

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

**MINUTES
January 19, 2010**

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 Gelles. Recording Secretary Mary Hargiss called the roll. Dr. Cedillo was absent at the time of roll. President Gelles reported that Dr. Cedillo is excused from tonight's meeting.

PUBLIC COMMENTS

There were no Public Comments offered at this time.

ADJOURN TO CLOSED SESSION

Motion No. 1

Dr. Gin made a motion, seconded by Mrs. Dvorsky, to adjourn to a Closed Session, which ended at 6:30 p.m.

Motion carried unanimously, 6-0.

OPEN SESSION

The Board readjoined in Open Session at 6:33 p.m. Recording Secretary Mary Hargiss called the roll. Dr. Cedillo and Mr. Gil were absent at the time of roll. President Gelles reported that Dr. Cedillo is excused from tonight's meeting.

ATTENDANCE

Members Present: Mrs. Isobel F. Dvorsky
Mr. Donald L. "Dobie" Gelles
Dr. Hal G. Gin
Dr. Barbara F. Mertes
Dr. Marshall Mitzman
Mr. Carlo Vecchiarelli

Mr. Anthony Leanos

Members Absent:

Dr. Arnulfo Cedillo (excused)
Mr. Evani Gil

Managers Present:

Dr. Joel L. Kinnamon, Chancellor
Dr. Celia Barberena, President, Chabot College
Dr. DeRionne Pollard, President, Las Positas College
Mr. Ken Agustin
Ms. Rita Brown
Mr. Tom Clark
Ms. Julia Dozier
Ms. Heidi Finberg
Mr. Wyman Fong
Dr. MaryAnne Gularte
Mr. Andrew Howe
Dr. Laurel Jones
Dr. Ted Kaye
Mr. Jeffrey Kingston
Mr. Lorenzo Legaspi
Mr. Yulian Ligioso
Dr. Pam Luster
Ms. Jeannine Methe
Mr. George Railey
Ms. Nancy Soto
Ms. Laura Weaver
Ms. Barbara Yesnosky

Recording Secretary:

Ms. Mary Hargiss

Others Present:

Ms. Jennifer Adams
Ms. Cynthia Flores, President, Chabot College Associated Students
Ms. Cathy Gould, President, District Classified Senate
Ms. Usha Jackson
Mrs. Dale Kaye, Chair, Measure B Citizens' Oversight Committee
Ms. Melissa Korber
Ms. Natasha Lang, President, Las Positas College Classified Senate
Mrs. Charlotte Lofft, President, Chabot-Las Positas Faculty Association
Mr. Patrick Lofft, Measure B Citizens' Oversight Committee
Mr. Nolan O'Brien

Mr. Ron Price
Mr. Masi Quorayshi, President, Las Positas College
Associated Students
Mr. James Rose, Editor, Las Positas College Express
Mr. Stephen Small
Ms. Sarah Thompson, President, Las Positas College
Academic Senate
Ms. Rachel Ugale, President, Chabot College Classified
Senate
Mr. Lawrence Witkowski

PLEDGE TO FLAG

Dr. Gularte led the pledge to the flag.

GOOD OF THE ORDER

President Gelles noted that there is a great deal of stress in our world and requested that tonight's meeting be dedicated to the assistance of the people in Haiti and others throughout the world who are struggling.

Mr. Gelles thanked everyone for the many e-mails he has received. He noted that he recently had knee surgery and hopes that in a short time he will be able to eliminate the use of the cane.

Mr. Gelles congratulated Pam Luster on completing her doctorate.

PUBLIC COMMENTS

Mr. Stephen Small reported that the Automotive Service Council, Chapter 16 will host the Technology Recognition Night on May 11, 2010 at Chabot College. He is currently working with Ms. Heidi Finberg and the Chabot Foundation on fundraising. He reported that Las Positas College will again be included.

Ms. Charlotte Lofft, representing ValleyCare Hospital and the Chabot College Nursing Program Partnership, reported that a recognition plaque was awarded to ValleyCare Health Systems by the Valley Hospital Association, an outside entity, for the nursing partnership as a model of excellence in team collaboration, West Coast Region, 2009. She reported that the plaque will be on display permanently at the Chabot College Nursing Program Extended Campus in Livermore at the Mertes-Feit Building, which is at the corner of Stanley and Fenton. She encouraged all to tour the facility, which houses two smart classrooms, a skills laboratory, and a large computer room. Ms. Lofft read the citation for the award, which recognized the partnership as an exemplary example of an academic-service partnership and recognized that the partnership increased the program enrollment by 50%.

Mr. Lawrence Witkowski, Public Relations Manager, Las Positas College Radio Station, spoke regarding the flyers and students' First Amendment rights violations. He noted that students put forth a great deal of effort and time to be a student in the class. He noted that he felt threatened when everything was taken away. He also reported that students went through all the proper channels.

Mr. Nolan O'Brien, Faculty Advisor, Las Positas College Radio Station and Student Broadcasters Club, reported that his students were criminalized for expressing their free speech rights. He spoke in support of the resolution presented by the Faculty Senate President supporting California Education Code 66301, which guarantees students' free speech rights on and off campus. Mr. O'Brien asked that the District Leadership heed the advice of the resolution by revising standing policies.

CONSENT CALENDAR

Mr. Vecchiarelli requested that agenda item 6.1 (Approval of Settlement Agreement and Release of Claims between Chabot-Las Positas Community College District and Robert A. Bothman, Inc. for the Maintenance and Operations Facility Project, Chabot College and for the Aquatics Center and Soccer Field Project, Las Positas College) be pulled from the consent calendar.

Mr. Gelles requested that agenda items 5.4 (Approval of Declaration of Surplus Property to be Sold at Private Sale and Donation or Disposal of Any Items Not Sold), 5.8 (Approval of Site Lease Agreement – Clearwire Wireless Broadband for a Communication Antenna, Chabot College), and 5.9 (Establishment of Non-Resident (Out-of-State and International) Tuition Rates for 2010-2011 Academic Year) be pulled from the consent calendar. He also requested agenda item 6.1 be pulled from the consent calendar.

Motion No. 2

Mrs. Dvorsky made a motion, seconded by Dr. Mitzman, to approve the consent calendar with the exception of agenda items 5.4, 5.8, 5.9 and 6.1.

Motion carried unanimously, 6-0.

The following items were approved on the consent calendar:

General Functions

1.8 Approval of Minutes of November 17, 2009 Meeting

1.9 Approval of Minutes of December 8, 2009 Meeting

Personnel

3.2 Classified Personnel

Educational Services

- 4.1 Approval of Curriculum Changes, Las Positas College
- 4.2 Acceptance of Gift, Chabot College
- 4.3 Acceptance of Gifts, Las Positas College

Business Services

- 5.1 Approval of Commercial Warrant Registers
- 5.2 Approval of Payroll Warrant Registers
- 5.3 Approval of Budget Transfers 6.F.1
- 5.5 Approval of Agreement Renewal – Alameda County Sheriff’s Office for the Accredited Basic Law Enforcement Academy and Courses, Las Positas College
- 5.6 Approval of Agreement – Children’s Hospital and Research Center-Oakland for Surgical Technology Program, Las Positas College
- 5.7 Approval to Enter into a Memorandum of Understanding – BMW of North America, LLC, to Establish a BMW Associate Degree Program, Chabot College
- 5.10 Acceptance of Grant Award – U.S. Department of Education’s Fund for the Improvement of Postsecondary Education (FIPSE) Program for Transfer, Employment and Career (TEC) Transition Center Project, Award No. P116W090134, Chabot College

PRESENTATION: MEASURE B CITIZENS’ OVERSIGHT COMMITTEE ANNUAL REPORT TO THE COMMUNITY – DECEMBER 2009

Mrs. Dale Kaye, Chair, Measure B Citizens’ Oversight Committee, reported that the Committee meets four times per year as mandated by the Measure. She reported that the Facilities Department does an amazing amount of work, which is very comprehensive but easy to follow. She reported that at each meeting they have the opportunity to tour the facilities. It is the committee’s job to ensure that all funds expended are appropriate as per the bond referendum. The Committee reviews the financial and performance audit as conducted by the accounting firm. The audit shows that no items were paid that did not comply with the purpose of the bond measure. The Annual Report, which was completed by staff, has been printed and will be distributed through the Bay Area News Group as an insert to the District’s service areas as well as distributed to those that do not subscribe to the newspaper. She also reported that from the President of the United States to local citizens it has recently been noted that community colleges are “tent pole” to our economy and have become a first choice. It is perceived to now be the place where people study for the jobs we need in the future. She noted that this isn’t the message that is supposed to come from the Oversight Committee, but she feels very strongly that the taxpayers who paid for the bond should be reminded of this on a regular basis. A tremendous amount of jobs have been created by the Measure B construction and it has had a wonderful impact on both communities. She expressed that if we are indeed the “tent pole” of the economy, the community needs to be reminded of the value of their community college to their community. The Committee will continue to remind them of this as well.

Mr. Kingston thanked Mrs. Kaye and the Committee for their hard work. They have asked great questions and listened to the Facilities Department. He also thanked the Facilities team, the project managers and construction managers, as well as the college community who have put up with the construction.

Dr. Kinnamon thanked Mrs. Kaye for her hard work as Chair of the Citizens' Oversight Committee. He also recognized Mr. Patrick Lofft for his dedication to the Committee, noting that all committee members are volunteers making sure taxpayer funds are appropriately spent and providing the District with another opportunity to demonstrate that fact. He also thanked Ms. Laura Weaver for her work with Mrs. Kaye in preparing the community report.

Mrs. Dvorsky raised the question of the possibility of adding the comments made by Mrs. Kaye to the community report. She noted that she doesn't believe the community realizes that their tax dollars are working for them and that there are jobs that are being developed and generated because of our construction.

Mr. Gelles thanked Mrs. Kaye for her report and thanked her and Mr. Lofft for their efforts on the Committee. He also recognized Mr. Kingston for a great job. "We want to make sure the public knows how we are spending their money." He commented that this is a paramount issue with this Board at all times. Mr. Gelles requested a list of the newspapers and other vehicles that will be used to distribute this report to the community.

PRESENTATION: 2010-11 BUDGET

Mr. Legaspi provided a summary of the Governor's January Budget Proposal for 2010-11, which was released on January 8, 2010. He noted that we will hear similar issues as heard last year in the Governor's Budget. He reported that the budget identifies a \$19.9 billion budget deficit for the remainder of the current year and the upcoming budget year. The Legislative Analyst Office agrees that the problem is about \$20 billion. In addition to producing his budget for the current year, the Governor declared a fiscal emergency and called the Legislature into a special session. The Governor proposes three broad solutions to the budget gap: expenditure reductions (\$8.5 billion), assumed increases in federal aid (\$6.9 billion), and alternative funding/funding shifts (\$4.5 billion). Mr. Legaspi reported the Governor is not proposing mid-year cuts for the Current Year 2009-10 Budget. Mr. Legaspi highlighted the 2010-11 Budget.

Budget Year 2010-11

- 2.21% growth in apportionments to fund 26,000 Full-Time Equivalent Students (FTES) statewide (\$126 million)
- -0.38% statutory COLA, which is applied as a negative adjustment to apportionments and applicable to categorical programs (-\$22.9 million)
- Suspension of all state mandated reimbursement programs (i.e. collective bargaining, collecting fees)
- Reduction of categorical programs: \$10 million from Part-Time Faculty Compensation; \$10 million from EOPS
- Increase in Career Technical Education (CTE) Program funding of \$20 million
- Suspension of all new awards for the Cal Grant Competitive Program (-\$45.5 million)
- Maintain student fees at current \$26 per unit
- Maintain Proposition 98 Minimum guarantee (\$50 billion)
- Major reductions in categorical programs in the amount of approximately 32% will continue
- Apportionment deferrals in 2009-10 will continue in 2010-11. If the state experiences further cash flow challenges in 2010-11, further funding deferrals may be necessary

Mr. Legaspi reported that the biggest question in the 2010-11 budget is regarding federal funding of \$6.9 billion. The Governor has stated that we are a net tax giver to the federal government and is trying to make a point that we should get what we give to the federal government, which Mr. Legaspi states will be an “up-hill battle.” Even our own congressional delegates are saying not to count on the federal monies. The Legislative Analyst Office is saying it should be reduced to \$3 billion. If the federal money is not realized, additional budget solutions would be triggered.

Mr. Legaspi reported that Mr. Scott Lay, California Community College League, noted that we are at the “high water mark.” The League has laid out three major talking points: continuing the tax revenue extensions from this year; moderate increase in fees of \$32 with 10 unit cap; and talk to Legislature about providing community colleges with IOU’s in terms of Proposition 98 monies, which is similar to what is provided to K-12’s.

Mr. Legaspi reported that the District will continue to review the Governor’s proposal in order to measure its impact on the District and will incorporate its assumptions in the development of the budget. He will apprise the Board as updates are received from Sacramento.

Mrs. Dvorsky commented on the increase in enrollments at community colleges due to what is happening at the UC and CSU Systems and noted that one of the “triggers” Mr. Legaspi has outlined in his report is the elimination of approximately \$111.9 million

funding for enrollment growth at the UC and CSU System. She noted that if that happens we will be deluged with students. She expressed concern that we need assurance that we are going to have funding to fund programs. Mr. Legaspi noted that there are no assurances from Sacramento and noted that if this year is any indication of future years, we may see more work load reductions.

Mrs. Dvorsky also noted that there have been comments made that we become a four-year college and stressed that is not our mission.

Mr. Vecchiarelli expressed three concerns regarding the budget. He noted that one of the most cost effective ways of delivering education is with part-time faculty, and it is proposed to reduce part-time faculty by \$10 million. In addition, attacking EOPS affects students that desperately need the money and he would hope that money can be replaced with federal money. Thirdly, he questioned how the state knows the lottery revenues will be increased, as is estimated at \$4.5 million.

Mr. Gelles reported that this Board is dedicated to serving students as much as possible and retaining faculty. He asked that this be kept in mind when looking at the budget.

TRUSTEE REPORTS AND/OR OFFICIAL COMMUNICATIONS

Mr. Vecchiarelli reported that we are seeing a decrease in state apportionment, noting we need to be creative in bringing in revenue outside the CAP, such as Contract Education, renting facilities, etc. He reported he recently met with electricians and they are talking about the new mandate in California to reduce energy usage. There will be tax credits next year for reducing energy such as installing dimming switches, etc. We should be “Johnny- on-the-spot” and try to get contracts with PG&E to educate the electricians who will need training hours.

Dr. Mitzman reported that he attended the Martin Luther King Celebration at Chabot College. He thanked Dr. Barberena for her support and work as well as the faculty and staff at Chabot for putting on an outstanding program. He talked to no less than 15 individuals who had never been on the campus and were amazed with the covered parking, not realizing that it was solar. He hopes that we have signage on campus to inform folks that we are reducing costs of operation. He is looking forward to 2010 being a fantastic year with less money and doing more with what we have. He is a product of the 1960’s and saw difficult times and we will get through this difficult time as well.

Mrs. Dvorsky reported she attended the Las Positas College Health Science Summit, which was a wonderful event. The Keynote Speaker, Mr. Wright Lassiter, Chief Executive Officer of Alameda County Medical Center, shared some interesting statistics: 9.4% of all jobs in the next decade will be in health care; growth of 20-25% in shortage of doctors, nurses and allied health professionals. She noted that Dr. Pollard’s vision of Las Positas College being a one-stop training place is very interesting.

Dr. Mertes recognized our partnerships, which we are so fortunate to have. Without the help of ValleyCare we would not have the kind of work and success that we have with the Nursing Program and now with the Surgical Technology Program. She also looks at the Foundations, noting that if it weren't for the two people who work so hard outreaching to our communities in bringing in funding, we would not have been able to bring in those funds. Also, she recognized Mrs. Dale Kaye, Livermore Chamber CEO, who has done some tremendous partnerships with Las Positas College. She noted that this funding situation could not have been avoided. "We couldn't have gone to war for so long and not paid for it." Also, we learned how to make some kind of restitution in our partnerships. She noted that both Chabot College and Las Positas College Presidents and our Chancellor should be thanked for their outreach and for the recognitions each has brought. In addition, she recognized Ms. Julia Dozier and the Contract Education Department for the jobs and the programs they have created. She noted that this is a tough year, but "look at the connections and the things we have been able to do together", and she remains optimistic and grateful.

Dr. Gin reported that Yiching, China and the City of Hayward have been working for approximately one year and have formally joined as sister cities. Dr. Barberena is a honorary member of that committee as well as Dr. Mo Qayoumi of California State, East Bay. Dr. Gin reported that on a visit to that city last year, an interest was expressed in establishing an exchange program with the City of Hayward. He is hopeful that the Yiching delegation will be visiting soon and he hopes it will be a newspaper public relations event for the College as well as a great opportunity for international students from China.

Mr. Leanos reported that over the break the California Community College Student Senate has been meeting regarding the budget. He also reported that Las Positas College is in the planning stages of two major events which will occur in March dealing with the budget; March 4 at Las Positas College; and March 22 which will be a march in Sacramento to lobby politicians.

Mr. Gelles wished all a happy 2010. He again thanked the people that contacted him, noting that he is doing well. He again noted that this Board is dedicated to keeping everyone possible employed and serving the students first. In different arenas that he has recently been he has heard people saying that they wanted to support community colleges. He noted that support is a monitory business and his first focus is to generate money to expand our programs at every opportunity (i.e. through Contract Education, international students).

CHABOT-LAS POSITAS COLLEGES FOUNDATIONS

Las Positas College: Dr. Kaye presented a written report to the Board. Dr. Kaye reported that at a meeting this evening, he anticipates the arrangement with the Pedrozzi Foundation will be approved, which is \$10,000 matching to stimulate staff giving for primarily veteran scholarships. He also reported that a goal of \$300,000 was set on the Osher Foundation and has received approximately \$3,500 to date. The first named

scholarship was named after the Wentz Family. He reported that individual giving is down. He also reported that Bank of the West donated \$1,000 for College Bound Scholars. He called attention to the newly designed Las Positas College Foundation Website and the new E-Newsletter. Finally, he reported that the Martin Luther King Celebrations will be continuing for a week with a fellowship breakfast on Monday, January 25 sponsored by the Tri-Valley YMCA at the Marriott in Pleasanton with Dr. DeRionne Pollard as the Keynote Speaker.

Mrs. Dvorsky questioned if the Foundation has contacted the Valley Foundation regarding the Osher Initiative. Mrs. Dvorsky reported that they are very interested in funding education scholarships and will be going out of business in a few years. Dr. Kaye reported that he is putting together a proposal regarding the Early Childhood Development furnishings, which is more focused on their desires.

Chabot College: Ms. Finberg presented a written report to the Board. She reported that International Night is set for April 22. The Foundation will partner with the International Students in the hopes of leveraging fundraising with the event. She also reported that the Textbook Rental Program has taken off, receiving the first \$100,000 check. The books have been purchased and are on the shelves and are flying off the shelves. She reported the students are receiving the program heartily and faculty and staff have been so supportive. The program has crossed all disciplines—Basic Skills, Vocational Education, etc. She also reported that the bricks are in the ground in front of the new Community and Student Services Building. She reported that the Chabot College Foundation, District Foundation and the Wa Sung Foundation will host a Crab Feed to be held in March at the San Leandro Boys and Girls Club. She further reported that there are ten \$1,000 scholarships from the Osher Foundation, and one named scholarship from last year from an anonymous donor. She will be making a presentation to the Sategna Foundation to sponsor one more named scholarship. They also sponsored a full two-year scholarship for a nursing student and will entertain doing another one this year. In addition, they have submitted four mini-grants since the first of the year and another two are due before the end of the month. This year is all about partnering - looking for opportunities to partner with other organizations and campus organizations and to leverage as much as possible.

Mr. Gelles recommended that both Foundations let students know what is available to them so that no student says “I didn’t know we had that.”

PRESIDENTS OF CHABOT AND LAS POSITAS COLLEGES FACULTY SENATES

Ms. Sarah Thompson, President, Las Positas College Academic Senate, presented a written report to the Board. She reported that the Senate and all areas of the college community are looking at moving forward with planning and effectiveness. She reported that on December 18, 2009 Mr. Rob Johnston, Dean of Planning, Research, and Institutional Effectiveness at Skyline College, led a workshop on planning and effectiveness

measurements to 20 community members (including Faculty, Classified staff, and one Administrator). Dr. Amber Machamer presented an outline of research at Las Positas College and potential planning agendas. Many of the attendees also participated in the Common Ground Steering Committee which met on January 13, 2010, and collectively developed processes for strategic planning, for assessment-based planning and for institutional effectiveness. The group also outlined the integration between these processes and identified committee roles and feedback loops. The outcomes of the steering committee will be presented to the Faculty and pending their approval, it will be placed on the next Senate's agenda as an action item. Ms. Thompson also reported that the Senate approved the Mutual Agreement Forms and the Hiring Prioritization Committee composition. Further, Ms. Thompson reported that on December 9, 2009 the Senate adopted a resolution expressing concern that students' First Amendment rights were violated and demanding action by the Board of Trustees to resolve this issue as outlined in the resolution.

The Chabot College Academic Senate had no representation.

PRESIDENTS OF CHABOT AND LAS POSITAS COLLEGES AND DISTRICT CLASSIFIED SENATES

Ms. Natasha Lang, President, Las Positas College Classified Senate, reported that one would not know the Colleges were facing budget difficulties if you looked at today's very full parking lots. It was good to see the Welcome Center thriving and answering students' questions. Many staff from her office volunteered to assist in the Center and even with less resources they pulled together to facilitate the services needed for the students. She also reported that the Common Ground Sub-Committee met in a day-long effort to promote the integration of many of the processes on campus and get more coordinated as was pointed out in the accreditation report. She thanked all who were involved in this process and voiced that the process was very enlightening for her.

Ms. Rachel Ugale, President, Chabot College Classified Senate, reported that it was nice to see all the students back on campus. She reported that the Instructional Office Building is open and it is beautiful. She congratulated Dr. Luster on the completion of her doctorate. She reported that the Senate is planning a welcome back luncheon at the end of January co-sponsored by the Senate and S.E.I.U. and will invite back their recent retirees. She reported the Senate is discussing the possibility of having a special election to replace the three Senate vacancies open due to the SERP and two vacancies which will be open due to transfers. The Senate will also have six new senators to elect at the end of the academic year. The Senate is organizing itself around planning three flex days this semester. Along with S.E.I.U. they are approving Classified Staff representatives at a marathon pace to sit on hiring committees for the positions left vacant due to the SERP. She reported that she is pleased that this process has happened so quickly after having gone through the Prioritization Process.

Ms. Cathy Gould, President, District Classified Senate, reported that parking at Chabot was a problem today. The campus was full of activity and she helped a few students find their classrooms. She reported that the Senate is working on the Hiring Prioritization report and recently discussed it with the Chancellor. She also reported that last week she had the opportunity to tour the new IT Building at Las Positas College and it is beautiful. She looks forward to moving in.

PRESIDENTS OF CHABOT AND LAS POSITAS COLLEGES ASSOCIATED STUDENTS

Mr. Masi Quorayshi, President, Associated Students of Las Positas College, submitted a written report to the Board. He reported that the Student Senate is excited to be back and is motivated to continue the new school year with the same level of commitment. He also reported the Student Senate is holding Welcome Week events for which students have voiced their appreciation. He also reported that the Textbook Loaner Program applications are being submitted and they have received positive feedback about the changes to the program. He reported that the Student Senate is getting ready to review their Constitution and By-laws. Further, he reported that plans for a Student Talent show have materialized and is set for March 22.

Ms. Cynthia Flores, President, Associated Students of Chabot College, reported that ASCC is planning a retreat for Spring Semester with activities targeted at improving communication and productivity within the organization. They will review Brown Act rules, Roberts' Rules of Order, and will also review their By-laws and Constitution for revisions and amendments as necessary. The Senate is also working on a tentative schedule for the semester's events, such as Welcome Week. They are also exploring getting to know and reach the community and hopefully getting them involved in an effort to fundraise and create more revenue for scholarships and services for students.

GOOD OF THE ORDER

Ms. Charlotte Lofft reported that she distributed a copy of the Faculty Newsletter. She highlighted articles on the 403b and 457 plans and an article on the Social Security Equity Bill which is sponsored by Senator Dianne Feinstein. She voiced pride in the faculty because they are generally accepting all students without necessarily getting extra pay. Lastly, she was pleased to report a new part-time representative from Chabot College, Mr. Erwin Barron.

Mr. Gelles noted that he enjoys reading the newsletter as the information is germane.

PRESIDENTS OF CHABOT AND LAS POSITAS COLLEGES

Dr. Barberena submitted a written report to the Board. Dr. Barberena reported that there is a national dialogue on career technical education and has been referred to by the Board Members, Chair of the Bond Oversight Committee and also by various speakers this evening. Within this topic, the Board approved item 5.7 which is to support Career Technical Education at Chabot College. She recognized Dean Tom Clark and Vice President George Railey and invited them to speak regarding the BMW contract. She reported that Mr. Clark has courted BMW in this partnership agreement. BMW will be donating \$975,000 worth of cars and equipment for automotive training. She also reported that BMW is at the forefront of using sustainable energy and hybrid cars.

Mr. Clark reported that the main focus he has and will continue to have is for career and job opportunities for our students. BMW has talked in general terms about possible growth to include degree programs other than Automotive Technician. They are looking, as many employers are, for quality trained individuals to bring into their corporate structure. It is hoped that this puts the Bay Area and Chabot College on the map and serve that purpose wisely.

Mr. Railey congratulated Mr. Clark for his work with BMW, noting that it is a wonderful opportunity for our students at Chabot College and for the District. This will give students the chance to have careers in this field with one of the leading automotive manufacturers in this country and in Germany.

Dr. Barberena reported that Chabot College is projecting a possible 8% enrollment growth this Semester, thanks to the work of the District and College Enrollment Management Committees. Much of this won't be reimbursed to the District so she thanked the District Administration and the Board for their leadership and thanked the faculty for allowing students to sit in their classes. She also reported that a Martin Luther King Celebration will be held tomorrow where she will be the speaker.

Dr. Pollard submitted a written report to the Board. Dr. Pollard reported that she was very struck by comments made by Board Members tonight. Specifically, Mrs. Dvorsky's comments regarding the community college mission, for which she based the theme of her report tonight. The three quintessential tenants of the community college mission is access, community responsiveness, and leveling the playing field providing a pipeline to higher education for our students. She reported there is a grave concern many have about the direction of the budget and finds it very contradictory that the State would offer growth dollars and still cut programs to help support students. As a result of that, we have to think clearly about our direction and she believes the College is doing a very good job of that. She reported that last spring at this time (opening day), 7,785 students were enrolled, and today, over 8,600 students are enrolled. Last semester the College had an all-time high with 9,500 students and she believes we are on pace to pass that amount if we have the capacity to serve them. She suggested that the students coming to them need the colleges

now more so than at any other time in the history of this country but would also suggest there is a contradiction between the idea of “serve them but we don’t care how you get them through.” She recognized Dr. Luster’s work in coordinating her staff with the second Welcome Center where they have taken the idea of streamlining support of student services and having it in one spot. She also reported that the College is taking significant strides regarding community responsiveness. As an example, she reported that at the Health Science Summit, Health Care providers voiced that they need allied health workers to support the health industry. She reported that Chancellor Kinnamon, Vice Chancellor Legaspi and Vice Chancellor Kingston are working with the College on the facility needs that will be necessary for the College to accomplish becoming a regional provider of allied health education. She reported that our partners are also very excited about leveraging their resources with our resources. She also reported that the College has had significant conversations with Sandia Laboratories regarding preparing technicians for the future in bio-fuels and the new engines that will be needed. Sandia has been very clear about partnering with the College to help produce auto technicians of the future and the folks that support scientists in developing this new science. Lastly, she reported that the College is anxiously awaiting their accreditation report and many of them have already had conversations about that. One perspective is that they are not afraid of the report, they know they have work to do, and have already started that work. They will invalidate those things they do well and acknowledge those things they want to improve upon. She met with Senate representatives to talk about institutional effectiveness and spent eight hours discussing those things the College does well and how to create a system where they all have buy-in. The participants left the room agreeing that they will go back and “carry the water” on some issues. She believes that this day will be one that will change the trajectory of the College in the future. She recognized Vice President Luster for her work with the leadership, noting she did a phenomenal job in helping to carry that through. She thanked the Board for their leadership.

CHANCELLOR’S REPORT

Dr. Kinnamon congratulated Dr. Luster on completing her dissertation and doctorate. He reported that Mr. Legaspi shared with him that we just received an affirmation of our rating from Standard and Poor’s and they have affirmed the rating of AA-, the same rating that we had prior to the economic meltdown. He called the Board’s attention to a brief synopsis of what S&P provides us that may be of interest. He congratulated Mr. Legaspi for insuring that we continue to be stable in spite of challenges. Dr. Kinnamon reported that he will be leaving for a couple days with Ms. Weaver to Allan Hancock College for an accreditation pre-visit, and in a few weeks will be conducting the accreditation visit. As we begin a new year, he pleads with staff, administrators, and students to focus on our strengths and building the organization from those strengths. He also stressed that if we work together, we can make this a premier institution in the state.

APPROVAL OF DECLARATION OF SURPLUS PROPERTY TO BE SOLD AT PRIVATE SALE AND DONATION OR DISPOSAL OF ANY ITEMS NOT SOLD

Motion No. 3

Mr. Gelles made a motion, seconded by Mrs. Dvorsky, to approve the items surplus to the needs of the District and that the Chancellor be authorized to dispose of the same via private sale in accordance with Board Policy 3212 and that the funds derived from the sale be placed in the General Fund of the District. Further, any items that are not sold by private sale be donated to charitable organizations or disposed of by District staff in accordance with California Education Code Section 81452.

Mr. Gelles reported that he pulled this item from the consent calendar to comment that at a future date he will ask for a compilation of surplus property showing in one document all the items surplus over the last one, two or three years. Mr. Legaspi reported that the District can provide a summary of all surplus equipment. He also reported that with this surplus, the District will offer these items to our employees. Mr. Gelles noted that some districts surplus items that are still good and does not want that to happen in this District. Mr. Legaspi reported that the District avoids this by having a schedule of our replacements. Mr. Gelles suggested staff be included in the process, perhaps through committees.

Motion carried unanimously, 6-0.

APPROVAL OF SITE LEASE AGREEMENT – CLEARWIRE WIRELESS BROADBAND FOR A COMMUNICATION ANTENNA, CHABOT COLLEGEMotion No. 4

Mr. Gelles made a motion, seconded by Dr. Gin, to approve the proposed Site Lease Agreement with Clearwire Wireless Broadband for a Communication Antenna, Chabot College. 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 reported that he pulled this item from the consent calendar to request further explanation. Dr. Barberena recognized and credited Vice President Julian Ligioso for this initiative which will bring the College a monthly income. She reported that it has gone through shared governance.

Mr. Ligioso reported this agreement will bring the College approximately \$30,000 per year in unrestricted funds to place a communications antenna on top of the Performing Arts Center. It is a five year agreement initially and will get increased after the first year at 2% per year. The provider has the right to renew for five consecutive terms after that time.

Dr. Gin questioned the possibility of in-kind services as well from this vendor. Mr. Ligioso reported it was not included with this agreement but is something that can be explored further.

Dr. Mitzman expressed concern about broadband microwave effects on staff, faculty and students. Also, he questioned roof damage and who would be responsible for any damage liability from wind and rain. Mr. Ligioso reported that Clearwire is responsible for installation and maintenance of the equipment as well as removal. Mr. Ligioso reported that there is a much higher tower through the City of Hayward atop the Performing Arts Center. The equipment will be housed in a cabinet approximately 54.5" tall. He noted that this antenna would not be as susceptible to the elements as perhaps the tower. Dr. Mitzman noted that he would have liked more discussion on this issue.

Dr. Barberena called attention to item 11 on page 3 of the agreement regarding damage to the facility. She noted that Dr. Mitzman's concern was also voiced through the shared governance process and that concern was addressed as well.

Mr. Ligioso reported that Clearwire engaged the services of TRK Engineering and they performed a study on microwaves. The study concluded that the proposed siting and installation is within the FCC guidelines. He has the report and it is available for review.

Dr. Mitzman again stressed his question of who pays for the damages for wind and roof damage should that occur. He noted that the agreement says it will be fixed but it doesn't say who will pay the bill. Mr. Legaspi reported that a requirement of any agreement is that the vendors have property and liability insurance of \$1 million and \$3 million aggregate. This should satisfy should there be any damages.

Mr. Gelles questioned if it would create any issues by tabling this item until next month, to which Dr. Barberena reported it would not create a problem.

Mr. Gelles made a recommendation to table this item, and not hearing a second, the original motion stands.

Motion carried 5-1, with Dr. Mitzman voting no.

Dr. Mertes recognized and thanked the leaders of the two Colleges for coming in with the most creative, far thinking, excellent programs. She noted that both Presidents should be very proud of the "cutting edge" programs that have been put together for the Board this evening.

Mr. Gelles stressed to Mr. Legaspi the importance of insurance on everything.

ESTABLISHMENT OF NON-RESIDENT (OUT-OF-STATE AND INTERNATIONAL) TUITION RATES FOR 2010-2011 ACADEMIC YEAR

Motion No. 5

Mr. Gelles made a motion, seconded by Mrs. Dvorsky, to establish the proposed Non-Resident (Out-of-State and International) Tuition Rates at \$195 per semester unit for the 2010-2011 academic year for non-resident students, international students, and non-immigrant aliens attending on F-1 or other visa types.

Mr. Gelles reported that he pulled this item to request additional comments. Mr. Legaspi reported that the System Office requires on an annual basis that districts set fees for non-resident and out-of-state students. The District tries to set these fees so that it is fair and competitive with our surrounding districts.

Motion carried unanimously, 6-0.

APPROVAL OF SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS BETWEEN CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT AND ROBERT A. BOTHMAN, INC. FOR THE MAINTENANCE AND OPERATIONS FACILITY PROJECT, CHABOT COLLEGE AND FOR THE AQUATICS CENTER AND SOCCER FIELD PROJECT, LAS POSITAS COLLEGE

Motion No. 6

Mr. Gelles made a motion, seconded by Mrs. Dvorsky, to approve the Settlement Agreement and Release of Claims between Chabot-Las Positas Community College District and Robert A. Bothman, Inc., and authorize payment for the Maintenance and Operations Facility Project, Chabot College for the total amount of \$52,210 and for the Aquatics Center and Soccer Field Project, Las Positas College for the total amount of \$177,790 as final settlement in accordance with the provisions of this Settlement Agreement. It is further recommended that the Board authorize the Vice Chancellor, Business Services, to execute the agreement on behalf of the District. Funding Source: Measure B Bond Funds

Mr. Gelles requested Mr. Kingston give further explanation of this item. Mr. Kingston reported that this item is normally handled as a change order. These costs are common schedule risk and we have this in most projects. The risk gets translated into extended time to the schedule, which is reflected by the cost per day of delay. Sometimes the contractor has to pay us and sometimes we have to pay them. Unfortunately, when it is mother nature we have to pay them to stay longer. In this case, the reason it is coming to the Board as a settlement agreement is that the contractor's number of days and the District's number of days were too far apart. The contractor was close to \$1 million, which was negotiated down by the District to approximately \$230,000 and the contractor agreed to the amount.

Mr. Vecchiarelli questioned the possibility of writing into the contract that if there are acts of nature or something beyond our control that would affect the length of the contract that we could be absolved from picking up the extra amount of money. Mr. Kingston reported that we actually write into the contract a certain amount of days for weather and this was above and beyond the allocated days for weather. We basically pre-purchase days of extension. The question is how many days do you pre-purchase. If you purchase 20 days and there are only 10, then we have bought more than we need in the bid. We try to predict what number of days are reasonable and we try to undershoot the number. No matter how many days we put in, it will show up as a cost in the bid. We either buy it in the bid or buy it at the end of the project.

Motion carried unanimously, 6-0.

ADOPTION OF RESOLUTION NO. 05-0910 – AUTHORIZATION TO PARTICIPATE IN THE COMMUNITY COLLEGE LEAGUE OF CALIFORNIA TAX AND REVENUE ANTICIPATION NOTES (TRANs) PROGRAM

Motion No. 7

Dr. Mitzman made a motion, seconded by Mrs. Dvorsky, to adopt the proposed Resolution No. 05-0910 to authorize issuance and sale of a 2009-2010 TRANs and participation in the Community College League of California Tax and Revenue Anticipation Notes Program.

Motion carried by the following roll call vote:

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

INFORMATIONAL PERSONNEL REPORTS

The Board accepted the Informational Personnel Reports without further discussion.

BART TO LIVERMORE

Dr. Kinnamon reported that currently there are hearings and an opportunity for community input on an extension of BART to Livermore. In the proposal there are many alternates, four put a station at Isabel and 580, which is the closest location to Las Positas College. This would also enable us to tie any type of biking paths and have access for our students using mass transit. He reported that recently the District completed a study and approximately 70%-71% of our emissions or our carbon footprint is from our cars due to faculty, staff, and students commuting back and forth. As we move to become carbon neutral, it is important for us to support initiatives that provide public transportation in

close proximity to Las Positas College. He and others on staff are in support of BART to Livermore and specifically in support of a station site close to LPC to provide better access to our students. With that, he needs to communicate in the public domain as they are looking at alternates that we feel it would be a value to our students. He will share our future growth projections as we move forward in student population so that the College's wish is heard. His intent is to provide our support of BART to Livermore and specifically one of the alternates that would site a station close to the College. He opened the discussion up for comments from the Trustees.

Dr. Gin commented that he is excited about this issue and suggested we do all we can to ensure this happens.

Mr. Vecchiarelli commented that this is a great idea and questioned how many students are coming from the zip codes on the other side of the hill. The thing you can't predict is how many would come. Conceptually it is a good idea.

Mrs. Dvorsky commented that it is an excellent idea and having a BART station close to the College is a great idea so that students don't have to drive.

Dr. Mitzman commented that it is a "no brainer."

Dr. Mertes commented we are talking about students going toward Livermore, and she is looking at the students coming from Tracy.

Mr. Gelles indicated to Chancellor Kinnamon that what the Board is saying is that he be aggressive in the sense that we want a station as close to us as possible. Dr. Kinnamon reported that he will move forward and provide comments so that it is clear that we would prefer an alternate that does include siting one at that location.

Mr. Leanos commented that he has always been in favor of BART to Livermore, noting that it has been in the plan for 25 years. He is excited to see actual foot movement since he is a mass transit person and has been forever. He echoed Dr. Mertes' comments that there are also the students that come from Tracy. He commented that it would be nice to work something out with the transit agencies to address those students as well.

APPROVAL OF REVISED CITIZENS' BOND OVERSIGHT COMMITTEE FOR MEASURE "B"

Motion No. 8

Mrs. Dvorsky made a motion, seconded by Mr. Vecchiarelli, to approve the Revised Citizens' Bond Oversight Committee for Measure "B" as follows:

Continuing Members: Dale Kaye, Chairperson (Business Community); Patrick Lofft (Taxpayers' Association); Dr. Alison Lewis (Senior Citizen Organization); Richard Valle (College Foundation); Felix Galaviz (Community-at-Large); Jim Ryan (Community-at-Large); Jessica Gutierrez (Chabot College Student); and Sudharsan Dwaraknath (Las Positas College Student).

Motion carried unanimously, 6-0.

NEXT MEETING

The next Meeting of the Board of Trustees is scheduled for February 2, 2010 at Chabot College.

ADJOURNMENT

Motion No. 9

On motion made and seconded, the Regular Meeting was adjourned at 8:24 p.m.

Motion carried unanimously, 6-0.

Minutes prepared by:

Beverly Bailey

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