

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

**MINUTES  
May 18, 2010**

**PLACE**

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

**CALL TO ORDER**

The regular meeting was called to order at 5:00 p.m. by President Gelles. Recording Secretary Mary Hargiss called the roll. Trustees Cedillo and Vecchiarelli were absent at the time of roll. President Gelles reported that Trustee Cedillo is excused from tonight's meeting.

**PUBLIC COMMENTS**

There were no Public Comments offered at this time.

**PUBLIC HEARING – BID PROTEST**

President Gelles opened the Public Hearing at 5:01 p.m.

Mr. Mark Williams, Fagan, Friedman and Fulfroost, explained the purpose of the Public Hearing and the Board's duties under this procedure. He explained that this is a bid protest regarding the proposed award of the contract for the expansion of the P.E. Complex to Rodan Builders. San Jose Construction has contested the award of the bid to Rodan based on a failure to list a required subcontractor. Under the Public Contract Code and interpreting authorities, the bid protestor, San Jose Construction, represented by Mr. Mitch Sadler, has a right to present their viewpoints to the Board in an open hearing. Based on their presentations and comments, the Board will deliberate in Closed Session as if they were a court, and report out their decision on the bid protest. He explained that at issue is the bid protest in its first iteration was that Rodan had failed to list a subcontractor that was to erect structural steel. At the first glance, the bid protest was denied for a number of reasons that are irrelevant. San Jose Construction provided additional information and additional documentation, and as a result, it was determined that the low bidder, Rodan, failed to list a required erection subcontractor so the bid protest was granted. Based on the bid protest, we had to determine the remedy. The remedy is set out in Public Contract Code Section 4106, which states that if a contractor does not list a subcontractor that is required to be listed, the contractor, if it wants the work, has to agree to perform the work itself with its own forces, as laid out in the statute. Rodan was contacted and submitted in

writing that they would perform the work with their own forces, thereby fulfilling the statute. San Jose Construction's argument, which will be elaborated by Mr. Sadler, is that the remedy is inappropriate because Rodan Builders isn't licensed and/or certified to perform the work. At issue is not the substance of the bid protest, but what remedy the Board wishes to implement.

Mr. Mitch Sadler, San Jose Construction, reported that they are "just trying to be right about" how a bid is presented. The bid required that a contractor use an AISC Certified Subcontractor. The subcontractor that Rodan listed is a supplier, therefore they are not licensed in this state and cannot be used as a subcontractor. Mr. Williams granted the protest and they are still of the position that Rodan cannot self-perform this work. Legally they can as a general perform the licensed work, which is a C51 steel. Unfortunately, in the District's Addendum Three (3), it states that the contractor has to use or supply within ten (10) days of award, a certificate of AISC Certification, which he noted is a six-month process. Rodan is not AISC Certified, and the job was re-bid twice for exactly the same issue. He reported that there is no way Rodan Construction can be an AISC Certified Subcontractor or Contractor in ten days from the date of award. He reported that San Jose Construction is the second largest builder in the South Bay, doing \$300 to \$400 million each year and he guarantees it cannot be done in ten days. He reported that they are protesting Rodan as being the awardee; they are not saying the District has to award the project to them; they are just saying that the District should not award it to Rodan. He questioned how it can legally be awarded to Rodan given the District's own bid documents.

Mr. Williams responded that the issue that Mr. Sadler brings before the Board is premature. Under the bid contract, AISC Certification is not required at the time of the award of the bid but must be presented within ten (10) days of the award of the bid and concurrent with the delivery of the contract. Rodan has assured the District that they will be providing an AISC Certification in the very near future. Therefore, this protest is premature because the requirement that the certification be obtained is not a requirement of the bid but a requirement that is obtained after the award of the bid. Mr. Williams explained that AISC is a standard and a new certification requirement that shows a superior knowledge of structural steel erection. As he understands it, the infrastructure for granting these certifications is inadequate so there is a bottleneck between when a person applies to get certified and when that certification is granted or obtained. He explained that is why this is the second time this project has been re-bid because of the bottleneck in obtaining those approvals. We relaxed the standard a little bit to allow them to get that certification shortly after the bid has been accepted. He pointed out that Mr. Sadler has been a good advocate for San Jose Construction, and that it was his bringing forth additional information that led us to reverse our initial position and make a determination that they didn't list a required subcontractor. He believes Mr. Sadler's position in this particular hearing is misplaced as this is not a bid issue, this is a contract issue that will be resolved by the District and Rodan as the contract unfolds.

Mr. Williams explained that the Board has the opportunity to question, if it so desires, Mr. Williams and/or Mr. Sadler.

Trustee Mitzman requested clarification from Mr. Williams about the requirement of producing certification ten (10) days after award of the bid, and questioned what occurs if they fail to do so. Mr. Williams responded that at that point, it is at the discretion of the District. If they do not present the certification, it could result in the District's rescission of the award and the forfeiture of the bidder's bid security. In such event, the District may in its sole and exclusive discretion, elect to award the contract to the responsible bidder submitting the next lowest second re-bid proposal. He reported that the word "may" provides the District some flexibility in the remedy. If Rodan comes back and says we don't have the certification now, but we will have it in five (5) days, the District can weigh that and allow them that extra five days, or take their bid bond and rescind their contract. He pointed out that the bid bond is not an insignificant investment by Rodan and he would be surprised if they would make these representations at the risk of losing or paying on their bond.

Trustee Dvorsky expressed concern in that we have had problems in the past with subcontractors and buildings. She expressed concern about the reliability of the construction company. In response, Mr. Horner reported that Rodan has not previously done work for the District but has done DSA work previously.

Trustee Gin expressed the same concerns expressed by Trustees Mitzman and Dvorsky. He noted that if San Jose Construction did not bring this to light, this would have gone through like any other bid, which raises a question of how often it occurs that we receive notices from other contractors raising red flags of individuals or subcontractors that have not been approved. In response, Mr. Kingston reported that we have had previous bid protests and what we do between the bid and the award is "due diligence" to determine whether the low bidder is responsive or responsible. He noted that in some Board items we have awarded to the number two bidder as a result of the number one bidder withdrawing their bid based upon our "due diligence." He also noted that the District is very careful and procedural about how we do this. He reported that the Public Contract Code requires the General Contractors list and qualify the subcontractors. What we are concerned about is the qualifications of the General Contractor; we do not do "due diligence" on the subcontractors. The other mechanism that we have available is that if a General Contractor comes to us and it is determined that a subcontractor for some reason cannot perform the work or they decide not to perform the work, we can grant them a substitution, as provided in the Public Contract Code. He reported that there are very specific laws. Mr. Kingston reported that so far in the \$300 million projects we have done, we have had only two bid protests. The other implication of not awarding this is the schedule. In addition, he noted that we have a full time inspector on-site as well as the architect that will be inspecting the quality of the work.

Trustee Gelles expressed that the Board is very pleased with the projects done in the past. He also expressed appreciation for San Jose Construction coming forward. He reported that the Board will consider this in Executive Session and will make a decision.

Mr. Sadler reported that the main reason that they have protested the bid is because it is the third time for the same reason that the first two got thrown out. They would not have protested if Rodan had followed the District's directions. He reported that their bid is barely above Rodan's, and "they literally listed a supplier and they missed the fabrication."

Trustee Gelles responded that the Board is very aware that Mr. Sadler has brought something that is realistically an issue that the Board needs to look at.

### **ADJOURN TO CLOSED SESSION**

The Board adjourned to a Closed Session at 5:20 p.m., which ended at 6:45 p.m.

### **OPEN SESSION**

The Board readjoined in Open Session at 6:48 p.m. Recording Secretary Mary Hargiss called the roll. Trustee Cedillo was absent at the time of roll. President Gelles reported that Trustee Cedillo is excused from tonight's meeting.

### **ATTENDANCE**

Members Present:	Trustee Isobel F. Dvorsky Trustee Donald L. "Dobie" Gelles Trustee Hal G. Gin Trustee Barbara F. Mertes Trustee Marshall Mitzman Trustee Carlo Vecchiarelli (arrived at 5:20 p.m.) Student Trustee Anthony J. Colagross
Members Absent:	Trustee Arnulfo Cedillo (excused)
Recording Secretary:	Ms. Mary Hargiss
Managers Present:	Dr. Joel L. Kinnamon, Chancellor Dr. Celia Barberena, President, Chabot College Dr. Pam Luster, Representing President, Las Positas College Mr. Ken Agustin Mr. Jeff Baker Ms. Julia Dozier Ms. Heidi Finberg

Mr. Wyman Fong  
Dr. MaryAnne Gularte  
Mr. Doug Horner  
Mr. Andrew Howe  
Dr. Laurel Jones  
Dr. Ted Kaye  
Mr. Jeffrey Kingston  
Mr. Bob Kratochvil  
Ms. Jeannine Methe  
Dr. George Railey  
Ms. Nancy Soto  
Ms. Laura Weaver

Others Present:

Ms. Jennifer Adams  
Ms. Joanne Bishop-Wilbur, President, District Classified Senate  
Ms. Cinthya Flores, President, Chabot College Associated Students  
Ms. Julia Jones, Las Positas College Student  
Ms. Natasha Lang, President, Las Positas College Classified Senate  
Ms. Debbie Lemoine, Las Positas College Student  
Dr. Charlotte Lofft, President, Chabot-Las Positas Faculty Association  
Mr. Patrick Lofft, Measure B Citizens Oversight Committee  
Ms. Jose Martinez, Chabot College  
Mr. Salvador Navarro, Chabot College  
Mr. Analy Negado, Swinerton  
Mr. Dan Oliver, Rodan Builders, Inc.  
Mr. Masi Quorayshi, President, Las Positas College Associated Students  
Mr. Avik Raichoudri, Nor Cal Inspection  
Mr. James Rose, Las Positas College  
Ms. Cynthia Ross, Las Positas College  
Mr. Mitch Sadler, San Jose Construction, Inc.  
Ms. Sarah Thompson, President, Las Positas College Academic Senate  
Ms. Rachel Ugale  
Mr. Gordon Watt, President, Chabot College Classified Senate  
Mr. Mark Williams, Fagen, Friedman and Fulfrost

**PLEDGE TO FLAG**

Mr. Jeff Kingston led the pledge to the flag.

**ADMINISTRATION OF OATH OF OFFICE – LAS POSITAS COLLEGE  
STUDENT TRUSTEE**

Trustee Gelles administered the Oath of Office to Mr. Anthony J. (AJ) Colagross as the Las Positas College Student Trustee.

**ORDER OF AGENDA**

Trustee Gelles asked that agenda item 6.2 (Approval of Award of Re-Bid No. 10-02, Physical Education Complex Addition, Building 4100, Chabot College) be moved forward on the agenda as the first item of business.

Motion No. 1

Trustee Mitzman made a motion, seconded by Trustee Dvorsky, to move agenda item 6.2 (Approval of Award of Re-Bid No. 10-02, Physical Education Complex Addition, Building 4100, Chabot College) as the first item of business on the agenda.

**REPORT OF ACTION TAKEN IN CLOSED SESSION**

Trustee Gelles reported that in Closed Session the Board agreed to deny the protest by San Jose Construction.

**APPROVAL OF AWARD OF RE-BID NO. 10-02, PHYSICAL EDUCATION  
COMPLEX ADDITION, BUILDING 4100, CHABOT COLLEGE**

Motion No. 2

Trustee Dvorsky made a motion, seconded by Trustee Gin, to approve the proposed award of Re-Bid No. 10-02, Physical Education Complex Addition, Building 4100, Chabot College to Rodan Builders, Inc. of Burlingame, CA in an amount not to exceed \$4,785,000. 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

Motion carried unanimously, 6-0.

**PUBLIC COMMENTS**

Mr. Jose Martinez, President of the Chabot College Gay-Straight Alliance (GSA), informed the Board of the Chabot College GSA and the work they have done. The Chabot College GSA is proud to participate for the first time this year in the San Francisco Gay and Lesbian Pride Parade as it celebrates its 40<sup>th</sup> year of the parade. They have entered a float in the parade with the theme, "Gladiator Pride." He publicly thanked the Chabot College Foundation and Associated Students of Chabot College for financial contributions towards their fundraising efforts. He also thanked the many faculty, staff and students who have continued to show their support. He extended an invitation to support the Chabot College GSA in joining the parade contingency. Copies of the registration form were provided.

**CONSENT CALENDAR**

Trustee Gelles requested that agenda items 5.3 (Approval of Declaration of Surplus Property to be Sold at Private Sale and Donation or Disposal of Any Items Not Sold, District) and 5.5 (Approval of Agreement Renewal – Eden Medical Center, Chabot College and Las Positas College) be pulled from the consent calendar.

Motion No. 3

Trustee Gin made a motion, seconded by Trustee Mitzman, to approve the consent calendar with the exception of agenda items 5.3 and 5.5.

Motion carried unanimously, 6-0.

The following items were approved on the consent calendar:

## General Functions

- 1.10 Approval of Minutes of April 20, 2010 Meeting
- 1.11 Approval of Minutes of May 4, 2010 Meeting

## Personnel

- 3.2 Classified Personnel

## Educational Services

- 4.1 Approval of Agreement Renewal – Head Start Program Partnership with Child, Family and Community Services, Inc., Chabot College
- 4.2 Approval of Agreement – ARRA/Head Start Program Partnership with Child, Family and Community Services, Inc., Chabot College

**Business Services**

- 5.1 Approval of Commercial Warrant Registers
- 5.2 Approval of Payroll Warrant Registers
- 5.4 Approval of Denial of Claim of Salvador Gonzalez
- 5.6 Approval of Agreement Between Alameda County and Contra Costa County Fire Chiefs Training Officers Association, Las Positas College

**Facilities Planning and Development**

- 6.1 Authorization to File Notice of Completion with the Alameda County Clerk Recorder's Office for the District-Wide Information Technology Building, Las Positas College (Measure B Bond Funds)

**TRUSTEE REPORTS AND/OR OFFICIAL COMMUNICATIONS**

Trustee Mitzman recognized Chabot College and President Barberena for the Summer and Fall Class Schedules, noting that they have been printed on recycled paper and he believes that a special ink was also used, responding to the financial crisis and sustainability. In addition, he reported that the month of May is his favorite month with birthdays and a time to celebrate the successes of the year as well as graduations. Also in May is Memorial Day, an opportunity to reflect and show gratitude to those who have given up their lives, our Veterans, so that we can have the free education that we literally have in the United States. He looks forward to seeing everyone at the continuing activities.

Trustee Dvorsky reported the many activities she attended at the Colleges: May 5, Las Positas College Faculty Recognition; May 7, Las Positas College Student Recognition; May 9, Chabot College Striving Black Brothers; May 11, Chabot College Technology Night; May 12, Chabot College Transfer Recognition; and May 15, Judy Young's Retirement Party. She noted that Judy Young's Retirement Party was held in one of the new buildings at Chabot College, Building 700, and it is indeed a beautiful building and one that the College can be very proud of. She looks forward to upcoming events this week as well as graduations.

Trustee Mertes reported that she had a marvelous time visiting at some of the programs at both Colleges and was grateful that she could be there. She recognized all those who will be participating in commencement, which occurs prior to our next Board Meeting, noting that we are proud of the students and proud of their achievements. The Board, faculty and staff join together in congratulating students in reaching this benchmark in their education.

Trustee Gin expressed that this is definitely a fun time of year, noting that in addition to congratulating the students, we also need to reflect on and congratulate the faculty and staff because they have done their jobs too. We celebrate together these fine times. "Like all of us here, it is the time we reflect back and think about all the good things we do, noting that there is much more work to be done."

Student Trustee Colagross thanked the Board for the opportunity and noted he looks forward to working with the Board.

Trustee Gelles reported that Ms. Tiffany Breger, a past Las Positas College Student Association President, is working on an Aids project in Tanzania for two months. He expressed his pride in her work. He also recognized Ms. Laura Weaver on her work and thanked her for the information packets that her office distributes. He complimented fellow Trustee Vecchiarelli who has been so instrumental in him understanding the shoreline and the history of many things he did not know about, being a Pennsylvanian. Additionally, he reported that he received invitations to events from East Bay Water and the City of Dublin, which he will be unable to attend, and encouraged other Board Members to attend.

### **LAS POSITAS COLLEGE FOUNDATION**

**Las Positas College:** Dr. Kaye submitted a written report to the Board. Dr. Kaye reported that it has been a bitter sweet day – thrilled for the opportunity that Dr. Pollard has been offered but sad because her wisdom and leadership will be missed. He reported he is pleased with the results of the Best of the Best, which made after expenses approximately \$80,000, down approximately \$6,000 from last year. He reported a number of other grant requests - \$16,000 committed by Alameda County Measure A funds, which is awaiting insurance certification; \$10,000 from AT&T for the Textbook Challenge and on-track for another \$10,000; and Bank of the West is evaluating a \$10,000 grant for the Textbook Challenge as well. He also reported \$22,040 in grant awards recommended by the Foundation Grant Making Committee and approved by the Board of Directors. He reported two new Governing Board Members, John Sensiba, CPA, Managing Partner, Sensiba San Fillippo, LLP; and Dr. William Lide, MD, Senior Physician, Pleasanton Kaiser Permanente. He further reported three new Honorary Board Members, Congressman John Garamendi, 10<sup>th</sup> District, California; and the two new local K-12 Superintendents of Pleasanton and Livermore.

### **GOOD OF THE ORDER**

At the request of Trustee Gelles, Chancellor Kinnamon reported that we are all happy and supportive of Dr. Pollard turning the next chapter in her life and he is confident that this is an exciting opportunity for her. However, he expressed to those in the District and at Las Positas College and Chabot College, that there is not going to be a better college that has an opening for a President anywhere. He expressed that Las Positas College is the “jewel” of the Tri-Valley and he believes that there will not be a better opportunity for someone to come to a more exciting and innovate place with very special people. With that said, he expressed that he hopes everyone feels good about where they are right now and recognize that this is a doorway of opportunity that he believes will bring even better things for Las Positas College.

Trustee Gelles reported that Dr. Pollard is leaving and taking a job in Maryland.

### **CHABOT COLLEGE FOUNDATION**

**Chabot College:** Ms. Finberg submitted a written report to the Board. She reported that at the last Foundation meeting, they voted to fund two items. She reported that instead of funding twice a year as in the past, they are now encouraging faculty and staff to come to them as the need arises. This past month, they had a request from the Veterans Affairs Office and they will be funding graduation sashes that identify graduates that are Veterans. In addition, they awarded funds to the Gay-Straight Alliance to help fund their first float in the San Francisco Gay and Lesbian Pride Parade. Next month, they will be hearing from the Biology Department and the Astronomy Department. She reported that they “wrapped up” the Striving Black Brothers and Daraja end-of-year recognition, noting that it was another inspiring year. She gets a lot of pride working at Chabot College and seeing the students that are at-risk that really “step it up” and are going to have “greatness.” She reported that the Automotive Technology Recognition Dinner had over 300 in attendance and many scholarships were awarded. She reported that the Foundation is “on-track” to sell out the Blooming Affaire, and that sponsorships are up this year. They were able to hold on to the sponsorships they had last year as well as secure two new sponsorships - Wells Fargo Bank and Comcast. She further reported that the Chancellor’s and President’s bricks are in, with 40 more purchased and those for the retirees through 2010 to go in. She reported that a brick unveiling ceremony will be held in early summer.

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

Ms. Sarah Thompson, President, Las Positas College Academic Senate, submitted a written report to the Board, outlining activities over the past month. Activities include the approval of the new Program Review Committee, which will get them one step closer to having that planning link connected that was started with the Common Ground Group. She also reported there was mutual agreement with the College President on a Mutual Agreement Form. She also reported elections have taken place, awards were given, and staff was recognized and celebrated. She reported they continue to discuss pressing budget issues, and continue to have concerns over the transparency of budget and allocation processes, particularly in terms as they relate to our District and College Accreditation Recommendations 1 and 2. She noted that they were very fortunate to have a visit from the Bridging Research Information and Cultures (BRIC) Grant presenters. She reported that BRIC is an initiative that is a very sought after grant which they were very fortunate to receive, with thanks to Amber Machamber. She reported that the purpose of the grant is to make research more effective and meaningful from the ground level up. Las Positas College was only one of three colleges in the state, out of an application pool of 50, to be awarded the grant. On behalf of the Las Positas College Academic Senate, she extended gratitude for the service of Dr. DeRionne Pollard as the College President. She believes

Dr. Pollard has galvanized the various constituent groups to take on more responsibility for governance and she has helped foster a community of cooperation and collegiality, which she hopes will remain institutionalized in the campus culture.

In Mr. Michael Absher's absence, the Chabot College Academic Senate had no report.

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

Ms. Natasha Lang, President, Las Positas College Classified Senate, submitted a written report to the Board. She thanked Ms. Thompson for her and the Senate's efforts on showing the Classified Staff appreciation at today's event as well as at the Ten, Twenty, Thirty Year Celebration. Her kind and heartfelt words were truly appreciated. Ms. Lang read comments she wrote reflecting on her year as President of the Las Positas College Classified Senate. She reported that with Dr. Pollard's leadership and encouragement, she has been able to find her voice. As Dr. Pollard goes on to great things where we know she will succeed, Ms. Lang expressed hope that the great work that she has started will continue. Dr. Pollard will be greatly missed but her work will still be present.

Mr. Gordon Watt, President, Chabot College Classified Senate, reported that the Senate completed its Classified Senate Elections, electing nine senators. He reported that Ms. Yvonne Wu-Craig was elected Vice President.

Ms. Joanne Bishop-Wilbur, President, District Classified Senate, reported that she is excited to represent the District Classified Staff. She reported that she has been an employee at the District for eight years and an alumnus of Las Positas College. She looks forward to having an official report next month.

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

Mr. Masi Quorayshi, President, Associated Students of Las Positas College, reported that Student Elections have been held, and Vice President Daniel Nenni will be President next year. He reported that as the ASLPC building is being remodeled, they will temporarily move to a trailer. They will continue the Textbook Loaner Program over the Summer with free membership because handling applications and membership dues will be difficult. He reported that the Bookstore has decided to have a Textbook Loaner program as well without having prior discussion with ASLPC. ASLPC will continue their Textbook Loaner Program without the Bookstore because they feel it is a benefit to students to continue the program. He proudly reported that the new Director of Legislation Scott Ault has been elected Region Chair of Region 4. He reported that a tutoring event for students will be held this week for assistance with finals. He expressed appreciation to the Board for

allowing the Student Senate the opportunity to talk and seeking their opinions on certain issues. He reported that he will be transferring to University of California at Davis.

Ms. Cinthya Flores, President, Associated Students of Chabot College, reported that the ASCC Scholarship Awards Banquet will be held on May 25. She reported that elections were held, however, the ballots have not as yet been counted. She reported that there may not be an ASCC next year. She introduced Mr. Steven Mireles, the current Vice President who is a candidate for President. She further reported that Mr. Jose Martinez is a candidate for Inter-Club Council Chair (ICC). She also reported that ASCC is trying to provide funding for programs on campus through Co-curricular Funds. She further reported that they are working on graduation and look forward to that event. She thanked the Board for its support of ASCC.

Trustee Gelles requested further clarification of the ASCC Elections at a later time. Dr. Kinnamon indicated that he would provide Trustee Gelles the information.

### **GOOD OF THE ORDER**

Dr. Charlotte Lofft, President, Chabot-Las Positas Faculty Association, reported that the Faculty Association held their elections and the officers remain the same. She noted that the Faculty Association Newsletter will be distributed to the faculty later this week and she will provide copies at the June Board Meeting.

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

Dr. Celia Barberena, President, Chabot College, reported that May is the time the Colleges celebrate the achievements of our students and the time of graduation. She thanked the Board for their presence at campus events, noting it is important for faculty, staff and students to see the Board on the campus supporting them. She reported that a lot of time has recently been spent interviewing faculty, having eight more positions left to fill (out of 17 total). She is pleased with the quality of interviewees at the finalists level. She also reported that Earth Day was held on April 22 with 100 in attendance; and expressed that she appreciated the Chancellor's leadership and his progressive thinking on respecting our environment. She reported that one of the reasons that there isn't a Student Leadership group to present is because life brings an opportunity for learning, growing and for conflict resolution. The College is going through some growth opportunities and we will take advantage of them and show our students how we can all grow from give and take and from flexibility because that is what life challenges bring. It is "what can we agree upon and how can we move forward." She proudly reported that Vice President George Railey graduated recently with his Doctorate. She reported that she is sad to hear that Dr. Pollard will be leaving, noting she is proud of her achievements and respectful of what she has accomplished, and wishes her the best.

In Dr. DeRionne Pollard's absence, Dr. Pam Luster submitted a written report to the Board. She acknowledged Ms. Jennifer Adams who does an outstanding job of putting together the Board report. She reported that the College has been very excited about ending all of their celebrations this year. She reported that the Ten, Twenty, Thirty Year Celebration was a wonderfully fun event. She highlighted an event, "The Road to Wellness", which focuses on safe behaviors, smart decisions and wellness; sponsored by the Bacchus and Gamma Health Club and the Student Health and Wellness Center and funded by a grant from the Las Positas College Foundation. She acknowledged and congratulated Ms. Julia Stahl for inclusion of her poem "Gringa", in the "Poetry for the Mind's Joy" anthology, a national poetry contest for community college students. She also congratulated Mr. Masi Quorayshi as the recipient of the California Community College Student Senate Leadership Award, which includes a scholarship. She also thanked Ms. Natasha Lang for her leadership on Classified Senate this year. She thanked Ms. Sarah Thompson, who has been a great Faculty Senate President who takes her leadership very seriously, and noted she is pleased she will be President again next year. She reported that the President's Advisory Council recently met for the last time this year with a session on student transitions with a student who has transferred from Las Positas to Cal who shared experiences about transitioning out of the College and with another first-year student talking about transitioning into the College. She reported that the College was very excited about hosting Congressman John Garamendi on campus and talk about the "Livermore Valley Open Campus" with both of our National Laboratories, which would facilitate the transition and sharing of new technology between the public and private sectors. She reported that the College would like to be on the ground floor of anything cutting edge that comes out of that "Open Campus." Dr. Luster also acknowledged Ms. Tiffany Breger, an amazing young lady, noting that Las Positas students gave her a grand send-off prior to leaving for the Tanzania project. She further reported that commencement will be held on Saturday morning in the gymnasium. The gymnasium will be used one more year and the following year she looks forward to using the outdoor amphitheater. Dr. Luster expressed that the College will definitely miss Dr. Pollard, however, the legacy that she leaves from her time with the College will endure.

### **CHANCELLOR'S REPORT**

Dr. Joel Kinnamon, Chancellor, recognized Dr. Barberena who will be honored by the NAACP as Community Member of the Year at a future event. He reported that he recently met with Ms. Fredye Davis of the NAACP and Dr. Barberena to discuss some other issues related to a power plant in their community. He reported that this week he will be joining Dr. Pollard at Las Positas College for her President's Council, looking forward to the opportunity to listen and talk about the transition. It is his goal to be reassuring but also be very thoughtful as we move forward, taking the best steps possible. He also reported that last Friday, May 15 was the deadline to file an appeal to the Environmental Appeals Board of the EPA, a subsequent response to a petition that had been submitted and we have met that deadline. He reported that last week he attended his first meeting as a Board Member

of the Workforce Investment Board. He reported that at that meeting, he had to recuse himself from half of the agenda items because Chabot College and Las Positas College are involved in many grants and workforce programs, noting that it was a proud feeling. He reported that Chancellor Scott held his quarterly Chancellor's Circle at Chabot College, which gave the College an opportunity to highlight their new facility. Lastly, he reported that an employee recognition event for District Staff will be held on Friday, May 21, 2010.

On behalf of the Board, Trustee Gelles thanked all the people that have participated in the Board Meetings. He noted that if you are ever in need of a reference from someone who has worked with you, please feel free to put his name down. He also assured the constituent leaders that the Board does read their reports.

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

Trustee Gelles requested that this agenda item be pulled from the consent calendar to question the process of auctioning items. However, in the absence of Mr. Legaspi, he requested that an explanation be provided at a later time.

Motion No. 4

Trustee Gelles made a motion, seconded by Trustee Gin, to approve the proposed 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 staff in accordance with California Education Code Section 81452.

Motion carried unanimously, 6-0.

**APPROVAL OF AGREEMENT RENEWAL – EDEN MEDICAL CENTER, CHABOT COLLEGE AND LAS POSITAS COLLEGE**

Trustee Gelles requested that this agenda item be pulled from the consent calendar to compliment the “great job” we are doing with the hospitals.

Motion No. 5

Trustee Gelles made a motion, seconded by Trustee Mertes, to approve the proposed agreement with Eden Medical Center, Chabot College and Las Positas College for the period May 1, 2010 through May 1, 2014. It is further recommended that the Board

authorize the Vice Chancellor, Business Services, to execute the agreement and any future augmentations or amendments to this agreement on behalf of the District.

Motion carried unanimously, 6-0.

**APPROVAL OF AWARD OF A PIGGYBACK CONTRACT FOR TEMPORARY MODULAR BUILDINGS FOR LAS POSITAS COLLEGE**

Motion No. 6

Trustee Dvorsky made a motion, seconded by Trustee Gin, to approve the proposed award of contract to McGrath RentCorp dba Mobile Modular Management Corporation of Livermore, California for temporary modular buildings for Las Positas College, in the amount not to exceed \$116,250. It is further recommended that the Board authorize the Vice Chancellor, Business Services, to execute the agreement and any future augmentations or amendments to this contract on behalf of the District. Funding Source: Measure B Bond Funds

Motion carried unanimously, 6-0.

**APPROVAL OF AWARD OF BID NO. 10-15 TO MUSSON THEATRICAL FOR THEATRICAL LIGHTING FIXTURES, COLLEGE CENTER FOR THE ARTS, LAS POSITAS COLLEGE**

Motion No. 7

Trustee Dvorsky made a motion, seconded by Trustee Mitzman, to approve the proposed award of Bid No. 10-15 to Musson Theatrical of Santa Clara, CA for the Theatrical Lighting Fixtures in the amount not to exceed \$236,620 including sales tax. It is further recommended that the Board authorize the Vice Chancellor, Business Services, to execute the agreement and any future augmentations or amendments to this agreement on behalf of the District. Funding Source: Measure B Bond Funds

Motion carried unanimously, 6-0.

**APPROVAL OF AWARD OF BID NO. 10-10, ROOF REPLACEMENT FOR BUILDINGS 3500 AND 3900, CHABOT COLLEGE**

Motion No. 8

Trustee Gin made a motion, seconded by Trustee Dvorsky, to approve the proposed Award of Bid No. 10-10, Roof Replacement for Buildings 3500 and 3900, Chabot College to Foam Experts Roofing, Inc. of Mesa, AZ, in an amount not to exceed \$77,775. 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

In response to a question raised by Trustee Gelles, Mr. Kingston reported that there was a budget set aside in Measure B for scheduled maintenance, and roof replacements is a major component of that.

Motion carried unanimously, 6-0.

**APPROVAL OF AWARD OF CONTRACT WITH STEINBERG ARCHITECTS FOR DESIGN SERVICES FOR THE BUILDING 100 LIBRARY PROJECT, CHABOT COLLEGE**

Motion No. 9

Trustee Dvorsky made a motion, seconded by Trustee Mertes, to approve the proposed Award of Contract with Steinberg Architects of San Jose, CA for Design Services for the Building 100 Library Project at Chabot College in an amount not to exceed \$450,000. 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

Motion carried unanimously, 6-0.

**INFORMATIONAL PERSONNEL REPORTS**

The Board accepted the Informational Personnel Reports without further discussion.

**ACCEPTANCE OF QUARTERLY FINANCIAL STATUS REPORT, CCFS-311Q, FOR THE PERIOD ENDING MARCH 31, 2010**

The Board accepted the Quarterly Financial Status Report, CCFS-311Q for the Period Ending March 31, 2010.

**PRESENTATION OF CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT'S REOPENER PROPOSAL FOR 2010-2011 FOR THE COLLECTIVE BARGAINING AGREEMENT WITH THE SERVICE EMPLOYEES INTERNATIONAL UNION (S.E.I.U.), LOCAL 1021; AND**

**PRESENTATION OF THE SERVICE EMPLOYEES INTERNATIONAL UNION (S.E.I.U.), LOCAL 1021 REOPENER PROPOSAL FOR 2010-2011 FOR THE COLLECTIVE BARGAINING AGREEMENT WITH THE CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT**

Dr. Gularte reported that the District looks forward to the negotiation process with S.E.I.U. and anticipates starting the process this summer. She reported that the Classified Staff play an important and vital role to the District and are important to the success of our students. She noted that the District wants to negotiate the best contract possible in all fairness to the District as well as S.E.I.U. as their represented group. We are recommending today that the Board approve the proposals from both S.E.I.U. and the District and hold a Public Hearing in June, which follows Government Code. She reported that the District has been in communication with S.E.I.U. leadership and they are supportive of both proposals.

Motion No. 10

Trustee Gin made a motion, seconded by Trustee Dvorsky, to accept the following in one motion:

- 1) Chabot-Las Positas Community College District's Collective Bargaining Agreement reopener proposal for 2010-2011 for the Collective Bargaining Agreement with the Service Employees International Union (S.E.I.U.), Local 1021 and announce that a public hearing will be conducted at the June 15, 2010 Board of Trustees Meeting.
- 2) Collective Bargaining Agreement reopener proposal from S.E.I.U., Local 1021 and announce that a public hearing will be conducted at the June 15, 2010 Board of Trustees Meeting.

Motion carried unanimously, 6-0.

**APPROVAL OF REVISED CITIZENS BOND OVERSIGHT COMMITTEE FOR MEASURE "B"**

Motion No. 11

Trustee Dvorsky made a motion, seconded by Trustee Mertes, to approve the Revised Citizens Bond Oversight Committee for Measure "B" as follows:

Cintha Flores – Chabot College Student  
Sudharsan Dwaraknath – Las Positas College Student  
Flex Galaviz – Community At Large  
Dale Kaye – Business Community  
Alison Lewis – Seniors

Patrick Lofft – Taxpayers Association  
Jim Ryan – Community  
Richard Valle – Foundation

Motion carried unanimously, 6-0.

### **GOOD OF THE ORDER**

Trustee Gelles reiterated the Board's appreciation to those participants who won't be attending another meeting. He wished much success to students moving on to other colleges and looks forward to seeing them at graduation. He also recognized Mr. Stephen Small and the great job he has done with the Automotive Technology Program that he and many other Board Members attended. He asked that Dr. Barberena extend these sentiments to Mr. Small.

### **NEXT MEETING**

The next Meeting of the Board of Trustees, is scheduled for June 1, 2010.

### **ADJOURNMENT**

#### Motion No. 12

Trustee Dvorsky made a motion, seconded by Trustee Gin, to adjourn the Regular Meeting at 7:55 p.m.

Motion carried unanimously, 6-0.

Minutes prepared by:

---

Beverly Bailey

---

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