

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

**MINUTES  
June 23, 2009**

**PLACE**

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

**CALL TO ORDER**

The regular meeting was called to order at 5:33 p.m. by President Gin. Recording Secretary Beverly Bailey called the roll. Mr. Vecchiarelli was absent at the time of roll. By motion made and seconded, the Board immediately adjourned to a Closed Session, which ended at 6:45 p.m.

The Board readjoined in Open Session at 6:52 p.m. Recording Secretary Beverly Bailey called the roll. Mr. Gil was absent 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. Marshall Mitzman  
                                  Mr. Carlo Vecchiarelli (arrived 5:34 p.m.)  
                                  Mr. Sudharsan Dwaraknath

Members Absent:           Mr. Evani Gil

Managers Present:         Dr. Joel L. Kinnamon, Chancellor  
                                  Dr. Celia Barberena, President, Chabot College  
                                  Mr. Jeff Baker  
                                  Ms. Jeanne Bargmann  
                                  Mr. Gary Carter  
                                  Ms. Julia Dozier  
                                  Mr. Wyman Fong  
                                  Dr. MaryAnne Gularte  
                                  Mr. Andrew Howe

Ms. Judy Hutchinson  
Dr. Ted Kaye  
Mr. Jeffrey Kingston  
Mr. Matt Kritscher  
Mr. Robert Kratochvil  
Mr. Lorenzo Legaspi  
Ms. Pam Luster  
Mr. Jack Mahrt  
Dr. Philip Manwell  
Ms. Melinda Matsuda  
Ms. Jeannine Methe  
Ms. Tram Vo-Kumamoto  
Ms. Laura Weaver

Recording Secretary: Mrs. Beverly Bailey

Others Present: Mr. Michael Absher, President Elect, Chabot College  
Academic Senate  
Mr. Ming Ho, President, Chabot College Academic Senate  
Mr. Masi Quorayshi, President, Associated Students of Las  
Positas College  
Mr. Pedro Ruiz de Castilla, District Classified Senate  
Ms. Sarah Thompson, President Elect, Las Positas College  
Academic Senate  
Ms. Rachel Ugale, President, Chabot College Classified  
Senate  
Ms. Karen Zeigler, President, Las Positas College Classified  
Senate

**PLEDGE TO FLAG**

President Gin opened the meeting and asked Dr. Cedillo to lead the pledge to the flag.

**REPORT OF ACTION TAKEN IN CLOSED SESSION**

President Gin reported that in Closed Session the Board unanimously authorized the District to offer a Voluntary Supplemental Employee Retirement Program to eligible employees who meet Plan criteria. The Board has directed the Vice Chancellor, Human Resource Services and Organizational Development, to implement the program and to communicate with affected employees. Consideration for implementation will be reviewed by the Board for final approval.

**PUBLIC COMMENTS**

There were no Public Comments offered at this meeting.

**CONSENT CALENDAR**

Dr. Mitzman requested that agenda item 5.3 (Approval of Renewal of Agreement with City of Hayward, Chabot College) be removed from the consent calendar. Mr. Gelles requested that agenda item 3.6 (Volunteer Aide Personnel) be removed from the consent calendar.

Motion No. 1

Mr. Gelles made a motion, seconded by Dr. Cedillo, to approve the consent calendar with the exception of agenda items 3.6 and 5.3.

Motion carried unanimously, 7-0.

The following items were approved on the consent calendar:

## General Functions

- 1.8 Approval of Minutes of May 5, 2009 Meeting
- 1.9 Approval of Minutes of May 19, 2009 Meeting

## Personnel

- 3.1 Student Assistant Personnel
- 3.2 Classified Personnel
- 3.3 Faculty Personnel
- 3.4 Management Personnel
- 3.5 Professional Expert Personnel

## Educational Services

- 4.1 Approval of Grant Contract Renewal – Alameda County Social Services Agency, Community Action to Reach Out to Infants Program, Chabot College
- 4.2 Approval of Grant Contract Renewal – Parent Resources for Information, Development and Education Training Program with Alameda County Social Services Agency, Children and Family Services, Chabot and Las Positas Colleges
- 4.3 Approval of Contract Renewal – First 5 Alameda County, Every Child Counts Program, Grant No. ECE2009-10-08, Las Positas College
- 4.4 Approval of Agreement Renewal – State of California, Bureau of Automotive Repair Smog Referee and Student Training Program with the Foundation for California Community Colleges, Las Positas College

## Educational Services (continued)

- 4.5 Approval of Standard Agreement – State of California Health and Human Service Agency, Office of Statewide Health Planning and Development, Agreement No. 09-9080 for the Registered Nursing Education Program, Chabot College
- 4.6 Acceptance of Grant Award – Chancellor’s Office of the California Community Colleges, Career Technical Education, Grant No. 08-107-04 for the Nursing Education Program, Chabot College
- 4.7 Approval of Memorandum of Understanding – Peralta Community College District for the Bay Area Regional Tech Prep Collaborative Partnership, Chabot College

## Business Services

- 5.1 Approval of Commercial Warrant Registers
- 5.2 Approval of Payroll Warrant Registers
- 5.4 Approval to Enter Into Agreements for Use of Off-Campus facilities by Las Positas College
- 5.5 Approval of Agreement with Medical Billing Technologies, Inc. (MBT) and the Chabot-Las Positas Community College District to Participate in the Medi-Cal Administrative Activities (MAA) Program
- 5.6 Approval of Memorandum of Understanding with Rubicon Programs, Inc., Eden Area One-Stop Career Center, Chabot College
- 5.7 Approval of Renewal of the Memorandum of Understanding with Tri-Valley One-Stop Career Center
- 5.8 Approval of Memorandum of Understanding with Hayward Unified School District (HUSD), the Alameda County Workforce Investment Board (WIB), Chabot College
- 5.9 Approval of Award of Piggyback Contracts for Furniture for the Information Technology Building and the Contract Education OSHA Training Center Using the CollegeBuys Purchasing Program (Measure B Bond Funds and General Fund)
- 5.10 Approval of Declaration of Surplus Property to be Donated, Las Positas College

## Facilities Planning and Development

- 6.1 Authorization to File Notice of Completion with the Alameda County Clerk Recorder’s Office for Construction of the Interim Strength Center, Building 2700 at Chabot College (Measure B Bond Funds)

## Economic Development/Contract Education

- 7.1 Approval of Grant Agreement – The San Francisco Foundation Bay Area Workforce Funding Collaborative Grant No. 62659, Chabot College and Chabot-Las Positas Community College District-Economic Development
- 7.2 Approval of Contract Renewal – County of Alameda Social Services Agency – Children’s and Family Services, Master Contract No. 900035, Chabot-Las Positas Community College District - Economic Development

**PRESENTATION: 2009-10 TENTATIVE BUDGET**

Mr. Legaspi presented the 2009-10 Tentative Budget. He reported that the Tentative Budget is primarily based on the Governor's May Revision, a plan that calls for closing a \$24 billion budget deficit projected through June 30, 2010. Mr. Legaspi summarized the Governor's May Revision as it relates to the California Community Colleges and the Chabot-Las Positas Community College District. For the California Community Colleges, the May Revision proposes \$820 million in cuts and \$115 million in funding deferrals.

For the Chabot-Las Positas Community College District, the May Revision proposes \$2,065,468 in cuts for fiscal year 2008-09 and \$7,381,786 for fiscal year 2009-10. To address carefully the cuts to the District, the Allocation Model will be used along with a set of guiding principles which were developed as follows:

**Students**

- Maintain a schedule to serve 17,719 Full Time Equivalent Students (FTES)

**Personnel**

- Layoffs as last resort
- Freeze selected vacant funded positions
- Recruit and fill critical prioritized positions
- Review non-instructional faculty positions
- Eliminate or reduce overtime, hourly, temporary positions

**Fiscal Responsibility**

- Maintain Minimum Reserve of 5%
- Use District Allocation Model to distribute expenditure reductions or delays
- Fund operational increases (step and column, medical and dental benefits, utilities, insurance, retiree benefits, etc.)
- Leverage assets and pursue other sources of revenue

Mr. Legaspi reported that the proposed cuts in 2008-09 can be addressed by using the District's fund balance (over the 5% minimum reserve) and carryover balances in certain categorical programs. In addition, through one-time revenue sources, the District will continue funding on-going operational increases in 2009-10.

Mr. Legaspi briefly reviewed the 2008-09 Estimates and 2009-10 Budget for various funds (General Fund, Chabot College, Las Positas College, Cafeteria Fund, Child Development Fund, Self-Insurance Fund - RUMBL, Nike Site Fund, and Measure B Fund).

Mr. Legaspi reported that the 2009-10 Tentative Budget includes funding on-going operational increases as follows:

- Step and Column Increases
- Retiree Benefits Premiums Increase
- Medical Premiums Increase (\$934K)
- Dental (\$47K/Vision (\$23K) Premiums Increase
- Workers' Compensation Premiums
- Property and Liability Insurance Premiums
- Utilities
- Student Insurance
- Staffing due to Enrollment Growth

Mr. Legaspi noted that the District transfers enough money to the Self-Insurance Fund to fund the retiree benefits. After that there is \$2.7 Million remaining in the fund. The original plan was to increase this balance year to year but it has been economically difficult.

Mr. Legaspi also noted that the Measure B Fund is an interest earning fund.

Mr. Legaspi reported that the Tentative Budget is a starting point in the development of the final Adoption Budget. He noted that the budget will change as a result of the legislative process as well as the changes in the District's conditions.

Dr. Cedillo raised the issue of the Allocation Model and questioned if it has changed as the size of the Colleges have changed. Mr. Legaspi reported that the Allocation Model is the same as originally adopted by in large and revised somewhat for fairness in allocation. Dr. Cedillo stressed that fairness is critical.

Dr. Cedillo reported that while the District is basing the budget on the Governor's May Revision, assume that some numbers will change for the better and the deficit is less. As an example, he noted that at Conference Committee the issue of Physical Education courses credit vs. non-credit has been dropped off the table. He questioned if there is a plan in place for dispersing any extra dollars in the 2009-10 Budget. He suggested perhaps giving any extra funds back to the Colleges that have made the cuts. Mr. Legaspi responded that in Committee, two big assumptions were made: 1) increase fees to \$26; and 2) receiving \$130 Million from the Federal Stimulus Money. He explained that those two things will address the P.E. funding as well as some of the categorical programs. The reduction for our District is approximately a \$2.8 Million reduction in the reduction. If the deficit is reduced, the District will go back and use the Allocation Model and the Guiding Principles and allow the Colleges and the District to make reductions only to that level.

Mr. Gelles noted that the budget is a living document until the State finalizes the budget. He thanked Mr. Legaspi for making the budget "user friendly." He stressed the importance that Administration let staff know that we will continue to look everyplace possible to continue benefits for retirees.

Mr. Dwaraknath requested clarification on funds from the Nike Site for the Arts Project. Mr. Legaspi explained that these funds are from the sale of property and are restricted funds, stressing that it cannot be used for operational expenditures. Mr. Legaspi explained that \$500,000 for each College has been funded for the Arts Fund.

Dr. Dwaraknath also questioned if it would be possible to list the names of the Student Trustees on the Budget Cover Page. Chancellor Kinnamon responded that this is a great recommendation and noted that he will make sure the Adopted Budget includes the names of the Student Trustees.

Mr. Vecchiarelli expressed concern that differential funding for Physical Education classes will reduce apportionment. He questioned what areas would be next—art, drama, etc. He suggested Faculty Senate take a hard look at differential funding for academic programs and protest.

Mrs. Dvorsky reported that Pell Grants are off the “cutting board” from the Conference Committee.

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

Mr. Dwaraknath reported that he met with Dr. Pollard and Ms. Luster about Student Trustees’ duties and thanked them. He reported that he attended a little bit of College Bound Scholars and was impressed with Dr. Pollard’s enthusiasm for the program, and reported that she got all the kids to proclaim that they would attend college. Mr. Dwaraknath also reported that he attended the first half of the Associated Students Retreat and has a strong conviction that this group of student leaders will be very successful. He thanked Dr. Pollard for allowing him to speak at the recent Ribbon Cutting Ceremony.

Dr. Cedillo reported that he enjoyed both Colleges’ graduations and thanked the Administration involved in putting on these ceremonies. He noted that he is proud of our institutions and what we do.

Mr. Gelles reported that he was in Washington, D.C. last week with a group of students. He agreed with Dr. Cedillo, noting that he also is proud of our students. He also noted it is a great pleasure to be on this Board.

Mrs. Dvorsky noted that graduations are always the high point of the year. She reported that she attended a reception for Dr. Martha Kanter with Dr. Cedillo, Dr. Mitzman and the Chancellor. She reported that Dr. Kanter is off to Washington, D.C., and expressed that it will be a wonderful asset to finally have someone in Washington, D.C. who knows community colleges. Mrs. Dvorsky also reported that the Chabot College Foundation

Blooming Affaire with its Hollywood theme was wonderful, and encouraged everyone to participate in a future event.

Dr. Mitzman expressed that it is a privilege and an honor to be among his fellow Board Members. He echoed what has been said concerning graduations, recognizing the work of staff to make these events successful.

Dr. Mertes echoed her colleagues' comments concerning graduations. She commended the quality of work at the campuses. She especially recognized the work of the College Foundations and thanked Dr. Kaye and Ms. Finberg.

Mr. Vecchiarelli reported he was pleased with graduations, noting it was his 42<sup>nd</sup> graduation. He looks forward to another 42.

Dr. Gin echoed all his colleagues' positive comments.

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

**Las Positas College:** Dr. Kaye presented a written report to the Board. He reported that he is pleased with the results of Best of the Best. He has designed donor recognition plaques for event sponsors to maintain those relationships. He thanked Dr. Manwell and Mr. Williams for Legacy League, which is a value added package for those who remember the Foundation in their planned giving. He also acknowledged Dr. David Mertes who has helped the Foundation in his membership on the Foundation Board as well as on the Pedrozzi Foundation Board. The Pedrozzi Board is helping craft a program where the Pedrozzi Board will match every dollar that one of our donors makes for a scholarship for a student coming from a Livermore school. He also reported that the local Rotary had a fundraiser at Campo di Bocce and raised \$3,500 for the Foundation. Dr. Kaye also gave an update on the Textbook Challenge, which has raised \$20,000 for the Student Loaner Program. Dr. Kaye reported that the Foundation is discussing a unique fundraising approach with an outside consultant for the Veterans' First Initiative. Dr. Kaye also reported that the Foundation is working on a website redesign. Dr. Kaye further reported that Wentz is offering discount tickets for faculty, staff and students for their concert series.

**Chabot College:** Dr. Barberena reported that Ms. Finberg is on vacation and noted the Foundation Report included in the Chabot College Hotsheet. Dr. Barberena thanked all who attended the Blooming Affaire, and thanked Dr. Kinnamon for selecting the Chancellor's Award Table.



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

Ms. Sarah Thompson, President Elect, Las Positas College Academic Senate, introduced herself and shared her hopes for the Academic Senate this Academic Year. She distributed an End-of-Academic Year Report. She reported that last week she attended the Statewide Academic Senate Leadership Conference with Incoming Secretary, Craig Kutil and received a crash course on the Education Code, Title V, the Brown Act and many best practices. She came away from the conference with an understanding of the Senate's strengths (collegial relationships) and shortcomings (inability to truly grasp budgets and the lack of mentoring of new faculty).

Her current goals for the 2009-10 Academic Year are:

1. Create a Senate Association Relations Committee and formalize the MOU that they essentially already practice.
2. Create a standing Senate Program Review Committee to collaborate with the other collegewide planning committees to make program review meaningful.
3. Educate faculty and others interested about the budget and the budget cycle so they can participate more fully and responsibly in this 10+1 area.
4. Coordinate with staff development program to create a leadership mentoring program for new faculty.

In addition to these four goals, Las Positas College Academic Senate will continue projects begun in 2008-09 such as collaboration with Chabot Senate and the Board in creating a stronger hiring policy process.

Mr. Ming Ho, President, Chabot College Academic Senate, reported that both Senates had a meeting during Finals Week. They discussed the Faculty Hiring Procedure, and it is anticipated to be ready for review at the beginning of Fall Semester. He also reported he will present for faculty review a draft policy on how to create a good wait list for Class WEB. He reported that this is his last Board Meeting and thanked the Board and Administration for the opportunity.

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

Ms. Karen Zeigler, President, Las Positas College Classified Senate, submitted a written report to the Board. She reported that the Las Positas College Outstanding Classified Award went to the International Students Program Coordinator, Cindy Balero. On behalf of the Classified Senate, she thanked the Academic Senate, Staff Development and the Administrative Team for putting on a wonderful Classified Appreciation Luncheon. She

especially thanked those who participated in the entertainment session, "LPC's Got Talent." She also reported that earlier this month, she along with three colleagues, attended the 2009 California Community Colleges Classified Senate Leadership Conference held in Lake Tahoe's Grandlibakken Resort. She thanked Dr. Pollard for making it possible for her and the others to attend. She introduced Ms. Natasha Lang, President Elect for 2009-10. She further reported that this is her last Board Meeting and thanked everyone for making her term as President a memorable one.

Ms. Rachel Ugale, President, Chabot College Classified Senate, reported Classified Appreciation Week activities were held the week of June 8. Dr. Barberena gave a State of the College Address. She thanked Dr. Barberena for her regular updates on the budget and for being so open in sharing this information. The Senate invited Dr. Barberena to attend additional sessions throughout the summer to provide updates. She also reported that she attended Chabot College Commencement as well as Las Positas College's Commencement. In addition, she attended the Chabot College Foundation Blooming Affaire and congratulated Ms. Finberg on its success. She further reported that Classified Elections are complete and she was re-elected as Senate President. She will serve until IT moves to Las Positas College in the Spring.

Mr. Pedro Ruiz deCastilla, District Classified Senate, thanked District Administrators for the Classified Appreciation Luncheon held on May 22.

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

Mr. Masi Quorayshi, President, Associated Students of Las Positas College, submitted a written report to the Board. He thanked the Board and Colleges for giving students the opportunity to be heard. He reported students attended the public hearing on the budget at the State Capitol. He reported the Associated Students attended a two-day Retreat where they revised their Mission Statement to be more concise, as well as developing a Vision Statement. Both Mission and Vision Statements will be brought to the students for approval at their first meeting. The students have been meeting during the summer on the Textbook Rental Program to ensure its success. In addition, they are working on improving communication to students regarding student life. In addition, the Associated Students are interested in raising the Student Activity Fee. Lastly, Mr. Quorayshi reported that Associated Students have been working with Wheels on composing a survey on the possibility of a shuttle for EXPO.

Associated Students of Chabot College had no representation.

**PRESIDENTS OF CHABOT AND LAS POSITAS COLLEGES**

Dr. Barberena submitted a written report to the Board. She reported on the Chancellor's Cabinet Planning Meeting, noting it was a good opportunity to come together with colleagues, for which she thanked Dr. Kinnamon. She voiced that there are a lot of difficulties ahead, with cuts of \$3.9 Million to the Chabot College Budget for 2009-10. If the College's categoricals are cut by 50%, they have shown that they would be able to retain their full-time employees. In unrestricted cuts of \$2 Million, they have the support of the Deans, Directors and Vice Presidents in making the necessary choices. She reported that today she met with the Institutional Planning and Budgeting Council to keep them informed about the decisions that they will be making. She noted that "it is a whole college exercise" and stressed that everyone be given an opportunity for input. She also reported changes in the College smoking policy, whereby starting in Fall 2009 there will no longer be smoking allowed on campus, and smoking will be limited to the College's parking lots only. In keeping with the College's commitment as a Hispanic Serving Institution, they are planning to hold a parent/student conference on August 8 to help parents in understanding their kids' struggles, understand their goals and how they as parents can help support those goals. Dr. Barberena also reported the College is looking for revenue generating opportunities, one of which is the Medi-Cal Program which was approved by the Board tonight.

Dr. Barberena noted that on tonight's Board Agenda, the Board approved the appointment of two Management Positions for Chabot College. Dr. Barberena took this opportunity to introduce Mr. Yulian Ligioso, Vice President of Administrative Services, and Ms. Tram Vo-Kumamoto, Dean of Science and Mathematics.

Mr. Ligioso thanked Dr. Barberena for the opportunity and expressed his excitement to be part of this District.

Ms. Vo-Kumamoto thanked Dr. Barberena and the Board for the opportunity and thanked her family, who were attending with her tonight, for their support.

Dr. Gin congratulated and welcomed both Mr. Ligioso and Ms. Vo-Kumamoto.

Ms. Luster, representing Dr. Pollard, submitted a written report from Dr. Pollard. Ms. Luster thanked Ms. Karen Zeigler for serving as President of the Classified Senate and Mr. Greg Daubemire, who is attending a conference, for serving as President of Academic Senate. Ms. Luster welcomed Ms. Sarah Thompson and Ms. Natasha Lang. Ms. Luster reported there is a vibrant group of student leaders this year. She noted that the outgoing student leaders are training the incoming leaders, which is quite remarkable. Ms. Luster echoed Mr. Quorayshi's statement concerning students going to the Capitol. Both Masi and another student, Smoke Johnson, were able to testify against the proposed cuts to

community colleges and represented us very well. She thanked all of the Senates and the

College for promoting the Mission, Vision and Goals. She also reported the College Bound Scholars, celebrating their Eighth Grade Graduation, were treated to a trip to San Francisco with Dr. Pollard. From Dr. Pollard's report, Ms. Luster highlighted the following upcoming events:

- "Community Leadership Day" on August 6. The Tri-Valley Mayors (Dublin, Livermore, and Pleasanton) will serve as Honorary Chairs at this event.
- "College Joins the Community to Explore Innovation in the Global Economy."
- "Operation Gateway: A Veteran's Transition to Success." This four-day orientation program will provide Veterans with in-depth education/career planning, information on benefits and financial aid, links to community resources and a preview of campus life.
- Summer Town Hall Meeting with Dr. Pollard on July 1 with an update on the budget.

Ms. Luster reported that Dr. Pollard sends out a video each month on the budget and has also created a Budget web site on the internet. The College Administration has an Action Plan based on the May Revise, commenting that it is a difficult task. She reported that the College is doing its best to keep cuts as far away from students as possible.

In response to a question raised by Mr. Gelles, Ms. Luster reported that 16 students enjoyed the College Bound Scholars trip to San Francisco. She recognized the Las Positas College Foundation for funding the trip.

## **CHANCELLOR'S REPORT**

Dr. Kinnamon reported that the Chabot College Central Plant received an honorable mention award for energy efficiency best practices at a Sustainability Conference at UC Santa Barbara. UC, CSU, and California Community Colleges were presenters at the conference. Dr. Kinnamon also reported that ACCT has completed review of proposals for the Fall Conference and five of the six submitted by the District have been accepted. They are as follows:

- Scaling Up: Linking Faculty Development to Student Success
- The Transformation of Accreditation through Wiki Technology
- Going Beyond Benefit Certification, Successful Programming for Returning Veterans
- Becoming an HSI: Recruitment and Retention Strategies for a Multicultural Student Population
- A Pathway to a Sustainable College

Dr. Kinnamon reported that Summer Session enrollment Districtwide is up 7.1% and currently Fall Semester is up 14% over the same period last year.

Dr. Kinnamon reported that the OSHA Training Center in Guam is completed. Currently, five instructors are being certified for that site. He reported that part of OSHA's interest in this site is due to the fact that the military is moving their site out of Japan to Guam and with base construction, they anticipate significant training.

Dr. Kinnamon reported that Congress directed a grant of \$114,000 as part of the Consolidated Appropriations Act of 2009 for the Nursing Program at Chabot College to help with recruitment and retention. Dr. Kinnamon thanked Ms. Laura Weaver for helping secure that funding.

Dr. Kinnamon reported that in light of the fiscal situation, while he is proud of how everyone is approaching the challenge that we face, he is equally saddened and troubled when he visits with Administrators, recognizing their difficult decisions regarding part-time and hourly employees. He senses the pain they are going through. He noted that while we have very good Guiding Principles that are good for the District in meeting the needs of the students and by focusing on our full-time employees, there is still anguish and pain when dealing with this budget. He is heartened when he looks at other institutions around the state and their struggles. He thanked the Board for giving the Administration another tool in working with the budget with the Supplemental Employee Retirement Incentive Plan. He also expressed that there are positive things we can do for the District rather than follow some of the paths that are counterproductive. Dr. Kinnamon closed in stating that "hopefully, we can keep our heads high and keep a positive climate within the District."

## **VOLUNTEER AIDE PERSONNEL**

### Motion No. 2

Mr. Gelles made a motion, seconded by Mrs. Dvorsky, to approve the Volunteer Aide Personnel.

Mr. Gelles requested this item be pulled from the consent calendar to question if any money exchanges hands between the Volunteers and the District, to which Dr. Gularte responded in the negative. Dr. Gularte noted that a few of these volunteers will be employed in the Spring Semester as short-term employees. She also noted she does not believe there is a guarantee for an assignment.

Motion carried unanimously, 7-0.

**ADOPTION OF RESOLUTION NO. 09-0809 – RESOLUTION TO DELEGATE PERSONNEL ACTIONS TO DESIGNEE**Motion No. 3

Mr. Gelles made a motion, seconded by Mrs. Dvorsky, to adopt Resolution No. 09-0809 Delegating Personnel Actions to Designee. It is further recommended that this resolution become effective upon adoption.

Dr. Kinnamon suggested the motion be amended for approval for a period of six months in order to evaluate its effectiveness and report back to the Board. This will give the Board another opportunity to determine if they want Administration to continue this process.

Mr. Gelles cautioned that this gives a great deal of delegation of power. In doing this, we must publicly make sure to visualize everything we are doing.

Motion No. 4

Mr. Gelles amended the motion, seconded by Mrs. Dvorsky, to adopt Resolution No. 09-0809 Delegating Personnel Actions to Designee. It is further recommended that this resolution become effective upon adoption for a period of six months, at which time Administration will report back to the Board its effectiveness.

Motion carried by the following roll call vote:

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

Mr. Gelles clarified that the Board will receive a monthly report that will be reported in public session for the following actions: professional expert, short-term employee, part-time faculty (adjunct) faculty appointments, and resignations (retirements and separations). Dr. Gularte confirmed this process.

**APPROVAL OF RENEWAL OF AGREEMENT WITH CITY OF HAYWARD,  
CHABOT COLLEGE**Motion No. 5

Dr. Mitzman made a motion, seconded by Mrs. Dvorsky, to approve the renewal of agreement with the City of Hayward for the period of July 1, 2009 through June 30, 2010 in the amount not to exceed \$210,280 for fiscal year 2009-10. 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.

Dr. Mitzman questioned what the \$210,280 represented. Dr. Kinnamon reported that this contract with the City of Hayward is for a police sergeant and the direct cost associated with the salary and benefit package for the sergeant. Dr. Kinnamon further reported that Chabot College has had this contract for many years.

Motion carried unanimously, 7-0.

**ADOPTION OF TENTATIVE BUDGETS – 2009-10 GENERAL FUND,  
CAFETERIA FUND, CAPITAL OUTLAY PROJECTS FUND, SELF-INSURANCE  
(RUMBL), CHILD DEVELOPMENT FUND; AND ESTABLISHMENT OF  
SEPTEMBER 1, 2009 AS THE DATE FOR PUBLIC HEARING AND ADOPTION  
OF DISTRICT BUDGETS**Motion No. 6

Mr. Gelles made a motion, seconded by Mrs. Dvorsky, to adopt the Tentative Budgets – 2009–10 for the General Fund, Cafeteria Fund, Capital Outlay Projects Fund, Self-Insurance Fund (RUMBL), Child Development Fund. It is further recommended that the Board establish September 1, 2009 at 6:30 p.m. in Room 120 at the District Office, 5020 Franklin Drive, Pleasanton, California as the date, time and place for the Public Hearing and adoption of the 2009–10 District Budgets, pursuant to California Code of Regulations, Title V, Section 58305.

Motion carried unanimously, 7-0.

**APPROVAL OF AWARD OF CONTRACT WITH BFGC ARCHITECTURE FOR DESIGN SERVICES FOR THE PERFORMING ARTS CENTER (PAC) RENOVATION PROJECT AT CHABOT COLLEGE**

Motion No. 7

Dr. Cedillo made a motion, seconded by Dr. Mertes, to approve the Award of Contract with bfgc Architecture of San Jose, CA for Design Services for the Performing Arts Center (PAC) Renovation Project at Chabot College in an amount not to exceed \$590,000. 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, 7-0.

**APPROVAL OF CONTRACT MODIFICATION TO THE EXISTING DESIGN CONTRACT WITH BEVERLY PRIOR ARCHITECTS FOR THE CHILD DEVELOPMENT CENTER AT LAS POSITAS COLLEGE**

Motion No. 8

Mr. Gelles made a motion, seconded by Dr. Mertes, to approve the Contract Modification to the Existing Design Contract with Beverly Prior Architects of San Francisco, CA for the Child Development Center at Las Positas College in an amount not to exceed \$83,502. It is further recommended that the Board authorize the Vice Chancellor, Business Services, to execute the amendment on behalf of the District. Funding Source: Measure B Bond Funds

Motion carried unanimously, 7-0.

**APPROVAL OF CONTRACT MODIFICATION TO THE EXISTING ON-CALL PROFESSIONAL SERVICES AGREEMENT WITH PB AMERICAS, INC., TO CONDUCT A GREENHOUSE GAS INVENTORY AND CLIMATE ACTION PLAN DISTRICT-WIDE**

Motion No. 9

Mr. Gelles made a motion, seconded by Mrs. Dvorsky, to approve the Modification to the Existing On-Call Professional Services Agreement with PB Americas, Inc., to Conduct a Greenhouse Gas Inventory and Climate Action Plan District-Wide in an amount not to exceed \$120,000. It is further recommended that the Board of Trustees authorize the Vice Chancellor, Business Services, to execute the modification on behalf of the District. Funding Source: Measure B Bond Funds



Motion carried unanimously, 7-0.

**APPROVAL TO ISSUE ON-CALL PROFESSIONAL SERVICES AGREEMENT WITH CHARLES HAM ASSOCIATES FOR DESIGN SERVICES AT LAS POSITAS COLLEGE**

Motion No. 10

Mrs. Dvorsky made a motion, seconded by Mr. Vecchiarelli, to approve the issuance of an On-Call Professional Services Agreement with Charles Ham Associates of San Ramon, CA for Design Services at Las Positas College in an amount not to exceed \$125,000. 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, 7-0.

**APPROVAL TO ISSUE ON-CALL PROFESSIONAL SERVICES AGREEMENT WITH JASNET CONSULTING, INC. FOR NETWORK AND INFORMATION TECHNOLOGY INFRASTRUCTURE ENGINEERING AND DESIGN SERVICES FOR DISTRICT-WIDE PROJECTS**

Motion No. 11

Mrs. Dvorsky made a motion, seconded by Dr. Mertes, to approve the issuance of an On-Call Professional Services Agreement with JasNET Consulting, Inc. of Los Altos, CA for Network and Information Technology Infrastructure Engineering and Design Services for District-Wide Projects in an amount not to exceed \$125,000. 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, 7-0.

**APPROVAL OF AWARD OF BID NO. 09-14, MULTI-DISCIPLINARY EDUCATION BUILDING REPAIR AT LAS POSITAS COLLEGE**

Motion No. 12

Dr. Cedillo made a motion, seconded by Mrs. Dvorsky, to approve the Award of Bid No. 09-14, Multi-Disciplinary Education Building Repair at Las Positas College to J.D. General of Livermore, CA, in an amount not to exceed \$1,481,107. 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 request from Mr. Gelles for additional information, Mr. Kingston reported that this is for the repairs to remediate the construction defects. He reported that we will pursue legal action to recover the value of this work. Mr. Kingston also reported that we hold the retention on the contract. He reported that the District has the money in the bank but will need to go through the legal process to reimburse the District.

Motion carried unanimously, 7-0.

**APPROVAL OF AWARD OF BID NO. 09-15, PHYSICAL EDUCATION  
COMPLEX REPAIR AT LAS POSITAS COLLEGE**

Motion No. 13

Mrs. Dvorsky made a motion, seconded by Dr. Mertes, to approve the Award of Bid No. 09-15, Physical Education Complex Repair at Las Positas College to J.D. General of Livermore, CA, in an amount not to exceed \$704,206. 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 request from Mr. Gelles for additional information, Mr. Kingston reported that this has the same remedy as the Multi-Disciplinary Building, with the District following a legal path to litigate for reimbursement.

Mr. Vecchiarelli questioned the status of the legal action. Mr. Kingston reported that the District has terminated their contract, accessed their performance bond insurance, and have notified them of mediation. The District will be scheduling mediation. In response to a further question from Mr. Vecchiarelli, Mr. Kingston reported that there is insurance, performance bond, and retention. The retention is close to \$2 Million for both projects (same contractor). It is his belief that the performance bond is 1%.

Mr. Vecchiarelli further questioned if there are any other assets the District can go after. Mr. Kingston reported approximately \$2 Million if mediation goes our way. He believes that the three mechanisms will more than satisfy the balance.

Mr. Vecchiarelli further questioned the statute of limitations, to which Mr. Kingston reported that they have had informal mediation with the architect and formal mediation with the contractor. He noted that he would be happy to brief the Board on the progress of the mediation in Closed Session.

Dr. Mertes thanked Mr. Kingston for all he has done with these two projects.

Mr. Gelles requested a “cheat sheet” within 60 days on the status of all the new buildings. This will get the Board up to date on what is happening so they and the public are aware of the District’s conscientious effort to hold these people responsible for a brand new building now being repaired.

Mr. Vecchiarelli thanked Mr. Kingston for all the building progress at Las Positas College- “a tremendous job.”

Motion carried unanimously, 7-0.

**ADOPTION OF RESOLUTION NO. 10-0809 - AUTHORIZATION TO SUBMIT THE FIVE-YEAR CONSTRUCTION PLAN (2011–2015) TO THE STATE CHANCELLOR’S OFFICE AND REQUEST FOR STATE FUNDS FOR CAPITAL OUTLAY PROJECTS (IPP’S AND FPP’S)**

Motion No. 14

Dr. Cedillo made a motion, seconded by Dr. Mertes, to adopt Resolution No. 10-0809 authorizing the District’s submittal of the Five-Year Construction Plan (2011–2015) to the State Chancellor’s Office before July 1, 2009 and request for State funds for Capital Outlay Projects.

Mr. Dwaraknath pointed out that the Public Services Building at Las Positas College was left off the resolution. Mr. Kingston reported that the resolution will be corrected prior to submitting to the State Chancellor’s Office. Dr. Kinnamon commended Mr. Dwaraknath for catching this oversight.

Motion carried by the following roll call vote:

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

**ACCEPTANCE OF LAS POSITAS COLLEGE MISSION STATEMENT, VISION STATEMENT AND STRATEGIC GOALS**

The Board accepted the Las Positas College Mission Statement, Vision Statement and Strategic Goals without discussion.

**FIRST READING: REVISED GOVERNING BOARD POLICY 7052 – BOARD SELF-EVALUATION; AND FIRST READING: PROPOSED GOVERNING BOARD POLICY 7053 – CODE OF ETHICS/STANDARDS OF PRACTICE**

Dr. Kinnamon noted that these policies will be brought back to the Board at its next meeting for approval.

Mr. Dwaraknath questioned if the Self-Evaluation included Student Trustees, to which Dr. Kinnamon responded that in the past, Student Trustees have not been required to do the Self-Evaluation.

**ADOPTION OF GOVERNING BOARD POLICY 2221 AND ADMINISTRATIVE RULES AND PROCEDURES 2221 – FLAG RAISING**Motion No. 15

Mrs. Dvorsky made a motion, seconded by Mr. Gelles, to adopt Governing Board Policy and Administrative Rules and Procedures 2221 – Flag Raising. It is further recommended that this Board Policy and its Administrative Rules and Procedures become effective upon adoption.

Motion carried unanimously, 7-0.

**ADOPTION OF ADMINISTRATIVE RULES AND PROCEDURES 4312 – RECRUITMENT AND SELECTION PROCEDURE FOR CONTRACT FACULTY**Motion No. 16

Mrs. Dvorsky made a motion, seconded by Mr. Gelles, to adopt Administrative Rules and Procedures 4312 – Recruitment and Selection Procedure for Contract Faculty. It is further recommended that this Procedure become effective upon adoption.

Motion carried unanimously, 7-0.

**ADOPTION OF BOARD OF TRUSTEES PRIORITIES 2009-2011**

Motion No. 17

Mrs. Dvorsky made a motion, seconded by Dr. Cedillo, to adopt the Board of Trustees Priorities for Years 2009-11.

Motion carried unanimously, 7-0.

**NEXT MEETING**

The next Regular Board Meeting is scheduled for July 21, 2009 at the District Office.

**ADJOURNMENT**

Motion No. 18

Mrs. Dvorsky made a motion, seconded by Mr. Vecchiarelli, to adjourn the Regular Meeting at 8:33 p.m.

Motion carried unanimously, 7-0.

Minutes completed by:

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Beverly Bailey

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