

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

**MINUTES
November 18, 2008**

PLACE

Chabot-Las Positas Community College District, Chabot College, 25555 Hesperian Blvd., Hayward, California.

CALL TO ORDER

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

ATTENDANCE

Members Present: Dr. Arnulfo Cedillo (arrived at 5:15 p.m.)
 Mrs. Isobel F. Dvorsky
 Mr. Donald L. "Dobie" Gelles
 Dr. Hal G. Gin
 Dr. Alison Lewis
 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
 Ms. Julia Dozier
 Ms. Heidi Finberg
 Dr. MaryAnne Gularte
 Mr. Andrew Howe
 Dr. Laurel Jones
 Dr. Ted Kaye
 Mr. Jeffrey Kingston
 Mr. Robert Kratochvil

Ms. Kathryn Linzmeyer
Ms. Jeannine Methe
Mr. John Nahlen
Ms. Lydia Penaflor
Ms. Laura Weaver

Recording Secretary: Mrs. Beverly Bailey

Others Present: Mr. Carl Baker-Madsen
Mrs. Marilyn Baker-Madsen
Ms. Tiffany Breger, President, Associated Students of Las
Positas College
Ms. Alexandria Couzens
Mr. Greg Daubenmire, President, Las Positas College
Academic Senate
Mr. Chad Mark Glen
Mr. Ming Ho, President, Chabot College Academic Senate
Assemblymember Mary Hayashi
Dr. Sherman Lewis
Mr. Sherman Lewis, Jr.
Ms. Eleanor Lewis
Mrs. Charlotte Lofft, President, Chabot-Las Positas Faculty
Association
Mr. Christopher Parman, Aide to Assemblymember Mary
Hayashi
Mr. Justin Reyes, President, Associated Students of Chabot
College
Mrs. Nancy Schluntz
Supervisor Gail Steele
Mr. Todd Steele and son Jason Steele
Mr. Todd Steffan, Las Positas College Classified Senate
Ms. Rachel Ugale, President, Chabot College Classified
Senate
Ms. Linda Wilson, District Classified Senate and S.E.I.U.,
Local 1021

REPORT OF ACTION TAKEN IN CLOSED SESSION

President Vecchiarelli reported that in Closed Session the Board unanimously accepted the District's recommendation to suspend Employee No. W10438189 for five days without pay, effective immediately, and directs the Vice Chancellor of Human Resource Services and Organizational Development to notify the employee accordingly.

Mrs. Charlotte Lofft reported on behalf of the Faculty Association that their proposal for re-opening contract negotiations is submitted through a letter to the Board with copies to the Chancellor and Vice Chancellor of Human Resource Services and Organizational Development. The contract states that the proposal to reopen negotiations must be done at the first Board Meeting in November in the year the contract expires.

CONSENT CALENDAR

Mr. Gelles requested that agenda items 4.4 (Approval to Travel Abroad – 19th International Forensics Association World Tournament to Montreal, Canada, Las Positas College) and 5.4 (Approval of Declaration of Surplus Property to be Sold at Private Sale and Donation or Disposal of Any Items Not Sold) be removed from the consent calendar. Dr. Gin requested that agenda item 5.7 (Approval of Denial of Claim of Michael Costello) be removed from the consent calendar.

Motion No. 1

Ms. Morrissey made a motion, seconded by Mrs. Dvorsky, to approve the consent calendar with the exception of agenda items 4.4, 5.4 and 5.7.

Motion carried unanimously, 7-0.

The following items were approved on the consent calendar:

General Functions

1.7 Approval of Minutes of October 21, 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
- 3.6 Volunteer Aide Personnel

Educational Services

- 4.1 Acceptance of Grant Award – California High School Exit Examination, Project No. 08-0095-25 from the California Community Colleges Chancellor's Office, Chabot College

Educational Services (continued)

- 4.2 Approval of Memorandum of Understanding – R.T. Fisher Educational Enterprises, Inc. for the Second Wind California High School Examination Preparation Project, Chabot College
- 4.3 Approval to Renew Agreement – California Early Childhood Mentor Program, Agreement No. 8079 with the San Francisco Community College District, 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 4.D.1
- 5.5 Approval of Purchase of Machine Tool Equipment, Chabot College (Measure B Bond Funds)
- 5.6 Approval for Use of Off-Campus Facility, Las Positas College
- 5.8 Approval of Memorandum of Understanding with Community Redevelopment Agency of the City of Union City
- 5.9 Approval of Solicitation to Request for Qualification (RFQ) for a Public-Private Partnership Under California Government Code Section 5956 to Develop an Educational Hub in the City of Union City

APPROVAL OF TRUSTEE EMERITUS RETIREMENTMotion No. 2

Mrs. Dvorsky made a motion, seconded by Mr. Gelles, to hereby bestow the title of “Trustee Emerita” upon Dr. Alison S. Lewis in recognition of her significant service to the Chabot-Las Positas Community College District since 1991 and that she be granted appropriate privileges consistent with Board Policy.

Motion carried unanimously, 7-0.

Chancellor Kinnamon presented Dr. Lewis with a plaque recognizing the title of Trustee Emerita.

RECOGNITION OF BOARD MEMBER

Chancellor Kinnamon recognized Dr. Lewis for her years of service and presented her with a recognition plaque. He voiced that Dr. Lewis will be missed on this Board.

Assemblymember Mary Hayashi presented a resolution to Dr. Lewis, recognizing her contributions as a Board Member. In addition to her dedication to the Chabot-Las Positas Community College District, as Chief of Staff to Supervisor Gail Steele, she has worked very closely on the issues and the needs of Assemblymember Hayashi Office, for which the Assemblymember thanked Dr. Lewis. As the Chair of the Select Committee on Community Colleges, Assemblymember Hayashi voiced that “you have one of the best community colleges in the State.”

Alameda County Supervisor Gail Steele spoke on behalf of the Alameda County Board of Supervisors and presented Dr. Lewis with a resolution. She expressed that what is so special about Dr. Lewis is that she is so conscientious – a “rock”, in her knowledge and her belief in education. In addition, she tries to bring in the community as much as possible.

Dr. Lewis introduced her family and friends in attendance. She reported that she was appointed to the Board in 1991 and was never opposed in the next four elections. “She is going off a Board to which she was never elected.” She reported that she began as a part-time instructor in the 1970’s. She stated that the “District is as well positioned for the future as she could hope and as well as any time in her 18 years on the Board.” A voice she takes with her will be on environmental issues and issues of part-time faculty. She invited any Board Member to take on these concerns. Dr. Lewis stressed that “public service is important”, “whether elected officials or volunteers, participating in public life is essential.” She reported that there are a couple projects that she will probably be sitting in the audience regarding.

The Board recessed at 7:00 p.m. until 7:16 p.m. to imbibe in cake in Dr. Lewis honor.

TRUSTEE REPORTS AND/OR OFFICIAL COMMUNICATIONS

Mr. Gelles reported that the College student newspapers continue to impress him. He requested a cost analysis of what we are doing and how we are helping them. He was impressed that the Las Positas College newspaper, The Express, asked that errors be brought to their attention. He also noted that he was impressed with the Chabot College Spring Schedule. He also requested more detailed information on legal expenses. He questioned how we are doing with union contracts vs. non-union contracts for a later date. He also requested that parking reports be done every three or four months, rather than monthly.

Mr. Gelles reported that he met Dr. Lewis in 1998 when he came on the Board. He expressed that she is a wonderful, kind and gentle person. He thanked her for taking the charge on the LEED certification and environmental issues. He wished her the best.

Mrs. Dvorsky reported that she attended the ACCT Conference in New York, October 29-November 1 along with Dr. Kinnamon. She noted that the speaker for the Opening General

Session was Hilary Pennington, Director of Special Initiatives for the Bill and Melinda Gates Foundation. She reported that the Chancellor indicated that he would be sending her a letter. She also attended a session on "Update on Community College Legislative Priorities", with speakers Jee Hang Lee, ACCT Director of Public Policy and David Baime, AACC Vice President for Government Relations. She distributed conference documents and reported that she and Dr. Kinnamon are on the Planning Committee for next year's ACCT conference which will be held in San Francisco.

Dr. Gin expressed that Dr. Lewis has been his mentor since he joined the Board. "Everything you say is significant." He noted that she will be missed and congratulated Dr. Mitzman on his election to the Board and looks forward to working with him.

Dr. Mertes also wished Dr. Lewis the best and welcomed Dr. Mitzman to the Board. She wished everyone a healthy and happy holiday.

Dr. Cedillo reported that Dr. Lewis has been a champion for the part-time faculty, art on campus and sustainability. He noted that he treasures her friendship and looks forward to continuing interaction with her. He congratulated the Trustees that were elected and re-elected to the Board and reported that there are quite a few projects and challenges ahead for the Board. He requested that Judge Leo Dorado be invited to the December 9 Board Meeting to administer the Oath of Office to him.

Ms. Morrissey reported that basketball season has started. She reported that a Veterans Day Celebration with speakers was held on November 11. In addition, two resolutions were passed recently by ASLPC:

- 1) Resolution to Ease the Burdon of Payment upon Students – to help pay for classes. A solution being installment payments; and
- 2) Resolution to Secure Funds to Remove Barriers to Access - assistance with textbooks. Looking at vending contracts for assistance.

Mr. Vecchiarelli reported that the State University system has redirected 100,000 students to community colleges and wanted to make sure that we accommodate as many students as possible. Mrs. Dvorsky noted that community colleges are only getting 2% growth.

CHABOT-LAS POSITAS COLLEGES FOUNDATIONS

Las Positas College: Dr. Kaye presented a written report to the Board. He congratulated Dr. Lewis on her retirement. He reported that the Foundation has received the second installment of the \$80,000 from The Wine Group for the Campus Hill Vineyard underwriting agreement. In addition, he reported that Kaiser Permanente contributed

\$6,500; \$2,500 for Best of the Best 2009 and \$4,000 for the Textbook Challenge. He reported that at the Foundation Retreat, a Board Member developed Textbook Challenge with \$10,000. The Foundation has set a preliminary fundraising goal of \$60,000 to fund a Book “loaner” program. He further reported that the Board of Directors is expected to adopt a “Membership Expectations” policy at its upcoming meeting.

Chabot College: Ms. Finberg presented a written report to the Board. She reported that the Foundation has received its first commission check of \$9,600 from Pepsi for pouring rights. She introduced Mr. Brian Johnson, Foundation Chair.

Mr. Johnson reported on the success of the Starlight Club on November 1. Mr. Johnson also reported that he is proud of the book rental program which the Foundation is partnering with ASCC and hopes this program will launch very soon. He congratulated Dr. Mitzman and thanked Dr. Lewis for her many years of service and expressed his desire that he would like to get to know each Board Member.

PRESIDENTS OF CHABOT AND LAS POSITAS COLLEGES FACULTY SENATES

Mr. Ming Ho, President, Chabot College Academic Senate, reported that the Senate is reviewing the Faculty Hiring Procedures as well as the Shared Governance Structure in preparation of accreditation. He also reported that the Senate sent to the State Academic Senate the Early Childhood Development Staff Development Program for exemplary program; he anticipates that they will hear in January if they are selected.

The Las Positas College Academic Senate had no representation.

PRESIDENTS OF CHABOT, LAS POSITAS COLLEGES AND DISTRICT CLASSIFIED SENATES

Ms. Rachel Ugale, President, Chabot College Classified Senate, thanked Trustee Lewis for her service and hopes to continue to see her in the Hayward community. She congratulated Dr. Mitzman on his election. She reported that the organizers of the Starlight Club event did an “awesome” job. She also reported that the Senate is adding representatives to the Senate structure. Further, the Senate is reviewing Hiring Procedures.

Mr. Todd Steffan, Las Positas College Classified Senate, reported the Senate had a successful Staff Development Day on November 7. In addition, he reported that the Senate gathered Halloween candy for the Blue Star Moms who will be delivering the candy to our U.S. troops overseas. He also thanked Dr. Lewis for her service to the District.

Ms. Linda Wilson, District Classified Senate, reported the Senate President, Ms. Cathy Gould, along with the College Senate Presidents, met with Chancellor Kinnamon and the two College Presidents to discuss a combined Classified Flex Day.

PRESIDENTS OF CHABOT AND LAS POSITAS COLLEGES ASSOCIATED STUDENTS

Mr. Justin Reyes, President, Associated Students of Chabot College, reported that ASCC hosted a successful Board Candidate Debate. He thanked Dr. Lewis for her years of service and congratulated Dr. Mitzman on his election. He reported that ASCC is making a calendar of distinguished and accomplished students, including a student who won a National Math Contest and a student who is directing her own play. He also reported that ASCC will host a “bring your children to movie night” and will be showing “Enchanted.” He further reported that ASCC is hosting a holiday food drive in support of the Alameda County Food Bank.

Ms. Tiffany Breger, President, Associated Students of Las Positas College, submitted a written report to the Board. She reported that in September she attended the Student Senate of California Community Colleges General Assembly with the ASLPC Director and Advisor, where many legislation issues were addressed and senators for the statewide board were elected. In addition, they voted on resolutions for the Student Senate to address. She also reported that ASLPC had the last Club Day of the semester on November 5 with the theme of charity and giving. The event was well received. Table decorations were judged and the top three winners received donations to the charity of their choice (Tri-Valley Haven, Oxfam and Autism Speaks). She also reported that a Speed Tutoring/Studying event is being planned for December 15. They are still working on getting the Constitution and By-law Review Committee together. Further, she reported that a Winter Retreat to plan for events and projects is scheduled for January 16, 2009.

GOOD OF THE ORDER

Ms. Charlotte Lofft, President, Faculty Association, thanked Dr. Lewis for her service and recognized her as a champion of part-time adjunct faculty. She welcomed Dr. Mitzman to the Board.

Ms. Linda Wilson, S.E.I.U., Local 1021, thanked Dr. Lewis as well as other Board Members for their support. She presented Dr. Lewis with an S.E.I.U. sweatshirt.

PRESIDENTS OF CHABOT AND LAS POSITAS COLLEGES

Dr. Barberena submitted a written report to the Board. She reported that on Friday, November 21 she will be presenting at the CCLC Conference on “Methods of Applying for

Affirmability for Managers.” In preparation for that, she pulled out her letter of application for the position of President of Chabot College and noted that it was dated November 9, 2007. It has been one year of terrific experiences and learning for her. She reported that the Chairs of the Accreditation Self-study Report feel that they can write with a lot of energy about the voices of empowerment at Chabot College and feel that there is an engagement of faculty and staff in dialogue at Chabot. She takes great pride in having supported that energy. She also feels a great deal of engagement in supporting the multi-cultural population that attends and works at Chabot College. To celebrate that multiculturalism, she shared three new pictures that will be displayed in her office recognizing women who have been awarded the Nobel Peace Prize and are role models.

On behalf of Chabot College, Dr. Barberena presented Dr. Lewis with a gift bag in recognition of her retirement.

Dr. Pollard submitted a written report to the Board. She highlighted the following activities:

- Veterans Day Tributes, November 11;
- Celebration of Cuban Culture, “La Semana Cubana”, December 1-6;
- Great American Smokeout, November 20.

Dr. Pollard reported that she is very pleased that the College has been invited by the Community College Development Center in Michigan to join a consortium of colleges that are looking at how community colleges function, how we do the work we do and how to do it in a way that truly affects our students and staff positively. The College has begun dialogue by talking about the future of Las Positas College and how they want that future to be shaped.

On behalf of Las Positas College, Dr. Pollard presented Dr. Lewis with a gift basket in recognition of her retirement.

CHANCELLOR’S REPORT

Dr. Kinnamon reported that he and the College Presidents will be attending the Community College League of California (CCLC) Conference on November 20-22. The Presidents will be participating on a panel and he will be regarding a panel on Umoja. In addition, he will be attending the CEO Meeting. He apprized the Board of a memorandum from Mr. Legaspi that is in their folder on Measure B Investments. Dr. Kinnamon also reported that Las Positas College has established a process for distribution of the Nike Site funds similar to the process that was previously established by Chabot College for identifying art work. He expressed appreciation to Dr. Lewis for pursuing this use of the Nike Site Funds.

INTRODUCTION

Dr. Gularte introduced and welcomed Mr. Wyman Fong who was approved on tonight's agenda as Director of Human Resource Services. Mr. Fong thanked the Board, Dr. Kinnamon and Dr. Gularte for the opportunity and expressed his excitement in joining the District Team.

APPROVAL TO TRAVEL ABROAD—19TH INTERNATIONAL FORENSICS ASSOCIATION WORLD TOURNAMENT TO MONTREAL, CANADA, LAS POSITAS COLLEGEMotion No. 3

Mr. Gelles made a motion, seconded by Dr. Mertes, to approve the proposed travel abroad request for the 19th International Forensics Association Tournament to Montreal, Canada, Las Positas College, during the period March 14, 2009 through March 21, 2009. It is further recommended that the Board authorize the Vice Chancellor, Business Services, to execute the appropriate documents pertaining to this event on behalf of the District.

Mr. Gelles reported that he pulled this agenda item from the consent calendar in order to express his pleasure and compliments to Las Positas College. This truly supports students. "Well done!"

Mr. Vecchiarelli questioned if the District's insurance covers this travel, to which Mr. Legaspi responded affirmatively.

Motion carried unanimously, 7-0.

APPROVAL OF DECLARATION OF SURPLUS PROPERTY TO BE SOLD AT PRIVATE SALE AND DONATION OR DISPOSAL OF ANY ITEMS NOT SOLDMotion No. 4

Mr. Gelles made a motion, seconded by Dr. Mertes, to approve 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 personnel in accordance with California Education Code Section 81452.

Mr. Gelles reported that he pulled this agenda item from the consent calendar in order to question the number of computers being surplus. He requested that more information be given in the future.

Motion carried unanimously, 7-0.

APPROVAL OF DENIAL OF CLAIM OF MICHAEL COSTELLO

Dr. Gin reported that he pulled this agenda item from the consent calendar in order to obtain more information. Mr. Legaspi reported that as a matter of course the District denies all claims and refers them to the District's insurance administrator for further processing. If pursued, claims will then come before the Board in Closed Session.

Motion No. 5

Dr. Gin made a motion, seconded by Ms. Morrissey, to deny the claim of Michael Costello. It is further recommended that the Board authorize the Vice Chancellor, Business Services, to execute this procedure on behalf of the District and forward this claim to the District's insurance administrator for further processing.

Motion carried unanimously, 7-0.

APPROVAL OF AWARD OF CONTRACT WITH KARL STUDINGER INSPECTION SERVICES, INC. (KSIS) FOR DIVISION OF STATE ARCHITECT (DSA) INSPECTION SERVICES FOR THE PHOTOVOLTAIC SOLAR PROJECTS AT CHABOT COLLEGE

Motion No. 6

Mrs. Dvorsky made a motion, seconded by Dr. Gin, to approve the award to Karl Studinger Inspection Services, Inc. (KSIS) of Lodi, CA for Division of State Architect (DSA) Inspection Services for Photovoltaic Solar Projects at Chabot College in an amount not to exceed \$72,000. 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: Measure B Bond Funds.

Motion carried unanimously, 7-0.

APPROVAL OF THE 2008 FIVE-YEAR PLAN FOR MEASURE B BOND PROGRAM BUDGETS

Motion No. 7

Mrs. Dvorsky made a motion, seconded by Ms. Morrissey, to approve the 2008 Five-Year Plan for Measure B Bond Program Budgets.

In response to a question raised by Mr. Gelles, Ms. Weaver reported that the Measure B Annual Report would be distributed in January 2009.

Motion carried unanimously, 7-0.

ADOPTION OF RESOLUTION NO. 06-0809 – AUTHORIZING USE OF THE CONSTRUCTION MANAGER AT RISK (CM AT RISK) PROJECT DELIVERY METHOD IN ACCORDANCE WITH GOVERNMENT CODE SECTION 4526 FOR BUILDING 500 AT CHABOT COLLEGE

Motion No. 8

Mrs. Dvorsky made a motion, seconded by Dr. Mertes, to adopt Resolution No. 06-0809 authorizing Use of the Construction Manager at Risk (CM at Risk) Project Delivery Method in accordance with Government Code Section 4526 for Building 500 at Chabot College.

Mr. Kingston reported the use of any alternate project delivery method other than the traditional design-bid-build approach requires the Board of Trustees to pass a resolution authorizing the use of the delivery method. The Building 500 project is an appropriate use of the CM at Risk method. In response to a question raised, he reported that the District had not previously used this method, however, the project management team has experience with this approach.

Motion carried by the following roll call vote:

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

FACILITIES PLANNING AND MANAGEMENT REPORT

Mr. Kingston reported that on behalf of the Vice Chancellors, our gift to Trustee Alison Lewis in recognition for her years of service to the District is the 400 acres of open space recently acquired by the District.

He gave an update on progress of the short term wet weather mitigation measures for the Physical Education and Multi-disciplinary Buildings at Las Positas College due to the construction defects identified over the past year.

At the request of Mr. Kingston, Mr. Mark Williams presented a legal status and next steps for the long-term repair and rework required for these buildings. He reported that negotiations with Sierra Bay have been going very well and are in the advance stages. They have agreed to a complete repair of both buildings at their cost and stressed that this is at no cost to the District. He will prepare settlement agreements within the next two weeks. He is also engaged in negotiations with the two architects of each building. One has made substantial progress and he hopes to have a settlement in the next two weeks. There are preliminary negotiations with the other architect.

Mr. Vecchiarelli questioned if Sierra Bay will warrant the repair work. To which Mr. Williams responded affirmatively.

Mr. Kingston reported that in an effort to make sure the rework is completed correctly and in a timely manner, he is recommending hiring a third party project manager to provide oversight of the work on these two buildings. He also requested permission from the Board of Trustees to preclude those firms responsible for the defects in these buildings to be precluded from future work with the District.

Mr. Gelles voiced that “you have no idea how irritated the Board was when they went to Las Positas College and saw duck tape on the lights.”

Mr. Vecchiarelli questioned if we can legally preclude someone from bidding on projects, to which Mr. Williams responded that you could, once we have developed the findings.

ADJOURNMENTMotion No. 9

Dr. Gin made a motion, seconded by Mrs. Dvorsky, to adjourn the Regular Meeting at 8:25 p.m. President Vecchiarelli announced that the Board would readjourn into Closed Session, which ended at 9:15 p.m.

Motion carried unanimously, 7-0.

NEXT MEETING

The next Board Meeting is scheduled for Tuesday, December 9, 2008 at the District Office.

Minutes completed by:

Beverly Bailey

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