A. Study Session

The Board of Trustees of the Marin Community College District met for a Study Session in Room 111, Deedy Student Services Building, at the Kentfield Campus, all members having received notice as prescribed by law. Board President Long called the meeting to order at 3:10 p.m. Board Clerk Hayashino called the roll and all Trustees were present.

1. Bond Issuance Process Update

President White introduced David Casnocha, our bond counsel, and Sarah Hollenbeck from PFM, who updated the Board on the bond issuance process, answered questions on the documents that were given to Board members for review, and summarized rating agency criteria. Mr. Casnocha reported that our Board has adopted the only resolution required and that he is working with Al Harrison to finalize the necessary documentation.

In response to questions about liability, Mr. Casnocha stated that the bonds will be insured by an AAA rated bond insurance company and that there would never be a default or district liability for paying the bonds. He noted that the Board’s responsibilities to the taxpayers would include: prioritizing the construction projects over time, seeing that the money is spent prudently, and keeping the tax rate within the promised parameters. The Citizens’ Oversight Committee (COC) will be responsible for seeing that the bond money is spent for projects that were on the ballot. Mr. Casnocha will review the responsibilities of the COC at their first meeting.

Ms. Hollenbeck’s presentation to the Board included an overview of the District’s economic fundamentals, the general obligation bond program plan of finance, and the Series A financing schedule. She noted that the maximum tax rate is expected to be $19 per $100,000 of assessed home valuation. The proposed bond financing timeline is as follows:

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
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<tbody>
<tr>
<td>March 22</td>
<td>Rating Presentations</td>
</tr>
<tr>
<td>March 28</td>
<td>Ratings Received</td>
</tr>
<tr>
<td>March 29</td>
<td>Preliminary Official Statement Printed and Distributed</td>
</tr>
<tr>
<td>April 6</td>
<td>Competitive Sale</td>
</tr>
<tr>
<td>April 28</td>
<td>Closing</td>
</tr>
</tbody>
</table>
Ms. Hollenbeck noted that rating agencies will consider the health of the local economy, the underlying strength of the tax base, District management, and the underlying financial health of the District during their deliberations. The high per capita income of our County, low unemployment rate, stable population, construction activity, and increase in assessed valuation totals will be favorable factors in the rating process. A copy of her presentation is attached to the minutes as part of the official record.

Board President Long thanked Mr. Casnocha and Ms. Hollenbeck for their excellent presentation.

2. **Project Labor Agreements (PLA’s)**

José Nuñez, the District’s Modernization Consultant, and David Kirn and Jeff Gee of Swinerton Management & Consulting presented information on Prequalification for A and B Licensed Contractors and on Project Labor Agreements. Mr. Nuñez stated that the advantages of creating a pool of prequalified bidders include reducing risks to the District, saving project time and money, and increasing project success rate. A good safety record, public works experience, possession of a contractor’s license, insurance requirements, bonding and financial information, a history of completing projects on time and within budget, litigation and arbitration history, project personnel, compliance with prevailing wage requirements, and references are among the criteria that will be used to determine prequalification. Mr. Nuñez stated that the prequalification process will be fair and open and that he intends to bring the architect and engineer final interviews to the Board later in the spring.

Mr. Nuñez noted that PLA’s are controversial and stated that the purpose of the presentation on PLA’s was to provide a framework for Board discussion of the subject. He stated that PLA’s are associated with unions, unique to local communities, and are usually used in large projects. They require hiring through union referral systems and prohibit organized work stoppages and lockouts. They also require formal apprenticeship programs. Use of PLA’s reduces the risk of construction delays from worker shortages or disputes, but the possibility for wildcat strikes and lockouts would still exist. In response to questions from the Trustees, Mr. Nuñez noted that PLA’s could be used for certain projects depending on the complexities of the situation.

Board President Long expressed appreciation to Messrs. Nuñez, Kirn, and Gee for their informative presentation.

The Board recessed to closed session at 5:00 p.m.
B. Closed Session

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

The Board of Trustees of the Marin Community College District reconvened in Closed Session in AC108 on the Kentfield campus. Board Vice President Brockbank reconvened the meeting at 5:15 p.m. Board Clerk Hayashino called the roll and all Trustees were present except Trustee Long, who arrived at 5:40 p.m. Dr. Frances White, Al Harrison, Elise Schneider, Linda Beam, Armand Phillips, and Paul Loughlin were also in attendance. 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 6:20 p.m.

C. Reconvene to Regular Meeting

1. Call to Order

The meeting was reconvened in public session in Room 111, Deedy Student Services Building, at the Kentfield campus at 6:45 by Board President Long. She announced that the meeting was being recorded to facilitate the preparation of minutes. Board Clerk Hayashino called the roll and all Trustees were present.

2. Approval of Minutes and Report of Closed Session

M/s Treanor/Dolan to approve the minutes of the February 8, 2005 Board meeting and the February 14, 2005 Board Retreat. The motion passed unanimously.

Several Trustees asked to have the minutes of the March 1, 2005 Study Session amended as follows to reflect comments they made concerning the College of Marin Governance Review System.

Trustee Kranenburg stated that one of his concerns about the proposal and document is that it does not allow for a timeframe to make it possible to act and make decisions in a timely fashion.

Trustee Treanor commented that the Board had received a draft of the document in December but had never discussed it. They received the updated document for the 1st time at the March 1 Study Session. She stated that it would have been helpful to have a red-line version showing the changes. Trustee Treanor thought there was strong Board support for the document but that it needed further work.

Trustee Hayashino stated that in the March 1 Study Session many Board members learned that previous Board Policy 7.0007(a) had been revoked based on misinformation about the Governance Review Policy not being necessary. She stated that she appreciated the Governance Review Council’s work, but recognized that the policy needed additional work. Faced with a March 15
deadline by the Accreditation Commission, Board members expressed their opinions that the College should reinstate the former policy.

Trustee Brockbank stated that all Board members would have liked to see everyone come together in consensus but since this did not happen, they did not want the March 15 deadline to pass by. It just came to their attention that the old policy (which had been repealed by mistake) could be reinstated.

Board President Long read a statement reiterating her comments made at the March 1 Study Session. A copy of her statement is attached to the minutes as part of the official record. Highlights of her comments include the following points:
- The purpose of the Board Study Session is to seek feedback from the Board members and for the Board to provide direction and guidance to President White, management and staff, not to take action.
- She asked Dr. White to explain the goal of the WASC process to date and what the consequences would be if we did not meet the deadline of the WASC recommendations and timeline.
- She expressed appreciation for the extensive work that had gone into the plan to date by faculty, classified staff, and students. She also acknowledged the leadership of Kathleen Kirkpatrick, Dr. Blackman, and Dr. Gilliland.
- She stated that she was viewing the Participatory Governance System Plan as a work in progress from the “lens” as a Board member and also as a WASC member who understands the expected WASC standards.
- She expressed concern about the “spirit” of the document and the lack of collaborative decision-making and lack of partnership with constituent groups. She also expressed concern that the document contained trigger words such as “corruption or manipulation,” “no back room deal,” and “leap of faith.”
- She stated that she did not want COM to play games with the WASC process and that if it is not the intent of staff to move positively toward working together, we should accept “probation” even though the status would be very painful for all.
- Trustee Long supported her Board colleagues in the re-instatement of Board Policy 7.000.7(a).
- Finally, she summarized each Board member’s comments and common suggestions and requested that Dr. White bring back a progress report on March 8th.

Student Trustee Lopez asked that a copy of the Classified Senate Response to the COM Governance Plan, which was given to Board members at the March 1 Study Session, become part of the official record of that meeting.

Board Clerk Hayashino reported that the Board met in closed session earlier that evening on the items listed on the agenda under “Closed Session” and that no action was taken.

3. Board Reports and/or Requests
   a. Board Study Session
      (1) Financial Audit Report
M/s Treanor/Kranenburg to acknowledge receipt of report. The motion passed unanimously.

(2) 2005/06 Budget Assumptions and Planning Calendar
Al Harrison presented an audit adjustment report and clarified misinformation in a recent Marin Independent Journal article. He stated that the recent $431,000 audit adjustment for unreimbursed mandated costs was a “last year” issue. We do not have to cut our budget or implement layoffs. We anticipate having a 5.58% reserve level as of June 30, 2005.

b. Commendation/Resolutions
(1) Resolution 3/8/05 C.3.b (1) in Support of March as “Women’s History Month”
M/s Treanor/Brockbank to accept the Resolution in Support of March as “Women’s History Month.” The motion passed unanimously.

c. Legislative Report
Trustee Brockbank recommended checking the CCLC Website for information on the state budget.

d. Committee Chair Reports
Board President Long asked Trustees to submit written Committee Chair reports to Dr. White’s office. Trustee Kranenburg reported on a presentation on the Governor’s proposed ballot initiatives at the recent Marin County School Board Association’s annual meeting.

e. Individual Reports and/or Requests
Trustee Hayashino reported that Gary Anspach had nominated Wanden Treanor for Trustee of the Year for her leadership in the bond campaign. Trustees expressed their support of the nomination and Dr. White said she would submit the necessary paperwork to the Marin County Office of Education. Trustee Dolan encouraged fellow Trustees to look at an agenda from Santa Barbara Community College that was in each Trustee’s correspondence packet. Trustee Treanor announced a natural products artwork exhibit at the Fine Arts Gallery. Trustee Brockbank distributed copies of an article describing faculty-staff housing being built by the San Mateo Community College District and an article about COM in the League of Women Voters of Marin County newsletter.

f. CEO Report to Board on WASC Compliance
President White reported that members of the Accreditation Team will visit the campus on March 24. She noted that the Actuarial Study item
has been approved and the Mission Statement and Governance Review System would be acted on later in this meeting.

4. **Chief Executive Officer’s Report**  
President White mentioned the recent re-accreditation of COM’s dental assisting program, our annual Industrial Technology Career Day, and the BSU appreciation awards ceremony in her report. She noted that a COM events and activities calendar has been added to the President’s Report. Dr. White recently returned from a CCCCEO Conference where Barbara Beno stated that the WASC Accrediting Commission is working on a high level of accountability with regard to the new accreditation standards.

5. **Modernization (Capital Improvement Program) Update**  
José Nuñez reported that we are in contract negotiations with Swinerton Management & Consulting and that proposals for architectural and engineering professional services are due on March 14. He wants to discuss construction delivery methods at the next Board Study Session.

6. **Academic Senate Update**  
David Rollison, Academic Senate President, read a statement expressing the view that the Board was about to make a mistake by rejecting the governance proposal submitted by the GRC and reinstating the old policy. He emphasized the importance of conforming to the letter and spirit of Title V regulations. A copy of his statement is attached to the minutes as part of the official record.

7. **Classified Senate Update**  
Nancy Kutcher, President of the Classified Senate, made a statement expressing Classified Senate concerns with the governance proposal in these areas: committee composition of the Planning and Budget Committees and decision-making methods. She stated that the Classified Senate supports consensus. Ms. Kutcher stated that reinstating the old policy would give us time to resolve the Title V issues. A copy of her statement is attached to the minutes as part of the official record.

8. **Student Senate and Student Association Report**  
Mario Lopez reported that students have been attending conferences and preparing for the upcoming election of new student officers.

Faith Caughlan reported on the Student Appreciation Show and a new partnership with Mill Valley Market. She stated that she wanted to echo Nancy Kutcher’s comments regarding the governance proposal.

9. **COM Foundation Report**  
No report.
10. Citizens Requests to Address the Board on Non-Agenda Items
   No requests.

11. Items for Future Board Action
   a. Approval of Swinerton Management & Consulting Contract
   b. Tentative 2005-06 Budget Approval (June ’05)
   c. Modernization Architects/Engineers Contract (May ’05)

12. Consent Calendar Items (Roll Call Vote)
   The Superintendent/President recommends that the Board of Trustees approve the following Consent Calendar Items:

   M/s Hayashino/Brockbank to approve all items on the Consent Calendar. The motion passed unanimously with a roll call vote.

   A. Academic Personnel Recommendations: Approve the Academic Personnel Recommendations:
      1. Approval of Continued Employment of Academic Contract Faculty

   B. Classified Personnel Recommendations: Approve the Classified Personnel Recommendations:
      1. Appointment of Classified Personnel
      2. Resignation/Retirement of Classified Personnel

   C. Warrant Approval: Approve the payment of goods and services.

   D. Short-Term Hourly Positions: Approve the short-term hourly positions recommendations.

   E. Declaration of Surplus Property – Miscellaneous Equipment

   F. Professional Service Agreement with Swinerton Management and Consulting, Inc.

   G. Calendar of Upcoming Board Meetings

13. Other Action Items
   The Superintendent/President recommends the Board of Trustees approve the following Action Items:

   A. M/s Hayashino/Treanor to approve Authorization to Sign on Behalf of Governing Board. The motion passed unanimously with a roll call vote.

C. M/s Treanor/Kranenburg to approve Selection of Actuarial Consultant. The motion passed unanimously.

D. M/s Treanor/Kranenburg to approve Selection of Informational Technology Consultant (Modernization and Capital Improvement Program). The motion passed unanimously. President White introduced Frank Vaskelis of Strata Information Group, the firm which will assist the College in the procurement of a new administrative information system. Mr. Vaskelis has worked very successfully with our Technology Committee in the development of our Technology Plan.

E. M/s Treanor/Kranenburg to approve the recommended College of Marin Mission Statement. The motion passed unanimously. Board President Long thanked everyone who participated in the development of the new Mission Statement.

F. Approval of the Reinstatement of Board Policy 7.0007 (a), District Governance
Three individuals asked to speak to the Board about this agenda item. Academic Senate Vice President John Sutherland expressed his disapproval of some of the comments made by Board members at the March 1 Study Session concerning the Governance Review Plan. A copy of his statement is attached to the minutes as part of the official record. Alumna Jeannine Alexander also expressed concern about returning to the governance policy of the Middleton years. Student Austin Smith spoke in favor of reinstatement of Policy 7.0007 (a) while we work with the Technical Assistance team and try to resolve the conflicts. He commended Board members for their leadership, courage, and commitment to consensus.

Board members shared their opinions about this issue. President White stated that reinstatement of Board Policy 7.0007(a) would be an interim response to the Accrediting Commission while we continue to iron out technical issues. Ms. Treanor/Dolan to approve “on an interim basis” Reinstatement of Board Policy 7.0007(a). The motion passed unanimously.
14. **Information Items**  
   A. Contracts and Agreement for Services Report – February  
   B. Measure C Spending Plan  

15. **Correspondence**  
   Trustees were reminded to review the correspondence in the Board Packets.  

16. **Board Meeting Evaluation**  
   Board members did not evaluate the meeting in the interest of time.  

17. **Recess to Closed Session**  
   The Board recessed to closed session in AC108 at 9:25 p.m. The meeting was reconvened by Board President Long at 9:40 p.m. All Trustees were present, and Linda Beam, Al Harrison, Elise Schneider, Fran White, and Larry Frierson were also in attendance.  
   a. **Request for Public Comment on Closed Session Agenda**  
      No requests were made.  
      
      The Board recessed to regular session at 10:37 p.m.  

18. **Reconvene to Regular Session**  
   The meeting was reconvened at 10:38 p.m.  

19. **Report from Closed Session**  
   Board Clerk Hayashino reported that no action was taken, except that a special Board meeting would be held on Monday, March 14, 2005 at 2:00 p.m.  

20. **Adjournment**  
   M/s Brockbank/Kranenburg to adjourn the meeting. The motion passed unanimously and the meeting was adjourned at 10:39 p.m.