

**CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT
BOARD OF TRUSTEES
REGULAR MEETING**

**MINUTES
June 21, 2005**

PLACE

Chabot-Las Positas Community College District, 5020 Franklin Dr., Pleasanton, California.

CALL TO ORDER

The regular meeting was called to order at 6:05 p.m. Recording Secretary Beverly Bailey called the roll. Dr. Cedillo and Mr. Vecchiarelli were absent at the time of roll. The Board immediately adjourned to a Closed Session, which ended at 7:45 p.m.

The Board readjourned in Open Session at 7:50 p.m. and adjourned at 9:55 p.m. Recording Secretary Beverly Bailey called the roll. Dr. Cedillo was absent at the time of roll due to illness.

ATTENDANCE

Members Present: Mr. Gary R. Craig
 Mrs. Isobel F. Dvorsky
 Mr. Donald L. "Dobie" Gelles
 Dr. Alison S. Lewis
 Dr. Barbara F. Mertes
 Mr. Carlo Vecchiarelli (arrived at 6:10 p.m.)
 Mr. Norullah Sharifi
 Ms. Brigitte Kouakou

Members Absent: Dr. Arnulfo Cedillo (ill—excused)

Managers Present: Dr. Joel Kinnamon, Acting Chancellor
 Dr. Robert Carlson, President, Chabot College
 Mrs. Karen Halliday, President, Las Positas College
 Mrs. Jennifer Aries
 Mr. Robert Curry
 Mr. Stan Dobbs
 Mr. Andrew Howe
 Dr. Ted Kaye
 Mr. Robert Kratochvil

Ms. Pam Luster
Ms. Melinda Matsuda
Mrs. Jeannine Methe
Mr. Donald Milanese
Ms. Anita Morris
Ms. Alice Noriega
Mr. Roy V. Stutzman
Dr. Ronald Taylor

Recording Secretary: Mrs. Beverly Bailey

Others Present: Mr. Glenn Carels, LPA Inc.
Mr. Gregory Correa, S.E.I.U., Local 790
Mr. Rocky Fernandez, Assemblymember Johan Klehs'
Office
Mr. Chad Mark Glen, President, Chabot College Faculty
Senate
Mr. Ben Holgate, S.E.I.U, Local 790, Field Representative
Ms. Marilyn Kaplan, Law Office of Marilyn Kaplan
Ms. Melissa Korber, President Elect, Las Positas College
Faculty Senate
Ms. Kari McAllister, President, Chabot College Classified
Senate
Ms. Jane McCoy, Chabot-Las Posits Faculty Association
Mr. Dayne Nicholls, President, Associated Students of
Chabot College
Mrs. Sophie Rheinheimer, President, Las Positas College
Faculty Senate
Mr. Michal Robinson, DMJM
Ms. Karen Silva
Mr. Todd Steffan, President Elect, Las Positas College
Classified Senate
Mr. Mark Smythe, S.E.I.U, Local 790, Chapter President
Ms. Rachel Ugale, President Elect, Chabot College
Classified Senate
Mr. Joseph Upchurch
Ms. Linda Wilson, S.E.I.U., Local 790

REPORT OF ACTION TAKEN IN CLOSED SESSION

President Mertes reported that in Closed Session the Board unanimously approved the temporary appointment of Vice Chancellor Joel Kinnamon as Acting Chancellor to be extended from June 30, 2005 until Dr. Cota returns from medical leave of absence. The motion was made by Mr. Vecchiarelli and seconded by Mrs. Dvorsky.

PUBLIC COMMENTS

Mr. Joseph Upchurch spoke to the Board regarding the procedure followed during the recent bid opening for the Multidisciplinary Building Project at Las Positas College. He is protesting the "secret bid opening" and is requesting it be put back out for a re-bid. He reported that when he asked for a list of subcontractors, he received a partial list. The list contained several subcontractors that are lacking in their educational responsibilities to educate apprentices. He reported that in all public works projects, 20% of the hours belong to apprentices.

Mr. Mark Smythe requested the Board pull items 9.1 and 9.2, which relate to the Collective Bargaining Agreement with S.E.I.U., Local 790, AFL-CIO for 2005-06. He reported that the Classified Staff does not have a contract and therefore questioned the process of sunshining articles. He believes appropriate negotiating rules are not being followed.

Mr. Ben Holgate pointed out to the Board that they received notification that this issue was on the agenda yesterday afternoon and believes it is totally inappropriate to have such short notice for a Public Hearing. He also pointed out that it is illegal to approve sunshining a re-opener on an agreement that is still being bargained. He requested that item 9.1 and 9.2 be pulled from the agenda. If not pulled, he requested that these items be considered at this time on the agenda.

ANNOUNCEMENT OF CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT'S INTENT TO MODIFY OR AMEND THE COLLECTIVE BARGAINING AGREEMENT (CBA) WITH THE SERVICE EMPLOYEES INTERNATIONAL UNION (SEIU), LOCAL 790, AFL-CIO FOR 2005-2006

Dr. Kinnamon explained that this item was tabled at the May 19, 2005 Board Meeting. It is staff's recommendation that we move forward on this item.

Mr. Vecchiarelli questioned if there was a deadline for acting on this item. In response, Dr. Kinnamon reported that this is consistent with the timeline of June 30, 2005. Ms. Kaplan reported that the timeline for notification to the union was April 1, which was met.

Dr. Kinnamon reported that a delay would not be best in our situation.

Mr. Holgate reported that S.E.I.U., Local 790 filed an unfair labor practice charge on the District today as they believe the District has been negotiating in bad faith for the past six months. He reported that the District provided a proposal in December, 2004 and then the District went backward in January, 2005, by providing another proposal on the same subject—wages and benefits. This is a regressive proposal which is not allowed in negotiations.

The Board unanimously tabled this item until after the Public Hearing.

**PUBLIC HEARING AND AUTHORIZATION OF CHABOT-LAS POSITAS
COMMUNITY COLLEGE DISTRICT'S COLLECTIVE BARGAINING
AGREEMENT (CBA) WITH THE SERVICE EMPLOYEES INTERNATIONAL
UNION (SEIU), LOCAL 790, AFL-CIO FOR 2005-2006**

President Mertes opened the Public Hearing at 8:05 p.m.

Mr. Correa reported that the District is negotiating in “bad faith” and disrespecting Classified Staff. He asked the Board to look into this issue and hold Administrators accountable. He pointed out that negotiating for ten months is wasting public money on lawyers and consultants.

Ms. Wilson reported the District cannot “sunshine” something that hasn’t been “sunset.” She asked the Board to pull items 9.1 and 9.2 and allow negotiating to continue.

Dr. Mertes thanked those who spoke for their very orderly and dignified presentations.

Mr. Gelles reiterated Mr. Vecchiarelli’s question about the possibility of tabling this item to a later date.

Dr. Kinnamon reported that delaying negotiations takes some negotiating opportunities regarding fiscal issues away from the District.

Mrs. Dvorsky suggested we hear the budget presentation which is on tonight’s agenda prior to voting on this item. The Board was in agreement.

The Public Hearing was closed at 8:15 p.m.

DISCUSSION AND ADOPTION OF TENTATIVE BUDGETS – 2005-2006 GENERAL FUND, CAFETERIA FUND, CAPITAL OUTLAY PROJECTS FUND, SELF-INSURANCE (RUMBL); AND ESTABLISHMENT OF SEPTEMBER 6, 2005 AS THE DATE FOR PUBLIC HEARING AND ADOPTION OF DISTRICT BUDGETS

Mr. Stutzman reported that the District is legally required to adopt a tentative budget to provide spending authority post July 1. Staff will come back to the Board at the first meeting in September for adoption of a budget. He reported that revenue would not significantly change in the General Fund Budget. Total apportionment revenue is estimated at \$68,688,273 for 2005-06.

He highlighted the following for 2005-06:

Revenue:

- COLA, 4.23%
- Growth to cap (413 additional FTES)
- No additional equalization funding. (He noted that our funding level is below the statewide average.)
- \$400,000-\$500,000 PFE

Expenditures:

- Medical benefits (significant increase)
- PERS (has actually gone down)
- \$4.4 million deficit projected for 2005-06 (\$2.2 million deficit projected for 2004-05)

Mr. Stutzman reported that expenditure reductions must be anticipated during the 2005-06 budget year, which may impact service levels.

Mrs. Dvorsky questioned if Partnership for Excellence (PFE) and Equalization monies are restricted. Mr. Stutzman reported that neither is restricted; however, PFE money has strings attached. Both funds can be used for salaries. He reported that over the last three years, the District has lost 1/4 of PFE money and will likely never get that back. He reported that unfortunately that money was committed.

In response to a question raised by Mr. Vecchiarelli, Mr. Stutzman reported that there will be an ending balance in 2004-05 which will be used in 2005-06 to offset some of the expenditures. He is trying to focus on current revenue and current expenditures because at some point, the District will use its savings account and then it will be gone. Expenditures need to be in line with revenue.

Mr. Stutzman reported that in July the Board will hear more about GASB 45, which requires Districts fund not only the current cost of retirees (\$2.5 million) but fund that portion of benefit accumulation that current employees are accruing which could be another \$2.5 million.

In response to a question raised by Mr. Vecchiarelli, Mr. Stutzman reported that GASB will come into effect in 2007-08 but he would encourage that the District start considering this and its implications. He recommends any new Equalization money for 2005-06 be dedicated to funding a portion of that current liability.

Dr. Kinnamon reported that he recently attended a Board Meeting of the League where discussions reiterated the 5% reserve level. He reported that at this meeting it was reported that the statewide average is 11%.

Motion No. 1

Mrs. Dvorsky made a motion, seconded by Dr. Lewis, to approve the Tentative Budgets – 2005-2006 for the General Fund, Cafeteria Fund, Capital Outlay Projects Fund, Self-Insurance Fund (RUMBL). It is further recommended that the Board establish September 6, 2005 at 7:30 p.m. in Building 200 of Chabot College, 25555 Hesperian Blvd., Hayward, California as the date, time and place for the Public Hearing and adoption of the 2005-2006 District Budgets, pursuant to California Code of Regulations, Title V, Section 58305.

Motion carried unanimously, 6-0.

CONSENT CALENDAR

Dr. Kinnamon noted the following corrections:

- 3.3 Faculty Personnel –
Page 1: Michelle C. Gonzales is assigned to Las Positas College in lieu of Chabot College.
- 5.8.a Approval of Renewal of Memorandum of Understanding with Tri-Valley One Stop Career Center, 5020 Franklin Drive, Pleasanton –
Lease rate is \$2.02 per sq. ft. per month in lieu of \$1.85.

Mr. Gelles requested that agenda items 5.9.a (Award of Bid No. 10-05, Network Infrastructure Equipment, Chabot and Las Positas Colleges), 5.9.b (Award of Bid No. 12-05, Strength Training Equipment, for the Physical Education Complex Gymnasium - Phase I, Las Positas College), 5.9.c (Award of Bid No. 13-05, Cardiovascular Exercise

Equipment, for the Physical Education Complex Gymnasium - Phase I, Las Positas College) and 5.9.d (Award of Bid No. 14-05, Sports Medicine Laboratory Equipment, for the Physical Education Complex Gymnasium - Phase I, Las Positas College) be removed from the consent calendar.

Mr. Craig requested that agenda items 4.3 (Approval of Grant Agreement Renewal – Eden Medical Center for the Nursing Program, Chabot College) and 5.7 (Approval of Declaration of Surplus Property to be Sold at Private Sale and Donation or Disposal of Any Items not Sold at Auction) be removed from the consent calendar.

Motion No. 2

Mrs. Dvorsky made a motion, seconded by Mr. Craig, to approve the consent calendar with the exception of agenda items 4.3, 5.7, 5.9.a, 5.9.b, 5.9.c, 5.9.d and with the corrections noted to agenda items 3.3, and 5.8.a.

Motion carried unanimously, 6-0.

The following items were approved on the consent calendar:

General Functions

- 1.8 Approval of Minutes of May 17, 2005 Meeting

Personnel

- 3.1 Student Assistant Personnel
- 3.2 Classified Personnel
- 3.3 Faculty Personnel
- 3.4 Management Personnel
- 3.5 Professional Specialist and Program Leader Personnel
- 3.6 Volunteer Aide Personnel

Educational Services

- 4.1 Acceptance of Gift – Las Positas College
- 4.2 Approval of Revised General Education Associate of Arts Degree Requirement, District
- 4.4 Acceptance of Grant Award—U.S. Department of Education TRIO Programs for Student Support Services, Grant No. PO42A050596, Chabot College
- 4.5 Approval of Contract Renewal—First 5 Alameda County Every Child Counts Program, Grant No. ECE2005-2007-04, Chabot College
- 4.6 Approval of Contract Renewal—First 5 Alameda County Every Child Counts Program, Grant No. ECE2005-2007-01, Las Positas College

- 4.7 Acceptance of Grant Award—Alameda County Workforce Investment Board, High Risk Older Youth Services Program, Las Positas College

Business Services

- 5.1 Approval of Commercial Warrant Registers
- 5.2 Approval of Payroll Warrant Registers
- 5.3 Ratification of Amendment of Employment Contracts – Purchase of Tax Sheltered Annuities
- 5.4 Approval of Budget Revisions 011.K
- 5.5 Approval of Budget Transfers 011.K.1
- 5.6 Ratification of Purchases Completed
- 5.8 Agreements
- a. Approval of Renewal of Memorandum of Understanding with Tri-Valley One-Stop Career Center, 5020 Franklin Drive, Pleasanton
 - b. Approval to Enter into Agreements for Use of Off-Campus Facilities, Las Positas College
 - c. Approval of Amendment of Agreement with St. Rose Hospital for Student Health Center, Chabot College

Economic Development/Contract Education

- 7.1 Approval of Contract Renewal—County of Alameda Social Services Agency-Children and Family Services, Master Contract No. C95-0187, District-Economic Development
- 7.2 Approval of Contract Renewal—County of Solano Health and Social Services Department-Child Welfare Services Division, Standard Contract No. 06-591, District-Economic Development
- 7.3 Approval of Agreement Renewal—Western Burglar and Fire Alarm Association, Inc. Fire/Life Safety Apprenticeship Program Master Agreement, District-Economic Development

TRUSTEE REPORTS AND/OR OFFICIAL COMMUNICATIONS

Mr. Gelles reported he was in Washington, D.C. last week and had the opportunity of meeting with President Bush.

Mr. Craig questioned the posting of the Board agenda. Mrs. Bailey reported that the agenda is posted at the District Office and the two Colleges. In addition, there is a mailing list for Board agendas which includes Presidents of constituent groups.

Mrs. Dvorsky reported that she attended the “Relay for Life” sponsored by the American Cancer Society which was held in San Leandro on May 21 and 22. She also reported that she participated on a panel of five on “The Crucial Role of the Board Chair” at an ACCT

Seminar held in Redwood City on June 6 and 7. Trustees from all across the country attended. She also attended the ACCT Search Committee Meeting in Washington, D.C. last week. Three strong candidates were sent to the ACCT Board for consideration.

Mr. Sharifi reported that ASLPC held a retreat on June 10 focusing on team building and “passing of the torch” to the new Executive Officers.

Ms. Kouakou reported that ASCC is preparing for next year. She reiterated her commitment to helping the Bookstore with the challenge of lowering textbook prices.

CHABOT-LAS POSITAS COLLEGES FOUNDATIONS

District: No report.

Las Positas College: Dr. Kaye presented a written report to the Board. He reported that the Foundation will aggressively work on corporate partnerships and grants. He also reported that in August there will be two events to raise awareness of the Foundation—1) Three City Chambers Mixer on August 17; and 2) Co-hosting with Three City Chambers a lunch presentation by State Superintendent of Public Instruction, Jack O’Connell on August 18. He further reported that the Physical Education Complex Grand Opening is tentatively scheduled for late September and the Best of the Best will be held May 13, 2006.

Chabot College: Mr. Talmo presented a written report to the Board but was unable to attend tonight’s meeting.

PRESIDENTS OF CHABOT AND LAS POSITAS COLLEGES FACULTY SENATES

Mrs. Sophie Rheinheimer, President of the Las Positas College Academic Senate, reported that tonight will be her last Board Meeting. She has learned a lot over the past two years as President and thanked the Board for the opportunity of working with the Board. She also thanked Chad Mark Glen for his assistance. She introduced incoming President, Ms. Melissa Korber.

Mr. Chad Mark Glen, President of the Chabot College Academic Senate, reported that he has been re-elected and will continue as President for the next two years. He thanked Dr. Mertes for her kind words of acknowledgement of Mr. Gary Craig at Chabot College’s Commencement.

PRESIDENTS OF CHABOT, LAS POSITAS COLLEGES AND DISTRICT CLASSIFIED SENATES

Mr. Todd Steffan, President Elect of Las Positas College Classified Senate, reported he attended a leadership seminar at Granlibakken—it was a great learning experience. He also reported that the Classified Staff are “gearing up” for next year.

Ms. Kari McAllister, President of Chabot College Classified Senate, reported that this is her last Board Meeting. She introduced incoming President, Ms. Rachel Ugale.

Mr. Pedro Ruiz deCastilla, President of District Classified Senate, had no report.

PRESIDENTS OF CHABOT AND LAS POSITAS COLLEGES ASSOCIATED STUDENTS

Associated Students of Las Positas College (ASLPC) had no representation.

Mr. Dayne Nicholls, President of Associated Students of Chabot College (ASCC) reported that ASCC will resume at the end of July. They are working on a student planner which will be free to students. He also reported that ISCC elections will be held in the Fall Semester.

PRESIDENTS OF CHABOT AND LAS POSITAS COLLEGES

President Halliday submitted a written report to the Board. She thanked Sophie Rheinheimer for serving as President of Academic Senate these past two years—“she represented the College well.” She reported the Las Positas Fire Service Technology students, color guard marched in the Livermore Rodeo Parade under the guidance of Ron Johansen. They won the senior category.

President Carlson submitted a written report to the Board. He highlighted that the National Youth Sports Program (NYSP) is underway. Over 200 youths are registered in this six-week sports and science program.

CHANCELLOR’S REPORT

Dr. Kinnamon reported that our elected officials in Sacramento are currently looking at the budget. He reported that now is the time to get the word out to our senators, assembly-members and members of key committees about the cut in Equalization money from \$80 million to \$20 million. This cut continues to make us further behind other districts in funding.

Dr. Kinnamon introduced Mr. Rocky Fernandez of Assemblymember Johan Klehs' Office.

AUTHORIZATION TO WITHDRAW FROM THE ALAMEDA COUNTY SCHOOLS INSURANCE GROUP JOINT POWERS AUTHORITY, DENTAL PROGRAM

Motion No. 3

Mr. Gelles made a motion, seconded by Mrs. Dvorsky, to authorize the Director, Human Resources to change the District's withdrawal from the Alameda County Schools Insurance Group Joint Powers Authority, Dental Program from June 30, 2005 to August 31, 2005.

Motion carried unanimously, 6-0.

APPROVAL OF GRANT AGREEMENT RENEWAL – EDEN MEDICAL CENTER FOR THE NURSING PROGRAM, CHABOT COLLEGE

Mr. Craig requested this item be pulled from the consent calendar to express concern regarding the College's inability to obtain a sufficient pool of qualified applicants to fill a faculty position in Nursing as outlined in the agreement with Eden Medical Center. He questioned what alternative plan the College had available. Dr. Carlson reported that the issue is not only a shortage of nurses but also the College cannot meet the workforce salary demands. Additionally, the College requires MA's for nursing faculty. An alternative that is being pursued is that with a B.A. the Nursing Board allows an assistant instructor to do all the instruction but lecture in a class. Therefore, the College intends to re-advertise the position as an Assistant Instructor with a B.A. Through grant funds, they can pursue their M.A. Degree. He reported that Eden Hospital understands the College's dilemma.

Mrs. Dvorsky expressed pleasure in the number of grants on tonight's agenda. She is also pleased that Eden Medical Center is extending their \$150,000 grant.

Motion No. 4

Mr. Craig made a motion, seconded by Dr. Lewis, to approve the agreement renewal from the Eden Medical Center for the Nursing Program, Chabot College, in the amount of \$150,000 for the period July 1, 2005 to June 30, 2007. It is further recommended that the Board authorize the Vice Chancellor, Business Services to execute this agreement and any future augmentations or amendments on behalf of the District.

Motion carried unanimously, 6-0.

APPROVAL OF DECLARATION OF SURPLUS PROPERTY TO BE SOLD AT PRIVATE SALE AND DONATION OR DISPOSAL OF ANY ITEMS NOT SOLD AT AUCTION

Mr. Craig requested this item be pulled from the consent calendar to question if the District is working with other community colleges in areas such as advertising in order to maximize the ability to sell these items. He also questioned if the list is made available to K-12 Districts.

Mr. Andrew Howe reported that he is working on revitalizing the surplus program. He is exploring opportunities for cooperative efforts and on-line disposal of property. He also reported that Las Positas College had another college that was interested in their equipment. Mr. Stutzman reported that we would make the list of items available to K-12 Districts.

In response to a question raised by Mr. Vecchiarelli, Mr. Howe reported that the District has an “as is” disclaimer clause on all items sold or donated.

Motion No. 5

Mr. Craig made a motion, seconded by Mr. Vecchiarelli, to approve the items surplus to the needs of the District and that the Chancellor be authorized to dispose of the same via private sale in accordance with Board Policy 3212 and that the funds derived from the sale be placed in the General Fund of the District. Further, any items that are not sold by private sale be donated to charitable organizations or disposed of by District personnel in accordance with California Education Code Section 81452(c).

Motion carried unanimously, 6-0.

AWARD OF BIDS NO. 10-05, 12-05, 13-05, AND 14-05

Mr. Gelles requested these items be pulled from the consent calendar for further explanation. Mr. Stutzman explained that Bid No. 12-05, 13-05 and 14-05 are for sports equipment for the Las Positas College Physical Education Gymnasium. He reported that over 30 vendors were contacted and responses were from manufacturers. He reported that on all bids, staff conducted a competitive public bidding process.

In regards to Bid No. 10-05 for Network Infrastructure Equipment, Mr. Stutzman reported that thirteen vendors were contacted and eight bidders submitted bids. He reported that the evaluation revealed that many of the bids, including the low bid, did not fully meet the District’s specifications and were therefore eliminated.

Ms. Methe further reported that our requirements for the bid were very specific. Some bids did not reflect costs correctly and/or did not meet our delivery requirements.

Motion No. 6

Mr. Gelles made a motion, seconded by Mr. Sharifi, to award the following bids in one motion:

- a. Bid No. 10-05 for Network Infrastructure Equipment to AMS.Net, Inc. of Livermore, California, in the amount not to exceed \$893,036 including taxes.
- b. Bid No. 12-05 for Strength Training Equipment for the Physical Education Complex Gymnasium – Phase I, Las Positas College to Life Fitness, a division of Brunswick Corporation of Schiller Park, Illinois in the amount not to exceed \$91,122 and GP Industries, Inc. of Paso Robles, California in the amount not to exceed \$26,927, both including taxes.
- c. Bid No. 13-05 for Cardiovascular Fitness Equipment for the Physical Education Complex Gymnasium – Phase I, Las Positas College to Life Fitness, a division of Brunswick Corporation of Schiller Park, Illinois in the amount not to exceed \$107,800 and Fit West Inc. of Vista, California in the amount not to exceed \$6,515, both including taxes.
- d. Bid No. 14-05 for Sports Medicine Laboratory Equipment for the Physical Education Complex Gymnasium – Phase I, Las Positas College to Rajala Rehab Productions of Pleasanton, California in the amount not to exceed \$38,891, including taxes.

Motion carried unanimously, 6-0.

ADOPTION OF RESOLUTION NO. 32-0405 – AUTHORIZATION OF END-OF-YEAR BUDGET REVISIONS AND TRANSFERS

Motion No. 7

Mrs. Dvorsky made a motion, seconded by Mr. Gelles to adopt Resolution No. 32-0405 authorizing the Assistant Controller to process end-of-year budget revisions and budget transfers between major account classifications in order to comply with the Title V Section 58307.

Motion carried by the following roll call vote:

AYES: Craig, Dvorsky, Gelles, Lewis, Mertes, Vecchiarelli
NOES: None
ABSTENTIONS: None
ABSENT: Cedillo

ADOPTION OF RESOLUTION NO. 33-0405 – AUTHORIZATION TO ADVERTISE FOR BIDS FOR THEATER LIGHTING EQUIPMENT, LITTLE THEATER AND PERFORMING ARTS CENTER, CHABOT COLLEGE, BID NO. 06-01

Motion No. 8

Mr. Craig made a motion, seconded by Mr. Sharifi, to adopt Resolution No. 33-0405 – Authorization to Advertise for Theater Lighting Equipment, Little Theater and Performing Arts Center, Chabot College, Bid No. 06-01.

Motion carried by the following roll call vote:

AYES: Craig, Dvorsky, Gelles, Lewis, Mertes, Vecchiarelli
NOES: None
ABSTENTIONS: None
ABSENT: Cedillo

APPROVAL OF THE THIRD AMENDMENT TO PROGRAM MANAGEMENT AGREEMENT WITH DMJM+N, INC. FOR MEASURE B PROGRAM MANAGEMENT SERVICES

Motion No. 9

Mr. Gelles made a motion, seconded by Dr. Lewis, to approve the Third Amendment to Program Management Agreement with DMJM+N, Inc. for Measure B Program Management Services for the three month period through September 30, 2005 at an amount not to exceed \$472,101 funded by Measure B Funds. It is further recommended that the Board authorize the Vice Chancellor, Business Services, be authorized to execute the amendment to the agreement on behalf of the District.

Motion carried unanimously, 6-0.

APPROVAL FOR SOLICITATION FOR REQUEST FOR QUALIFICATIONS (RFQ) FROM ARCHITECTURAL FIRMS FOR DESIGN SERVICES FOR VARIOUS MAJOR MEASURE B PROJECTS

Motion No. 10

Mrs. Dvorsky made a motion, seconded by Dr. Lewis, to approve the request to seek Request for Qualifications (RFQ) from architectural firms for design service for various major Measure B Bond Projects. It is further recommended that the Board authorize the Vice Chancellor, Business Services, begin the process and return to the Board of Trustees with a recommendation for approval with respect to the most qualified firms.

Motion carried unanimously, 6-0.

APPROVAL OF FACILITIES DEVELOPMENT PLAN, LAS POSITAS COLLEGE

Motion No. 11

Mrs. Dvorsky made a motion, seconded by Mr. Sharifi, to conditionally approve the Facilities Development Plan for Las Positas College with final approval to be achieved with certification of the CEQA review at a subsequent time.

President Halliday reported that an interactive planning process allowed for the whole college community to provide input into this plan. She highlighted the types of new programs as well as expanding programs we might expect to see with the new Master Plan.

President Halliday thanked Bob Kratochvil, Stan Dobbs, LPA and DMJM for their work on this plan. She also thanked the Board for their vision in going out for the bond.

Mr. Glenn Carels of LPA displayed an image of the campus of the future.

Dr. Lewis expressed that she is impressed with the plan. She reiterated that she is interested in transportation flow and noted that section of the report was well done. She is also pleased with the emphasis on sustainability.

Motion carried unanimously, 6-0.

AWARD OF BID NO. 05-05, CONSTRUCTION OF THE MULTIDISCIPLINARY EDUCATION BUILDING, LAS POSITAS COLLEGEMotion No. 12

Mr. Gelles made a motion, seconded by Mrs. Dvorsky, to approve the award of Bid No. 05-05, construction of the Multidisciplinary Education Building, Las Positas College to Sierra Bay Contractors, Inc., 4021 Port Chicago Highway, Suite 150, Concord, California 94520 in the amount of \$14,000,010. It is further recommended that the Board authorize the Vice Chancellor, Business Services to enter into a contract for the construction of the Multidisciplinary Education Building, Las Positas College after the 14D document is signed by the Chancellor's Office and Department of Finance. Funding Source: State Funding (\$8,710,000) and Measure B (\$5,300,010).

Mr. Gelles requested clarification on the bidding process used for this bid. Mr. Stutzman reported that this was a blind bid process. This process was used because there were two additive alternates and two deductive alternates and the process provides for complete anonymity in order to preserve the integrity of the process. The process was followed as prescribed by legal counsel.

Mr. Dobbs reported that this process was also used for the Las Positas College Physical Education Gymnasium. He explained that when bids are received they are assigned a letter. He reported that a state law implemented this process. He further reported that this process was explained in the bidding documents that were mailed to the public. He reported that the low bidder withdrew their bid due to a mistake and the next lowest bidder is Sierra Bay Contractors, Inc. He noted that Sierra Bay is the same contractor that is being used on the Las Positas College Physical Education Gymnasium. He reported that all labor compliance issues regarding subcontractors will be checked after the bid is awarded. He does not see any irregularities in the process.

Mr. Dobbs also reported that the District has received approval from the State Chancellor's Office.

Motion carried unanimously, 6-0.

APPROVAL OF SECOND ACCESS IMPROVEMENT AGREEMENT WITH SHEA HOMES (CONSTRUCTION LICENSE AND INDEMNITY AGREEMENT), LAS POSITAS COLLEGE

President Halliday explained the location of the road along the Shea Property and Las Positas College Property. The road is currently under construction as well as grading for the homes that will be built nearby. She reported that without this road, Las Positas College would not be able to continue building out the college.

Dr. Mertes reported that this second road will alleviate the concern that Las Positas College had only one entrance/exit in the event of an emergency. She acknowledged the City of Livermore and Shea Properties for “seeing that this got done.” She also thanked President Halliday for her efforts on this project.

Motion No. 13

Dr. Mertes made a motion, seconded by Dr. Lewis, to approve the agreement between Chabot-Las Positas Community College District and Shea Homes, Inc. (Construction License and Indemnity Agreement) and further authorize the Vice Chancellor, Business Services, to execute this agreement on behalf of the District.

Motion carried unanimously, 6-0.

ADOPTION OF RESOLUTION NO. 34-0405 - AUTHORIZATION TO ADVERTISE FOR BIDS TO RE-ROOF BUILDINGS 100, 300, 800, AND 1700, CHABOT COLLEGE, BID NO. 06-02

Motion No. 14

Mr. Gelles made a motion, seconded by Mrs. Dvorsky to adopt Resolution No. 34-0405 – Authorization to Advertise for Bids to Re-roof Buildings 100, 300, 800 and 1700, Chabot College, Bid No. 06-02. Funding: Measure B Funding (Major Maintenance)

Motion carried by the following roll call vote:

AYES:	Craig, Dvorsky, Gelles, Lewis, Mertes, Vecchiarelli
NOES:	None
ABSTENTIONS:	None
ABSENT:	Cedillo

ADOPTION OF RESOLUTION NO. 35-0405 – AUTHORIZATION TO ADVERTISE FOR BIDS FOR PARKING LOT DEVELOPMENT, LAS POSITAS COLLEGE, BID NO. 06-03

Motion No. 15

Mrs. Dvorsky made a motion, seconded by Mr. Sharifi, to adopt Resolution No. 35-0405 - Authorization to Advertise for Bids for Parking Lot Development, Las Positas College, Bid No. 06-03. Funding: Measure B Funding.

Motion carried by the following roll call vote:

AYES: Craig, Dvorsky, Gelles, Lewis, Mertes, Vecchiarelli
NOES: None
ABSTENTIONS: None

FINANCIAL REPORTS

The Board accepted the Financial Status and Cash Flow Reports for May, 2005.

UPDATE OF MEASURE B BOND PROGRAM

Mr. Dobbs reported that the Chabot College Master Plan would be brought to the Board at its next meeting. He also reported that in the near future there would be a dedication for the second access road. President Halliday reported that the City has approved the name “Campus Hill Drive.”

AUTHORIZATION OF CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT’S INTENT TO MODIFY OR AMEND THE COLLECTIVE BARGAINING AGREEMENT (CBA) WITH THE SERVICE EMPLOYEES INTERNATIONAL UNION (SEIU), LOCAL 790, AFL-CIO FOR 2005-2006

Motion No. 16

Mrs. Dvorsky made a motion, seconded by Dr. Lewis, authorizing the District’s intent to modify or amend the Collective Bargaining Agreement (CBA) with the Service Employees International Union (SEIU), Local 790, AFL-CIO for 2005-2006.

Mr. Vecchiarelli again asked that this item be tabled for one month and both sides go back to negotiating. He asked that at that time the attorney prepare a progress report. He stressed the importance of the Classified Staff.

Dr. Lewis reminded Board Members that this is where we were several months ago and it doesn't feel like it is "happening." She would like the Board to move forward on this item.

Mr. Gelles reported that these are people that we work with and count on; however, it doesn't seem to be getting to a place of decision. He believes we have tried and believes we need to move on this issue and get to a place where we can mutually agree.

Mr. Craig stressed that negotiations need to take place at the table and the Board needs to ask questions and have trust in the Administration that they will reach an agreement that both sides can live with.

Dr. Kinnamon reported that there are good people with good intentions on both sides of the negotiating table. Sometimes we need to agree to disagree. Based on legal counsel, sunshining for 2005-2006 is in the best interest of all.

Motion carried 5-1, with Mr. Vecchiarelli voting no.

ACCEPTANCE OF RESIGNATION OF BOARD MEMBER

Motion No. 17

Mr. Gelles made a motion, seconded by Mrs. Dvorsky, to accept the resignation of Mr. Gary R. Craig, effective August 1, 2005.

Motion carried unanimously, 6-0.

CALL FOR PROVISIONAL APPOINTMENT TO BOARD AND APPROVAL OF TIMELINE FOR BOARD APPOINTMENT PROCESS

Motion No. 18

Mrs. Dvorsky made a motion, seconded by Dr. Lewis, to call for the provisional appointment to fill the vacancy in Trustee Area 6 that will occur on August 1, the effective date of Mr. Gary R. Craig's resignation, and to approve the timeline for the Board Appointment Process.

Motion carried unanimously, 6-0.

Dr. Kinnamon reported that the position would be publicized beginning tomorrow.

ELECTION OF SECRETARY OF BOARD OF TRUSTEES REPLACEMENT FOR 2005

Motion No. 19

Dr. Lewis made a motion, seconded by Mr. Vecchiarelli, nominating Mrs. Dvorsky as Secretary of the Board, effective August 1, 2005.

Motion carried unanimously, 6-0.

APPROVAL OF SPECIAL BOARD MEETING

As outlined in the Timeline for Appointment to the Board, there will be a Special Board Meeting to interview candidates on Tuesday, August 2, 2005 at Chabot College.

Dr. Lewis reported that she will be unable to attend the August 2 Special Board Meeting as she will be out of state.

NEXT MEETING

The next Board of Trustees Meeting is scheduled for Tuesday, July 19, 2005 at 6:30 p.m. at Chabot College.

ADJOURNMENT

Motion No. 20

There being no further business, on motion made and seconded, the Regular Meeting was adjourned at 9:55 p.m.

Minutes completed by:

Beverly Bailey

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