

Dr. Philip Manwell
Ms. Melinda Matsuda
Ms. Jeannine Methe
Mr. John Nahlen
Ms. Alice Noriega
Ms. Birgitte Ryslunge
Ms. Laura Weaver
Ms. Sylvia Wodyka

Recording Secretary: Mrs. Beverly Bailey

Others Present: Mr. Waiz Badar, President, Associated Students of Chabot
College
Mr. Brian Beesley
Ms. Brenda Carr, S.E.I.U., Local 790
Ms. Linda Cushing, Proposition 92 Bay Area Campaign
Coordinator
Mr. Greg Daubenmire, President, Las Positas College Faculty
Senate
Mrs. Charlotte Lofft, President, Chabot-Las Positas Faculty
Association
Mr. Patrick Lofft
Mr. Bill McDonald
Ms. Kayla Moreland, President, Associated Students of Las
Positas College
Mrs. Betty Murray
Ms. Dana Ogden
Mr. Jerry Ogden
Mrs. June Ogden
Mr. Pedro Ruiz deCastilla, President, District Classified
Senate
Mr. Todd Steffan, Las Positas College Classified Senate
Ms. Rachel Ugale, President, Chabot College Classified
Senate
Ms. Diane Zuliani, President, Chabot College Faculty Senate

PUBLIC HEARING

Dr. Cedillo opened the Public Hearing, explaining that pursuant to the Brown Act, Government Code Section 54957(b)(1), the employee in question was given notice that this matter had been placed on the Closed Session agenda of a regular meeting scheduled for December 11, 2007 and was given an opportunity to request that the matter instead be heard

in Open Session, which she has requested. He explained the process that the Board will use to conduct this Open Session item. Under the Brown Act, an employee may request that complaints and charges be heard in Open Session. It is understood that complaints and charges have not been brought against this employee as she is an at-will, temporary faculty member. The District, in an excess of caution, has extended the provisions of this act to Ms. Ogden. He explained that the Board will adjourn to Closed Session to deliberate on the termination recommendation.

Dr. Cedillo invited Ms. Ogden 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 to not refer to any student by name or other identifying information. He requested she contain her remarks to ten minutes.

Ms. Ogden provided the Board with a packet of material. Ms. Ogden expressed that she does not know why the District is releasing her after 13 years of employment with an unblemished record. She noted that since she has been with the Colleges, she has had nothing short of a stellar record. She has received excellent evaluations, letters and recommendations from both students and staff and has never in her tenure received a verbal or written warning. She asserted that the termination is retaliatory for going to the union and utilizing grievance procedures. She addressed her perceived inconsistencies and discrepancies in the Investigative Report prepared by Mr. David Reuban. She asked the Board to reconsider her termination.

Dr. Cedillo invited comments from the District, limited to ten minutes. Dr. MaryAnne Gularte made the following points:

The District recommends termination of Ms. Ogden from her position as a temporary, at-will employee of the District. The District has taken extreme care to ensure that this decision was fair and lawful, and scrutinized its initial decision to a far greater degree than required for an at-will employee. This scrutiny demonstrates to full satisfaction that:

- a. Ms. Ogden has received full consideration of her concerns and there is no basis to conclude that the decision to release her from her employment was retaliatory.
- b. Ms. Ogden has received all the notice and opportunity to be heard to which she is entitled under the law and our own policies and procedures.
- c. There is sufficient basis to terminate her employment as an at-will employee.

Dr. Gularte reported the following legal points:

- a. As an initial matter, it is essential to remember that, because Ms. Dana Ogden is a temporary employee, the Education Code permits her termination without cause at the end of any day or week. The Education Code specifically authorizes termination without cause (Education Code 87665).
- b. The Collective Bargaining Agreement specifically recognizes Education Code 87665 and states that nothing in the Agreement limits the District's authority under this section to terminate an adjunct employee without cause.

Dr. Gularte reported the basis for the recommendation:

- a. Against this backdrop I approved termination of Ms. Ogden, subject to final approval of the Board of Trustees.
- b. I determined after consultation with her direct supervisor that she was not a good fit, and did not meet the needs of the District with regard to her interactions with some other adjuncts and her supervisors. As an at-will employee, this is a sufficient basis to terminate.
- c. There were no allegations or concerns communicated to me relating to Ms. Ogden's interactions with students. Thus, information provided by Ms. Ogden pertaining to her service to students does not address the areas of concern or cause me to question my initial recommendation.
- d. Ms. Ogden received notice of intent to terminate last June — and she also was advised at that time that she would be afforded the opportunity to have this matter heard in Open Session.
- e. As an at-will employee, Ms. Ogden is not entitled to a notice of charges, Skelly meeting, or other due process rights. The notice that she received was sufficient under the law, and possibly afforded her even greater rights since it is not clear that an at-will employee in this position was entitled to 24-hour notice of the right to have the matter heard in Open Session. Nevertheless, the District afforded Ms. Ogden this opportunity.

Dr. Gularte reported on the findings of the investigation of retaliation:

- a. Upon receiving the Notice of Intent to terminate in June, Ms. Ogden asserted that the termination was retaliatory.

- b. In response, the District immediately suspended the termination proceeding; pulled it from the June Board of Trustees' meeting agenda; and initiated an investigation into the allegations.
- c. The investigation began internally. However, after Ms. Ogden filed a formal grievance we decided that the investigation required an independent, outside investigator.
- d. The outside investigator reviewed all documents supplied by Ms. Ogden and interviewed numerous individuals. Ms. Ogden, however, despite repeated requests, refused to meet with him.
- e. That investigation was completed on November 30 and the outside investigator found no facts to support the allegations of retaliation. I have reviewed the investigative report and found it to be fair, thorough, and well-reasoned.

In conclusion, Dr. Gularte reported:

- a. As a temporary at-will employee, Ms. Ogden may be terminated for any reasons or no reason at all—but is protected from termination for an unlawful reason—like retaliation. Thus, once the allegations of retaliation are disproved, the termination may go forward.
- b. Because there is no basis to conclude that her termination is in any way retaliatory, it should be approved.

PUBLIC COMMENTS

Dr. Cedillo now invited Public Comments on this matter.

Mrs. Charlotte Lofft spoke to the Board on behalf of the Faculty Association. She voiced that Ms. Ogden did not receive the Investigative Report until a few days ago, when the Union provided a copy to her. It is simply unreasonable, and in a denial of due process, for Ms. Ogden to have but a few days to rebut allegations against her. She reported that Education Code Section 84031 requires that when a public employer receives derogatory information about an employee, that information must be provided in a timely fashion, so that the employee may rebut or correct misinformation, or improve to meet legitimate complaints. This right is available to all employees, whether tenured or temporary. The Investigative Report in question disclosed that the District received a complaint about Ms. Ogden in Spring 2007 but that complaint was not received by her until on or about December 6, 2007. For these reasons, the Association objects to the decision of the District to hold a hearing on Ms. Ogden's dismissal on December 11, 2007. The Association submits that Ms. Ogden should be given a reasonable

continuance, of approximately 30 days, in order to address in writing and otherwise respond to the detailed complaints which were filed against her.

The following individuals spoke to Ms. Ogden's character and work ethic: June Ogden, Jerry Ogden, Bill McDonald, Brenda Carr, Betty Murray, and Brian Beesley.

PUBLIC HEARING CLOSED—ADJOURNMENT TO CLOSED SESSION

Dr. Cedillo closed the Public Hearing at 5:45 p.m. and the Board adjourned to Closed Session. He reported that final action will be read out in Open Session.

OPEN SESSION—CALL TO ORDER AND ROLL CALL

The Board reconvened in Open Session at 7:10 p.m. Dr. Cedillo apologized for the Board's lateness.

Recording Secretary Beverly Bailey called the roll. All Board Members were present at the time of roll.

REPORT OF ACTIONS TAKEN IN CLOSED SESSION

Dr. Cedillo reported the following actions taken in Closed Session.

1. The Board has taken final action to terminate the employment of Ms. Dana Ogden, effective immediately.
2. The Board unanimously approved the appointment of Dr. Celia Barberena as President of Chabot College subject to mutual agreement of a contract.
3. The Board unanimously approved the appointment of Dr. DeRionne Pollard as President of Las Positas College subject to mutual agreement of a contract.
4. The Board unanimously approved the renewal of a contract with Dr. Mary Anne Gularte, Director of Human Resources.

GOOD OF THE ORDER

Dr. Cedillo welcomed the two new College Presidents and extended them an opportunity to say a few words.

Dr. Barberena voiced that she is delighted to be here as our choice and thanked Dr. Kinnamon and the Board for the opportunity. She also thanked the Search Committee, noting that the

search was a very competitive process. She reported that she will work very hard. Her immediate goals are to listen to the heartbeat and voice of the community Chabot College serves, ask for plans and hopes for Chabot and tune in to the strengths and competence of the District. “All of us will build a better tomorrow for our students.”

Dr. Pollard voiced that she is truly honored and excited to be named the next president of Las Positas College and believes that she has indeed come home and intends to stay for a very long time. She looks forward to working with the faculty and staff. She also thanked Dr. Kinnamon, and the Board for the opportunity and the Search Committee for forwarding her name.

Dr. Kinnamon noted that he is very happy that Dr. Barberena and Dr. Pollard have decided to join our family—“it is a great place to be.” He thanked Dr. Carlson and President Kratochvil for all they have done over the years for the Colleges.

PUBLIC COMMENTS

Ms. Linda Wilson, on behalf of S.E.I.U., Local 1021, presented the Board, Chancellor, Presidents, and Vice Chancellors with a gift of appreciation.

Mrs. Charlotte Lofft, on behalf of the Faculty Association, spoke regarding their commitment of Proposition 92 which will be on the February ballot. Their efforts include: notices to faculty, a rally (for which she recognized Shari Jacobson), donation of money, and heavily worked on a drive to get signatures to get the measure on the ballot. She reported that the Faculty Association supports the involvement of the District to the extent that it can and would be willing to work collegially and collaboratively on this.

Ms. Linda Cushing, Bay Area Coordinator for Proposition 92, reported that she looks forward to a positive endorsement by this Board on Proposition 92. She reported that at today’s rally, 37 Chabot College students said they wanted to be informed and/or work on the campaign, for which she was very pleased. She stressed that they need everyone’s support on this campaign. She asked the Board to designate a Board Member to be a liaison on the campaign.

Mrs. Dvorsky questioned what will be done to get the voters out? Ms. Cushing reported that efforts include: organizing student-led events (January 14–25 statewide), polling voter lists, asking for volunteers and working with phone banks.

ELECTION OF PRESIDENT OF BOARD OF TRUSTEES

Motion No. 1

Dr. Gin made a motion, seconded by Dr. Mertes, nominating Mr. Vecchiarelli as President of the Board of Trustees for 2007-2008.

Motion carried unanimously, 7-0.

Dr. Cedillo turned the meeting over to Mr. Vecchiarelli.

RECOGNITION OF 2006-2007 BOARD PRESIDENT

Mr. Vecchiarelli recognized Dr. Cedillo for his term as President in 2006-2007 and presented him with a plaque of appreciation. Dr. Cedillo thanked everyone for their dedication, commitment and hard work this past year. He wished everyone well in 2008.

ELECTION OF SECRETARY OF BOARD OF TRUSTEES

Motion No. 2

Mrs. Dvorsky made a motion, seconded by Dr. Lewis, nominating Dr. Gin to the position of Secretary of the Board of Trustees for 2007-2008.

Motion carried unanimously, 7-0.

COMMITTEE APPOINTMENTS

1. Chabot-Las Positas Foundation

Mr. Vecchiarelli will continue to serve as the Chabot-Las Positas Foundation representative.

2. Audit Subcommittee

Dr. Lewis, Dr. Gin and Mr. Vecchiarelli will continue to serve on the Audit Subcommittee.

3. Alameda County School Boards Association

Mr. Gelles will continue to serve as representative to the Alameda County School Boards Association.

APPROVAL OF 2008 SCHEDULE OF BOARD OF TRUSTEES MEETINGS

Mr. Gelles requested that the June 17 Board Meeting be changed to June 24 as he will be traveling on June 17. The Board concurred with this change.

Mr. Nicholls requested that the locations for the April Board Meetings be switched.

Motion No. 3

Dr. Mertes made a motion, seconded by Mrs. Dvorsky, to approve the 2008 Schedule of Board of Trustees Meetings with the proposed changes.

Motion carried unanimously, 7-0.

The Board approved the 2008 Schedule of Board of Trustees Meetings as follows:

DATE	TIME *	TOPIC	LOCATION
January 15	6:30 pm	Regular Meeting	LPC
February 5	6:30 pm	Workshop	Chabot
February 19	6:30 pm	Regular Meeting	District
March 4	6:30 pm	Workshop	Chabot
March 18	6:30 pm	Regular Meeting	District
April 1	6:30 pm	Workshop	LPC
April 15	6:30 pm	Regular Meeting	Chabot
May 6	6:30 pm	Workshop - Student Recognitions	District
May 20	6:30 pm	Regular Meeting	District
June 3	6:30 pm	Workshop	Chabot
June 24	6:30 pm	Regular Meeting - Approval of Tentative Budget	District
July 15	6:30 pm	Regular Meeting	LPC
August 19	6:30 pm	Regular Meeting - Publication of Budget	District
September 2	6:30 pm	Workshop – Public Hearing and Adoption of Budget	Chabot
September 16	6:30 pm	Regular Meeting	District
October 7	6:30 pm	Workshop	Chabot
October 21	6:30 pm	Regular Meeting	District
November 4	6:30 pm	Workshop	LPC
November 18	6:30 pm	Regular Meeting	Chabot
December 9	6:30 pm	Regular/Organizational Meeting & Financing Corp Organizational Mtg.	District

ADJOURNMENT

There being no further business, on motion made and seconded, the Organizational Meeting was adjourned at 7:35 p.m. to the Regular Meeting.

Minutes completed by:

Beverly Bailey

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

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

MINUTES

December 11, 2007

PLACE

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

CALL TO ORDER

The regular meeting was called to order at 7:36 p.m. Recording Secretary Beverly Bailey called the roll. All Board Members were present 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. Alison Lewis

Dr. Barbara F. Mertes

Mr. Carlo Vecchiarelli
Ms. Frances Morrissey
Mr. Dayne Nicholls

Members Absent: None

Managers Present: Dr. Joel L. Kinnamon, Chancellor
Dr. Robert Carlson, President, Chabot College
Mr. Robert Kratochvil, Interim President,
Las Positas College
Mrs. Jennifer Aries
Mr. Jeffrey Baker
Ms. Julia Dozier
Ms. Heidi Finberg
Dr. MaryAnne Gularte
Dr. Laurel Jones

Dr. Ted Kaye
Mr. Jeffrey Kingston
Mr. Lorenzo Legaspi
Mrs. Pam Luster
Ms. Marge Maloney
Dr. Philip Manwell
Ms. Melinda Matsuda
Ms. Jeannine Methe
Mr. John Nahlen
Ms. Alice Noriega
Ms. Birgitte Ryslunge
Ms. Laura Weaver
Ms. Sylvia Wodyka

Recording Secretary: Mrs. Beverly Bailey

Others Present: Mr. Waiz Badar, President, Associated Students of Chabot
College
Mr. Brian Beesley
Ms. Brenda Carr, S.E.I.U., Local 790
Ms. Linda Cushing, Proposition 92 Bay Area Campaign
Coordinator
Mr. Greg Daubenmire, President, Las Positas College Faculty
Senate
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Mr. Patrick Lofft
Mr. Bill McDonald
Ms. Kayla Moreland, President, Associated Students of Las
Positas College
Mrs. Betty Murray
Ms. Dana Ogden
Mr. Jerry Ogden
Mrs. June Ogden
Mr. Pedro Ruiz deCastilla, President, District Classified
Senate
Mr. Todd Steffan, Las Positas College Classified Senate
Ms. Rachel Ugale, President, Chabot College Classified
Senate
Ms. Diane Zuliani, President, Chabot College Faculty Senate

PUBLIC COMMENTS

There were no Public Comments offered at this meeting.

CONSENT CALENDAR

Mr. Gelles requested that agenda item 4.1 (Approval of Grant Award—California School-Age Consortium, Alameda County Professional Development and Retention Program, Chabot College) be pulled from the consent calendar.

Motion No. 1

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

Motion carried unanimously, 7-0.

The following items were approved on the consent calendar:

General Functions

1.8 Approval of Minutes of November 13, 2007 Meeting

Personnel

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

Business Services

- 5.1 Approval of Commercial Warrant Registers
- 5.2 Approval of Payroll Warrant Registers
- 5.3 Approval of Denial of Claim of Olga Fairchild**

Facilities Planning and Development

- 6.1 Authorization to File Notice of Completion with the Alameda County Clerk Recorder's Office for the Campus-Wide Roof Replacement, Chabot College

TRUSTEE REPORTS AND/OR OFFICIAL COMMUNICATIONS

Mr. Gelles wished everyone a Happy Holiday. He complimented both Search Committees for advancing the two presidential candidates. He also thanked Dr. Cedillo for his service this past year as President of the Board.

Dr. Lewis wished everyone a Happy Holiday. She noted she is looking forward to next year, especially with regard to the important struggle with the two power plants. This will be one of the most formative issues this next year. She noted that it is really important for Chabot College to be supported on this important issue by Las Positas College and the District. She “looks forward to the College speaking with one voice.”

Dr. Mertes thanked Acting President Bob Kratochvil and President Bob Carlson for their excellent leadership. She welcomed the two new Presidents and wished everyone a “great 2008.”

Mrs. Dvorsky wished everyone a Happy Holiday. She noted that 2008 will be a tremendous year, with two new Presidents to lead us. She voiced to Dr. Kinnamon that he has a good team. She also thanked Bob Kratochvil and Bob Carlson for their service. In addition, she thanked the two Presidential Search Committees.

Dr. Gin voiced that he is happy and excited about the new College Presidents. He thanked the Search Committees for their work and Dr. Kinnamon for making the right choices.

Dr. Cedillo thanked his colleagues on the Board, noting that 2007 brought many accomplishments—a new Chancellor and two new Presidents, and an accelerated Bond Building Program. He noted that if you have been on the campuses, you can see how quickly we are moving on these projects. He noted that he has enjoyed working with the Chancellor as Board President and is comfortable with the leadership. He reported that he attended the Poncho Sanchez Jazz Concert at Chabot College. He proudly proclaimed that the Chabot College Jazz Band is “second to none.” He expressed that this venue made the community feel welcome and invited their participation, noting that we should be very proud. He apologized that he will be unable to attend the Maintenance and Operations Holiday Party on Friday, December 21 as he has a very ill family member and will be traveling out of state with this family member.

Ms. Morrissey reported that thanks to action taken by ASLPC, the Wheels Buses will be staying until after the last classes end starting in January. She reported that the Language Department celebrated Cuban Culture Week by holding various activities and events. She also reported that the Lady Hawks Basketball Team has won six games straight.

Mr. Nicholls congratulated Dr. Barberena and Dr. Pollard on their appointments. He also wished best of luck to his fellow students on their finals.

Mr. Vecchiarelli wished everyone a very happy holiday season. He encouraged folks to try to get out to see both basketball teams.

CHABOT-LAS POSITAS COLLEGES FOUNDATIONS

Las Positas College: Dr. Kaye presented a written report to the Board. He highlighted the *Tea, Champagne and Flowers* Fall event scheduled for January 30. He drew the Board's attention to a report on the College Bound Scholars which is attached to his report. He welcomed the new Presidents Dr. Barberena and Dr. Pollard and noted that he is starting to work on getting Dr. Pollard's name known in the community. He reported on a program initiated by the Foundation called *Touches*--trying to stay in touch with the donors to let them know they are appreciated.

Chabot College: Ms. Finberg presented a written report to the Board. She highlighted the Starlight Club Fundraiser and Retirement Recognition of Dr. Carlson, noting that the event "did Chabot College proud" raising over \$20,000 net. Over \$3,000 towards a goal of \$5,000 was collected for the new Classified Professional of the Year Award. She noted that contributions will continue to be accepted by the Foundation with the first award given at Commencement 2008. She expressed with pleasure that this event marked the highest participation by Chabot staff and faculty in the history of the current Foundation. She reported that at this event Dr. Carlson was presented with the Gladiator Award. She also reported that the Foundation is working on their half year Strategic Plan and are planning a Retreat in January. She further reported for Chair John Gutierrez that it was a wonderful experience for him to serve on the Chabot College Presidential Search Committee. She reported that the Foundation looks forward to an opportunity to introduce Dr. Barberena to the business community.

PRESIDENTS OF CHABOT AND LAS POSITAS COLLEGES FACULTY SENATES

Ms. Diane Zuliani, President, Chabot College Academic Senate, reported that the Senate welcomes Dr. Barberena to Chabot College and also Dr. Pollard to the District. She reported that the Senate is active on a number of fronts, but the issue of the power plants looms largest for them at the moment. The Senate has taken a public stance opposing the plants. She will be speaking at the Public Hearing on December 17 on the plant's possible negative impacts on student enrollment, student retention and student success, as well as on faculty recruitment and retention.

Ms. Zuliani read a letter addressed to the Board submitted by the Faculty Senate. The letter expresses their belief that a primary reason the Board and Chabot College are not better positioned to protect the community from the intrusion of these plants is due to a lack of effective Presidential leadership on this issue. It has come to the attention of the Senate that Dr. Carlson met, on more than one occasion, with a chief representative of the Eastshore Energy Center, Gordon Galvan, who is also Vice Chair of the Chabot Foundation. They believe that Dr. Carlson's silence on the topic has contributed to the regrettable situation we find ourselves in today. By not communicating the knowledge he acquired—early on and from an inside source—Dr. Carlson has not helped Chabot stand strong in the face of these plants, but has left us more vulnerable to their encroachment. She stressed that these comments relate to the issue of the plants only, not Dr. Carlson's Presidency as a whole. She noted that the Senate realizes it is somewhat unfortunate that this issue be voiced on the evening of a new President being announced but feels that by airing their concerns tonight, they can be sure that the incoming President will comprehend the depth of Chabot's concern over the power plant issue, the strength of their commitment to the safety and integrity of the institution, and the extent of their allegiance to the principle of shared governance.

Mr. Greg Daubenmire, President, Las Positas College Academic Senate, submitted a written report to the Board. He reported that at the December 5 Town Hall Meeting, Accreditation was the focus of their discussions. After the meeting, the four standards committees met in break out sessions and tasks were assigned to each committee member. The Faculty will have an opportunity to work on the accreditation self-study during the mandatory flex day on February 14, 2008. He also reported that on December 13, from 7:30 am to 10:00 am, Administrators will be cooking breakfast for all Faculty and Classified Staff of the College. He further reported that a focus group met on December 7 to explore a compressed calendar and dates have been set aside for further discussion—December 13 and December 19.

Mr. Daubenmire, on behalf of Faculty at Las Positas College, expressed gratitude and appreciation to Bob Kratochvil for his hard work and untiring support of the College during the last six months.

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 approximately 40 pounds of candy was collected and contributed for holiday care packages for our overseas servicemen and women through Blue Star Moms. He reported that the Classified Staff appreciates everything Interim President Bob Kratochvil has contributed to the campus. On behalf of the Classified Staff, he presented President Kratochvil with an inscribed clock.

Ms. Rachel Ugale, President, Chabot College Classified Senate, thanked Dr. Cedillo for his service as Board President and congratulated the incoming Board Officers, Mr. Vecchiarelli and Dr. Gin. She also thanked the Presidential Search Committee for forwarding four excellent candidates. She reported that the Classified Senate has taken a position against the two power plants and have joined forces with the Faculty Senate and the Faculty Association.

Mr. Pedro Ruiz deCastilla, President, District Classified Senate, congratulated Mr. Vecchiarelli and Dr. Gin. He thanked Dr. Kinnamon for his support of the District Classified Senate, as well as Mr. Legaspi and Mr. Nahlen.

PRESIDENTS OF CHABOT AND LAS POSITAS COLLEGES ASSOCIATED STUDENTS

Mr. Waiz Badar, President, Associated Students of Chabot College, congratulated “everyone who got a new position.” He thanked Dr. Cedillo for his support of students. He reported that Movie Nights have experienced an increase in attendance. He reported that ASCC will hold a retreat the week before the semester begins. He also thanked the Board for approving his appointment as a member of the Bond Oversight Committee. Further, he reported that a Proposition 92 rally will be held on campus on Thursday, December 13.

Ms. Kayla Moreland, President, Associated Students of Las Positas College, thanked Bob Kratochvil for serving as Interim President and welcomed Dr. Pollard. During the first weekend of December, several members attended a conference held by the American Student Government Association at Bakersfield College. ASLPC will hold a Winter Retreat in January. They are looking into holding a poker night for charity, going to Sacramento to meet with legislators, and holding a Leadership Retreat for club members. In addition, they are continuing to work on their by-laws and next semester will be looking at their election procedures. She reported that at the beginning of the semester, ASLPC passed a resolution to try and have Wheels Buses leave after 10:30 p.m. since some classes do not get out until then. She was pleased to report that beginning January 1, the last eastbound bus will leave at 10:42 p.m. and the last westbound bus will leave at 10:48 p.m. She thanked Mr. Rich Butler for his help in negotiating with Wheels Buses.

GOOD OF THE ORDER

At the invitation of President Vecchiarelli, Mrs. Charlotte Lofft, on behalf of the Faculty Association, welcomed both new Presidents. She thanked Dr. Carlson and Mr. Kratochvil for their help on all Faculty Association issues. She recognized Dr. Kinnamon and Dr. Gularte for their collaborative support.

PRESIDENTS OF CHABOT AND LAS POSITAS COLLEGES

President Kratochvil submitted a written report to the Board. He thanked Dr. Kinnamon and the Board for the opportunity to be the Interim President of Las Positas College, noting that he has never been “prouder.” He congratulated and welcomed Dr. Pollard. He highlighted the following from his report:

1. Last month, representatives from the Legislative Analyst’s Office and the Community College League of California visited the College to learn about their Basic Skills efforts. He thanked Vice President for coordinating this visit.
2. Twenty-four new College banners were installed along the roads leading to the campus. The banners depict the principles captured by the College Values Statement.
3. On December 13, the College will be hosting its Annual Holiday Breakfast. He invited the Board and Chancellor, along with Administrators from the District and Chabot, to come and join in the merriment.
4. Faculty and Staff contributed more than \$1,000 to benefit the LPC Veterans’ Fund. An additional \$1,000 was generously donated by the Rotary Club of Livermore Valley.
5. Athletic update—many of their sports are doing quite well. At the December Town Hall Meeting, student athletes from the Soccer Team and Cross Country Team were recognized for their outstanding contributions. At the February Town Hall Meeting, student athletes from the Basketball Team and the Forensics Team will be introduced.

Dr. Carlson submitted a written report to the Board. He highlighted his report, recognizing Faculty Emeritus and Coach Mr. John Shaw who was inducted into the 2007 California Community College Soccer Coaches Hall of Fame at a ceremony held in Fresno on December 6. Dr. Carlson extended his congratulations to Coach Shaw on his fine accomplishments.

Dr. Carlson also reported that the student production “To Say the Least” written by student Claire Onyett has been invited to the Kennedy Center/American College Theater Festival Regional Finals in Los Angeles to be held in February 2008. He noted that this is a huge honor for Chabot College and for Claire, one of our theater students, who is a promising young playwright in our program. This festival is the only college theater competition in the country. Her play was selected from a competitive field of four year schools and community colleges.

CHANCELLOR'S REPORT

Dr. Kinnamon expressed his congratulations to Mr. Vecchiarelli and Dr. Gin. He recognized Dr. Cedillo for his hard work and dedication as Board President this past year. In addition, he thanked the Board for renewing Dr. Gularte's contract. "As we close this year and bring in a new year", he expressed that he is "glad he will bringing it in with you." He noted that in the Hispanic Outlook in Higher Education, an article on the 2007 Publisher's Picks includes our District. In addition, the Hacienda Network contains an article on the District Contract Education Department. He also reported that at the recent Bond Oversight Committee Meeting, we received phenomenal feedback from the committee, and the audit and project reports were approved.

Lastly, Dr. Kinnamon reported that he will be joining Diane Zuliani and others testifying and speaking about the power plants next Monday, December 17.

APPROVAL OF GRANT AWARD – CALIFORNIA SCHOOL-AGE CONSORTIUM,
ALAMEDA COUNTY PROFESSIONAL DEVELOPMENT AND RETENTION
PROGRAM, CHABOT COLLEGE

Motion No. 2

Mr. Gelles made a motion, seconded by Dr. Cedillo, to approve the proposed grant award from California School-Age Consortium, Alameda County Professional Development and Retention Program, Chabot College, in the amount of \$38,850 for the period September 1, 2007 through June 30, 2008. It is further recommended that the Board authorize the Vice Chancellor, Business Services to execute the agreement and any future augmentations or amendments on behalf of the District.

Mr. Gelles requested that this agenda item be pulled from the consent calendar to question if the "enhancement costs" (page 2 of the agreement) are stipends for the participants. Dr. Kinnamon reported that he believes it is the cost of the training sessions but will get a confirmation on this and report back to the Board.

Motion carried unanimously, 7-0.

**AUTHORIZATION OF TASK ORDER NO. 2 WITH SOUTHLAND INDUSTRIES
FOR MOBILIZATION AND POTHOLING FOR A CENTRAL UTILITY PLANT
(CUP) AND LOOP, LAS POSITAS COLLEGE**

Motion No. 3

Dr. Gin made a motion, seconded by Mrs. Dvorsky, to authorize Task Order No. 2 with

Southland Industries for Mobilization and Potholing for a Central Utility Plant (CUP) and Loop, Las Positas College in an amount not to exceed \$237,975. It is further recommended that the Board authorize the Vice Chancellor, Business Services to execute the Task Order on behalf of the District. Funding Source: Measure B Bond Funds

At the request of Mr. Gelles, Mr. Kingston explained that this goes back to the Central Utility Plant Master Agreement. As he noted previously to the Board, as task orders are issued, he will bring these back to the Board so they are aware of the progress and the costs.

Motion carried unanimously, 7-0.

AUTHORIZATION OF TASK ORDER NO. 3 WITH SOUTHLAND INDUSTRIES FOR DESIGN OF THE CENTRAL UTILITY PLANT BUILDING, CHABOT COLLEGE

Motion No. 4

Mrs. Dvorsky made a motion, seconded by Dr. Gin, to authorize Task Order No. 3 to Southland Industries for Design of the Central Utility Plant Building, Chabot College, in an amount not to exceed \$132,014.57. It is further recommended that the Board authorize the Vice Chancellor, Business Services to execute the Task Order on behalf of the District. Funding Source: Measure B Bond Funds

Motion carried unanimously, 7-0.

APPROVAL OF CONTRACT MODIFICATIONS TO EXISTING DESIGN CONTRACT WITH HMC ARCHITECTS FOR THE DESIGN OF BUILDINGS 300, 500, 800, 900 AND 1000, CHABOT COLLEGE

Motion No. 5

Dr. Mertes made a motion, seconded by Mrs. Dvorsky, to approve the contract modifications to the existing design contract with HMC Architects of San Jose for the design of Buildings 300, 500, 800, 900 and 1000, Chabot College in an amount not to exceed \$296,186. It is further recommended that the Board authorize the Vice Chancellor, Business Services to execute the amendments on behalf of the District. Funding Source: State Funds and Measure B Bond Funds

At the request of Mr. Gelles, Mr. Kingston explained that this item is for further alignment of project budget estimates--“housekeeping” purposes.

Mr. Gelles questioned if these changes are staying within the original framework of the projects, to which Mr. Kingston responded affirmatively. We are taking existing budgets and packaging them into single bid packages to assign to one architect and one contractor. Aligning budgets into one bid package allows us to track against those budgets.

Motion carried unanimously, 7-0.

APPROVAL OF AWARD OF BID NO. 08-04, BUILDINGS 800, 900 AND 1000 RENOVATION, CHABOT COLLEGE

Motion No. 6

Mrs. Dvorsky made a motion, seconded by Dr. Nicholls, to approve the award of Bid No. 08-04, Buildings 800, 900 and 1000 Renovation, Chabot College, contingent on State Chancellor Office approval of bids for award, to J W & Sons of Petaluma, CA in the amount not to exceed \$5,919,396. 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: State Funds and Measure B Bond Funds

In response to a question raised by Mr. Vecchiarelli, Mr. Doug Horner reported that the estimated completion period for this project is June or July 2008.

Dr. Lewis complimented Mr. Kingston on the management of the acceleration of these projects. His excellent management has saved the District money and “is making this work” and on target.

Motion carried unanimously, 7-0.

ADOPTION OF RESOLUTION NO. 08-0708 – AUTHORIZING THE MAINTENANCE AND OPERATIONS (M&O) BUILDINGS AT LAS POSITAS COLLEGE DEEMED BY THE STATE NOT TO BE “SCHOOL BUILDINGS”, AND NOT SUBJECT TO DIVISION OF STATE ARCHITECT (DSA) STRUCTURAL REVIEW

Motion No. 7

Dr. Mertes made a motion, seconded by Mrs. Dvorsky, to adopt Resolution No. 08-0708 authorizing the Maintenance and Operations (M&O) Buildings at Las Positas College Deemed by the State Not to be “School Buildings”, and Not Subject to Division of State Architect (DSA) Structural Review. Funding Source: Measure B Bond Funds

Motion carried by the following roll call vote:

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

**ACCEPTANCE OF EDUCATIONAL EXCELLENCE: STRATEGIC PLAN FOR
THE CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT**

Dr. Kinnamon requested that this agenda item be pulled from the agenda.

ADJOURNMENT

There being no further business, on motion made and seconded, the Regular Meeting was adjourned at 8:30 p.m. to the Financing Corporation Organizational Meeting.

Minutes completed by:

Beverly Bailey

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

**CHABOT-LAS POSITAS
COMMUNITY COLLEGE DISTRICT
FINANCING CORPORATION
ORGANIZATIONAL MEETING**

**MINUTES
December 11, 2007**

PLACE

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

CALL TO ORDER

The meeting was called to order at 8:31 p.m. and adjourned at 8:34 p.m. Recording Secretary Beverly Bailey called the roll. All Board Members were present 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. Alison S. Lewis
 Dr. Barbara F. Mertes
 Mr. Carlo Vecchiarelli
 Ms. Frances Morrissey
 Mr. Dayne Nicholls

Members Absent: None

Managers Present: Dr. Joel L. Kinnamon, Chancellor
 Dr. Robert Carlson, President, Chabot College
 Mr. Robert Kratochvil, Interim President,
 Las Positas College
 Mrs. Jennifer Aries
 Mr. Jeffrey Baker
 Ms. Julia Dozier
 Ms. Heidi Finberg
 Dr. MaryAnne Gularte

Dr. Laurel Jones
Dr. Ted Kaye
Mr. Jeffrey Kingston
Mr. Lorenzo Legaspi
Mrs. Pam Luster
Ms. Marge Maloney
Dr. Philip Manwell
Ms. Melinda Matsuda
Ms. Jeannine Methe
Mr. John Nahlen
Ms. Alice Noriega
Ms. Birgitte Ryslinge
Ms. Laura Weaver

Recording Secretary: **Mrs. Beverly Bailey**

Others Present: Mr. Waiz Badar, President, Associated Students of Chabot College
Ms. Linda Cushing, Proposition 92 Bay Area Campaign Coordinator
Mrs. Charlotte Lofft, President, Chabot-Las Positas Faculty Association
Mr. Patrick Lofft
Mr. Greg Daubenmire, President, Las Positas College Faculty Senate
Ms. Kayla Moreland, President, Associated Students of Las Positas College
Mr. Pedro Ruiz deCastilla, President, District Classified Senate
Mr. Todd Steffan, Las Positas College Classified Senate
Ms. Rachel Ugale, President, Chabot College Classified Senate
Ms. Linda Wilson, S.E.I.U., Local 1021
Ms. Diane Zuliani, President, Chabot College Faculty Senate

Recording Secretary: Mrs. Beverly Bailey

PUBLIC COMMENTS

There were no Public Comments offered at this meeting.

APPROVAL OF MINUTES

Motion No. 1

Mr. Gelles made a motion, seconded by Mrs. Dvorsky, to approve the minutes of the meeting of December 5, 2006 as submitted.

Motion carried unanimously, 7-0.

ELECTION OF PRESIDENT OF FINANCING CORPORATION FOR 2007-2008

Motion No. 2

Mrs. Dvorsky made a motion, seconded by Mr. Gelles, nominating Mr. Carlo Vecchiarelli as President of the Financing Corporation for 2007-2008.

Motion carried unanimously, 7-0.

ELECTION OF SECRETARY/TREASURER OF FINANCING CORPORATION FOR 2007-2008

Motion No. 3

Mr. Gelles made a motion, seconded by Dr. Mertes, nominating Dr. Hal Gin as Secretary/Treasurer of the Financing Corporation for 2007-2008.

Motion carried unanimously, 7-0.

FINANCIAL REPORTS AND STATUS OF PROJECTS

Mr. Legaspi reported that in 1995 the District issued approximately \$6.1 million in Certificates of Participation (COPs) to complete three projects: the District Energy Retrofitting, Chabot College Bookstore and Las Positas College Classrooms. All three projects have been completed. There is an outstanding debt of approximately \$2,075,000. The District has the money set aside for the debt and is paying it on an annual basis. The last payment will be made in 2010.

OTHER BUSINESS

There was no other business conducted.

ADJOURNMENT

There being no further business, on motion made and seconded, the Organization Meeting of the Financing Corporation was adjourned at 8:34 p.m.

Minutes completed by:

Beverly Bailey

Secretary, Financing Corporation
Chabot-Las Positas Community College District