



# OFFICIAL COPY

CHABOT-LAS POSITAS  
COMMUNITY COLLEGE DISTRICT

BOARD OF TRUSTEES  
RETREAT

MINUTES  
February 7, 2012

## PLACE

Chabot-Las Positas Community College District, 7600 Dublin Blvd., Suite 102, Dublin, California.

## CALL TO ORDER

The meeting was called to order at 10:04 a.m. Recording Secretary Beverly Bailey called the roll. All Board Members were present at the time of roll.

## ATTENDANCE

Members Present: Trustee Arnulfo Cedillo  
Trustee Isobel F. Dvorsky  
Trustee Donald L. "Dobie" Gelles  
Trustee Hal G. Gin  
Trustee Barbara F. Mertes  
Trustee Marshall Mitzman  
Trustee Carlo Vecchiarelli

Members Absent: None

Managers Present: Dr. Joel L. Kinnamon, Chancellor  
Dr. MaryAnne Gularte  
Mr. Jeffrey Kingston  
Mr. Lorenzo Legaspi

Recording Secretary: Ms. Beverly Bailey

Others Present:

- Dr. Carolyn Arnold
- Ms. Linda Barde Zimmerling
- Ms. Nancy Casqueiro
- Mr. Aldrian Estepa
- Mr. Larry Frierson
- Ms. Mireille Giovanova
- Ms. Kathy Kelley
- Dr. Charlotte Lofft
- Mr. Patrick Lofft
- Ms. Rani Nijjar
- Mr. Zack Papachristos
- Dr. Andrew Pierson
- Ms. Ginger Ripplinger
- Dr. Eric Schultz
- Mr. Ken Williams
- Ms. Yvonne Wu-Craig
- Ms. Diane Zuliani

### **PUBLIC COMMENTS**

Dr. Charlotte Lofft spoke in support of Dr. Susan Sperling for President of Chabot College. She also spoke on Faculty Association issues, specifically that there are two separate unfair labor practice complaints against the District, as well as other upcoming negotiation issues.

Others speaking expressing concern regarding the delay in hiring a President included: Mr. Zack Papachristos, Dr. Andrew Pierson, Mr. Eric Schultz, Dr. Linda Barde Zimmerling, Ms. Kathy Kelley, Ms. Mireille Giovanova, Mr. Aldrian Estepa, Ms. Nancy Casqueiro, Ms. Ginger Ripplinger, Ms. Yvonne Wu-Craig, Mr. Ken Williams, Ms. Diane Zuliani, and Dr. Carolyn Arnold. Many of those speaking specifically expressed their support of Dr. Susan Sperling as President of Chabot College.

### **CLOSED SESSION**

The Board adjourned to Closed Session at 10:45 a.m., which ended at 1:00 p.m.

### **OPEN SESSION**

The Board readjoined in Open Session at 1:10 p.m. Recording Secretary Beverly Bailey called the roll. All Board Members were present at the time of roll.

**ATTENDANCE**

Members Present: Trustee Arnulfo Cedillo  
Trustee Isobel F. Dvorsky  
Trustee Donald L. "Dobie" Gelles  
Trustee Hal G. Gin  
Trustee Barbara F. Mertes  
Trustee Marshall Mitzman  
Trustee Carlo Vecchiarelli

Members Absent: None

Managers Present: Dr. Joel L. Kinnamon, Chancellor  
Dr. George Railey, For President, Chabot College  
Dr. Kevin Walthers, President, Las Positas College  
Mr. Wyman Fong  
Dr. MaryAnne Gularte  
Mr. Jeffrey Kingston  
Mr. Lorenzo Legaspi  
Ms. Jeannine Methe

Recording Secretary: Ms. Beverly Bailey

Others Present: Ms. Begona Cirera-Perez  
Ms. Melissa Korber  
Mr. Patrick Lofft  
Ms. Diana McGregor  
Mr. Rick Moniz  
Ms. Shoshanna Tenn  
Ms. Heidi Ulrech

**REPORT OF ACTION TAKEN IN CLOSED SESSION**

President Dvorsky reported that in Closed Session, the Board unanimously authorized the appointment of Ms. Diana Rodriguez as Vice President of Student Services, Las Positas College.

President Dvorsky also reported that the Board anticipates the final selection of the Chabot College President will be announced at its next meeting scheduled on February 21, 2012.

**PUBLIC COMMENTS**

Ms. Shoshanna Tenn, read a statement from Ms. Stephanie Zappa expressing concern for the last minute change of time and location of the Board Meeting; as well as concern for the delay in hiring the Chabot College President and allocation model. Ms. Tenn recognized Ms. Zappa for receiving the Great Teachers Award. Ms. Tenn also expressed her concern for the delay in hiring the Chabot College President.

Mr. Rick Moniz spoke regarding his concern for the delay in hiring the Chabot College President.

Ms. Begona Cirera-Perez spoke regarding Initiative 1522, a tax on the extraction of oil off the coast of California, which would be used to fund education for K-12, community colleges, CSUs, and UCs. She reported that for the District, this 15% tax would amount to approximately \$17-\$19 million per year. She reported that half a million signatures are needed by April 15, noting that ASCC will be collecting signatures. She asked for the Board's support of the initiative.

**PERSONNEL**

Dr. MaryAnne Gularte provided the Board with material regarding Health Care and Life Insurance Benefits for members of the Board of Trustees. She noted that this issue will be placed on a future Board Meeting agenda for discussion.

**EDUCATIONAL SERVICES**Educational Master Plan

Mr. Jeff Kingston reported on the status of the Educational Master Plan. He reported that the Master Plan has been in development for approximately one year. He reported that a consulting firm was selected, which did an assessment to validate the material done at the Colleges. He reported that the consultants have met with the constituent groups at the District and Colleges for feedback and have delivered a draft report of the Educational Master Plan. He reported that at this juncture, the researchers are going to incorporate the data from a more up to date environmental scan. The District will purchase the data. He reported that at the same time the District has been running a parallel path with a Facilities Master Plan.

Dr. George Railey reported on the status at Chabot College, noting that they are in the final stages of reviewing the draft report.

Dr. Walthers reported that Las Positas College is in the same position as Chabot College. He reported that the main concern at Las Positas College is the enrollment projections. It is hoped that as the budget turns around, enrollment will increase.

### Summer Schedule

Chancellor Kinnamon discussed the Summer Schedule, specifically the four day/ten hour work week. He reported that he asked the College Presidents and Vice Chancellor Kingston to look at what the four/ten schedule did for the organization last summer. He reported that the next step will be to sit down with SEIU representatives. He noted the importance of making a decision as early as possible.

Mr. Kingston reported that the District looked at three areas in reviewing the effect of the four/ten work week last Summer:

- 1) Energy savings. Mr. Kingston reported that electrical energy usage dropped 25% at Las Positas College and 15% at Chabot College. He noted that although the savings was not huge, "everything helps."
- 2) Greenhouse gas emissions. Mr. Kingston reported that there was a 20% reduction in greenhouse gas emissions due to the reduction in transportation by closing one day per week. He noted that this is significant in terms of adjusting culture to reach the goal of reducing greenhouse gas emissions.
- 3) Measure B construction. Mr. Kingston reported that closing one day per week in the Summer would allow contractors to complete intrusive work that could be a safety issue when the campuses are empty. He noted that this translates into dollars because it would reduce contractor delays.

Dr. Railey reported that at Chabot College, closing one day per week in the Summer would allow program areas that are equipment intensive more time for maintenance.

Dr. Walthers reported that the upcoming construction work at Las Positas College would benefit from closing one day a week in the Summer.

Trustee Vecchiarelli noted that he basically supports the proposal but expressed concern with the pedagogy of courses such as in Mathematics and the problems for students of condensing course work.

Trustee Cedillo noted that he supports the four/ten work week, noting that anywhere we can save dollars would be a benefit. He also noted that it is unclear at this point about how large the Summer Session will be.

Trustee Mitzman noted that he supports the four/ten work week but questioned the total amount of savings last summer. Mr. Kingston reported that the percentage is significant, although the total dollars is not significant, estimating a savings of approximately \$185,000 to \$200,000 in operating costs. He reported that the real savings was in avoiding the approximately \$6,000 per day in construction delay costs.

Trustee Gelles expressed that four/tens are a management nightmare. He noted that he would support the proposal if the primary purpose was for construction issues. He also expressed that he would like feedback via a survey from students and staff as to whether the schedule serves them. He also noted that he would like to see the dollar savings.

Trustees Dvorsky, Gin and Mertes expressed support of the four/ten work week.

Trustee Dvorsky questioned the new solar panels at Las Positas College, to which Mr. Kingston reported that these solar panels will produce approximately 1.5 kilowatt hours. He noted that each kilowatt hour amounts to approximately \$250,000.

## **GOOD OF THE ORDER**

Trustee Cedillo asked to be excused at 3:00 p.m.

## **BUSINESS SERVICES**

### Audit Report

Mr. Legaspi reviewed the status of the findings of the Chancellor's Office audit on reporting contact hours and FTES. He reported that their small sampling determined that the District had reported 855 additional FTES. He reported that the District followed up on the audit findings with its own audit, and has taken proactive steps to identify the probable cause of the problem.

Ms. Methe reviewed in detail the steps the District took in verifying the State's audit findings. She reported that the problem was much lower than the Chancellor's Office auditor report. She reported that the actual number, based on our audit, was 133.98 additional FTES. She reported that appropriate corrections have been made for courses that were in error and new Banner system changes have been made to prevent the error from occurring in the future. In addition, she reported that the contact hours for 2010-11 have been corrected. A written summary was provided for the Board.

Trustee Vecchiarelli expressed that 855 FTES amounts to approximately \$4 million. He questioned if enough courses are being offered to meet our targets.

Dr. Railey reported that Chabot College will meet its target this year. Mr. Legaspi reported that the District will exceed its target.

### Redevelopment Funds

Mr. Legaspi reviewed Assembly Bill 26, which dissolved Redevelopment Agencies (RDAs) as of February 1. He provided a written summary. He reported that with RDAs terminated, local property tax dollars will go back to local government and to local schools. He reported that this will effectively allow the state to recapture roughly \$1 billion each year, according to the Department of Finance. He reported that the RDA will be replaced by a Successor Agency; however the obligations of the RDAs will be unaffected, including the RDAs obligation to make annual pass through payments to LEAs. He reported that the Successor Agency is a seven member Oversight Board which will be appointed by County Board of Supervisors, Mayor for the city that formed the RDA, largest special district, County Superintendent of Schools, Chancellor of the California Community Colleges, Member of the public appointed by the County Board of Supervisors, and former employee of the RDA. He reported that the Chabot-Las Positas Community College District service area has Redevelopment Agencies in San Leandro, Hayward, Livermore and Union City. He noted that the District Board can appoint a representative, either themselves or a staff member. He reported that the Oversight Board must be established by May 1, 2012, and the Controller distributes the funds between May 16 and June 1, 2012.

In response to a question raised by Trustee Dvorsky, Mr. Legaspi reported that it would be unlikely that the RDAs would liquidate all of its assets, noting that it still has obligations.

### Chabot College Bookstore

Chancellor Kinnamon noted that an Executive Summary and the Contract with Follett Higher Education Group has been provided to the Board.

Trustee Mitzman noted that this issue has been placed on the agenda at his request for further discussion.

In response to a question raised by Trustee Mitzman, Chancellor Kinnamon reported that the Executive Summary was prepared by Vice Chancellor Legaspi and staff. Trustee Mitzman questioned if funds from the sale of the bookstore could be set aside for Chabot College students in the event that the arrangement with Follett does not prove to serve the students. He expressed concern that if after five years the students do not like the operation of a private bookstore, they would not have the funds to start a bookstore. He also expressed concern that the price of books will be raised.

Mr. Legaspi clarified that all funds are District funds but may be earmarked for a particular area. He noted that at Las Positas College, a Bookstore Budget Committee decides the allocation of their funds.

Trustee Gelles noted that he supports Trustee Mitzman but believes all the “hoops were jumped.” He noted that the Board will get a report each year; and if privatizing the bookstore is not a benefit to students, he will be the first to request a change.

Trustee Cedillo expressed that the process was followed. He reported that the College had input and they made the recommendation. He expressed that we all want to make sure we serve the students. He also stressed the Board’s fiduciary responsibility. He expressed that he wants to be sure the issue is monitored and would want evidence that prices are going up. He expressed that the contract has safeguards and noted that the Board can request an audit each year.

Trustee Mitzman also expressed concern that the consultants that were hired and paid \$25,000 for a recommendation had no recommendation.

In response to a statement made by Trustee Mitzman regarding discrepancy with funds at the Colleges, Trustee Gelles noted that rules at Chabot College and Las Positas College must be the same.

Chancellor Kinnamon noted that an annual report of the Bookstore and comparison of the price of books over time would be appropriate at a Board Retreat.

Trustee Vecchiarelli questioned the result if Follett defaults on purchasing the Bookstore inventory and where the funds will be placed.

Mr. Legaspi reported that dollars will go into the operating budget and we need every dollar to meet the required 5% reserve.

### College Foundations

Chancellor Kinnamon reported on the status of the Chabot College Foundation. He reported that he, Trustee Dvorsky, and Dan Walters have met with Legal Counsel on the status of the Foundation and future of a Chabot College Foundation. He reported that Legal Counsel has drafted a model for setting up an auxiliary foundation. He reported that the Foundation was terminated on January 31, 2012 and in approximately 60 to 90 days there will be more dialogue on an auxiliary Foundation and will bring a proposal to the Board for approval.



In response to a question raised by Trustee Gelles, Trustee Dvorsky reported that a small Board would oversee the Foundation.

Chancellor Kinnamon also reported that dialogue has been started regarding two options for the Las Positas College Foundation.

Trustee Gelles expressed that there needs to be assurances that there are no mistakes. He noted the discrepancy with what the Board was told prior regarding establishing the auxiliary foundations. He noted that a lot of people were hurt at Chabot College with the dissolution of the Foundation.

Trustee Dvorsky reported that letters of appreciation will be sent to the Chabot College Foundation Members. Trustee Gelles expressed that he would like the whole Board to sign the letters.

#### Budget Update

Mr. Legaspi reviewed the projections for the Unrestricted General Fund for 2011-12 and 2012-13. He reviewed the projections with and without the proposed tax initiatives. He noted for 2012-13 a \$4.1 million structural deficit if the taxes pass and an \$8.1 deficit if the taxes fail. He expressed that he does not think we can afford to wait and see if the proposed taxes pass in November. He reported that he is recommending to the Board to assume that the taxes will fail.

Mr. Legaspi reported that the State Chancellor's Office is recommending additional workload reductions if the taxes fail, which would amount to approximately \$4 million; plus mid-year cuts.

Mr. Legaspi reviewed the District's mandatory obligations of \$1,275,000 for 2012-13.

Chancellor Kinnamon noted that there are a number of Districts that will cut Summer Session. It was reported that Summer Session would cost approximately \$1.3 million (\$900,000 for Chabot College and \$400,000 for Las Positas College).

Trustee Cedillo noted that there are serious conversations around the State that there are some districts will file for bankruptcy. In addition, some districts will cut athletic programs.

Trustee Vecchiarelli questioned if the RUMBL fund is restricted and could it be used for the 5% reserve. Mr. Legaspi reported that the RUMBL is self-restricted but not legally restricted.

Trustee Vecchiarelli also noted that the gas initiative noted by the speaker (Ms. Begona Cirera-Perez) as well as the tax on millionaires would help the District.

## **FACILITIES PLANNING AND DEVELOPMENT**

### Settlement

Mr. Kingston reported that the District has received a settlement offer of \$3,383,000 on the Multidisciplinary Building at Las Positas College. He reported that the funding will go back into the Measure B Fund. He reported that he will provide the settlement agreement to the Board for approval at a future Board Meeting.

In response to a question raised by Trustee Vecchiarelli, Mr. Kingston reported that our legal costs were approximately \$900,000. Mr. Kingston noted that most importantly, we held them accountable.

### Real Estate

Mr. Kingston reviewed a conceptual layout for a potential plan of the third floor of 7600 Dublin Blvd., Dublin. The proposed plan is to move the District Office to the site and lease the building at 5020 Franklin Dr., Pleasanton. In addition, two additional training rooms will be included for Contract Education to generate revenue. It was explained that IT requires storage space for placement of existing equipment (servers) in the event the data system at Las Positas College “goes down.” In response to questions raised by the Board, Ms. Methé gave further details in regards to the needs of IT.

Mr. Kingston also outlined the space that would be used as a Board Room. He asked the Board for a “green light” to design the building and draft a 12-month timeline. It was reported that Mr. Legaspi will attempt to lease 5020 Franklin Dr., Pleasanton. He reported that the challenge is permitting with Dublin and parking. He noted that BART would be encouraged.

Trustee Dvorsky questioned the room capacity of the Board Room. In response, Mr. Kingston reported approximately 70, which would require an emergency exit for the third floor. He highlighted that the Board Room would contain a fixed dais and fixed seating. The fixed seating would cut down on the time Maintenance and Operations spends in setting up for meetings.

Trustee Gelles questioned the costs involved and requested that handouts with the design of the space and timeline be provided for the Board. In addition, he would like a comparison of the size with that of 5020 Franklin Dr., Pleasanton. Further, he requested

information on the current lease agreements for the Dublin Center. He noted that he would like these documents prior to the Board Meeting on February 21.

Mr. Kingston confirmed that he will get the requested detailed reports for the Board.

#### Facilities Master Plan

Mr. Kingston reported that the Five Year Capital Plan is an annual requirement of the State. He reported that we will have a new Education Plan for the development of the next Five Year Plan and Facilities Master Plan. He reported that the process started with an RFP for an architect for the Master Plan, which was awarded to Steinberg Architects. The architects have extensively met with the constituent groups and have received input. He anticipates a draft by March 30, which will be presented at the April 3 Board Study Session. He reported that the next step is to determine what needs to be done and how do it can be funded. He noted that funding options are Bond Interest, State Bond (if it passes), and Local Bond/Parcel Tax.

#### Facilities Bond/Parcel Tax

Chancellor Kinnamon reported that CEOs are considering polling for a parcel tax. He questioned how the Board would feel about local polling.

Trustee Dvorsky questioned the cost for polling. In response, Mr. Legaspi reported that he estimates the cost to be approximately \$35,000.

Trustee Gelles expressed that he does not want to spend money to get a “no answer” and expressed that he would prefer that we wait to see the result of Governor Brown’s tax proposal. He expressed that it would not be a good time to ask the public to support another bond. He also expressed that he would like to first survey the students, faculty and staff.

Trustee Vecchiarelli questioned if we could do our own polling, to which Dr. Walthers reported that a polling company could do it much faster.

Chancellor Kinnamon reported that staff will report back to the Board with answers to their questions and concerns.

Mr. Kingston noted that the District will need to make a decision soon if the bond is to be on the November Ballot. He reported that the Colleges, especially the Senates, are supportive of the Master Plan and Bond. Mr. Kingston reported that a Bond would be for renovation, and not for growth.

In response to a question raised by Trustee Gelles, Mr. Kingston reported that August 10 would be the final date to make a decision to go for a bond on the November ballot (88 days prior to the election).

**ADJOURNMENT**

Motion No. 1

Trustee Gelles made a motion, seconded by Trustee Dvorsky, to adjourn the meeting at 3:52 p.m.

Motion carried unanimously, 6-0.

**NEXT MEETING**

The next Board of Trustees Meeting is scheduled for Tuesday, February 21, 2012 at the District Office at 6:30 p.m.

Minutes completed by:

  
Beverly Bailey

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