funds: $ __________
Categorical Funds:* $ __________
Outside Agency Funds:* $ __________

Total Funds: $ __________

*Requires signature of Budget Manager: __________

**APPROVALS:**

| PAC Signature: | __________ | Date: 9/16/69 |

**Professional Affairs Committee Action:**
- [ ] Recommended for approval, for $ 1000.00
- [ ] Out of State—needs board approval $ __________
- [ ] Recommended for disapproval

**Comments:** __________________________________________________________________________

**Vice President/Dean Action:**
- [ ] Approved
- [ ] Disapproved (If disapproved, return to originator who may appeal; see Grievance Article in contract.)

Reason: __________________________________________________________________________

| VP/Dean Signature: | __________ | Date: 9/16/69 |
TO: Academic Staff
FROM: Professional Affairs Committee
SUBJECT: CEU Hours or Units (Section 5.5.3.5 of Contract)

[Signature: [Signature]
Date: 9/12/09]

Marin Community College District

ASSIGNED HOURS AND SUBSTITUTE ARRANGEMENTS FORM
FOR CONFERENCE OR HONORARY LEAVE
(MCCD/UPM Contract Section 5.5.3.6)

Office: KTD [ ] IVC [ ] Office Phone: KTD 745 9 [ ] IVC [ ]

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1. Fill out schedule, including office hours.
2. List the period of leave.
   From: 10/3 9:40 a.m./p.m. To: 10/24 5 a.m./p.m.
   Day/Time
3. List the arrangements for covering your obligations during the above period of leave (e.g., substitute, trade with named faculty member, etc.).

DATE

ARRANGEMENT

TBA

To Be Arranged
Professor Walter Turner  
Chairperson, Social Sciences Department  
College of Marin  
Kentfield, California 94904  

RE: Invitation to participate in delegation to Vietnam/October 2009

Professor Turner:

Global Exchange in conjunction with T.T. Nhu Vietnam Delegations has been asked to extend an invitation for you to participate in an upcoming delegation to the country of Vietnam. The delegation, "Vietnam at the Crossroads" will be held between October 9, 2009 and October 24, 2009 and will focus on Vietnam's societal reconstruction, cultural resurgence and the unique mix of Socialism and Capitalism.

The delegation has been organized by T.T. Nhu who was born in Vietnam and has lived in the country for the past five years. During these past five years she has organized delegations for people from around the world to her country of Vietnam. T.T. Nhu is working in partnership with Global Exchange to build a delegation that will increase awareness around contemporary issues in Vietnam. As you can see via the attached itinerary the delegation will travel to both North and South Vietnam.

The total cost of the delegation is $1900 which does not include your international airfare, visa, tips, or personal expenses. Global Exchange/T.T. Nhu Vietnam Delegations are willing to cover the $1900 fee as part of our official invite for your participation. The $1900 will include all accommodations, 3 meals per days, guides, entrance fees, ground transportation, and preparatory reading materials.

Global Exchange/T.T. Nhu Vietnam delegations would encourage KPFA Radio, College of Marin, and other institutions with which you are associated to provide funds for your airfare and other miscellaneous expenses. We would estimate the airfare and other expenses to be approximately $1500.00.

You have chosen to be part of the delegation because of your long standing work with a variety of organizations throughout the United States. We are aware of your work with the Social Sciences Department at the College of Marin and your regular radio program which highlights African Affairs on Radio Station KPFA. Your board membership in organizations such as Freedom Archives, Priority Africa Network, and the African Immigrants Cultural Association have all been valuable as sources of activism and information. T.T. Nhu Vietnam Delegations and Global Exchange are aware of your international work in Cuba, Venezuela, Haiti, Jordan, Somalia, Zimbabwe, Nigeria, Kenya, Senegal, Mali, Egypt, and throughout many other parts of the world. We would be quite honored to have you as a participant in the delegation. Our delegation has purposely sought to include a diversity of participants who would be able to return to the United States and share information about contemporary issues in the country of Vietnam.
Please inform us your interest in participating in this historic delegation to Vietnam at your earliest convenience. We are in the midst of finalizing reservations and setting up personal meetings to accommodate particular interest of delegation participants. You will be quite interested to have the opportunity to meet environments, economists, and academics who are in the forefront of an ever changing Vietnam. We have established specific academic contacts with Vietnamese scholars who focus on African affairs. We are very much looking forward to your participation in the delegation.

If you have additional questions please contact our office in San Francisco and we can give you further details.

Looking forward to your participation.

Kirsten Moller, Executive Director
RE: T.T. Nhu Vietnam Delegations
Global Exchange
2017 Mission Street
San Francisco, California 94110
Five years ago, T.T. Nhu, Global Exchange board member, moved back to Vietnam after George Bush was returned to the White House. During that time, she traveled up and down the country to re-acquaint herself with the country of her birth. In October 2009, she will lead a tour of the Vietnam that she knows: a country of hearty, enthusiastic, hard working people who, unlike what most Americans fear, do not hate the U.S.

People traveling to Vietnam are often startled by the beauty of the country and the graciousness of its people, qualities that have not faded despite the punishing long war with the United States as well as the subsequent 20-year embargo which lasted until 1995.

Travel to Vietnam with Global Exchange and see how 34 years after the end of the American War, Vietnam is faring after years of war, deprivation and now command capitalism.

We will meet Vietnamese who are inventing their future and confidently entering global markets. Vietnam now has a thriving tourism industry and rapidly growing economy while working to maintain and expand health care, education, poverty alleviation programs and civil liberties. You will meet artists, writers, politicians, teachers, musicians, farmers and environmentalists -- all friends of Nhu's on this personal tour of Vietnam.

The emphasis of this tour will be on Vietnam's societal reconstruction, cultural resurgence and unique mix of Socialism and Capitalism. Global Exchange tours to Vietnam and travel from Ha Noi and Ho Chi Minh City (formerly Saigon) in the south. We cannot go to central Vietnam because it is typhoon season.

Weather during the late fall to early winter is cool to warm, but not hot.
Early arrival or later departure is fine - and our excellent Vietnam tour operator can help make additional arrangements for individuals.

**Program Highlights:**

- After 10 days in Ha Noi and North Viet Nam, we will travel South Ho Chi Minh City and the southern Delta.
- Learn about the successes and failures of building socialism in the aftermath of feudalism and colonialism.
- Meet Vietnam most dynamic avant garde artists.
- Spend a day on a boat and kayaking in Ha Long Bay.
- Visit a rice-producing village during the October Harvest time. (Vietnam is the world's 2nd largest rice-producer; 75% of the population is rural)
- Visit urban and rural community projects, a school, factory, clinic, political representatives, artists, intellectuals and ordinary citizens.
- Meet with a Vietnamese economist to discuss how "Market Capitalism Under State Control" (Vietnam's blending of Socialism & Capitalism) actually works
- Meet with environmental activists

**Cost:** 1900

**Price Includes:**

- One in-county air flight
- All ground transportation (private bus & train)
- Private boat trip in Halong Bay, Perfume River
- Double-room accommodation - we can usually pair you up with a roommate (add $350 for single room)
- 3 meals per day-lunch and dinner at local restaurant, Vietnamese food
- All program activities and entrance fees, trip leader(s)
- Guides and translators
- Preparatory reading materials
- Global Exchange membership
- Personal meetings to suit your particular interests (as available)
Global Exchange Vietnam Itinerary October 10 – 23, 2009

Viet Nam at the Crossroads
(14 days, 13 nights)

October 10: Arrive in Ha Noi
Arrival, check-into Rising Dragon Hotel, 61 Hang Be
2 PM: Orientation with your Trip Leader
3 PM: Visit Hoan Kiem Lake and Ngoc Son temple. Walking tour of Hanoi Old Quarter.
Visit Salon Natasha, 30 Hang Bong – 1st Vietnamese contemporary art gallery
7 PM: Dinner: Green Restaurant Hang Manh

October 11: Ha Noi
8 AM: President Ho Chi Minh’s house and museum. One-pillar pagoda.
Lunch: Thang Long Restaurant - West Lake
2:30 PM: Meeting with Giang and Andrew Dang Wells, a husband and wife who work in NGOs in Ha Noi to discuss the economy, politics and society.
5 pm: Art Viet Nam
Dinner: Quan An Ngon

October 12: Ha Noi
Breakfast: Hotel
9 AM: Discussion about Viet Nam’s international integration, achievements and challenges after 20 years of renovation with Professor Le Van Lan, history professor and Viet Nam’s Alex Trebek. He hosts a “Jeopardy” program on TV.
Tour underground tunnels at Army Museum with Professor Lan
Lunch: Hoa Sua - Ha Hoi District
2 PM: Temple of Literature and Fine Arts Museum
Free Time
Dinner: Cha Ca La Vong

October 13: Ha Noi - Ha Long
8 AM: Leave for Ha Long bay.
Lunch on boat.
Explore Ha Long by boat or kayak
Dinner and overnight in Ha Long - Cong Doan Hotel
October 14: Ha Long - Ha Noi
Breakfast
Return to Ha Noi. Visit Musician in Lan Tho Ha for Lunch
Free Afternoon
7 PM: Dinner - TADIOTO Restaurant and Gallery
Discussion and artists exhibits with Nguyen QuyDuc, former host of Pacific
Time about the cultural life in Ha Noi

October 15: Ha Noi – Ha Giang Province
7 AM: Breakfast
9 AM: Bus to Pan Hou, Ha Giang Province
Check in and lunch at Pan Hou Lodge
Visit nearby Zao, Man communities in hills
Dinner at Pan Hou

October 16: Pan Hou-Meo Vac
8 AM Breakfast
Visit an eco-project run by Zao
Lunch on the road
Drive to Meo Vac
Visit Lung Tam Weaving Cooperative
Check in Meo Vac Guest House
Dinner

October 17: Meo Vac-Dong Van
8AM: Breakfast
Visit amazing weekend market
Lunch on the road
Spectacular Drive to Dong Van
Check in Hotel Dong Van
Dinner

October 18: Dong Van-Ha Noi
8AM: Breakfast
Visit Lung Phin market
Lunch on the road
Check in Hotel Hanoi
Dinner

October 19: Ha Noi
Breakfast
Art Viet Nam – Ha Noi’s foremost contemporary art gallery
Lunch
Afternoon: tour artists’ studio with Phuong Linh
Dinner Sen
Free Evening

October 20: Ha Noi to Ho Chi Minh City
Breakfast
Checkout. Leave for Ho Chi Minh City
Check-into Hotel
PM: Saigon War Museum and visit Unification Palace where the ARVN surrendered on April 30, 1975. Tour Saigon
Dinner

October 21: Ho Chi Minh City - the Delta
8 AM: Breakfast
Bus to Delta
Visit rice farms, mangrove, communities
Check in hotel Can Tho

October 22: Ho Chi Minh City
8.30 AM: Meet Mrs Xuan Phuong who left home at the age of 16 to join the revolution and is now a very successful entrepreneur at 77. She is emblematic of the trajectory traveled from 1946 to the present.
Lotus Gallery
Farewell lunch.
Free Time

October 23: Ho Chi Minh City
Check out hotel
Flight home.

This is a tentative Itinerary. Global Exchange and Reality Tours are not responsible for any changes that occur to the itinerary

This adventure is suitable for Global Exchange travelers who live an active lifestyle, enjoy good health and mobility, are comfortable participating in 4-6 hours of daily physical activities and sightseeing, and able to walk 2-3 miles unassisted over the course of each day. We travel over bumpy roads, uneven stairways in ancient ruins and slippery market floors. We require the agility to get on and off the bus and boat.
BACKGROUND:

This Memorandum of Understanding (MOU) is submitted to the Board for approval. This Memorandum of Understanding is consistent with agreements and conditions as approved in previously approved Memorandum of Understanding for similar programs during the last four years.

This MOU is between the Board of Trustees, College of Marin and San Mateo Community College District. The "MOU" is for the purpose of supporting the Solar Technician Training Program at the District’s Indian Valley Campus.

The funds provided to College of Marin ($50,000 for a three year period) will pay for expenses related to clean energy workforce training not already covered by the College of Marin. It is anticipated that through this collaboration, the College of Marin will benefit significantly from the participation of all the local employers and community organizations committed to workforce and economic development.

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve the Memorandum of Understanding – San Mateo Community College District and College of Marin Program to Support Solar Technician Training Program at IVC.
SAN MATEO COUNTY COMMUNITY COLLEGE DISTRICT
AGREEMENT WITH
COLLEGE OF MARIN

This Agreement entered by and between the San Mateo County Community College District, a political subdivision of the State of California, having its principal business address at 3401 CSM Drive, San Mateo, CA 94402 (hereinafter called "District") and College of Marin, having its principal business address at: 835 College Avenue, Kentfield, California, 94904 (hereinafter called "Contractor").

WHEREAS, it is necessary and desirable that Contractor be engaged by District for the purpose of performing services hereinafter described;

NOW, THEREFORE, in consideration of the payments hereinafter set forth, Contractor shall perform services for District in accordance with the terms and conditions set forth herein and in Exhibit A attached hereto and by this reference made a part hereof, and, in consideration of the services rendered in accordance with all terms and conditions set forth herein and in Exhibit A, District shall make payment to Contractor in the manner specified in Exhibit A.

1. TERM AND TERMINATION. This Agreement shall commence on September 23, 2009 and terminate on February 14, 2012. Notwithstanding the foregoing, if any applicable law limits the permissible length of the term of this Agreement, then the term of this Agreement shall not extend beyond the length permitted by law. Either party may terminate this Agreement upon thirty (30) days' written notice to the other party.

2. AMENDMENTS. This Agreement may be amended only by written instrument signed by both District and Contractor which writing shall state expressly that it is intended by the parties to amend the terms and conditions of this Agreement.

3. GOVERNING LAW AND EXTENT OF AGREEMENT. This Agreement, including all exhibits attached hereto and incorporated herein by reference, shall be construed in and governed by the laws of the State of California and constitutes the sole agreement of the parties hereto and correctly states the rights, duties and obligations of each party. Any prior agreement, promises, negotiations, or representations between the parties not expressly stated in this document are of no force or effect. In the event of a conflict between the terms and conditions set forth herein and those in the exhibits attached hereto, the terms and conditions set forth herein shall prevail.

4. INDEPENDENT CONTRACTORS. It is understood that this is an Agreement by and between independent contractors and is not intended to, and shall not be construed to, create the relationship of agent, servant, employee, partnership, joint venture of association, or any other relationship whatsoever other than that of independent contractor. Except as District may specify in writing, Contractor shall have no authority, expressed or implied, to act on behalf of District in any capacity whatsoever. Contractor shall have no authority, expressed or implied, pursuant to this Agreement to bind District to any obligation whatsoever.

5. TIME OF PERFORMANCE. Time is of the essence and Contractor shall perform the services required by this Agreement in an expeditious and timely manner so as not to unreasonably delay the purpose of this Agreement.
6. **FAIR EMPLOYMENT PRACTICES/EQUAL OPPORTUNITY ACTS.** District is an equal opportunity employer. By entering into this Agreement, Contractor certifies that he/she is in compliance with the Equal Employment Opportunity Requirement of Executive Order 11246, Title VII of the Civil Rights Act of 1973, the California Fair Employment Practices Act and any other Federal or State laws and regulations related to Equal Employment Opportunity. Contractor's personnel policies shall be made available to District upon request.

7. **LICENSES, PATENTS, PERMITS.** Contractor shall apply for and maintain in current status all licenses, patents and permits necessary in performance of the work required under this Agreement.

8. **LIABILITY AND INSURANCE.** Contractor shall be responsible for all damages to persons or properties that occur as a result of Contractor's or Contractor's employees fault or negligence in connection with the performance of this Agreement.

Contractor shall procure and maintain during the life of this Agreement, Comprehensive General Liability insurance which provides for injuries including accidental death, per any one occurrence in an amount not less than $2,000,000 per occurrence and $4,000,000 annual aggregate; property damage insurance in an amount not less than $2,000,000 per occurrence; and business automobile liability insurance in an amount not less than $2,000,000 including coverage for owned, non-owned and hired vehicles.

Contractor shall have in effect, during the entire life of this Agreement, Workers' Compensation and Employer Liability insurance providing full statutory coverage. In signing this Agreement, Contractor makes the following certification, required by Section 1861 of the California Labor Code (select one):

- I am aware of the provisions of Section 3700 of the California Labor Code, which require every employer to be insured against liability for Workers' Compensation or to undertake self-insurance in accordance with the provisions of the Code, and I will comply with such provisions before commencing the performance of the work of the Agreement.

- or

  I have no employees and, therefore, will not submit a Certificate of Workers' Compensation.

  ____________________________
  Contractor Signature

Certificates of Insurance for coverages required herein shall be filed with District's Executive Vice Chancellor prior to the commencement of work. The certificates shall provide that if the policy or policies be canceled by the insurance company or Contractor during the term of this Agreement, thirty (30) days written notice prior to the effective date of such cancellation will be given to District's Executive Vice Chancellor. The certificates shall also show the information that the San Mateo County Community College District is named on Contractor's Comprehensive General Liability and Property Damage policies as co-insured or added thereon by endorsement as a named insured or additional insured.

9. **INDEMNIFICATION.** Contractor shall indemnify and save harmless District, its officers, agents, employees and servants from all claims, suits or actions of every name, kind, description, brought for, or on account of, injuries to or death of any person or damage to property resulting from performance of any work required under this Agreement by Contractor, its officers, agents, employees and/or servants.

The duty of Contractor to indemnify and save harmless, as set forth herein, shall include the duty to defend as set forth in Section 2778 of the California Civil Code; provided, however, that nothing herein shall be construed to require Contractor to indemnify District, its officers, agents, employees and servants
against any responsibility or liability in contravention of Section 2782 of the Civil Code.

The indemnification and hold harmless agreement set forth above includes, but is not limited to, Contractor’s agreement at its sole expense to indemnify District from and defend or settle any claim or action brought against District to the extent that it is based on a claim that any services furnished hereunder infringed a patent, copyright, trademark, service mark, trade secret, or other legally protected intellectual property rights. Contractor shall pay all costs, fees (including attorneys’ fees) and damages which may be incurred by District for any such claim or action or settlement thereof.

10. ASSIGNABILITY. Contractor shall not assign this Agreement or any portion thereof to a third party without the prior written consent of District, and any attempted assignment without such prior written consent in violation of this paragraph 11 is null and void and automatically shall terminate this Agreement. In the event of any assignment, Contractor shall remain liable to District as principal for the performance of all obligations under this Agreement.

11. FAILURE TO PERFORM. If, at any time, in the opinion of District, Contractor fails to render services of proper quality or has failed to perform, keep, and observe any of the terms or conditions herein contained on the part of Contractor to be performed, kept, and observed, District may give Contractor written notice to correct such conditions or cure such default; and if any such condition or fault shall continue for ten (10) days after said written notice, then, and in that event, this Agreement shall cease and expire. Thereupon District or its duly authorized representative may employ other parties to carry this Agreement to completion as District may deem proper.

12. FORCE MAJURE. Neither party shall be responsible for delays or failure in performance resulting from acts beyond the control of such parties. Such acts shall include, but not be limited to, Acts of God, labor disputes, civil disruptions, acts of war, epidemics, fire, electrical power outages, earthquakes or other natural disasters.

13. DISPUTE RESOLUTION. Should any dispute arise out of this Agreement, the parties agree to meet in mediation and attempt to reach a resolution with the assistance of a mutually agreed upon mediator. The mediation process shall provide for the selection, within fifteen (15) days of either party notifying the other of the existence of a dispute, by both parties of a disinterested third person as mediator and shall be concluded within forty-five (45) days from the commencement of the mediation unless a time requirement is extended by stipulation of both parties.

If a mediated settlement is reached, neither party shall be the prevailing party for the purposes of the mediated settlement. Each party agrees to bear an equal quota of the expenses of the mediator.

Neither party shall be permitted to file legal action without first meeting in mediation and maintaining a good faith attempt to reach a mediated resolution.

14. SEVERABILITY. Should any part of this Agreement be declared through a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of either party to enter into or to carry out, such decision shall not affect the validity of the remainder of this Agreement, which shall continue in full force and effect, provided that the remainder of this Agreement, absent the unexercised portion, can be interpreted reasonably to give effect to the intentions of the parties.

15. WAIVERS. No waiver of default by District of any terms or conditions hereof to be performed, kept, or observed by Contractor shall be construed to be or act as a waiver of any subsequent default of any of the terms and conditions herein contained.
16. **NOTICES.** All notices to be given between the parties hereto shall be in writing and may be served by commercial express/overnight courier service or by depositing the same in the United States mail, postage prepaid and certified receipt requested and addressed to:

"DISTRICT"
San Mateo County Community College District
James W. Keller, Executive Vice Chancellor
3401 CSM Drive
San Mateo, CA 94402

"CONTRACTOR"
College of Marin
Albert Harrison, Vice President of College Operations
835 College Avenue
Kentfield, California 94904

Either party by written notice to the other party may change the address of the notice or the names of the persons or parties to receive written notices.

17. **EXPENDITURE OF PUBLIC FUNDS.** Contractor agrees to comply with Government Code Section 8546.7 which provides that any contract involving expenditure of public funds in excess of $10,000 requires that the contracting parties shall be subject to the examination and audit of the Auditor General for a period of three (3) years after final payment under the contract.

18. **CAPTIONS.** Any captions to or headings of the articles, sections, subsections, paragraphs, or subparagraphs of this Agreement are solely for the convenience of the parties, are not a part of this Agreement, and shall not be used for the interpretation or determination of validity of this Agreement or any provision hereof.

19. **COUNTERPARTS.** This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all such counterparts together shall constitute one and the same instrument.

20. **EXECUTION.** By their signatures below, each of the following represents that they have authority to execute this Agreement and to bind the party on whose behalf their execution is made.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement in duplicate.

**SAN MATEO COUNTY COMMUNITY COLLEGE DISTRICT**

By: ________________________________
James W. Keller, Executive Vice Chancellor

Date: ________________________________

Employer Identification Number 94-3084147

**CONTRACTOR**

By: ________________________________

Name/Title of Authorized Signatory
Date: ________________________________

Federal Tax Payer Identification Number (EIN): ________________________________
EXHIBIT A - INVOICING

Services shall be billed to “San Mateo County Community College District” and become payable upon presentation of detailed invoice(s) specifying services provided and costs associated with those services during the activity period. The following is a quarterly schedule for invoicing:

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<tr>
<th>Invoice</th>
<th>Invoice Date</th>
<th>For Activities During Period:</th>
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<tr>
<td>1</td>
<td>10/1/2009</td>
<td>Through September 30 2009</td>
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<td>2</td>
<td>1/1/2010</td>
<td>October 1 2009 - December 31 2009</td>
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<td>3</td>
<td>4/1/2010</td>
<td>January 1 2010 - March 31 2010</td>
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<td>4</td>
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<td>April 1 2010 - June 30 2010</td>
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<td>5</td>
<td>10/1/2010</td>
<td>July 1 2010 - September 30 2010</td>
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<td>6</td>
<td>1/1/2011</td>
<td>October 1 2010 - December 31 2010</td>
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<td>7</td>
<td>4/1/2011</td>
<td>January 1 2011 - March 31 2011</td>
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<td>8</td>
<td>7/1/2011</td>
<td>April 1 2011 - June 30 2011</td>
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<td>9</td>
<td>10/1/2011</td>
<td>July 1 2011 - September 30 2011</td>
</tr>
<tr>
<td>10</td>
<td>1/1/2012</td>
<td>October 1 2011 - February 14 2012</td>
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The sum of all invoices for a given calendar year shall not exceed the indicated value:

<table>
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<tr>
<th>Partner</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
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<tr>
<td>College of Marin</td>
<td>$20,000</td>
<td>$20,000</td>
<td>$10,000</td>
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The total amount paid under this Agreement shall not exceed $50,000.

Invoices shall be sent to: SMCCCD, Accounts Payable Office, 3401 CSM Drive, San Mateo, CA 94402 with a copy sent to: Barbara Lamson, Skyline College, 3300 College Drive, San Bruno CA 94066.
EXHIBIT B – PROJECT DESCRIPTION

Skyline College is implementing the Bay Area Clean Energy Careers (BayCEC), a clean energy workforce development project funded by the US Department of Labor Community Based Job Training Grant. The timeframe of the grant is 3 years, commencing on February 15, 2009 and terminating on February 14, 2012.

The following describes a subgrant designated in the grant award for the project’s partner, College of Marin, in the amount of $50,000.

Highlights of Grant Activities Include:

1) **Regional Collaborative** - Create a regional industry-education partnership of community colleges, Workforce Investment Boards (WIBs), non-profits and employers, to provide training and career pathways in selected clean energy careers. The partnership, located in the East Bay, the North Bay and the Peninsula, will work collaboratively to connect the needs of the community workforce with clean energy training and resources.

2) **Training Programs and Implementation** – Create and provide training in energy efficiency careers such as energy auditing and retrofitting for 75 candidates; environmental control technology (HVAC) for 50 candidates; and solar energy technology for 80 candidates. Special emphasis will be placed on transitioning 50 workers from the finance and retail industry to clean energy sales and customer service.

3) **Capacity Building** – Create clean energy career pathways to provide multiple entry and exit points into the energy efficiency, environmental control technology and solar energy technology, including training at the K-12 system, CBO training centers and community colleges. Specific mechanisms include WIB clean energy career recruitment systems; “Clean Energy Systems and Careers” coursework at high schools, ROP’s, and community colleges; faculty training in clean energy curriculum; and a bridge class for underprepared students.

The Market for Clean Energy in the United States is growing rapidly. Nationally and locally our labor force lacks the skills needed to support this industry. A 2006 study from the National Renewable Energy Laboratory identified the shortage of skills and training as a leading non-technical barrier to clean energy market growth. The study identified a number of critical unmet training needs, including: lack of reliable installation, maintenance, and inspection services; the shortage of key technical and manufacturing skills; and failure of the educational system to provide adequate training in new technologies. These National and State concerns about workforce adequacy are echoed in the Bay Area, where 73% of “green” employers stated in a recent survey that there was a shortage of qualified workers, with trained energy industry workers among the most in demand.

This subgrant provides funding to assist College of Marin with implementing BayCEC training and outreach programs. This program component will support the grant’s goal of training a new workforce in clean energy.
EXHIBIT C - PROJECT OBJECTIVES
FOR COLLEGE OF MARIN

Dates are subject to change on agreement between SMCCCD and Contractor.

1. College of Marin will actively participate in BayCEC meetings and communications where appropriate. (Q1 2009 through Q1 2012)

2. College of Marin, along with Skyline College and Laney College, will assess demand and instructional capacity for Clean Energy programs within College of Marin. (Q1 2009 through Q2 2009)

3. College of Marin, along other BayCEC community colleges, will evaluate curriculum through the course of the grant. (Q4 2009 through Q2 2011)

4. College of Marin, along other BayCEC partners, will assist Skyline College to complete quarterly, Mid-Program and Summative Evaluations, as well as Employer Outcome Reporting. (Q3 2009 through Q1 2012)

5. College of Marin, along with Skyline College, will offer and teach the Photovoltaic Installation course for BayCEC eligible candidates. (Q2 2009 through Q2 2011)

6. College of Marin, along with Skyline College, will implement K-12 and ROP outreach efforts and provide articulation for the Introduction to Clean Energy courses for High School and Regional Occupational Program students and faculty. (Q3 2009 through Q4 2011)

7. College of Marin, along with Skyline College, will review and provide input as needed to SEI for curriculum development for the Introduction to Clean Energy Course and the Clean Energy faculty training course for the High School (HS) and Regional Occupational Program (ROP) audience. (Q3 2009 through Q4 2010)

8. College of Marin, along with Skyline College, will work with local HS’s and ROP’s to schedule and implement the Clean Energy Course in the HS’s and ROP’s. (Q1 2010 through Q4 2011)

9. College of Marin, along with Skyline College, will plan, implement, and promote HS professional development activities for HS teachers in green energy careers, including recruitment for the Clean Energy faculty training course. (Q3 2009 through Q2 2011)
EXHIBIT D – ASSURANCES & SPECIAL CONDITIONS
DEPARTMENT OF LABOR COMMUNITY-BASED JOB TRAINING GRANT

The following conditions apply to contractors and sub-contractors to the San Mateo County Community College District (SMCCCD) for sub-awards granted under the Bay Area Clean Energy Careers Program (BayCEC) sponsored by the Department of Labor (DOL) Community-Based Job Training Grant. By signing the sub-award agreement, the Contractor certifies the organization has read and is in compliance with the following assurances and special conditions.

I. REGULATORY REQUIREMENTS

In signing this contract, the Contractor certifies and assures that it will fully comply with the following regulations and cost principles, including any subsequent amendments:

A. Uniform Administrative Requirements,
   a. 29 CFR Part 97, for State/Local Government and Indian Tribes; OR
   b. 29 CFR Part 95, for Institutions of Higher Education, Hospitals or other Non-Profit Organizations and Commercial Organizations.

B. Cost Principles,
   a. OMB Circular A-87, for State/Local Government and Indian Tribes;
   b. OMB Circular A-21, for Institutions of Higher Education; OR
   c. OMB Circular A-122, for Non-Profit Organizations.
   d. 48 CFR Part 31.

C. Other Requirements (As Applicable),
   a. 29 CFR Part 96 and 99, Single Audit Act
   b. 29 CFR Part 93, Lobbying Certification
   c. 29 CFR Part 37, Nondiscrimination and Equal Opportunity Requirements
   d. 29 CFR Part 98,
   e. 29 CFR Part 552 et al., Workforce Investment Act
   f. Wagner-Peyser Act
   g. Grant Award Document, Parts I through IV, and attachments.

II. ASSURANCES

A. Federal Assistance: Contractor has the legal authority to apply for Federal Assistance, and the institutional managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.

B. Access to Records: Contractor will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

C. Conflict of Interest: Contractor will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

D. Timely Completion: Contractor will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
E. **Merit Systems:** Contractor will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM’s Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

F. **Equal Opportunity and Nondiscrimination:** Contractor will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to:

   a. Title VI of the Civil Rights Act of 1964 (P.L. 88.352) which prohibits discrimination on the basis of race, color, or national origin;

   b. Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683, and 1685-1686), which prohibits discrimination on the basis of handicaps;

   c. the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101-6107), which prohibits discrimination on the basis of age;

   d. the Drug Abuse Office and Treatment Act of 1972 (P.L. 92.255) as amended, relating to nondiscrimination on the basis of drug abuse;

   e. the Comprehensive Alcohol Abuse and Alcoholism Prevention Treatment and Rehabilitation Act of 1970 (P.L. 91.616) as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;

   f. 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd.3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records;

   g. Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.) as amended, relating to nondiscrimination in the sale, rental or financing of housing;

   h. any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and

   i. the requirements of any other nondiscrimination statute(s) which may apply to the application.

G. **Relocation Assistance:** Contractor will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91.646) which provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interest in real property acquired for project purposes regardless of Federal participation in purchases.

H. **Political Activities:** Contractor will comply with the provisions of the Hatch Act (U.S.C. 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

I. **Labor Standards:** Contractor will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. 276a to 276 a 7), the Copeland Act (40 U.S.C. 276c and 18 U.S.C. 3062).
874, and the Contract Work Hours and Safety Standards Act (40.327-333), regarding labor standards for federally assisted construction subagreements.

J. **Flood Insurance:** Contractor will comply, if applicable, with Flood Insurance Purchase Requirements of Section 102(A) of the Flood Disaster Protection Act of 1973 (P.L. 93.234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

K. **Environmental Standards:** Contractor will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91.190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in flood plains in accordance with (EO) 11988; (e) assurance of project consistency with the approved State Management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176 (c) of the clear Air Act of 1955, as amended (42 U.S.C. 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93.523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93.205).

L. **Wild and Scenic Rivers:** Contractor will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271 et seq.) related to protecting components or potential components of the National Wild and Scenic Rivers System.

M. **Historic Preservation:** Contractor will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a. 1 et seq.).

N. **Protection of Human Subjects:** Contractor will comply with P.L. 93.348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

O. **Laboratory Animal Welfare:** Contractor will comply with the Laboratory Animal Welfare Act of 1966 (P.L.) 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

P. **Lead-Based Paint Poisoning Prevention:** Contractor will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

Q. **Audits:** Contractor will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

R. Contractor will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.
III. LOBBYING CERTIFICATION (29 CFR part 93)

SF-LLL, Disclosure of Lobbying Activities form (See EXHIBIT E) shall be completed by the reporting entity, where the Contractor or prime Federal recipient, at the initiation or receipt of a covered Federal Action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

IV. SPECIAL CONDITIONS

A. Equipment: Contractor must receive prior approval from the U.S Department of Labor, Employment and Training Administration (DOL/ETA) Grant Officer for the purchase and/or lease of any equipment with a per unit acquisition cost of $5,000 or more, and a useful life of more than one year. This includes the purchases of Automatic Data Processing (ADP) equipment. The grant award does not give approval for equipment even if it is specified in a grantee’s statement of work unless specifically approved in the grant award execution letter by the Grant Officer. If not, the Contractor must submit a detailed description list to the Federal Project Officer (FPO) for review within 30 days of the grant/agreement award date. Failure to do so will necessitate the need for approval of equipment purchase on an individual basis.

B. Program Income: Contractor is authorized to utilize the addition method if any Program Income is generated throughout the duration of this grant/agreement. The Contractor is allowed to deduct costs incidental to generating Program Income to arrive at a net Program Income [29 CFR Part 95.24(c)]; or [29 CFR Part 97.25(c)(g)(2)].

C. Pre-Award: Contractor hereby agrees that any allowable costs incurred by the awardee pursuant to this grant/agreement, prior to the obligation of funds by the Department are incurred at the Contractor’s own risk.

D. Consultants: Consultants fees paid under this grant/agreement shall be limited to $500 per day without additional DOL Grant Officer approval.

E. Rebates: Contractor agrees to advise the Grant Officer, in writing, of any forthcoming income resulting from lease/rental rebates or other rebates, interest, credits or any other monies or financial benefits to be received directly or indirectly as a result of, or generated by these award dollars. Appropriate action must be taken to ensure that the Government is reimbursed proportionally from such income.

F. Publicity: No funds provided under this grant shall be used for publicity or propaganda purposes, for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself. Nor shall grant funds be used to pay the salary or expenses of any grant or agreement Contractor or agent acting for such Contractor, related to any activity designed to influence legislation or appropriations pending before the Congress.

G. Public Announcements: When issuing statements, press releases, requests for proposals, bid solicitation, and other documents describing project or programs funded in whole or in part with Federal money, all Contractors receiving Federal funds, shall clearly state (1) the percentage of the total cost of the program or project which will be financed with Federal money, and (2) the dollar amount of Federal funds for the project or program. Executive Order 12928: In compliance with Executive Order 12928, the Grantee is strongly encouraged to provide subcontracting/subgranting opportunities to Historically Black Colleges and Universities and other Minority Institutions such as Hispanic Serving Institutions, and Tribal Colleges and Universities; and to Small Businesses Owned and Controlled by Socially and Economically Disadvantaged Individuals.

H. Procurement: Except as specifically provided, DOL/ETA acceptance of a proposal and an award of federal funds to sponsor any program(s) does not provide a waiver of any grant requirements and/or procedures. For example, the OMB circulars require an entity’s procurement procedures must require that all procurement transactions shall be
conducted, as practical, to provide open and free competition. If a proposal identifies a specific entity to provide the services, the DOL/ETA's award does not provide the justification or basis to sole-source the procurement, i.e., avoid competition.

1. **Veteran's Priority Provisions:** This program, funded by the U.S. Department of Labor is subject to the provisions of the “Jobs for Veterans Act” (JVA), Public Law 107-288 (38 USC 4215). The JVA provides priority of service to veterans and spouses of veterans for the receipt of employment, training, and placement services. Please note that to obtain priority services; a veteran must meet the program’s eligibility requirements. Training and Employment Guidance Letter (TEGL) No. 5-03 (September 16, 2003) provided general guidance on the scope of the veterans priority statute and its effect on current employment and training programs. In addition to the TEGL, a series of questions and answers related to priority of service is posted at [http://www.doleta.govprograms/VETs](http://www.doleta.govprograms/VETs) for fifteen (15) programs administered by the Employment and Training Administration (ETA). The Planning Guidance and Instructions for Submission of Two Years of the Strategic Five-Year State Plan for Title I of the Workforce Investment Act of 1998 and the Wagner-Peyser Act, issued at 70 FR 19206 (April 12, 2005), required states to describe the policies and strategies in place to ensure, pursuant to the Jobs for Veterans Act that priority of service is provided to veterans (and certain spouses) who otherwise meet the eligibility requirements for all employment and training programs funded by the U.S. Department of Labor and administered by ETA. In addition, the states were required to provide assurances that they will comply with the Veterans' Priority Provisions established by the Jobs for Veterans Act (38 USC 4215). If the grantee is a state, then the state is bound by their approved state plans.

J. **Salary and Bonus Limitations:** In compliance with Public Law 109-234, none of the funds appropriated in Public Law 109-149 or prior Acts under the heading 'Employment and Training' that are available for expenditure on or after June 15, 2006, shall be used by a recipient or sub-recipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II, except as provided for under section 101 of Public Law 109-149. This limitation shall not apply to vendors providing goods and services as defined in OMB Circular A-133. Where States are recipients of such funds, states may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from sub-recipients of such funds, taking into account factors including the relative cost-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer Federal programs involved including Employment and Training Administration programs. See Training and Employment Guidance Letter number 5-06 for further clarification.

K. **Intellectual Property Rights:** The Federal Government reserves a paid-up, nonexclusive and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use for federal purposes; i) the copyright in all products developed under the grant, including a sub-grant or contract under the grant or sub-grant; and ii) any rights of copyright to which the grantee, sub-grantee or a contractor purchases ownership under an award (including but not limited to curricula, training models, technical assistance products, and any related materials). Such uses include, but are not limited to, the right to modify and distribute such products worldwide by any means, electronically or otherwise. Federal funds may not be used to pay any royalty or licensing fee associated with such copyright material, although they may be used to pay costs for obtaining a copy which are limited to the developer/seller costs of copying and shipping. If revenues are generated through selling products developed with grant funds, including intellectual property, these revenues are program income. Program income is added to the grant and must be expended for allowable grant activities. If applicable, the following needs to be on all products developed in whole or in part with grant funds: “This workforce solution was funded by a grant awarded by the U.S. Department of Labor’s Employment and Training Administration. The solution was created by the grantee and does not necessarily reflect the official position of the U.S. Department of Labor. The Department of Labor makes no guarantees, warranties, or assurances of any kind, express or implied, with respect to such information, including any information on linked sites and including, but not limited to, accuracy of the information or its completeness, timeliness, usefulness, adequacy, continued availability, or ownership. This solution is copyrighted by the institution that created it. Internal use, by an organization and/or personal use by an individual for non-commercial purposes, is permissible. All other uses require the prior authorization of the copyright owner.”
EXHIBIT E – LOBBYING CERTIFICATION (29 CFR PART 93)
INSTRUCTIONS FOR COMPLETION OF SF-LLL,
DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, where subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal Action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a follow up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g. the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks “Subawardee”, then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in Item 1 (e.g., Request for Proposal (RFP) number, Invitation for Bid (IFB) number, grant
announcement number, the contract, grant, or loan award number, the application/proposal control number assigned by the Federal agency). Includes prefixes, e.g. “RFP-DE-90-0001.”

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.

(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).

11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.

12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.

13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.

14. Provide a specific and detailed description of services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal officials(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contracted.

15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.

16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, D.C. 20503.
BACKGROUND:

This Memorandum of Understanding (MOU) renewal is submitted to the Board for approval. This Memorandum of Understanding has been developed, reviewed and approved by the District’s Legal Counsel, Adam Ferber of School College Legal Services.

This MOU is between the Board of Trustees, College of Marin (“the District”), and Marin General Hospital (“MGH”). The “MOU” is for the purpose of clarifying the role of both parties regarding the educational and community activities undertaken by the District and MGH in the operation of the Marin Simulation Center at the District’s Indian Valley Campus.

It is anticipated that through this collaboration, the College of Marin will benefit significantly from the participation of all the local schools of nursing and the hospitals in the Marin Simulation Center.

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve renewal of the Memorandum of Understanding – Marin General Hospital and Marin Community College District for the Marin Simulation Center.
MEMORANDUM OF UNDERSTANDING – MARIN SIMULATION CENTER

This Memorandum of Understanding ("MOU") is dated for identification purposes as of September 23, 2009 and is entered into by and between the Marin Community College District (the "District") and Marin General Hospital ("MGH").

RECITALS

A. The National Institute of Medicine has estimated that nearly 100,000 patients die in hospitals each year due to medical errors. (Corrigan J.; L. Kohn, M. Donaldson, eds. To Err is Human; Building a Safer Health System. Committee on Quality of Health Care in America, Institute of Medicine, The National Academies Press, 1999.)

B. Recognizing the need to develop a local response to the forgoing figures, the parties to this MOU wish to collaborate to maintain a state-of-the-art emergency simulation facility to provide training opportunities to healthcare students and emergency workers.

C. By means of this MOU, the parties wish to continue the Marin Simulation Center, located at the College of Marin’s Indian Valley Campus, and featuring advanced robotic manikins and realistic health emergency simulations to increase the clinical skills of students from the District, Sonoma State University, Dominican University of California, along with regional healthcare professionals and emergency responders in the area.

D. The Marin Simulation Center will be maintained by the District, Dominican University of California, Kaiser Foundation Hospital of San Rafael, Sonoma State University, Sutter Marin doing business as Novato Community Hospital, and MGH (All are collectively referred to as “Partners”).

I. OBLIGATIONS OF THE DISTRICT

A. For purposes of conducting clinical simulation activities and other activities reasonably related thereto, for each year during the term of this MOU and any and all extensions hereto, the District shall provide to MGH, and to their respective personnel, invitees and licensees, access to the portion of the District’s Indian Valley Campus (1800 Ignacio Blvd., Novato, CA) typically know as “the Pomo Cluster – Rooms 180, 188, 189”. Said access shall be provided equally to each of the Partners on a first come, first served basis. The allocation to Partners will be reviewed quarterly by the Partners Coordinating Council, as defined in Section I(E), to assure equitable access. District shall also provide office space in Rooms 101 and 102, Building 6 to be shared with other Marin Simulation Center staff.

B. In connection with the access described in Section I(A), District shall provide all necessary utilities, including water and electricity and all appropriate security.
C. In connection with the access described in Section I(A), District shall identify all building and room locations on the Indian Valley campus maps as “Marin Simulation Center”.

D. District shall post a sign on Building 5, which shall include recognition of all Partners in the “Marin Simulation Center.”

E. District and MGH shall identify a representative from MGH for the Partners Coordinating Council, which shall consist of one representative from each of the Partners. The Partners Coordinating Council will provide input and oversight and participate in all decisions concerning the Marin Simulation Center, including, staffing, budget, scheduling, and the curricular program.

F. District shall assist the Simulation Center Manager, who shall oversee the planning, day to day operations and collaboration with community partners for use of the Marin Simulation Center, in preparing quarterly reports to all Partners. Such assistance shall include complying with all requests of the Simulation Center Manager within fifteen (15) days of the request.

II. OBLIGATIONS OF MGH

A. MGH shall make every effort to donate to the College of Marin Foundation retired medical and/or patient care equipment for use in the Marin Simulation Center. MGH shall continually make best efforts to locate and identify such equipment. The parties agree that such donations shall be at MGH’s sole discretion.

B. MGH shall review this MOU annually and shall make best efforts to provide funding to be used solely in connection with the operation of the Marin Simulation Center, including, but not limited to, faculty recruitment, equipment purchases or other identified personnel or material needs for the Marin Simulation Center. Those efforts may include, but not be limited to, cash donations and or access use fees as mutually agreed upon in advance.

C. The District and MGH shall identify a representative from MGH for the Partners Coordinating Council, which shall consist of one representative from each of the Partners. The Partners Coordinating Council will provide input and oversight and participate in all decisions concerning the Marin Simulation Center, including, staffing, budget, scheduling, and the curricular program.

D. MGH shall assist the Simulation Center Manager in preparing quarterly reports to all Partners. Such assistance shall include complying with all requests of the Simulation Center Manager within fifteen (15) days of the request.

E. In all documents and materials announcing Marin Simulation Center events (including trainings) at the Indian Valley Campus, MGH shall recognize the District by adding language as follows: “In cooperation with the College of Marin...”.

2  MGH Sim Center MOU Renewal 091609
III. GENERAL PROVISIONS

A. Each party shall defend, indemnify and hold the other party, its officers, employees, directors, harmless from and against any and all liability, loss, expenses (including reasonable attorneys' fees), or claims for injury or damages arising out of the performance of this Agreement, but only in proportion to and to the extent such liability, loss, expenses, attorneys' fees, or claims for injury or damages are caused by or result from the negligent, wrongful, or intentional acts or omissions of the indemnifying party. The provisions of this Paragraph shall survive the termination or expiration of the Agreement.

B. During the term of this MOU, MGH and the District shall each provide comprehensive general public liability and property damage coverage, or programs of self-insurance satisfactory to both in their reasonable discretion, with minimum limits of $3 million, combined single limit. Each party shall annually furnish the other with written proof of said coverage. Each party shall be given a copy of the other party's applicable insurance policy and notice of cancellation thirty (30) days prior to cancellation. No later than fifteen (15) calendar days following the execution of this MOU, each party shall tender to the other for review and written approval, its proposed form of insurance or self-insurance.

C. Use of the Marin Simulation Center by MGH personnel, licensees or invitees of any character will be governed by and are subject to the District’s policies and rules of conduct, including those relating to civil rights and non-discrimination while in the Marin Simulation Center or any District owned property.

D. The Marin Simulation Center shall be used only for MGH’s educational program. MGH shall not assign any portion of this MOU without the District’s written consent. All other use of the Marin Simulation Center, either by MGH or the District, shall be agreed to in advance by the parties in writing.

E. The term of this MOU shall commence upon the date first set forth herein and, unless terminated in accordance with the terms and conditions of this MOU, shall continue for one (1) year. This MOU may be extended for an additional term but only upon mutual written agreement of the parties.

F. Either party may terminate this agreement at any time, without cause, by providing the other party ninety (90) days advance written notice.

G. A party shall not be in material breach of this MOU unless and until the following shall first occur:

   a. The non-breaching party delivers written notice to the breaching party giving the breaching party thirty (30) days to cure the breach. If the breach cannot be cured within thirty (30) days, the breaching party must commence, with due diligence and reasonable dispatch, to cure the breach and complete the cure within a reasonable time. Thereafter, not to exceed ninety (90) days after delivery of said notice to breach;
b. The notice of breach must specify each of the events or circumstances given rise to the breach and the means whereby the breach(es) may be cured; and,

c. The breaching party fails to cure the breach within the time permitted under this MOU.

H. This MOU shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, successors and assigns. Nothing in this MOU, expressed or implied, is intended to confer upon any person other than the parties hereto and their successors and permitted assigns, any rights or remedies under or by reason of this MOU.

I. This MOU may only be amended or modified by written instrument executed by the parties.

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

K. This MOU contains the entire understanding of the parties and constitutes the sole and only agreement between them concerning the subject matter hereof or the rights and duties of any of them in connection therewith. Any agreements or representations among the parties hereto regarding the Marin Simulation Center not expressly set forth in this MOU are null and void.

L. Each of the parties hereto agrees that it shall act in good faith in an attempt to cause all the conditions precedent to the respective obligations to be satisfied.

M. Any notice required to be given pursuant to this MOU shall be given in writing to the other party either personally or by depositing the same in the United States mail, by first class mail, registered or certified, postage pre-paid, addressed to the party at the addresses set below:

If to District:
Albert Harrison  
Vice President of College Operations  
Marin Community College District  
835 College Avenue  
Kentfield, CA 94901  
Phone: 415-457-8811  
Fax: 415-485-0135

If to MGH:
Marin General Hospital  
Attn: Chief Administrative Officer  
250 Bon Air Road  
Greenbrae, CA 94904  
Phone: 415-925-7100  
Fax: 415-925-7933

Any notice delivered by mail shall be deemed delivered five (5) days after the date of deposit in the mail. The address at which any notices to be delivered may be changed by either party by compliance with terms of this paragraph.

N. Time is of the essence in this MOU and each of its provisions and failure to comply with this provision shall be a material breach of this MOU.
O. This MOU shall be governed by and interpreted under laws of the State of California, with venue for the judicial resolution of any dispute to be Marin County, California. Should any term, condition or provision be deemed to be invalid or unenforceable, the remaining terms and conditions shall remain in full force and effect.

P. No waiver by a party of any provision of this MOU shall be considered a waiver of any other provision or any subsequent breach of the same or any other provision, including the time for performance of any such provision. The exercise by a party of any remedy provided in this MOU or at law shall not present the exercised by that party of any other remedy provided in this MOU or at law.
Executed the day, month and year first above written.

MARIN COMMUNITY COLLEGE DISTRICT

By: ______________________________
Dr. Frances White, Superintendent/President

MARIN COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES

By: ______________________________
Philip J. Kranenburg, President of the Board of Trustees

MARIN GENERAL HOSPITAL

By: ______________________________
Charles J. Prosper, Chief Administrative Officer
To: Board of Trustees  Date: September 22, 2009

From: Superintendent/President

Item & File No. B.11.C

Subject:
Renewal of Memorandum of Understanding - Novato Community Hospital (“NCH”) and College of Marin for the Marin Simulation Center

Reason for Board Consideration:
Action

Enclosure(s):
Memorandum of Understanding

BACKGROUND:

This Memorandum of Understanding (MOU) renewal is submitted to the Board for approval. This Memorandum of Understanding has been developed, reviewed and approved by the District’s Legal Counsel, Adam Ferber of School College Legal Services.

This MOU is between the Board of Trustees, College of Marin (“the District”), and the Novato Community Hospital (“NCH”). The “MOU” is for the purpose of clarifying the role of both parties regarding the educational and community activities undertaken by the District and NCH in the operation of the Marin Simulation Center at the District’s Indian Valley Campus.

It is anticipated that through this collaboration, the College of Marin will benefit significantly from the participation of all the local schools of nursing and the hospitals in the Marin Simulation Center.

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve renewal of the Memorandum of Understanding – Novato Community Hospital and College of Marin for the Marin Simulation Center.

Administrator Initiating Item Nanda Schorske, Dean of Workforce Development and College-Community Partnerships
MEMORANDUM OF UNDERSTANDING – MARIN SIMULATION CENTER

This Memorandum of Understanding (“MOU”) is dated for identification purposes as of September 23, 2009 and is entered into by and between the Marin Community College District (the “District”) and Sutter Marin, dba Novato Community Hospital (“NCH”).

RECITALS

A. The National Institute of Medicine has estimated that nearly 100,000 patients die in hospitals each year due to medical errors. (Corrigan J.; L. Kohn, M. Donaldson, eds. To Err is Human: Building a Safer Health System. Committee on Quality of Health Care in America, Institute of Medicine, The National Academies Press, 1999.)

B. Recognizing the need to develop a local response to the foregoing figures, the parties to this MOU wish to collaborate to maintain a state-of-the-art emergency simulation facility to provide training opportunities to healthcare students and emergency workers.

C. By means of this MOU, the parties wish to continue the Marin Simulation Center, located at the College of Marin’s Indian Valley Campus, and featuring advanced robotic manikins and realistic health emergency simulations to increase the clinical skills of students from the District, Sonoma State University, Dominican University of California, along with regional healthcare professionals and emergency responders in the area.

D. The Marin Simulation Center will be maintained by the District, Dominican University of California, Kaiser Foundation Hospital of San Rafael, Sonoma State University, Marin General Hospital, and NCH (All are collectively referred to as “Partners”).

I. OBLIGATIONS OF THE DISTRICT

A. For purposes of conducting clinical simulation activities and other activities reasonably related thereto, for each year during the term of this MOU and any and all extensions hereto, the District shall provide to NCH, and to their respective personnel, invitees and licensees, access to the portion of the District’s Indian Valley Campus (1800 Ignacio Blvd., Novato, CA) typically known as “the Pomo Cluster – Rooms 180, 188, 189”. Said access shall be provided equally to each of the Partners on a first come, first served basis. The allocation to Partners will be reviewed quarterly by the Partners Coordinating Council, as defined in Section I(E), to assure equitable access. District shall also provide office space in Rooms 101 and 102, Building 6 to be shared with other Marin Simulation Center staff.

B. In connection with the access described in Section I(A), District shall provide all necessary utilities, including water and electricity and all appropriate security.

C. In connection with the access described in Section I(A), District shall identify all building and room locations on the Indian Valley campus maps as “Marin Simulation Center”.

NCH Sim Center MOU renewal 091509
D. District shall post a sign on Building 5, which shall include recognition of all Partners in the “Marin Simulation Center.”

E. District and NCH shall identify a representative from NCH for the Partners Coordinating Council, which shall consist of one representative from each of the Partners. The Partners Coordinating Council will provide input and oversight and participate in all decisions concerning the Marin Simulation Center, including, staffing, budget, scheduling, and the curricular program.

F. District shall assist the Simulation Center Manager, who shall oversee the planning, day to day operations and collaboration with community partners for use of the Marin Simulation Center, in preparing quarterly reports to all Partners. Such assistance shall include complying with all requests of the Simulation Center Manager within fifteen (15) days of the request.

II. OBLIGATIONS OF NCH

A. NCH shall make every effort to donate to the College of Marin Foundation retired medical and/or patient care equipment for use in the Marin Simulation Center. NCH shall continually make best efforts to locate and identify such equipment. The parties agree that such donations shall be at NCH’s sole discretion.

B. NCH shall review this MOU annually and shall make best efforts to provide funding to be used solely in connection with the operation of the Marin Simulation Center, including, but not limited to, faculty recruitment, equipment purchases or other identified personnel or material needs for the Marin Simulation Center. Those efforts may include, but not be limited to, cash donations and or access use fees as mutually agreed upon in advance.

C. The District and NCH shall identify a representative from NCH for the Partners Coordinating Council, which shall consist of one representative from each of the Partners. The Partners Coordinating Council will provide input and oversight and participate in all decisions concerning the Marin Simulation Center, including, staffing, budget, scheduling, and the curricular program.

D. NCH shall assist the Simulation Center Manager in preparing quarterly reports to all Partners. Such assistance shall include complying with all requests of the Simulation Center Manager within fifteen (15) days of the request.

E. In all documents and materials announcing Marin Simulation Center events (including trainings) at the Indian Valley Campus, NCH shall recognize the District by adding language as follows: “In cooperation with the College of Marin...”.

III. GENERAL PROVISIONS

A. Each party shall defend, indemnify and hold the other party, its officers, employees, directors,
harmless from and against any and all liability, loss, expenses (including reasonable attorneys' fees), or claims for injury or damages arising out of the performance of this Agreement, but only in proportion to and to the extent such liability, loss, expenses, attorneys' fees, or claims for injury or damages are caused by or result from the negligent, wrongful, or intentional acts or omissions of the indemnifying party. The provisions of this Paragraph shall survive the termination or expiration of the Agreement.

B. During the term of this MOU, NCH and the District shall each provide comprehensive general public liability and property damage coverage, or programs of self-insurance satisfactory to both in their reasonable discretion, with minimum limits of $3 million, combined single limit. Each party shall annually furnish the other with written proof of said coverage. Each party shall be given a copy of the other party's applicable insurance policy and notice of cancellation thirty (30) days prior to cancellation. No later than fifteen (15) calendar days following the execution of this MOU, each party shall tender to the other for review and written approval, its proposed form of insurance or self-insurance.

C. Use of the Marin Simulation Center by NCH personnel, licensees or invitees of any character will be governed by and are subject to the District's policies and rules of conduct, including those relating to civil rights and non-discrimination while in the Marin Simulation Center or any District owned property.

D. The Marin Simulation Center shall be used only for NCH's educational program. NCH shall not assign any portion of this MOU without the District’s written consent. All other use of the Marin Simulation Center, either by NCH or the District, shall be agreed to in advance by the parties in writing.

E. The term of this MOU shall commence upon the date first set forth herein and, unless terminated in accordance with the terms and conditions of this MOU, shall continue for one (1) year. This MOU may be extended for an additional term but only upon mutual written agreement of the parties.

F. Either party may terminate this agreement at any time, without cause, by providing the other party thirty (30) days advance written notice.

G. A party shall not be in material breach of this MOU unless and until the following shall first occur:

a. The non-breaching party delivers written notice to the breaching party giving the breaching party thirty (30) days to cure the breach. If the breach cannot be cured within thirty (30) days, the breaching party must commence, with due diligence and reasonable dispatch, to cure the breach and complete the cure within a reasonable time. Thereafter, not to exceed ninety (90) days after delivery of said notice to breach;

b. The notice of breach must specify each of the events or circumstances given rise to the breach and the means whereby the breach(es) may be cured; and,
c. The breaching party fails to cure the breach within the time permitted under this MOU.

H. This MOU shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, successors and assigns. Nothing in this MOU, expressed or implied, is intended to confer upon any person other than the parties hereto and their successors and permitted assigns, any rights or remedies under or by reason of this MOU.

I. This MOU may only be amended or modified by written instrument executed by the parties.

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

K. This MOU contains the entire understanding of the parties and constitutes the sole and only agreement between them concerning the subject matter hereof or the rights and duties of any of them in connection therewith. Any agreements or representations among the parties hereto regarding the Marin Simulation Center not expressly set forth in this MOU are null and void.

L. Each of the parties hereto agrees that it shall act in good faith in an attempt to cause all the conditions precedent to the respective obligations to be satisfied.

M. Any notice required to be given pursuant to this MOU shall be given in writing to the other party either personally or by depositing the same in the United States mail, by first class mail, registered or certified, postage pre-paid, addressed to the party at the addresses set below:

If to District:
Albert Harrison
Vice President of College Operations
Marin Community College District
835 College Avenue
Kentfield, CA 94901
Phone: 415-457-8811
Fax: 415-485-0135

If to NCH:
Sutter Marin
Dba Novato Community Hospital
Attn: Assistant Administrator
180 Rowland Way
Novato, CA 94945
Phone: 415-209-1326
Fax: 415-209-1321

Any notice delivered by mail shall be deemed delivered five (5) days after the date of deposit in the mail. The address at which any notices to be delivered may be changed by either party by compliance with terms of this paragraph.

N. Time is of the essence in this MOU and each of its provisions and failure to comply with this provision shall be a material breach of this MOU.

O. This MOU shall be governed by and interpreted under laws of the State of California, with venue for the judicial resolution of any dispute to be Marin County, California. Should any term, condition or provision be deemed to be invalid or unenforceable, the remaining terms and conditions shall remain in full force and effect.
P. No waiver by a party of any provision of this MOU shall be considered a waiver of any other provision or any subsequent breach of the same or any other provision, including the time for performance of any such provision. The exercise by a party of any remedy provided in this MOU or at law shall not present the exercised by that party of any other remedy provided in this MOU or at law.

Executed the day, month and year first above written.

MARIN COMMUNITY COLLEGE DISTRICT

By: ________________________________
Dr. Frances White, Superintendent/President

MARIN COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES

By: ________________________________
Philip J. Kranenburg, President of the Board of Trustees

SUTTER MARIN, DBA NOVATO COMMUNITY HOSPITAL

By: ________________________________
Vicki White, Assistant Administrator
BACKGROUND

On March 4, 2008 the Board of Trustees awarded a construction contract for the Diamond PE Center Alterations Project (308B) for the renovation of the Diamond PE Center. In the process of construction Parking Lot # 10 was damaged and deemed unsafe. The damage requires re-grading, re-paving and re-stripping of Parking Lot # 10. It was determined that there is a benefit to putting this portion of work out to bid.

The Bid Opening occurred on September 9, 2009. The five (5) business day bid protest period has passed and there were no bid protests.

Bid results are as follows:

Maggiora & Ghilotti, Inc. $ 68,000
Ghilotti Bros., Inc. $ 75,500
North Bay Construction $ 119,925

The Board of Trustees is asked to authorize award of a construction contract to the lowest responsive, responsible bidder, Maggiora & Ghilotti, Inc.

FISCAL IMPACT

The final construction cost estimate for this contract is $125,000. The total construction contract will be in the amount of $75,813 which includes the base bid and bid alternates 1 and 3. The contract will be paid from bond funds budgeted for Diamond PE Center Alterations Project (308B).

RECOMMENDATION

The Superintendent/President recommends that the Board award a construction contract for the Diamond PE Center Alterations, PARKING LOT 10 Grade/Pave/Stripe Portion Project (308B) to Maggiora and Ghilotti, Inc., the lowest responsive, responsible bidder in the amount of $75,813.

Administrator Approving Item
Albert J. Harrison
Vice President, College Operations
BOARD AGENDA ITEM

To: Board of Trustees
From: Superintendent/President
Date: September 22, 2009
Item & File No. B.11.D.2

Subject: PE Pool Renovation Project (308F)
Pre-Authorize Award of Construction Contract

Reason for Board Consideration: None

ACTION – AWARD

BACKGROUND

On May 12, 2009 the Board of Trustees approved and authorized bidding for the PE Pool Renovation Project (308F). This project is currently out to bid with the bid opening scheduled for September 18, 2009.

The Board of Trustees is asked to pre-authorize award of a construction contract to the lowest responsive bidder following the five (5) business day bid protest period (September 25, 2009) or upon successful resolution of any bid protests. The construction contract will be brought to the Board for ratification at the first scheduled meeting following execution of the contract.

FISCAL IMPACT

The final construction cost estimate for this contract is $335,000. The contract will be paid from bond funds budgeted for the PE Pool Renovation Project (308F).

RECOMMENDATION

The Superintendent/President recommends that the Board pre-authorize award of a construction contract for the PE Pool Renovation Project (308B) to the lowest responsive bidder subject to successful completion of the five (5) business day bid protest period.
To: Board of Trustees                              Date: September 22, 2009
From: Superintendent/President                  Item & File No. B.11.D.3
Subject: Health Services Portable Project (850G)
         Fort Bragg Electric, Inc.- Notice of Completion
Reason for Board Consideration: ACTION - APPROVAL
Enclosure(s): NOC

BACKGROUND:

On December 16, 2008 the Board ratified the award of a construction contract to Fort Bragg Electric, Inc. for the Health Services Portable Project (850G).

At this time the District gives notice and certifies that:

- The project has been inspected and that it complies with the plans and specifications;
- The contractor has completed the work;
- The contract is accepted as complete; and
- A Notice of Completion (attached) is ready to be filed.

FISCAL IMPACT:

None.

RECOMMENDATION:

The Superintendent/President recommends that the Board approve the Notice of Completion for the Health Services Portable Project (850G).
Notice of Completion
(In pursuant to Civil Code Section 3093, must be recorded within 10 days after completion)

In execution of this Notice, notice is hereby given that:
1. The undersigned is an owner or agent of an owner of the estate or interest stated below.
2. The name of the owner is Marin Community College District.
3. The address of the owner is 835 College Ave, Kentfield CA 94904.
4. The nature of the estate or interest is: Marin Community College District.
5. The name and addresses of all co-owners, if any, who hold any title or interest with the above-named owner in the property are:

<table>
<thead>
<tr>
<th>NAMES</th>
<th>ADDRESSES</th>
</tr>
</thead>
</table>

6. Work of modernization on the property hereinafter described was completed on: August 14, 2009
7. The Project Name & Number are 850G Health Services Portable
8. The contractor for such work of modernization is Fort Bragg Electric
9. The name of the contractor's Surety Co is Amco Insurance Company
10. The date of contract between the contractor and the above owner is December 16, 2008.
11. The street address of said property is 835 College Ave, Kentfield, CA 94904

The property on which said work of modernization was completed is in the Town of Kentfield, County of Marin, State of California, and is described as follows: Health Services, College of Marin, Kentfield Campus

______________________________
Date

______________________________
Signature of Owner
Marin Community College District

Verification

I, undersigned, say:
I am __________________________
("President," "Owner," "Manager," etc.)

Of the declarant of the foregoing completion; I have read said Notice of Completion and know the contents thereof; the same is true of my own knowledge.
I declare under penalty of perjury that the foregoing is correct and true.

Executed on _________________, at ____________________, California.
(City or Town where signed)

(Personal signature of the individual swearing that the contents of the notice are true)
BOARD AGENDA ITEM

To:          Board of Trustees          Date:         September 22, 2009
From:        Superintendent/President  Item & File No. B.11.D.4
Subject:     Diamond PE Center Alterations Project (308B)  
             Alten Construction, Inc. – Change Order 16 & Board Resolution

Reason for Board Consideration:  ACTION - APPROVAL  Enclosure(s):  
Change Order 16  Board Resolution No. 9/22/09 B.11.D.4

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 16 consists of ten (10) Potential Change Orders (PCOs) in the aggregate amount of $27,838 with no time extension. Five (5) PCOs in the amount of $9,297 are attributed to Design Clarifications. Two (2) PCOs in the amount of $13,638 are attributed to Unforeseen Conditions. Two (2) PCOs in the amount of $2,178 are attributed to Owner Requests. One (1) PCO in the amount of $2,725 is attributed to both Design Clarification and Liability Concern. One (1) of the PCOs exceeds $10,000 but is less than $13,000. The average of the ten (10) PCOs is $2,784. After review, it has been determined that there would be no cost benefit in rebidding this scope of work.

| Total Compensation | $ 27,838 |
| Total Time extension | Zero (0) working days |

The District recommends that the Board approve Change Order 16 to Alten Construction, Inc. in the amount of $27,838 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:

| Original Contract Amount | $10,552,807 | Diamond PE Center Alterations Project (308B) |
| Change Order 1           | $17,454     | Change Order 1 (0.2% of original contract value) |
| Change Order 2           | $26,061     | Change Order 2 (0.4% of original contract value) |
| Change Order 3           | < $5,390 >  | Change Order 3 (0.4% of original contract value) |
| Change Order 4           | $39,567     | Change Order 4 (0.7% of original contract value) |
| Change Order 5           | $47,333     | Change Order 5 (1.2% of original contract value) |
| Change Order 6           | $39,907     | Change Order 6 (1.6% of original contract value) |
| Change Order 7           | $158,830    | Change Order 7 (3.1% of original contract value) |
| Change Order 8           | $183,367    | Change Order 8 (4.8% of original contract value) |
| Change Order 9           | $86,981     | Change Order 9 (5.6% of original contract value) |
| Change Order 10          | $123,210    | Change Order 10 (6.8% of original contract value) |
| Change Order 11          | $150,928    | Change Order 11 (8.2% of original contract value) |
| Change Order 12          | $114,187    | Change Order 12 (9.3% of original contract value) |
| Change Order 13          | $160,591    | Change Order 13 (10.8% of original contract value) |
| Change Order 14          | $37,306     | Change Order 14 (11.2% of original contract value) |
| Change Order 15          | $33,170     | Change Order 15 (11.5% of original contract value) |
| Change Order 16          | $27,838     | Change Order 16 (11.8% of original contract value) |

Total Contract Amount: $11,794,147
RECOMMENDATION
The Superintendent/President recommends that the Board of Trustees approve Change Order 16 to Alten Construction, Inc. in the amount of $27,830 and Resolution 9/22/09 B.11.D.4 attesting that the District will not benefit from bidding the work separately for the Diamond PE Center Alterations Project (308B).

<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>
PROJECT: Diamond PE Center Alterations
PROJECT No: 3083
OWNER: Marin Community College District
ARCHITECT: Kwan Henmi Architecture/Planning

To: Allen Construction

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

PCO # Description

See Page 2 for details

SUBTOTAL Page 2: $27,838
TOTAL: $27,838

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 | $1,213,502 |
| Contract Price Prior To This Change Order | $11,766,309 |
| Contract Price Will Be: | |
| Increased: | |
| Decreased: | |
| Unchanged: | $27,838 |
| New Contract Price Including This Change Order | $11,794,147 |

TIME ADJUSTMENT

| Contract Time Will Be: | |
| Increased: | |
| Decreased: | |
| Unchanged: | 0 |

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

AGREED BY CONTRACTOR

Allen Construction

By: ____________________________
Date: __________________________

 ISSUED BY PROJECT MANAGER

Swinerton Management & Consulting


Date: __________________________

APPROVED BY ARCHITECT/ENGINEER

Kwan Henmi Architecture/ Planning

By: ____________________________
Date: __________________________

RECOMMENDED BY PROGRAM MANAGER

Swinerton Management & Consulting

By: Leigh Sasa, Program Manager

Date: __________________________

APPROVED BY OWNER

Marin Community College District

By: Vj-Aime Cherno, Director of Modernization

Date: __________________________

AUTHORIZED BY OWNER

Marin Community College District

By: ____________________________
Date: __________________________

Distribution: Owner ☐ Consultant ☐ Construction Manager ☐ Contractor ☐ C. O. File ☐ Other
### Change Order 16

**To:** Allen Construction  

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

<table>
<thead>
<tr>
<th>PCO #</th>
<th>Description</th>
<th>Reason:</th>
<th>Amount ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1811</td>
<td>Per RFI 332, frame and finish clerestory with aluminum panels at the exterior side of Classroom 91.</td>
<td>Design Clarification</td>
<td>2,193</td>
</tr>
<tr>
<td>208.1</td>
<td>Per the IOR's requirement, create a 1 hour fire rating in ductwork going from pool chemical room through mechanical room and out through the roof on a Force Account Directive.</td>
<td>Design Clarification</td>
<td>3,269</td>
</tr>
<tr>
<td>212.1</td>
<td>Remove and re-install expansion joints at the exterior sides of the joints that are common to interior spaces on a Force Account Directive.</td>
<td>Unforeseen Condition</td>
<td>12,977</td>
</tr>
<tr>
<td>213</td>
<td>Irrigation Controller Upgrade. Reason: Owner Requested Change</td>
<td></td>
<td>805</td>
</tr>
<tr>
<td>214</td>
<td>Add aluminum flashing at lower gym roof. Reason: Unforeseen Condition</td>
<td></td>
<td>1,161</td>
</tr>
<tr>
<td>216</td>
<td>Add data for PE Photovoltaics Monitoring. Reason: Design Clarification</td>
<td></td>
<td>423</td>
</tr>
<tr>
<td>217</td>
<td>Per RFI 376, remove existing threshold between gym walk off mat and gym wood floor and reinstall a wider threshold.</td>
<td>Design Clarification</td>
<td>1,342</td>
</tr>
<tr>
<td>218</td>
<td>Per RFI 385, provide a new door pull and panic hardware at Door 92.</td>
<td>Design Clarification</td>
<td>2,070</td>
</tr>
<tr>
<td>222</td>
<td>Construct a drywall partition at the top of the bleachers to prevent the public from walking onto the top of adjacent closets on a Force Account Directive.</td>
<td>Design Clarification/Liability Concern</td>
<td>2,725</td>
</tr>
<tr>
<td>223</td>
<td>Apply &quot;PROFI&quot; degreaser to Mondo Sports Flooring at the PE complex. Reason: Owner Requested Change</td>
<td></td>
<td>1,273</td>
</tr>
</tbody>
</table>

**End of Items**

**SUBTOTAL This page:** 27,838
MARIN COMMUNITY COLLEGE DISTRICT
MEASURE C BOND PROGRAM

RESOLUTION 9/22/09 B.11.D.4 FOR APPROVAL OF CHANGE ORDER NO. 16
TO THE EXISTING CONTRACT WITH
Alten Construction, Inc.
FOR
Diamond PE Center Alterations (308B)

WHEREAS, Marin Community College District (the “District”) previously awarded a contract for work for the Diamond PE Center Alterations Project (308B) (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 $27,838 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 September 22, 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 September 22, 2009.

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

EXHIBIT A

CHANGE ORDER WORK
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:**

On March 11, 2008 the Board awarded a contract to Trison Construction for the Geothermal Fields Project (305B/417B). Change Order 1 was previously approved but is to be replaced by this all-inclusive Change Order 1R. The project is now completed and all outstanding issues have been resolved.

Change Order 1R is a final settlement between the District and Trison Construction in the amount of $737,500 with no time extension. The change order resolves all issues and costs, known or unknown, including but not limited to all (more than 25) outstanding PCOs, back charges, warranty issues, legal fees, interests costs and prompt penalty costs, related but not limited to unforeseen site conditions, permit restrictions, and damages that occurred during construction. Because the change order exceeds the 10% contingency threshold, a Resolution is included for approval as required.

<table>
<thead>
<tr>
<th>Total compensation</th>
<th>$737,500</th>
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</thead>
<tbody>
<tr>
<td>Total time extension</td>
<td>None</td>
</tr>
</tbody>
</table>

In addition, at this time the District gives notice and certifies that:

- The project has been inspected and that it complies with the plans and specifications;
- The contractor has completed the work;
- The retention can be reduced to 5%;
- The contract is accepted as complete; and
- A Notice of Completion (attached) is ready to be filed.

**FISCAL IMPACT:**

This change order will be paid from Measure C bond funds. The final amount of the contract is as follows:

| Original Contract Amount | $4,929,500 |
| Change Order 1R          | $737,500   |
| **Total Contract Amount** | $5,667,000 |

The cumulative value of this one and final change order is 14.9% of the original contract value.
RECOMMENDATION:

The Superintendent/President recommends that the Board approve Change Order 1R and Resolution 9/22/09 B.11.D.5 for Trison Construction in the amount of $737,500, reduce retention to 5%, and approve the Notice of Completion for the Geothermal Field Project (3058/417B).

<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>
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 5020, 5035, and 5052 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 5020, 5035, and 5052 for first reading and discussion.
BP 5020 NON-RESIDENT TUITION

References:
   Education Code Sections 68050, 68051, 68130, 68130.5, and 76141;
   Title 5 Section 54045.5

Non-resident students shall be charged non-resident tuition for all units enrolled, unless specifically required otherwise by law.

Not later than February 1 of each year, the Superintendent/President shall bring to the Board of Trustees for approval an action to establish non-resident tuition for the following fiscal year. The fee shall be calculated in accordance with guidelines contained in applicable state regulations and/or the California Community College Attendance Accounting Manual.

The Superintendent/President shall establish procedures regarding collection, waiver, and refunds of non-resident tuition.

The Superintendent/President is authorized to implement a fee as officially adopted by the Board of Trustees and published in the District Catalog and Schedule of Classes.

This fee applies to:
   • United States citizens or permanent United States residents who reside outside the state of California and
   • persons who are both citizens and residents of foreign countries (international students).

Students who would otherwise be charged this fee shall be exempt if they demonstrate that they are a victim of persecution or discrimination in the country of which they are a citizen and resident or if they demonstrate economic hardship.

Students shall be deemed victims of persecution or discrimination if they present evidence that they are citizens and residents of a foreign country and that they have been admitted to the United States under federal regulations permitting such persons to remain in the United States. Students shall be deemed to have demonstrated economic hardship if they present evidence that they are citizens and residents of a foreign country and that they are receiving Temporary Assistance for Needy Families Program, Supplemental Income/State Supplementary benefits, or general assistance.
In addition, international students will be charged an additional $7 per unit capital outlay fee. The Board of Trustees finds and declares that this fee does not exceed the amount expended by the District for capital outlay in the preceding year divided by the total FTES in the preceding fiscal year.

- From current College of Marin Policy 6011 titled Tuition and Fees

1. **Non-Resident Tuition (EC 76140, 76142-3)**

   The Board shall establish a non-resident tuition fee schedule for out-of-state and foreign students not later than February 1 of each year for the succeeding fiscal year.

2. **Enrollment Fee (EC 72252)**

   Pursuant to the provisions of EC 72252, there shall be an enrollment fee established by the State for students enrolled in credit classes.

3. **Materials Fees (Title 5, 59400-8)**

   Pursuant to the provisions of Title 5, 59400-8, when appropriate, there shall be a charge for instructional and other materials required for a credit or non-credit course, provided such materials are of continuing value to a student outside of the classroom setting, and provided that such materials are not solely or exclusively available from the College. The College shall not charge more than the actual cost of providing the materials.

4. **Non-Credit Resident/Non-Resident Fee (EC 78460-62.5)**

   Non-credit students who are not legal residents of California will also be charged for State-supported classes, except for classes where fees are restricted by law.

5. **Transcript/Verification Fee (EC 76223)**

   The Board shall establish the charge for a copy of any student's record. The amount shall not exceed the actual cost of furnishing the copies. No charge shall be made for furnishing up to two transcripts of students' records or up to two verifications of various records of students. No charge may be made to search for or to retrieve any student record.

6. **Parking Service Fee (EC 72247)**

   The Board shall establish a charge to be required of students using parking services. All parking fees collected shall be deposited in the designated fund of the College in accordance with the California Community Colleges Budget and
Accounting Manual and shall be expended only for parking services such as the purchase, construction, and operation and maintenance of parking facilities. In no event may the fee required pursuant to this statute exceed the actual cost of providing parking services.

Students who receive financial assistance pursuant to any of the programs described in subsection (G) of EC 72252 shall be exempt from semester parking permit fees in excess of twenty dollars ($20) per semester.

7. **Health Service Fee**

The Board shall establish a Health Service fee to be required of all students at the time of registration.

8. **Other Fees**

Other fees may be levied as allowed by law.

9. **Refunds**

All fees are non-refundable except as indicated below:

<table>
<thead>
<tr>
<th>Non-Resident Tuition for Credit Classes</th>
</tr>
</thead>
<tbody>
<tr>
<td>100% refund through the second week</td>
</tr>
<tr>
<td>70% refund through the third week</td>
</tr>
<tr>
<td>50% refund through the fourth week</td>
</tr>
<tr>
<td>30% refund through the fifth week</td>
</tr>
<tr>
<td>20% refund through the sixth week</td>
</tr>
<tr>
<td>No refunds will be granted after the sixth week of instruction.</td>
</tr>
</tbody>
</table>

**Enrollment Fee:** Refunds will be granted through the second week of instruction. A service charge will be withheld from refunds unless the class is canceled by the College.

**Materials Fees:** Refunds will be granted through the second week of instruction, when accompanied by a confirmation from the instructor that no materials have been used. Students will also be entitled to refunds if they provide confirmation from the instructor that comparable materials were supplied by the students themselves.

**Non-Credit Resident/Non-Resident Fee:** Refunds will be made only if requested classes are closed or canceled.

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**NOTE:** The underlined regular type signifies legally required language (unless designated otherwise) recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The
underlined italics was recommended by the Office of Student Learning. The wording struck through is from current College of Marin Policy 6.0011 titled Tuition and Fees adopted on 12/10/85 and revised on 6/25/91. The BP was reviewed by the Director of Enrollment Management and ok'd by the VP of Student Learning on 6/24/09.

Date Adopted:
(Replaces a portion of current College of Marin Policy 6.0011)
BP 5035  WITHHOLDING OF STUDENT RECORDS

Reference:
Title 5 Section 59410

Students or former students who have been provided with written notice that they have failed to pay a proper financial obligation shall have grades, transcripts, diplomas, and registration privileges and other services withheld.

NOTE: The underlined regular type signifies legally advised language recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in underlined italics is recommended by the Dean of Enrollment Management. The VP of Student Learning recommended the BP go forward to the Senate 6/24/09

Date Adopted:
(This is a new policy recommended by the CC League and the League’s legal counsel)
BP 5052 OPEN ENROLLMENT

References:

Education Code Section 76000;
Labor Code Section 3077;
Title 5 Section 51006

Unless specifically exempted by statute or regulation, every course, course section, or class, reported for state aid, wherever offered and maintained by the District, shall be fully open to enrollment and participation by any person who has been admitted to the college and who meets such prerequisites as may be established pursuant to regulations contained in Title 5 commencing with Section 55200.

From current College of Marin Policy 4.0002 titled Admission Requirements

The Board subscribes to the "open door" concept in order to provide full educational opportunities for all persons eligible. Therefore, the following guidelines shall apply:

1. Eligibility
   a. Students graduating from high school shall be admitted in good standing. (EC 76000)
   b. Non-graduates of high school shall be admitted (1) if they are 18 years of age or older and capable of profiting from college instruction, or (2) if they have successfully passed the California High School Proficiency Examination or the General Education Development (G.E.D.) Test. (EC 76000)
   c. Transfer students from other accredited colleges shall be admitted according to their academic status at their last college of attendance. (EC 76000)
   d. Students in high school may be admitted as part-time students upon recommendation of their high school counselor, parent, and college counselor. However, concurrent high school enrollment is required. (EC 76004)
e. Students shall be admitted to College of Marin but not necessarily directly into a particular curriculum.

f. International students entering the College of Marin credit program under a student visa must file a Foreign Student Application by the stipulated deadline. These students must meet all U.S. Immigration requirements and also be proficient in the English language as determined by their score on the Test of English as a Foreign Language (TOEFL) or the ESL Admissions/Placement Test.

2. Residence Requirements

a. Any legal resident of the State of California shall be eligible for admission as a resident student. (EC 68017-18, 68060-68082)

b. Residency determination for all other students shall be made in accordance with the statutes. Non-resident students shall pay a tuition fee established by the Board in accordance with State guidelines in addition to an enrollment fee.

3. Open Enrollment (EC 76000)

a. Unless specifically exempted by statute, every program and course offered by the District for which the District receives State apportionment shall be open to enrollment and participation by any person who has been admitted to the College and who meets such prerequisites as may be established.

b. In keeping with Pursuant to Education Code Section 76000 and Labor Code Section 3077 the statute, related and supplemental instruction for apprentices may be restricted to registered apprentices.

The Superintendent/President shall assure that this policy is published in the District Catalog and Schedule of Classes.

NOTE: The underlined regular text signifies legally advised/required language recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The wording in black ink and struck through is from current College of Marin Policy 4.0002 titled Admission Requirements adopted on 2/24/82 and revised on 2/12/85, 2/9/86, 1/14/92. The language in underlined italics is recommended by the Dean of Enrollment Management. This BP was recommended to go forward to the Senate by the VP of Student Learning on 6/24/09.

Date Adopted:
(Replaces current College of Marin Policy 4.0002)
MARIN COMMUNITY COLLEGE DISTRICT
Kentfield, CA 94904

BOARD AGENDA ITEM

To: Board of Trustees
From: Superintendent/President
Subject: Contracts and Agreement for Services Report—August 31, 2009

Date: September 22, 2009
Item & File No. B.14.A

Reason for Board Consideration:
Enclosure(s):

INFORMATION Attachment

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.

Administrator Initiating Item

Albert J. Harrison II, Vice President, College Operations
<table>
<thead>
<tr>
<th>Agreement Number</th>
<th>Vendor/Description</th>
<th>Location/Dept.</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>P0206324</td>
<td>Discover Office Systems</td>
<td>District Wide</td>
<td>$ 1,403.45</td>
</tr>
<tr>
<td></td>
<td>Copier maintenance/service agreement for Kyocera Mita</td>
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<td></td>
<td>Scanner/Copier, Item A5391, Model Number C5035,</td>
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<td></td>
<td>Administration Office Kentfield Campus, includes labor,</td>
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<td>parts, drum and 4 toners.</td>
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<tr>
<td>P0206564</td>
<td>Windows Enterprise/American Express</td>
<td>Information Technology</td>
<td>$ 1,320.00</td>
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<tr>
<td></td>
<td>Maintenance/support for COBOL – Windows Enterprise,</td>
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<td></td>
<td>for compiling IT COBOL programs.</td>
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<tr>
<td>P0206565</td>
<td>ONLC Training Center/American Express</td>
<td>Information Technology</td>
<td>$ 2,495.00</td>
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<td></td>
<td>Training services for IT Tech, for updating network</td>
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<td>infrastructure and active Directory 7 technology</td>
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<td>skills to window server 2008.</td>
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<tr>
<td>P0206567</td>
<td>Perfect Timing</td>
<td>Student Learning</td>
<td>$ 1,087.50</td>
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<td></td>
<td>Temporary services for administrative assistance for</td>
<td></td>
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<td></td>
<td>one week.</td>
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<td>P0206575</td>
<td>West Coast Intercollegiate Soccer Officials Association</td>
<td>Physical Education</td>
<td>$ 5,253.00</td>
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<tr>
<td></td>
<td>Referee services for 10 Men’s and 7 Women’s soccer</td>
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<td></td>
<td>games for the 2009/2010 season.</td>
<td></td>
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<tr>
<td>P0206576</td>
<td>Bay Valley Conference</td>
<td>Physical Education</td>
<td>$ 2,200.00</td>
</tr>
<tr>
<td></td>
<td>Membership services in the Bay Valley Conference for</td>
<td></td>
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<tr>
<td></td>
<td>Men’s and Women’s sporting teams.</td>
<td></td>
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<tr>
<td>P0206576</td>
<td>Rain Bird Services Corporation</td>
<td>Grounds</td>
<td>$ 1,207.00</td>
</tr>
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<td></td>
<td>Repair and maintenance services for the Maxicom</td>
<td></td>
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<td></td>
<td>irrigation system.</td>
<td></td>
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<tr>
<td>P0206588</td>
<td>Dollar Thrifty Automotive Group, Inc</td>
<td>Physical Education</td>
<td>$ 2,917.94</td>
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<tr>
<td></td>
<td>Rental of vans for Men’s Soccer team for 20 games for</td>
<td></td>
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<tr>
<td></td>
<td>the 2009/2010 season.</td>
<td></td>
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<td>P0206592</td>
<td>Mission Linen &amp; Uniform Service</td>
<td>Maintenance</td>
<td>$ 1,009.80</td>
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<td>Laundry services for the monthly cleaning of custodial</td>
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<td></td>
<td>mops.</td>
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<td>P0206594</td>
<td>Bay View Security</td>
<td>Maintenance</td>
<td>$ 1,440.00</td>
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<td></td>
<td>Alarm monitoring services for Library, Trans Tech and</td>
<td></td>
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<td>Miwok buildings on the Indian Valley Campus.</td>
<td></td>
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<tr>
<td>P0206596</td>
<td>North State Environmental</td>
<td>Police</td>
<td>$ 3,017.78</td>
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<tr>
<td></td>
<td>Pick-up and removal services for the hazardous</td>
<td></td>
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<td>materials at the IVC maintenance yard.</td>
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<tr>
<td>Agreement Number</td>
<td>Vendor/Description</td>
<td>Location/Dept.</td>
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<td>P0206600</td>
<td>Sterling Environmental Corporation</td>
<td>Maintenance</td>
<td>$1,284.00</td>
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<tr>
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<td>Remediation services to remove mold/fungi from Building ST3 at the Kentfield Campus.</td>
<td></td>
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<tr>
<td>P0206603</td>
<td>Law Office Of Larry Frierson</td>
<td>District Wide</td>
<td>$9,625.00</td>
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<tr>
<td></td>
<td>Legal services for UPM fact finding, UPM Conference, CSEA Unfair Grievance, UPM arbitration and miscellaneous legal fees July 2009.</td>
<td></td>
<td></td>
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<tr>
<td>P0206613</td>
<td>Department of Toxic Substances Control</td>
<td>Police</td>
<td>$1,056.00</td>
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<tr>
<td></td>
<td>Environmental Protection Act services fee for the College's permits for the 2009/2010 year.</td>
<td></td>
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<tr>
<td>P0206627</td>
<td>Association of Community College Trustees</td>
<td>District Wide</td>
<td>$2,286.35</td>
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<tr>
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<td>Dues/membership for the Institution.</td>
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<tr>
<td>P0206631</td>
<td>Community College League of California</td>
<td>District Wide</td>
<td>$12,282.12</td>
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<td>Dues/membership for the Institution.</td>
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<tr>
<td>P0206632</td>
<td>Community College League of California</td>
<td>District Wide</td>
<td>$1,635.00</td>
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<td></td>
<td>Policy and procedure services for the Institution.</td>
<td></td>
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<tr>
<td>P0206635</td>
<td>Dollar Thrifty Automotive Group, Inc</td>
<td>Physical Education</td>
<td>$1,889.26</td>
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<tr>
<td></td>
<td>Van rental services for Women's Soccer for 12 games for the 2009 season.</td>
<td></td>
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<tr>
<td>P0206636</td>
<td>Dollar Thrifty Automotive Group, Inc</td>
<td>Physical Education</td>
<td>$2,912.94</td>
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<tr>
<td></td>
<td>Van rental services for Men's Soccer for 20 games for the 2009 season.</td>
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</tr>
<tr>
<td>P0206637</td>
<td>Dollar Thrifty Automotive Group, Inc</td>
<td>Physical Education</td>
<td>$1,604.87</td>
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<tr>
<td></td>
<td>Van rental services for Women's Volleyball for 11 games for the 2009 season.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0206639</td>
<td>Board of Governors</td>
<td>Planning</td>
<td>$3,900.00</td>
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<tr>
<td></td>
<td>Students Right to Know Reporting subscription.</td>
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<tr>
<td>P0206646</td>
<td>California Community College Athletic Association</td>
<td>Physical Education</td>
<td>$5,790.00</td>
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<td></td>
<td>Dues and membership for the Institution.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0206683</td>
<td>ECS Imaging, Inc</td>
<td>Admissions and Records</td>
<td>$3,899.30</td>
</tr>
<tr>
<td>P0206688</td>
<td>Fahy Tree Service</td>
<td>Grounds</td>
<td>$1,600.00</td>
</tr>
<tr>
<td></td>
<td>Tree removal services of two dead oaks, debris removal included.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agreement Number</td>
<td>Vendor/Description</td>
<td>Location/Dept.</td>
<td>Amount</td>
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</tr>
<tr>
<td>P0206692</td>
<td>People Admin, Inc Applicant/Position services for applicant/position tracking services for July 1 through June 30, 2010.</td>
<td>Human Resources</td>
<td>$26,500.00</td>
</tr>
<tr>
<td>P0206694</td>
<td>American Association of Collegiate Registrars &amp; Admission Officers Membership services renewal for the 2009-2010 year.</td>
<td>Admissions &amp; Records</td>
<td>$1,015.00</td>
</tr>
<tr>
<td>P0206696</td>
<td>Peter Levi Plumbing Plumbing repairs and services for the Kentfield Campus.</td>
<td>Maintenance</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>P0206728</td>
<td>Poor Ann's Press Printing services for the College for overflow and finishing.</td>
<td>Logistics</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>P0206729</td>
<td>Poor Ann's Press Printing services for the College for overflow and finishing.</td>
<td>Logistics</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>P0206730</td>
<td>Hutton Sherer Marketing Advertising Design Advertising services in the San Francisco Chronicle, for a quarter page on August 2, 2009.</td>
<td>Communications</td>
<td>$2,014.17</td>
</tr>
<tr>
<td>P0206738</td>
<td>Caldwell Communications Training services for Incopy for the Logistics Department.</td>
<td>Logistics</td>
<td>$1,000.00</td>
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<tr>
<td>P0206740</td>
<td>San Rafael Chamber of Commerce Training/Leadership services for College.</td>
<td>Logistics</td>
<td>$1,295.00</td>
</tr>
<tr>
<td>P0206753</td>
<td>Beyond Value, Inc Appraisal services for the property at 72 Wharf Road, Bolinas, California.</td>
<td>Maintenance</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>P0206754</td>
<td>Equipment Supply Company Installation services of the Imperial ICV-2 gas convection oven and gas connection, connect vent and safety system movable gas connector, includes oven.</td>
<td>Maintenance</td>
<td>$6,331.27</td>
</tr>
<tr>
<td>P0206762</td>
<td>Symplicity Corporation Maintenance services for the Career Service Management system for 2 users for the Fall 2009 and Spring 2010.</td>
<td>Admissions &amp; Records</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>P0206763</td>
<td>Perry-Smith, LLP Auditing services for the District and Foundation audits and for the Bond semi-annual performance reviews, includes reimbursement expenses.</td>
<td>Fiscal Services</td>
<td>$81,500.00</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>P0206767</td>
<td>Department of Justice</td>
<td>Human Resources</td>
<td>$1,000.00</td>
</tr>
<tr>
<td></td>
<td>Fingerprinting services for pre-employment clearance from the Department of Justice and the Federal Bureau of Investigation databases.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0206776</td>
<td>Association of Community College Trustees</td>
<td>Board of Trustees</td>
<td>$1,245.00</td>
</tr>
<tr>
<td></td>
<td>Conference fees for two trustees.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Restricted</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0206546</td>
<td>Carol Gathman</td>
<td>Vocational Programs</td>
<td>$3,000.00</td>
</tr>
<tr>
<td></td>
<td>Service/Maintenance agreement for CPR instruction services.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0206578</td>
<td>Nature of Interpreting</td>
<td>Human Resources</td>
<td>$1,707.50</td>
</tr>
<tr>
<td></td>
<td>Interpretation services for American Sign Language 101-030, taught by Jeannie Leighton 8/17 and 8/26/09.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0206670</td>
<td>Megan Chesnut</td>
<td>Vocational Programs</td>
<td>$4,800.00</td>
</tr>
<tr>
<td></td>
<td>Instructor for Introduction Foster Parenting for the FKCE Program.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0206671</td>
<td>Joan Roane</td>
<td>Vocational Programs</td>
<td>$4,800.00</td>
</tr>
<tr>
<td></td>
<td>Instructor for Introduction Foster Parenting for the FKCE Program.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0206712</td>
<td>Barbara Inwald, DO</td>
<td>Health Center</td>
<td>$10,000.00</td>
</tr>
<tr>
<td></td>
<td>Health services for the Kentfield Health Center.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>MEASURE C BOND</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0206620</td>
<td>McGraw-Hill Construction Regional Publications</td>
<td>Measure C</td>
<td>$1,240.00</td>
</tr>
<tr>
<td></td>
<td>Advertising for the Gateway Complex design at the Kentfield Campus.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0206630</td>
<td>McGraw-Hill Construction Regional Publications</td>
<td>Measure C</td>
<td>$1,240.00</td>
</tr>
<tr>
<td></td>
<td>Advertising for the Dance Relocation Project at the Kentfield Campus.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
BOARD AGENDA ITEM

To:                Board of Trustees

From:             Superintendent/President

Subject:          Fourth Quarter Financial Status Report and CCFS-311 Q for 2008/09

Date:             September 22, 2009


Reason for Board Consideration:

Enclosure(s):      CCFS-311Q

INFORMATION

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**

**VIEW QUARTERLY DATA**

**District:** (330) MARIN

#### I. Unrestricted General Fund Revenue, Expenditure and Fund Balance:

<table>
<thead>
<tr>
<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 Unrestricted General Fund Revenues (Objects 8100, 8600, 8800)</td>
<td>40,425,318</td>
<td>43,761,845</td>
<td>44,436,659</td>
<td>44,797,813</td>
</tr>
<tr>
<td>A.2 Other Financing Sources (Object 8900)</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>A.3 Total Unrestricted Revenue (A.1 + A.2)</td>
<td>40,425,318</td>
<td>43,761,845</td>
<td>44,436,659</td>
<td>44,797,813</td>
</tr>
</tbody>
</table>

#### II. Annualized Attendance FTES:

<table>
<thead>
<tr>
<th>Description</th>
<th>Actual 2008-09</th>
</tr>
</thead>
<tbody>
<tr>
<td>G.1 Annualized FTES (excluding apprentice and non-resident)</td>
<td>4,110</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>H.1 Cash, excluding borrowed funds</td>
<td>11,702,200</td>
<td>11,702,200</td>
<td>11,702,200</td>
<td>11,702,200</td>
</tr>
<tr>
<td>H.2 Cash, borrowed funds only</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>H.3 Total Cash (H.1 + H.2)</td>
<td>11,702,200</td>
<td>11,702,200</td>
<td>11,702,200</td>
<td>11,702,200</td>
</tr>
</tbody>
</table>

#### 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.1</td>
<td>Unrestricted General Fund Revenues (Objects 8100, 8600, 8800)</td>
<td>43,463,990</td>
<td>43,463,990</td>
<td>44,797,813</td>
<td>103.1%</td>
</tr>
<tr>
<td>I.2</td>
<td>Other Financing Sources (Object 8900)</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>43,463,990</td>
<td>43,463,990</td>
<td>44,797,813</td>
<td>103.1%</td>
</tr>
<tr>
<td>J.1</td>
<td>Unrestricted General Fund Expenditures (Objects 1000-6000)</td>
<td>44,591,970</td>
<td>44,591,970</td>
<td>44,150,344</td>
<td>95.6%</td>
</tr>
<tr>
<td>J.2</td>
<td>Other Outgo (Objects 7100, 7200, 7300, 7400, 7500, 7600)</td>
<td>121,474</td>
<td>114,945</td>
<td>1,313,821</td>
<td>1143%</td>
</tr>
<tr>
<td>J.3</td>
<td>Total Unrestricted Expenditures (J.1 + J.2)</td>
<td>44,713,444</td>
<td>44,713,444</td>
<td>44,464,165</td>
<td>95.4%</td>
</tr>
<tr>
<td>K.1</td>
<td>Revenues Over/Under Expenditures (I.3 - J.3)</td>
<td>1,249,465</td>
<td>-1,249,465</td>
<td>332,618</td>
<td></td>
</tr>
<tr>
<td>L.1</td>
<td>Fund Balance, Ending (C. + L.2)</td>
<td>4,618,400</td>
<td>4,618,400</td>
<td>4,618,400</td>
<td>4,618,400</td>
</tr>
<tr>
<td>M.1</td>
<td>Percentage of GF Fund Balance to GF Expenditures (L.1/J.3)</td>
<td>7.5%</td>
<td>7.5%</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.)

---

8/28/2009
### View Quarterly Data - CCFS-311Q (Quarterly Financial Status Report)

<table>
<thead>
<tr>
<th>Contract Period Settled (Specify)</th>
<th>Management</th>
<th>Permanent</th>
<th>Academic</th>
<th>Temporary</th>
<th>Classified</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year 1:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Year 2:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Year 3:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. SALARIES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Year 1:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Year 2:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Year 3:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. BENEFITS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Year 1:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Year 2:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Year 3:</td>
<td></td>
<td></td>
<td></td>
<td></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 $6,000,000 TRAN in July 2009.

VII. Does the district have significant fiscal problems that must be addressed?

<table>
<thead>
<tr>
<th>This year?</th>
<th>Next year?</th>
</tr>
</thead>
<tbody>
<tr>
<td>NO</td>
<td>NO</td>
</tr>
</tbody>
</table>

If yes, what are the problems and what actions will be taken? (Enter explanation below, include additional pages if needed.)
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: 08-31-09

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

Chief Executive Officer Name: Frances L. White
CEO Signature: 
Date Signed: 08/28/2009
Electronic Cert Date: 08/28/2009
Marin Community College District  
Measure C Bond Modernization Program

Modernization Director's Report to Board of Trustees  
September 22, 2009

BUDGET UPDATE

- Bond spending plan: $264.5 million ($249.5 m bond, $15 m interest)
- Reserves: $17,789,000
- Expended to date: $80.9 million (30.6% of bond spending plan)
  - Assessment $ 5.5 million
  - Planning/design $34.8 million
  - Construction $40.6 million

- Summary of modernization items in this agenda:

  Consent (all routine items not requiring resolution or discussion):
  Two (2) new construction contracts ($12,896,706)
  One (1) construction change order ($23,027) within 10% contingency
  Twelve (12) consulting agreement amendments ($222,373) within pre-approved allocations
  One (1) consulting agreement amendment ($4,740) outside pre-approved allocations
  Four (4) new consulting agreements ($144,526)

  Action (items requiring resolution or discussion):
  Two (2) pre-authorizations of new construction contracts (amounts TBD)
  Two (2) Notices of Completion
  Two (2) construction change orders ($765,338) exceeding 10% contingency, with resolutions

- Net value of new contracts / changes / amendments in this agenda: $14,056,710

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  Award final design contract  November 2009

CURRENT CONSTRUCTION (major building projects are listed in bold)

- Diamond PE Center: CO #16 submitted this meeting with resolution; change order contingency = 11.8%. Ribbon-cutting ceremony is scheduled for October 1. Project submitted for OCIP safety award.

- IVC Trans. Tech. Complex: No issues this month.

- IVC Main Building Complex: CO #8 submitted this meeting; change order contingency = 2.8%.

- KTD Fine Arts Building: No issues this month.
Marin Community College District
Measure C Bond Modernization Program

- KTD Geothermal Fields: CO #1R submitted this meeting with resolution; change order contingency = 14.9%. All issues resolved; Notice of Completion submitted for approval this meeting.
- KTD SMCP Utility Project: Project is nearing completion. Change order contingency expected to exceed 10%.
- KTD West Bridge: Construction ongoing. Completion scheduled for late October.

FUTURE CONSTRUCTION (major projects are listed in bold)

- IVC Power Plant (Utilities Project): Design started.
- KTD Pool Repair Project: Bids scheduled to open September 18.
- KTD Demo (Dickson, D/L, DSPS): Winter (~ January) 2010. Delay in schedule related to length of DSA review. May be consolidated with SMCP construction.
- KTD Science/Math/CP: Winter (~ January) 2010 – Mid-2012 (Ground-breaking Sept. 15).
- KTD Gateway Complex: Design competition started.

OTHER OPEN INITIATIVES

- Swing space/relocation:
  - Literacy Lab
  - Dance
  - Dickson Hall
  - Orchard Greenhouse
    Design underway.
    Construction started.
    Classroom moves scheduled for Winter break.
    Ordered; installation expected late Fall.
- Furniture, fixtures, equipment: Proceeding.
- Building signage, Phase 1: Proceeding.
- External signage: Proceeding.
- Project Stabilization Agreement: No issues.
- LEED Credits are being submitted for six projects.

This greenhouse, to be located in the Kentfield orchard south of Parking Lot 9, will replace the two greenhouses currently in use on the Kentfield campus.
REWARDS FOR DILIGENCE

The College’s sustainability efforts have begun to pay off in terms of public awareness...

- The District’s Director of Modernization (V-Anne Chernock) and Dean of Workforce Development (Nanda Schorske) will join two of our modernization consultants presenting a panel discussion on the College’s sustainability efforts at the second annual Green Technology Summit for Community Colleges, to be held in Pasadena in early October. Ms. Chernock will also join two consultants for a similar panel discussion at the Community College Facilities Coalition conference in Sacramento in October.

- The San Francisco Chronicle featured COM in a recent article on sustainability.

- The North Bay Business Journal is preparing a feature article on the College’s sustainability efforts, and the College has prepared a one-page “advertorial” on those efforts, in conjunction with the article, for general distribution.

- A high school instructor in Windsor learned about our sustainability efforts and requested a tour of the Organic Garden for an environmental class.

…and in terms of cost savings!

- The District will receive a grant rebate for installation of bicycle racks at the PE Complex.

- PB&EE is collecting final data to provide a grant rebate for the modernization of the PE Complex.

- The photovoltaic system in the PE parking lot is producing electricity.

The District’s Climate Action Plan, included in last month’s Board packet, has been submitted to the Presidents Climate Commitment on schedule.
### A. Alfa Tech Cambridge Group (Geothermal / PV @ PE / Sitework)

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

### B. Amy Skewes-Cox (EIR)

<table>
<thead>
<tr>
<th>Activity</th>
<th>Milestone Date</th>
<th>Document</th>
<th>Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>No outstanding items</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Activity</th>
<th>Milestone Date</th>
<th>Document</th>
<th>Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>No outstanding items</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### D. Degenkolb Engineers (District Structural Engineers)

<table>
<thead>
<tr>
<th>Activity</th>
<th>Milestone Date</th>
<th>Document</th>
<th>Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>No outstanding items</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Activity</th>
<th>Milestone Date</th>
<th>Document</th>
<th>Completed</th>
</tr>
</thead>
<tbody>
<tr>
<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 8/1/2009 - Current 11/15/09</td>
<td>Contract</td>
<td></td>
</tr>
<tr>
<td>Construction Phase - 24 Months</td>
<td>3/15/09-4/30/11</td>
<td>Contract</td>
<td></td>
</tr>
<tr>
<td>Operation/Project Close-out Phase - 12 months</td>
<td>4/30/2012</td>
<td>Contract</td>
<td></td>
</tr>
</tbody>
</table>

### F. Fugro West, Inc. (District Soils Engineer)

<table>
<thead>
<tr>
<th>Activity</th>
<th>Milestone Date</th>
<th>Document</th>
<th>Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>No outstanding items</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### G. HKIT (Hardison, Komatsu, Ivelich & Tucker) (Transportation Technology Center)

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

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

### I. Kwan Henmi (Diamond PE Center)

<table>
<thead>
<tr>
<th>Activity</th>
<th>Milestone Date</th>
<th>Document</th>
<th>Completed</th>
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</thead>
<tbody>
<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>On Going</td>
</tr>
<tr>
<td>Operation/Project Close-out Phase - 12 months</td>
<td>1/1/10-1/1/11</td>
<td>n/a</td>
<td>Amendment 3</td>
</tr>
</tbody>
</table>

Additional service fee to re-register the project from LEED EB to NC (308B) | n/a | Amendment 3 |

### J. Marcy Wong and Donn Logan (FA / PA Buildings)

<table>
<thead>
<tr>
<th>Activity</th>
<th>Performing Arts</th>
<th>Milestone Date</th>
<th>Document</th>
<th>Completed</th>
</tr>
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<td>Estimated DSA Stamp-out (100% CD's)</td>
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<td>Original: 10/14/2008, Current: 5/01/09</td>
<td>Contract</td>
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<td>Bidding Phase</td>
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<td>12/15/09-3/15/10</td>
<td>Contract</td>
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<td>Construction Phase</td>
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<td>3/16/10-6/30/11</td>
<td>Contract</td>
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<tr>
<td>Operation/Project Close-out Phase - 12 months</td>
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<td>5/1/11-7/31/11</td>
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<tr>
<td>Project Close-out with DSA</td>
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<td>4/30/11-8/31/11</td>
<td>Contract</td>
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<td>Extra programming &amp; conceptual design schemes</td>
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<td>Amendment 1</td>
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<td>Survey specs and prelim project scope guidelines</td>
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<td>Amendment 1</td>
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<td>Fine Arts</td>
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<td>4/30/10-8/31/10</td>
<td>Contract</td>
<td>Amendment 4</td>
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Due to user group questions concerning restrooms and classroom sizes, the start of CD drawings was delayed.

### K. Ninio & Moore (District Industrial Hygienist Consultant)

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<tr>
<th>Activity</th>
<th>Milestone Date</th>
<th>Document</th>
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<tr>
<td>No outstanding items</td>
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<td>Activity</td>
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<td>L. Royston Hanamoto Alley &amp; Abey (District Landscape Consultant)</td>
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<td>Kentfield Campus Construction Phasing Diagrams</td>
<td>Quarterly through 2011</td>
<td>Amendment 3</td>
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<td>Indian Valley Construction Phasing Diagrams</td>
<td>Quarterly through 2011</td>
<td>Amendment 3</td>
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<td>Diamond PE Complex Construction Phasing Diagrams</td>
<td>Quarterly through 2009</td>
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<td>LEED Services</td>
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<td>Construction Administration</td>
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<td>Additional landscape design services (413A)</td>
<td>7/15/2009</td>
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<td>Additional services to provide parking diagram in accordance w/USGBC standards for LEED Accreditation (305C)</td>
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<td>Amendment 12</td>
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<td>M. Steinberg Architects (District Architect)</td>
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<td>FF&amp;E Specifications - SMCP Increement #3 (305A)</td>
<td>3/1/2009</td>
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<td>FF&amp;E Specifications - TransTech Complex (402A)</td>
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<td>Amendment 3</td>
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<td>FF&amp;E Specifications - Diamond PE Center (308B)</td>
<td>9/1/2009</td>
<td>Amendment 3</td>
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<td>DSPS &amp; Literacy Lab partition installation and swing space planning; construction administration (850L)</td>
<td>11/1/2006</td>
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<td>DSPS &amp; Literacy Lab swing space planning; additional CAD drawings for data/electrical design build work (850L)</td>
<td>11/1/2008</td>
<td>Amendment 4 &amp; 5</td>
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<td>Specifying and supervising FF&amp;E installation for existing Math Lab in Austin Sc Center Bldg rms 76, 115, 116 and 117 (305A)</td>
<td>n/a</td>
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<td>Additional FF&amp;E services for specification phase (306C)</td>
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<td>Amendment 9</td>
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<td>Amendment 9</td>
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<td>Additional space planning services for revision to SMC portable units 8 and 9 (850N)</td>
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<td>Amendment 10</td>
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<td>O. VBN Architects (IVC Main Building)</td>
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<td>Milestone Date</td>
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<td>Construction Phase</td>
<td>Original: 4/4/08-12/1/09</td>
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<td>Bidding and construction start was delayed with plan check review</td>
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<td>Fire service line re-routing design services (417A)</td>
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<tr>
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<td>no change</td>
<td>Amendment 6</td>
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</table>
To: Board of Trustees
From: Superintendent/President
Subject: Quarterly Progress Report – Period Ending June 30, 2009
Reason for Board Consideration:

**INFORMATION**

SMC Quarterly Report 2Q 2009

**BACKGROUND:**

The following bond program item is presented herein for Board information:


**FISCAL IMPACT:**

None.

**RECOMMENDATION:**

For information only.

---

Administrator Initiating Item
V-Anne Chernock
Director of Modernization

Administrator Approving Item
Albert J. Harrison II
Vice President, College Operations
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 4225, 5020, 5035, and 5052 are presented herein for information.
FISCAL ANALYSIS:

No fiscal impact for the District.

RECOMMENDATION:

For information only. No action is required.
Non-Repealtable Courses (Substandard Grades)

Students who receive a substandard grade of "D," "F," "FW," "NP," or "NC" on the first attempt of a non-repeatable course taken at College of Marin, may repeat any non-repeatable course taken at College of Marin for which a substandard grade of "D," "F," "FW," "NP," or "NC" symbol has been recorded that course two more times in an effort to successfully complete the course with a passing grade. Upon successful completion of a repeated course, only the most recent grade earned will be computed in the cumulative grade point average or non-progress grades (NPG) percentage.

After receiving three substandard grades in the course, or three "W" symbols, or a combination thereof for a total of three in the course, a student may petition to repeat a course for the fourth enrollment provided there is verifiable documentation that extenuating circumstances occurred which justify an additional repetition. Upon completion of a repeated course, the most recent grade earned will be computed in the Grades awarded in the same course will count in computing the student's cumulative grade point average or NPG percentage.

- If approved, the student must wait one week after the start of new and returning student registration to register for the course.

- Courses granted Academic Renewal will not be included for course repetition limits. (See BP/AP 4240 titled Academic Renewal Policy for specific requirements.) Equivalent coursework completed at other accredited colleges and universities may be accepted when approved by the appropriate department chair and the student has successfully completed 12 units at College of Marin.

Annotating the permanent academic record shall be done in a manner that all work remains legible, insuring a true and complete academic history.

Non-Repeatable Courses (Withdrawal "W" Symbol)

Students who have received the "W" symbol after withdrawing from a course may re-enroll in the course without petition. After receiving three "W" symbols in a given
course, a student may petition once to re-enroll in the course providing verifiable documentation that extenuating circumstances occurred.

After the last day of the fourteenth week (or 75 percent of the term, whichever is less) upon petition of the student or his/her representative and after consultation with the appropriate faculty, the Chief Instructional Officer or designee may approve an additional withdrawal based on extenuating circumstances outlined in the petition.

Non-Repeatable Courses (Absent Substandard Grades)
The following are circumstances under which students may repeat courses in which a "C" or better grade was earned: (Such course repetition requires a finding that circumstances exist which justify such repetition.)

1. Students may petition to repeat a course in which a "C" or better was earned after 2 or more years have elapsed since successfully completing the course provided there are compelling circumstances which warrant such a repetition. Grades awarded for courses repeated under these provisions shall not be counted in calculating a student's grade point average.

   • If approved, the student must wait one week after the start of new and returning student registration to register for the course.

2. Mandated Training: Students are allowed to repeat a course without petition when repetition is necessary to enable the student to meet a legally mandated training requirement as a condition of volunteer or paid employment. Students can repeat such courses any number of times, even if they received a grade of C or better, however, grade received by the student each time will be included in calculations of the student's grade point average or NPG percentage.

Admissions and Records will maintain a list of courses that meet a legally mandated training requirement and such course may be identified on the course outline.

Annotating the permanent academic record shall be done in a manner that all work remains legible, insuring a true and complete academic history.

Repeatably Course:

1. Activity Courses: Students may repeat courses that have been designated as activity courses and where it is found that the course content differs each time it is offered to enhance the skills and proficiencies of the student. Activity courses are defined as career-technical courses where the content differs each time the course is offered
but the primary educational activity remains the same. Examples of activity courses include physical education and courses in music, fine arts, theater, and dance. Absent substandard academic work, courses may not be repeated for more than three semesters including summers and intersessions. Consult the catalog to determine which courses are designated as repeatable. Prior approval is not required.

2. **Courses for Students with Disabilities:** Students with disabilities can repeat a special class for students with disabilities any number of times when an individualized determination verifies that such repetition is required as a disability-related accommodation.

Annotating the permanent academic record shall be done in a manner that all work remains legible, insuring a true and complete academic history.

Office of Primary Responsibility: Vice President of Student Learning

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**Date Approved:** December 9, 2008  
(Replaces portions of current College of Marin Procedure 4.0003 DP.10)

**Date Revised:** March 17, 2009

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*Note: The underlined language was recommended by the Academic Standards Committee and the Dean of Enrollment Services. The AP was approved by the Academic Senate August 20, 2009.*
AP 5020 NON-RESIDENT TUITION

References:
Education Code Sections 76140 et seq.

Students who qualify for Assembly Bill 540 are exempt from non-resident tuition.

Nonresident tuition fees will be approved by the Board of Trustees no later than February 1 of each year.

The calculation of non-resident tuition shall reflect the current expense of education calculated according to the Budget and Accounting Manual.

The calculation of non-resident tuition will include the expense of education in the preceding fiscal year.

The calculation shall reflect fees in contiguous Districts.

Full refunds of non-resident tuition fees will be granted through 14 calendar days of a full semester and ten percent of the length of the course for short-term classes and summer term classes.

Office of Primary Responsibility: College Operations

NOTE: The underlined regular type signifies legally required language (unless designated otherwise) recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The underlined italics was recommended by the Office of Student Learning on 4-8-09 during the Administrative Review Session. The VP of Student Learning recommended this go forward to the Senate 6/24/09.

Date Approved:
(This is a new procedure recommended by the CC League and the League’s legal counsel)
AP 5035  WITHHOLDING OF STUDENT RECORDS

Reference:
Title 5 Section 59410

The District may withhold grades, transcripts, diplomas, and registration privileges from any student or former student who fails to pay a proper financial obligation. The student shall be given written notification and the opportunity to explain if the financial obligation is in error.

The definition of proper financial obligation shall include, but is not limited to:
- student fees;
- non-resident tuition;
- international student tuition;
- obligations incurred through the use of facilities, equipment, or materials;
- library fines;
- unreturned library books;
- materials remaining improperly in the possession of the student; and/or
- any other unpaid obligation a student or former student owes to the District.

A proper financial obligation does not include any unpaid obligation to a student organization.

Students may access their account detail and financial obligations through the MyCOM portal.

Office of Primary Responsibility: Office of Admissions and Records

NOTE: The underlined regular text signifies legally required language recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The underlined italics language is recommended by the Dean of Enrollment Management. The AP is recommended to go forward to the Academic Senate 6/24/09

Date Approved:
(This is a new procedure recommended by the CC League and the League’s legal counsel)
AP 5052    OPEN ENROLLMENT

References:
Title 5 Sections 51006, 58106, and 58108

All courses of the District shall be open to enrollment in accordance with BP 5052 titled Open Enrollment and a priority system consistent with AP 5055 titled Enrollment Priorities. Enrollment may be limited to students meeting properly validated prerequisites and co-requisites, or due to other non-evaluative, practical considerations as determined by the Chief Instructional Officer or designee.

No student is required to confer or consult with or required to receive permission to enroll in any class offered by the District, except as provided for in AP 5055 titled Enrollment Priorities and the Registered Nursing Program which requires special admissions and enrollment requirements.

Students are not required to participate in any pre-registration activities not uniformly required, and no registration procedures are used that result in restricting enrollment to a specialized clientele, except as provided for in AP 5055 titled Enrollment Priorities and the Registered Nursing Program which requires special admissions and enrollment requirements.

A student may challenge an enrollment limitation on any of the following grounds:
- The limitation is unlawfully discriminatory or is being applied in an unlawfully discriminatory manner;
- The District is not following its enrollment procedures;
- The basis for the limitation does not in fact exist.

Students may challenge an enrollment limitation on any of the following grounds listed above by submitting the Prerequisites Challenge Form to the Counseling Office outlining the basis for the challenge by first day of instruction for the term. The Counseling Office will notify the student in writing in a timely manner of the decision to either uphold or deny the challenge.

- From current College of Marin Procedure 4.0003 DP.1 titled Academic Standards
Open Enrollment Title V, 58051.5-58056, 58300 et.seq., LC 3074.3, CCFS 329, CP, EC 4262, 72011, 72015 Gov. Code 17135

Unless specifically exempted by statute, every program and course offered by the College for which the College receives State apportionment shall be open to enrollment and participation by any person who has been admitted to the College and who meets established prerequisites and is capable of benefiting from instruction. First priority for impacted programs will be given to Marin County residents.

Office of Primary Responsibility: Office of Admissions and Records

NOTE: The underlined regular text signifies legally advised language recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The language that is struck through is current College of Marin Procedure 4.0003 DP.1 titled Academic Standards approved on 2/8/05. The information in blue type is additional language to consider including in this procedure. The language in underlined italics is recommended by the Dean of Enrollment Management. This AP was recommended to go forward to the Academic Senate by the VP of Student Learning on 6-24-09.

Date Approved:
(Replaces part of current College of Marin Procedure 4.0003 DP.1)