

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

**MINUTES  
September 16, 2008**

**PLACE**

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

**CALL TO ORDER**

The regular meeting was called to order at 5:30 p.m. by President Vecchiarelli. Recording Secretary Beverly Bailey called the roll. Dr. Lewis was absent at the time of roll. President Vecchiarelli announced that Dr. Lewis was expected to arrive at 6:00 p.m. The Board immediately adjourned to a Closed Session, which ended at 6:35 p.m. The Board readjoined in Open Session at 6:43 p.m. Recording Secretary Beverly Bailey called the roll. Mr. Nicholls was absent at the time of roll.

**ATTENDANCE**

Members Present:           Dr. Arnulfo Cedillo (left at 7:40 p.m.)  
                                  Mrs. Isobel F. Dvorsky  
                                  Mr. Donald L. "Dobie" Gelles  
                                  Dr. Hal G. Gin  
                                  Dr. Alison Lewis (arrived at 6:00 p.m.)  
                                  Dr. Barbara F. Mertes  
                                  Mr. Carlo Vecchiarelli  
                                  Ms. Erica Morrissey

Members Absent:           Mr. Dayne Nicholls

Managers Present:         Dr. Joel L. Kinnamon, Chancellor  
                                  Dr. Celia Barberena, President, Chabot College  
                                  Dr. DeRionne Pollard, President, Las Positas College  
                                  Mr. Jeff Baker  
                                  Ms. Julia Dozier  
                                  Ms. Heidi Finberg  
                                  Dr. MaryAnne Gularte  
                                  Dr. Ted Kaye  
                                  Mr. Jeffrey Kingston  
                                  Mr. Robert Kratochvil

Ms. Jeannine Methe  
Mr. John Nahlen  
Ms. Laura Weaver

Recording Secretary: Mrs. Beverly Bailey

Others Present: Ms. Cindy Ahre, Vice President, Las Positas College  
Classified Senate  
Mr. Ken Agustin  
Mr. Jesus Armas  
Ms. Tiffany Breger, President, Associated Students of Las  
Positas College  
Mr. Greg Daubenmire, President, Las Positas College  
Academic Senate  
Ms. Stacy Followill  
Ms. Cathy Gould, President, District Classified Senate  
Ms. Theresa Hirstein  
Mr. Ming Ho, President, Chabot College Academic Senate  
Mrs. Charlotte Lofft, President, Chabot-Las Positas Faculty  
Association  
Mr. Patrick Lofft, Citizens Oversight Committee  
Mr. John McHugh  
Mr. Justin Reyes, President, Associated Students of Chabot  
College  
Mr. Mark Smythe, President, S.E.I.U., Local 1021  
Mr. David Suhr  
Ms. Katherine Tollefsen  
Ms. Rachel Ugale, President, Chabot College Classified  
Senate

## **PUBLIC COMMENTS**

There were no public comments offered at this meeting.

## **CONSENT CALENDAR**

Mr. Gelles requested that agenda items 3.6 (Volunteer Aide Personnel) and 5.4 (Approval of Memorandum of Understanding with San Leandro Unified School District, Chabot College) be removed from the consent calendar. Mrs. Dvorsky also requested that agenda item 5.4 be removed from the consent calendar.

Motion No. 1

Dr. Mertes made a motion, seconded by Ms. Morrissey, to approve the consent calendar with the exception of agenda items 3.6 and 5.4.

Motion carried unanimously, 7-0.

The following items were approved on the consent calendar:

## General Functions

- 1.7 Approval of Minutes of August 19, 2008 Meeting
- 1.8 Approval of Minutes of September 2, 2008 Meeting

## Personnel

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

## Educational Services

- 4.1 Acceptance of Gift, Chabot College
- 4.2 Acceptance of Gift, Las Positas College
- 4.3 Approval of 2008-09 Curriculum Changes, Las Positas College
- 4.4 Approval of Renewal of Memorandum of Understanding – Alameda County Office of Education for the Alameda County Transition to Teaching for Paraeducators Program, Las Positas College
- 4.5 Approval of Subgrant Agreement – San Mateo County Community College District for Surgical Technology Workforce Education, Las Positas College

## Business Services

- 5.1 Approval of Commercial Warrant Registers
- 5.2 Approval of Payroll Warrant Registers
- 5.3 Approval of Declaration of Surplus Property to be Sold at Private Sale and Donation or Disposal of Any Items Not Sold

**TRUSTEE REPORTS AND/OR OFFICIAL COMMUNICATIONS**

Mr. Gelles reported that because of his affiliation with the Castro Valley Sports Foundation, he has become aware of a new law requiring synthetic turf be swept with a special material three times a year and questioned if Mr. Kingston was familiar with this law. Mr. Kingston reported that the new synthetic lawns have been equipped with water cannons to wash down

and cool the fields. In addition, the District has purchased a sweeper to maintain the fields and currently, Maintenance and Operations staff is getting trained on this piece of equipment.

Dr. Mertes recognized and thanked Ms. Beverly Bailey for all she does. In addition, she recognized Mr. Jeff Baker for his help assisting people that she has referred.

Mrs. Dvorsky reported that she understands that the Governor vetoed the State Budget, but that two-thirds of the Legislature can override his veto. She voiced that the Budget will be difficult for us next year.

Dr. Gin reported that he attended the Groundbreaking for the College Center for the Arts at Las Positas College. He envisions the Center will be the epicenter for cultural activities in the Tri-Valley and will draw from the community. He expressed that he is looking forward to sitting in the seats for a production.

Ms. Morrissey reported that members of the Associated Students will be attending a conference in Washington, D.C. September 24-28. They have scheduled meetings with Jerry McNearney and Ellen Tauscher to discuss issues important to students. She also reported that on Friday, September 12 the College sponsored a Mayors' Forum. At the Town Meeting earlier this month, Dr. Pollard gave a Facilities Update.

Mr. Vecchiarelli reported that he recently attended a football game at Chabot College, which they won. He voiced that "it looks like a good team this year."

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

**Las Positas College:** Dr. Kaye presented a written report to the Board. He reported that the Foundation is moving aggressively with grants. He reported that a free Family Fun Night is scheduled for Wednesday, October 22 at Super Franks in Pleasanton and drew the Board's attention to the flyer attached to his report. He reported that all the Unified School Districts in the Tri-Valley have been very helpful in distributing the flyers. Further, he reported that the Board of Directors Annual Retreat and Training is scheduled for September 18, and invited Board Members and Administrators to attend the 4:00 p.m. reception the same day.

**Chabot College:** Ms. Finberg presented a written report to the Board. She reported that the Foundation had a successful Retreat and Planning Session where Jack Papazian served as facilitator. They developed a "Foundation Focus" for 2008-09 that will make a real impact. It was decided to raise a minimum of \$100,000 before Summer 2009 to partner with the Associated Students and the Bookstore to launch a textbook rental program. The framework for meeting this goal includes five committees with each Director assuming a role on a committee. She further reported that plans for "Chabot Goes Monte Carlo at the

Starlight Club” continue with high energy from the committee. She reported that even in tough economic times, the Foundation expects to hit its net proceed goal of over \$20,000.

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

Mr. Greg Daubenmire, President, Las Positas College Academic Senate, reported that the Senate is having good discussions with a lot of excitement this year. They continue to have discussions with Dr. Pollard and Dr. Jones. The Senate is continuing discussions on accreditation, which occurs in the Fall. In addition, he reported that on October 3 and 4, Dr. Vincent Tinto will present a workshop on “Student Success and Issues on Basic Skills.” Dr. Tinto is one of the country’s foremost experts in student success and retention. He further reported that Flex Day is scheduled for October 7.

Mr. Ming Ho, President, Chabot College Academic Senate, reported that he is continuing conversations with Dr. Barberena about governance structure and accreditation. He reported that at the last Senate Meeting, Ms. Shari Yeager made a presentation and requested the Senate take a stand on Proposition 8. The Senate will take action on this issue at their next meeting. He reported that Ms. Yeager is working with other Shared Governance Groups to rally their support against the proposition.

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

Ms. Cindy Ahre, Vice President, Las Positas College Classified Senate, had no report at this time as their first meeting of the Fall Semester is scheduled for September 25.

Ms. Rachel Ugale, President, Chabot College Classified Senate, reported that the Senate is continuing discussions on student success and the role played by Classified Professionals. This discussion started during break-out sessions at Convocation. The Senate is continuing dialogue with Dr. Barberena and the Vice Presidents on how to improve processes and communication between staff, which in turn will benefit students in achieving their educational goals. She reported that one of the Senate’s goals outlined this year is to put together a Classified Staff satisfaction survey; and they are looking at the Spring Accreditation Survey which was given to all staff. The Senate is finalizing activities for Flex Day on October 7. Lastly, on behalf of the Chabot College Classified Senate, she thanked David Suhr for his years of service and dedication.

Ms. Cathy Gould, President, District Classified Senate, reported the Senate is discussing putting together an electronic calendar for meetings and activities, which will be accessible by the Chancellor. They are reviewing the Constitution and Shared Governance and how to become more involved in this process, which is a challenge as they are different from the Colleges’ Classified Staff.

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

Ms. Tiffany Breger, President, Associated Students of Las Positas College, submitted a written report to the Board. She reported that the Senate has held two workshops—Parliamentary Procedure; and Organizational Frames, which was presented by Dr. Pollard. She also reported that ASLPC is currently working on approving their yearly budget. In addition, the first Club Day, centered around constitutional themes, is scheduled for September 17 and will include free lunches. ASLPC will hold Voter Registration Drives on September 17 and 18. On September 20, they will hold an Inter-Club Council Retreat. Further, they will be reviewing the By-Laws and Constitution, developing more detailed roles for senators and representatives and establishing clearer and more effective procedures for the execution of projects and events. Lastly, she reported that at their last meeting, they adopted a resolution commending the Express newspaper on a great first paper, with many interesting and well written articles relevant to Las Positas College students.

Mr. Justin Reyes, President, Associated Students of Chabot College, reported that ASCC has developed a newsletter, The Scribe”, which he shared with the Board. He reported that ASCC will be kicking off their Club Day on September 25. The theme for the Club Day will be “Celebrating Diversity.” He also reported that ASCC will be working with faculty to initiate the Big Read, which is an initiative of the National Endowment for the Arts, designed to restore reading to the center of American culture. He thanked the Chabot College Foundation for their assistance with the Book Rental Program. This program will be the first of its kind in Northern California. He further reported that ASCC will continue Voter Registration drives three days a week during the months of September and October.

## **GOOD OF THE ORDER**

Mr. Mark Smythe recognized Mr. David Suhr for his hard work and dedication to the District.

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

Dr. Barberena submitted a written report, The Hotsheet, to the Board. She reported that there are challenges for Chabot College with the State Budget, one of which is to come up with enough revenue for the Child Development Center. She will provide a recommendation to the Chancellor in the near future. She also reported that enrollments are very healthy and the projections presented by Mr. Legaspi in the Budget will be met with 10,265 FTES. One way they have increased enrollment is through Distance Education, which has increased from 51 sections in Fall 2006 to 135 sections this semester. She reported that all general education classes necessary for an AA Degree, with the

exception of Mathematics, can be taken on-line. They are continuing to improve their knowledge of how to use governance committees as a way of getting input from faculty and staff and strengthening the processes in place. She thanked the Presidents of the Faculty Senate and Classified Senate for their interest in improving communication across campus. Further, she thanked the leadership of Melinda Matsuda for the Memorandum of Understanding partnering with San Leandro Unified School District, which is on the Board agenda for approval tonight. This partnership will bring funds in the amount of \$90,000 per year to the campus and allow the students to start their experience with the College at an early age by being tutored by Chabot students.

Mr. Vecchiarelli questioned the College's status of becoming a Hispanic serving institution with 25% Hispanic enrollment. Dr. Barberena reported that because the College has made tremendous gains with enrollment, that 25% goal becomes a larger number. However, she reported that the goal is foremost on their minds.

Mr. Vecchiarelli also voiced that we should offer Basic Mathematics classes through Distance Education. Mr. Daubenmire reported that Las Positas College offers Basic Mathematics classes on-line.

Dr. Pollard submitted a written report to the Board. She reported that enrollment is at approximately 8,700 students. They continue to look at infrastructure as the College continues to grow. She reported that the Presidential Advisory Council will convene its first meeting next week. This group is comprised of local leaders from city government, education, business, and the faith community to share their insights and provide feedback on how the College functions within the Tri-Valley. Dr. Pollard expressed "kudos" to the following:

- Maintenance and Operations, Security and Vice President Kratochvil who rose to the occasion to see the College through the recent challenging water service shut-down on campus.
- Katie Eagan, English Faculty, for her nomination to the Board of the English Council of Two-Year Colleges.
- Faculty and staff in Financial Aid, Admissions and Records, and Counseling for their exceptional work responding to the increased demand for student services arising from higher enrollment numbers.
- Vice Chancellor Gularte and the Human Resources Managers for conducting the first of their monthly HR Forums on campus for administrators and their staff.

Dr. Pollard also reported that on October 3 and 4, Dr. Vincent Tinto will lead the campus community through an Institute on Student Success. His keynote address will be "Student Success is Everyone's Business" and will be focused on enabling the College to utilize its

own data and present opportunities for building new alliances across campus. She also reported that the Campus Change Network kicked off its 2008-09 Speaker Series by hosting a Tri-Valley Mayors' Forum on the discussion topic "Exploring Diversity in our Growing Communities." Further, Dr. Pollard reported that she has launched a series of monthly informal dialogue sessions entitled "Yak 'N Sak" meetings as well as a "President's News and Notes", a bi-weekly electronic update for the College and broader community via video messages on the homepage website. She thanked the Board for their support.

### **CHANCELLOR'S REPORT**

Dr. Kinnamon acknowledged both Foundation Directors who continue to make significant impacts in the community in a very challenging economic environment. He also recognized the College Vice Presidents for their work during the transition of the College Presidents. Further, he acknowledged Mr. Legaspi for coming forward with the idea and resources for students to continue to receive Cal Grants during the State fiscal crisis.

At the request of Dr. Kinnamon, Mr. Legaspi gave an update on the State Budget. He reported that late last night or early this morning the Senate and Assembly passed a version of their budget. However, the Governor has threatened to veto that Budget. He reported that Senators Perata and Cogdill and Assemblymember Bass have indicated that they will pursue a veto over-ride. The Governor indicated that he will then veto nearly the 1,000 bills waiting on his desk. In the meantime, the District is positioned well to make its payroll and pay its financial obligations until the State Budget is resolved.

Mr. Gelles noted that we are basically borrowing from ourselves. "Eventually this will all come to pass." He would hope that we make a public report on the borrowing and repaying of our funds when the State Budget is finally passed.

Mrs. Dvorsky questioned if we are borrowing from our reserves, to which Mr. Legaspi responded affirmatively; and further, that we would then borrow from other funds such as Measure B if needed.

Mr. Gelles questioned how many colleges are borrowing from outside sources, to which Mr. Legaspi responded that many will borrow from banks and lines of credit with 3%-5% interest.

### **RECOGNITIONS**

Mrs. Jeannine Methe recognized Mr. David Suhr on his Emeritus Retirement and presented him with a plaque. Mr. Suhr has served the District for 27 years. Mr. Suhr spoke of the



wonderful experiences he has had with the District and thanked the Board for the opportunity.

#### **VOLUNTEER AIDE PERSONNEL**

Mr. Gelles requested that this item be pulled from the consent calendar in order to thank Dr. Gularte for obtaining background checks before bringing them to the Board for approval.

#### Motion No. 2

Mr. Gelles made a motion, seconded by Dr. Mertes, to approve the Volunteer Aide Personnel.

Motion carried unanimously, 7-0.

#### **APPROVAL OF MEMORANDUM OF UNDERSTANDING WITH SAN LEANDRO UNIFIED SCHOOL DISTRICT, CHABOT COLLEGE**

Mrs. Dvorsky requested that this item be pulled from the consent calendar to express her delight in this collaboration with San Leandro School District.

Mr. Gelles requested that this item be pulled from the consent calendar to express that he hopes we will try to do this in every community we serve.

#### Motion No. 3

Mrs. Dvorsky made a motion, seconded by Mr. Gelles, to approve the Memorandum of Understanding with San Leandro Unified School District, Chabot College, for a one-year period of September 16, 2008 to June 30, 2009, for the total compensation to Chabot College of \$95,805.00. It is further recommended that the Board authorize the Vice Chancellor, Business Services, to execute this Memorandum of Understanding and any future augmentations or amendments to the Memorandum of Understanding on behalf of the District.

Motion carried unanimously, 7-0.

**AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH RICHARD AVELAR AND ASSOCIATES FOR DESIGN PROJECT REPAIR SERVICES ON THE MULTI-DISCIPLINARY EDUCATION BUILDING AT LAS POSITAS COLLEGE**

Motion No. 4

Dr. Gin made a motion, seconded by Mrs. Dvorsky, to authorize to enter into an agreement with Richard Avelar and Associates of Oakland, CA for Design Project Repair Services on the Multi-Disciplinary Education Building at Las Positas College in an amount not to exceed \$135,000. It is further recommended that the Board authorize the Vice Chancellor, Business Services, to execute the agreement and any future augmentations or amendments to the agreement on behalf of the District. Funding Source: Measure B Bond Funds

Motion carried unanimously, 7-0.

**AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH RICHARD AVELAR AND ASSOCIATES FOR DESIGN PROJECT REPAIR SERVICES ON THE PHYSICAL EDUCATION COMPLEX AT LAS POSITAS COLLEGE**

Motion No. 5

Mrs. Dvorsky made a motion, seconded by Dr. Lewis, to enter into an agreement with Richard Avelar and Associates of Oakland, CA for Design Project Repair Services on the Physical Education Complex at Las Positas College in an amount not to exceed \$135,000. It is further recommended that the Board authorize the Vice Chancellor, Business Services, to execute the agreement and any future augmentations or amendments to the agreement on behalf of the District. Funding Source: Measure B Bond Funds

At the request of Mr. Gelles, Mr. Kingston reported that both of these agreements are for the water intrusion issues at the Multi-disciplinary Building and the Physical Education Complex at Las Positas College. These design contracts will be given to Avelar. Once completed, we will have enough information to do the "fixes."

Mr. Gelles questioned if we are coming in under our numbers, to which Mr. Kingston reported that both projects were State-funded projects and augmented by Measure B funds. We have accounted for the cost of the projects, excluding the cost to do the repairs. The short-term fix is an awning and the long-term fix would be to repair the stucco. He reported that the District is trying to determine the exact cost for the long-term fix. The District is also trying to work with the contractor to complete some of the repairs.

Mrs. Dvorsky questioned the extent of the liability of the original contractors. Mr. Kingston reported that we are running a parallel path to take the contractors and the architects to arbitration and to seek reimbursement for the costs. At the end of arbitration, the arbitrator will determine the extent of responsibility. It is his hope to recover all costs. He will keep the Board apprised of this situation.

Mr. Vecchiarelli questioned who will pay for the short-term fix—the awnings. Mr. Kingston reported that the claim will include the storm damage, the remediation and repair from last Winter, the current short-term fix for this Winter and the replacement of the stucco exterior.

Motion carried unanimously, 7-0.

**APPROVAL OF CONTRACT MODIFICATION TO EXISTING DESIGN CONTRACT WITH WLC ARCHITECTS FOR THE PHYSICAL EDUCATION PHASE III PROJECT AT LAS POSITAS COLLEGE**

Motion No. 6

Mrs. Dvorsky made a motion, seconded by Ms. Morrissey, to approve the Contract modification to the Existing Design Contract with WLC Architects of Emeryville, CA for the Physical Education Phase III Project at Las Positas College in an amount not to exceed \$91,420. It is further recommended that the Board authorize the Vice Chancellor, Business Services, to execute the amendment to the contract on behalf of the District. Funding Source: Measure B Bond Funds

Motion carried unanimously, 7-0.

**APPROVAL OF CHANGE ORDER NUMBER 11 – SIERRA BAY CONTRACTORS, INC., MULTI-DISCIPLINARY EDUCATION BUILDING AT LAS POSITAS COLLEGE**

Motion No. 7

Dr. Mertes made a motion, seconded by Ms. Morrissey, to approve Change Order Number 11 for Sierra Bay Contractors, Inc., of Concord, CA for the Multi-Disciplinary Education Building at Las Positas College in the amount of \$305,509. It is further recommended that the Board authorize the Vice Chancellor, Business Services, to execute the change order on behalf of the District. Funding Source: Measure B Bond Funds

Mr. Kingston reported that this is a procedural action required by law so that we can close out the contract with the Department of State Architect (DSA) and Alameda County. However, the District will withhold payment to Sierra Bay Contractors, Inc. This will also force the contractor to pay subcontractors in a timely manner.

Motion carried unanimously, 7-0.

**APPROVAL OF CHANGE ORDER NUMBER 3 – ROBERT A. BOTHMAN, INC., AQUATICS CENTER AND SOCCER FIELD PROJECT AT LAS POSITAS COLLEGE**

Motion No. 8

Mrs. Dvorsky made a motion, seconded by Dr. Gin, to approve Change Order Number 3 for Robert A. Bothman, Inc., of San Jose, CA for the Aquatics Center and Soccer Field Project at Las Positas College in the amount of \$247,376.82. It is further recommended that the Board authorize the Vice Chancellor, Business Services, to execute the change order on behalf of the District. Funding Source: Measure B Bond Funds

Mr. Gelles questioned if this is within the scope of the project. Mr. Kingston reported that it was decided to add the scope for the underground utilities and modifications that were to support other projects, which were going to be part of a future project for a parking lot for 500 vehicles. We used this contract to do the underground work before constructing the parking lot and this allowed us to expedite the parking lot. The second part was to expedite the lighting and electrical equipment which allowed us to get the new field turf soccer field prepared by Summer 2008. These projects would have surfaced in another project but it was more expedient to include them in this project.

Mr. Vecchiarelli commented that he wants the community to see the colleges--inviting soccer teams, swim teams, etc. to use the facilities. He stressed the importance of getting young people on the campus.

Dr. Mertes commended Mr. Kingston for putting these two difficult projects together, which were supported by State grants and supplemented with Measure B funds.

Motion carried unanimously, 7-0.

**FACILITIES PLANNING AND MANAGEMENT REPORT**

Mr. Kingston reported every October 1 the District is required to submit an update of its space inventory to the State Community College's Chancellor's Office. The Space Inventory identifies all the buildings and the programmed uses of the spaces in them. This updated space inventory becomes a critical component in the District's Five-Year

Construction Plan. The inventory is used to determine the capacity of the facilities. The Five-Year Plan compares this capacity with the actual and projected enrollment levels. The Five-Year Plan also must provide a listing of all active and proposed District projects by campus with details of the type of spaces planned regardless of the source of funds. The project list, the enrollment levels, and the space inventory taken together provide the District and the State with a way to measure the eligibility of projects for participation in the use of State Capital Outlay Funds. It is also used to evaluate the effective utilization of the Colleges' facilities.

Mr. Kingston recognized Ms. Zahra Noorivaziri for completing this detailed report.

### **ADJOURNMENT**

#### Motion No. 9

Mrs. Dvorsky made a motion, seconded by Dr. Gin, to adjourn the Regular Meeting at 7:52 p.m.

Motion carried unanimously, 6-0.

### **NEXT MEETING**

The next Board Meeting is scheduled for Tuesday, October 7, 2008 at Chabot College.

Minutes completed by:

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Beverly Bailey

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