



Mr. Robert Kratochvil  
Mr. Lorenzo Legaspi  
Ms. Pam Luster  
Ms. Melinda Matsuda  
Mrs. Jeannine Methe  
Mr. Donald Milanese  
Mr. Richard Talmo  
Dr. Ronald Taylor

Recording Secretary: Mrs. Beverly Bailey

Others Present: Ms. Maryann Tracy Baker, Chabot Crusaders  
Mr. Melvin Breshears, Insulators Union  
Ms. Brenda Carr  
Mr. Eric Christen, Coalition for Fair Employment in  
Construction  
Mr. Kevin Dayton, Associated Builders and Contractors of  
California  
Mr. Rocky Fernandez, Johan Klehs' Office  
Mr. Troy Garland, BAC, Local 3  
Mr. Jeff Gee, Swinerton Management and Consulting, Inc.  
Mr. Chad Mark Glen, President, Chabot College Faculty  
Senate  
Mr. Steve Havens, Building Trades  
Mr. Johan Klehs, State Assembly  
Ms. Melissa Korber, President, Las Positas College  
Faculty Senate  
Mr. Barry Luboviski, Building and Construction Trades  
Council of Alameda County  
Mr. Dave Mann, UA, Local 342  
Mr. Dayne Nicholls, President, Associated Students of  
Chabot College  
Mr. Victor Parra, Laborers, Local 67  
Mr. Joshua Paul, Associated Students of Las Positas College  
Mr. Ramon Quirez, Laborers, Local 304  
Mr. Jim Roth, UBS Financial Service, Inc.  
Mr. Pedro Ruiz deCastilla, President, District Classified  
Senate  
Mr. Marco Sanromav, Laborers, Local 304  
Ms. Karen Silva  
Mr. Todd Steffan, President, Las Positas College Classified  
Senate  
Mr. Roy Stutzman

Ms. Rachel Ugale, President, Chabot College Classified  
Senate

Mr. Victor Uno, IBEW, Local 595

Mr. Mike Vlaming, Scarth-Lyons Associates

## **PUBLIC COMMENTS**

Ms. MaryAnn Tracy Baker, Team Captain of the Chabot Crusaders, reported that in May 2005 the Chabot Crusaders raised over \$4,000 participating in the Relay for Life, which benefits the American Cancer Society. Ms. Baker and Ms. Brenda Carr recognized Mrs. Isobel Dvorsky for her support and attendance at this event, presenting her with a watch.

## **PUBLIC HEARING – DEDICATION OF CAMPUS HILL DRIVE TO THE CITY OF LIVERMORE FOR PUBLIC USE AS A PUBLIC ROAD, LAS POSITAS COLLEGE**

President Dvorsky opened the Public Hearing at 7:35 p.m. and hearing no comment, immediately closed the Public Hearing.

## **CONSENT CALENDAR**

Mr. Gelles requested that agenda item 5.6 (Approval of Declaration of Surplus Property to be Sold at Private Sale and Donation or Disposal of Any Items Not Sold) be removed from the consent calendar.

### Motion No. 1

Dr. Gin made a motion, seconded by Dr. Mertes, to approve the consent calendar with the exception of agenda item 5.6.

Motion carried unanimously, 7-0.

The following items were approved on the consent calendar:

#### General Functions

1.8 Approval of Minutes of December 13, 2005 Meeting

#### Personnel

3.1 Student Assistant Personnel

3.2 Classified Personnel

3.3 Faculty Personnel

3.4 Professional Specialist and Program Leader Personnel

- 4.1 Approval to Renew Agreement – Child Development Training Consortium 2005-06 Instructional Agreement No. 05-2620 with Yosemite Community College District, Las Positas College

Business Services

- 5.1 Approval of Commercial Warrant Registers
- 5.2 Approval of Payroll Warrant Registers
- 5.3 Approval of Budget Transfers 04.D.1
- 5.4 Approval of Budget Transfers 06.F.1
- 5.5 Approval of Non-Resident (Out-of-State and International) Tuition Rates for 2006-07

**PRESENTATION: PROJECT LABOR AGREEMENTS (PLA’S)**

Mr. Jeff Gee, Swinerton Management and Consulting, Inc. reviewed his report on the use of Project Labor Agreements for the Chabot-Las Positas Community College District’s Measure B Construction Projects.

He reported that using the fact-finding methodology approved by the District, information was gathered from interested stakeholders, other Bay Area Community College Districts and school districts that have either considered or have adopted PLA’s and construction industry resources. The information gathered was analyzed using the ten guiding principles identified by the District—the payment of prevailing wages; safety; enhancing competitive bidding by qualified contractors; construction quality; supply of skilled labor; cost savings; efficiency; on-time project completion; maximizing local labor; and providing student employment opportunities.

Mr. Gee reported that over the next five years, there will be a substantial amount of construction work in the immediate Bay Area. Within the community college construction segment, several districts have passed local bond measures and will be bidding projects at the same time as this District. Over \$2 billion in community college projects are scheduled to be under construction between 2006-10. In addition to community college construction, the compliance deadline for hospitals to comply with seismic safety requirements of SB 1953 will also place an additional \$2-\$4 billion in the construction market. This projected increase in construction activity will draw down available skilled construction crafts people and place a premium on a contractor’s ability to access efficient referral systems for the needed skilled trade.

Mr. Gee also cited that several of the skilled craft collective bargaining agreements will expire over the next several years. The probability of a delay due to labor disruption increases where the local union collective bargaining agreements expire during the period of construction. Minimizing the impact of construction delays due to labor disharmony is one of the important attributes of PLA's.

Mr. Gee also reported that utilization of a PLA by the District for its large, complex, multi-craft construction projects will likely mitigate the risks related to construction by prohibiting work stoppages; ensuring access to established referral systems for trained, skilled crafts people; providing for expedited dispute resolution procedures; and the creation of programs for district students and local residents to participate in the construction projects in furtherance of careers in the construction industry.

In conclusion, using the District's guiding principles, his report supports that the use of a PLA on the complex, multi-craft, long-term Measure B Projects, would have a greater likelihood of meeting the District's objectives.

Dr. Mertes questioned the kind of projects the other three community colleges using PLA's were engaged, in which they found the PLA's to be useful. Mr. Gee reported that the projects were a wide range of construction at various levels. He reported that the San Mateo Community College District used an Exhibit A which applies to a specific list of projects (i.e. \$30 million new Science Building, \$23 million Student Union/Science Building addition, new athletic fields, and infrastructure). As a further example, he reported that the Peralta Community College District is using a PLA for its new Vista College Campus in Berkeley.

Mr. Vecchiarelli questioned how the threshold of \$8-\$10+ million projects for PLA's was established. Mr. Gee reported that PLA's work best with large complex projects. He reported that his firm will sit down with staff to determine what the range of the large projects should be for this District.

Mr. Vecchiarelli reported that it is his belief that the guiding principles established by the Board should be applied to all projects, specifically the principle of hiring within the community. Mr. Gelles seconded this opinion.

#### Motion No. 2

Mr. Gelles made a motion, seconded by Dr. Gin, to accept the Swinerton Management and Consulting, Inc. report, dated January 9, 2006 and authorize them to enter into labor negotiations with the Building and Construction Trades Council of Alameda County that may result in a Project Labor Agreement (PLA) and to continue to utilize the services of Swinerton Management and Consulting, Inc. as set forth in the agreement entered into on May 18, 2005 for a fee not to exceed \$20,000.

In response to a question raised by Dr. Mertes, Dr. Cota reported that the \$8-\$10 million benchmark is negotiable.

Mr. Eric Christen, Coalition for Fair Employment in Construction, spoke in rebuttal of Swinerton's Fact Finding Report. He provided the Board with a written report. He cited a conflict of interest, pointing out that Swinerton will directly profit should a PLA be negotiated. He also reported that past experience has demonstrated that none of the District's goals will be met by the PLA.

Mr. Kevin Dayton, Associated Builders and Contractors of California, spoke in opposition to PLA's. He reported that PLA's will cut down on bidders and will raise the cost of construction. He stressed that should the Board decide to proceed with negotiating a PLA, he requested they look at the threshold amount.

Dr. Lewis questioned if the Board would be committed to a set number of projects. Dr. Cota reported that this will be determined as part of the negotiations. Dr. Lewis questioned if in the negotiation process, could it be decided to not enter into any PLA's. Dr. Cota responded in the affirmative.

Dr. Lewis expressed interest in small firms, local firms and women's firms. In addition, she expressed interest in protecting smaller subcontractors concerning duplicate union/health insurance dues.

Mr. Gelles expressed that the two gentlemen speaking in opposition of PLA's bring up salient points but this Board has been discussing PLA's for a long time. If it doesn't work out, the Board can re-look at this issue at a future time.

Motion carried 6-0, with Dr. Mertes abstaining.

## **RECESS**

At the request of Mr. Gelles, the Board recessed from 8:00 to 8:02 p.m. to allow for those in the audience wishing to leave.

## **TRUSTEE REPORTS AND/OR OFFICIAL COMMUNICATIONS**

Dr. Cedillo thanked fellow Board Members for their kind words and cards.

Mr. Gelles thanked Mr. Steve Siroy for his regular Sports Updates which he sends via e-mail. He thanked Dr. Mertes for her leadership this past year as Board President. He also thanked Dr. Kinnamon, who is always available to him.

Mrs. Dvorsky reported she attended the wonderful Maintenance and Operations Christmas Luncheon. She also reported that she and Dr. Kinnamon recently attended the Chabot College Classified Luncheon on January 12. She thanked Dr. Kinnamon for accompanying her and responding to Classified Staff's questions.

Ms. Kouakou reported that she has moved to Pittsburg, California and therefore will be resigning from the Board. She thanked the Board for this wonderful opportunity and expressed that she has enjoyed working with the Board.

## **CHABOT-LAS POSITAS COLLEGES FOUNDATIONS**

**District:** No report.

**Las Positas College:** Dr. Kaye provided a written report to the Board.

**Chabot College:** Mr. Talmo presented a written report to the Board. He reported that the Foundation Board held its first meeting of the year on January 9 where they said goodbye to Mr. Robert Curry and welcomed Mr. Chad Mark Glen to the Board. They also introduced the President's Club which is a new fundraising effort to bring in unrestricted dollars, a gift from \$1,000 to \$5,000. Four Board Members volunteered their money to be a part of that organization. He also reported that on April 23, 2006 the Foundation will be sponsoring "Forbidden Voices", songs banded by the Nazis after coming into power in 1933. He is hoping that Comcast will participate as a sponsor. In addition, he reported that "The Blooming Affaire" has been scheduled for June 2 and 3, 2006.

## **PRESIDENTS OF CHABOT AND LAS POSITAS COLLEGES FACULTY SENATES**

Ms. Melissa Korber, President of the Las Positas College Academic Senate, submitted a written report to the Board. She highlighted the following:

- 1) The Academic Senates are close to a final document clarifying the role, membership and authority of the proposed District Curriculum Committee.
- 2) The College Curriculum Committee is reviewing its charge and structure and submitted revisions to the Academic Senate. One proposed change to structure was to make the students ex-officio members. Students have requested reconsideration and there will be further discussion on this issue.
- 3) New policies under consideration: a) Student Learning Outcomes Assessment Policy; and b) Resolution in Support of Community College Initiative.
- 4) The Academic Senate unanimously approved \$400 for scholarships and started discussions for possibly holding a Faculty Symposium.

Mr. Chad Mark Glen, President of the Chabot College Academic Senate, had no report.

**PRESIDENTS OF CHABOT, LAS POSITAS COLLEGES AND DISTRICT CLASSIFIED SENATES**

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

Mr. Todd Steffan, President of Las Positas College Classified Senate, provided a written report to the Board. He highlighted the successful “Holidays Around the World” luncheon held on December 15. He also reported that on January 6 the Classified Senate Officers had a mini-retreat where they planned out their Spring meetings and activities, reviewed yearly goals, and discussed the possibility of increasing the Senate’s student scholarship amounts.

Ms. Rachel Ugale, President of Chabot College Classified Senate, reported that at its last meeting, the Senate discussed the budget presentation given by Dr. Carlson to College Staff. She also reported on the Classified Luncheon held January 12, which was co-sponsored by the Senate and S.E.I.U. The luncheon provided an opportunity for answers to their questions on the budget. She thanked Mrs. Dvorsky and Dr. Kinnamon for attending.

**PRESIDENTS OF CHABOT AND LAS POSITAS COLLEGES ASSOCIATED STUDENTS**

Mr. Joshua Paul, Senator, Associated Students of Las Positas College (ASLPC), reported that everything seemed to run smoothly today, the first day of classes. He reported that on March 18-21, approximately 12 students will be attending the American Student Association of Community College (ASACC) Conference in Washington, D.C. He also reported that February 14 is Club Day.

Mr. Dayne Nicholls, President of Associated Students of Chabot College (ASCC), reported that a Winter Retreat was held where they discussed plans for the semester. Those attending the Retreat came away eager and enthusiastic. He reported that today ASCC sponsored a “Welcome Luncheon.” In addition, as part of “Welcome Week”, on Thursday, January 19, ASCC will present San Jose Taiko in the Cafeteria at 12:00 – 12:30 p.m. Their first business meeting of the semester is scheduled for Wednesday, January 18.

**PRESIDENTS OF CHABOT AND LAS POSITAS COLLEGES**

President Carlson submitted a written report to the Board. In his absence, Dr. Taylor reported that there were no additional items to report.

President Halliday submitted a written report to the Board. President Halliday sadly reported that due to personal reasons, Mr. Ekeoma has had to resign as Student Trustee. President Halliday highlighted the following six items:



- 1) On December 16, staff from the CalWORKs/CARE Program hosted a Winter Solstice Reception for the students and families they serve. Through contributions from student groups, faculty, staff and community, they were able to raise \$6,025. The donations were distributed as gift cards to 37 families.
- 2) On January 5, Academic Services hosted an orientation and dinner for the 34 new Adjunct Faculty Members joining the College this Spring.
- 3) The LPC Art Club was recently featured in the January 13 edition of the Pleasanton Weekly. The article highlighted the successful collaboration between the College and the Tri-Valley SPCA, which provides an opportunity for students to display their work. Twenty percent of the profits from sales will go to the SPCA.
- 4) Alpha Gamma Sigma Honor Society is sponsoring a "Hearts for Heroes" campaign to provide Valentine's Day gifts to American military personnel serving in combat zones overseas. Donations of hard candy, gently used or new DVDs and socks are being accepted.
- 5) The Psychology Club/Psi Beta presents "A Psychological Affair", a silent auction on February 10 to benefit students involved in their activities. They hope to raise enough money to attend the Western Psychology Association and Psi Beta National Conferences in Palm Springs in April, 2006.
- 6) On Wednesday, February 15, LPC will hold its Annual High School Breakfast.

## **CHANCELLOR'S REPORT**

Dr. Cota reported on the Governor's State Budget Proposal for 2006-07 which was released on January 10. She highlighted the following:

### Proposition 98

- Overall increase in Proposition 98 for K-14 education in the amount of \$4.3 billion; \$3.7 billion for K-12 and \$600 million for community colleges
- Community Colleges funding increased by 11.6% from prior year
- Community Colleges share of total Proposition 98 is improved from 10.46% in 2005-06 to 10.79% in 2006-07, the highest in the last 15 years

### COLA and Other Adjustments

- 5.18% COLA for general apportionment; District = \$3.6 million
- 5.18% COLA for specific categorical programs
- 3.0% enrollment growth for general apportionment
- 1.74% enrollment growth for specific categorical programs
- \$130 million for equalization system-wide; District = \$2.2 million
- \$50 million for career technical education

- \$9.6 million for Disabled Students Programs and Services (DSPS)
- \$.5 million in CalPASS Program to improve availability of Baccalaureate Degree (AB 1280, Maze)

#### Enrollment Fees

- No new fee increases are proposed. Maintains enrollment fee at \$26 per unit.

#### Capital Outlay

- \$585 million from State Bond Funds

Dr. Cota expressed concerns that the budget proposal has a structural deficit with revenues increasing by 4.4% and expenditures increasing by 8.4%. She also expressed concern regarding the long-term affect for the District with the state passing an unbalanced budget. She specifically expressed concerned for 2007-08.

Mr. Gelles stressed that the District make every effort to financially assist students with attendance at events and conferences. President Halliday reported that at Las Positas College, students have a representation fee and student activity fee which helps them fund conferences.

Mr. Vecchiarelli questioned the affect the state budget will have on our budget deficit. Dr. Cota responded that it will help for next year. However, in terms of in reality, projections show it won't come in for 2007-08. In the long term, our structural deficit will be right back where it is currently.

Dr. Mertes noted that the Governor's May Revise may tell another story.

### **ADOPTION OF RESOLUTION NO. 19-0506 – ACCEPTANCE OF AWARD RENEWAL WITH THE CALIFORNIA DEPARTMENT OF EDUCATION, INSTRUCTIONAL MATERIALS PROGRAM, CONTRACT NO. CIMS-5011, PROJECT NO. 01-6131-00-5, CHABOT COLLEGE**

#### Motion No. 3

Dr. Mertes made a motion, seconded by Mr. Gelles, to adopt Resolution No. 19-0506 to accept the award renewal with the California Department of Education, Instructional Materials Program, Contract No. CIMS-5011, Project No. 01-6131-00-5, Chabot College, in the amount of \$2,248 for the period July 1, 2005 through June 30, 2006. It is further recommended that the Board authorize the Vice Chancellor, Business Services to execute the agreement and any future augmentations or amendments on behalf of the District.

Motion carried by the following roll call vote:

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

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

Mr. Gelles requested that this item be pulled from the consent calendar in order to again stress that the District continue to offer surplus items to local school districts. Mr. Legaspi reported that this practice will continue.

Motion No. 4

Mr. Gelles made a motion, seconded by Dr. Mertes, to approve the surplus equipment list dated January 17, 2006 to be 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.

Motion carried unanimously, 7-0.

**ADOPTION OF RESOLUTION NO. 20-0506 – AUTHORIZATION TO ADVERTISE FOR BIDS FOR WELDING TECHNOLOGY LABORATORY EQUIPMENT, CHABOT COLLEGE, BID NO. 06-12; AND ADOPTION OF RESOLUTION NO. 21-0506 – AUTHORIZATION TO ADVERTISE FOR BIDS FOR MACHINE TOOLS, CHABOT COLLEGE, BID NO. 06-11**

Motion No. 5

Mr. Gelles made a motion, seconded by Dr. Mertes to adopt the following resolutions in one motion:

- a. Resolution No. 20-0506 – Authorization to Advertise for Welding Technology Laboratory Equipment, Chabot College, Bid No. 06-12.
- b. Resolution No. 21-0506 – Authorization to Advertise for Machine Tools, Chabot College, Bid No. 06-11.

Motion carried by the following roll call vote:

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

**APPROVAL OF REQUEST FOR PROPOSAL A-06, SELECTION OF ARCHITECTS FOR DESIGN OF VARIOUS PROJECTS, CHABOT COLLEGE AND LAS POSITAS COLLEGE**

Motion No. 6

Dr. Cedillo made a motion, seconded by Mr. Vecchiarelli, to approve the Selection of Architects for the Design of Various Projects, Chabot College and Las Positas College to be funded by Measure B Funds. It is further recommended that the Board authorize the Vice Chancellor, Business Services to execute the agreements and any future augmentations or amendments to the agreements on behalf of the District.

Mr. Dobbs thanked Staff at both Colleges for their hard work on the projects. He reported that following the required competitive process indicated in the RFQ, short-lists of firms were developed for the purpose of conducting multiple interviews for the various projects. A total of forty-two (42) individual firms were interviewed between the period of August 29, 2005 and December 20, 2005. Following the interviews, reference checks were performed and in many cases, site visits were conducted. He strongly believes that the recommended firms are very good ones. He noted that all but one is located in the greater Bay Area. The projects are as follows:

Las Positas College:

1. Child Development Center
2. College Center for the Arts
3. Maintenance and Operations Facility
4. Information Technology Service Building

Chabot College:

1. Student Access Center
2. Athletics Facilities
3. Science Lecture Hall/Planetarium
4. Instructional Office Building
5. Swimming Pool Renovation
6. Maintenance and Operations Facility

**APPROVAL FOR SOLICITATION FOR REQUEST FOR QUALIFICATIONS (RFQ) FOR LEED™ BUILDING COMMISSIONING AUTHORITY SERVICES FOR VARIOUS MEASURE B BOND PROJECTS**

Motion No. 7

Dr. Gin made a motion, seconded by Dr. Lewis, to approve the Solicitation for Request for Qualifications for LEED™ building commissioning authority services for various major Measure B Bond Projects. It is further recommended that the Board authorize the Vice Chancellor, Business Services to begin the process and return to the Board of Trustees with a recommendation for approval with respect to the most qualified firms.

Mr. Dobbs explained that one of the conditions of LEED™ certification is that buildings must be commissioned by a Building Commissioning Authority. The Authority is responsible for reviewing, documenting and submitting for approval by the United States Green Building Council (USGBC) all required documentation to achieve a certified, silver or gold level rating. The Authority will give an unbiased opinion to the design work and materials. A recommendation will be brought to the Board when an Authority has been identified.

Dr. Mertes questioned the estimated cost for this consultation work. Mr. Dobbs estimated anywhere between \$40,000 and \$100,000.

Dr. Lewis expressed the opinion that this is an important process and will be worth the cost.

Motion carried unanimously, 7-0.

**APPROVAL OF AWARD OF “ON-CALL” CONSULTING SERVICES FOR SOILS/GEOTECHNICAL SERVICES, CHABOT COLLEGE AND LAS POSITAS COLLEGE**

Motion No. 8

Dr. Gin made a motion, seconded by Mr. Gelles, to approve the issuance of On-Call Professional Service Agreements with SCA Environmental and Ninyo & Moore for an individual task in an amount that will be less than \$20,000 and the total value of any one agreement not to exceed \$100,000 per company. It is further recommended that the Board authorize the Vice Chancellor, Business Services to execute the agreement and any future augmentations or amendments to the agreement on behalf of the District.

Mr. Dobbs explained that this recommendation is adding two firms to the Geotechnical list of “on-call” consultants. He reported that every project will require geotechnical services.

Mr. Vecchiarelli questioned if anything is being done to check for pollution or other issues that would impact the building. Mr. Dobbs explained the process and noted that anything with a “red flag” would require additional work be undertaken. He reported that this is completed before the architect begins the design work.

Motion carried unanimously, 7-0.

**ADOPTION OF RESOLUTION NO. 22-0506 – DEDICATION OF CAMPUS HILL DRIVE TO THE CITY OF LIVERMORE FOR PUBLIC USE AS A PUBLIC ROAD, LAS POSITAS COLLEGE**

Motion No. 9

Mr. Gelles made a motion, seconded by Dr. Gin, to adopt Resolution No. 22-0506 – Dedication of Campus Hill Drive to the City of Livermore for Public Use as a Public Road.

Motion carried by the following roll call vote:

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

**FACILITIES PLANNING AND MANAGEMENT REPORT**

The Board accepted the report without further discussion.

**USE OF PROCEEDS FROM SALE OF NIKE SITE**

Mr. Legaspi explained that in the Spring of 1998, the District sold a piece of real property commonly known as the Nike Site to the East Bay Regional Park District for approximately \$1.45 million. The District established a separate fund to accurately account for the receipt and use of these funds. As of June 30, 2005, the fund had increased to \$1,895,870 as a result of interest earnings over the years.

He explained that the use of this money is restricted. He recommended the District use the proceeds for Capital Outlay, specifically to augment the Measure B Projects. The proceeds can be earmarked to pay for the cost of District employees performing administrative over-

sight work on construction projects. This will result in freeing up Measure B funds of up to \$1.8 million to cover the escalating costs and/or construction projects.

Dr. Lewis recalled that it was the understanding of the Board at the time of the sale, that this was special money which was set aside for special and significant use. She would be very unhappy to see the money disappear into a general fund type of use. She would rather see it used for purchasing student and/or staff art work for display in the new buildings. She would hope that we can look at the Education Code and see if there are some distinctive ways to achieve this. She hopes the District can find ways to use the money with more imagination and with more connection to the students.

Mrs. Dvorsky questioned if the District still owns ten acres of this land. Mr. Legaspi explained that the District does not own the land but has the exclusive rights to the use of ten acres for educational purposes.

In response to a question raised, Mr. Legaspi reported that the land in question was 132 acres.

In response to a question raised by Ms. Kouakou, Mr. Legaspi reported that the rights to the use of the land is indefinite.

Dr. Gin noted that another option is to leave the money in savings.

Mr. Legaspi questioned if he could, with the Board's approval, use these funds as part of the budget development process for 2006-07. Dr. Lewis expressed that she would not like to see a deadline set on this issue, which could happen if it was part of the budget development process.

It was the consensus of the Board to table further discussion of this issue. It was also the consensus of the Board to keep these funds out of the general budget.

Mr. Vecchiarelli questioned the District's long- and short-term notes that impact the general fund. For example, the District Office is a long-term note. He posed the possibility that if the District could get pay off these notes, it would free up money for the general fund. He expressed that this might be something the Board will want to talk about in the future.

#### **STATUS OF REFINANCING SERIES A GENERAL OBLIGATION BONDS**

Mr. Jim Roth, UBS Financial Services, Inc. gave a PowerPoint presentation regarding refinancing Series A General Obligation Bonds. Based on UBS' assumptions and

projections, the District can shorten the payback period by six (6) years and generate an additional \$12,301,726 that can be used to offset escalating construction costs.

Mr. Roth explained that the savings must be used for Measure B Projects (voter approved bond projects).

Mr. Vecchiarelli questioned if it would be better to wait to refinance. He expressed concern for borrowing the money now when the District is approximately two years away from its first project. Mr. Roth responded that it depends on what happens to the interest rates. He reported that interest rates are low now and there is no way to tell where interest rates will go. In addition, he reported that because of the slope of the yield curve, our escrow fund will earn the maximum amount the IRS allows.

Dr. Cota explained that the cost of the projects is escalating and refinancing would help us to continue with the proposed projects.

Mr. Gelles questioned if the other Districts that refinanced their bonds felt it worked to their benefit. In response, Mr. Legaspi reported that he used this vehicle in his previous District and reported it generated \$1.2 million, which saved the District in terms of its projects.

The Board expressed that they would like further discussion on this issue at a future time.

#### **FIRST READING: LAS POSITAS COLLEGE EDUCATIONAL MASTER PLAN**

The Las Positas College Educational Master Plan will come back to the Board for approval at its February 21, 2006 Board Meeting.

#### **NOMINATIONS FOR CALIFORNIA COMMUNITY COLLEGE TRUSTEES BOARD OF DIRECTORS – 2006**

At this time, no Board Members expressed an interest in being nominated to serve on the California Community College Trustees Board of Directors for 2006.

#### **NEXT MEETING**

The next Board of Trustees Meeting is scheduled for Tuesday, February 21, 2006 at the District Office.

#### **ADJOURNMENT**

There being no further business the Regular Meeting was adjourned at 9:06 p.m.



Minutes completed by:

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Beverly Bailey

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