



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

MINUTES  
October 16, 2007

**PLACE**

Chabot-Las Positas Community College District, 5020 Franklin Dr., Pleasanton, California 94588.

**CALL TO ORDER**

The regular meeting was called to order at 5:30 p.m. Recording Secretary Beverly Bailey called the roll. Board Members Gelles, Lewis and Morrissey were absent at the time of roll.

**ATTENDANCE**

Members Present:

Dr. Arnulfo Cedillo  
Mrs. Isobel F. Dvorsky  
Dr. Hal G. Gin  
Dr. Barbara F. Mertes  
Mr. Carlo Vecchiarelli  
Ms. Frances Morrissey (arrived at 6:30 p.m. for the Regular Meeting)

Members Absent:

Mr. Donald L. "Dobie" Gelles  
Dr. Alison Lewis

Managers Present:

Dr. Joel L. Kinnamon, Chancellor  
Dr. Robert Carlson, President, Chabot College  
Mr. Robert Kratochvil, Interim President,  
Las Positas College  
Ms. Julia Dozier  
Ms. Heidi Finberg  
Dr. MaryAnne Gularte  
Mr. Andrew Howe  
Mr. Farhad Javaheripour  
Dr. Laurel Jones  
Dr. Ted Kaye  
Ms. Pam Luster  
Ms. Melinda Matsuda

Ms. Laura Weaver

Recording Secretary: Mrs. Beverly Bailey

Others Present: Mr. Waiz Badar, President, Associated Students of Chabot College  
Ms. Brenda Carr-N' shimba  
Mr. Greg Carter, S.E.I.U., Local 1021  
Mr. Greg Daubenmire, President, Las Positas College Faculty Senate  
Mrs. Charlotte Lofft, Faculty Association  
Mr. Patrick Lofft  
Ms. Kari McAllister, President, Chabot College Classified Senate  
Mr. Marshall Mitzman  
Ms. Kayla Moreland, President, Associated Students of Las Positas College  
Mr. Mark Smythe, S.E.I.U., Local 1021  
Ms. Linda Wilson, District Classified Senate and S.E.I.U., Local 1021  
Ms. Diane Zuliani, President, Chabot College Faculty Senate

### **BOARD MEMBER EXCUSED**

Dr. Cedillo reported that Mr. Gelles is ill and therefore excused from tonight's meeting.

### **PUBLIC HEARING**

Dr. Cedillo opened the Public Hearing, explaining that pursuant to the Brown Act, Government Code Section 54957(b)(2), the employee in question was given notice that this matter had been placed on the Closed Session agenda of a regular meeting scheduled for October 16, 2007 and was given an opportunity to request that the matter instead be heard in Open Session, which she has requested. He explained that the Board is considering the recommended decision of an Administrative Hearing Panel, therefore, the Board will consider the recommended findings of fact in Open Session. The Board will then adjourn to Closed Session to deliberate on the recommended discipline. The Board's decision is a final action which will be reported out of Closed Session when the Board reconvenes in Open Session.

Dr. Cedillo invited Ms. Carr to address the Board, reminding her that we are in open session and the minutes of this meeting will be a public document. He reminded her not to refer to any student by name or other identifying information. He requested she contain her remarks to ten minutes.

Ms. Carr reported that she disagreed with the five-day suspension. She discussed her background at the District and the current charges. She gave detailed examples of why she believes the charges to be unwarranted, citing retaliation and lack of supervision and guidance.

Dr. Cedillo requested that Dr. Kinnamon proceed with his comments, limiting them to ten minutes.

Dr. Kinnamon made the following points:

- 1) The District strongly supports this five-day suspension and urges this Board to adopt the recommended findings of fact and discipline of the Hearing Panel;
- 2) The District has fully complied with the procedures and basic principles of due process. Ms. Carr received a full opportunity to be heard, with the representation of her Union; and
- 3) The decision is detailed, well reasoned, and supported by the evidence.

Dr. Kinnamon spoke in further detail on these points.

As to the **First** point:

"I have reviewed the record in this case, and see both a front-line supervisor, and a College Vice President, properly engaged in administering slow and progressive discipline to an employee. It is clear from the record that this suspension was recommended only after multiple other interventions and that despite these efforts, the employee continues not to understand or accept responsibility for her failure to follow basic rules and to interact appropriately with colleagues. I believe it is essential that we support our managers when, like here, they do the right thing and document, counsel, warn and warn again, before implementing serious discipline."

"We prohibit excessive absenteeism in our policies and procedures, and Ms. Can was on clear notice from her prior warnings that excessive absenteeism would result in serious discipline. The law is clear that where employees are on proper notice, absenteeism that reaches such a high level that it disrupts the smooth functioning of public employment, it may be subject to discipline. The issue is not whether the leave was for a legitimate purpose; Ms. Can was not charged with abuse of leave. The issue is whether it was excessive. This point was raised at the hearing and squarely addressed by the Hearing

Panel. The Hearing Panel found that Ms. Can was warned, that the warning was consistent with District policy, and that her level of absence was, in fact, excessive."

As to the **Second** Point:

"The decision of this Hearing Panel is the product of a fair process that complies with the District's classified discipline procedures.

- Ms. Can received a detailed Notice of Intent and opportunity to be heard-- what is called a "*Skelly*" meeting.
- Chancellor Cota then reported to this Board that this process had been followed properly and the Board approved issuance of the Notice of Suspension.
- Ms. Carr then not only received a full hearing, with assistance of counsel, but also was granted repeated postponements of the hearing to accommodate the schedule of her counsel to ensure that she did not proceed without adequate representation. Indeed, Ms. Can was vigorously represented by counsel at the hearing."

And, the Third point:

"A review of the Hearing Panel's decision demonstrates that the District met its burden in showing that:

- The conduct with which Ms. Can was charged violated district policy and procedures;
- The conduct was disruptive and interfered with college operations;
- She — in fact — engaged in the conduct she was charged with; and
- She was given numerous counselings and warnings before this step was taken."

"We must be able to administer serious discipline for repeated failures to adhere to basic rules \_like how to request leave; we also must be able to administer serious discipline for discourtesy in the work place. Finally, we must be able to administer serious discipline for excessive absenteeism."

Dr. Cedillo invited Board Members to ask clarifying questions, to which there were none.

Dr. Cedillo invited public comments.

Mr. Greg Carter, S.E.I.U., Local 1021, asked the Board to take into consideration that Ms. Can is a 20+ year employee; and that she has transitioned from Chabot College to Las Positas College where there is a culture change. Mr. Carter also believes that the level of discipline is too severe for the charges.

Dr. Cedilla concluded the Hearing.

#### Motion No. 1

Mrs. Dvorsky made a motion, seconded by Dr. Gin, to adopt the Administrative Hearing Panel's recommended findings of fact.

Motion carried 4-0, with Mr. Vecchiarelli abstaining.

Dr. Cedillo adjourned the meeting to Closed Session at 5:50 p.m., which ended at 6:30 p.m.

### **CALL TO ORDER**

The Board readjoined in Open Session at 6:35 p.m. Recording Secretary Beverly Bailey called the roll. Board Members Gelles and Lewis were absent at the time of roll. Dr. Cedillo reiterated that Mr. Gelles is ill and therefore excused from tonight's meeting.

### **ACTION TAKEN IN CLOSED SESSION**

Dr. Cedillo reported that the Board has taken final action to suspend a classified employee, Ms. Brenda Carr-N'shimba, for five days, effective immediately. The Board of Trustees will apply the voluntary five-day suspension Ms. Can served from July 11, 2007 through July 17, 2007 as satisfying the Board's disciplinary decision.

### **PUBLIC COMMENTS**

Ms. Diane Zuliani expressed concern to the Board regarding two natural gas-fired power plants which are proposed near Chabot College. The Russell City Energy Center is a project of the San Jose-based energy company Calpine. The Russell City Energy Center received its final approval from the California Energy Commission (CEC) three weeks ago. The second plant, the Eastshore Energy Center is a project of the Texas-based Tierra Energy Company and is currently undergoing the approval process. She noted that the deadline for asking the CEC for a halt in procedures is October 25. She asked the Board to consult legal counsel and make a declaration on behalf of Chabot College. She also reported that there will be a Public Hearing on the plants organized by Supervisor Gail Steele scheduled for October 24 at 7:00 p.m. in the Little Theater at Chabot College.

Mrs. Charlotte Lofft reported that the Faculty Association strongly opposes the two power plants, citing unsafe working conditions. She urged the Board to act immediately to legally challenge these two power plants. She reported that the Faculty Association has contacted their legal counsel and wishes to work collaboratively with the District on this issue.

Ms. Linda Wilson also spoke in opposition to the power plants on behalf of S.E.I.U., Local 1021.

## **CONSENT CALENDAR**

Dr. Cedillo asked that agenda item 3.2 (Classified Personnel) be removed from the consent calendar, allowing individuals an opportunity to speak on this item.

### Motion No. 2

Mrs. Dvorsky made a motion, seconded by Dr. Gin, to approve the consent calendar with the exception of agenda item 3.2.

Motion carried unanimously, 5-0.

The following items were approved on the consent calendar:

#### General Functions

- 1.8 Approval of Minutes of September 18, 2007 Meeting

#### Personnel

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

#### Educational Services

- 4.1 Approval to Renew Agreement—Child Development Training Consortium 2007-2008 Instructional Agreement No. 07-08-4024 with Yosemite Community College District, Chabot College
- 4.2 Approval to Renew Agreement – Child Development Training Consortium 2007-2008 Instructional Agreement No. 07-08-2620 with Yosemite Community College District, Las Positas College
- 4.3 Approval to Renew Agreement—California Early Childhood Mentor Program Agreement No. 93:575 with San Francisco Community College District, Chabot College

- 4.4 Approval to Renew Agreement—State of California, Bureau of Automotive Repair Smog Referee and Student Training Program with the Foundation for California Community Colleges, Las Positas College
- 4.5 Approval of Master Contract – Parent Resources for Information, Development and Education Training Program Contract No. 900035 with Alameda County Social Services Agency, Children and Family Services, Chabot and Las Positas Colleges
- 4.6 Approval of Subcontract – WestEd Infant/Toddler Caregivers Demonstration Program under the California Department of Education Prime Contract No. CN077030, Chabot College

#### Business Services

- 5.1 Approval of Commercial Warrant Registers
- 5.2 Approval of Payroll Warrant Registers
- 5.3 Approval of Budget Transfers 3.C.1
- 5.4 Approval of Declaration of Surplus Property to be Sold at Private Sale and Donation or Disposal of Any Items Not Sold
- 5.5 Approval of Surplus Property to be Donated to Eden Area Regional Occupational Program
- 5.6 Approval of Renewal of Grant Application from California Department of Education, Child and Adult Care Food Program (CACFP), Chabot College
- 5.7 Agreements/Contracts
  - a. Authorization to Enter Into an Agreement with The Wine Group and Las Positas College
  - b. Approval of Renewal of Agreement for Professional Services with Marilyn Kaplan
  - c. Approval of Agreement with AT&T California for Telephone Services and Continue the Utilization of the State of California CALNET Contract
  - d. Approval to Award a Contract Using the State of California's Multiple Award Schedules (CMAS) Program to Purchase New Synthetic Turf for Las Positas College

#### Facilities Planning and Development

- 6.1 Authorization to File Notice of Completion with the Alameda County Clerk Recorder's Office for Various District-Wide Projects (State Funds)

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

Mrs. Dvorsky reported that she attended the ACCT National Conference September 26-29 in San Diego, noting that it was a wonderful meeting. She reported that tuition sensitivity is no longer a problem for community college students applying for grants. She also reported that there is a tremendous amount of legislation being discussed. She asked that Mrs. Bailey type

her notes for distribution to Board Members and others that might be interested. She further reported that Dr. Kinnamon will be the featured speaker at the San Leandro Chamber Luncheon on November 1.

Mr. Vecchiarelli expressed that he is concerned about water quality and air quality. Unless he is 100% certain that this is a safe situation, he will probably be against the power plants. He reported that he needs more information, and would like to find out what the Air Quality Control position is on these power plants. He would like to better understand what industrial pollution credits are, hoping that it doesn't mean polluting one area while cleaning up another area. He reported that there are strict legislations that protect K-12 students from air quality issues, but he does not believe there are any laws protecting community college students. Mr. Vecchiarelli further noted that there are safe ways of producing energy which should be explored—solar and wind.

Dr. Gin thanked staff for bringing this issue to the Board's attention. He will look at the issue very carefully and will attend the Public Hearing next week.

Ms. Morrissey reported that the Lady Hawks Soccer Team, defeated San Francisco Community College on September 28, for the first win of the season. She reported that The Major Faire was held last week and was quite successful. She reported that there are a few new clubs on campus, including a very popular one—The Veterans Club. She reported that the High School Seniors and Parents Night is scheduled for November 7.

Dr. Cedillo reported that he attended a Leadership Symposium sponsored by the National Community College Hispanic Council (NCCHC) and invited individuals to review the program. He also reported that he attended the NALEO Conference in Washington, D.C. and will share with the Chancellor a document "A Plan for Success—"Communities of Color Define Policy Priorities for High School Reform." In addition, he highlighted two other papers from the Alliance for Excellent Education: 1) Latino Students and U.S. High Schools"; and 2) High School Drop Outs in America. He reported that he attended a session by Dr. Eugene Garcia, Vice President, Education Partnerships, Arizona State University on demographics of academic achievement patterns of young Latinos in the United States. He shared statistics on Latinos and Education. He stressed that we are a country of immigrants with a growing Hispanic population and noted that community colleges have a vital role to play and a responsibility to educate.

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

**Chabot College:** Ms. Finberg presented a written report to the Board. She reported that the Foundation has recently received \$5,000 from a Chabot College Alum. This donation is the first of several that will be used for an endowment in his and his wife's name. The Foundation is currently working with the Alumni Association to track Alums. She reported



that the Foundation Board approved Blooming Affaire proceeds to be distributed to Chabot College Departments and also approved first quarter funding for several campus projects. She also reported that a task force has been established to facilitate awarding "Fund for Excellence" mini-grants throughout the campus. The task force will develop a process and criteria for the grants.

Ms. Finberg further reported that the annual fall fundraising event "Starlight Club" is scheduled for November 17 at the Alameda Officers Club. The event will honor retiring President Dr. Carlson.

**Las Positas College:** Dr. Kaye presented a written report to the Board. He reported that the Foundation has received \$10,000 from Sandia National Labs, totaling \$40,000 over the last two years. He also highlighted a "friend-raising" event on January 30—Tea, Champagne and Friendship. Ron Morgan will provide the entertainment. The Foundation Board has moved ahead aggressively to take a more business-like rather than ad-hoc approach to grant giving. He highlighted an attachment to his report – "Target for Financial Allocations." This report essentially itemizes expense items and takes the balance to be allocated as follows: 15% for corpus reserves; 9% for liquid savings; 45% for Direct Student Support; 25% for fundraising for staff and faculty; and 6% for Institutional Development (grant writing and community outreach). He also highlighted another attachment to his report - "Guideline for Grant Making" which will serve as an application process for awarding the grants.

Dr. Kaye also thanked the Board for approving the agreement with the Wine Group, the first step towards naming rights opportunities for the future.

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

Ms. Diane Zuliani, President of the Chabot College Academic Senate, reported that the Public Art Committee, which she chairs, has written a Policy on Public Art and is expected to approve the document next week. The Committee has chosen to pursue for outfitting the campus with permanent, public works of art and/or visual enhancements, will be through a call for entries to visual artists. They have written, and will approve next week, the call for entries document along with a timeline. She also reported that a "Time of Reflection" event is scheduled for October 18. The event begins with a seminar offered by Humanities Instructor John Parente on an alternative view of student learning from the one being proposed by the student learning outcomes movement. Following Dr. Parente's seminar will be an opening reception of the art gallery exhibit "Double Take: The Historic Hayward Area Re-photographed, 1880-2007" and finally at 8:00 pm is the opening performance of the fall theater production, "Curse of the Starving Class."

Mr. Greg Daubenmire, President of the Las Positas College Academic Senate, submitted a written report to the Board. He reported that six members of the LPC community attended the Basic Skills Initiative (BSI) training workshop at Santa Rosa Junior College on October 12, 2007. On that date, he participated in BSI training for Butte College, Feather River College and Lake Tahoe College at Butte College. In addition, on September 28 he assisted as a trainer in a BSI workshop at Shasta College, training colleagues from Shasta College, College of the Siskiyous, College of the Redwoods and Lassen College on the best practices in developmental education, how to evaluate needs and where to go for any necessary funding. Colleges will now develop "Action Plans", which will be due in May.

Mr. Daubenmire further reported that the Presidential Search Committee reviewed applications and interviews are scheduled to be held October 25 and 26. The forums will be scheduled for early November.

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

Mr. Todd Steffan, Las Positas College Classified Senate, submitted a written report from Frances DeNisco to the Board. He reported that the 2007-08 Senate Goals were approved at their last meeting. The Senate is progressing with plans for their Classified Flex Day to be held October 26.

Ms. Kari McAllister, Chabot College Classified Senate, submitted a written report from Rachel Ugale to the Board. She reported that she along with other staff and faculty attended a fall retreat for the Campus Change network, a project sponsored by California Tomorrow to support the work being done by community colleges to tackle issues regarding access, equity and diversity. It is the hope of the group to increase the group in numbers and in participation from classified, faculty and administration, and most importantly, to get a diverse student perspective to help guide them in dealing with these issues. She also reported that the Classified Senate will be discussing the qualities they would like to see in the next President and what they would like to see he/she accomplish. In addition, Classified Staff will be exploring how the budget affects the District, the campus and the Classified Staff. Many Classified Staff have been helping market the college and doing what they can to help increase enrollment. Further, the Classified Staff will discuss how construction impacts their work and interaction with students, noting that it is important that all staff continue to offer quality services to students and the community.

Ms. Linda Wilson, District Classified Senate, reported that the Senate wishes to thank Julia Dozier in Contract Education for the opportunity of utilizing the SkillSoft software. This is an opportunity for Classified Staff to improve their skills.

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

Ms. Kayla Moreland, President, Associated Students of Las Positas College, submitted a written report to the Board. She reported that several ASLPC members recently attended the American Student Government Association's National Summit in Washington, D.C. where they participated in round table discussions, attended workshops and lobbied for higher education issues. She also reported that on October 10 Las Positas College held its annual Major Exploration Faire. In addition, on that day ASLPC held special elections to fill two officer positions. She also reported that several organizations came on campus and registered students to vote. She further reported that on October 12 she and the Director of Legislation attended a region meeting for the Student Senate for California Community Colleges.

Mr. Waiz Badar, President, Associated Students of Chabot College, invited everyone to the Chabot College Homecoming on Saturday, October 20. He reported that several ASCC members will attend the upcoming California Community College Student Affairs Association (CCCSAA) Conference. He reported that October 30 is Club Day. He also reported that ASCC is having a food drive beginning October 30 through Christmas. He further reported that ASCC is working with the Foundation on a grant. If approved, the grant will be spent on a speaker series, video and podcast.

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

President Kratochvil submitted a written report to the Board. He commended staff who were involved with the Basic Skills Training. He commended Pam Luster who was a regional trainer. He also recognized Laurel Jones for her hard work as the lead for the accreditation team. He further reported that LPC has just received an advance notice from the Practices with Promise Report which comes out of an initiative "Campaign for College Opportunity" that they have been awarded three of fifteen awards. One hundred twenty (120) programs statewide submitted applications. There will be a media release next week. He will provide more information when it is available.

Dr. Carlson submitted a written report to the Board. He highlighted a newsletter published by the Chabot College Distance Education Committee, Online Learning News, which was sponsored by one-time money. He recognized Jan Novak who took the lead on this. He also reported on a successful conference this past weekend, UMOJA III: Moving Toward Consensus. He thanked Tom deWit and his office staff, Karen Silva and Bella Witt for all their work on the conference. He also reminded those in attendance of the Homecoming this Saturday, October 20, which promises to be quite an event.

**CHANCELLOR'S REPORT**

Dr. Kinnamon acknowledged Las Positas College Interim President Bob Kratochvil for the phenomenal job he is doing leading Las Positas College. He reported that the District has joined with other CEOs across the nation on a Climate Neutrality Program promoting "green" and sustainability.

Dr. Kinnamon reported on the UMOJA Conference. He reported that several months ago Tom deWit and others felt there was a need to address success issues concerning African American students. A letter was sent out from the District along with Helen Benjamin, Chancellor, Contra Costa Colleges and Jerome Hunter, Chancellor, North Orange County Colleges, inviting colleges to join a new statewide consortium. The goal is to unify the existing programs into one core statewide program and encourage more colleges to participate. The program started at Chabot College under the Daraja Program.

Dr. Kinnamon reported that three counselors will attend the upcoming Hispanic Association of Colleges and Universities (HACU) Conference. They will attend breakout sessions for Hispanic-serving institutions.

Dr. Kinnamon also reported that Jeannine Methé has coordinated this year's 3CBG Banner Institutions Conference currently being held in Fremont. He reported that he attended yesterday (October 15) to give a Welcome Introduction and introduced the keynote speaker, Assemblymember Mary Hayashi.

Dr. Kinnamon welcomed back Dean Laura Weaver who has the past three weeks been on a trip sponsored by AACC recruiting International Students.

**CLASSIFIED PERSONNEL**

Dr. Cedillo reported that he pulled this agenda item from the consent calendar in order for Public Comments.

Motion No. 3

Mrs. Dvorsky made a motion, seconded by Dr. Gin, to approve the Classified Personnel.

Mr. Mark Smythe spoke to the Board regarding item D on page 4 of the Classified Personnel. He noted that there is controversy on this position and wishes to discuss it with Management in a collegial manner. He noted that there is concern in dealing with staff seniority when a position is deleted. He voiced that the Classified Staff need to have input on Classified positions. He requested that the Board table this item until these discussions can be scheduled.

Mr. Greg Carter also spoke to the Board on this item, noting that S.E.I.U. has had a great working relationship with the District Management. They are requesting a meeting to discuss the impact of this position.

Dr. Kinnamon voiced that he wants to continue the great working relationship with S.E.I.U. He reported that this position is a critical position at Las Positas College and the Vice President of Academic Services needs to have the position filled. He reported that the current job description does not reflect what is needed for that position. He reported that the position at Las Positas College is different from that at Chabot College. He also reported that the District has committed to a Classification Study which will find out whether or not what they believe to be true is in fact true (that they are different positions). He noted that he is reluctant to table this item for two reasons: 1) the position needs to be filled; and 2) if the position is not changed, it may attract candidates with the wrong skill set. He asked the Board to approve the item and Management will acknowledge that they will continue to work with S.E.I.U.

Dr. Cedillo questioned the impact of tabling this item until the next Board Meeting. Dr. Laurel Jones reported that currently a temporary employee is working out of class in this position but that she could wait a couple weeks to advertise to fill the position.

Based on the above information, Dr. Kinnamon recommended that the Board table this item with the understanding that both Management and S.E.I.U. will work toward resolving this issue.

Motion No. 4

Mrs. Dvorsky amended her original motion, seconded by Dr. Gin, to table item D, Page 4 of the Classified Personnel until the next Board Meeting.

Motion carried unanimously, 5-0.

Dr. Mertes recognized the upcoming retirement of an exemplary employee, Mr. Tom Fuller, and his years of service to the District since 1981.

**APPROVAL OF CONTRACT FOR DIVISION OF STATE ARCHITECT (DSA) INSPECTOR OF RECORD (IOR) WITH CONSTRUCTION INSPECTION SPECIALTIES, INC. FOR DSA INSPECTION SERVICES FOR THE AQUATICS CENTER AND SOCCER FIELDS PROJECT, LAS POSITAS COLLEGE**

Motion No. 5

Mr. Vecchiarelli made a motion, seconded by Dr. Gin, to approve the Contract for Division of State Architect (DSA) Inspector of Record (IOR) with Construction Inspection Specialties, Inc for DSA Inspection Services for the Aquatics Center and Soccer Fields Project, Las Positas College in an amount not to exceed \$176,460. 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

Dr. Cedillo requested Mr. Kingston give additional comments of this agenda item.

Mr. Kingston explained that this is a contract for the inspector of record which is required by DSA to assure quality.

Motion carried unanimously, 5-0.

**APPROVAL OF AWARD OF BID NO. 08-02, AQUATICS CENTER AND SOCCER FIELDS, LAS POSITAS COLLEGE; AND**

**APPROVAL OF AWARD OF BID NO. 08-09, TEMPORARY FACULTY OFFICES-SITWORK, CHABOT COLLEGE**

Motion No. 6

Mrs. Dvorsky made a motion, seconded by Dr. Mertes, to approve the following bids in one motion:

- a. Bid No. 08-02 - Aquatics Center and Soccer Fields, Las Positas College to Robert A. Bothman, Inc. of San Jose, CA in the amount not to exceed \$9,341,658. It is further recommended that the Board authorize the Vice Chancellor, Business Services to execute the agreement and any future augmentations or amendments to this agreement on behalf of the District. Funding Source: Measure B Bond Funds
- b. Bid No. 08-09 - Temporary Faculty Offices - Sitework, Chabot College, to CalState Construction Inc. of Fremont, CA in the amount not to exceed \$592,950. It is further recommended that the Board authorize the Vice Chancellor, Business Services, to execute the agreement and any future augments or amendments to this agreement on behalf of the District. Funding Source: Measure 13 Bond Funds.

Dr. Mertes questioned the total budget of Bid No. 08-09.

Mr. Kingston explained that the original construction budget was funded for \$720,000. At the previous Board Meeting, the Board approved the temporary offices for a lease of \$593,000 and added the cost of the sitework to prepare the site. You are seeing the difference in budget which needs to come from a "swing space budget." We need to move budget from a "swing space budget" to augment the temporary office installation scope. There is funding available in the "swing space budget" originally set aside for Building 3600 (Butler Building). This budget change can come from this "swing space budget" as DSA informed the District that the Butler Building cannot be used as "swing space" because it cannot be structurally certified under the "Field Act" as a "school building." DSA gave us this direction approximately two weeks ago.

Mr. Kingston confirmed for Dr. Mertes that the construction budget is increased by the lease cost of \$593,000 and sitework cost of \$592,000.

Motion carried unanimously, 5-0.

#### **FACILITIES PLANNING AND MANAGEMENT REPORT**

Mr. Kingston reported that the draft of the Citizens Oversight Committee Report is prepared and will be mailed next week. The next meeting of the Citizens Oversight Committee is rescheduled from October 23 to November 28 in order to get a quorum of committee members. Two projects bid this month—Aquatics Project at Las Positas College and Temporary Faculty Offices at Chabot College. Another milestone reached is the programming is complete for the Student Services and Administration Building at Las Positas College and will proceed to the schematic design phase. We continue to work on a 12-month "look ahead" of the Five-Year Plan and have set baseline budgets and schedules. Each College Project Manager has developed their project estimates at complete to begin forecasting variances from the project budget so we can better anticipate and mitigate cost risk and identify the project budgets needing adjustments.

Dr. Gin questioned if Senate Bill 614, the Design Build Legislation, would be helpful for the District. Mr. Kingston reported that it should help us and we are waiting for the State Community College System to develop and issue the process and procedures for this delivery method. We can begin to identify specific projects that would benefit from the design build process yet realizing that the design bid build approach will continue to be an affective delivery approach in a shared governance environment.

#### **ADJOURNMENT**

There being no further business, the Regular Meeting was adjourned to a Closed Session at 7:50 p.m. The Board readjoined in Open Session at 8:02 p.m.

**REPORT OF ACTION TAKEN IN CLOSED SESSION**

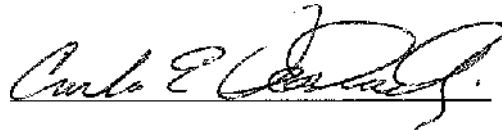
Dr. Cedillo reported that because the Board of Trustees are committed to providing a safe environment, the Trustees unanimously approved a motion to authorize the Chancellor to petition the Energy Commission to reconsider its decision on power plant certifications within the District's service area.

**ADJOURNMENT**

There being no further business, the Regular Meeting was adjourned at 8:03 p.m.

Minutes completed by:

Beverly Bailey \_\_\_\_\_

A handwritten signature in black ink, appearing to read "Carlos E. Cedillo", is written over a horizontal line.

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