

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

**MINUTES
January 16, 2007**

PLACE

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

CALL TO ORDER

The regular meeting was called to order at 5:30 p.m. Recording Secretary Beverly Bailey called the roll. Dr. Mertes was absent at the time of roll. The Board immediately adjourned to a Closed Session, which ended at 6:15 p.m.

The Board readjourned in Open Session at 6:30 p.m. and adjourned at 8:15 p.m. Recording Secretary Beverly Bailey called the roll. Dr. Mertes was absent at the time of roll and was excused due to illness.

ATTENDANCE

Members Present: Dr. Arnulfo Cedillo
 Mrs. Isobel F. Dvorsky
 Mr. Donald L. "Dobie" Gelles
 Dr. Hal G. Gin
 Dr. Alison Lewis
 Mr. Carlo Vecchiarelli
 Mr. Nathan Cornejo
 Mr. Dayne Nicholls

Members Absent: Dr. Barbara F. Mertes

Managers Present: Dr. Susan A. Cota, Chancellor
 Mrs. Karen Halliday, President, Las Positas College
 Mrs. Jennifer Aries
 Ms. Julia Dozier
 Ms. MaryAnne Gularte
 Mr. Andrew Howe
 Mr. Farhad Javaheripour
 Dr. Laurel Jones
 Dr. Ted Kaye
 Mr. Jeffrey Kingston

Dr. Joel Kinnamon
Mr. Robert Kratochvil
Mr. Lorenzo Legaspi
Mrs. Pam Luster
Mrs. Jeannine Methe
Dr. Ronald Taylor
Mr. Richard Talmo
Ms. Laura Weaver
Mr. MacGreagor Wright

Recording Secretary: Mrs. Beverly Bailey

Others Present:

Mr. Larry Beal, CARE
Mrs. Helen Bridge, CARE
Mr. Bob Collins, Swinerton
Ms. Gay Connor, CARE
Mr. Chad Mark Glen, President, Chabot College Faculty
Senate
Mrs. Esther Goldberg, CARE
Mr. Byron Kamp, Citizens' Oversight Committee
Ms. Melissa Korber, President, Las Positas College
Faculty Senate
Dr. Art Larson, CARE
Mrs. Charlotte Lofft, President, Chabot-Las Positas Faculty
Association
Mr. Patrick Lofft
Ms. Teri Montgomery, Vavrinek, Trine, Day & Co., LLP
Mrs. JoAnne Neu, CARE
Mr. Joshua Paul, President, Associated Students of Las
Positas College
Ms. Karen Powell, Parsons
Mr. Eloy Retamal, DMJM
Ms. Bernadette Richard, President, Associated Students of
Chabot College
Ms. Karen Silva
Mr. Todd Steffan, President, Las Positas College Classified
Senate
Ms. GeorgeAnna Tow, Esq., CARE
Ms. Barbara Tracey, DMJM
Mrs. Sharon Trethan, CARE
Ms. Linda Wilson, District Classified Senate

REPORT OF ACTION TAKEN IN CLOSED SESSION

President Cedillo reported that in Closed Session the Board unanimously approved the continued employment of a contract employee in the position of Parent Advocate.

PUBLIC COMMENTS

Mr. Larry Beal spoke against the proposed change in Retiree Benefits as well as the possibility of televising Board Meetings.

CONSENT CALENDAR

Mr. Gelles requested that agenda items 3.3 (Faculty Personnel), 3.4 (Management Personnel), 5.1 (Approval of Commercial Warrants) and 5.9 (Authorization to Submit District Scheduled Maintenance Five-Year Plan to the Chancellor's Office for Consideration of State Funding) be removed from the consent calendar. Mr. Vecchiarelli requested that agenda items 5.10 (Approval of Destruction of Class 3 Accounting Records) and 5.11 (Approval of Non-Resident [Out-of-State and International] Tuition Rates for 2007-08) be removed from the consent calendar. Dr. Gin also requested that agenda item 5.11 be removed from the consent calendar.

Dr. Cota noted a correction to agenda item 3.2 (Classified Personnel) on page 2: The effective dates of employment for Musser, Travis J., is 1/17/07 – 6/30/07. She also requested that Zackman, Odin be pulled from page 2 of agenda item 3.5 (Professional Specialist and Program Leader Personnel). Further, she noted a correction to dates in "Background" on agenda item 5.7 (Approval to Renew Agreement with Cornerstone Fellowship of Livermore for Use of Off-Campus Facility, Las Positas College).

Motion No. 1

Mrs. Dvorsky made a motion, seconded by Dr. Gin, to approve the consent calendar with the exception of agenda items 3.3, 3.4, 5.1, 5.9, 5.10 and 5.11 and with the corrections noted to agenda items 3.2, 3.5 and 5.7.

Motion carried unanimously, 6-0.

The following items were approved on the consent calendar:

General Functions

1.7 Approval of Minutes of December 5, 2006 Meeting

Personnel

- 3.1 Student Assistant Personnel
- 3.2 Classified Personnel
- 3.5 Professional Specialist and Program Leader Personnel
- 3.6 Approval of New Hourly Wages for Student Assistants

Educational Services

- 4.1 Approval to Renew Agreement – California Early Childhood Mentor Program Agreement No. 93:575 with San Francisco Community College District, Chabot College
- 4.2 Approval to Renew Agreement – Child Development Training Consortium 2006-07 Instructional Agreement No. 06-07-4024 with Yosemite Community College District, Chabot College
- 4.3 Acceptance of Gifts – Las Positas College

Business Services

- 5.2 Approval of Payroll Warrant Registers
- 5.3 Ratification of Amendment of Employment Contracts – Purchase of Tax Sheltered Annuities
- 5.4 Approval of Budget Transfers 5.E.1
- 5.5 Approval of Declaration of Surplus Property to be Sold at Private Sale and Donation or Disposal of Any Items Not Sold
- 5.6 Ratification of Purchases Completed
- 5.7 Approval to Renew Agreement with Cornerstone Fellowship of Livermore for Use of Off-Campus Facility, Las Positas College
- 5.8 Ratification of the Award of Bid No. 07-04, Machine Tool Technology Laboratory Equipment, Chabot College (Measure B Bond Funds)
- 5.12 Approval of Request for Funding Assistance from the City of Pleasanton – City Grant Program
- 5.13 Approval of Request for Funding Assistance from the City of Dublin – Community Group Organization Funding

Economic Development/Contract Education

- 7.1 Approval of Amendment to Master Contract Renewal – County of Alameda Social Services Agency – Children’s and Family Services, Master Contract No. C95-0187, District – Economic Development

PRESENTATION: CITIZENS' OVERSIGHT COMMITTEE ANNUAL REPORT AND ACCEPTANCE OF FINANCIAL REPORT

Dr. Cota reported that each year the Citizens' Oversight Committee, which is responsible for the oversight of Measure B Funds, produces an annual report. She introduced Mr. Byron Kamp, Chair and Mr. Patrick Lofft, Member of the Committee and in attendance at this meeting.

Mr. Legaspi reported that the financial records of Measure B Funds are auditable and require an independent audit. He introduced Ms. Teri Montgomery of Vavrinek, Trine, Day & Co., LLP who gave a summary of their audit findings. She reported that auditing standards require that they plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. In their opinion, the financial statements referred to present fairly, in all material respects, the financial position of the Building Fund of the District on June 30, 2006, and the results of its operations and cash flows for the year then ended in conformity with accounting principles generally accepted in the United States.

Ms. Montgomery briefly reviewed the Building Fund Financial Statements.

Mr. Gelles noted that the "net out" was higher than expected, which Mr. Legaspi confirmed it was higher than projected at approximately \$14 million.

Mr. Gelles questioned how long we have worked with these auditors, to which Mr. Legaspi reported that these auditors are in the second year of a three year arrangement. Mr. Gelles noted the importance of changing auditors every few years.

Mr. Legaspi introduced Mr. Byron Kamp, Chair of the Citizens' Oversight Committee. Mr. Kamp presented a summary of the second Annual Report, which recaps this year's challenges, work in progress and accomplishments. Mr. Kamp reported that the Citizens' Oversight Committee is charged with the responsibility to assure voters that bond proceeds are expended for the purposes set forth in the ballot measure.

Mr. Kamp reported that this past year has been one of change in several areas of the program. The first is a major change in the timeframe of project completion due to projected significant increases in material costs. The second is the approval by the District's Board of Trustees of a Project Stabilization Agreement for several of the projects. The third is the District's move from the use of a program management firm to in-house program management.

Mr. Kamp thanked committee members for 2005-06: Jason Teramoto, Kevin Baker, Dave Bouchard, Bernadette Richard, Brian Foster, Gordon Galvan, John Sailors, Bob Tucknott and Joshua Paul.

Mr. Kamp reported that the next meeting of the Citizens' Oversight Committee which meets quarterly is scheduled for Tuesday, January 23, 2007 at 6:00 p.m. at the District Office and is open to the public.

Mr. Gelles opined that the report is very well done. He questioned the distribution of the report. Mrs. Aries reported that all donors, endorsers and key stakeholders will get the report. In addition, a one-page summary report will be included in the class schedules, on the web and sent to local libraries.

Dr. Cota reported that Mr. Byron Kamp was again elected Chair for 2006-07.

Dr. Cedillo asked Mr. Kamp to thank the committee members on behalf of the Board of Trustees. Mr. Gelles requested the Chancellor send a letter of acknowledgement to the committee on behalf of the Board.

TRUSTEE REPORTS AND/OR OFFICIAL COMMUNICATIONS

Mr. Gelles acknowledged the "classy" Chabot College Community Education Program Brochure. He thanked Jennifer Aries for her continual quality work.

Mr. Vecchiarelli expressed that he would like to agendize the topic of televising Board Meetings. Dr. Cota reported that Mrs. Jeannine Methé is working on pricing and would possibly be ready to give a report at the March Board Meeting.

Dr. Cedillo suggested including in the report the possibility of "webcasting." Dr. Cota noted that it would probably have to be webcasting.

Dr. Gin acknowledged the quality of the Chabot College newspaper insert "Classes to Fit Your Lifestyle." He reported that "it made him want to go back to school."

Mrs. Dvorsky acknowledged an editorial that recently appeared in the San Francisco Chronicle, "Community Colleges Asked to do Too Much" reading from the article "as California's most well-traveled road to higher education, community colleges should be receiving a level of support and attention that matches their enormous responsibility – our future may depend on it." She also acknowledged the San Leandro Adult Education Brochure which highlights the Chabot College and Valley Foundation Grant Program.

Mrs. Dvorsky reported that she received a request from the Eden Area League of Women Voters for a formal recognition of the League for their 50th Anniversary event scheduled for April 13. Dr. Cota reported that she also received the request and will talk with Dr. Cedillo about bringing it to the Board as a resolution.

Mr. Nicholls reported that he and ASCC assisted students through the Help Zone. He also reported that ASCC is beginning planning for the Mega Day and Open House. He looks forward to a “fun” semester.

Mr. Cornejo had no report.

CHABOT-LAS POSITAS COLLEGES FOUNDATIONS

Las Positas College: Mr. Kaye presented a written report to the Board. He reported that 2005-06 was a terrific success. He highlighted the grants pending and fundraising efforts as well as Corporate Investments. Further, he reported that the Foundation has begun planning for the “Best of the Best” for 2007 on May 12, 2007.

Chabot College: Mr. Talmo presented a written report to the Board. He highlighted that the Board will host a winter social at Spinnaker Yacht Club on Monday, January 22 at 6:00 p.m. to recognize individuals for their service and support in 2006 and develop energy for 2007. He reported that the Blooming Affaire is scheduled for June 9. He further reported that the Foundation has just purchased a software product that has four search engines matching college background and college affiliation and will start pursuing donors more aggressively.

PRESIDENTS OF CHABOT AND LAS POSITAS COLLEGES FACULTY SENATES

Ms. Melissa Korber, President of the Las Positas College Academic Senate, submitted a written report to the Board. She reported that although the Senate did not meet in December, subcommittees met and discussed the following issues:

- LPC Faculty Ethics Statement
- Symposium for LPC faculty to occur this spring
- Distance Education Conduct Code
- Reassigned Time

Ms. Korber reported that the Senate is working on a proposal for the Board of Trustees on the implementation for the new A.S. Degree, which has been piloted in the Automotive Program. She also reported that LPC welcomed two new full-time faculty, Jeremiah Bodnar and Robert D’Elena. Program Review Task Force will reconvene this month to consider the process and last spring’s survey on Program Review. Further, she thanked

Vice President Laurel Jones and President Halliday for providing funding to send two faculty members to the Teaching Institution sponsored by the California Community College Academic Senate in February.

Mr. Chad Mark Glen, President of the Chabot College Academic Senate, reported that the Chabot Senate met in December and that they are working on many of the same issues as Las Positas College.

PRESIDENTS OF CHABOT, LAS POSITAS COLLEGES AND DISTRICT CLASSIFIED SENATES

Ms. Rachel Ugale, President of Chabot College Classified Senate, submitted a written report to the Board. She highlighted the Help Zone which is a one-stop-shop to give new students quick access to answers the first two days of the semester. She also reported that the Classified Senate is working with the Staff Development Committee and President Carlson to develop a Flex Day program geared towards Classified Staff.

Mr. Todd Steffan, President of Las Positas College Classified Senate, submitted a written report to the Board. He reported that everything seemed to go smoothly this date, the first day of the semester.

Ms. Linda Wilson, representing the District Classified Senate, reported the District Classified Staff wished to express appreciation to the District Administrators for a very gracious Holiday breakfast.

PRESIDENTS OF CHABOT AND LAS POSITAS COLLEGES ASSOCIATED STUDENTS

Mr. Joshua Paul, President of Associated Students of Las Positas College, reported that ASLPC will present their semester plan at the next Board Meeting. He thanked Mrs. Dvorsky who took the time to talk to the Senate about being an elected official.

Ms. Bernadette Richard, President of Associated Students of Chabot College, had no report.

PRESIDENTS OF CHABOT AND LAS POSITAS COLLEGES

In Dr. Carlson's absence, Dr. Taylor submitted a written report to the Board. He distributed the Chabot College Community Education Program Brochure as well as the Quest Program Brochure. He reported that the highlight of this week is the culmination on all the hard work done on marketing, especially noting the billboard and advertising on busses. He thanked Jennifer Aries and Susan May for all their hard work.

President Halliday submitted a written report to the Board. She thanked Jennifer Aries and the Las Positas College marketing group for all the advertising. She reported that enrollment is up and she too felt that things went very smoothly today—the first day of classes. She reported that earlier today, Pam Luster made a presentation at the January Board of Governors Meeting alongside Ileri Valenzuela from California Tomorrow, on statewide diversity and equity efforts as well as the Campus Change Network Project.

President Halliday also gave an update on Athletics and announced that the Art Club is displaying artwork at the Windermere Welcome Home Offices in Livermore. Further, the Las Positas College Choir, which recently returned from touring Italy, will give a “thank you” concert on January 19 at 8:00 p.m. in the LPC Library.

CHANCELLOR’S REPORT

Dr. Cota introduced and welcomed Ms. MaryAnne Gularte, newly hired Director of Human Resources.

Dr. Cota reported that enrollment is up 4.4% at Chabot and 5.8% at Las Positas. She reported that the District has expanded its advertising for the Spring Semester and the results are evident in the increase in enrollment. She noted all the many ways the District advertised.

Dr. Cedillo asked that the District consider advertising in the Spanish language via radio and television as well as in English.

Dr. Cota drew the Board’s attention to the Chancellor Search Brochure which was placed in their folders. Over 1,000 brochures will go out nationwide.

Dr. Cota asked Mr. Legaspi to make a few comments on the budget.

BUDGET UPDATE

Mr. Legaspi highlighted items in the State Budget proposal:

- Share of Proposition 98 funds for community colleges exceeded 11%, which is the highest since its inception.
- 2% Growth
- 4.04% COLA (Will likely change in April and by the May Revise we will know the exact number. For 2007-08 budget development, the District will use 4.04%.)
- \$9 million statewide for Nursing Programs.
- Enrollment fee reduction from \$26 per unit to \$20 per unit.

Mr. Gelles expressed that he would appreciate getting e-mail updates on the budget as the District receives information.

FACULTY PERSONNEL

Mr. Gelles requested this agenda item be pulled from the consent calendar to question if a faculty member was related to the President of Chabot College, to which Dr. Cota responded in the negative.

Motion No. 2

Mr. Gelles made a motion, seconded by Mr. Cornejo, to approve the Faculty Personnel.

Motion carried unanimously, 6-0.

MANAGEMENT PERSONNEL

Mr. Gelles requested this agenda item be pulled from the consent calendar to question if these positions were part of the Measure B Plan, to which Dr. Cota responded in the affirmative, reminding that these positions were part of Mr. Stutzman's proposal which was presented to the Board in April 2006.

Motion No. 3

Mr. Gelles made a motion, seconded by Dr. Gin, to approve the Management Personnel.

Motion carried unanimously, 6-0.

APPROVAL OF COMMERCIAL WARRANT REGISTERS

Mr. Gelles requested this agenda item be pulled from the consent calendar to question warrant no. 407641, specifically what the "enhancement" work entailed. Mr. Kingston reported that the name of the Project was Building Enhancement and that it was basically building renovations. Mr. Gelles also questioned several warrants that were from September that the District is now paying. Mr. Legaspi responded that there are processes of verification of work completed. Mr. Kingston reported that some contractors may not have billed for services in a timely manner.

Motion No. 4

Mr. Gelles made a motion, seconded by Dr. Lewis, to approve the Commercial Warrant Registers.

Motion carried unanimously, 6-0.

AUTHORIZATION TO SUBMIT DISTRICT SCHEDULED MAINTENANCE FIVE-YEAR PLAN TO THE CHANCELLOR'S OFFICE FOR CONSIDERATION OF STATE FUNDING

Mr. Gelles requested this agenda item be pulled from the consent calendar to request additional comments. Mr. Legaspi reported that the District submits a Five-Year Plan for State money for repairs and maintenance even though we have Measure B money.

Motion No. 5

Mr. Gelles made a motion, seconded by Dr. Gin, to authorize the submittal of the District Scheduled Maintenance Five-Year Plan to the Chancellor's Office for Consideration of State Funding.

Motion carried unanimously, 6-0.

APPROVAL OF DESTRUCTION OF CLASS 3 ACCOUNTING RECORDS

Mr. Vecchiarelli requested that this agenda item be pulled from the consent calendar to express the importance of being in compliance with Title 5 which requires that we classify all records in the District. He suggested the District conduct an audit to be sure we are in compliance with Title 5. He stressed that the District can be audited by the State.

Motion No. 6

Mr. Vecchiarelli made a motion, seconded by Mrs. Dvorsky, to approve the destruction of the following Class 3 records as prescribed in Title 5 of the California Code of Regulations:

- 1) Accounts Payable 1999-2003 District Warrant Copies and Invoices -Vendors
Beginning With A-Z/Medicare/Enrollment
Refunds/Revolving Cash/Mentor Teachers/Cell
Phone Bills/Phone Bills
- 2) Capital Outlay 1992-2003 Capital Outlay Claim Files, Scheduled Maintenance
Claims
- 3) Cash Receipts 1996-2003 Cash Receipts
- 4) Financial Aid 1994-2003 Financial Aid Cancelled Warrants/ Disbursement
Registers/Reconciliations/Journal Entries/ Cancelled

Warrants

- 5) General Ledger 1999-2003 Journal Entries/1099's/ Wire Transfers/Enrollment Refunds/Remittance Advice/Bank Reconciliations

The Vice Chancellor of Business Services hereby certifies that no records contained within the above list conflicts with the procedures of destruction as prescribed in Title 5 of the California Code of Regulations.

Motion carried unanimously, 6-0.

APPROVAL OF NON-RESIDENT (OUT-OF-STATE AND INTERNATIONAL) TUITION RATES FOR 2007-08

Mr. Vecchiarelli requested that this agenda item be pulled from the consent calendar to comment that International Students will supplement enrollment and provide a good income to the District, noting that 300 International Students equals \$1.5 million.

Dr. Gin questioned how these proposed rates compare with other Districts in the East Bay such as Peralta and Ohlone Community College Districts. Dr. Cota reported that we will get that information to the Board.

Motion No. 7

Mr. Vecchiarelli made a motion, seconded by Mrs. Dvorsky, to approve the non-resident tuition rates for the 2007-08 Academic Year; non-resident students to be charged \$170 per semester unit; and international students, non-immigrant aliens attending on F-1 or other visa types, to be charged \$175 per semester unit.

Motion carried unanimously, 6-0.

ADOPTION OF RESOLUTION NO. 26-0607 – AUTHORIZATION TO CONTINUE UTILIZATION TO THE STATE OF CALIFORNIA CAL-CARD PURCHASING PROGRAM; AND

ADOPTION OF RESOLUTION NO. 27-0607 – AUTHORIZATION TO ADVERTISE FOR BID--NETWORK INFRASTRUCTURE EQUIPMENT, LAS POSITAS COLLEGE, BID NO. 07-07

Motion No. 8

Mrs. Dvorsky made a motion, seconded by Mr. Cornejo, to approve the following resolutions in one motion:

- a. Resolution No. 26-0607 – authorization to participate in the State of California’s CAL-Card Purchasing Program. It is further recommended that the Board authorize the Vice Chancellor, Business Services to execute the Master Service Agreement (DGS MSA 5-06-99-01) and any future augmentations or amendments to the Agreement on behalf of the District.
- b. Resolution No. 27-0607 – authorization to advertise for bids, Network Infrastructure Equipment, Las Positas College, Bid No. 07-07. Funding Source: State Group II Equipment Funds

Motion carried by the following roll call vote:

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

APPROVAL OF CHANGE ORDER NO. 3 – BSK AND ASSOCIATES, MULTI-DISCIPLINARY EDUCATION BUILDING, LAS POSITAS COLLEGEMotion No. 9

Mrs. Dvorsky made a motion, seconded by Mr. Gelles, to approve Change Order No. 3 for BSK and Associates, of Pleasanton, California, Multi-Disciplinary Education Building Inspection for the increased amount of \$32,652.00. It is further recommended that the Board of Trustees authorize the Vice Chancellor, Business Services to execute the change order on behalf of the District. Funding Source: State and Measure B Bond Funds

Mr. Gelles questioned the amount of the change order, which doubles the amount of the project. Mr. Kingston reported that the original budget was too low for a project of this size. Mr. Gelles expressed that it is his hope that we are more accurate in the future. Mr. Kingston reported that he will look at that issue program wide and believes we can be very accurate in that area.

Dr. Gin reported that he had the same concerns as Mr. Gelles, expressing that bidders may intentionally bid low and submit change orders.

Motion carried unanimously, 6-0.

APPROVAL OF CHANGE ORDER NUMBERS 4 AND 5 – SIERRA BAY CONTRACTORS, INC., MULTI-DISCIPLINARY EDUCATION BUILDING (CFIS 40.62.216), LAS POSITAS COLLEGE

Motion No. 10

Mrs. Dvorsky made a motion, seconded by Mr. Gelles, to approve Change Order Numbers 4 and 5 for Sierra Bay Contractors, Inc., of Concord, California, Multi-Disciplinary Education Building for the increased amount of \$336,568.00. It is further recommended that the Board of Trustees authorize the Vice Chancellor, Business Services to execute the change orders on behalf of the District. Funding Source: State and Measure B Bond Funds

Mr. Gelles expressed the same concerns he expressed in the previous change order. Mr. Kingston reported that this project was being brought in with 1% change orders. Chabot College decided to add the security systems to this project with change orders rather than by retrofitting the building, which was a cost savings. He stressed that the project is still 5% in charge orders.

Mr. Vecchiarelli questioned the yardstick for change order amounts, to which Mr. Kingston reported that 10% is budgeted for unforeseen items but the District tries to stay at 5%.

Dr. Lewis expressed appreciation for the detail of information on these two change orders.

Motion carried unanimously, 6-0.

APPROVAL OF THE SELECTION OF DSK LLP, ARCHITECTS, FOR THE DESIGN OF THE SCIENCE LECTURE HALL/PLANETARIUM, BUILDING 1900, CHABOT COLLEGE

Motion No. 11

Mr. Gelles made a motion, seconded by Mr. Vecchiarelli, to approve the selection of dsk LLP as Architect for this project for an amount not to exceed \$497,800, the balance of those fees previously contracted for this project, to be funded by Measure B Funds. It is further recommended that the Board of Trustees 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, 6-0.

APPROVAL OF SETTLEMENT AGREEMENT BETWEEN CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT AND SIERRA BAY CONTRACTORS, INC. FOR THE PHYSICAL EDUCATION GYMNASIUM COMPLEX PROJECT (CFIS 40.62.215), LAS POSITAS COLLEGE

Motion No. 12

Dr. Lewis made a motion, seconded by Mrs. Dvorsky, to approve the Settlement Agreement between Chabot-Las Positas Community College District and Sierra Bay Contractors, Inc. for the Physical Education Gymnasium Complex Project (CFIS 40.62.215), Las Positas College and authorize payment to Sierra Bay Contractors, Inc. for the total amount of \$103,000 as final settlement in accordance with the provisions of this Settlement Agreement (“Settlement Proceeds”). It is further recommended that the Board authorize the Vice Chancellor, Business Services to execute the agreement on behalf of the District. Funding Source: State and Measure B Bond Funds

In response to a question raised by Mr. Vecchiarelli, Mr. Kingston reported that there was a disputed change order dealing with coordination issues (mechanical changes to the HVAC system). The change order was reviewed by the District and denied for insufficient information. The District requested additional information but Sierra Bay filed a claim instead. It was determined that the change conditions were valid and the District should approve partial payment of the change request as there was value for legitimate additional work completed.

In response to a question raised by Mr. Vecchiarelli, Mr. Kingston reported that errors and omissions are not typically applied for a design firm unless they reach an unreasonable level. Our contracts address change orders and errors and omissions. He noted that designers, architects and engineers do not necessarily promise perfection so unless there is an egregious case we wouldn't pursue legal remedies for errors and omissions. We track change orders and the reasons they are initiated for each project.

Motion carried unanimously, 6-0.

APPROVAL OF AWARD OF BID NO. 07-06, RENOVATION OF THE CHABOT COLLEGE SWIMMING POOL

Motion No. 13

Mrs. Dvorsky made a motion, seconded by Mr. Nicholls, to approve the award of Bid No. 07-06, Renovation of the Chabot College Swimming Pool to Pool Scene, Inc. of Sacramento, California in the amount not to exceed \$1,848,100. It is further recommended

that the Board authorize the Vice Chancellor, Business Services to execute the agreement and any future augmentations or amendments to this agreement on behalf of the District.
Funding Source: Measure B Bond Funds

Mr. Gelles questioned if this satisfies what we are looking for. Mr. Kingston responded in the affirmative that we did receive a valid low bid.

Dr. Taylor reported that Chabot has already contracted some space in Hayward at Southland Mall to hold their swimming classes.

Dr. Cedillo questioned the timeline for the swimming pool renovation. It was reported that construction will begin February 17 and it is estimated to be done by June.

Motion carried unanimously, 6-0.

FACILITIES PLANNING AND MANAGEMENT REPORT

Dr. Cota drew the Board's attention to the Project Update which includes Project Progress Reports. The Board accepted the Facilities Planning and Management Report. Mr. Gelles noted that some charts in the report are printed in very small print to which Mr. Kingston reported that he would be cognizant about this in the future.

NIKE SITE FUNDS

Dr. Cota reported that this agenda item is being brought back to the Board for further discussion. She asked both College Presidents to discuss their proposals.

In Dr. Carlson's absence, Dr. Taylor reported that Chabot College proposes Nike Site Funds be used for public art on campus as a focus for the use of these funds such as a sculpture made of something extremely durable and dark in color. In addition, they propose colorful ground art mosaics.

President Halliday reported that Las Positas College proposes Nike Site Funds be used for art that celebrates diversity with a multicultural theme. She reported that staff have expressed concern that the college has had to cut some projects and questioned if the funds could be used to augment those projects.

In response to a question raised by Mr. Vecchiarelli, Mr. Legaspi reported that there is \$500,000 in interest on the Nike Funds. Dr. Cota reported that we will be using some of the corpus of the funds. The proposal was to give each College \$500,000.

Mr. Vecchiarelli expressed that he has trouble justifying the use of these funds for art if we are jeopardizing programs and equipment. Dr. Cota reported that there is sufficient money in the bond and state money for equipment.

Ms. Korber reported that faculty do support art but have submitted many suggestions which broaden that area.

Mrs. Dvorsky expressed that we should let the Colleges use the money as they see fit as long as it fits the parameters of the restrictions.

Dr. Lewis expressed that this money comes from a very specific decision, very specific property, and very specific time. It is her belief that this money should be used to express its own character but also the campuses' personalities. She noted that many public buildings have built into construction 1.5% for public art.

Mr. Gelles expressed that the decision must be made with faculty, staff and student input. He also would like it to show the character of the diversity of the population of the Colleges.

Mr. Cornejo reported that with the Campus Change Network at Las Positas College, there is a growing student interest in representing the diversity on campus. He loves the idea and would like to see it happen.

Mr. Nicholls reported that the Senate has discussed the fact that there is no public art on campus to display the spirit of the students. They had several ideas but did not have the funds to follow through. He is happy to see this happen. Chabot College has room to display art to represent all the diverse cultures at Chabot.

Mr. Paul noted that it is more the vision than the money. Some art can be displayed inexpensively.

Dr. Cedillo reported that Board had discussed the Nike funds and set parameters; and through Dr. Lewis' urging, the Board looked at the arts. He would like to encourage the Colleges to make sure all constituent groups are in agreement.

Dr. Taylor reported that Chabot's proposal was approved at College Council.

Dr. Cedillo requested that Las Positas College come back with a much more specific direction outlined.

Dr. Cota suggested that the Colleges bring to the Board specific parameters as to how the funds would be used. It was agreed that this issue would be brought back to the Board prior to the May Board Meeting.

APPROVAL OF REVISED GOVERNING BOARD POLICIES

Motion No. 14

Dr. Lewis made a motion, seconded by Dr. Gin, to adopt the following Governing Board Policies and that the Board Policies become effective upon adoption.

- a. 4150 – Management: Vacations
- b. 4250 – Confidential and Supervisory: Annual Vacation Leave
- c. 4255 – Confidential and Supervisory: Holidays
- d. 6201 – Program Introduction Process

Motion carried unanimously, 6-0.

ADOPTION OF RESOLUTION NO. 28-0607 – SUPPORT OF THE DREAM (DEVELOPMENT, RELIEF AND EDUCATION FOR ALIEN MINORS) ACT

Motion No. 15

Dr. Lewis made a motion, seconded by Dr. Gin, to adopt Resolution No. 28-0607 in Support of the DREAM (Development, Relief and Education for Alien Minors) Act.

Dr. Cedillo expressed that he would like to see us stop using the word “alien.” Dr. Cota agreed with his suggestion, however, the wording for this legislation cannot be changed.

Motion carried by the following roll call vote:

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

NOMINATIONS FOR CALIFORNIA COMMUNITY COLLEGE TRUSTEES (CCCT) BOARD OF DIRECTORS – 2007

Dr. Cedillo requested that if Board Members are interested in being nominated to the CCCT Board of Directors, that they let him or the Chancellor know.

Dr. Cedillo announced that the Board Retreat would be held on Tuesday, February 20, 2007, 1:00-5:00 p.m., prior to the Regular Board Meeting.

NEXT MEETING

The next Board of Trustees Meeting is scheduled for Tuesday, February 6, 2007 at 6:30 p.m. at Chabot College.

ADJOURNMENT

There being no further business, the Regular Meeting was adjourned at 8:15 p.m.

Minutes completed by:

Beverly Bailey

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