

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

**MINUTES
July 18, 2006**

PLACE

Chabot-Las Positas Community College District, 5020 Franklin Dr., Pleasanton, California 94588.

CALL TO ORDER

The regular meeting was called to order at 5:30 p.m. Recording Secretary Beverly Bailey called the roll. All Board Members were present at the time of roll. The Board immediately adjourned to a Closed Session, which ended at 6:20 p.m.

The Board readjourned in Open Session at 6:35 p.m. and adjourned at 7:45 p.m. Recording Secretary Beverly Bailey called the roll. All Board Members were present at the time of roll.

ATTENDANCE

Members Present: Dr. Arnulfo Cedillo
 Mrs. Isobel F. Dvorsky
 Mr. Donald L. "Dobie" Gelles
 Dr. Hal G. Gin
 Dr. Barbara F. Mertes
 Dr. Alison Lewis (via Telephone Conference)
 Mr. Carlo Vecchiarelli
 Mr. Nathan Cornejo

Members Absent: None

Managers Present: Dr. Susan A. Cota, Chancellor
 Dr. Robert Carlson, President, Chabot College
 Mrs. Karen Halliday, President, Las Positas College
 Mrs. Jennifer Aries
 Mr. Robert Curry
 Ms. Julia Dozier
 Dr. J. Laurel Jones
 Dr. Ted Kaye
 Dr. Joel Kinnamon
 Mr. Robert Kratochvil

Mr. Lorenzo Legaspi
Ms. Pam Luster
Ms. Melinda Matsuda
Mrs. Jeannine Methe
Mr. Richard Peralta
Mr. Richard Talmo

Recording Secretary: Mrs. Beverly Bailey

Others Present: Ms. Brenda Carr
Mr. Bill Carson, Levine Fricke (LFR)
Mr. Jim Daniel, DMJM
Mr. Kevin Dayton, Associated Builders and Contractors
Mr. Jeff Gee, Swinerton
Ms. Melissa Korber, President, Las Positas College
Faculty Senate
Mr. Barry Luboviski, Building and Construction Trades
Council of Alameda County
Mr. Joshua Paul, President, Associated Students of Las
Positas College
Mr. Eloy Retamal, DMJM
Ms. Bernadette Richard, President, Associated Students of
Chabot College
Mr. Steve Rottenborn, H.T. Harvey and Associates
Mr. Todd Steffan, President, Las Positas College Classified
Senate
Mr. Roy Stutzman
Ms. Barbara Tracey, DMJM
Mr. Bob Tucknott
Ms. Rachel Ugale, President, Chabot College Classified
Senate
Mr. Mike Vlaming, Scarth Lyons
Ms. Laura Weaver

PUBLIC COMMENTS

Mr. Kevin Dayton, Associated Builders and Contractors, and Mr. Bob Tucknott spoke in opposition to the Project Stabilization Agreement.

**PUBLIC HEARING: DEDICATION OF A TWENTY FOOT (20') TRAIL
EASEMENT TO THE CITY OF LIVERMORE FOR CONSTRUCTION AND
PUBLIC USE OF A MULTI-USE TRAIL, LAS POSITAS COLLEGE**

President Dvorsky opened the Public Hearing on the above matter at 7:41 p.m. Hearing no comments, she immediately closed the Public Hearing.

CONSENT CALENDAR

Dr. Gin requested that agenda item 3.4 (Management Personnel) be removed from the consent calendar. Mr. Gelles requested that agenda item 5.8 (Approval of Agreement with ValleyCare Health System for the Student Health Center, Chabot College) be removed from the consent calendar.

Dr. Cota noted that pages 2 and 6 of agenda item 3.3 (Faculty Personnel) had revisions and new pages were included in the Board's folders.

Motion No. 1

Dr. Mertes made a motion, seconded by Dr. Gin, to approve the consent calendar with the exception of agenda items 3.4 and 5.8.

Motion carried unanimously, 7-0.

The following items were approved on the consent calendar:

General Functions

1.8 Approval of Minutes of June 27, 2006 Meeting

Personnel

3.1 Student Assistant Personnel

3.2 Classified Personnel

3.3 Faculty Personnel

3.5 Professional Specialist and Program Leader Personnel

Educational Services

4.1 Approval of Grant Agreement—California Community Colleges Chancellor's Office, Career Technical Education/Economic and Workforce Development Pathways, "Quick Start" Partnerships in Allied Health, Grant No. 05-076-001, 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 Transfers 12.L.1
- 5.5 Approval of Acceptance of Grant from the City of Hayward for the Chabot College Youth Sports Camp, Chabot College
- 5.6 Approval of Agreement with Hayward Unified School District for Bus Transportation, Chabot College
- 5.7 Approval of Renewal of Agreement with the California Department of Education and Nutrition Services Agreement with Hayward Unified School District, Chabot College

TRUSTEE REPORTS AND/OR OFFICIAL COMMUNICATIONS

Mr. Vecchiarelli reminded everyone about the Barry Schrader Scholarship and asked that anyone interested in donating obtain a donor form from him. He noted a recent newspaper article in the Herald on Mr. Schrader's contributions to the Tri-Valley.

Mr. Gelles thanked Ms. Jennifer Aries for her continued assistance.

Dr. Gin expressed that he hopes everyone is enjoying the break as we will be back in session next month.

Dr. Lewis reported that she was joining the Board Meeting via telephone as she was in South Dakota on vacation. And "no, she is not moving to South Dakota."

Mrs. Dvorsky reported that she, along with Dr. Gin, recently attended a League of Women's Voters Meeting. They both spoke on behalf of the Colleges and the Board.

Dr. Cedillo thanked District staff, especially Jennifer Aries, for continued assistance to him. He reported that he was recently invited to speak at a Bible College Summer Institute in Branson, Missouri on the subject of Accreditation. He was asked to join the Board of a graduate seminary to assist them as they pursue their accreditation. In addition, he was invited back for next year's conference.

CHABOT-LAS POSITAS COLLEGES FOUNDATIONS

District: No report.

Chabot College: Mr. Talmo presented a written report to the Board. He reported that the Foundation is regrouping at this time and is in the process of selecting board members and a slate of officers for the 2006-07 campaign. The Foundation is entering into preparations for the Ballet event, which may be a change from the Moscow Ballet due to rising costs. The new venue under negotiations is the Michael Sumin Ballet, "Fly Me to the Moon" on November 10. He also reported that Homecoming is scheduled for October 21. He further reported that Mr. Chad Mark Glen is the Alumni President on the Board.

Las Positas College: Dr. Kaye provided a written report to the Board. He reported that the Las Positas Foundation is also regrouping and developing a slate of officers. He highlighted an upcoming event to commemorate the inauguration of the Women's and Men's Basketball Season on November 7. He also reported that the new Dublin Unified Superintendent, Dr. Stephen Hanke, has accepted a position as Honorary Board Member. In addition, he reported that the Foundation is working on a joint initiative with the Livermore Valley Winegrowers Foundation, which will be finalized in the next few weeks. He further reported that the Foundation's fundraising goal of \$125,000 was exceeded and they have raised a very comfortable amount of \$300,000. A donor form for the Barry Schrader Scholarship is attached to his report.

PRESIDENTS OF CHABOT AND LAS POSITAS COLLEGES FACULTY SENATES

Chabot College Academic Senate had no representation.

Ms. Melissa Korber, President of the Las Positas College Academic Senate, reported the Senate is gearing up for Fall Semester, Convocation Day and Flex Day.

PRESIDENTS OF CHABOT, LAS POSITAS COLLEGES AND DISTRICT CLASSIFIED SENATES

Mr. Todd Steffan, President of Las Positas College Classified Senate, had no report.

Ms. Rachel Ugale, President of Chabot College Classified Senate, reported the Senate is planning for Convocation and looking forward to the year ahead.

The District Classified Senate had no representation.

PRESIDENTS OF CHABOT AND LAS POSITAS COLLEGES ASSOCIATED STUDENTS

Ms. Bernadette Richard, President of Associated Students of Chabot College, reported ASCC is working on recruiting members. In addition, they are working on Gladiator Day for new students (August 14) and Welcome Week.

Mr. Joshua Paul, President of Associated Students of Las Positas College, reported that he and Nathan Cornejo will be attending a Student Trustee Workshop on July 22. In addition, they are getting organized for next year.

PRESIDENTS OF CHABOT AND LAS POSITAS COLLEGES

President Halliday submitted a written report to the Board. President Halliday highlighted that Las Positas will host the first annual in-service for all Alameda County Head Start and Early Head Start staff on August 25. She also reported that this summer, student art will be on display at the Dublin SPCA and the Livermore Public Library. In addition, the Summer production will be "The Imaginary Invalid." She invited Board Members to attend the All College Breakfast on Thursday, August 17.

Dr. Carlson submitted a written report to the Board. Dr. Carlson highlighted that Chabot College is beginning its 45th year. He recognized Mr. Bob Curry, noting that this is his last Board Meeting after 32 years with the District.

CHANCELLOR'S REPORT

Dr. Cota introduced Interim Human Resource Director, Richard Peralta. Dr. Cota reported that she had the opportunity to have lunch with "Mo" Qayoumi, President of Cal State East Bay through an introduction by Mr. Retamal. She indicated that he is anxious to work with both Colleges. She feels Dr. Qayoumi will take Cal State East Bay to another level, continuing the good work of Dr. Rees. Dr. Cota also reported that she has been appointed to a joint commission of ACCT and AACC on Legislation and Finance and will be attending a Board Meeting of the Commission the first week in August.

MANAGEMENT PERSONNEL

Dr. Gin requested this agenda item be removed from the consent calendar to question if this is a new full-time position. Dr. Carlson reported that it is a new full-time position and is contingent on funding by the Foundation. In response to Dr. Mertes' question, Dr. Carlson reported that the position reports to the CEO of the Foundation. Dr. Mertes requested that the Job Specification be revised to correctly reflect to whom the position reports.

Motion No. 2

Dr. Gin made a motion, seconded by Dr. Mertes, to approve the Management Personnel.

Motion carried unanimously, 7-0.

ADOPTION OF RESOLUTION NO. 01-0607 – 2006-07 CHILD DEVELOPMENT STATE PRESCHOOL CONTRACT, CHABOT COLLEGEMotion No. 3

Dr. Gin made a motion, seconded by Mr. Vecchiarelli, to adopt Resolution No. 01-0607 – 2006-07 Child Development State Preschool Contract No. CPRE-6003, Project No. 01-6131-00-6, for the Maximum Reimbursable Amount (MRA) of \$282,030. The contract is effective July 1, 2006 through June 30, 2007. It is further recommended that the Board authorize the Vice Chancellor, Business Services, to execute this contract and any future augmentations or amendments to the contract on behalf of the District.

Motion carried by the following roll call vote:

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

APPROVAL OF AGREEMENT WITH VALLEYCARE HEALTH SYSTEM FOR THE STUDENT HEALTH CENTER, CHABOT COLLEGE

Mr. Gelles requested this agenda item be removed from the consent calendar to request additional explanation. Dr. Carlson reported that the College has operated a Student Health Center since Spring 2003. St. Rose Hospital, partnering with Planned Parenthood, operated the Health Center for the past two years. In the Spring of 2006 when the contract with St. Rose was up, College staff conducted interviews with Planned Parenthood, St. Rose Hospital and ValleyCare Health System for the future operation of the Center. It was determined that ValleyCare Health System best met the College's future needs.

Motion No. 4

Mr. Gelles made a motion, seconded by Dr. Mertes, to approve the agreement with ValleyCare Health System for the Student Health Center, Chabot College, for the period August 15, 2006 through May 15, 2007. The annual ValleyCare Health System fee to manage the Chabot Student Health Center will be \$245,000. It is further recommended that the Board authorize the Vice Chancellor, Business Services to execute the contract and any future augmentations or amendments to the contract on behalf of the District.

Motion carried unanimously, 7-0.

ADOPTION OF RESOLUTION NO. 02-0607 – AUTHORIZATION TO ISSUE THE REMAINING BALANCE OF THE CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT GENERAL OBLIGATION BONDS

Motion No. 5

Dr. Mertes made a motion, seconded by Dr. Cedillo, to adopt Resolution No. 02-0607 – Authorization to issue the remaining balance of the Chabot-Las Positas Community College District (Alameda and Contra Costa Counties, California) Election of 2004 General Obligation Bonds.

Mr. Legaspi reported that issuing the bonds now would ensure that the District will have the necessary cash flow to back up the aggressive 5-year construction schedule. In addition, we can maximize our interest earnings, potentially generating approximately \$30 million to supplement current projects or fund unforeseen expenditures such as the EIR issue at Las Positas College. He explained that it is typical for community college districts to issue bonds at times and in amounts sufficient to finance approximately three years of project costs per series of bonds. He reported the District will be using three underwriting firms at this time, noting that in 2004 the District used two. The three underwriters are: UBS, RBC and Estrada Hinojosa.

Mr. Vecchiarelli questioned with the interest rate at 5.4%, payable upon issuance of the bonds, how can any revenue we receive be offset by interest we will have to pay. He questioned how this will bring in extra money. Mr. Legaspi explained that we would not use all the bonds in the beginning and we would invest it--probably in the county treasury which is the safest form of investment. Mr. Legaspi estimates that the money will earn an average of 5.4% interest, accumulating within the bond fund. The cost of paying the bonds will come from the tax assessment that all of us will see in our property taxes, including the interest.

Dr. Cedillo questioned the breakdown of use of the three firms. Mr. Legaspi reported that he is still negotiating with the underwriters.

Motion carried by the following roll call vote:

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

APPROVAL OF AWARD OF AGREEMENTS AND AUTHORIZATION TO ENTER INTO NEGOTIATIONS FOR CONSTRUCTION MANAGEMENT (CM) SERVICES FOR MEASURE B BOND PROJECTS

Motion No. 6

Dr. Gin made a motion, seconded by Mr. Cornejo, to authorize the District to enter into negotiations with Swinerton Management and Consultant, and 3D/I to provide Construction Management Services to Chabot College and Las Positas College, respectively. It is further recommended that the Board authorize the Vice Chancellor, Business Services to complete such negotiations within a schedule consistent with the requirements of the Measure B Bond Program and subsequently return to the Board of Trustees with specific recommendation(s) for contract awards for Construction Management Services. Funding Source: Measure B Funds

Dr. Cota reported that Staff has selected two project managers: 3D/I at Las Positas College; and Swinerton Management and Consultant at Chabot College. She believes that they both bring different strengths and will work cooperatively together to assist the District in managing the projects. She reported that we have worked with both firms in the past and feels confident they will bring us the services we need.

In response to a question raised by Mr. Gelles, Dr. Cota reported the first level committee interviewed seven applicants and the second level committee interviewed three applicants.

Dr. Cedillo noted that he will abstain from voting on this item because one of the firms also has a contract where he is employed.

Dr. Lewis questioned where the firms are based. Dr. Cota reported that Swinerton is located in San Francisco and 3D/I has offices all over, including San Francisco. In addition, 3D/I has worked with the District for many years and many of their employees live in Alameda County.

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

APPROVAL OF PROJECT STABILIZATION AGREEMENT (PSA) WITH BUILDING AND CONSTRUCTION TRADES COUNCIL OF ALAMEDA COUNTY FOR MEASURE B BOND PROGRAM PROJECTS

Motion No. 7

Mr. Gelles made a motion, seconded by Dr. Gin, to approve the proposed Project Stabilization Agreement with the Building and Construction Trades Council of Alameda County related to the implementation of the District's Measure B Bond Program.

Mr. Jeff Gee, Swinerton Management and Consulting, gave an overview of the process taken to get to this point tonight. He reported that negotiations with representatives of the Building and Construction Trades Council were guided by the following parameters:

- 1) District Guiding Principles adopted by the Board in April 2005. These principles include: 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.
- 2) Fact-Finding Report presented by Swinerton Management and Consulting at the January 17, 2006 Board Meeting.
- 3) Five Year Implementation Plan approved by the Board on June 6, 2006.

Formal negotiations with representatives from the Building and Construction Trades Council of Alameda County were held and as a result of these discussions, a Tentative Agreement on a Project Stabilization Agreement was reached. The Tentative Agreement includes the following provisions that specifically address the District's principles:

- **Scope** – The agreement applies to the seven specifically designated complex, long term, multi-craft projects to be constructed on the two campuses.
- **Competitive Bidding** – To ensure competitive bidding, if the bids on a particular project are over the estimated value of the project, or if fewer than three general contractors bid on the project, the District may, at its option, re-bid the project.
- **No Strike-No Lockout** – The Agreement has strong no strike-no lockout provisions. An expedited dispute resolution procedure is in place to resolve any alleged violation of this pledge.
- **Joint Labor/Management Meetings** – Representatives from labor and management will meet on a periodic basis to promote construction efficiency and harmonious labor relations on the construction projects.

- **Skilled Labor Supply** – Craft journeymen and apprentices will be supplied for project work utilizing the Unions’ referral facilities. Contractors are able to employ five employees from its existing core workforce for work performed on the Project.
- **Local Labor** – To the greatest extent possible, residents of the District (Alameda County) will be first referred for project work.
- **District Student Employment Opportunities** – The parties have pledged to work together to develop a mechanism to facilitate the recruitment of District students into the craft apprentice programs for employment on District projects.
- **Apprentices** – Contractors will be able to have apprentices comprise at least twenty percent of each respective craft’s work force on the Project.
- **Safety** – The employees will be bound by the safety rules and regulations as established by the District and Contractor(s) and in accordance with OSHA/Cal-OSHA.

Dr. Cedillo questioned that regardless of this agreement, when a project goes out to bid, does the Board have the right to reject all bids and re-bid the project. Mr. Mike Vlaming, Scarth Lyons, responded yes and noted that the ultimate authority of awarding contracts rests with the Board.

Mr. Vecchiarelli questioned if the bidders know what the estimated engineering costs are. Mr. Gee reported that the engineer’s estimate is provided in the bid announcement to help the general contractor know the value of the project in advance so they can arrange for bonding.

Motion carried unanimously, 7-0.

ADOPTION OF RESOLUTION NO. 03-0607 – DEDICATION OF A TWENTY FOOT (20’) TRAIL EASEMENT TO THE CITY OF LIVERMORE FOR CONSTRUCTION AND PUBLIC USE OF A MULTI-USE TRAIL, LAS POSITAS COLLEGE

Motion No. 8

Mr. Gelles made a motion, seconded by Dr. Gin, to adopt Resolution No. 03-0607 – Dedication of a Twenty Foot (20’) Trail Easement to the City of Livermore for Construction and Public Use of a Multi-Use Trail, Las Positas College.

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

FACILITIES PLANNING AND MANAGEMENT REPORT

Mr. Stutzman provided the Board with a brief update on the Draft Environmental Impact Report prepared on the Las Positas College Facilities Development Plan. He also reviewed the project schedule. He reported that the EIR identified potentially significant impacts to endangered or threatened species including California tiger salamander and California red-legged frog. In addition, an earlier EIR identified the San Joaquin kit fox and red-legged frog.

He reported that a preliminary meeting with representatives from U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG) and the District's consultants confirmed it will be necessary for the District to undergo either a Section 7 or a Section 10 consultation as part of the FESA compliance process with USFWS. The Section 7 consultation process would provide a shorter review and approval process (about 6-9 months) than a Section 10 consultation which would take two or more years to complete.

Mr. Stutzman introduced Mr. Steve Rottenborn, H.T. Harvey and Associates, and Mr. Bill Carson, LFR, who are preparing the hydrologic studies. Mr. Rottenborn reiterated in further detail the impact to these endangered species and the compliance process. He reported that Fish and Wildlife Services recommended the District find a way to incorporate a federal nexus to expedite the approval process of the endangered species impact. They are working with Mr. Stutzman and LFR to identify a very minor temporary impact to wetlands that would require a permit from the Army Corps of Engineers and trigger the Section 7 consultation. In addition, a permit from the Regional Quality Control Board and the California Department of Fish and Game would also be required.

Dr. Lewis questioned the statement in the Executive Summary regarding "the need to construct additional storm drain improvements which could result in potentially significant impacts to wetlands which was not identified in the DEIR." Mr. Rottenborn reported that this was written to indicate the worse case scenario. He believes a minor temporary impact will occur such as temporary fill of a wetland or a stream during the grading process and that area would then be restored back to its original condition. This would not be considered a significant impact under SEQA.

Dr. Lewis expressed that she hopes the District continues to take a progressive attitude toward its creeks and its endangered species that we are perhaps inevitably threatening.

Mr. Stutzman reported that some of that was done when the infrastructure project was completed and the District undertook the development of a complete planting plan to create the appropriate vegetation in the creek area of Collier Creek and restored to a state that would encourage habitat.

Mr. Vecchiarelli questioned if the endangered species had been found on the property and questioned if the District could go to the appropriate agency and claim a negative declaration--little or no impact on these organisms. Mr. Rottenborn reported that Mr. Vecchiarelli is correct in terms of little impact to regional populations; however, in terms of impacts to a number of individuals or to a given population that might be breeding in the pond to the east, we would not be able to say that. In response to Mr. Vecchiarelli, Mr. Rottenborn reported that these species have not been found on the property.

Mr. Stutzman reported that two projects at Las Positas College could be impacted by a delay: 1) Aquatic Center; and 2) two soccer fields. He is hopeful that permits can be obtained and the work can begin in the Spring—after the rainy season.

Dr. Cota reported that she will keep the Board updated on this issue.

APPROVAL OF ADMINISTRATIVE RULES AND PROCEDURES 7051 – CONFLICT OF INTEREST CODE

Dr. Cota reported that we are adding the Director of Human Resources as a Designated Employee on the Conflict of Interest Code. In addition, we have changed the title of Controller to Director, Business Services. She noted that the Alameda County Board of Supervisors requires Board Approval for changes to this document.

Mr. Gelles recommended that on both positions (Director, Human Resources and Director, Business Services), the Disclosure Category be changed to “All.” The Board concurred.

Motion No. 9

Dr. Mertes made a motion, seconded by Dr. Gin, to approve the revised Administrative Rule and Procedure 7051 – Conflict of Interest Code.

Motion carried unanimously, 7-0.

NEXT MEETING

The next Board of Trustees Meeting is scheduled for Tuesday, August 22, 2006 at Chabot College at 6:30 p.m. (Closed Session to begin at 5:30).

ADJOURNMENT

There being no further business, the Regular Meeting was adjourned at 7:45 p.m.

Minutes completed by:

Beverly Bailey

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