

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

**MINUTES
August 19, 2008**

PLACE

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

CALL TO ORDER

The regular meeting was called to order at 5:30 p.m. by President Vecchiarelli. 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 6:25 p.m. The Board readjoined in Open Session at 6:35 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. Alison Lewis
 Dr. Barbara F. Mertes
 Mr. Carlo Vecchiarelli
 Ms. Erica Morrissey
 Mr. Dayne Nicholls

Members Absent: None

Managers Present: Dr. Joel L. Kinnamon, Chancellor
 Dr. Celia Barberena, President, Chabot College
 Dr. DeRionne Pollard, President, Las Positas College
 Mr. Jeff Baker
 Dr. Robert Carlson
 Ms. Heidi Finberg
 Dr. MaryAnne Gularte
 Dr. Ted Kaye
 Mr. Jeffrey Kingston
 Mr. Robert Kratochvil

Ms. Jeannine Methe
Mr. John Nahlen
Ms. Janice Noble
Ms. Karen Powell
Ms. Laura Weaver

Recording Secretary: Mrs. Beverly Bailey

Others Present: Mr. Jesus Armas
Ms. Joanne Bishop-Wilbur, District Classified Senate
Mr. David Boehm, President, Las Positas College Classified Senate
Ms. Tiffany Breger, President, Associated Students of Las Positas College
Mr. Greg Daubenmire, President, Las Positas College Academic Senate
Mr. Ming Ho, President, Chabot College Academic Senate
Mr. Marshall Mitzman
Mr. Justin Reyes, President, Associated Students of Chabot College
Ms. Rachel Ugale, President, Chabot College Classified Senate

PUBLIC COMMENTS

There were no public comments offered at this meeting.

CONSENT CALENDAR

Mr. Gelles requested that agenda items 3.2 (Classified Personnel) and 4.1 (Acceptance of Grant Award – Title III, Higher Education-Institutional Aid Grant: Improving Basic Skills Across the Curriculum to Increase Student Success, Persistence, and Institutional Effectiveness, Grant Award No. P031A080146 from the U.S. Department of Education, Chabot College) be removed from the consent calendar. Mrs. Dvorsky also requested that agenda item 4.1 be removed from the consent calendar.

Motion No. 1

Mr. Gelles made a motion, seconded by Mrs. Dvorsky, to approve the consent calendar with the exception of agenda items 3.2 and 4.1.

Motion carried unanimously, 7-0.

The following items were approved on the consent calendar:

General Functions

- 1.7 Approval of Minutes of July 15, 2008 Meeting

Personnel

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

Educational Services

- 4.2 Approval of Grant Agreement Renewal – Temporary Assistance for Needy Families – Child Development Careers Program, Agreement No. 0810-04 from the Foundation for California Community Colleges, Chabot College
- 4.3 Approval of Grant Agreement Renewal – Temporary Assistance for Needy Families – Child Development Careers Program, Agreement No. 0810-18 from the Foundation for California Community Colleges, Las Positas College

Business Services

- 5.1 Approval of Commercial Warrant Registers
- 5.2 Approval of Payroll Warrant Registers
- 5.3 Approval of Declaration of Surplus Property to be Sold at Private Sale and Donation or Disposal of Any Items Not Sold
- 5.4 Agreements/Contracts
 - a. Approval for Use of Off-Campus Facility, Las Positas College
 - b. Approval to Renew Agreement – State of California, Bureau of Automotive Repair Smog Referee and Student Training Program with the Foundation for California Community Colleges at Las Positas College
 - c. Approval of Agreement with American Medical Response (AMR), Las Positas College
- 5.5 Approval of Denial of Claim of Marco Campos

TRUSTEE REPORTS AND/OR OFFICIAL COMMUNICATIONS

Mr. Gelles expressed that yesterday's Convocation was great, noting that it looked like a family day. He expressed that this is a compliment to the leadership, specifically complimenting Ms. Laura Weaver and the two College Presidents, Drs. Barberena and Pollard.

Dr. Lewis expressed that she is happy to be back after a summer of vacationing. She noted that she too enjoyed Convocation. She reported that she attended Congresso Familiar which was recently held at Chabot College. Over 1,000 participants were expected. Congresso Familiar is a resource for the Hispanic community; an outreach for families with family members with disabilities. She is happy to have this important event on one of the College Campuses because it is such a wonderful outreach for the Hispanic Community.

Dr. Mertes expressed that of all the Convocations she has attended, yesterday's was the best. She noted that the campus was so accessible and thanked the Chancellor and Presidents and all those who put the program together. She expressed that Las Positas College did a "classy" job as hosts.

Mrs. Dvorsky also voiced that Convocation was wonderful. She reported that she was extremely pleased to see huge banners advertising Las Positas College at Stoneridge Mall and the advertising on buses for Chabot College.

Dr. Gin expressed that yesterday's Convocation was on the same caliber as the Olympic's Opening Ceremony. He noted that he enjoyed the many quotes of Dr. Pollard and requested copies. He also noted the "perfect" quote expressed by Mr. Ming Ho, "Do No Harm."

Dr. Cedillo noted that he was unable to attend Convocation as it was Marin Community College's first day of classes. He reported that the College just changed to the Banner System, which has been a challenge, and the system went down on their first day.

Ms. Morrissey reported that Fall Semester starts tomorrow. She reported that Expo held on August 16 was attended by 450 new students. She further reported that ASLPC will host Welcome Week activities, which will begin with coffee and donuts.

Mr. Nicholls reported that this was his first day back after a long vacation. He attended the International Student Orientation in order to meet some of the new International Students. The orientation ended with a reception at Celia's Restaurant and he believes that students came away with a real connection to the college.

Mr. Vecchiarelli voiced that Convocation was excellent. It has set a tone in the District that he hasn't seen in a long time. Everyone seems to be behind an effort to make Chabot College and Las Positas College the best.

CHABOT-LAS POSITAS COLLEGES FOUNDATIONS

Las Positas College: Dr. Kaye presented a written report to the Board. He reported that the Foundation has received major investments this month: Sandia National Labs for

\$21,500 for Best of the Best 2008 and general support; and Ricoh Business System for \$4,000 for Best of the Best 2007 and 2008. He also reported that grant requests have been submitted to the Livermore Valley Winegrowers Foundation for \$200,000 over four years for the College Bound Scholars Program; and for beginning funding needs for the Early Childhood Development Center. He also reported that plans are underway for a family and cost friendly event for late October or November. In addition, plans are underway for a JazzFest for 2009. Further, he reported that the Board of Directors Annual Retreat and Training is scheduled for September 18, and invited Board Members and Administrators to attend the 4:00 p.m. reception the same day.

Chabot College: Ms. Finberg presented a written report to the Board. She reported that the Foundation has launched its first E-Newsletter this month. The communication was sent to nearly 700 Chabot donors, supporters, alumni, faculty and staff. The E-Newsletter is generating new traffic and hopefully new interest. She also reported the Foundation is looking for new funding streams through grant writing opportunities and business site visits partnering with Foundation Board Members. She also reported the Foundation has received the second \$100,000 from the Valley Foundation. She reported that the Foundation is opening a new interest bearing account for restricted giving only. In addition, the Foundation opened a new account with \$10,000 from the Starlight event and gifts in the name of Dr. Carlson for the Classified Personnel Award. The Foundation will work with the Classified Senate to give out the first award in Spring 2009. Plans are moving forward for the Starlight Club on November 1. She was pleased to announce the Gladiator Award honorees: Marshall Mitzman, Richard Hong and John Gutierrez. She further reported that the Foundation will have a Board Retreat on September 6 and she will share their goals at the next Board Meeting.

PRESIDENTS OF CHABOT AND LAS POSITAS COLLEGES FACULTY SENATES

Mr. Greg Daubenmire, President, Las Positas College Academic Senate, reported that the Senate is making up committee structures. He was pleased to report that people have volunteered quickly this semester. He further reported that divisions met today.

Mr. Ming Ho, President, Chabot College Academic Senate, reported Chabot College Senate is also working on committee structures. He reported that three division representatives still need to be identified. He met with Dr. Barberena over lunch and discussed issues such as institutional planning and budgeting and shared governance. He also reported that the Public Arts Committee will submit proposals this week for the Nike Site sale proceeds. He is working on clarification for the hiring processes for faculty and administrators so both Colleges and Human Resource Services all have a common process.

PRESIDENTS OF CHABOT, LAS POSITAS COLLEGES AND DISTRICT CLASSIFIED SENATES

Mr. David Boehm, President, Las Positas College Classified Senate, reported a very productive Convocation and was pleased that a Classified Staff Member received the Donald R. Milanese award. He spoke at the College meeting about his vision for the Senate this year, which includes exploring staff development opportunities for the Classified Staff and their role in the governance process. The Senate is working on committee assignments. He further reported the Classified Senate sponsored a barbecue today with good attendance.

Ms. Rachel Ugale, President, Chabot College Classified Senate, reported that the Senate held a Retreat on July 31 where they set their goals, one of which is connecting with administrators over the next academic year. They are also excited about working with the Foundation on a Classified Award established by contributions from Dr. Carlson. She noted that Convocation was wonderful and thanked Las Positas College for hosting the event. She expressed pride that so many Classified Professionals were recognized in the Chancellor's Awards. She thanked Dr. Barberena for allowing the Classified Staff to plan their own Convocation workshops.

Ms. Joanne Bishop-Wilbur, Vice President, District Classified Senate, introduced herself. She reported that President Cathy Gould met with Dr. Kinnamon to discuss the Senate's goals. Ideas for shared governance were discussed. Ms. Gould and Chancellor Kinnamon agreed to meet regularly to discuss issues. It was agreed to create a yearly Senate Calendar with important dates. Ms. Gould has been working with the College Senates on a combined Classified Flex Day. In addition, Ms. Bishop-Wilbur read a statement from the Classified Staff in Business Services at the District Office recognizing Mr. John Nahlen for all he does for the District.

PRESIDENTS OF CHABOT AND LAS POSITAS COLLEGES ASSOCIATED STUDENTS

Ms. Tiffany Breger, President, Associated Students of Las Positas College, submitted a written report to the Board. She reported that the Senate has confirmed all their meeting, senator roundtables and workshop dates. Workshop topics include Parliamentary Procedure, Organizational Frames and Personal Working Styles, Legislative Process and Shared Governance and Major Event Planning. Specific events planned are: Inter-Club Council Retreat on September 20; Constitutional-Themed Club Day on September 17; and a Voter Registration Drive on September 17 and 18. ASLPC is continuing to work on the Discount Program for students and booklets have now been made about the program. Several businesses signed agreements saying that they will give the student discounts. Further, plans are being finalized for Welcome Week with free donuts, coffee and raffle of

bookstore gift cards. They will introduce a new tradition - Associated Student Days where they will give out activity calendars to the students which will show all major activities and events. Their first Senate meeting is August 22.

Mr. Justin Reyes, President, Associated Students of Chabot College, reported that ASCC had a booth on Gladiator Day to increase awareness to students about ASCC and clubs. They are holding a Voter Registration Drive in August through October. They are working with League of Voters, EOPS, ASPIRE, WRAC and LIFETIME (Low Income Families' Empowerment Through Education). During Welcome Back Week (August 20 and 21) ASCC will give out handbooks and bottled water. He thanked the Foundation for the donation of the bottled water. On August 27 and 28 at noon, ASCC will host a pizza party and ice cream social. Their first Senate meeting is August 20.

PRESIDENTS OF CHABOT AND LAS POSITAS COLLEGES

Dr. Barberena submitted a written report to the Board. She reported that this is an exciting time of year, comparing it to the Christmas Holiday. She voiced that they will need "all hands on deck" the first week of school. She thanked Dr. Pollard for hosting a wonderful Convocation Day; and thanked Ms. Laura Weaver for her work in planning the event. She also thanked Dr. Kinnamon for introducing her to the whole District Community. She drew attention to the Chabot College Convocation Booklet which highlighted Convocation Workshops. She especially highlighted the workshop on Student Learning Outcomes (SLOs) and noted that there are lots of "hurdles" getting this done. Also, they spent the day discussing Accreditation and Competencies of Classified Staff. She also reported that IPBC (Institutional Planning and Budget Council) had a Retreat in May and set four themes for everything done through Shared Governance: 1) strengthen student success, persistence and retention; 2) strengthen community relations; 3) implement student learning outcome plans; and 4) provide professional development of faculty and staff through training on new technologies or through training on pedagogy to reach the students that are under prepared. She commended Anita Wah and Ming Ho who conducted an experimental project in the Summer whereby students were assessed competencies in math and then provided with exercises to meet their level and bring them further in their development. She noted that 70-90% of students come to us under prepared in Mathematics, Reading and Writing.

Dr. Barberena reported that recently, in a meeting of Administrative Staff it was decided to start a program of recognizing District Office Staff that support the College.

Dr. Pollard submitted a written report to the Board. She thanked everyone for the comments about Convocation and will take back those messages to faculty and staff who did all the work. The College is moving forward with plans for classes to begin with nearly 8,000 students registered. She thanked staff for their hard work in getting these

students signed up in classes. Over 100 of the 8,000 students are International Students (30 of which are new). There has also been a significant increase in financial hardship students, and staff is looking for resources for them. She reported that the Convocation afternoon workshop sessions were wonderful and provided the Board with copies of her PowerPoint presentation, which included her Presidential Priorities for 2008-10. She thanked the constituent group leaders (Greg Daubemire, David Boehm and Tiffany Breger) for their comments in the afternoon session. She highlighted the following from her report:

- 1) 2008 Donald R. Milanese Award for Educational Integrity and Excellence awarded to Ms. Martha Konrad.
- 2) Campus Change Network Diversity, Equity and Inclusion Award awarded to Ms. Kimberly Tomlinson (first time award).
- 3) Fall 2008 Campus Change Network Speaker Series: September 12, Tri-Valley Mayors Forum; October 10, Examining the Impact of Religion on the LGBT Community; November 14, The Imprint of Immigration on our Community; and December 5, La Semana Cubana.

Further, Dr. Pollard introduced two new Administrators for Las Positas College: Dr. Janice Noble, Dean of Business Computing and Applied Technology; and Mr. John Williams, Interim Dean of Social Science and Wellness.

GOOD OF THE ORDER

Mr. Gelles reported that he received a call from a parent asking for his help getting a student registered. He called Dr. Laurel Jones today and was impressed that she took his call, called the student and got the student registered. He thanked Dr. Jones for her quick response.

CHANCELLOR'S REPORT

Dr. Kinnamon voiced that at Convocation yesterday, both College Presidents "rocked." He also noted that it is hard to believe they have been with us less than eight months. He is pleased that they have taken the Colleges into their "spirits" and are passionate about the people. He reported that staffs at Las Positas College were phenomenal hosts, especially recognizing the hard work of Jennifer Adams. He thanked Mr. Kingston for his presentation at Convocation. He also reported that both Colleges held new Faculty Orientations which he was able to attend. He noted that there seems to be much enthusiasm.

Dr. Kinnamon also reported that the Groundbreaking for the College Center for the Arts at Las Positas College will be held on September 4 at 11:00 a.m. Invitations will be coming out shortly.

RECOGNITIONS

Dr. Kinnamon recognized Dr. Carlson on his Emeritus Retirement and presented him with a plaque. Dr. Carlson spoke to the wonderful experience he has had with the District. He expressed that he hopes this is not goodbye and noted that he will still be involved as a student, a friend, and as a community member.

CLASSIFIED PERSONNEL

Mr. Gelles requested that this item be pulled from the consent calendar in order to abstain as he may know the individual or someone related to the individual to be hired.

Motion No. 2

Mr. Gelles made a motion, seconded by Dr. Lewis, to approve the Classified Personnel.

Motion carried unanimously, 6-0, with Mr. Gelles abstaining.

ACCEPTANCE OF GRANT AWARD – TITLE III, HIGHER EDUCATION- INSTITUTIONAL AID GRANT: IMPROVING BASIC SKILLS ACROSS THE CURRICULUM TO INCREASE STUDENT SUCCESS, PERSISTENCE, AND INSTITUTIONAL EFFECTIVENESS, GRANT AWARD NO. P031A080146 FROM THE U.S. DEPARTMENT OF EDUCATION, CHABOT COLLEGE

Mr. Gelles and Mrs. Dvorsky requested that this item be pulled from the consent calendar. Mrs. Dvorsky noted that this grant, along with the William and Flora Hewlett Foundation grant, are significant grants. There are six other grants before the Board tonight amounting to \$4,573,115. She stressed that this is significant money for our students. She noted that grants are highly competitive. She asked the Chancellor to thank all those responsible for bringing these grants to the District.

Mr. Gelles noted that he had nothing further to add to Mrs. Dvorsky's comments.

Motion No. 3

Mrs. Dvorsky made a motion, seconded by Dr. Cedillo, to accept the proposed grant award for the Title III, Higher Education-Institutional Aid Grant: Improving Basic Skills Across the Curriculum to Increase Student Success, Persistence, and Institutional Effectiveness, Grant Award No. P031A080146 from the U.S. Department of Education, Chabot College, in the amount of \$1,951,649 for the period October 1, 2008 through September 30, 2013. It is further recommended that the Board authorize the Vice Chancellor, Business Services, to execute the proposed grant award and any future augmentations or amendments to the grant on behalf of the District.

Motion carried unanimously, 7-0.

ACCEPTANCE OF CALCULATION OF APPROPRIATIONS LIMIT FOR 2008-2009 FOR POSTING (GANN LIMIT)

Mr. Legaspi explained that each community college district is required to report to the Chancellor's Office its appropriation limit. He explained that it is like a box of revenues. Each year the box grows by an inflationary factor and the change in student population and the box gets bigger. We then put in all our appropriations that are within this limit. If it doesn't overflow, we get to keep all the appropriations. It hasn't overflowed in many years. In fact, the revenues put in the box are approximately 70% of what we are entitled to in terms of appropriations. Only once or twice have we exceeded that. The State has an option to provide rebates to people should we as a State exceed our appropriations limit. Our box is \$113 million and the revenues subject to the box are approximately \$80 million.

Motion No. 4

Mrs. Dvorsky made a motion, seconded by Dr. Gin, to accept the Calculation of Appropriations Limit for 2008-2009 in the amount of \$113,699,580.

Motion carried unanimously, 7-0.

ADOPTION OF RESOLUTION NO. 01-0809 – 2008-09 CHILD DEVELOPMENT STATE PRESCHOOL CONTRACT, CHABOT COLLEGE; AND**ADOPTION OF RESOLUTION NO. 02-0809 – 2008-09 CHILD DEVELOPMENT STATE FULL-DAY PRESCHOOL CONTRACT, CHABOT COLLEGE**

Motion No. 5

Mrs. Dvorsky made a motion, seconded by Ms. Morrissey, to adopt the following resolutions in one motion:

- a. Resolution No. 01-0809 – 2008-09 Child Development State Preschool Contract No. CPRE-8003, Project No. 01-6131-00-8, for the Maximum Reimbursable Amount (MRA) of \$310,734.00. The contract is effective July 1, 2008 through June 30, 2009. 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.
- b. Resolution No. 02-0809 – 2008-09 Child Development State Full-Day Preschool Contract No. CFDP-8000, Project No. 01-6131-00-8, for the Maximum Reimbursable Amount (MRA) of \$373,295.00. The contract is effective July 1, 2008 through June 30, 2009. 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
ABSTENTIONS:	None
ABSENT:	None

APPROVAL TO ISSUE ON-CALL CONSULTING SERVICE AGREEMENTS WITH PROFESSIONAL SERVICE INDUSTRIES, INC. (PSI) AND KLEINFELDER, INC. FOR TESTING AND INSPECTION SERVICES, CHABOT AND LAS POSITAS COLLEGES

Motion No. 6

Mrs. Dvorsky made a motion, seconded by Dr. Lewis, to approve issuance of On-Call Consulting Service Agreements with Professional Service Industries, Inc. (PSI) and Kleinfelder, Inc. for Testing and Inspection Services for the Measure B projects with total allowable annual contracts for each firm not to exceed \$325,000. It is further recommended that the Board authorize the Vice Chancellor, Business Services, to execute the modified agreements and any future augmentations or amendments to the agreements on behalf of the District. Funding Source: Measure B Bond Funds

At the request of Mr. Gelles, Mr. Kingston reported that this agenda item is for approval of on-call services for testing and inspection. We have several construction projects underway, and based on the assessment of the Project Managers, we need additional firms.

Motion carried unanimously, 7-0.

APPROVAL OF MODIFICATION TO EXISTING PROFESSIONAL SERVICE AGREEMENT WITH ENOVITY FOR TOTAL BUILDING COMMISSIONING SERVICES FOR MEASURE B BOND PROJECTS

Motion No. 7

Dr. Cedillo made a motion, seconded by Ms. Morrissey, to approve the Modification to the Professional Service Agreement with Enovity of San Francisco, CA for Total Building Commissioning Services for Measure B Bond Projects in the amount not to exceed \$440,000. 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. Funding Source: Measure B Bond Funds

At the request of Mr. Gelles, Mr. Kingston reported that this agenda item is the follow up for LEED's. Once the building is substantially complete, they will review the work and the systems and how they function in a greater way. This firm will do LEED Commissioning and other Commissioning before the building is occupied. The transition to occupancy is smoother and the accountability of contractors is greater.

Motion carried unanimously, 7-0.

APPROVAL OF MODIFICATION TO EXISTING ENERGY PERFORMANCE CONTRACTING (ESCO) SERVICES AGREEMENT WITH CHEVRON ENERGY SOLUTIONS, INC. FOR PARKING LOT CONSTRUCTION ASSOCIATED WITH PHOTOVOLTAIC SOLAR PROJECT AT CHABOT COLLEGE

Motion No. 8

Mrs. Dvorsky made a motion, seconded by Mr. Nicholls, to approve Modification to Existing Energy Performance Contracting (ESCO) Services Agreement with Chevron Energy Solutions, Inc. of San Ramon, California for Parking Lot Construction associated with Photovoltaic Solar Project at Chabot College in an amount not to exceed \$700,000. 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. Funding Source: Measure B Bond Funds

At the request of Mr. Gelles, Mr. Horner explained that currently we have a contract with our ESCO for parking lot solar panels. Parking lot J needs to be resurfaced before installing the solar panels. This agenda item is requesting authorization to repave parking lot J and straighten out the drive going out to it as part of the contract.

In response to a question raised by Mr. Nicholls, Mr. Horner explained the we were only able to install 80% of the one megawatt needed, and the only remaining location oriented properly and located near an electrical switch was parking lot J.

Mr. Vecchiarelli questioned if students will be able to plug their electrical cars on campus. Mr. Kingston reported that at each covered parking structure the contractors will install the conduits. Currently, we don't know what to specify for plug or currents. They are provisioning it to be easily installed when requirements for plug-in hybrids are determined.

Motion carried unanimously, 7-0.

APPROVAL OF AWARD OF BID NO. 09-02, ROOF REPLACEMENT FOR BUILDINGS 2000 AND 2100, LAS POSITAS COLLEGE

Motion No. 9

Mrs. Dvorsky made a motion, seconded by Mr. Nicholls, to approve the award of Bid No. 09-02, Roof Replacement for Buildings 2000 and 2100, Las Positas College, to George Roofing, Inc., of Visalia, CA, in an amount not to exceed \$126,000.00. It is further recommended that the Board authorize the Vice Chancellor, Business Services, to execute the agreement and any future amendments to the agreement on behalf of the District. Funding Source: Measure B Bond Funds

Motion carried unanimously, 7-0.

ADOPTION OF RESOLUTION NO. 03-0809 – APPROVAL AND AWARD OF CONTRACTS USING AN ALTERNATE PROCUREMENT METHOD FOR THE MULTI-DISCIPLINARY EDUCATION BUILDING (MD BUILDING) AND THE PHYSICAL EDUCATION (PE) COMPLEX

Motion No. 10

Mrs. Dvorsky made a motion, seconded by Dr. Gin, to adopt Resolution No. 03-0809 for the Approval and Award of Contracts using an Alternate Procurement Method for the Multi-Disciplinary Education Building (MD Building) and the Physical Education (PE) Complex.

Mr. Kingston asked Mr. Mark Williams to explain the legal status with regard to this Board action which gives us the flexibility to self-perform repairs to the MD Building and PE Building.

Mr. Mark Williams reported that there are different stages to dispute resolution in these complex construction matters. Step one was the fact collection. The next step was informal discussions with both architects and the general contractors. This phase is ending some on a positive and some not so positive. Conversations are on-going with the general contractor and a meeting is scheduled for tomorrow to talk about their proposal to resolve the construction problems. Unfortunately, the architects have not been so forthcoming so we have referred their matters to the American Arbitration Association in the hope this will bring this to a resolution.

The resolution before Board tonight is a reflection that we have two different timelines which contradict each other. The timeline of negotiations and apportionment of responsibility, which could drag on for months; and the timeline of the rainy season. We will need to take remedial measures in construction to secure the buildings in the event there is no agreement. This emergency resolution or resolution of necessity allows the District the flexibility to have the contractor self-perform the work as part of a settlement agreement and allows the flexibility that if the timeline gets too restricted, the District can go out and obtain a contractor without a competitive bid. The law recognizes our ability to do this for a number of reasons: 1) you have the right and duty to mitigate your damages, the Public Contract Code notwithstanding; 2) you have the right to enter into settlement agreements that entail self-performance by the contractors, and it would make no sense to competitively bid that remedy; and 3) because of the rainy season approaching, you may need to secure improvements more quickly than the competitive bid process would allow. This would provide the District the flexibility to fashion a remedy that is best suited for the District as these negotiations play out.

Mr. Vecchiarelli questioned that since the bond money is state money and the contractors licensing board is involved, is there any way we can ask the state to intercede and mitigate this problem. "We have to protect the public's interest." Mr. Mark Williams reported that he will look into that suggestion.

Ms. Karen Powell reported that she is working with Mr. Williams very closely. She is developing a strategy to deliver the work regardless of the attitude of those at the table. She would restate one of Mr. William's comments - if this resolution is approved, it is one of our guiding principles and key goals to provide competition whenever possible. It may not be within the context of a formal public works bid, which is what this resolution would allow us to do; however, she has been working closely with Avelar to develop temporary mitigation measures as well as the long-term fixes. One of our guiding principles in looking at various options for those two needs is to provide the greatest degree of

competition possible even if it is not a fully implemented public works bid along the timelines that you would normally see associated with that kind of effort.

Mr. Vecchiarelli stressed that “we as a Board want to make sure the buildings are repaired 100%.” Ms. Powell stressed that the guiding principle is a permanent, effective solution. If we have to deviate from the original plans and specifications in order to achieve that, that is what we will do.

Mr. Gelles asked that the Board be kept apprised of this situation on a regular basis.

Dr. Cedillo questioned if this resolution can be used on the swimming pool issues. Mr. Horner reported that we are waiting for one final report on the swimming pool—when each of the pieces of the concrete deck were placed and what date they were placed. They are looking for patterns of how the cracking occurred. He noted that the pool situation is different from this situation as we still have full use of the pool and will continue to have full use of the pool until we reach resolution with the contractor of how we are going to fix it.

Dr. Kinnamon will consult with the attorney, Mr. Williams, to see if other situations would be applicable.

Motion carried by the following roll call vote:

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

APPROVAL OF GRANT AGREEMENT – TECH PREP PROGRAM ALLOCATION, CTEA, TITLE II, PERKINS FUNDING UNDER RFA NO. 08-139-010 FROM THE CALIFORNIA COMMUNITY COLLEGES’ CHANCELLOR’S OFFICE, LAS POSITAS COLLEGE AND DISTRICT, ECONOMIC DEVELOPMENT – WORKPLACE LEARNING RESOURCE CENTER

Motion No. 11

Dr. Gin made a motion, seconded by Ms. Morrissey, to approve the proposed grant agreement for a Tech Prep Program Allocation, CTEA, Title II, Perkins Funding under RFA No. 08-139-010 from the California Community Colleges’ Chancellor’s Office, Las Positas College and District, Economic Development-Workplace Learning Resource Center, in the amount of \$81,405.00 for the period July 1, 2008 through June 30, 2009. It is further recommended that the Board authorize the Vice Chancellor, Business Services, to

execute the proposed agreement and any future augmentations or amendments on behalf of the District.

Motion carried unanimously, 7-0.

APPROVAL OF GRANT AGREEMENT – THE WILLIAM AND FLORA HEWLETT FOUNDATION GRANT NO. 2008-2488, CHABOT COLLEGE AND DISTRICT-ECONOMIC DEVELOPMENT

Motion No. 12

Dr. Lewis made a motion, seconded by Mr. Gelles, to approve the proposed grant agreement for The William and Flora Hewlett Foundation Grant No. 2008-2488, Chabot College and District-Economic Development, in the amount of \$1,750,000, for the period of September 1, 2008, to April 1, 2011. 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 unanimously, 7-0.

FACILITIES PLANNING AND MANAGEMENT REPORT

Mr. Kingston had no further report.

ACCEPTANCE OF SABBATICAL LEAVE REPORTS, 2004-08

The Board accepted the Sabbatical Leave Reports for 2004-08.

Dr. Gin voiced that he enjoyed reading the reports and noted that they were very well done.

Mr. Gelles also voiced that he enjoys reading these reports. He noted that he will highlight a couple of the reports at a future meeting.

APPROVAL OF REVISED CITIZENS BOND OVERSIGHT COMMITTEE FOR MEASURE B

Motion No. 13

Mrs. Dvorsky made a motion, seconded by Dr. Cedillo, to approve the Revised Citizens Bond Oversight Committee for Measure B as follows:

Sudharsan Dwaraknath – Las Positas College Student
Gordon Galvan – Foundation
Byron Kamp – Community
Dale Kaye – Business Community
Patrick Lofft – Taxpayers Association
John Sailors – Seniors
Justin Reyes – Chabot College Student

Motion carried unanimously, 7-0.

ADJOURNMENT

Motion No. 14

Mrs. Dvorsky made a motion, seconded by Dr. Gin, to adjourn the Regular Meeting at 7:57 p.m.

Motion carried unanimously, 7-0.

NEXT MEETING

Dr. Kinnamon announced that the next Board Meeting is scheduled for Tuesday, September 2, 2008 at the District Office, noting the change in location.

Minutes completed by:

Beverly Bailey

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