

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

**MINUTES
April 17, 2007**

PLACE

Chabot-Las Positas Community College District, Chabot College, 25555 Hesperian Blvd., Hayward, California 94545.

CALL TO ORDER

The regular meeting was called to order at 5:45 p.m. Recording Secretary Beverly Bailey called the roll. Dr. Lewis was absent at the time of roll. The Board immediately adjourned to a Closed Session, which ended at 6:25 p.m.

The Board readjourned in Open Session at 6:30 p.m. and adjourned at 9:00 p.m. Recording Secretary Beverly Bailey called the roll. Dr. Cedillo reported that Dr. Lewis was absent due to illness and therefore excused from tonight's meeting.

ATTENDANCE

Members Present: Dr. Arnulfo Cedillo
 Mrs. Isobel F. Dvorsky
 Mr. Donald L. "Dobie" Gelles
 Dr. Hal G. Gin
 Dr. Barbara F. Mertes
 Mr. Carlo Vecchiarelli
 Mr. Nathan Cornejo
 Mr. Dayne Nicholls

Members Absent: Dr. Alison Lewis (excused)

Managers Present: Dr. Susan A. Cota, Chancellor
 Dr. Robert Carlson, President, Chabot College
 Mrs. Karen Halliday, President, Las Positas College
 Mrs. Jennifer Aries
 Ms. Julia Dozier
 Dr. MaryAnne Gularte
 Dr. Ted Kaye
 Mr. Jeffrey Kingston
 Dr. Joel Kinnamon
 Mr. Robert Kratochvil

Mr. Lorenzo Legaspi
Mrs. Pam Luster
Ms. Melinda Matsuda
Mrs. Jeannine Methe
Dr. Ronald Taylor
Mr. Richard Talmo
Ms. Laura Weaver

Recording Secretary: Mrs. Beverly Bailey

Others Present:

Mr. Michael S. Absher
Mr. Waiz Badar, Associated Students of Chabot College
Mrs. Linda Barde
Ms. Sheerin Barfeei, Associated Students of Chabot College
Mr. Ryan Belden
Ms. Rachael Berry, Associated Students of Chabot College
Mr. Jacob Chavarria, Associated Students of Chabot College
Mr. Chad Mark Glen, President, Chabot College Faculty Senate
Mr. Daniel Hinds, Associated Students of Chabot College
Mr. Lorenzo Holguin, Student Senate for the California Community Colleges (SSCCC), Region 4
Ms. Nina Kiger
Ms. Melissa Korber, President, Las Positas College Faculty Senate
Ms. Abigail Kurtz, Associated Students of Chabot College
Mr. Robert Lu, President, Associated Students of Chabot College
Ms. Rose Nemet, Student Senate for the California Community Colleges (SSCCC), Region 3
Ms. Edna Nyaugau, Associated Students of Chabot College
Mr. Joshua Paul, President, Associated Students of Las Positas College
Mr. Aizza Pecson, Associated Students of Chabot College
Ms. Theresa Pedrosa, Associated Students of Chabot College
Mr. Renato Ramento, Associated Students of Chabot College
Mr. Steve Rottenborn, HT Harvey and Associates
Mr. Josh Sears, Student Senate for the California Community Colleges (SSCCC), Region 4
Ms. Karen Silva
Mr. Steve Small

Mr. Todd Steffan, President, Las Positas College Classified
Senate

Mr. Roy Stutzman

Ms. Kea Hong Tan, Associated Students of Chabot College

Ms. Rachel Ugale, President, Chabot College Classified
Senate

Mr. Nick Will, Associated Students of Diablo Valley College

MOMENT OF SILENCE

At the request of Dr. Cedillo, there was a moment of silence for the tragedy that took place at Virginia Tech.

ACTION TAKEN IN CLOSED SESSION

Dr. Cedillo reported that in Closed Session the Board unanimously approved the appointment of Robert Kratochvil as Interim President, Las Positas College for the term July 1, 2007 until December 31, 2007 or until the position is filled.

On behalf of the Board, Dr. Cedillo thanked Mr. Kratochvil for his willingness to take on this assignment.

PUBLIC COMMENTS

Ms. Rachael Berry, Marketing Director, Associated Students of Chabot College, spoke to the Board regarding student concerns:

1. Denial by Chancellor Cota of request to put their concerns on the Board Agenda.
2. Rights to Shared Governance as stated in AB 1725 has been violated by President Carlson.
 - a. Dr. Carlson did not acknowledge their requests concerning College Hour.
3. Board Policy 2018 (Associated Students Participation in Collegial Consultation) was changed illegally without consultation with ASCC.
4. Vacant position of Director of Student Life needs to be filled by 2007-08.
5. ASCC flea market funds redirected to the Foundation.
6. Foundation negotiating ASCC contracts for vending rights.
7. Bookstore funds redirected to the Office of Student Services to be used at their discretion.

Also speaking in support of ASCC on these issues were: Josh Sears, Lorenzo Holguin, Rose Nemet, and Daniel Hinds.

Dr. Cedillo thanked students for their comments, acknowledging that speaking up is sometimes a difficult thing to do.

Mr. Michael Absher spoke to the Board regarding Career Technical Education (CTE) Funds allowed under AB 1802, "Education Trailer Bill." These funds, \$40 million in one-time money, are earmarked for technical education for equipment, materials and minor facility renovation. He was told that this money was to be used elsewhere and would like to know where.

CONSENT CALENDAR

Mr. Gelles requested that agenda items 4.1 (Approval of 2007-08 Curriculum Changes – Chabot College) and 4.2 (Approval of 2007-08 Curriculum Changes – Las Positas College) be removed from the consent calendar.

Motion No. 1

Mrs. Dvorsky made a motion, seconded by Dr. Gin, to approve the consent calendar with the exception of agenda items 4.1 and 4.2.

Motion carried unanimously, 6-0.

The following items were approved on the consent calendar:

General Functions

- 1.7 Approval of Minutes of March 20, 2007 Meeting

Personnel

- 3.1 Student Assistant Personnel
- 3.2 Classified Personnel
- 3.3 Faculty Personnel
- 3.4 Management Personnel
- 3.5 Professional Specialist and Program Leader Personnel
- 3.6 Volunteer Aide Personnel
- 3.7 Approval of new Hourly Wages for Student Assistants

Educational Services

- 4.3 Approval to Renew Agreement—Head Start Program Partnership with Child, Family and Community Services, Inc., Chabot College
- 4.4 Approval of Grant Agreement—First 5 Alameda County, Every Child Counts, Grant No. 2006-07-22, Chabot College

Business Services

- 5.1 Approval of Commercial Warrant Registers
- 5.2 Approval of Payroll Warrant Registers
- 5.3 Ratification of Purchases Completed
- 5.4 Approval of Addendum to Agreement with Adobe Systems Incorporated, Chabot College

TRUSTEE REPORTS AND/OR OFFICIAL COMMUNICATIONS

Mr. Nicholls noted that the comments from students tonight gives the Board an idea of what is going on at Chabot College. He expressed that he and fellow students are passionate about these issues and hope for a speedy resolution. He reported that the Associated Students Scholarship and Awards Ceremony is scheduled for May 11. A new Scholarship that will be given out this year is in memory of Daniel Camarilla, ASCC Activity Director who was killed last year.

Mr. Cornejo reported that there is a new candidate for Student Trustee, whom he will introduce at the next Board Meeting.

Dr. Mertes extended appreciation to the Chabot College Academic Senate for the Awards Program and especially thanked Chad Mark Glen. She noted that it is wonderful to see colleagues recognizing colleagues.

Dr. Gin echoed Dr. Mertes' comments to the Academic Senate. He reported that he, along with Mrs. Dvorsky and Dr. Lewis, attended the Eden Area League of Women Voters 50th Anniversary Celebration on April 13 at Hayward City Hall. The League continues to do great work in our community and he is proud to be a part of it.

Mrs. Dvorsky highlighted the San Leandro Newspaper, dated April 5, had a picture of the Chabot Foundation awarding the \$500,000 check to San Leandro School District. She reported that she will be doing an Accreditation Team visit next week.

Mr. Vecchiarelli echoed comments about the Chabot College Academic Senate Awards Program today. He reported he received a memorandum from a mathematics colleague regarding Basic Skills needs of our students – “a real issue statewide.” The District needs to be sure students are prepared in basic skills to function well in college and in life. He would like to see this topic addressed at a future Board Workshop.

Mr. Gelles thanked Chad Mark Glen for the Awards Program, noting there is nothing better than seeing colleagues recognizing colleagues.

CHABOT-LAS POSITAS COLLEGES FOUNDATIONS

Las Positas College: Dr. Kaye presented a written report to the Board. He highlighted pending grants. He also reported on one activity planned for Best of the Best - an attempt to do a live “Auctionette” to fund the College Bound Scholars Program. He noted that it costs \$1,400 to underwrite one student for six years in the College Bound Scholars Program. He was pleased to report that the Foundation has surpassed last year’s sponsorship with \$50,000 in the bank before selling tickets. He further reported that two new Board Members will be appointed at their meeting on April 18. He invited the Board to view the Foundation’s 30 second ad at www.lpcfoundation.org.

Chabot College: Mr. Talmo presented a written report to the Board. He reported that the Blooming Affaire planning committee is moving along. At the Friday Cocktail Reception the Foundation will be honoring two distinguished alumni—Paul Russo and Richard Valle. He reported that the Foundation has raised approximately \$800,000 since its inception over the past four years. He reported that the Foundation recently received \$100,000 from the Valley Foundation to begin developing the curriculum for the satellite campus which was established in San Leandro. He further reported that at the next Board Meeting he will give a report on the status of pouring rights negotiations.

PRESIDENTS OF CHABOT AND LAS POSITAS COLLEGES FACULTY SENATES

Mr. Chad Mark Glen, President of the Chabot College Academic Senate, thanked those who attended the Awards Ceremony. He apologized that it was such a long program. He felt it was nice for the Board to hear what a great place Chabot College is.

Ms. Melissa Korber, President of the Las Positas College Academic Senate, submitted a written report to the Board. She highlighted that the Senate is preparing for the end of the year. She reported that two Outstanding Service and Distinguished Teaching Awards will be awarded at the May Town Meeting. She also reported on a successful Faculty Symposium held on April 4, thanking Karin Spirn and Tiina Hukari for organizing the symposium and the faculty presenters Candy Klaschus and Tiina Hukari and Lauren Hasten. She further reported that the Express received awards at the Journalism Association of Community Colleges Statewide Conference—General Excellence and First Place in Photography, as well as other awards. In addition, the Editor in Chief, Lauren Hasten, won honorable mention in feature writing.

PRESIDENTS OF CHABOT, LAS POSITAS COLLEGES AND DISTRICT CLASSIFIED SENATES

Ms. Rachel Ugale, President of Chabot College Classified Senate, congratulated Mr. Glen for a wonderful ceremony. She reported that the Senate is holding a 50/50 raffle. In addition, she reported that nominations for officers closed and elections will be held next month. The Senate is coordinating with S.E.I.U. on a Classified Appreciation Week to be scheduled the last week of May or first week of June.

Mr. Todd Steffan, President of Las Positas College Classified Senate, submitted a written report to the Board. He reported that the Senate is very active in planning Flex Day, developing a new Recognition Program, developing new fundraising programs and putting on smaller events. They will be sending four officers to the upcoming 18th Annual Professional Business Women of California Conference in San Francisco.

Ms. Linda Wilson, District Classified Senate, reported that elections for officers was held today. The results of the election are: Mr. Pedro Ruiz deCastilla, President; Ms. Linda Wilson, Vice President; and Ms. Laura Cerda, Treasurer. This Senate is looking at different avenues or focuses in better serving the Colleges. They will be looking at better ways of communicating with the Colleges. She thanked Dr. Cota for initiating the District Classified Senate.

PRESIDENTS OF CHABOT AND LAS POSITAS COLLEGES ASSOCIATED STUDENTS

Mr. Robert Lu, President of Associated Students of Chabot College, submitted a written report to the Board. He reported that he supports all that has been said tonight by the students. He reported that a rally was held March 15 and over 250 petition signatures and over 300 e-mail addresses were received on a petition of support for the ASCC concerns, including College Hour. A copy of the petition and resolution was presented to the Board.

Mr. Joshua Paul, President of Associated Students of Las Positas College, provided a written report to the Board. He congratulated the Chabot College students for a job well done. He wants to work with all parties to improve their situation. He reported that elections will be held on April 25 and 26, noting that he will be replaced as President. He thanked Josh Sears and Lorenzo Holguin for coming from Monterey in support of the Chabot College students.

PRESIDENTS OF CHABOT AND LAS POSITAS COLLEGES

Dr. Carlson submitted a written report to the Board. He recognized Mr. Steve Small, Mr. James Baum and Mr. Tom Clark for the ASE Certification recognition awarded to the Chabot College Automotive Program. This is the top professional recognition that can be received.

President Halliday submitted a written report to the Board. She thanked Chad Mark Glen and the Chabot Academic Senate for honoring her. She drew the Board's attention to the list of many upcoming events and activities, highlighting the following:

- Basic Skills Conference on March 23. Forty-five full time faculty, administrators and classified staff received training on basic skills. She recognized Pam Luster who has been appointed to the Statewide Steering Committee for Basic Skills and Laurel Jones who was selected to be trained as a statewide and regional expert in Basic Skills.
- Student Recognition Night on May 9.

President Halliday reported that the College has a new address beginning January 1, 2008: 3000 Campus Hill Drive. She noted that Las Positas College will be able to use both addresses simultaneously, so supplies of stationary and business cards can be depleted and then re-ordered with the new address.

President Halliday thanked the Board for appointing Bob Kratochvil as Interim President, noting that he will do an excellent job.

CHANCELLOR'S REPORT

Dr. Cota thanked Chad Mark Glen and the Senate for her recognition. She also thanked Karen Silva for all her work on this event. She reported that the tragedy at Virginia Tech has caused many to question if we are prepared for such a tragedy. She asked MacGregor Wright, Director of Safety and Security at Chabot College to speak to this.

Mr. Wright reported that it is hard to prepare for a situation as what occurred at Virginia Tech as it is truly unimaginable. He reported that if such an event happened, all allied agencies and adjoining counties would work together. They will look for red flags or indicators and are learning to take these more seriously. He has had discussions with Rich Butler at Las Positas College and they are 100% committed to developing partnerships with police departments and clinical elements in the event of such a tragedy. He reported that all the agencies in the nine Bay Area Counties have practiced "active shooter scenarios." Now everyone is trained to a higher level to be able to "go in and locate,

isolate and neutralize.” The training is so consistent that a team can be put together from various agencies and go to work in a matter of minutes.

Mr. Gelles noted that security has gotten better with improvements to lighting, etc. and he has complete faith with both College Security Departments. He questioned how we communicate an emergency to students, faculty and staff. In response, Mr. Wright noted that we are perhaps blessed that we are small campuses. Communication was considered when discussing the Security Master Plan and there are many options. He reported that he could send out text messages to all administrators’ phones. A passive system is best where the receiver has to do nothing but “open their ears and listen.” It is his recommendation to invest in a public address system - “a must investment.”

Dr. Carlson reported that with Measure B funds, the College completed a Security Master Plan for the security of our classrooms and campus. Many issues (phones, public address system, alarms, building control, cameras) are being addressed.

Mr. MacGreagor complemented the Board for the insight in approving the Security Master Plan.

APPROVAL OF 2007-08 CURRICULUM CHANGES - CHABOT COLLEGE; AND APPROVAL OF 2007-08 CURRICULUM CHANGES – LAS POSITAS COLLEGE

Mr. Gelles requested that these agenda items be pulled from the consent calendar to question if the Academic Senates if they have seen these changes and approve, to which Ms. Korber responded affirmatively.

Motion No. 2

Dr. Mertes made a motion, seconded by Dr. Gin, to approve the 2007-2008 Curriculum Changes proposed by Chabot College and Las Positas College.

Motion carried unanimously, 6-0.

APPROVAL TO AWARD A CONTRACT USING THE STATE OF CALIFORNIA’S MULTIPLE AWARD SCHEDULES (CMAS) PROGRAM TO PURCHASE NEW SYNTHETIC TURF AT CHABOT COLLEGE

Motion No. 3

Dr. Gin made a motion, seconded by Mr. Cornejo, to award a contract for synthetic turf for the athletic facilities improvement project at Chabot College to FieldTurf USA, Incorporated of Montreal, Quebec, Canada in the amount including taxes not to exceed

\$520,000. It is further recommended that the Board authorize the Vice Chancellor, Business Services to execute the agreement and any future augmentations or amendments to this agreement on behalf of the District.

Dr. Mertes questioned the life of the turf, to which Mr. Kingston reported approximately ten years.

Motion carried unanimously, 6-0.

APPROVAL OF CHANGE ORDER NUMBERS 7 AND 8 – SIERRA BAY CONTRACTORS, INC., MULTI-DISCIPLINARY EDUCATION BUILDING (CFIS 4.62.216), LAS POSITAS COLLEGE

Motion No. 4

Mrs. Dvorsky made a motion, seconded by Dr. Gin, to approve Change Order Numbers 7 and 8 for Sierra Bay Contractors, Inc., of Concord, California, Multi-Disciplinary Education Building for the increased amount of \$231,842. It is further recommended that the Board of Trustees authorize the Vice Chancellor, Business Services to execute the change order on behalf of the District. Funding Source: Measure B Bond Funds

Mr. Kingston explained that Change Order No. 7 increases the contract amount by a total of \$32,259 for thirteen scope items, many of which represent owner directed changes such as increasing the total height of the lift tower, rearrangement of fixed seats at the lecture hall to increase total number of accessible seats, upgrade of carpet in lab areas and reconfigured circuitry at designated areas. Change Order No. 8 increases the contract amount by a total of \$199,583 for nine scope items, of which the primary cost component is the upgraded Information Technology Infrastructure per the District's IT Master Plan. He reported that the projects are still within the scope that is reasonable—these changes are “added scope.”

In response to a question raised by Dr. Mertes, Mr. Kingston reported that the original grant was the original contract amount of \$14,000,010.

Motion carried unanimously, 6-0.

AUTHORIZATION TO FILE NOTICE OF COMPLETION WITH THE ALAMEDA COUNTY CLERK RECORDER'S OFFICE FOR THE INSTALLATION OF ROLL-UP DOOR AND OVERHEAD POWER GRID IN BUILDING 1400 (MACHINE SHOP), INSTALLATION OF NEW ENTRY DOOR IN BUILDING 1000 (ART GALLERY), INTERIOR IMPROVEMENTS TO BUILDINGS 1200 AND 1300 (PERFORMING ARTS CENTER), CHABOT COLLEGE

Motion No. 5

Dr. Gin made a motion, seconded by Mr. Cornejo, to authorize the filing of a Notice of Completion with the Alameda County Clerk Recorder's Office for the Installation of Roll-up Door and Overhead Power Grid in Building 1400, Installation of New Entry Door in Building 1000, Interior Improvements to Buildings 1200 and 1300, Chabot College. Funding Source: Measure B Bond Funds

Mr. Kingston reported that for a project to be officially closed, a Notice of Completion needs to be filed with the Alameda County Clerk Recorder's Office.

Dr. Mertes questioned how many projects are in the works now? Mr. Kingston reported that in July he will bring to the Board the Five Year Plan Update which will have those details. He reported that currently, the District has two IPP's (Initial Project Proposals) and two FPP's (Final Project Proposals).

Dr. Mertes commended the Facilities Department, noting that it is good to see the Colleges submitting projects for state funding.

Motion carried unanimously, 6-0.

APPROVAL OF AGREEMENT WITH NOLL AND TAM ARCHITECTS FOR THE PREPARATION OF FINAL PROJECT PROPOSAL (FPP) FOR THE LIBRARY RENOVATION PROJECT, LAS POSITAS COLLEGE

Motion No. 6

Mrs. Dvorsky made a motion, seconded by Dr. Mertes, to approve the Agreement with Noll and Tam Architects for the Preparation of Final Project Proposal (FPP) for the Library Renovation Project, Las Positas College in the amount of \$54,705.00. 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: State and Measure B Bond Funds

Mr. Kingston reported that this firm will complete the design necessary to submit an FPP. In order to make the deadline, he has issued this Contract (which is below the \$60,000 threshold) and is requesting the Board to ratify approval.

Motion carried unanimously, 6-0.

APPROVAL OF AGREEMENT WITH STEINBERG ARCHITECTS FOR THE PREPARATION OF FINAL PROJECT PROPOSAL (FPP) FOR BUILDING 100 FACILITIES MODERNIZATION PROJECT, CHABOT COLLEGE

Motion No. 7

Mrs. Dvorsky made a motion, seconded by Dr. Mertes, to approve the Agreement with Steinberg Architects for the Preparation of Final Project Proposal (FPP) for Building 100 Facilities Modernization Project, Chabot College in the amount of \$79,500.00. 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: State and Measure B Bond Funds

Mr. Kingston reported that this is the second project that the State has approved the District proceed from an IPP to an FPP. This contract went through the RFQ process.

Motion carried unanimously, 6-0.

FACILITIES PLANNING AND MANAGEMENT REPORT

Mr. Kingston reported that the Citizens Oversight Committee will meet April 24. They are preparing the quarterly report which will be sent to the Board. In addition, he is working on hiring those positions as outlined in the Board's resolution. Also, he is working on transitioning various consultants to replace those duties within the District.

EIR UPDATE, LAS POSITAS COLLEGE

Mr. Kingston gave the Board an update on the Environmental Impact Report. He reported that a letter dated April 6, 2007 from H.T. Harvey and Associates summarized the District's options for mitigation in conjunction with the consultation with the U.S. Fish and Wildlife Service (USFWS). USFWS has agreed to allow the District to go forward after only six months, which is quite fast. The bad news is the cost to mitigate the number of acres required. He reported that USFWS indicated they would be willing to issue the Biological Opinion (BO) in advance of identification of the mitigation if the District agrees

to mitigate all impacts at a 3:1 acreage ratio within six months of issuance of the BO. The mitigation lands will provide habitat for the California tiger salamander, California red-legged frog and San Joaquin kit fox. The next step is to give Mr. Kingston the authority to negotiate the language and to purchase acreage for a conservation easement on mitigation lands.

Dr. Cedillo asked Mr. Kingston for a worst case scenario and a best case scenario. Mr. Kingston reported that the best case would be to find a piece of property that connects two other pieces of property off site that are already identified as mitigation areas. For that we would receive from the Service a 1:1 ratio exchange. He noted that is a low probability option. The worst case is a property in the Valley that is set up to be used for mitigation at a per acreage cost at a 3:1 ratio. That property has all three of the endangered species that we need. If we don't have a suitable property for all three species, we may have to purchase separate properties.

Dr. Cota requested that Mr. Kingston speak about the land the District mitigated in the 1990's for two of the species—the red legged frog and the kit fox. Mr. Kingston asked Mr. Steve Rottenborn to respond to this issue.

Mr. Rottenborn reported that in 1995 the EIR for the expansion of Las Positas College, identified potential impact for the kit fox, if found. The kit fox was not found, so the College never mitigated the kit fox because they were determined not to be there. At that time, neither of the other two species were federally listed as endangered. In 1998, as a condition of approval of the U.S. Army Corps of Engineers wetland habitat and riparian plants (those that grow along the stream) were mitigated by the creation of a wetland area along Collier Creek.

Dr. Mertes requested clarification: “as you expand to build, you will have to look at a parcel of new land before you can build on it?” To which Mr. Rottenborn responded affirmatively.

Dr. Mertes questioned if we could petition this decision to mitigate non-existent animals at great expense to the District. Mr. Rottenborn reported that this could take a long time.

President. Halliday reported that we would lose the fight regarding the salamander. She would like to get this resolved so when projects come out of DSA we can proceed. If we challenge it, it could cost up to 1% each month for construction delays, “and we are talking about years.”

Mr. Kingston reported that the District has identified an individual with a ranch who will create a conservation easement. We can buy the conservation easement at approximately \$15,000 per acre (266 acres).

Mr. Gelles reported that they (the Service) will win, no matter. He felt that we need to get out as cheaply as possible and do what we have to do.

Dr. Mertes felt that there are things that we can negotiate.

Mr. Rottenborn reported that the process will give the District six months to come up with something that is hopefully cheaper and better.

Mr. Kingston reported that he asked legal counsel for an opinion on the memorandum from H.T. Harvey and the attorney was surprised we are where we are in the process as he felt the timeline is unheard of. He indicated that he has never seen an agreement with the Service without the property in hand and paid for, noting he is working with two other entities that have been waiting two years. They are allowing us to proceed on "good faith" without having off-site property. Mr. Kingston felt that this was the best we will get from the Service.

Mr. Kingston reported that this is the one property that is available and he expressed concern that without an agreement, the costs could go up.

Mr. Vecchiarelli expressed concern that everyone who is building in the Valley is going to want that property. He feels it is important to move ahead, noting that one cannot argue with the U.S. Fish and Wildlife Service. He also noted that it is prudent to move ahead or we will hold up the building projects.

Mr. Gelles questioned what Mr. Kingston needed from the Board. Mr. Kingston reported that he, along with legal counsel, will draft language and bring it back to the Board asking for authorization to negotiate, with certain boundaries and budget range, to move this along.

Dr. Cota reported that we will bring a recommendation to the next Board Meeting even though it is a workshop.

Mr. Vecchiarelli questioned how much of Joe Sweet's property is left? Mr. Rottenborn responded approximately 1,000 acres. He reported that there is a new Alameda County group, The Partnership for Land Conservation and Stewardship, that is trying to find more landowners who are willing to sell conservation easements. It is his hope that other easements will become available.

GASB 45 COMPLIANCE UPDATE

Mr. Legaspi reported that out of the last presentation, several questions came up to which he has prepared responses and provided additional information. He reported that new

legislation, AB 554, allows public entities participation in the CalPERS' pre-funding plan. The word is that the Governor would support this bill. Mr. Legaspi reported that after contacting other districts, he has determined that "we are ahead of the game." He reported that the League will not help Districts raise money or reduce liability. If Districts have the money, they will help manage it. He also reported that he will look at additional underwriters.

Mr. Legaspi asked the Board for direction as to our next steps. Mrs. Dvorsky indicated that we will have to move ahead with this and would like to see this on the agenda for further discussion and action at the next meeting.

Dr. Gin concurred with Mrs. Dvorsky's recommendation.

Dr. Mertes reported on an article on a bill by Sheila Khuel. If the bill is passed, it would help our situation. The bill is for a single payer similar to Medicare. She suggested we keep an eye on this bill. Dr. Cota reported that she has presented that bill for the last few years and it has not passed Assemblywoman Khuel.

Dr. Cota noted that if the Board approves the resolution previously presented by Mr. Legaspi, it would mean that the firms will be doing research. This will take three to six months. The Board does not have to approve what they bring forward.

Mr. Vecchiarelli reported that we have to address the issue but must address it prudently. It needs to be done smartly so that we don't leave a huge debt to future generations.

Mr. Gelles reported schools have a responsibility to their staffs and basically likes the law (GASB 45). "We need to be cautious."

Mr. Legaspi reported that if there is a break in the next six months with a solution, then we don't have to proceed. We will write a prudent exit into the plan.

Dr. Cedillo requested that this be brought back to the Board for action at the next meeting. He noted that "you have heard the Board's concerns. We owe it to our community to move forward." He requested that if Board Members have further questions, they should contact the Chancellor.

APPROVAL OF REVISED GOVERNING BOARD POLICIES AND ADMINISTRATIVE RULES AND PROCEDURES

Mr. Gelles questioned the changes to Board Policy 3310, to which Mr. Kingston responded that the changes increase the thresholds to adjust for inflation as outlined in the Uniform Cost Accounting Act; and secondly, allows us to go out for RFP or RFQ before coming to the Board. The Chancellor is authorized to solicit contracts for goods and services in

advance of the action of the Board. The Chancellor is also authorized to award contracts of less than \$125,000 (previously \$65,000) for goods and services in advance of the action of the Board. The Chancellor shall report contract awards for ratification by the Board at the next regularly scheduled public meeting. Staff will bring to the Board a request to ratify the approval or award.

Mr. Gelles reported that he is not happy with thresholds being raised. Dr. Cota reported that we will try to come to the Board for prior approval but this change will allow us to act on a RFP or RFQ in a critical situation.

Mr. Gelles also questioned the changes to Board Policy 2260, to which Ms. Korber reported the changes were discussed in Chancellor's Council. She took the changes to her Senate and they suggested revisions. They felt it was better to state that "they will comply with state law" as opposed to defining state law.

Mr. Glen reported that both Policies were presented at Chancellor's Council and taken to the Senates. He felt the biggest change was the addition of the statement "this policy is not intended to impinge upon academic freedom or free speech" clarified the issue.

Motion No. 8

Mrs. Dvorsky made a motion, seconded by Dr. Gin, to adopt the following Governing Board Policies and Administrative Rules and Procedures and further that these Board Policies and Administrative Rules and Procedures become effective upon adoption:

- a. Board Policy and Administrative Rules and Procedures 3310 – Purchasing and Contracting
- b. Board Policy 2260 – Political Activity

Motion carried unanimously, 6-0.

NEXT MEETING

The next Board of Trustees Meeting is scheduled for Tuesday, May 1, 2007 at 6:30 p.m. at the District Office.

ADJOURNMENT

There being no further business, the Regular Meeting was adjourned at 9:00 p.m.

Minutes completed by:

Beverly Bailey

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