



OFFICIAL COPY
CHABOT-LAS POSITAS
COMMUNITY COLLEGE DISTRICT

BOARD OF TRUSTEES
REGULAR MEETING
April 16, 2013—5:30 P.M.

District Office, 7600 Dublin Blvd., Dublin, CA
Board Room (3rd Floor)

1.0 GENERAL FUNCTIONS—PRESIDENT OF THE BOARD

1.1 5:30 P.M. OPEN SESSION
CALL TO ORDER AND ROLL CALL*

1.2 PUBLIC COMMENTS
The Board requests that the public speak at this time. Any person wishing to address the Board on any Closed Session matter of concern is requested to complete a "Request to Address the Board of Trustees" card and file it with the Recording Secretary of the Board prior to start of the meeting. Individuals will be called upon to speak by the presiding officer. The Board cannot act on or discuss items not listed on the agenda.

1.3 CLOSED SESSION—Personnel, Collective Bargaining and Possible Litigation
a. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:** Name of Case: Joel Kinnamon v. Chabot-Las Positas CCD [Government Code Section 54956.9(a)]
b. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
Title: Interim Chancellor (Government Code Section 54957)

1.4 6:30 P.M.—OPEN SESSION-
CALL TO ORDER AND ROLL CALL

1.5 PLEDGE TO FLAG

***Board meeting will immediately adjourn to a Closed Session to end at 6:30 p.m. If business is not concluded by 6:30 p.m., the Board will reconvene to the Regular Meeting and recess the Closed Session until the end of the meeting.**

1.0 GENERAL FUNCTIONS—PRESIDENT OF THE BOARD (continued)

- 1.6 **PUBLIC HEARING: AUTHORIZATION TO SUBMIT WAIVER OF PUBLIC LEASE BIDDING OF PROPERTY LOCATED AT 5020 FRANKLIN DRIVE, PLEASANTON, CALIFORNIA AND AWARD PROVISIONS IN CALIFORNIA EDUCATION CODE SECTIONS 81360 ET SEQ.**

- 1.7 **PUBLIC COMMENTS**
The Board requests that the public speak at this time. Any person wishing to address the Board on any matter of concern is requested to complete a "Request to Address the Board of Trustees" card and file it with the Recording Secretary of the Board prior to the start of the meeting. Individuals will be called upon to speak by the presiding officer. The Board cannot act on or discuss items not listed on the agenda.

- 1.8 **APPROVE CONSENT ITEMS (cc)**
Consent Calendar items are designated by "cc" and are expected to be routine and non-controversial. They will be acted upon by the Board of Trustees on a single motion without discussion. Any member of the Board or Public may request that an item be removed from this section for later discussion.

- (cc) 1.9 Approval of Minutes of February 22, 2013 Board Retreat
(cc) 1.10 Approval of Minutes of March 5, 2013 Study Meeting
(cc) 1.11 Approval of Minutes of March 19, 2013 Regular Meeting

- 1.12 **PRESENTATION: CHABOT COLLEGE BUILDING 2100/ BIOLOGICAL SCIENCE**

- 1.13 **PRESENTATION: PG&E ENERGY AWARD**

2.0 REPORTS

- 2.1 Trustee Reports and/or Official Communications
2.2 Chabot-Las Positas Colleges Foundations
2.3 Presidents of Faculty Senates-Chabot College and Las Positas College
2.4 Presidents of Classified Senates-Chabot College, Las Positas College and District
2.5 Presidents of Associated Students-Chabot College and Las Positas College
2.6 Presidents of Chabot College and Las Positas College
2.7 Interim Chancellor

2.0 REPORTS (continued)

- 2.8 Recognitions

3.0 PERSONNEL

- (cc) 3.1 Classified Personnel
(cc) 3.2 Management Personnel

4.0 EDUCATIONAL SERVICES

- (cc) 4.1 Acceptance of Gift, Las Positas College
(cc) 4.2 Acceptance of Gift and Approval of Donation Agreement between Nissan North America, Inc. and Las Positas College
(cc) 4.3 Approval of Curriculum Changes, Chabot College
(cc) 4.4 Approval of Curriculum Changes, Las Positas College

5.0 BUSINESS SERVICES

- (cc) 5.1 Approval of Commercial Warrant Registers
(cc) 5.2 Approval of Payroll Warrant Registers
(cc) 5.3 Approval to Negotiate a Professional Services Contract for Independent Audit Services
5.4 Adoption of Resolution No. 13-1213 – Pursuant to Education Code Section 81365 Declaring the Intention to Lease Real Property Commonly known as 5020 Franklin Drive, Pleasanton, California
5.5 Adoption of Resolution No. 14-1213 – Authorizing the Filing of a Request to Waive Certain Provisions of the California Education Code Governing the Public Bidding Procedures for Lease of Property Located at 5020 Franklin Drive, Pleasanton, California
5.6 Adoption of Resolution 15-1213 – Authorizing Chabot-Las Positas Community College District to Apply to the California State Department of Education for Funding of the California Early Childhood Mentor Program, and to Subcontract with 103 California Community Colleges, Chabot College

6.0 FACILITIES PLANNING AND DEVELOPMENT

- 6.1 Adoption of Resolution No. 16-1213 – Authorizing the Election to Increase Retention for Parking Lots F/G/H/J Improvements, Chabot College in Accordance with Public Contract Code Section 7201

7.0 ECONOMIC DEVELOPMENT/CONTRACT EDUCATION

- (cc) 7.1 Approval to Renew – County of Solano Standard Contract No. 00591-14, District-Economic Development
(cc) 7.2 Approval of Agreement – South Bay Workforce Investment Board, Incorporated, District-Economic Development: OSHA Training Center

8.0 INFORMATION AND DISCUSSION ITEMS (No action)

- 8.1 Informational Personnel Reports
- 8.2 Governing Board Policy 3600 – Auxiliary Organizations
- 8.3 Chabot College Foundation Bylaws, Articles of Incorporation and Master Agreement
- 8.4 Americans with Disabilities Act (ADA) Facilities Compliance

9.0 OTHER ACTION ITEMS

- 9.1 Approval of Revised Citizens' Oversight Committee for Measure B
- 9.2 Approval of Las Positas College Mission, Vision and Values Statement
- 9.3 Approval of District Mission Statement
- 9.4 California Community College Trustees (CCCT) Board Elections 2013
- (cc) 9.5 Approval of Governing Board Policies
 - BP 2010 Board Membership
 - BP 2015 Student Members
 - BP 2100 Board Elections
 - BP 2110 Vacancies on the Board
 - BP 2200 Board Duties and Responsibilities
 - BP 2210 Officers
 - BP 2220 Committees of the Board
 - BP 2305 Annual Organizational Meeting
 - BP 2310 Regular Meetings of the Board
 - BP 2315 Closed Sessions
 - BP 2320 Special and Emergency Meetings
 - BP 2330 Quorum and Voting
 - BP 2340 Agendas
 - BP 2345 Public Participation at Board Meetings
 - BP 2350 Speakers
 - BP 2355 Decorum
 - BP 2360 Minutes
 - BP 2365 Recording
 - BP 2410 Board Policy and Administrative Procedure
 - BP 2430 Delegation of Authority to the Chancellor
 - BP 2431 Chancellor Selection
 - BP 2432 Chancellor Succession
 - BP 2435 Evaluation of the Chancellor
 - BP 2710 Conflict of Interest
 - BP 2715 Code of Ethics/Standards of Practice
 - BP 2716 Political Activity
 - BP 2717 Personal Use of Public Resources
 - BP 2720 Communications Among Board Members
 - BP 2725 Board Member Compensation

9.0 OTHER ACTION ITEMS (continued)

- (cc) 9.5 Approval of Governing Board Policies (continued)
BP 2735 Board Member Travel
BP 2740 Board Education
BP 2745 Board Self-Evaluation
BP 2750 Board Member Absence from the State

10.0 CLOSED SESSION—(Government Code Section 54954.5)

- 10.1 Personnel
10.2 Collective Bargaining
10.3 Possible Litigation

11.0 ADJOURNMENT**12.0 NEXT MEETING OF THE BOARD OF TRUSTEES**

May 7, 2013, 5:30 p.m., District Office (Study Meeting)

Any person with a disability may request this agenda be made available in an appropriate alternative format. A request for a disability-related modification or accommodation may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting to the Chancellor's Office, 7600 Dublin Blvd., 3rd Floor, Dublin, 925-485-5207, between 8:00 a.m. and 5:00 p.m. at least 48 hours before the meeting.

CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT

April 16, 2013

Agenda Item: 3.1

Subject: Classified Personnel

Recommended Action: That the Board of Trustees approves the following Classified Personnel.

I. ASSIGNED TO CHABOT

A. Employment

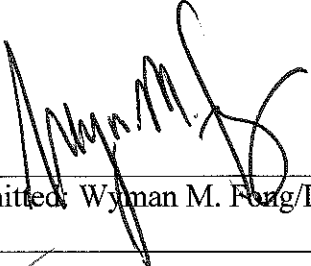
Lim, Victoria (nmi), Financial Aid Systems Coordinator (2CFA18), 100%,
12 months/year, Range/Step 45/1, \$4,938.33/month, effective 4/22/13.

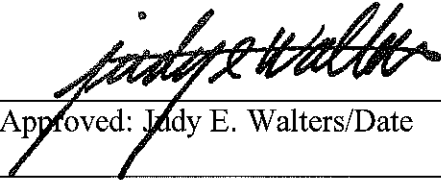
II. ASSIGNED TO DISTRICT

A. Employment

Ablaza, Alvin B., Custodian I (1CMN29), 100%, 12 months, Range/Step 31/3,
\$3,854.50/month, effective 4/17/13. *Employment from 39-month re-employment list.*

Hernandez, David H., Lead Custodian (1CMN24), 100%,
12 months/year, Range/Step 35/4, \$4,472.92/month, effective 4/17/13.


Submitted: Wyman M. Fong/Date


Approved: Judy E. Walters/Date

☒ APPROVED

☐ DISAPPROVED

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CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT

April 16, 2013

Agenda Item: 3.2

Subject: Management Personnel

Recommended Action: That the Board of Trustees approves the following Management Personnel.

I. ASSIGNED TO CHABOT COLLEGE

A. Change to District Classification Plan

Add Mentor Program Assistant Director (2ASS05), Range 15, effective 4/17/13.

This position is 100% funded by the California Early Childhood Mentor Program Grant.

Add Mentor Program Director (2ASS06), Range 19, effective 4/17/13.

This position is 100% funded by the California Early Childhood Mentor Program Grant.

Submitted: Wyman M. Fong/Date

Approved: Judy E. Walters/Date

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CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT

April 16, 2013

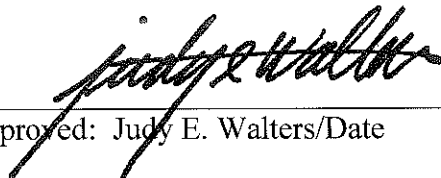
Agenda Item: 4.1

Subject: Acceptance of Gift—Las Positas College

Recommended Action: That the Board of Trustees accepts the following proposed gift donated by Ms. Miriam Miller.

One (1) customized Zukerman 5 Octave III Harpsichord instrument in good condition with 5 full octaves and 3 full choirs of strings valued at \$20,000 by the donor; to be used by students in the Music Department studying piano, and will be available for use to students or other performers participating in the various musical concerts held at Las Positas College.

 4/14/13
Submitted: Jeffrey M. Kingston/Date

 4/16/13
Approved: Judy E. Walters/Date

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CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT

April 16, 2013

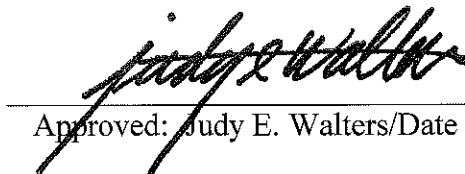
Agenda Item: 4.2

Subject: Acceptance of Gift and Approval of Donation Agreement between Nissan North America, Inc., and Las Positas College

Recommended Action: That the Board of Trustees accepts the following proposed gift(s) and approves the donation agreement with Nissan North America, Inc., and Las Positas College for:

One (1) 2004 Nissan Sentra vehicle estimated value \$4,137.00 by donor; One (1) 2007 Infiniti G35 vehicle estimated value \$16,750.00 by donor; to be used in the Automotive Technology Program at Las Positas College as "salvage goods and training media" for vocational use. It is further recommended that the Board authorizes the Vice Chancellor, Business Services, to execute the agreement on behalf of the District.

 4/11/13
Submitted: Jeffrey M. Kingston/Date

 4/11/13
Approved: Judy E. Walters/Date

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CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT

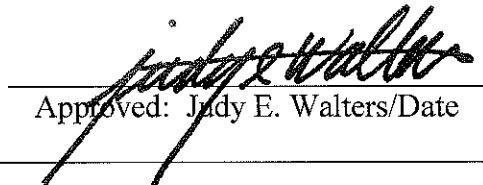
April 16, 2013

Agenda Item: 4.3

Subject: Approval of Curriculum Changes, Chabot College

Recommended Action: That the Board of Trustees approves the Curriculum Changes proposed by Chabot College for Academic Year 2013-2014.

 4/11/13
Submitted: Jeffrey M. Kingston/Date

 4/11/13
Approved: Judy E. Walters/Date

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CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT

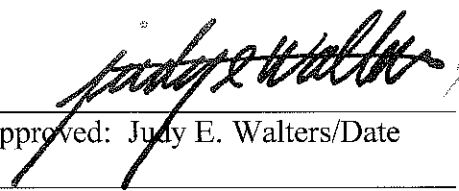
April 16, 2013

Agenda Item: 4.4

Subject: Approval of Curriculum Changes, Las Positas College

Recommended Action: That the Board of Trustees approves the Curriculum Changes proposed by Las Positas College for Academic Year 2013-2014.

 4/11/13
Submitted: Jeffrey M. Kingston/Date

 4/11/13
Approved: Judy E. Walters/Date

☒ APPROVED

☐ DISAPPROVED

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CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT

April 16, 2013

Agenda Item: 5.1

Subject: Approval of Commercial Warrant Registers

Recommended Action: That the Board of Trustees approves the following Commercial Warrant Registers as indicated.

<u>Date</u>	<u>Register Pages</u>	<u>Warrant Numbers</u>	<u>Amount</u>
3/1/2013	489 - 498	227016 - 227232	\$ 795,995.12
		Commercial Warrants	
	499 - 500	227233 - 227234	30,000.00
		Commercial Warrants	
	501 - 502	227235 - 227244	200,766.59
		Commercial Warrants	
	503 - 504	227245 - 227247	217,457.57
		Commercial Warrants	
	505	226507	(478.75)
		Canceled Warrant	
3/8/2013	506	227218	(1,729.52)
		Canceled Warrant	
	507 - 518	227248 - 227514	526,141.15
		Commercial Warrants	
	519 - 520	227515	2,805.47
		Commercial Warrants	
	521 - 523	227516 - 227552	1,557,082.77
		Commercial Warrants	
	524 - 533	227553 - 227771	45,184.76
		Commercial Warrants	
3/11/2013	534	192724,192751,194073,227212	(6,860.73)
		Canceled Warrants	

Agenda Item: 5.1

April 16, 2013

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<u>Date</u>	<u>Register Pages</u>	<u>Warrant Numbers</u>	<u>Amount</u>
3/14/2013	535	227559	(384.13)
		Canceled Warrant	
3/15/2013	536 - 547	227772 - 228038	843,565.11
		Commercial Warrants	
	548 - 550	228039 - 228067	920,629.62
		Commercial Warrants	
	551 - 552	228068	40,582.40
		Commercial Warrants	
3/22/2013	553 - 560	228069 - 228243	888,141.53
		Commercial Warrants	
	561 - 562	228244	5,664.70
		Commercial Warrants	
	563 - 564	228245 - 228267	954,010.29
		Commercial Warrants	
	565 - 566	228268	123,733.70
		Commercial Warrants	
3/31/2013	M-15	00003191 - 00003199	\$ 701,587.73
		Manual Warrants	

TOTAL \$ 7,843,895.38

Lorenzo Legaspi 4/11/13
Submitted: Lorenzo Legaspi/Date

Judy E. Walters 4/11/13
Approved: Judy E. Walters/Date

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CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT

April 16, 2013

Agenda Item: 5.2

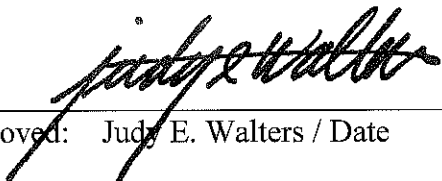
Subject: Approval of Payroll Warrant Registers

Recommended Action: That the Board of Trustees approves the following Payroll Warrant register as indicated:

Regular Monthly Payroll:

March Payroll Warrant Total = \$3,966,033.38

 4.11.13
Submitted: Lorenzo Legaspi / Date

 4/16/13
Approved: Judy E. Walters / Date

☒ APPROVED ☐ DISAPPROVED ☐ TABLED

CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT

April 16, 2013

Agenda Item: 5.3

Subject: Approval to Negotiate a Professional Services Contract for Independent Audit Services

Background: Request for Proposal (RFP) No. A-13 for Independent Audit Services for the District Annual Financial Audit and Proposition 39 (Measure B) Bond Fund Audit was issued on March 14, 2013 to sixteen (16) companies. The Bond Fund Audit includes both the financial and the performance audit. A public notice was published and seven (7) companies responded. Following established procurement procedures detailed in RFP A-13, the top-ranked firms were interviewed by staff. In addition, the firms invited to interview were required to submit a fee proposal based on a scope of work supplied by the District.

The three firms for the interviews are as follows:


- | | |
|--|-----------|
| 1. Crowe Horwath LLP, Sacramento, California | \$215,400 |
| 2. Vavrinek, Trine, Day & Co., LLP, Pleasanton, California | \$233,150 |
| 3. Gilbert Associates, Inc., Sacramento, California | \$235,500 |

A proposal to conduct both the Annual District Financial Audit and the Proposition 39 (Measure B) Bond Fund Audit was received. Selection of Crowe Horwath was based on the strength of the proposal, input from the references, price competitiveness, and interviews. With Board approval, the District will negotiate a Professional Services Contract with "not to exceed" budget of \$215,400 for a period of three (3) years with an option of one-year extensions for two additional years.

The Audit Subcommittee of the Board of Trustees met with Crowe Horwath LLP prior to the Board Meeting on April 16, 2013.

Recommended Action: That the Board of Trustees approves the negotiation of a Professional Services Contract for Independent Audit Services with Crowe Horwath LLP of Sacramento, CA in an amount not to exceed \$215,400. It is further recommended that the Board authorize the Vice Chancellor, Business Services, to execute a contract on behalf of the District.

 4.11.13
Submitted: Lorenzo Legaspi/Date

 4/16/13
Approved: Judy E. Walters/Date

☒ APPROVED ☐ DISAPPROVED ☐ TABLED

CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT

April 16, 2013


Agenda Item: 5.4

Subject: Adoption of Resolution No. 13-1213 - Pursuant to Education Code Section 81365 Declaring the Intention to Lease Real Property Commonly known as 5020 Franklin Drive, Pleasanton, California

Background The District owns the property at 5020 Franklin Drive, Pleasanton, California, consisting of twenty-five thousand (25,000) square feet of improved interior administrative/office space. The District has determined that there are no educational or administrative needs for the Property in the foreseeable future. Therefore, the District intends to make the Property available for lease to private lessees as set forth in Education Code §81365 on the terms set forth in this Resolution.

Recommended Action: That the Board of Trustees adopts Resolution No. 13-1213 - Pursuant to Education Code Section 81365 Declaring the Intention to Lease Real Property Commonly known as 5020 Franklin Drive, Pleasanton, California. The lease is "AS-IS, WHERE-AS" at the rate of one dollar and twenty cents (\$1.05) per square foot per month for a minimum term of five (5) years. It is further recommended that the Board authorize the Vice Chancellor, Business Services, to execute a lease agreement on behalf of the District.

 4.11.13
Submitted: Lorenzo Legaspi/Date

 4/11/13
Approved: Judy E. Walters/Date

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CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT

RESOLUTION NO. 13-1213

A RESOLUTION OF THE CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES PURSUANT TO EDUCATION CODE SECTION 81365 DECLARING ITS INTENTION TO LEASE REAL PROPERTY COMMONLY KNOWN AS 5020 FRANKLIN DRIVE, PLEASANTON, CALIFORNIA

WHEREAS, the Chabot-Las Positas Community College District ("District") is the owner of certain real property commonly known as 5020 Franklin Drive, Pleasanton, CA, consisting of approximately 25,000 square feet of improved interior administrative/office space ("Property"); and

WHEREAS, the Property is currently not being used by the District, and the District has determined that there are no District educational or administrative needs for the Property in the foreseeable future; and

WHEREAS, the District intends to make the Property available for lease to private lessees as set forth in Education Code § 81365 on the terms set forth in this Resolution in an expedited manner.

NOW, THEREFORE, be it resolved by the Board as follows:

1. The Board hereby declares its intention to lease, but not sell, the Property, in whole or in part, in accordance with applicable law governing the lease of property by a community college district.
2. The minimum terms and conditions upon which the Board proposes to lease the Property, in whole or in part, is \$1.05 per square foot per month, triple net at no expense to the District (the "Base Rent"). The lease term shall be a minimum of five (5) years. The Base Rent payment shall be increased each year by the United States Department of Labor Consumer Price Index, All Urban Consumers for the San Francisco-Oakland-San Jose, CA (1982-84 = 100), plus one percent (1%). In no event shall the Base Rent decrease. Base Rent shall be payable monthly on the first day of the month. The rent for any option term of five years or less shall increase at the same rate as the Base Rent. The rent for any option term in excess five years shall be at fair market value determined as of the commencement date of the option term by appraisal.
3. The lease is "AS-IS, WHERE-AS", without representations or warranties of any kind other than the District is the owner of the Property and this Resolution was adopted at a duly noticed meeting. Questions about current and future zoning of the Property, the suitability of the Property for any intended use and its development should be directed to the City of Pleasanton and other governmental agencies.

4. The Board will pay a real estate commission to any real estate broker instrumental in obtaining any proposal to lease accepted by the Board. Further to Education Code Section 81367, such commissions shall only be payable from the rent received by the District and shall be payable at the rate set forth in Exhibit A, attached to and incorporated herein by this reference.

5. If the District enters into a lease with a lessee for at least the minimum lease term specified in this Resolution, the successful lessee may utilize the existing structures on the Property, or make modifications at the lessee's sole cost and expense, if required for lessee's use of the Property. District shall have the right in its sole discretion to review and approve the plans for any remodeling of existing facilities or any replacement facilities. At the end of the lease period, any facilities on the Property shall become the property of the District at no cost to the District.

6. The Board hereby directs the Vice Chancellor of Business Services to post and publish the public notice of the availability of the Property in accordance with Education Code Section 81368.

7. Pursuant to Education Code Section 81372, the Board adopts a rule that the Vice Chancellor is delegated responsibility to open and review all sealed bids. All sealed bids must be received by the Vice Chancellor no later than 4:00 p.m. on May 10, 2013, in the office of the Vice Chancellor of Business Services located at 7600 Dublin Blvd., Dublin, CA, Third Floor. All sealed bids must be addressed to the attention of the Vice Chancellor and clearly identify the Property address.

8. The Board hereby establishes May 21, 2013 at 6:30 p.m. in the Board Room located at 7600 Dublin Blvd., Dublin, CA, Third Floor, as the date and time the bid or bids will be awarded, subject to the Board's right to reject all bids. The Board reserves the right to do its due diligence to ensure that any bidder is a responsible person or entity, able to fulfill the requirements of the lease. The award of any bid is expressly contingent on the District and the proposed lessee entering into a lease which is satisfactory to the District and approved by the Board.

9. Pursuant to Education Code Section 81375, the Board reserves the right to reject all bids if it deems this action to be in the best public interest.

10. Notwithstanding the provisions of paragraphs 1-9 above, if the Board deems such action to be for the public interest, the Board may at any time withdraw the proposal to lease the Property.

Resolution No. 13-1213
April 16, 2013
Page 3

11. A mandatory site inspection of the Property and meeting of interested bidders will be held on April 30, 2013, at 10:00 a.m., at the Property (5020 Franklin Drive, Pleasanton, CA). Any proposer who fails to attend the site inspection and meeting of interested bidders shall not be qualified to submit a proposal.

12. Adoption of this resolution requires approval by a two-thirds vote of all members of the Board.

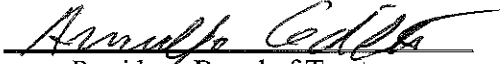
I, Secretary to the Board of Trustees of the Chabot-Las Positas Community College District, do hereby certify that the foregoing Resolution No. 13-1213 was regularly introduced and adopted by the District Board of Trustees at a duly-noticed regular meeting held on the 16th day of April 2013, by the following roll call vote:

AYES: Cedillo, Dvorsky, Gelles, Gin, Mertes, Mitzman, Vecchiarelli

NOES: None

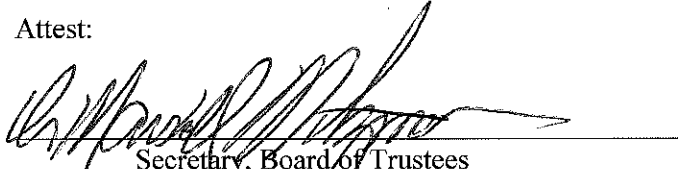
ABSTENTIONS: None

ABSENT: None



President, Board of Trustees
Chabot-Las Positas Community College
District

Attest:



Secretary, Board of Trustees
Chabot-Las Positas Community College District

EXHIBIT A

(Schedule of Real Estate Commissions)

Year	1	4.00% of Monthly Rent
Year	2	3.75% of Monthly Rent
Year	3	3.50% of Monthly Rent
Year	4	3.25% of Monthly Rent
Year	5	3.00% of Monthly Rent

CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT

April 16, 2013


Agenda Item: 5.5


Subject: Adoption of Resolution No. 14-1213 - Authorizing the Filing of a Request to Waive Certain Provisions of the California Education Code Governing the Public Bidding Procedures for Lease of Property Located at 5020 Franklin Drive, Pleasanton, California

Background: The Board concurrently adopted a resolution authorizing the District to lease the real property commonly known as 5020 Franklin Drive, Pleasanton, CA, pursuant to the public bidding procedures in California Education Code §§ 81360. The Board directed the Vice Chancellor of Business Services to post and publish the public notice of the availability of the Property in accordance with Education Code Section 81368.

In the event the Board does not receive acceptable proposals meeting the minimum lease requirements specified in the Lease Resolution for the lease of all or a portion of the Property, the Board believes it is in the best interest of the District to retain the services of a real estate brokerage firm to market the Property directly to potential lessees without public bidding and minimum lease requirements.

Recommended Action: That the Board of Trustees adopts Resolution No. 14-1213 - Authorizing the Filing of a Request to Waive Certain Provisions of the California Education Code Governing the Public Bidding Procedures for Lease of Property Located at 5020 Franklin Drive, Pleasanton, California. It is further recommended that the Board direct the Vice Chancellor of Business Services to submit the waiver request with the Board of Governors in accordance with Education Code Sections 81250 *et seq.*

 4.11.13
Submitted: Lorenzo Legaspi/Date

 4/11/13
Approved: Judy E. Walters/Date

☒ APPROVED ☐ DISAPPROVED ☐ TABLED

CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT

RESOLUTION NO. 14-1213

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE CHABOT-LAS POSITAS
COMMUNITY COLLEGE DISTRICT AUTHORIZING THE FILING OF A REQUEST TO
WAIVE CERTAIN PROVISIONS OF THE CALIFORNIA EDUCATION CODE
GOVERNING THE PUBLIC BIDDING PROCEDURES FOR LEASE OF PROPERTY
LOCATED AT 5020 FRANKLIN DRIVE, PLEASANTON, CALIFORNIA

WHEREAS, the District is the owner of certain real property commonly known as 5020 Franklin Drive, Pleasanton, California consisting of approximately 25,000 square feet of improved interior space ("Property"); and

WHEREAS, by resolution of the Board of Trustees ("Board") adopted concurrently herewith, the Board authorized the lease of the Property (the "Lease Resolution") pursuant to the public bidding procedures in California Education Code §§ 81360 *et seq.*; and

WHEREAS, in the event the Board does not receive acceptable proposals meeting the minimum lease requirements specified in the Lease Resolution for the lease of all or a portion of the Property, the Board believes it is in the best interest of the District to retain the services of a real estate brokerage firm to market the Property directly to potential lessees without public bidding and minimum lease requirements; and

WHEREAS, after considering public comments at the public hearing at which this resolution was adopted, the Board further believes that leasing the Property, in whole or in part, through the efforts of a real estate broker firm without the requirement of public bidding and minimum lease terms is in the best interest of the District;

NOW, THEREFORE, be it resolved by the Board as follows:

1. The Board authorizes the filing of a request with the Board of Governors of the California Community Colleges to waive certain provisions of the Education Code substantially in the form of Exhibit A, attached hereto and incorporated herein by this reference. The specific purpose and reason for waiver of each of the applicable Education Code sections are also set forth in Exhibit A.
2. The Board hereby directs the Vice Chancellor of Business Services to submit the waiver request with the Board of Governors in accordance with Education Code Sections 81250 *et seq.*

Resolution No. 14-1213
April 16, 2013
Page 2

I, Secretary to the Board of Trustees of the Chabot-Las Positas Community College District, do hereby certify that the foregoing Resolution No. 14-1213 was regularly introduced and adopted by the District Board of Trustees at a duly-noticed regular meeting held on the 16th day of April 2013, by the following roll call vote:

AYES: Cedillo, Dvorsky, Gelles, Gin, Mertes, Mitzman, Vecchiarelli

NOES: None

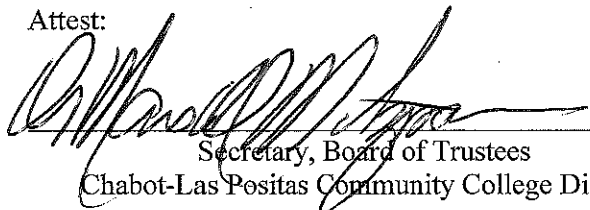
ABSTENTIONS: None

ABSENT: None



President, Board of Trustees
Chabot-Las Positas Community College District

Attest:



Secretary, Board of Trustees
Chabot-Las Positas Community College District

EXHIBIT A

(Education Code Provisions to be Waived and Statement of Purpose)

Education Code Section 81365. *Before ordering the sale or lease of any property the governing board, in a regular open meeting, by two-thirds vote of all its members, shall adopt a resolution, declaring its intention to sell or lease the property, as the case may be. The resolution shall describe the property proposed to be sold or leased in such manner as to identify it. ~~and shall specify the minimum price or rental and the terms upon which it will be sold or leased and the commission or rate thereof, if any, which the board will pay to a licensed real estate broker out of the minimum price or rental. The resolution shall fix a time not less than three weeks thereafter for a public meeting of the governing board to be held at its regular place of meeting, at which sealed proposals to purchase or lease will be received and considered.~~*

If the Board is unsuccessful in leasing the Property under the Lease Resolution, which requires public bidding and minimum lease terms, waiver of this portion of Section 81365 would allow the Board to avoid specifying a minimum bid at a public meeting and would allow the Board to set their own terms and conditions and remove references to minimum bids and actions to be taken with “sealed” bids. The Board may instead work with a real estate broker to develop a strategic plan for advertising and marketing of the Property in order to solicit proposals from potential buyers interested in the Property.

Education Code Section 81370.

(a) At the time and place fixed in the resolution for the meeting of the governing body, all sealed proposals that have been received shall, in public session, be ~~opened, examined, and declared by the board. Except as provided in subdivision (b), of the proposals submitted that conform to all terms and conditions specified in the resolution of intention to sell or to lease and that are made by responsible bidders, the sealed proposal that is the highest, after deducting therefrom the commission, if any, to be paid a licensed real estate broker in connection therewith, shall be finally accepted, unless the board rejects all of these bid~~ [ADD: The governing body may accept the proposal that the governing body determines is in the best interest of the District.]

(b) Notwithstanding subdivision (a), the governing board of any community college district may apply to the Board of Governors of the California Community Colleges for a waiver of the requirement that the governing board accept the highest responsible bid for the sale or lease of real property. The board of governors may grant a waiver pursuant to this subdivision if it determines that the waiver is in the best interests of the community college district.

This waiver will allow the Board the greatest flexibility in evaluating proposals. The Board at some point in the future may decide to take possession of the Property for educational or administrative purposes. In the event proposed tenant's contemplate alterations or improvements to the Property, the Board will have flexibility to consider such alterations and improvements in evaluating and awarding proposals.

Education Code Section 81374. *The final acceptance by the governing body may be made either at the same session or at any adjourned session of the same meeting held within the 10 days ~~30 days~~ next following.*

The Board sets its meeting calendar at the start of each calendar year. This modification would allow the Board to adjourn to the next regularly scheduled meeting rather than a special meeting. Public participation is likely to increase if the adjourned meeting is held at a regularly scheduled meeting.

CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT

April 16, 2013

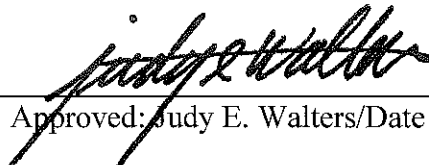
Agenda Item: 5.6

Subject: Adoption of Resolution No. 15-1213 – Authorizing Chabot-Las Positas Community College District to apply to the California State Department of Education for funding of the California Early Childhood Mentor Program, and to subcontract with 103 California Community Colleges, Chabot College

Background: This resolution requests authorization to apply for a contract, and if approved, appropriate all funds from the California Department of Education for continued operation of the California Early Childhood Mentor Program. The California Early Childhood Mentor Program has 103 participating colleges, including Chabot College. Chabot College, Chabot-Las Positas Community College District is the fiscal agent.

Recommended Action: That the Board of Trustees adopts Resolution No. 15-1213 authorizing the District to apply for the amount of \$2,866,295 from the California Department of Education for the California Early Childhood Mentor Program, and authorization be hereby given to subcontract with 103 California Community Colleges including Chabot College for activities related to the California Early Childhood Mentor Program, for the period of August 1, 2013 through July 31, 2014. It is further recommended that the Board authorize the Chancellor, Vice Chancellor of Business Services, and/or their designees to execute documents on behalf of the District.

 4.11.13
Submitted: Lorenzo Legaspi/Date

 4/11/13
Approved: Judy E. Walters/Date

☒ APPROVED ☐ DISAPPROVED ☐ TABLED

CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT

RESOLUTION NO. 15-1213

2013-2014 AUTHORIZING CHABOT-LAS POSTAS COMMUNITY COLLEGE DISTRICT
TO APPLY TO THE CALIFORNIA STATE DEPARTMENT OF EDUCATION FOR THE
FUNDING OF THE CALILORNI EARLY CHILDHOOD MENTOR PROGRAM

WHEREAS, this resolution must be adopted in order to certify the approval of the Governing Board to apply to the California Department of Education for the purpose of managing the California Early Childhood Mentor Program.

The program will offer a unique strategy to improve the quality of early care and education through building a mechanism to train and retain qualified staff. One hundred and three (103) community colleges currently participate. This proposal is for 12 months (8/1/13-7/31/14) and is budgeted at \$2,866,295.

BE IT RESOLVED that the Governing Board of Chabot-Las Positas Community College District authorizes submitting the attached proposal in the amount of \$2,866,295 and that the person listed below, is authorized to sign the transaction for the Governing Board.

Lorenzo Legaspi

Vice Chancellor, Business Services

Signature: _____

PASSED AND ADOPTED by a roll call vote this 16th day of April by the Governing Board of Chabot-Las Positas Community College District of Alameda County, State of California.

AYES: Cedillo, Dvorsky, Gelles, Gin, Mertes, Mitzman, Vecchiarelli

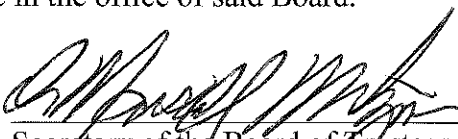
NOES: None

ABSENT: None

ABSTENTIONS: None

I, Secretary of the Governing Board of Chabot-Las Positas Community College District of Alameda County, State of California, certify that the foregoing is a full, true and correct copy of a resolution adopted by the said Board at a regular meeting thereof held at a regular public place of meeting and the resolution is on file in the office of said Board.

4/16/13
Date


Secretary of the Board of Trustees of the
Chabot-Las Positas Community College District
County of Alameda, State of California

CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT

April 16, 2013

Agenda Item: 6.1

Subject: Adoption of Resolution No. 16-1213—Authorizing the Election to Increase Retention for Parking Lots F/G/H/J Improvements at Chabot College, in accordance with Public Contract Code Section 7201

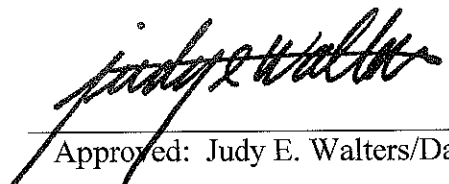
Background: On October 9, 2011, Senate Bill ("SB") 293 was signed into law restricting retention amounts in public construction contracts from exceeding five percent (5%) of the total contract price. This new law is found in Public Contract Code section 7201 and applies to all contracts entered into on or after January 1, 2012 and shall remain in effect until January 1, 2016.

Unless the awarding authority makes a finding in accordance with PCC 7201(b)(4) that retention proceeds on a project may exceed 5% on specific projects where, before putting a project out to bid, (1) the Board of Trustees approves a finding that the proposed project is "substantially complex" and requires a retention amount greater than 5%; and (2) the district includes both the finding and the designated retention amount set by the Board of Trustees in the bid documents put out by the district.

It is requested that the Board of Trustees makes a finding that the project known as Parking Lots F/G/H/J at Chabot College is substantially complex and requires a retention in the amount of 10% of the total contract price.

Recommended Action: That the Board of Trustees adopts the proposed Resolution No. 16-1213 Authorizing the Election to Increase Retention for Parking Lots F/G/H/J Improvements at Chabot College, in accordance with Public Contract Code Section 7201.

 4/11/13
Submitted: Jeffrey M. Kingston/Date

 4/11/13
Approved: Judy E. Walters/Date

☒ APPROVED

☐ DISAPPROVED

☐ TABLED

CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT

RESOLUTION NO. 16-1213

AUTHORIZING THE ELECTION TO INCREASE RETENTION FOR PARKING LOTS
F/G/H/J IMPROVEMENTS AT CHABOT COLLEGE

WHEREAS, the Public Contract Code Section 7201 retention can be withheld by a public entity from a general contractor has been reduced from ten (10) percent to five (5) percent; and

WHEREAS, Public Contract Code Section 7201 allows Districts to withhold up to ten (10) percent of the Project retention in cases where the Governing Board has found that the Project is complex; and

WHEREAS, Chabot-Las Positas Community College District has decided it is in the best interest of the District's students, faculty, staff and the facilities modernization program to bid out Parking Lots F/G/H/J Improvements, Chabot College ("Project") under the election to increase retention;

NOW, THEREFORE, that the Chabot-Las Positas Community College District Board of Trustees authorizes the election to increase retention, pursuant to Public Contract Code Section 7201 to ten (10) percent and that this fact be disclosed in the Project bid documents.

PASSED AND ADOPTED by the following roll call vote this 16th day of April 2013 by the Governing Board of Chabot-Las Positas Community College District of Alameda County, State of California.

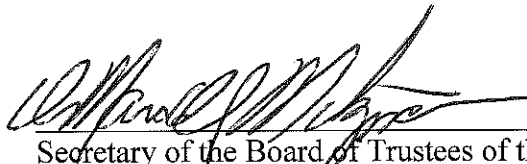
AYES: Cedillo, Dvorsky, Gelles, Gin, Mertes, Mitzman, Vecchiarelli

NOES: None

ABSENT: None

ABSTENTIONS: None

4/16/13
Date


Secretary of the Board of Trustees of the
Chabot-Las Positas Community College District,
State of California, County of Alameda

CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT

April 16, 2013

Agenda Item: 7.1

Subject: Approval to Renew - County of Solano Standard Contract No. 00591-14,
District-Economic Development

Background: Solano County's Health and Social Services Department has contracted with Chabot-Las Positas Community College District's Economic Development department to provide training to people who work with the out of home children and youth of Solano County since 2003-04. The County has requested that we continue to provide training services for the 2013-14 fiscal year.

As with the prior contracts, we will be working closely with our partners, A Better Way, Alternative Family Services, and Seneca Center, to deliver training to their own staff as well as to other Solano County community-based foster- and adoptive-care children caretakers. Additionally, the County's Child Welfare Services incorporates training for their staff as part of this contract. The contract is funded through Title IV-E federal funds, and is in the amount of \$752,055.00.

The contract states that Solano County will pay the District up to \$752,055 for training services provided. This contract has a term of twelve months (July 1, 2013 to June 30, 2014). The contract requires an in-kind match, which is the District's responsibility, which consists of the value of staffing, overhead, and facilities costs.

Recommended Action: That the Board of Trustees approves the proposed renewal of County of Solano Standard Contract No. 00591-14, District – Economic Development for the period July 1, 2013 through June 30, 2014, in the amount of \$752,055.00. It is further recommended that the Board authorize the Vice Chancellor, Business Services, to execute the standard contract on behalf of the District.

 4/11/13
Submitted: Jeffrey M. Kingston/Date

 4/11/13
Approved: Judy E. Walters/Date

☒ APPROVED ☐ DISAPPROVED ☐ TABLED

CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT

April 16, 2013

Agenda Item: 7.2

Subject: Approval of Agreement – South Bay Workforce Investment Board, Incorporated, District – Economic Development: OSHA Training Center

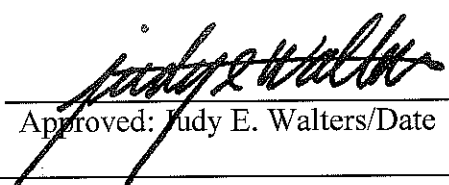
Background: South Bay Workforce Investment Board, Inc. offers employment training services under the Federal Workforce Investment Act, Welfare to Work, and other special funded programs to persons located in Southern California, which is part of the Chabot-Las Positas Community College District's OSHA Training Center's region.

South Bay Workforce Investment Board, Inc. and the Chabot-Las Positas Community College District's OSHA Training Center wish to enter into Agreement No. 13-W040, to serve the employment training needs of those who are located in the Southern California.

There will be four certificate programs available to participants. Training will help ensure that participants acquire the skills, knowledge, and abilities to perform a training related job for which demand exceeds supply. Expenses and revenue for the programs will be shared by both parties.

Recommended Action: That the Board of Trustees approves the proposed Agreement No. 13-W040 between South Bay Workforce Investment Board, Incorporated and District – Economic Development, for the period April 18, 2013 through June 30, 2014. It is further recommended that the Board authorizes the Vice Chancellor, Business Services, to execute the agreement on behalf of the District.

 4/11/13
Submitted: Jeffrey M. Kingston/Date

 4/11/13
Approved: Judy E. Walters/Date

☒ APPROVED

☐ DISAPPROVED

☐ TABLED

CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT

April 16, 2013

Agenda Item: 9.1

Subject: Approval of Revised Citizens' Oversight Committee for Measure B

Background: The Board of Trustees of the Chabot-Las Positas Community College District adopted at its meeting of May 18, 2004, Resolution No. 25-0304 establishing a Citizens' Oversight Committee for Measure B and approved form of by-laws for said committee. Section 15278 of the Education Code of the State of California provides that the Governing Board of a community college district shall establish and appoint members to an independent citizens' oversight committee within 60 days of the date that the Governing Board enters the election results on its minutes, which the Board did on July 20, 2004.

Recommended Action: That the Board of Trustees approves the proposed Revised Citizens' Bond Oversight Committee for Measure B, effective April 17, 2013.

New Members

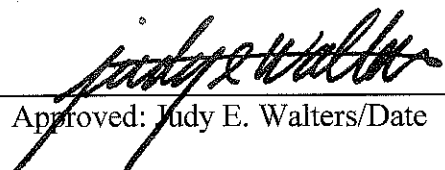
Helen Bridge – Senior Citizen Organization
Linda Smith – Community-at-Large

Continuing Members

Kim Huggett – Business Community
Janet Lockhart – College Foundation
Will Macedo—Taxpayers' Association
Pam Ott – Community-at-Large
Kris Adhikari—Las Positas Student
Andrea Preciado—Chabot College Student

Discontinuing Members

Alison S. Lewis, Ph.D.—Senior Citizen Organization
Jim Ryan—Community-at-Large


Approved: Judy E. Walters/Date 4/11/13

☒ APPROVED

☐ DISAPPROVED

☐ TABLED

CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT

April 16, 2013

Agenda Item: 9.2

Subject: Approval of Las Positas College Mission, Vision and Values Statement

Background: Las Positas students, faculty, staff and administrators have spent the past nine months reviewing the College's mission, vision and value statements. The work was led by the Las Positas College Planning Task Force. The Task Force took intentional and deliberate steps to ensure a broad discussion, including informing constituents of the process, conducting focus groups, holding 15 open meetings, and presenting proposals at both division meetings and campus-wide Town Meetings. Having considered all input, the Task Force put forward a final Mission, Vision and Values Statement for approval by the Academic, Student and Classified Senates.

Mission (as approved by LPC constituent groups)

Las Positas College is an inclusive learning-centered institution providing educational opportunities and support for completion of students' transfer, degree, basic skills, career technical, and retraining goals.

Vision (as approved by LPC constituent groups)


Las Positas College strives to be California's premier Community College, setting the standard through opportunities for developing knowledge, skills, values, and abilities that foster engaged and contributing members of the society.

Values (as approved by LPC constituent groups)

Las Positas College thrives as a collaborative teaching and learning community committed to integrity and excellence by:

1. Encouraging and celebrating lifelong learning;
2. Responding to the needs of the ever-changing workplace;
3. Demonstrating civic, social and environmental responsibility;
4. Promoting ethical behavior, tolerance and mutual respect in a diverse community;
5. Fostering a climate of discovery, creativity and personal development;
6. Holding firm to the belief that each of us makes an astonishing difference.

Recommended Action: That the Board of Trustees approves the Las Positas College Mission, Vision and Values Statement.


Submitted: Kevin G. Walthers/Date 4/16/13


Approved: Judy E. Walters/Date 7/11/13

☒ APPROVED ☐ DISAPPROVED ☐ TABLED

CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT

April 16, 2013

Agenda Item: 9.3

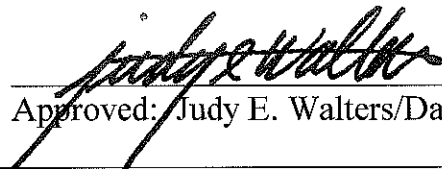
Subject: Approval of District Mission Statement

Recommended Action: That the Board of Trustees approves the District Mission Statement. It is further recommended that the Mission Statement become effective upon approval.

Mission Statement

The Chabot-Las Positas Community College District (CLPCCD) prepares students to think critically, engage socially, and acquire workplace knowledge and educational skills in order to contribute ethically as citizens in a Global Society.

This Mission is addressed through programs and services for students developed at Chabot and Las Positas Colleges. The allocation of resources, policies, procedures, and actions of the Board of Trustees and its colleges are established and implemented according to state codes, regulatory standards from the Board of Governors, and Board of Trustees adopted participatory governance processes.

 4/11/13
Approved: Judy E. Walters/Date

☒ APPROVED ☐ DISAPPROVED ☐ TABLED

CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT

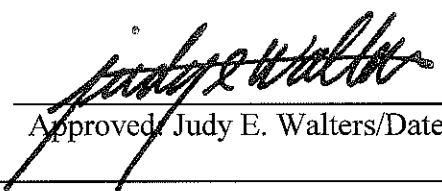
April 16, 2013

Agenda Item: 9.4

Subject: California Community College Trustees (CCCT) Board Elections 2013

Recommended Action: The Governing Board of the Chabot-Las Positas Community College District casts its votes for the following candidates to the California Community College Trustees (CCCT) 2013 Board:

1. Garrett Yee, Ohlone CCD
2. Louise Jaffe, Santa Monica CCD
3. Isabel Barreras, State Center CCD
4. Greg Bonaccorsi, Ohlone CCD
5. Jeffrey Lease, San Jose-Evergreen CCD


Approved: Judy E. Walters/Date

4/16/13

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CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT

April 16, 2013

Agenda Item: 9.5

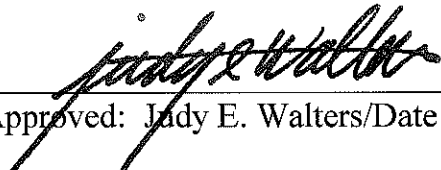
Subject: Adoption of Governing Board Policies

Recommended Action: That the Board of Trustees adopts the following new Governing Board Policies – Chapter Two (Board of Trustees). It is further recommended that these Policies and their accompanying Administrative Procedures as appropriate become effective upon adoption.

BP 2010	Board Membership
BP 2015	Student Members
BP 2100	Board Elections
BP 2110	Vacancies on the Board
BP 2200	Board Duties and Responsibilities
BP 2210	Officers
BP 2220	Committees of the Board
BP 2305	Annual Organizational Meeting
BP 2310	Regular Meetings of the Board
BP 2315	Closed Sessions
BP 2320	Special and Emergency Meetings
BP 2330	Quorum and Voting
BP 2340	Agendas
BP 2345	Public Participation at Board Meetings
BP 2350	Speakers
BP 2355	Decorum
BP 2360	Minutes
BP 2365	Recording
BP 2410	Board Policy and Administrative Procedure
BP 2430	Delegation of Authority to the Chancellor
BP 2431	Chancellor Selection
BP 2432	Chancellor Succession
BP 2435	Evaluation of the Chancellor
BP 2710	Conflict of Interest
BP 2715	Code of Ethics/Standards of Practice
BP 2716	Political Activity
BP 2717	Personal Use of Public Resources
BP 2720	Communications Among Board Members
BP 2725	Board Member Compensation
BP 2735	Board Member Travel
BP 2740	Board Education

Agenda Item: 9.5
April 16, 2013
Page 2

BP 2745 Board Self-Evaluation
BP 2750 Board Member Absence from the State

 4/11/13
Approved: Judy E. Walters/Date

☒ APPROVED ☐ DISAPPROVED ☐ TABLED