A. Open Session

1. Call to Order, Roll Call, Adoption of Closed Session Agenda – The Board of Trustees of the Marin Community College District met for a regularly scheduled Board meeting in the Cafeteria of the Student Services Building on the College of Marin Kentfield Campus, all members having received notice as required by law. Board President Namnath called the meeting to order at 5:04 p.m. Trustees Namnath, Conti, Dolan and Long were present. Trustees O’Brien, Kranenburg and Treanor were not present. Also present were Superintendent/President Coon and Vice Presidents Eldridge and Harrison. M/s (Long/Conti) to adopt the Closed Session Agenda. Motion carried 4-0-3.

2. Public Comment – There was no public comment

3. Recess to Closed Session at 5:05 p.m.

B. Closed Session – Staff Lounge, Student Services Building, Kentfield Campus

Trustee Treanor arrived at 5:15 p.m. Trustee O’Brien participated by telephone and arrived at 5:56 p.m. Trustee Kranenburg arrived at 5:57 p.m.

1. CONFERENCE WITH LABOR NEGOTIATOR (Govt. Code Sec. 54957.6)
   Relative to the following organizations representing employees: United Professors of Marin (UPM/AFT); California School Employees Association (CSEA); Service Employees International Union (SEIU); Unrepresented Employees (Confidential, Supervisors, Managers)
   Labor Negotiators (All groups): Bruce Heid; Kristina Combs

2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Government Code §54956.9(a))
   Name of Case: Kesecker vs. MCCD
   Legal Counsel: Marina Pitts, Stubbs & Leone

3. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE (Government Code §54957)
C. **Open Session**

1. **Call to Order, Roll Call and Adoption of Agenda** – Board President Namnath called the regular meeting to order at 6:36 p.m. and asked the clerk to call roll. All members of the Board were present. Student Trustee Blood, Superintendent/President Coon, and Vice Presidents Harrison and Eldridge were also present. **M/s (Conti/O’Brien)** to move Item C.10.H.3 for action after the Board Study session and re-number it to Item C.8.A. **Motion carried 7-0, plus an advisory aye vote by Student Trustee Blood.** President Coon clarified that the agenda for this meeting is the same as the agenda for the February 19, 2013 meeting, with the following changes:
   - **Add** - C.10.H.9. Authorization to Bid/Pre-Award NAC Temporary Driveway
   - **Add** - C.14. Approval of February 19, 2013 Minutes
   - **Revise** - C.10.H.2. Pre-Qualification Process and Authorization to Bid and Pre-Authorize NAC Demolition Project to change dates necessitated by the delay of approval by one week.
   - **Pull** C.10.G Renew Agreement with Marin Brain Injury Network. An update on this item will be provided to the Board prior to renewing the lease. **M/s (Treanor/O’Brien)** to pull items C.9.J. BP 2730 Board Member Health Benefits and BP 2735 Board Member Travel for discussion. **Motion carried 5-0, with 2 abstentions by Trustees Long and Kranenburg.** Student Trustee Blood also abstained.

2. **Report from Closed Session** – Board Clerk O’Brien reported that the Board took action pursuant to Education Code section 72411 to terminate the employment of the Director of Learning Resources by a vote of 6-0-1, with Trustee Dolan abstaining.

3. **Public Comment**
   - **A. Comments regarding items not on the Agenda (3 minutes per speaker) - None**
   - **B. Comments regarding items on the Agenda - to be heard immediately before the Board of Trustees' consideration of the item.**

4. **Chief Executive Officer’s Report**
   - Superintendent/President Coon introduced Kristina Combs, the new Executive Director of Human Relations and Labor Relations.
   - **A. Accreditation** - President Coon reported the College received notification on February 11 that the Commission acted to remove our warning status. He acknowledged the hard work of the Accreditation Response Team (ART), all staff and the Board and handed out Certificates of Appreciation.
   - **B. Repeatability** – President Coon noted that the presentation on repeatability was intended to articulate the changes to Education Code section 55041, Repeatability Courses, and the related impact to our students. Potential mitigation strategies will be a future topic for discussion. Several members of the public spoke on this item - Vivien Bronshvag, Marsha Hallet, Julie Javotsky, Deepa Jaynath, Annemarie Grieve, Mildred Amis, Patty Sokolecki Smoot and Craig Coss. Discussion included comments about the importance and value of repeated practice and sustained engagement in the
arts, concern with the loss of/limitations to pursue life-long interests, Marin demographics, waivers, reducing enrollment, the need for creative solutions and audit options. Sara McKinnon, Cari Torres and Dr. David Snyder gave an introduction and presentation, which is available on the College of Marin Website, Board of Trustees page for this meeting. Trustees echoed many of the comments made by the public and discussed options and strategies and offered suggestions for consideration in addressing this issue.

C. Pension Reform – Dr. Coon provided the Board with information about the changes in pension reform in December for their review. He introduced Kristina Combs to review the changes and noted there would be further discussion at a later date on the implications to the College. Ms. Combs reported that AB 340 became effective January 20, 2013, and created significant changes in pension benefits, contributions and the factors that impact current and new hires after January 1 for CalPERS and CalSTRS. She will provide a general summary at a later date which compares current employees and new employees. Dr. Coon suggested this would be a good retreat topic.

D. Budget Update / Audit – This item was discussed out of order (after B. Repeatability). Auditor Jeff Jenson, Crowe Horwath, briefed the Board on the results of the College of Marin Audit and Measure C Audit Opinion for the year ending June 30, 2012. There were no findings or audit adjustments. Trustees thanked staff and auditors for their work.

Trustee Dolan left the meeting at 8:09 p.m.

Vice President Harrison shared a presentation about the budget. A copy of the presentation is posted on the College website, under the Board of Trustees Tab for this meeting. President Coon noted that he has met with staff who are working on strategies of how to best mitigate the deficit. He will continue to update the Board on the budget status. Trustees thanked staff and discussed the budget situation and possible strategies.

E. Enrollment Report – Dr. Coon noted that this report is in the same format as in previous semesters. Enrollment is down 9% with reasons noted in the report. Dr. Coon requested that Trustees contact him directly with any questions about the report.

F. Governor’s Budget – This item is provided for review.

5. Academic Senate Report – Sara McKinnon reported that the Academic Senate congratulates the College community on the accreditation and recognized and thanked faculty for a tremendous amount of work.

6. Classified Senate Report – Alice Dieli reported that the Classified Senate shares in the accreditation glee and appreciates the work of the College community. She also reported on a State professional development program.
7. **Student Association Report** – Student Trustee Blood echoed the sentiment expressed in relation to the accreditation response. He also shared information about an event held by the Associated Students and the Black Student Union in honor of Black History Month and his and fellow students’ recent visit to Washington, DC for the American Community Colleges Legislation Summit.

8. **Board Study Session – NAC Environmental Impact Report Update**
Richard Gumbiner, Leslie Benjamin and Ellen Gumbiner spoke to this issue. Copies of their comments and the comments of others who were not able to attend are attached to these minutes. Anne Peterson also spoke, agreeing with the points made by the previous speakers. Ms. McCarty introduced Amy Skewes-Cox and Jessica Johnson. Ms. Skewes-Cox summarized the EIR process, results and purpose of this action item. Ms. Johnson reviewed the sections of the Resolution noting the key highlights in each section. Trustees acknowledged and thanked everyone for their cooperative work on this process.

A. **Adopt Resolution Certifying NAC FEIR (Final Environmental Impact Report) Resolution**
- (Roll Call Vote) – Moved from Item C.10.H.3. M/s (Treanor/Conti) to adopt the Resolution certifying the NAC FEIR. Motion carried 6-0-1. Student Trustee Blood cast an advisory aye vote. Trustee Long an aye vote with the following notation – “if the permit is not approved by DPW, the District will explore alternatives and options.”

Board President Namnath was absent.

Trustee Dolan was absent.

Board President Namnath called a recess for a short break. The meeting resumed at 9:25 p.m.

9. **Consent Calendar Items (Roll Call Vote)**
M/s (O’Brien/Conti) to approve the consent calendar items, with the exception of BP 2730 and BP 2735 from item C.9.J, which will be discussed separately. Motion carried by a roll call vote of 6-0-1, plus an advisory aye vote by Student Trustee Blood. Trustee Dolan was absent.

A. **Calendar of Upcoming Meetings**
- March 19, 2013, Regular Meeting, 6:30 p.m.
  - Pomo 188, Indian Valley Campus (Note location change)

B. **Approve Classified Personnel Recommendations**
1. Appointment of Classified Personnel
2. Appointment of Hourly Personnel
3. Temporary Increase/Decrease in Assignment for Classified Personnel
4. Temporary Reassignment of Classified Personnel

C. **Approve Classified Confidential Position Recommendation**

D. **Approve Academic Personnel Recommendations**
1. Appointment/Change of Temporary Credit Instructors Spring 2013
2. Phased-in-Early Retirement of Academic Personnel
3. Resignation of Academic Personnel

E. Approve Short-Term Hourly Positions

F. Approve New Community Services Collaborative Programs

G. Approve New Community Services Courses for Spring 2013

H. Approve Budget Transfers – Month of January 2013

I. Approve Warrants - Month of January 2013

J. Second Reading and Approval of Board Policies
   - BP 2730 Board Member Health Benefits – Pulled from consent for discussion
   - BP 2735 Board Member Travel – Pulled from consent for discussion
   - BP 3410 Nondiscrimination
   - BP 3430 Prohibition of Harassment
   - BP 5130 Financial Aid

K. Modernization (Measure C)
   1. Ratify/Approve Modernization Contracts, Changes, Amendments ($1,322,154.07)
   2. Declaration of Surplus Disposal, New Academic Center (850J)

Item C.9.J. BP 2730 Board Member Health Benefits. M/s (Treanor/O'Brien) to table this item until the April 2013 Board meeting to allow review of cost information by the full Board. Trustees discussed a variety of opinions related to Board member health benefits. Motion to table this item did not carry by a vote of 2-4-1, with Trustees Treanor and O'Brien voting yes and Trustees Kranenburg, Long, Conti and Namnath voting no. Trustee Dolan was not present. Student Trustee Blood cast an advisory aye vote.

Student Trustee Blood left the meeting at 9:40 p.m.

Trustees continued discussion of BP 2730 and policy process. M/s (Conti/Long) to approve BP 2730 Board Member Health Benefits. Motion carried 4-2-1, with Trustees Kranenburg, Long, Conti and Namnath voting yes and Trustees Treanor and O'Brien voting no. Trustee Dolan and Student Trustee Blood were not present. Trustee Treanor asked that all of the information that was provided to the policy committee be distributed to all Board members. The information will be provided by staff.

Item C.9.J. BP 2735 Board Member Travel – Trustee Treanor requested an explanation of the process used by the committee in making changes to this policy especially as related to changes and talking points raised at the last presentation. Trustees discussed policy and procedure, committee process, transparency, education of Board members and related travel/funding. The request for information was noted and the President will provide whatever exists. It was noted that should this not pass, the existing policy will stay in effect. President Namnath asked Trustees to vote on approval of BP 2735. Trustees Kranenburg,
Conti, Long and Namnath voted yes to approve BP 2735. Trustee Treanor voted no and Trustee O’Brien abstained. Trustee Dolan and Student Trustee Blood were not present. BP 2735 Board Member Travel was approved by a vote of 4-1-1-1 as stated above.

10. Other Action Items

A. Election of Board Vice President
   Trustee O’Brien nominated Trustee Kranenburg for Vice President. There were 3 aye votes, by Trustees Treanor, O’Brien and Kranenburg. 4 votes were required. There were no other nominations. This item will be carried to the next meeting.

   Trustee O’Brien left the meeting at 10:05 p.m.

B. Approve Resolution in Support of Black History Month (Roll Call Vote) Trustee Namnath read the Resolution #2013-4 in Support of Black History Month. M/s (Conti/Treanor) to approve the Resolution. Motion carried by a roll call vote of 5-0-2. Trustees Dolan and O’Brien and Student Trustee Blood were not present.

C. Approve Resolution in Support of National Engineers Week (Roll Call Vote) M/s (Long/Conti) to approve Resolution #2013-5 in Support of National Engineers Week. Trustee Long requested additional language (in italics and underlined) be inserted into paragraph 5 of the resolution - “and provide motivation and ability to matriculate for students, including women and ethnic representation, to pursue engineering as a career; ...........”. M/s (Long/Conti) to waive the reading of Resolution #2013-5. Motion to waive the reading carried 5-0-2. M/s (Conti/Long) to approve the Resolution with revisions noted by Trustee Long. Motion carried by roll call vote of 5-0-2. Trustees Dolan, O’Brien and Student Trustee Blood were not present.

   M/s (Conti/Long) to merge and approve items C.10.D. – C.10.F. Motion carried 5-0-2. Trustees Dolan, O’Brien and Student Trustee Blood were not present.

D. Approve Academic Calendar 2013-2014

E. Accept District Annual Financial Audit and Measure C Bond Performance Audit

F. Renew Ground Lease with County of Marin for Sheriff Department Substation

G. Renew Agreement with Marin Brain Injury Network – This item was pulled from the agenda

H. Modernization (Measure C)

1. M/s (Conti/Treanor) to Approve Findings and Adopt Resolution for Contractor Substitution - JL Modular (#0.00) Child Study Center Increment 2 Project (303C) Motion carried 5-0-2 by roll call vote. Trustees Dolan, O’Brien and Student Trustee Blood were not present.

2. M/s (Conti/Long) to approve Resolution Adopting Pre-Qualification Process and Authorization to Bid and Pre-Authorize to Award Construction Contract, NAC Demolition Project (303B) Motion carried 5-0-2 by roll call vote. Trustees Dolan, O’Brien and Student Trustee Blood were not present

3. Adopt Resolution Certifying NAC FEIR (Final Environmental Impact Report) Resolution – (Roll Call Vote) – This item was moved and acted on as Item C.8.A.
M/s (Conti/Long) to merge and approve items C.10.H.4, 5, 7 and 8. Motion carried 5-0-2. Trustees Dolan, O’Brien and Student Trustee Blood were not present.

4. Approve Authorization to Bid and Pre-Authorize to Award Construction Contract
   ADA Upgrades KTD Pathway Project (309A)

5. Approve Professional Services Agreement Amendment #4 for Move Planning Services, Julia H. Beatty ($15,225.00)
   NAC Relocation (850J); PA & FA Relocation (850I)

6. M/s (Treanor/Conti) to Approve New Short Form Professional Services Agreement, Glumac ($153,600.00)
   SMN Building Project (305A), PA Modernization (306A), NAC (303B), Child Study Center (303C)
   Ms. McCarty answered questions about commissioning and costs related to these projects and the effect due to the program manager change. Motion carried 5-0-2. Trustees Dolan, O’Brien and Student Trustee Blood were not present.

7. Approve Professional Services Agreement Amendment #3 for Move Planning Services, Visions Management ($2,200.00)
   General Operation Costs (850B) MS3 move / Austin Science

8. Approve Professional Services Agreement Amendment #4, NorCal Moving Services ($39,758.00)
   Austin Science Center Relocation (850E), General Operating Costs (850B)

9. M/s (Conti/Treanor) to Approved Authorization to Bid and Pre-Approval to Award Contract for Academic Center Construction Temporary Driveway, NAC Project (303B) Ms. McCarty confirmed that the costs are coming out of the project budget after final approval from DPW. Motion carried 5-0-2. Trustees Dolan, O’Brien and Student Trustee Blood were not present.

11. Board Policy Review (1st Reading) – Trustee Namnath referred Trustees to their packets for review of these items for subsequent approval at the next meeting.
    - BP 2015 Student Trustee
    - BP 2100 Board Elections
    - BP 2105 Election of Student Trustee
    - BP 2365 Recording
    - BP 2716 Political Activity
    - BP 2750 Board Member Absence from State
    - Proposed Revisions to BP 2340 and 2210 (Trustee Treanor)

12. Future Agenda Items
    A. Citizens’ Oversight Committee Annual Report (March)
    B. Strategic Plan (March)
    C. Bond Spending Plan (March)
    D. COM Foundation Update
   
Trustee Namnath requested a future discussion about a County-wide parcel tax in order to support the programs that the State is not supporting as a possible retreat discussion. Trustee Treanor requested reviews scheduled for March be spread out to coincide with our Accreditation
review in October. Request for Budget updates. Mission statement must be reviewed and that our work is following the terms of the mission.

13. Board Reports and/or Requests (15 minutes)
   A. Committee Chair Reports – Assignments will be sent out by President Namnath
   B. Legislative Report
   C. Individual Reports/or Requests – Noted earlier in the meeting.

14. Approval of Meeting Minutes (2 minutes)
   - M/s (Conti/Long) to Approve Minutes of January 15, 2013 Board Meeting. Motion carried 5-0-2.
   - M/s (Treanor/Conti) to Approve Minutes of February 19, 2013 Board Meeting. Motion Carried 5-0-2.

Trustees Dolan, O’Brien and Student Trustee Blood were not present.

15. Information Items (see written reports)
   A. Contracts and Agreements for Services – January 2013
   B. 2nd Quarter Financial Report CCSF-311Q
   C. Request for Qualifications for Audit Services
   D. Modernization Update
      1. Director’s Report
      2. Contract Milestones Report through January 2013
      3. Program Schedule
   E. Administrative Procedures
      - AP 2105 Election of Student Trustee
      - AP 2712 Conflict of Interest Code
   F. Calendar of Special Events
      - Big River Opening Night Gala, March 1, 2013
      - Grand Opening Math Science Nursing Building, May 10, 2013
      - Commencement, May 24, 2013

16. Correspondence

17. Board Meeting Evaluation

Trustees agreed that the meeting was too long and too much information was covered. Suggested presentations and staff reports be focused and contained to 10 minutes or less, or to provide a report to the Board in advance to allow time for review. Public comment important, and Trustee comments should be concise as well. Thank you for the Certificates of Appreciation.

18. Adjournment

M/s (Namnath/Treanor) to adjourn this meeting in honor of the success of our accreditation team thanking them for a job well done. Meeting adjourned 10:24 p.m.
February 3, 2013

To the President and Board Members of the College of Marin:

The new policy being adopted by The College of Marin that serves only transfer students has aroused concern for non-transfer students. We would like the opportunity to continue our studies in a way that does not interfere with the goals of transfer students.

Attached are petitions circulated by students last semester in the Art Department requesting the Board consider allowing students to audit classes not filled by transfer students. Included are the audit rules from Santa Rosa Junior College.

Thank you considering our request.

NOTE: Petitions with 170 signatures were attached.
Santa Rosa Junior College Policy Regarding Auditing

Auditing Courses

In conformity with California Education code 76370, and Santa Rosa Junior College Policy 8.1.5, in order to attend classes on a continuous or regular basis, individuals must either enroll as a regular student or register as an auditor. The procedures and conditions for auditing a class are as follows:

1. Courses in which auditing is allowed will be posted each semester in the Admissions, Records and Enrollment Development Office and the online Schedule of Classes. The list of auditable courses is maintained by the Curriculum Office.
2. Appropriate unit fees, based on Education Code (plus any additional course costs) must be paid.
3. Students currently enrolled in 10 or more units may audit up to three units free of charge.
4. Auditor status will be allowed only if a student has exhausted repeat possibilities as a regular student in selected classes (See Repeat/Policy Codes in Schedule of Classes).
5. Auditors must be eligible for admission to college as regularly enrolled students.
6. Auditors must meet the course prerequisites.
7. Instructor must sign an audit card to show approval for student to attend class as an auditor on a space available basis.
8. Auditors will be allowed to register only after the first census date for the course in order to give priority to students registering for credit. Auditors will not be permitted to attend the course until enrollment is secured after first census. Auditors must submit an Audit Card signed by the instructor to the Office of Admissions, Records and Enrollment Development to secure enrollment.
9. Auditors may NOT change their status to regular student in the class (or reverse).
10. Once the auditor fee is paid, it will not be refunded.
11. Students registered, as auditors only, will not be entitled to the regular student health services (other than emergencies).
12. No grades can be earned or transcripts maintained.
13. The instructor and student auditor will agree upon the auditor’s level of participation in the class.
1. Rich Gumbiner -

COM Board Meeting statement 2-26-13

We would like to thank you, the Board, Dr. Coon, Laura McCarty and Supervisor Katie Rice for establishing and supporting the NAC Construction Access working group that included members of the community, as well as County staff and the college construction team. Our main goal was to eliminate Laurel Avenue as a construction access route.

Meeting over the past several weeks we have been able to cooperatively identify an alternative route other than Laurel Avenue, which, as you know, was not supported by the local community and nearby residents.

This new route, which enters the campus from Sir Francis Drake Blvd directly into Circle Drive, will meet the requirements of the County and provide the College with good traffic flow and access to the construction site while keeping trucks out of the Granton Park neighborhood.

We thank you for recommending the text changes for the NAC Final EIR- that this alternative route be the likely construction access to the site.

Thank you.

2. Laura Roxon –

I am a College of Marin graduate and a long time resident of Granton Park. I second Richard's comments.

3. Hali Croner -

I am a business owner on Sir Francis Drake Blvd., across from the college and I also reside with my family in Grarton Park. I second Richard's comments.

4. Erik Hansen –

I was raised in Granton Park and recently moved back. My family has lived here for almost 50 years. I was a student at COM, and my father, Michael Hansen, taught Engineering and Computer Science among other things at COM for over 30 years. I support Richard's statement as a solution to the construction traffic in our otherwise quiet neighborhood.
5. Leslie Benjamin-

My name is Leslie Benjamin. I am a recent graduate (2009) from the COM nursing program and work as an acute care nurse at Sutter Hospital in Santa Rosa. It has been exciting to watch the new campus emerge. The Fine Arts building seems well suited for the intended purpose and I am very pleased, with the construction of the Science Center, that the the nursing program will finally have a home of its own. My family has owned a home in Granton Park for over 50 years and we feel, for varied reasons, that the college has been a great neighbor. At this time it is easy to understand the anticipation of the neighborhood for the end of the construction on the Science building. Given the thought that they may be required to live, another 2 years, directly impacted by the college reconstruction, I support the statement prepared by Richard Gumbiner regarding the next phase of the College renovations and steering the impact of this new project away from Laurel Avenue.

6. Laura Talmus -

We understand that we do not have a Construction Management Plan and we appreciate the college including us in developing it because the provisions in it will be extremely important to protecting our neighborhood.

We would like to request that the Construction Management Plan have the teeth to enforce mitigation designed to keep the construction workers' trucks and cars off of Laurel Avenue. We have discussed most importantly fines and enforcement by the traffic marshal hired by the college. In addition, signage is key.

8. Ellen Gumbiner -

We really appreciate the college's willingness to work with our community on this issue. We would like to thank Dr. Coon and Katie Rice to have the foresight to set up our working group. This working group model brings together the community, the county and the college. It says: let's work together to solve the problem. Our group, headed up by Laura McCarty, has come up with a solution and we look at this model as a positive way to work together in the future.