

Managers Present:

Dr. Joel L. Kinnamon, Chancellor
Dr. DeRionne Pollard, President, Las Positas College
Mr. George Railey, Vice President, Chabot College
(representing President Barberena)
Mr. Ken Agustin
Mr. Jeff Baker
Ms. Julia Dozier
Mr. Wyman Fong
Dr. MaryAnne Gularte
Mr. Andrew Howe
Dr. Laurel Jones
Dr. Ted Kaye
Mr. Jeffrey Kingston
Mr. Robert Kratochvil
Mr. Lorenzo Legaspi
Mr. Yulian Ligioso
Ms. Melinda Matsuda
Ms. Jeannine Methe
Ms. Laura Weaver

Recording Secretary:

Mrs. Beverly Bailey

Others Present:

Mr. Michael Absher, President, Chabot College
Academic Senate
Ms. Cathy Gould, President, District Classified Senate
Ms. Natasha Lang, President, Las Positas College Classified
Senate
Mrs. Charlotte Lofft, President, Chabot-Las Positas Faculty
Association
Mr. Chris Parman, Office of Assemblymember Mary Hayashi
Ms. Sarah Thompson, President Elect, Las Positas College
Academic Senate
Ms. GeorgeAnna Tow, Faculty Emerita
Ms. Rachel Ugale, President, Chabot College Classified
Senate

PLEDGE TO FLAG

President Gin opened the meeting and asked Mr. Vecchiarelli to lead the pledge to the flag.

PUBLIC COMMENTS

Mr. Chris Parman, representing Assemblymember Mary Hayashi, honored Ms. Jessica Gutierrez who has completed a summer internship program with the Assemblymember's Office. Mr. Parman noted that Ms. Gutierrez came to their office with a willingness to serve, critical thinking skills, good judgment and an exceptional work ethic. He expressed that "one day Ms. Gutierrez would be a leader in her own right." Mr. Parman presented Ms. Gutierrez with a plaque acknowledging a job well done and also presented her with an unsolicited letter of recommendation.

CONSENT CALENDAR

Dr. Mitzmam requested that agenda item 4.1 (Approval of Institutional License Agreement— San Bernardino Community College for EduStream™, Las Positas College) be removed from the consent calendar.

Motion No. 2

Mrs. Dvorsky made a motion, seconded by Dr. Mertes, to approve the consent calendar with the exception of agenda item 4.1.

Motion carried unanimously, 6-0.

The following items were approved on the consent calendar:

General Functions

1.8 Approval of Minutes of August 18, 2009 Meeting

Personnel

3.2 Classified Personnel

Business Services

5.1 Approval of Commercial Warrant Registers

5.2 Approval of Payroll Warrant Registers

5.3 Approval of Award of Bid No. 10-01, Cisco Switches, Chabot College and Las Positas College (Measure B Bond Funds)

Facilities Planning and Development

6.1 Authorization to File Notice of Completion with the Alameda County Clerk Recorder's Office for Buildings 800, 900 and 1000 Renovation at Chabot College (State Funds and Measure B Bond Funds)

Economic Development/Contract Education

- 7.1 Approval of Memorandum of Understanding – University of California, Davis-Extension, District-Economic Development
- 7.2 Approval of Memorandum of Understanding – Guam Contractors Association Trades Academy, District-Economic Development

TRUSTEE REPORTS AND/OR OFFICIAL COMMUNICATIONS

Dr. Cedillo thanked President Pollard and staff for giving him a tour of the Las Positas College construction this afternoon. He also had the opportunity to attend a soccer match. He noted that he looks forward to the fence around the Multi-Disciplinary Building coming down. Dr. Cedillo also reported that while looking through the Board materials, he noticed that the Chabot soccer games are not on campus and questioned why, noting that holding them off-campus requires that we are paying for the site. Further, Dr. Cedillo reported that immense cuts are coming in categorical programs, noting that some programs have no flexibility while others do. He cautioned the Chancellor, Presidents and Board regarding “raiding” those funds indicating that the funds were placed in those programs for a specific reason. He would like to be kept apprised on this matter.

Mr. Vecchiarelli reported that he attended a Las Positas College soccer game after the last Board Meeting. He noted that there were a couple hundred in attendance and expressed that he would like to see a couple thousand in attendance. He noted that to make this a reality, advertising is critical. He also noted that Chabot College has a very good wrestling team and stressed that we need to support our athletes.

Dr. Gin reported that while driving down Hesperian Boulevard in Hayward, he was distracted with the beauty of Chabot College. It makes him proud that we are transforming a campus, which is now joining the 21st Century.

Mr. Gil apologized for arriving late to tonight’s meeting.

CHABOT-LAS POSITAS COLLEGES FOUNDATIONS

Las Positas College: Dr. Kaye presented a written report to the Board. Dr. Kaye reported that the Textbook Challenge now has seven sponsors. He also reported that discussions are continuing and are close with the Pedrozzi Foundation for matching scholarship funds. Also, the Foundation is moving ahead with trying to connect with AT&T. He further reported that the Foundation is looking at hosting with other non-profit organizations an event in Pleasanton to meet with executives from major companies to show the value of supporting Las Positas College and other causes.

Chabot College: Ms. Finberg presented a written report to the Board but was unable to attend the meeting.

PRESIDENTS OF CHABOT AND LAS POSITAS COLLEGES FACULTY SENATES

Ms. Sarah Thompson, President, Las Positas College Academic Senate, presented a written report to the Board. She reported that the Senate approved the Mutual Consent Forms which will be used to track the decision-making process of the professional and academic matters outlined in Board Policy. The forms have been forwarded to the Academic Senate, College President and Chancellor. She also reported that last March, the Senate approved a Hiring Prioritization Process which has been presented to Dr. Pollard and they are awaiting her feedback. The Senate has outlined the content of its Website with the hopes of having it operational in the very near future. Further, Ms. Thompson reported that the Senate has spent most of its time this semester working on Program Review, Strategic Planning and the Hiring Process.

Mr. Michael Absher, President, Chabot College Academic Senate, reported that the Senate has been working on curriculum and accreditation readiness. He also reported that he was directed by the Senate to write a letter outlining the Senate's unanimous opposition to the Russell City Energy Center. He reported that a rally was held against the plant today at Hesperian Boulevard and Depot Road. The rally was sponsored by the Academic Senate and Associated Students and approximately 100 attended. Leaflets were distributed that outlined details about the pollutants which will fall on Chabot College, as the College is at "Ground Zero" for the highest concentrations of those toxic chemicals.

PRESIDENTS OF CHABOT AND LAS POSITAS COLLEGES AND DISTRICT CLASSIFIED SENATES

Ms. Rachel Ugale, President, Chabot College Classified Senate, congratulated Ms. Gutierrez on her recognition from Assemblymember Hayashi. Ms. Ugale reported that she held a sign at today's rally and congratulated Mr. Absher and Ms. Gutierrez for organizing the event. She reported that the Classified Senate and the Institutional Planning and Budget Council are close to having a final draft of a Classified Prioritization Policy. She reported that nominations were accepted for the Carlson Award which will be presented at Flex Day on October 6. The Senate is currently working on activities for Flex Day.

Ms. Natasha Lang, President, Las Positas College Classified Senate, submitted a written report to the Board. She reported that the Senate held its first meeting at the end of August and she was pleased with the participation. The Senate discussed the Strategic Visioning Process and the involvement of the Classified Staff. She further reported that all but one leadership positions were filled.

Ms. Cathy Gould, President, District Classified Senate, reported that the Senate had their first meeting last week and discussed goal setting. She thanked Mr. Wyman Fong who attended the meeting to discuss the Compensation and Reclassification Study. The Senate

is working on an intranet site and an office Halloween Party. Ms. Gould thanked Chancellor Kinnamon for his open door policy.

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 but was unable to attend the meeting.

Ms. Jessica Gutierrez, President, Associated Students of Chabot College, reported that the main focus for Associated Students has been the Russell City Power Plant. She was pleased to report that they have secured 325 signatures on a petition in opposition. In addition, the Associated Students are petitioning the AC Transit's proposed reduction of bus service and encouraging students to attend the community workshops and public hearing to voice their opinions. She reported that ASCC is holding a clothing, book and toy drive in the months of September, October and November. Upcoming events include United Club Day on October 1 and Fall Homecoming Game on October 10.

GOOD OF THE ORDER

Ms. Charlotte Lofft, President, Faculty Association, reported that at last month's Board Meeting she reported she forgot some historical photos that she wanted to share. She was pleased to report that she had them tonight.

PRESIDENTS OF CHABOT AND LAS POSITAS COLLEGES

Dr. Barberena submitted a written report to the Board. In her absence, Mr. Railey reported that the College is preparing for the Accreditation Visit scheduled for October 19-22 and a pre-visit on September 28. He reported that Accreditation is a standing agenda item on the Deans Council weekly meetings. He reported that enrollment at Chabot College is at 5,076, with a 94% fill rate. He reported that a new smoking policy was implemented this semester and has been well received. He reported that the Mass Communications Department has a new url website link featuring live video of campus activities and events. He reported the Nursing Program is participating in a pilot program that will allow Nursing Students to transfer directly to California State University East Bay and within a year receive a BSN. He further reported that in August Chabot hosted the Pacific Masters swimming Long Course Championships where 19 world and national swimming records were broken.

Dr. Pollard submitted a written report to the Board. Dr. Pollard reported that in this era of budget cuts, economic downturns and fiscal reductions, Las Positas College is recognizing "What Is Right at LPC" – and "what is right" is its intangible resources, the people who work at the College and the students. She reported that each month, through a generous donation from the Foundation, a member of the campus community through nominations

and a drawing is honored with a small monetary token. In addition, a small trophy is awarded and will be held for a month and then passed on to the next honoree. Dr. Pollard reported that this month, Elena Cole was recognized. Dr. Pollard reported that headcount is 9,300, up from 7,900 this same time last year - Fall 2008. She reported that the College is seeing larger numbers of students seeking Financial Aid – currently more than 2,200. Dr. Pollard reported that what is also right at Las Positas College is its governance structure, noting that they challenge her but are also very supportive and encouraging. Dr. Pollard reported that the College is working hard in preparation of their Accreditation Visit, offering that Accreditation is a journey and an opportunity for the College to celebrate that journey. She drew attention to the section “President’s Community Connections” located on the first page of her report. Dr. Pollard offered Chabot College her and the College’s assistance with its opposition to the Russell City Power Plant.

Dr. Cedillo questioned the dates of the Las Positas College Accreditation Visit, to which Dr. Pollard responded that their Accreditation Visit is concurrent with Chabot’s Accreditation Visit – October 19-22. She reported that their pre-visit is scheduled for Friday, September 18. Dr. Cedillo requested a copy of the list of Team Members for both Colleges.

Dr. Kinnamon reported that a select number of Accreditation Team Members will be coming to the District Office. He reported that they will attend the October 20 Board Meeting and will want to meet with Trustees. Dr. Kinnamon reported that scheduling will be developed in the pre-meetings and he will keep the Board Members apprised.

CHANCELLOR’S REPORT

Dr. Kinnamon thanked Vice President Railey for stepping in while Dr. Barberena is away for a much deserved vacation. He reported that we have been fortunate in the fact that we have recently brought in strong Vice Presidents and Deans at both Colleges, which provides opportunities for the College Presidents to take some time to get away. Dr. Kinnamon reported that his Council, which includes constituent group leaders, met recently and he echoed Dr. Pollard’s comments that the leadership exhibited has been so significant and so solid - they have “hit the ground running.” Dr. Kinnamon congratulated Ms. Gutierrez on her recognition. He reported that Ms. Gutierrez’ mother was part of the Puente Program at Chabot College and is currently working with the Puente Program at Marin Community College.

GOOD OF THE ORDER

Dr. Cedillo reported that while touring at Las Positas College, it came to his attention that the facilities lend themselves to consideration of an Environmental Field Station. He reported that this economic downturn can be seen as a time to retrench or as an opportunity to do something we might not normally do. He sees this as an opportunity for us to explore working together on something with University of California at Berkeley or Davis.

Mr. Vecchiarelli questioned why the final decision for the Russell City Power Plant is being made by a local agency – Bay Area Air Quality Management District - instead of the U.S. Environmental Protection Agency. Mr. Vecchiarelli noted that air pollution affects everyone. Mr. Vecchiarelli also brought up the the Migratory Bird Treaty between Canada and Mexico where you can't pollute national wildlife refuges.

Dr. Kinnamon reported that the current process goes before the Bay Area Air Quality Management District. While there are others that are filing concerns (Fish and Wildlife and Hayward Area Recreation Department), this is one of the steps for the permitting. One issue that has come to light which we will write in our comments is that when Calpine went to the California Energy Commission (CEC), the CEC gave them a pass. Since then, the Bay Area Air Quality Management District has indicated that there had not been a permit at that time. Therefore, there are many unanswered questions. One, as we go through this process, we will want to go back to the CEC and claim that since there was no permit at that time, what type of process do you have in place to address that situation. There may be some with EPA as well. However, currently the jurisdiction is with the Bay Area Air Quality Management District, we have this window with the hearings where we can submit remarks. We will see where that leads us. Part of our concern is that you may be able to show you are in compliance but if all the factors are not correct, then maybe you are not. And if you say you are in a rural community vs. being in an urban or industrial, the standards could be very different. Currently, what has been submitted is that Calpine is building in a rural community. Of course, if you are in an urban or industrial, the impacts may be greater because of the other types of pollutants in that community. The District is exploring using the same criteria they have used but also using it in an industrial and an urban area. What type of impact does that have? This will give a clear picture of what we think is reality. It is in their (Bay Area Air Quality Management District) jurisdiction at this point.

Mrs. Dvorsky noted that she has heard the Federal Government is going to come up with more stringent requirements on these plants in 2010 and that may be why Calpine is rushing this power plant. Dr. Kinnamon reported that they have been working on this power plant since 2002. There are MOU's with the City of Hayward with different timelines that require mutual agreement on extensions and that has had to take place in the past. There are expectations on timelines and we will definitely be looking at stricter environmental restrictions moving forward.

Dr. Kinnamon reported that we learned a lot in dealing with the Eastshore Power Plant and the right of public agencies being noticed. As we went through that process, one of the things that has been changed is that community colleges are noticed when there is a plant proposed in their service area. He reported that Russell City preceded Eastshore and it was too far back in time for us to have any jurisdiction in the matter.

Mrs. Dvorsky questioned if Ohlone College is concerned with the Russell City Power Plant, to which Dr. Kinnamon reported that due to proximity, it is probably more of concern to the Chabot community and Chabot students.

Mr. Gil reported that it is his understanding that it will be hard to stop the Russell City Power Plant because it has been in the “works” for so long. He reported that another group of investors must come forward and replace the power plant with a cleaner plant.

APPROVAL OF INSTITUTIONAL LICENSE AGREEMENT – SAN BERNARDINO COMMUNITY COLLEGE FOR EDU-STREAM™, LAS POSITAS COLLEGE

Dr. Mitzman pulled this agenda item from the consent calendar to congratulate Las Positas College for securing this agreement. He questioned if this might also be available for Chabot College students. Dr. Pollard recognized Dr. Laurel Jones for “making this happen at Las Positas College” and indicated that Dr. Jones would be happy to assist Vice President Railey in getting the process started at Chabot.

Motion No. 3

Dr. Mitzman made a motion, seconded by Mrs. Dvorsky, to approve the proposed institutional license agreement with San Bernardino Community College District for EduStream™, Las Positas College, at no cost to the District for a period no longer than five years. It is further recommended that the Board of Trustees authorize the Vice Chancellor, Business Services, to execute the agreement and any future augmentations or amendments to the document on behalf of the District.

Motion carried unanimously, 6-0.

APPROVAL OF CONTRACT MODIFICATION TO THE EXISTING DIVISION OF STATE ARCHITECT (DSA) INSPECTION SERVICES AGREEMENT WITH KARL STUDINGER INSPECTION SERVICES, INC. (KSIS) FOR THE CENTRAL UTILITY PLANT MECHANICAL CONVERSION AT CHABOT COLLEGE

Motion No. 4

Dr. Cedillo made a motion, seconded by Dr. Mertes, to approve the Contract Modification to the Existing Division of State Architect (DSA) Inspection Services Agreement with Karl Studinger Inspection Services, Inc. (KSIS) for the Central Utility Plant Mechanical Conversion at Chabot College in an amount not to exceed \$20,800. 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, 6-0.

APPROVAL TO ISSUE ON-CALL PROFESSIONAL SERVICES AGREEMENT WITH CONSOLIDATED ENGINEERING LABS FOR TESTING AND INSPECTION SERVICES AT CHABOT COLLEGE

Motion No. 5

Dr. Mertes made a motion, seconded by Mrs. Dvorsky, to approve issuance of an On-Call Professional Services Agreement with Consolidated Engineering Labs of Pleasanton, CA for Testing and Inspection Services at Chabot 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, 6-0.

APPROVAL OF AWARD OF CONTRACT FOR DIVISION OF STATE ARCHITECT (DSA) INSPECTION SERVICES AGREEMENT WITH MR. MICHAEL P. PHILLIPS, PE FOR THE PHYSICAL EDUCATION COMPLEX PHASE III AT LAS POSITAS COLLEGE

Motion No. 6

Mr. Vecchiarelli made a motion, seconded by Dr. Mertes, to approve the Award of Contract for Division of State Architect (DSA) Inspection Services Agreement with Mr. Michael P. Phillips, PE of Walnut Creek, CA for the Physical Education Complex Phase III at Las Positas College in an amount not to exceed \$72,000. 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: Measure B Bond Funds

Motion carried unanimously, 6-0.

APPROVAL TO ISSUE ON-CALL PROFESSIONAL SERVICES AGREEMENT WITH NINYO & MOORE FOR GEOTECHNICAL OBSERVATION AND TESTING SERVICES AT LAS POSITAS COLLEGE

Motion No. 7

Mrs. Dvorsky made a motion, seconded by Mr. Gil, to approve issuance of an On-Call Professional Services Agreement with Ninyo & Moore of Oakland, CA for Geotechnical Observation and Testing Services at Las Positas College in an amount not to exceed \$171,584. 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.

Dr. Mertes thanked Mr. Kingston for getting these projects completed, noting the extensive amount of work involved.

INFORMATIONAL PERSONNEL REPORTS

The Board accepted the Informational Personnel Reports without further discussion.

ADOPTION OF ADMINISTRATIVE RULE AND PROCEDURE 7051 – CONFLICT OF INTEREST CODE

Motion No. 8

Mrs. Dvorsky made a motion, seconded by Dr. Mitzman, to adopt revised Administrative Rule and Procedure 7051 – Conflict of Interest Code. It is further recommended that this Procedure become effective upon adoption.

Motion carried unanimously, 6-0.

APPROVAL OF NAMING OF BUILDINGS PROPOSAL, CHABOT COLLEGE

Dr. Kinnamon noted that a revised recommendation correcting a misspelling has been submitted to the Board and is available to staff and the public.

Motion No. 9

Dr. Cedillo made a motion, seconded by Mrs. Dvorsky, to approve the Naming of Buildings Proposal for Chabot College as listed below:

Naming of one Building and erection of a plaque at the main entrance –

- Dr. Reed L. Buffington (Instructional Office Building, Community & Student Services Center, or Physical Education Complex)
- Dr. Arthur L. Larson (Instructional Office Building or Community & Student Services Center)

Erecting a plaque in recognition to the following individuals -

- Baseball Field -
“This baseball field is dedicated to Gene Wellman”
- Football Field -
“This football field is dedicated to Dr. Ed Hart”
- Gymnasium -
“This gymnasium is dedicated to John L. Wagoner”
- Track -
“This track is dedicated to Glenn Malcolm”
- Close proximity to Building 2600 -
“Dedication plaque in recognition of Elaine Crouse”
- Training & Locker Room -
“Moe H. Daniels Training Room”
- Swimming Pool -
“This swimming pool is dedicated to Robert Brown”
- Wrestling Room -
“This wrestling room is dedicated to Robert Thomsen”

Dr. Cedillo questioned if the Baseball field would be called the Gene Wellman Baseball Field? Dr. Kinnamon reported that it was more of a dedication plaque, noting that the baseball field will be dedicated to Gene Wellman.

Motion carried unanimously, 6-0.

NEXT MEETING

The next Meeting of the Board of Trustees is a Workshop scheduled for October 6, 2009.

ADJOURNMENT

Motion No. 10

On motion made and seconded, the Regular Meeting was adjourned at 7:35 p.m.

Motion carried unanimously, 6-0.

Minutes completed by:

Beverly Bailey

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