BOARD OF TRUSTEES
REGULAR MEETING AGENDA

August 21, 2012
The Board shall act on posted items and shall not deliberate items that are not on the posted agenda.

The Board of Trustees may consider the items listed in Section C at any time during the Open Session portion of the meeting unless a specific time is stated on the agenda.

In compliance with the Americans with Disabilities Act, if you need special assistance to access the Board meeting room or to otherwise participate at this meeting, including auxiliary aids or services, please contact Human Resources at 485-9340. Notification at least 48 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to the Board meeting.

If you wish to speak, complete card available at entrance and give card to recording secretary to get recognition from the Chair. Persons desiring to address the Board on items not on the agenda may speak under item number “C.3.A” on the agenda. Public comment presentations will be limited to no more than 3 minutes each. Persons reading statements aloud or distributing material should give a copy to the Recording Secretary. Government Code §54957.5 states that public records which relate to any item on the open session agenda for a regular Board meeting should be made available for public inspection. Those records that are distributed less than 72 hours prior to the meeting are available for public inspection at the same time they are distributed to all members, or a majority of the members of the Board. The Board has designated the Office of the Superintendent/President at 835 College Avenue, Administrative Center 123, Kentfield, for the purpose of making those public records available for inspection.

Per Board Policy 2365 the Board meetings of the Marin Community College District may be audio taped and video broadcasted via the internet.
A. **Open Session** – 5:00 p.m., Cafeteria, Student Services Building, Kentfield Campus

1. Call to Order, Roll Call and Adoption of Agenda  
2. Public Comment  
3. Recess to Closed Session

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

1. **CONFERENCE WITH LABOR NEGOTIATOR** (Government Code §54957.6)  
   Labor Negotiator: Bruce Heid  
   Employee Organizations: United Professors of Marin (UPM/AFT), California School Employees Association (CSEA), Service Employees International Union (SEIU)

2. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**  
   Initiation of litigation pursuant to subdivision (c) of Section 54956.9 - Nancy Klein  
   One (1) potential case

3. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION** (Govt. Code Sect. – 54957)  
   Title: Superintendent/President

4. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** (Government Code §54956.9(a)) – Larry Frierson  
   Names of Cases: Mize-Kurzman vs. MCCD

C. **Open Session** – 6:30 p.m., Cafeteria, Student Services Building, Kentfield Campus

1. Call to Order, Roll Call and Adoption of Agenda  
2. Report from Closed Session  
3. Public Comment  
   A. Comments regarding items not on the Agenda (3 minutes per speaker)  
   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** (20 minutes)  
   A. 2012/2013 Adoption Budget

5. **Public Hearing on 2012/2013 Adoption Budget**  
   A. Approve 2012/2013 Adoption Budget

6. **Academic Senate Report** (5 minutes)

7. **Classified Senate Report** (5 minutes)
8. Student Association Report (5 minutes)

9. Consent Calendar Items (Roll Call Vote)

   A. Calendar of Upcoming Meetings
      ▪ September 8, 2012 Board Retreat, 9:00 a.m., Location to be determined
      ▪ September 15, 2012 Board Retreat, 9:00 a.m., Location to be determined
      ▪ October 9, 2012 Special Board Meeting, 6:00 p.m., Location to be determined

   B. Approve Classified Personnel Recommendations
      1. Appointment of Classified Personnel
      2. Appointment of Hourly Personnel
      3. Temporary Reassignment of Classified Personnel
      4. Resignation/Retirement of Classified Personnel

   C. Approve Classified Supervisory Personnel Recommendation

   D. Approve Classified Management Personnel Recommendation

   E. Approve Short-Term Hourly Positions

   F. Approve Educational Management Personnel Recommendations
      1. Appointment of Educational Management Personnel

   G. Budget Transfers – Month of July FY 2012/13

   H. Warrant Approval

   I. Second Reading and Approval of Revised Board Policies
      ▪ BP 7250 Educational Administrators

   J. Modernization (Measure C)
      1. Ratify/Approve Modernization Contracts, Changes and Amendments
         ($2,526,634.73)
      2. Declaration of Surplus Disposal
         PA & FA Relocation (850I) & Austin Science Center Relocation (850E)

10. Other Action Items (10 minutes)

   A. Approve Marin County Office of Education Use Agreement

   B. Modernization (Measure C)
      1. Approve Change Order #13 and Resolution # 08-21-2012 C.10.B.1. Attesting No
         Benefit to Bidding out Change Order Work ($165,516.00)
         Midstate Construction Corporation, Inc.
         Performing Arts Modernization Project (306A)
      2. Approve Amendment #6 to Long Form Professional Services Agreement
         SMCP Increments 2 & 3, Site Development & Building Project (305A)
         ED2 International – Supplemental Design Services ($243,250.00)
      3. Approve Project Funds Transfer
         Child Study Center Project (303C) ($400,000.00)
      4. Approve Project Funds Transfer
         FA Building Weatherization Project (306D) ($150,000.00)
5. Approve Project Funds Transfer
   District Legal Counsel (831A) ($550,000.00)
   Dannis Woliver Kelley

6. Approve Pre-Authorization to Award a Construction Contract
   Child Study Center – Increment One Project (303C)

7. Approve Amendment #2 for Additional Architectural Design Services
   Austin Science Center Alterations (structural) Project (301B)
   Noll & Tam Architects & Planners ($111,160.00)

RESOLUTIONS (ROLL CALL VOTE)

C. Approve Resolution # 08-21-2012 C.10.C. in Support of Constitution Day

D. Approve Resolution # 08-21-2012 C.10.D. Authorizing Issuance of Election of 2004
   General Obligation Bonds, Series D

E. Approve Gann Appropriations Limit for 2012/13 Resolution # 08-21-2012 C.10.E.

F. Approve Resolution #08-21-2012 C.10.F. Authorizing Governing Board to Enter into
   Agreement Number 21-6538-00-2, California State Preschool Program CSPP-2274 and
   Signature Authorization

G. Approve Resolution # 08-21-2012 C.10.G. Use of Property for Weather Station and
   Land Use Agreement

11. Board Policy Review (1st Reading)
   - BP 3420 Equal Employment Opportunity
   - BP 3520 Local Law Enforcement
   - BP 3715 Intellectual Property
   - BP 3820 Gifts
   - BP 4020 Program, Curriculum and Course Development
   - BP 5800 Prevention of Identity Theft in Student Financial Transactions
   - BP 7130 Compensation
   - BP 7380 Retiree Health Benefits – Academic Employees

12. Future Agenda Items
   A. Review Mission Statement/Strategic Planning
   B. Pension Reform
   C. Distance Education
   D. WASC Interim Report

13. Board Reports and/or Requests (15 minutes)
   A. Committee Chair Reports
   B. Legislative Report – Trustee O’Brien
   C. Individual Reports/or Requests

14. Approval of Meeting Minutes (2 minutes)
   - Approve Minutes of July 17, 2012 Board Meeting
   - Approve Minutes of July 27, 2012 Special Meeting Board Retreat
15. Information Items (see written reports)
   A. Contracts and Agreements for Services – July 2012
   B. Fourth Quarter Financial Status Report and CCFS-311Q for 2011/12
   C. Modernization Update
      1. Director’s Report
      2. Contract Milestones Report through July 2012
      3. Program Schedule
   D. Administrative Procedures
      ▪ AP 3520 Local Law Enforcement
      ▪ AP 3715 Intellectual Property
      ▪ AP 4020 Program, Curriculum and Course Development
      ▪ AP 4023 Course Approval
      ▪ AP 4260 Prerequisites, Co-requisites and Advisories
      ▪ AP 5010 Admissions
      ▪ AP 5011 Admissions of High School & Other Young Students
      ▪ AP 5031 Instructional Materials Fees
      ▪ AP 5800 Prevention of Identity Theft in Student Financial Transactions
   E. Calendar of Special Events
      School Starts August 22, 2012
      Labor Day Holiday September 1, 2012
      Constitution Day September 17, 2012

16. Correspondence

17. Board Meeting Evaluation

18. Adjournment
BACKGROUND
The enclosed Adoption Budget presents the District’s (un-audited) financial results for the fiscal year ending June 30, 2012 and the District’s financial plan for fiscal year 2012/13. For fiscal year 2011/12 the district fund balance ended lower than previously projected as a result of less revenue received, primarily property taxes and enrollment fees, offset by lower than anticipated expenditures. This combination of reduced revenues and reduced expenditures has resulted in an estimated ending fund balance of approximately 11.3% of unrestricted General Fund expenditures for fiscal year 2011/12.

Although the District ended the year with a positive fund balance, we have and are facing financial difficulties. Not unlike other colleges around the state, the College of Marin’s unrestricted general fund operation for 2011/12 resulted in expenditures being greater than its revenues by almost $1.1 million.

In the adoption budget, the District projects expenditures to exceed revenues by $2.2 million despite expenditure cuts of $1.2 million. Further, during the next three years, it is anticipated that the District will have to make similar reductions thereby eliminating a structural deficit. The ending fund balance (reserve) for fiscal year 2012/13 is currently estimated at approximately 6.4% which represents a reduction of 4.9%.

RECOMMENDATION
The Superintendent/President recommends that the Board of Trustees approve the attached 2012/13 Adoption Budget.
To: Board of Trustees
From: Superintendent/President
Subject: Classified Personnel Recommendations

Date: August 21, 2012
Item & File No.: C.9.B.

Reason for Board Consideration: CONSENT APPROVAL

Enclosure(s): Recommendations

BACKGROUND:

The following actions are included in the Classified Personnel Recommendations:

1. Appointment of Classified Personnel
2. Appointment of Hourly Personnel
3. Temporary Reassignment of Classified Personnel
4. Resignation/Retirement of Classified Employee

BUDGET IMPLICATIONS: All recommendations are within budgeted FTE and are on the non-instructional side of the 50% law.

J. Austin, M. Barr, E. Towle, L. DiCarlo, D. Smith, and A. Hunter are on the non-instructional side of the 50% law.
D. Lewis and A. Dieli are on the instructional side of the 50% law.

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve the Classified Personnel Recommendations.

Administrator Initiating Item: Linda Beam, Executive Dean of Human Relations & Labor Relations
1. APPOINTMENT OF CLASSIFIED PERSONNEL

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<th>Item No.</th>
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<th>Effective Date</th>
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<td>Towle, Edwin</td>
<td>Single Stop Project Coordinator</td>
<td>1.0</td>
<td>12</td>
<td>08/13/2012</td>
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BACKGROUND INFORMATION:

1. Ms. Barr has accepted the 1.0FTE/12MPY position of Community Education and Services Program Specialist effective September 1, 2012.

2. Mr. Towle has accepted the 1.0FTE/12MPY position of Single Stop Project Coordinator effective August 13, 2012.
2. APPOINTMENT OF HOURLY PERSONNEL

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<td>2. Lewis, Debra</td>
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BACKGROUND INFORMATION:

1. Mr. Smith will serve as a Professional Expert to assist classified staff in the Performing Arts Department in the Box Office and Theatre Manager area.

2. Ms. Lewis will serve as a Professional Expert to continue to work on Program Evaluation, continued Curriculum Development and Student Learning Outcomes.
### 3. TEMPORARY REASSIGNMENT OF CLASSIFIED PERSONNEL

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<td>1. Dieli, Alice</td>
<td>From: Lab Technician – Computer Technology</td>
<td>1.0</td>
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<td>08/06/2012 – 10/31/2012</td>
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<td>To: Instructional Technologist – Distance Education</td>
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<td>2. Hunter, Andrea</td>
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<td>1.0</td>
<td>12</td>
<td>08/06/2012 – 01/02/2013</td>
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**BACKGROUND INFORMATION:**

1. Ms. Dieli will assume the duties of an Instructional Technologist-Distance Education as a temporary reassignment during the recruitment process effective August 6, 2012 through October 31, 2012.

2. Ms. Hunter will assume the duties of Assistant Director of Financial Aid (Supervisory) as a temporary reassignment during the recruitment process effective August 6, 2012 through January 2, 2013.
4. RESIGNATION/RETIREMENT OF CLASSIFIED PERSONNEL

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<th>Item No.</th>
<th>Name</th>
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<th>MPY</th>
<th>Type</th>
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<td>Resignation</td>
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BACKGROUND INFORMATION:


BOARD AGENDA ITEM

To: Board of Trustees  Date August 21, 2012
From: Superintendent/President  Item & File No.
Subject: Classified Supervisory Personnel Recommendation C.9.C.
Reason for Board Consideration: Enclosure(s):
CONSENT APPROVAL  Job Description and
                     Supervisory Salary Schedule

BACKGROUND

During the past several years the number of applications the Financial Aid Office receives annually has more than doubled (from 2000 to 4486). Two probable reasons for this is the state of the economy and the increases in the per unit fee. There is a critical need for increased support in the Director and Specialist functions, hence the creation of an Assistant Director position that includes portions of both classifications. With some form of back-fill, this will allow both the ability to meet the need of increased workload and some desperately needed cross training. Given the increased workload and WASC’s recommendation to enhance services, this position will assist the college in better supporting its most vulnerable students.

BUDGET IMPLICATIONS:

All recommendations are within budgeted FTE.

RECOMMENDATIONS:

The Superintendent/President recommends that the Board of Trustees approve the following action effective August 6, 2012: approve Job Description and revised Supervisory Salary Schedule.

1. Assistant Director of Financial Aid – Supervisory Salary Range 900
   Ranges (1) $4995.25; (2) $5,245.50; (3) $5,507.13; (4) $5,781.75; (5) $6,071.00

Administrator Initiating Item: Linda
David Wain Coon Ed.D, Superintendent/President
COLLEGE OF MARIN
JOB DESCRIPTION

ASSISTANT DIRECTOR OF FINANCIAL AID

Purpose Statement: (Duties, General Description)
This position reports to the Director of Financial Aid and provides direction and leadership for the day-to-day operations of the Financial Aid Office. The Assistant Director of Financial Aid is responsible for supervising and managing Financial Aid staff and data operations, including overseeing/monitoring the data input into Banner. The position will also work closely with the Director of Financial Aid to correctly implement financial aid policies, procedures, and initiatives which support the objectives of the College.

Essential Functions:
• Manage internal and external electronic processes/data exchanges relating to student aid administration using systems including Banner, EdConnect, EDExpress.
• Communicate with users and IT staff to develop a thorough testing of software and database performance before new applications are released into production; assures systems requirements are fully tested and data validation and integrity rules and standards are enforced.
• Supervise, direct and evaluate Financial Aid staff, manage the training of end-users, and oversee management of manual systems, providing leadership and guidance to Financial Aid department, as needed.
• Assist staff with operational difficulties and malfunctions encountered in existing programs; identify and resolve malfunctions, enhancing applications as required.
• Provide timely and accurate review of financial aid applications and appeals, packaging and awarding student financial aid in accordance with institutional, federal and state policies and regulations.
• Oversee Federal Grant and Loan reporting, reconciliation and year end close out as required.
• Maintain Financial Aid web page.
• Oversee management of existing manual systems.
• Oversee aid recalculation (including R2T4), repayments and monitoring for students who have changes to enrollment status.
• Assist Director in developing and maintaining office policy and procedures.
• Provides oversight and support in processing the Federal Direct Loan program and Common Origination and Disbursement.

Other Functions:
Assists other personnel for the purpose of supporting them in the completion of their work activities.

Knowledge, Skills and Abilities: (Desirable Attributes & Skills)
SKILLS are required to perform multiple tasks with a frequent need to upgrade skills due to changing job conditions. Specific skills required to satisfactorily perform the functions of the job include: operating standard office equipment including pertinent software applications; performing accounting procedures; and preparing and maintaining accurate records. Use of new or additional equipment brought about by new technology shall be incorporated consistent with the level of responsibility and complexity of the job.

KNOWLEDGE is required to perform basic math including calculation of fractions, percents and/or ratios; read technical information, compose a variety of documents and/or facilitate group discussions; and solve practical problems. Specific knowledge required to satisfactorily perform the functions of the job includes: community college educational requirements and Title V regulations; standard accounting principles and practices; and concepts of grammar and punctuation.

ABILITY is required to schedule a significant number of activities; routinely gather, collate, and/or classify data; and use basic job related equipment. Flexibility is required to work with others under a wide variety...
COLLEGE OF MARIN
JOB DESCRIPTION

of circumstances; analyze data utilizing various processes some of which may be undefined; and operate equipment using standard methods of operation. Ability is also required to work with a significant diversity of individuals and/or groups; work with data of varied types and/or purposes; and utilize job related equipment. In working with others, problem solving is required to analyze issues, create plans of action and reach solutions; with data it is significant; and with equipment it is limited. Specific abilities required to satisfactorily perform the functions of the job include: adapting to changing work priorities; communicating with diverse groups; maintaining confidentiality; meeting deadlines and schedules; setting priorities; working with constant and sustained interruptions; working with detailed information/data.

Responsibility:
Responsibilities include: working independently under broad organizational guidelines with supervision focusing on results; directing other persons within a department, large work unit and/or across several small work units; and supervising the use of funds. Significant utilization of resources from other work units is required to perform the job’s functions. There is an opportunity to significantly impact the Organization’s services.

Working Environment:
The usual and customary methods of performing the job’s functions requires the following physical demands; significant lifting, carrying, pushing and/or pulling; some climbing and balancing; significant stooping, kneeling, crouching and/or crawling; significant reaching, handling, and manual dexterity. Generally the job requires sitting, walking and standing. The job is performed under minimal temperature variations, a generally hazard free environment, and in a clean atmosphere.

Minimum Qualifications/Position Requirements (Education & Experience):
1.) Equivalent to a Bachelor’s degree from an accredited institution in a major that is relatively related to the assignment; and
2.) Two (2) years of related experience in an educational environment or related area, as well as experience with integrated information systems, preferably Banner; and
3.) A comprehensive knowledge of federal and state financial aid regulations; and
4.) Demonstrated sensitivity to and an understanding of the diverse academic, socioeconomic, cultural and ethnic backgrounds, disabilities and learning styles of community college students and staff.

Desirable Qualifications:

Certificates & Licenses:

Clearances: Criminal Justice/Fingerprint Clearance & TB Clearance

FLSA Status: Non-exempt

Date: January 19, 2012

Bargaining Unit: Supervisory

Salary Range: 900
## MARIN COMMUNITY COLLEGE DISTRICT

### SALARY SCHEDULE AND CONDITIONS OF WORK FOR SUPERVISING EMPLOYEES

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### CONDITIONS

The term Supervisory personnel shall include all designated classified employees having direct responsibility to supervise (i.e., assign work, transfer, recommend promotion, disciplinary action, etc.) other classified employees.

1. All classes listed have a 37.5-hour work week. Supervisory employees earn overtime pay or compensatory time and one-half rate for hours worked beyond the regular work week.

2. Steps are granted annually on July 1 of the new fiscal year for employees hired prior to January 1982. For employees hired or promoted after January 1982, steps are granted on the first day of the month immediately following the anniversary date of hire or promotion.

3. Longevity steps W, X, Y, Z, and Z+ are granted after 7, 10, 13, 16, and 20 years of permanent District service. Longevity steps are awarded on July 1 for employees hired prior to January 1982. For employees hired after January 1982, longevity steps are granted on the first day of the month following the anniversary date.

4. Vacation for supervisors is earned at a rate of 12 days per year during the first 3 years of service and 17 days per year after completion of 3 years of service. 22 days are granted after the completion of 10 years of service. Supervisors may carry-over 10 vacation days if they have 1-10 years of service, and 15 days with 11 or more years of service.

The District provides medical (maximum District contribution is Kaiser Family Rate through June 30, 2012), dental, vision, long-term disability, and life insurance for all supervisory employees. The District also pays both the District and employee share of PERS contributions.
6. Medical Benefit Waiver. Supervisory employees may voluntarily waive District medical benefits if he/she can provide documentation of comparable coverage under another plan. Employees opting not to participate in medical coverage must notify the HR Department no later than October 1 of each year, provide documentation at that time that they have comparable coverage, and sign the applicable declaration. Employees who elect to waive medical benefits shall be provided with a $1200 annual payment. The payments shall be reduced on a pro-rata basis for less than full-time employees and for new Supervisory employees who waive coverage for less than a full year. Employees shall have their waiver payments made by check no later than December 31.

To be reinstated under the medical plan, Supervisory employees must apply during the annual open enrollment period.

7. Supervisory employees earn sick leave at a rate of 12 days per year pro-rated for less than full-time employees. Up to 7 days of sick leave may be used for personal necessity leave in any fiscal year.

8. Supervisory employees shall observe the holidays designated for the Classified bargaining units.

9. In the event of layoff, supervisory employees shall receive forty-five (45) days advance notice.

10. Exceptions to this salary schedule are permissible upon the recommendation of the Superintendent/President and approval of the Board of Trustees.

11. Retirement Benefit Program

   I. Eligibility - A supervisory employee who is fifty (50) years of age or older and who desires to apply for the Retirement Benefit Program must be eligible and apply for service retirement under PERS.

   II. Benefits - For employees hired prior to 10/14/86 and who have at least ten (10) years of full-time service, the District will provide paid medical and dental coverage with benefits equal to those in effect at the time of retirement to the retiree and one dependent until the retiree attains age seventy (70) or the retiree's death, whichever is sooner. The District will provide the retiree and one dependent medical and dental coverage in each fiscal year following retirement as provided to current supervisory employees; if the District no longer provides a specific type of health or dental plan as provided at the time of retirement (i.e., Health Net, Kaiser, Delta Dental), the retiree may select a plan as made available each fiscal year to current supervisory employees of this group. The retiree may change carriers during the annual open period. The rates paid by the District for the retiree and one dependent shall be the rates paid for current supervisory employees; the retiree and dependent shall be responsible for paying any future increases that are charged to supervisory employees of this group. The employee shall be required to file for any other State or Federal government-sponsored programs for which he/she may be eligible as an offset to the District obligation for the health benefit. For employees hired after 10/14/86, the District does not provide post-

   III. Employment of Retirees - The District may offer employment to retirees subject to the restrictions of PERS regarding time to be worked or maximum salary. District and retiree will mutually agree on need/time/salary.

   IV. Program Participation - A supervisory employee who is interested in participating in the program shall notify the District thirty (30) days prior to such participation.
BOARD AGENDA ITEM

To: Board of Trustees  Date: August 21, 2012
From: Superintendent/President

Item & File No. C.9.D.

Subject: Classified Management Personnel Recommendation

Reason for Board Consideration: CONSENT APPROVAL

Enclosure(s):
Job Description & Management Salary Schedule

BACKGROUND

During 2011-12 the District became actively engaged in developing an Advancement operation for the purpose of raising funds for the College. College advancement activities will include all aspects of fund development. This area of responsibility has been added to the purview of the Communications and Community Relations.

BUDGET IMPLICATIONS: All recommendations are within budgeted FTE.

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve the following actions effective July 1, 2012; approve revised Job Description and Management Salary Schedule.

1. Change the title and range of Director of Communications and Community Relations - Level 5 - Step 8 to Executive Director of Communications and Community Relations and Advancement – Level 6 – Step 8 held by Cathian Summa-Wolfe.

Superintendent/President recommend that the Board of Trustees approve the Classified Management Personnel Recommendation.

Administrator Initiating Item: David Wain Coon Ed.D. Superintendent/President
Purpose Statement: (Duties, General Description)
Reporting to the Superintendent/President, the Executive Director of Communications, Community Relations and Advancement serves as chief public and media relations officer for the district. The classified administrative position provides leadership and vision, as a member of the executive management team, for planning, implementing and evaluating district public information services in accordance with accreditation recommendations and standards, including such services as community outreach, media relations, branding and imaging, and high quality communication channels. The Executive Director’s administrative areas of responsibility will advance the college’s mission through coordinated communications, advocacy, and development (fundraising) efforts with an organizational goal of building long-term relationships and promoting opportunities for philanthropic support of the college. The Executive Director serves as the principal resource for district visibility through publications design, media releases, website development and management, publicity outreach services, and public relations campaigns. The position collaborates with district staff, print and electronic media staff, community and business representatives, other educational institutions, governmental agency personnel and others regarding partnerships, communications, special events, outreach, and other activities that promote and enhance the district mission.

Essential Functions:
Plan short- and long-range goals, objectives related to ongoing district communication, both internal and external, publicity campaigns, community and business outreach, in conjunction with the chief executive officer, other managers and staff. Research, develop and foster partnerships with print and electronic media personnel, other educational institution representatives, community organizations and leaders, business representatives, governmental agency staff and others, in order to provide and obtain a variety of public relations information. Collaborate with senior managers, students, and other district staff to plan strategies for publicity campaigns, communication of district information, and to plan special events and public relations activities. Make presentations to small and large groups regarding district activities, procedures, events, services and programs. Conduct college tours. Attend community-based events and programs as a representative of the district. Serve as technical resource to district managers, students and staff regarding marketing, communication techniques and public relations services.

Maintain overall responsibility for college communications, community relations and development (fundraising).

Train, supervise, coordinate and evaluate the work of department staff. Select, schedule, and coordinate the work of photographers, graphic artists, printers, contractors and other vendors.

Plan and implement the department budget. Plan and track expenditures and income. Prepare and present financial reports as assigned. Estimate and recommend project and event costs.

Research, conceptualize, develop and recommend branding and other imaging for district publications and communications, including logos, templates, insignias, awards, exhibits, and other materials. Conceptualize, develop, compose and prepare original press releases, news articles, public service announcements, websites, marketing campaigns, posters, bulletins, flyers, advertisements, reprographics services, and other publicity and community relations material. Develop, compose and prepare special and regular reports. Edit text, formats, designs and other drafts for consistency and high-quality presentational value.

Develop and implement customer and community surveys, quality-control reviews, publicity campaign, and other needs assessments, to measure and evaluate the impact and outcomes of public relations activities, services, tools, and programs.
COLLEGE OF MARIN
JOB DESCRIPTION

Use a variety of computer software to set up and maintain databases of historical information, photographs, graphics, community, student, vendor, and other information, communications and demographics. Use a variety of presentation software to publicize district programs and services. Set up and track marketing resources, expenditures, income and other budgetary items.

Perform other related duties as assigned.

Knowledge, Skills and Abilities: (Desirable Attributes & Skills)
- Previous experience or training in marketing and branding for a public agency or organization
- Knowledge of principles, procedures, ethics, regulations, and standards as applied to fundraising
- Knowledge and ability to identify strategies and support fund development to help achieve the college’s mission and goals
- Fluency in a second language commonly spoken in Marin County

Physical & Other Requirements:
In accordance with the Americans with Disabilities Act, the following physical, mental and other abilities are required in order to perform the essential functions of this classification: creative, artistic conceptualization; visual acuity; extensive public contact with individuals, small and large groups; data comparison, analysis and synthesis; attention to detail; persuasive communication; negotiation; multitasking; flexibility; adaptability; tact; patience; and sensitivity.

Minimum Qualifications/Position Requirements (Education & Experience):
1. Possession of a Master’s degree from an accredited college or university in Marketing, Communications, Broadcasting, or a closely related field; or the equivalent
2. Successful recent experience of increasing responsibility in public relations, marketing, advertising, or a similar service, that has demonstrated knowledge of marketing trends and future planning; skill in organizational branding and imaging; skill in written communication, including reports, news articles, advertisements, and other publicity materials; skill in website design and implementation; oral communication including public speaking; budgeting; publication layout, design, composition, and editing; use of a variety of computer software to compose and design publicity materials, set up and track statistical and financial data, and to create documentation; supervising and evaluating the work of others; demonstrated skill in developing and maintaining effective working relationships with media, outside organization and other representatives; ability to develop and maintain an effective and efficient working team.
3. Extensive experience in public contacts that has demonstrated skill in respectful and sensitive communication with people who are diverse in their cultures, language groups, abilities, lifestyle and backgrounds. Demonstrated sensitivity to, and understanding of the diverse academic, socioeconomic, cultural, disability and ethnic backgrounds of community college students.

Certificates & Licenses:

Clearances: Criminal Justice/Fingerprint Clearance & TB Clearance

FLSA Status: Exempt

Date: July 1, 2012

Bargaining Unit: The Executive Director of Communications, Community Relations and Advancement is a Classified Administrative position, in compliance with all applicable sections of the California Education Code and related statutes.

Salary Range: 6
Marin Community College District

SCHEDULE OF SALARY AND CONDITIONS FOR MANAGEMENT PERSONNEL

I. SALARY SCHEDULE

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II. CONDITIONS

A. The term "management personnel" shall include all certificated/educational administrators and classified administrators. Classified administrators will serve in a probationary status for one year.

B. Step advancement on the salary schedule is based on merit as determined by the annual employee evaluation. The President shall approve 0, or 1 step as a result of the evaluation. Steps will be effective on the anniversary date of the most recent appointment into a management position.

C. Management personnel shall be reimbursed for actual and necessary expenses incurred by the employee in the performance of his/her duties.

D. Management personnel shall receive twenty-two (22) days paid vacation per year exclusive of legal holidays. Management personnel may carry over a maximum of fifteen (15) days vacation allowance to the following fiscal year; the President must approve any exceptions. No management employee will be paid for more than thirty-seven (37) days vacation upon termination. Use of vacation must be approved by, and can be directed by, the President.

E. Management personnel shall observe the holidays designated for classified bargaining units.

F. The District provides medical (maximum District contribution is Kaiser Family Rate through June 30, 2012), long-term disability, dental, vision and life insurance for all management personnel.

G. Medical Benefit Waiver

Management employees may voluntarily waive District medical benefits if he/she can provide documentation of comparable coverage under another plan. Employees opting not to participate in medical coverage must notify the Personnel Department no later than October 1 of each year, provide documentation at that time that they have comparable coverage, and sign the applicable declaration. Employees who elect to waive medical benefits shall be provided with a $1200 annual payment. The payments shall be reduced on a pro-rata basis for less than full-time employees and for new Management employees who waive coverage for less than a full year. Employees shall have their waiver payments made by check no later than December 31.

To be reinstated under the medical plan, Management employees must apply during the annual January open enrollment period.
H. Management personnel shall be granted sick leave at the rate of one day per month. Up to seven (7) days of sick leave in any fiscal year may be used for Personal Necessity.

I. Management personnel will receive a one-time $1,000 bonus for receiving an earned doctorate from an accredited institution while employed by the District.

J. In the event of layoff, classified management employees shall receive forty-five (45) days advance notice and certificated/educational administrators shall receive a March 15 notice (as per Education Code 72411 and 72411.5) for release from an administrative position.

K. Exceptions to this salary schedule are permissible upon the recommendation of the President and approval of the Board of Trustees.

L. Certificated/Educational Administrators become members of the State Teachers' Retirement System. A set percentage of gross income is deducted from the employee's gross amount and the remaining net is taxable. The District contributes the normal employer contribution rate for all Educational Administrators. For Classified Administrators, the District pays the normal employee and employer contribution to the Public Employees' Retirement System. Under both systems, an employee is vested after five full-time years.

M. Retirement Benefit Program

1. Eligibility

A management employee who is fifty (50) years of age or older and a PERS member, and fifty-five (55) years of age or older and a STRS member and who desires to apply for the Retirement Benefit Program must be eligible and apply for service retirement under their respective plans.

2. Employment of Retirees

The District may offer employment to retirees subject to the restrictions of PERS and STRS regarding time to be worked or maximum salary; District and retiree will mutually agree on need/time/salary.

3. Program Participation

A certificated/educational administrator who is interested in participating in the program shall notify the District no later than February 1 of each fiscal year. A classified administrator who is interested in participating in the program shall notify the District thirty (30) days prior to such participation.

4. Benefits

For employees hired prior to 10/14/86 and who have at least ten (10) years of full-time service, the District will provide paid medical and dental coverage with benefits equal to those in effect at the time of retirement to the retiree and one dependent until the retiree attains age seventy (70) or the retiree's death, whichever is sooner. The District will provide the retiree and one dependent medical and dental coverage in each fiscal year following retirement as provided to current supervisory employees; if the District no longer provides a specific type of health or dental plan as provided at the time of retirement (i.e., Health Net, Kaiser, Delta Dental), the retiree may select a plan as made available each fiscal year to current supervisory employees of this group. The retiree may change carriers during the annual open period. The rates paid by the District for the retiree and one dependent shall be the rates paid for current supervisory employees; the retiree and dependent shall be responsible for paying any future increases that are charged to supervisory employees of this group. The employee shall be required to file for any other State or Federal government-sponsored programs for which he/she may be eligible as an offset to the District obligation for the health benefit. For employees hired after 10/14/86, the District does not provide post-retirement benefits.

N. Managers may teach a class, outside of their regular workweek in their management position, with the approval of the President. Pay for the teaching assignment will be computed at the overload rate for the certificated salary placement to which the manager is entitled. Teaching assignments shall not conflict with any provisions of collective bargaining agreements.
### III. PLACEMENT OF MANAGEMENT POSITIONS ON THE MANAGEMENT SALARY SCHEDULE

<table>
<thead>
<tr>
<th>LEVEL</th>
<th>POSITIONS DESIGNATED TO LEVELS</th>
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</table>
| 7     | Vice President of Student Learning  
       | Vice President of College Operations |
| 6     | Executive Dean, Human Resources and Labor Relations  
       | Director of Modernization  
       | Director of Information Technologies  
       | Executive Director of Communications, Community Relations and Advancement |
| 5     | Dean of Arts and Humanities  
       | Dean of Enrollment Management  
       | Dean of Math, Sciences, and Learning Technology  
       | Dean of Student Development and Special Services  
       | Dean of Workforce Development, College & Community Partnerships  
       | Director of Planning Research and Institutional Effectiveness |
| 4     | Director of Financial Aid and Career Services  
       | Director of Fiscal Services  
       | Director of Health Sciences  
       | Director of Learning Resources |
| 3     | Director of Maintenance and Operations  
       | Director of Physical Education and Athletics  
       | Director of Student Affairs and Health Center  
       | Director of Community Education, Lifelong Learning and International Education |
| 2     | Chief of Police/Director of Safety |
| 1     | Director of Academic Services and Articulation  
       | Director of Child Development Program |

**Note:** Since last salary schedule effective 7/1/2006: 1) Director of Child Development Program replaced Director of Child Care Programs; 2) Director of Planning Research and Institutional Effectiveness replaced Director of Organizational Development and Planning; 3) Director of Financial Aid replaced by Director of Financial Aid and Career Services.
MARIN COMMUNITY COLLEGE DISTRICT
Kentfield, CA 94904

BOARD AGENDA ITEM

To: Board of Trustees
From: Superintendent/President
Subject: Short-Term Hourly Positions
Reason for Board Consideration:

Date: August 21, 2012
Item and File No. C.9.E.

CONSENT APPROVAL
Enclosure(s):
Job Descriptions

BACKGROUND

Pursuant to Assembly Bill 500, A Short-Term hourly employee cannot begin working until the Board has taken action at a regularly scheduled meeting to approve these positions. The attached job descriptions are submitted for approval:

Short-Term Hourly Positions

BUDGET IMPLICATIONS:
All recommendations are within budget and are on the non-instructional and instructional side of the 50% law.

On the instructional side of the 50% law:
Health Sciences
▪ EMT Lab Assistant (7)

On the non-instructional side of the 50% law:
Dance
▪ Dance Recording Engineer
▪ Dance Follow Spot Operator (2)
▪ Sound Technician
▪ Light Board Operator
▪ Stage Crew (4)
▪ House Manager
▪ Master Electrician
▪ Stage Manager
▪ Multi-Media Designer
▪ Costume Designer
▪ Lighting Designer

Drama
▪ Assistant Box Office Cashier (2)
▪ Light Board Operator
▪ Sound Technician (2)
House Manager
Stage Crew (4)
Wardrobe Mistress or Master
Dialect Coach
Assistant Stage Manager (2)
Stage Carpenter
Master Electrician
Scenic Painter
Costume Cutter/Stitcher (2)
Stage Manager
Sound Designer
Properties Designer
Lighting Designer
Combat Consultant
Movement Consultant
Multi-Media Designer
Assistant Costume Designer
Costume Designer
Set Designer

**DSPS**
- Adaptive P.E. Aide (5)
- In Class Aide (2)

**Health Sciences**
- Dental Tutor (2)
- Department IV (2)

**Music**
- House Manager (2)
- Stage Manager (2)
- Recording Tech (2)

**Superintendent/President**
- Evening Supervisor

**Workforce Development – Court Reporting**
- Reader (2)

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve the Short-Term Hourly Positions.

Administrator Initiating Item:  David Wain Coon, Ed.D., Superintendent/President
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<th>END DATE</th>
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<tr>
<td>Dance</td>
<td>Dance Recording Engineer - For Fall 2012 Dance Concert: Record all the music for the Spring 2012 Dance Concert as provided and requested by the choreographers and create a sound cd and a back-up cd to be used during technical rehearsals and performances. Assist Classified Staff.</td>
<td>1</td>
<td>10/15/12</td>
<td>11/10/12</td>
<td>$10.75 - $11.75</td>
</tr>
<tr>
<td>Dance</td>
<td><strong>Dance Follow Spot Operator - For Fall 2012 Dance Concert:</strong> Operate follow spot during technical rehearsals and performances. Assist with strike when show closes. Assist classified staff.</td>
<td>2</td>
<td>10/28/12</td>
<td>11/11/12</td>
<td>$10.75 - $11.75</td>
</tr>
<tr>
<td>Dance</td>
<td><strong>Sound Technician - For Fall 2012 Dance Concert:</strong> Operate sound board during technical rehearsals and performances. Assist with striking equipment when show close. Assist Classified staff.</td>
<td>1</td>
<td>10/31/12</td>
<td>11/11/12</td>
<td>$10.75 - $11.75</td>
</tr>
<tr>
<td>Dance</td>
<td><strong>Light Board Operator - For Fall 2012 Dance Concert:</strong> Rig all lighting equipment to accomplish Designer's plot. Assist with striking equipment when show closes. Assist Classified Staff.</td>
<td>1</td>
<td>10/28/12</td>
<td>11/11/12</td>
<td>$10.75 - $11.75</td>
</tr>
<tr>
<td>Dance</td>
<td><strong>Stage Crew - For Fall 2012 Dance Concert:</strong> Help set-up any pieces and rig lights. Work rails (flying any necessary scenery) during technical rehearsals and performances. Lay dance floor, tape edges, work curtain, move scenery used during performances. Assist with strike when show closes. Assist Classified Staff.</td>
<td>4</td>
<td>10/22/12</td>
<td>11/11/12</td>
<td>$10.75 - $11.75</td>
</tr>
</tbody>
</table>
| Dance | **House Manager - For Fall 2012**  
Dance Concert: Set-up concessions, direct ushers, trouble shoot seating problems, coordinate with Stage Manger to start show at beginning and intermission, clean house after show (pick up recyclable programs) put away concessions items and wash coffee pots; be sure doors are properly secured; handle concession monies properly. Assist Classified staff. | 1 | 10/29/12 | 11/10/12 | $10.75 - $11.75 |
| Dance | **Master Electrician - For Fall 2012**  
Dance Concert: Interface with Lighting Designer, Choreographers and Technical Director. Rig all lighting equipment to accomplish Designer's plot. Assist with strike when show closes. Assist Classified staff. | 1 | 10/22/12 | 11/11/12 | $10.75 - $11.75 |
| Dance | **Stage Manager - For Fall 2012**  
Dance Concert: Make sure all dancers and crew are present and in place; call all light and sound cues during technical rehearsals and performances; make sure all set pieces and flown objects are properly placed during technical rehearsals and performances. Assist with strike. Interface with choreographers to be sure all technical aspects of each piece are to the choreographer's satisfactions. Assist Classified staff. | 1 | 10/28/12 | 11/11/12 | $10.75 - $11.75 |
| Dance | **Multi-Media Designer - For Fall 2012 Dance Concert:**  
Design Multi-Media effects and interface with Choreographers to be sure design is what is desired. Assist with strike when show closes. Assist Classified Staff. | 1 | 9/10/12 | 11/11/12 | $10.75 - $11.75 |
<table>
<thead>
<tr>
<th>Job</th>
<th>Description</th>
<th>Quantity</th>
<th>Start Date</th>
<th>End Date</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dance</td>
<td><strong>Costume Designer</strong> - For Fall 2012 Dance Concert: Design costumes and interface with Choreographers to be sure design is what is desired. Assist with strike when show closes. Assist Classified Staff.</td>
<td>1</td>
<td>9/10/12</td>
<td>11/11/12</td>
<td>$10.75 - $11.75</td>
</tr>
<tr>
<td>Dance</td>
<td><strong>Lighting Designer</strong> - For Fall 2012 Dance Concert: Design lighting effects. Help rig all lighting equipment. Interface with Technical Director and Choreographer to be sure design is what is desired. Assist with strike when show closes. Assist Classified Staff.</td>
<td>1</td>
<td>9/10/12</td>
<td>11/11/12</td>
<td>$10.75 - $11.75</td>
</tr>
<tr>
<td>Drama</td>
<td><strong>Assistant Box Office Cashier</strong> - Work in Box Office during pre-show sales when Box Office is too busy for one person to handle alone. Will cover all Performing Arts shows (Theatre, Dance and Music). Will work in Box Office on Sundays when there is a performance. Will substitute for Box Office cashier as needed when ill or otherwise unable to work. Assist Classified Staff.</td>
<td>2</td>
<td>9/17/12</td>
<td>12/21/12</td>
<td>$17.09</td>
</tr>
<tr>
<td>Drama</td>
<td><strong>Light Board Operator</strong> - Operate light board during technical rehearsals and performances of MACBETH. Assist with strike when show closes. Assist Classified Staff.</td>
<td>1</td>
<td>9/28/12</td>
<td>10/21/12</td>
<td>$10.75 - $11.75</td>
</tr>
<tr>
<td>Drama</td>
<td><strong>Sound Technician</strong> - Operate sound effects and audio system during technical rehearsals and performances MACBETH. Assist with strike when show ends. Assist Classified Staff.</td>
<td>2</td>
<td>9/28/12</td>
<td>10/21/12</td>
<td>$10.75 - $11.75</td>
</tr>
<tr>
<td>Drama</td>
<td><strong>House Manager</strong> - Buy and set-up concessions for MACBETH. Troubleshoot seating problems, direct ushers, coordinate with Stage Mgr. to turn house lights on and off at start of performance, intermission, and end of show; be sure doors are properly secured. May be required to purchase concessions cookies and supplies. Responsible for proper handling of concessions monies. Assist Classified Staff.</td>
<td>1</td>
<td>10/1/12</td>
<td>10/21/12</td>
<td>$10.75 - $11.75</td>
</tr>
<tr>
<td>Drama</td>
<td><strong>Stage Crew</strong> - Help set-up and move scenery during technical rehearsals and performances of MACBETH. Be sure scenery is properly set for next performance. Assist with strike and proper storage of scenic pieces when show ends. Assist Classified Staff.</td>
<td>4</td>
<td>9/28/12</td>
<td>10/21/12</td>
<td>$10.75 - $11.75</td>
</tr>
<tr>
<td>Drama</td>
<td><strong>Wardrobe Mistress or Master</strong> - Maintain costumes during run of MACBETH. Launder, mend as needed, iron, assist with costume changes. Be sure all costumes are accounted for after each performance. Assist with make-up and wigs as needed. Assist with strike and proper storage of costumes when show ends. Assist Classified Staff.</td>
<td>1</td>
<td>9/28/12</td>
<td>10/21/12</td>
<td>$10.75 - $11.75</td>
</tr>
<tr>
<td>Drama</td>
<td><strong>Dialect Coach</strong> - Under the direction of the director, coach actors in specific dialects during rehearsals of MACBETH. Assist with strike when show closes. Assist Classified Staff.</td>
<td>1</td>
<td>8/22/12</td>
<td>10/21/12</td>
<td>$10.75 - $11.75</td>
</tr>
<tr>
<td>Role</td>
<td>Details</td>
<td>Qty</td>
<td>Start Date</td>
<td>End Date</td>
<td>Rate</td>
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<td>-------------------------------------------</td>
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</tr>
<tr>
<td>Drama Assistant Stage Manager - For MACBETH</td>
<td>assist with managing prompt book, tech. cues, during rehearsal &amp; performances; be familiar with all stage blocking, be sure everyone is in place and on time; under direction of the Stage Manager coordinate with House Manager as to when lights/curtain go for beginning, intermission, and end of show. Under direction of Stage Manager, manage cast/crew during rehearsals and performances. Interface with Director to troubleshoot problems. Participate in Strike when show ends. Attend production meetings &amp; keep notes if necessary. Deliver production notes after each rehearsal/performance if necessary. Assist Classified Staff.</td>
<td>2</td>
<td>8/22/12</td>
<td>10/21/12</td>
<td>$10.75 - $11.75</td>
</tr>
<tr>
<td>Drama Stage Carpenter - Help build set for MACBETH. Assist with strike when show closes. Assist Classified Staff.</td>
<td>1</td>
<td>8/22/12</td>
<td>10/21/12</td>
<td>$10.75 - $11.75</td>
<td></td>
</tr>
<tr>
<td>Drama Master Electrician - Rig all lighting equipment for MACBETH. Assist with strike when show closes. Assist Classified Staff.</td>
<td>1</td>
<td>8/22/12</td>
<td>10/21/12</td>
<td>$10.75 - $11.75</td>
<td></td>
</tr>
<tr>
<td>Drama Scenic Painter - Paint scenery for MACBETH. Assist with strike when show closes. Assist Classified Staff.</td>
<td>1</td>
<td>9/4/12</td>
<td>10/21/12</td>
<td>$10.75 - $11.75</td>
<td></td>
</tr>
<tr>
<td>Drama Costume Cutter/Stitcher - Cut/Sew/Alter costumes for MACBETH. Assist with strike and proper storage of costumes when show ends. Assist with the return of any borrowed/rented costumes. Assist Classified Staff.</td>
<td>2</td>
<td>8/22/12</td>
<td>10/21/12</td>
<td>$10.75 - $11.75</td>
<td></td>
</tr>
<tr>
<td>Role</td>
<td>Description</td>
<td>Count</td>
<td>Start Date</td>
<td>End Date</td>
<td>Rate</td>
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</tr>
<tr>
<td>Stage Manager - For MACBETH</td>
<td>Manage prompt book, call all tech. cues during rehearsal &amp; performances; be familiar with all stage blocking, be sure everyone is in place and on time; coordinate with House Mgr. as to when lights curtain go for beginning, intermission and end of show. Manage cast/crew during rehearsals and performances. Interface with Director to troubleshoot problems. Participate in Strike when show ends. Attend production meetings &amp; keep notes. Deliver production notes after each rehearsal/performance. Assist Classified Staff.</td>
<td>1</td>
<td>8/22/12</td>
<td>10/21/12</td>
<td>$10.75 - $11.75</td>
</tr>
<tr>
<td>Sound Designer - Design sound effects for MACBETH.</td>
<td>Participate in strike when show ends. Attend production meetings. Interface with Director to determine design concept. Assist Classified Staff.</td>
<td>1</td>
<td>8/22/12</td>
<td>10/21/12</td>
<td>$10.75 - $11.75</td>
</tr>
<tr>
<td>Properties Designer - Design, build, procure all props for MACBETH.</td>
<td>If necessary, manage distribution of props during performance. Participate in strike when show ends and store props properly. Attend production meetings. Interface with Director to determine design concept. Assist Classified Staff.</td>
<td>1</td>
<td>8/22/12</td>
<td>10/21/12</td>
<td>$10.75 - $11.75</td>
</tr>
<tr>
<td>Drama</td>
<td><strong>Lighting Designer</strong> - Design lighting effects for MACBETH. Set-up lighting plot and help hanging lighting instruments. Participate in strike when show closes. Attend production meetings. Interface with Director to determine design concept. Assist Classified Staff.</td>
<td>1</td>
<td>8/22/12</td>
<td>10/21/12</td>
<td>$10.75 - $11.75</td>
</tr>
<tr>
<td>Drama</td>
<td><strong>Combat Consultant</strong> - Consult with director regarding stage fight sequences for production of MACBETH, to assure that all safety considerations are satisfied. Assist Classified Staff.</td>
<td>1</td>
<td>8/22/12</td>
<td>10/21/12</td>
<td>$10.75 - $11.75</td>
</tr>
<tr>
<td>Drama</td>
<td><strong>Movement Consultant</strong> - Consult with Director concerning movement for the production of MACBETH to assure that the artistic vision of the production is being satisfied. Assist Classified Staff.</td>
<td>1</td>
<td>8/22/12</td>
<td>10/21/12</td>
<td>$10.75 - $11.75</td>
</tr>
<tr>
<td>Drama</td>
<td><strong>Multi-Media Designer</strong> - Design Multi-Media effects for MACBETH. Set-up projection and lighting equipment to accomplish desired effects. Participate in strike when show ends. Attend production meetings. Interface with Director and Scenic Designer to determine design concept. Assist Classified Staff.</td>
<td>1</td>
<td>8/22/12</td>
<td>10/21/12</td>
<td>$10.75 - $11.75</td>
</tr>
<tr>
<td>Title</td>
<td>Description</td>
<td>Start Date</td>
<td>End Date</td>
<td>Rate</td>
<td></td>
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<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
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<td></td>
</tr>
<tr>
<td><strong>Assistant Costume Designer</strong> - Drama</td>
<td>Assist with design of Costumes for MACBETH. Includes under the direction of the Costume Designer, building, altering, procuring costumes, storing them properly and returning them to owner or renter at the end of the show. Participate in strike when show closes. Attend production meetings if necessary. Must be able to fit costumes properly to specific actors. If necessary, interface with Director to be sure design concept is being honored. Assist Classified Staff.</td>
<td>8/22/12</td>
<td>10/21/12</td>
<td>$10.75 - $11.75</td>
<td></td>
</tr>
<tr>
<td><strong>Costume Designer</strong> - Drama</td>
<td>Design costumes for MACBETH. Includes designing, building, altering, procuring costumes, storing them properly and returning them to owner or renter at the end of the show. Participate in strike when show ends. Attend production meetings. Must be able to fit costumes properly to specific actors. Interface with Director to determine design concept. Assist Classified Staff.</td>
<td>8/22/12</td>
<td>10/21/12</td>
<td>$10.75 - $11.75</td>
<td></td>
</tr>
<tr>
<td><strong>Set Designer</strong> - Drama</td>
<td>Design and assist with the building of the set for MACBETH. Participate in strike when show ends. Attend production meetings. Interface with Director to determine design concept. Assist Classified Staff.</td>
<td>8/22/12</td>
<td>10/21/12</td>
<td>$10.75 - $11.75</td>
<td></td>
</tr>
<tr>
<td>Category</td>
<td>Position</td>
<td>Quantity</td>
<td>Start Date</td>
<td>End Date</td>
<td>Pay Rate</td>
</tr>
<tr>
<td>----------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------</td>
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<td>-----------</td>
<td>-----------------</td>
</tr>
<tr>
<td>DSPS</td>
<td><strong>Adaptive P.E. Aide</strong> - Assist with physically disabled students in Adaptive P.E. classes on an as needed basis. This position is needed to address the health and safety issues. Assist Classified Staff.</td>
<td>5</td>
<td>8/24/12</td>
<td>5/31/13</td>
<td>$9.75 - $10.75</td>
</tr>
<tr>
<td>DSPS</td>
<td><strong>In Class Aide</strong> - Provide one on one instructional support for disabled students taking College of Marin classes. Hours and salary depends on the needs of students and different levels of expertise. Assist Classified Staff.</td>
<td>2</td>
<td>8/24/12</td>
<td>5/31/13</td>
<td>$9.75 - $10.75</td>
</tr>
<tr>
<td>Health Sciences</td>
<td><strong>Dental Tutor</strong> - Helping other dental students with studying for classes.</td>
<td>2</td>
<td>8/22/12</td>
<td>12/21/12</td>
<td>$9.75</td>
</tr>
<tr>
<td>Health Sciences</td>
<td><strong>Department Aide IV</strong> - 1. Working in collaboration with instructor, set-up skills lab. 2. To assist with skills demonstration. 3. Address student questions as appropriate. 4. Order lab supplies, stock supplies, keep inventory, clean and maintain lab equipment.</td>
<td>2</td>
<td>8/22/12</td>
<td>12/21/12</td>
<td>$12.60</td>
</tr>
<tr>
<td>Health Sciences</td>
<td><strong>EMT Lab Assistant</strong> - Assist instructor with lab practice classes. EMT regulation states that lab classes must have a ration of 10:1.</td>
<td>7</td>
<td>8/22/12</td>
<td>12/21/12</td>
<td>$20.00</td>
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<tr>
<td>Music</td>
<td></td>
<td>2</td>
<td>10/26/12</td>
<td>12/18/12</td>
<td>$10.75 - $11.75</td>
</tr>
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</tr>
<tr>
<td><strong>House Manager - Assist Classified Staff to:</strong> Manage house; opening &amp; locking building and theatre; distribute programs; direct ushers; collect cash donations; guard art gallery; coordinate with stage manager &amp; faculty to open house, turn house lights for Music Dept. concerts on: Oct. 26, 27, 28, Nov. 2,3,4,15,16,17,18,19,30, Dec. 1,2,4,5,7,8,9,12,15,16,18, 2012</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Stage Manager - Assist Classified staff. Must be familiar with musical score so technical cues during rehearsals and performances can be called correctly. Be sure everyone involved with production is in place on time, coordinate with House Manager as to when lights and curtains go up for beginning time of show; help set-up stage re-arrangement or adjustments during concerts and strike at the end of Music Dept. concerts, operas, and dress rehearsals on Oct. 14, Nov. 5, 16-20, 30, Dec. 1,2,7,8,9,12,14,15,16,2012.</strong></td>
<td></td>
<td>2</td>
<td>10/14/12</td>
<td>12/16/12</td>
<td>$10.75 - $11.75</td>
</tr>
<tr>
<td><strong>Recording Tech. - Recording Tech to assist Classified Staff for Music Dept. concerts on:</strong> Oct. 26-28, Nov. 2,3,4,15,16,17,18,19,30, Dec. 1,2,4,5,7,8,9,12,15,16, 18, 2012.</td>
<td></td>
<td>2</td>
<td>10/26/12</td>
<td>12/18/12</td>
<td>$10.75 - $11.75</td>
</tr>
<tr>
<td>Superintendent /President</td>
<td><strong>Evening Supervisor</strong> - Provide Evening Supervision for KTD &amp; IVC during academic year.</td>
<td>1</td>
<td>8/22/12</td>
<td>12/14/12</td>
<td>$35.00</td>
</tr>
<tr>
<td>--------------------------</td>
<td>----------------------------------------------------------------------------------------</td>
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<td>--------</td>
<td>--------</td>
</tr>
<tr>
<td>Workforce Development</td>
<td><strong>Reader</strong> - Reader for Court Reporting program.</td>
<td>2</td>
<td>8/22/12</td>
<td>12/14/12</td>
<td>$8.00</td>
</tr>
</tbody>
</table>

**BACKGROUND:**
Pursuant to Assembly Bill 500: A short-term hourly employee cannot begin working until the Board has taken action at a regularly scheduled meeting to approve these positions. The above job descriptions are submitted for approval.
MARIN COMMUNITY COLLEGE DISTRICT
Kentfield, CA 94904

BOARD AGENDA ITEM

To: Board of Trustees
From: Superintendent/President
Date: August 21, 2012
Item & File No. C.9.F.

Subject: Educational Management Personnel Recommendations

Reason for Board Consideration: Consent Approval

Enclosure(s): Recommendations

BACKGROUND:

The Educational Management Personnel Recommendations are attached.

A. Appointment of Educational Management Personnel

FISCAL IMPLICATIONS: All recommendations are within budgeted FTE.

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve the Educational Management Personnel Recommendations.

Administrator Initiating Item: David Wain Coon, Ed.D. Superintendent/President
### A. APPOINTMENT OF EDUCATIONAL MANAGEMENT PERSONNEL

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Name</th>
<th>Title</th>
<th>FTE</th>
<th>Appt. Type</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Morris, Anita</td>
<td>Interim Executive Director of Human Resources</td>
<td>1.0</td>
<td>Temporary</td>
<td>August 16, 2012</td>
</tr>
</tbody>
</table>

**BACKGROUND INFORMATION:**

1. Appointment to position as Interim Executive Director of Human Resources effective August 16, 2012-December 31, 2012 or until position is filled.
**BOARD AGENDA ITEM**

**To:** Board of Trustees  
**Date:** August 21, 2012

**From:** Superintendent/President  
**Item & File No.: C.9.G.**

**Subject:** Budget Transfers for Month of July 2012

**Reason for Board Consideration:** CONSENT APPROVAL

**Enclosure(s):**

**BACKGROUND:**

The accompanying information includes fourteen budget transfers in July 2012 totaling $26,111 in the Unrestricted Fund.

There were ten budget transfers in July 2012 totaling $17,806 in the Restricted Fund including one transfer from the Restricted Reserve Contingency Fund for $1,000 for the Single Stop allocation.

There were no budget transfers in the Child Development Fund.

There was one budget transfer in the Measure C Fund in July 2012 for $5,000.

**Net effect of transfers for the Month:**

<table>
<thead>
<tr>
<th>Object Code</th>
<th>General Fund</th>
<th>Child Development</th>
<th>Capital Outlay</th>
<th>Measure C Bond</th>
</tr>
</thead>
<tbody>
<tr>
<td>1000 (Certificated Salary)</td>
<td>(3,560)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2000 ( Classified Salary)</td>
<td>(1,706)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3000 (Employee Benefits)</td>
<td>912</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4000 (Supplies)</td>
<td>5,225</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5000 (Other Operating Exp.)*</td>
<td>(10,110)</td>
<td></td>
<td>5,000</td>
<td></td>
</tr>
<tr>
<td>6000 (Capital Outlay)</td>
<td>10,238</td>
<td></td>
<td>(5,000)</td>
<td></td>
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<tr>
<td>7000 (Other Outgo)**</td>
<td>(1,000)</td>
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</tr>
</tbody>
</table>

*Includes utilities, consultants, travel, legal services, maintenance contracts, etc.

**RECOMMENDATION:**

The Superintendent/President recommends that the Board of Trustees approve the July 2012 Budget Transfers.

Administrator Initiating Item  
Albert J. Harrison II, Vice President, College Operations
<table>
<thead>
<tr>
<th>BT #</th>
<th>10000</th>
<th>20000</th>
<th>30000</th>
<th>40000</th>
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<th>60000</th>
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<td>UNRESTRICTED</td>
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<tr>
<td>1</td>
<td>11333</td>
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<td>145.78</td>
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<td>3</td>
<td>11335</td>
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</tr>
<tr>
<td>4</td>
<td>11338</td>
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<td>(5)</td>
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<tr>
<td>5</td>
<td>11421</td>
<td>(5,260)</td>
<td>5,200</td>
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<tr>
<td>6</td>
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<td>492</td>
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<tr>
<td>7</td>
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<td>(1,050)</td>
<td>1,050</td>
<td>0.00</td>
<td>1,050</td>
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<tr>
<td>8</td>
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<td>(1,000)</td>
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<tr>
<td>9</td>
<td>11473</td>
<td>(1,435)</td>
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<td>10</td>
<td>11474</td>
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<td>(5,000)</td>
<td>0.00</td>
<td>6,000</td>
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<tr>
<td>11</td>
<td>11483</td>
<td>(5,000)</td>
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<tr>
<td>12</td>
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<td>(1,000)</td>
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<tr>
<td>13</td>
<td>11456</td>
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<td>14</td>
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<p>| | | | | | | | |</p>
<table>
<thead>
<tr>
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<th>-</th>
<th>-</th>
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</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(1,957.50)</td>
<td>(2,600.00)</td>
<td>11,504.47</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>26,111.42</td>
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</table>

RESTRICTED FUND

| 1    | 11305 |  (200) | 200   | 0.00  | 200.00|
| 2    | 11306 |  (200) | 200   | 0.00  | 200.00|
| 3    | 11317 | (1,432) | 1,430 | 0.00  | 1,430 |
| 4    | 11323 |    7,000 | (7,000) | 0.00  | 7,000 |
| 5    | 11388 | (196) | 105   | 0.00  | 105.00|
| 6    | 11339 | 759   | (1,512) | 753   | 0.00  | 1,512 |
| 7    | 11390 | (88)  | 53    | 0.00  | 58.00 |
| 8    | 11424 | (4,300) | 4,300 | 35    | 0.00  | 4,320 |
| 9    | 11446 | 1,350 | 1,000 | (1,350) | 0.00  | 1,000 |
| 10   | 11477 |       |       |       | 0.00  | 0.00 |
| 11   |       |       |       |       | 0.00  | 0.00 |
| 12   |       |       |       |       | 0.00  | 0.00 |

TOTAL GENERAL FUND

$ (1,500.64) $ (1,706.22) $ 911.92 $ 5,226.42 $ (10,102.89) $ 10,238.41 ($1,000.00) $0.00 $43,917.94

Child Care Fund

<p>| | | | | | | | | |</p>
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<tr>
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<th>-</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td>0.00</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
<td>-</td>
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<tr>
<td>2</td>
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<td>0.00</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
<td>-</td>
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TOTAL CHILD CARE FUND

$ - $ - $ - $ - $ - $ - $ - $0.00 $ -

Measure C

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<tr>
<th>1</th>
<th>11469</th>
<th>5,000.00</th>
<th>(5,000.00)</th>
<th>0.00</th>
<th>5,000.00</th>
<th>Monthly Lease</th>
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<tr>
<td>2</td>
<td></td>
<td>0.00</td>
<td>0</td>
<td></td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td></td>
<td>0.00</td>
<td>0</td>
<td></td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td></td>
<td>0.00</td>
<td>0</td>
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<td></td>
</tr>
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</table>

TOTAL MEASURE C FUND

$ - $ - $ - $ - $ 5,000.00 $ (5,000.00) $ - $2,000 $5,000.00

TOTAL ALL FUND

$ (3,563.64) $ (1,706.22) $ 911.92 $ 5,226.42 $ (10,102.89) $ 5,238.41 $ (1,000.00) $0.00 $22,806.22

Budget inter-project transfers were funds remained within the same account code and transfers offset to zero, not included in totals.

Object Code

<table>
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<tr>
<th>4000</th>
<th>4000</th>
<th>5000</th>
<th>5000</th>
<th>6000</th>
<th>6000</th>
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</thead>
<tbody>
<tr>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
</tbody>
</table>

$50.00 $50.00 $50.00 $50.00 $50.00 $50.00

Total Measure C building transfers were funds remained within same account code.
BACKGROUND:

Attached are the numbers and amount of warrants prepared for purchase orders already issued, purchase orders previously approved for purchases over $15,000 for labor or $50,000 for materials and supplies and direct charges. Warrant registers are available in Fiscal Services for review. For the period 07/01/2012 through 07/31/2012, warrants 153728-154114 were issued in the total amount of $4,443,172.

Payroll warrants 10014082-10014326 and payroll automated clearing house warrants 50017775-50018194 totaled $1,644,196 for the month of July.

Total amount of warrants for the month of July were $6,087,368.

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve the payments for goods and services.
Per Board Bylaw 1.5310, Section i-7, it is recommended that warrants 153728-154114 in the amount of $4,443,172 for the period 07/01/2012 through 07/31/2012 be approved for payment. For the period 07/01/2012 through 07/31/2012, payroll warrants 10014082-10014326 were issued and payroll clearing house warrants 50017775-50018194 for a combined payroll total of $1,644,196. Copies of invoices and individual warrants are available for review in the Fiscal Services Office. I certify that the warrants listed are proper payments of invoices for previously approved purchase orders, agreements, contracts, utilities, materials, services, claims and payroll. Total warrants for July 2012 were $6,087,368.

President or Designee

Payment for Goods and Services Summary
General Fund – All Programs
July 2012

Warrant totals distributed by fund and expense category as follows:

**General Fund Breakdown:**

<table>
<thead>
<tr>
<th>Category</th>
<th>Amounts</th>
<th>Restricted Fund</th>
<th>Amounts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supplies</td>
<td>$50,826</td>
<td>Supplies</td>
<td>$22,220</td>
</tr>
<tr>
<td>Operating Expenses</td>
<td>654,214</td>
<td>Operating Expenses</td>
<td>44,619</td>
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<tr>
<td>Capital Expenditures</td>
<td>116,314</td>
<td>Capital Expenditures</td>
<td>0</td>
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<tr>
<td>Student Refunds</td>
<td>4,746</td>
<td>Student Aid</td>
<td>6,203</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>$826,100</strong></td>
<td></td>
<td><strong>$73,042</strong></td>
</tr>
</tbody>
</table>

**Totals of all Funds:**

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unrestricted Fund</td>
<td>$826,100</td>
</tr>
<tr>
<td>Restricted Fund</td>
<td>73,042</td>
</tr>
<tr>
<td><strong>Total General Fund</strong></td>
<td><strong>$899,142</strong></td>
</tr>
<tr>
<td>Child Development Fund</td>
<td>153</td>
</tr>
<tr>
<td>Investment Trust Fund</td>
<td>716</td>
</tr>
<tr>
<td>Self Insurance Fund</td>
<td>56,893</td>
</tr>
<tr>
<td>Payroll and Benefits</td>
<td>2,505,241</td>
</tr>
<tr>
<td>Measure C Bond Fund</td>
<td>2,625,223</td>
</tr>
<tr>
<td><strong>Subtotal Other Funds</strong></td>
<td><strong>$5,188,226</strong></td>
</tr>
<tr>
<td><strong>Total Payments</strong></td>
<td><strong>$6,087,368</strong></td>
</tr>
</tbody>
</table>
MARIN COMMUNITY COLLEGE DISTRICT  
Kentfield, CA  94904

BOARD AGENDA ITEM

<table>
<thead>
<tr>
<th>To:</th>
<th>Board of Trustees</th>
<th>Date: August 21, 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>From:</td>
<td>Superintendent/President</td>
<td>Item &amp; File No. C.9.1.</td>
</tr>
<tr>
<td>Subject:</td>
<td>Second Reading and Approval of Revised Board Policies</td>
<td></td>
</tr>
<tr>
<td>Reason for Board Consideration:</td>
<td>Consent Approval</td>
<td>Enclosure(s): Proposed revised policy</td>
</tr>
</tbody>
</table>

BACKGROUND:

At the January 17, 2012 Board of Trustees meeting, a recommended proposal to revise Board Policy in Chapter 7 Human Resources was included in the agenda for a first reading.

After review by the Board the following Board Policy is hereby presented for a second reading and Board approval:

- BP 7250 Educational Administrators

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve adoption of Board Policy 7250.

Administrator Initiating Item  David Wain Coon, Ed.D., Superintendent/President
BP 7250 EDUCATIONAL ADMINISTRATORS

References:
Education Code Sections 72411 et seq., 87002(b), and 87457-87460, Government Code Sections 3540.1(p) and (m)

An administrator is a person employed by the Board in a supervisory or management position as defined in Government Code Sections 3540 et seq.

Educational administrators are those who exercise direct responsibility for supervising the operation of or formulating policy regarding the instructional or student services programs of the District.

Retreat Rights
An educational administrator employed pursuant to Education Code Sections 72411 or 72411.5 who has not previously acquired tenure as a faculty member in the District shall have the right to become a first year probationary faculty member in a faculty service area in which he/she meets minimum qualifications or equivalencies upon expiration or termination of his/her administrative assignment, if the following criteria are met:

- The educational administrator’s first date of paid service in the District as a faculty member or an administrator is on or after July 1, 1990.
- The requirements of Education Code Sections 87458(c) and (d), or any successor statute, are met with respect to minimum years of prior satisfactory service and termination for reasons other than cause. For purposes of this policy, the term “year” shall mean service of at least 75 percent of the number of days the regular schools of the District are maintained.
- Upon expiration or termination of the administrative assignment there is a vacant position in the educational administrator’s faculty service area(s) and no other individual has a preferred right to the position under applicable laws and regulations. For purposes of this policy, the term “vacant position” means a position in which the employee is qualified to serve and which is not filled by a regular or contract employee. It does not include a position which would be filled by a regular or contract employee except for the fact that such employee is on leave.

Unless otherwise specifically provided by written agreement, educational administrators shall be deemed employed pursuant to Education Code Section 72411.5 and shall serve at the pleasure of the Board of Trustees.

Educational administrators employed under contract with public or private agencies or other categorically funded projects of indeterminate duration shall serve at the pleasure of the Board of Trustees and shall not be entitled to retreat rights except as specifically otherwise provided by written agreement or applicable law.
Educational administrators shall be compensated in the manner provided for by the appointment or contract of employment. Compensation shall be set by the Board of Trustees upon recommendation by the Superintendent/President. Educational Administrators shall further be entitled to health and welfare benefits made available by action of the Board upon recommendation by the Superintendent/President.

Educational administrators shall be entitled to vacation leave, sick leave, and other leaves as provided by law, these policies, and administrative procedures adopted by the Superintendent/President.

- From current College of Marin Policy 5.0010 titled Appointment of Acting Executive Officers, Managers, and Supervisors

**Appointment to Interim Position(s)**
The Board recognizes that from time to time there is a need to appoint employees as acting executive officers, managers, or supervisors as a result of sabbatical leaves, leaves of absence, and turnover, or during transition periods in reorganization. Service in an acting *interim* capacity shall not give the employee any special rights to the position when it is filled on a permanent basis. All acting *interim* appointments shall require Board approval.

- From current College of Marin Policy 5.0006.4 titled Criteria and Standards for Qualifications Equivalent to Minimum Qualifications for the Position of Director of Child Care Programs, An Educational Administrator

**General Provisions**
The College of Marin is committed to the selection of outstanding educational administrators, who can lead, organize, plan and supervise, and who understand the needs of faculty and the learning process. The College is committed to the selection of administrators who are sensitive to the racial and cultural diversity and respond effectively to the educational needs of all the special populations served by community colleges. The College recognizes that potential candidates for administrative positions may have attained expertise through a variety of traditional and non-traditional means. The Board of Governors' minimum qualifications for educational administrators is possession of a master's degree and one year of formal training, internship, or leadership experience reasonably related to the administrator's administrative assignment. It is the intent of this Policy to establish standards for qualifications equivalent to minimum qualifications in a particular administrative position.

Selection committees continue to have the responsibility for recommending the most capable candidate for each position.

**When to Determine Equivalency**
Equivalency is determined by the Equivalency Committee for all candidates who do not meet minimum qualifications. To assure equity, equivalency will be determined before a search committee considers candidates for employment.

**Responsibilities of the Personnel Department**
The Personnel Department must include on the job announcements, the minimum and desirable qualifications for the position and the criteria for determining equivalency. It must inform all candidates...
that they are responsible for including all relevant degree and experience documentation with their job application. The Personnel Department will screen all applications to determine those which meet the minimum qualifications as set by the Board of Governors. Those applications for educational administrator positions, which require an equivalency determination, will be forwarded to an Administrative Equivalency Committee.

Responsibilities of the Candidate

It shall be the candidate’s responsibility to supply all documentation needed to evaluate equivalency. The candidate will provide conclusive evidence in regard to each of the following:

A. For establishing the equivalent of a required degree, possession of at least the equivalent in level of achievement and breadth of understanding for each of the following:
   1. The general education required for that degree; and
   2. The major course work required for that degree.

B. For establishing the equivalent of required experience, possession of broad skills and knowledge in meeting each of the following criteria:
   1. Mastery of skills of the vocation sufficient to serve as the manager of a particular area; and
   2. Extensive knowledge of the working environment of the area of management.

Responsibilities of the President

The College President will appoint members to the Equivalency Committee. The actions of the Equivalency Committee relative to evaluating equivalency shall not be considered as part of the hiring process and shall have no bearing on any other deliberation.

Composition of the Equivalency Committee

All deliberations and records of the Equivalency Committee shall be confidential. The Equivalency Committee shall consist of:

A. The President
B. Three members from the educational administrators group
C. Affirmative Action Officer, Personnel Analyst, or designee as a non-voting member.

Responsibilities of the Equivalency Committee

The Equivalency Committee will review the applications and supporting documentation of candidates on a case-by-case basis, maintaining thorough and accurate records of their deliberations and decisions. They will insure uniformity within and between all cases. The Committee shall consider all documents including, but not limited to, the following:

A. A transcript showing that appropriate courses were successfully completed at an accredited college or appropriate foreign institution;
B. Publications that show a command of the major in questions, the general education of the candidate, or writing skill;
C. Other work products that show a command of the appropriate program;
D. A resume, employer statement, chronological listing, or other evidence of work experience in direction of a program; and
E. Other evidence of demonstrated skill or accomplishment the candidate may wish to submit.

The Committee will recommend that a candidate be granted a letter of equivalency to be placed in the personnel file. Appeals of the Committee’s decision may be made to the President.

Review

This policy shall be reviewed as part of the College’s regular Self-Study process.

Minimum Standards of Consideration of Equivalency for the Position of:

Director of Child-Care Programs

A. In the case of disciplines normally requiring a Master’s degree:

Master’s degree in another discipline and 24 units of course work in child development, early childhood education, human development, home economics/family and consumer studies with a specialization in child development/early childhood education, or educational psychology with a specialization in child development/early childhood education. At least 12 of these units must be graduate or upper division (the 24 units may have been either included in or taken in addition to the Master’s degree);

OR

A bachelor’s degree in any of the above and master’s degree in social work, educational supervision, elementary education, special education, psychology, family life studies, life management/home economics, or family and consumer studies;

OR

A bachelor’s degree related to the discipline and enrollment in the master’s program in child development, early childhood education, human development, home economics/family and consumer studies with a specialization in child development/early childhood education or educational psychology with a specialization in child development/early childhood education, plus one year of professional experience directing a Children’s Center;

OR

A master’s degree plus two years professional experience directing a Children’s Center;

OR

A bachelor’s degree plus four years professional experience directing a Children’s Center;
Internationally or nationally-recognized accomplishments, which demonstrate expertise and skill in the field of study beyond normally achieved formal education.

Also see BP 7251 titled Educational Administrator Retreat Rights, BP 7260 titled Classified Supervisors and Managers, and AP 7211 titled Faculty Service Areas, Minimum Qualifications, and Equivalencies.

NOTE: This policy is legally required. The language in underlined regular text is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in black ink reflects current College of Marin Policy 5.0006.2 titled Administrator Retreat Rights adopted on 6/25/91 and revised on 2/9/93, 5/13/97, and 10/12/04 and Policy 5.0010 titled Appointment of Acting Executive Officers, Managers, and Supervisors adopted on 2/24/82 and revised on 2/12/85 as well as Marin Policy 5.0006.4 titled Criteria and Standards for Qualifications Equivalent to Minimum Qualifications for the Position of Director of Child Care Programs, An Educational Administrator adopted on 1/12/99. The language struck through is recommended for deletion. The language in underlined italics was added by School and College Legal Services on 2/17/12. This policy was reviewed by Human Resources on 12/11/08, 11/9/10, 4/24/12, and 5/22/12.

Date Adopted:
(Replaces current College of Marin Policy 5.0010)
This document is a MARIN COMMUNITY COLLEGE DISTRICT Board Agenda Item for the Board of Trustees on August 21, 2012. The item is titled Measure C Contracts and the subject is the consent approval of various contracts and change orders related to the Measure C bond modernization program. The background section explains that the new contracts, amendments, and change orders are listed below for Board approval or ratification. Full copies of the contract documents are available for review in the Swinerton office.

The table below details the various contracts and change orders, including firm names, project descriptions, original amounts, and the number of changes, this change, total changes, and total contract to date amounts. The table also includes a column for contiguency.

<table>
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<th>Firm Name</th>
<th>Project Description</th>
<th>Original $</th>
<th>No. of Changes</th>
<th>This Change</th>
<th>Total Changes</th>
<th>Total Contract to Date</th>
<th>Contiguency</th>
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<td>Bay Alarm</td>
<td>Science Math Nursing Project (305A)</td>
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<td>Utilities IVC Project (407B)</td>
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<td>James Grossi Construction</td>
<td>Relocation Costs (850A)</td>
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<td>Transportation Technology Complex Project (402A)</td>
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<td>Trahan Mechanical, Inc.</td>
<td>Main Building Complex Project (417A)</td>
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<td>JL Modular, Inc.</td>
<td>Child Study Center Project (303C-CSC- Inc. 2)</td>
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<td>SMCP Increments 2 &amp; 3 (305A)</td>
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<td>$131,096.00</td>
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<td>Performing Arts Modernization Project (306A)</td>
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<td>16</td>
<td>$10,635.00</td>
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<td>New Academic Center (303B); District CEQA Consultant (810A); Science Math Nursing Project (305A)</td>
<td>$436,067.00</td>
<td>42</td>
<td>$15,750.00</td>
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<td>CSW Stuber-Stroeh</td>
<td>New Academic Center (303B)</td>
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<td>$500.00</td>
<td>$331,715.50</td>
<td>$783,590.50</td>
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<td>Royston Hanamoto Alley &amp; Abey</td>
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<td>McLaren Software, Inc.</td>
<td>Computer Software (222A)</td>
<td>$50,000.00</td>
<td>4</td>
<td>$18,704.00</td>
<td>$121,090.00</td>
<td>$171,090.00</td>
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<tr>
<td>Professional Service Agreements -- Ratification</td>
<td>Diamond PE Center Alterations Project (308B)</td>
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<td>HKIT Architects</td>
<td>Relocations Costs (850A)</td>
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<tr>
<td>Julia H. Beatty</td>
<td>Relocations Costs (850A)</td>
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<td>Professional Service Agreements -- Ratification (cont')</td>
<td>Marin Storage &amp; Trucking</td>
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<tr>
<td>Agreement For Services</td>
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<td>$716.40</td>
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<td>Norcal Fence</td>
<td>Austin Science Center Relocation (850E)</td>
<td>$1,367.20</td>
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</table>

**FISCAL IMPACT:**
These contract changes will be paid from Measure C bond funds.

**RECOMMENDATION:**
The Superintendent/President recommends that the Board approve or ratify the above-listed change orders and amendments.

<table>
<thead>
<tr>
<th>Administrator Initiating Item</th>
<th>Administrator Approving Item</th>
</tr>
</thead>
<tbody>
<tr>
<td>Laura McCarty</td>
<td>David Wain Coon, Ed. D.</td>
</tr>
<tr>
<td>Director of Modernization</td>
<td>Superintendent/President</td>
</tr>
</tbody>
</table>
BACKGROUND:

The attached lists represent equipment left behind, or no longer needed, as a result of the move into the newly remodeled Performing Arts building and the move out/clean out of the Austin Science Center in preparation for the move into the new Science Math Nursing building. All of the furniture, fixtures & equipment on the lists has been reviewed and declared surplus by District personnel.

In accordance with Board Policy and Education Code Section 81452(a), the Board is asked to declare the attached list of equipment as surplus. The items are determined to have no further value to the District—they are no longer used and were replaced or are beyond cost effective repair. Items with no value will be disposed of appropriately. No individual item or “item lot” is valued at more than $5,000.

In accordance with Board Policy and Education Code Section 81452(a), a unanimous vote is required to dispose of the surplus items. The items may then be disposed of pursuant to the provisions of Education Code Section 81452(c) and in manner consistent with Board policy.

FISCAL IMPACT:

None

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees declare the items as surplus (as described on the attached lists); declare that no single item or item lot is valued at $5,000 or more; and authorize the District to dispose of the equipment, pursuant to Education Code Section 81452(s), as the District feels is appropriate.
# COLLEGE OF MARIN - SURPLUS DISPOSAL LIST

<table>
<thead>
<tr>
<th>QTY</th>
<th>Inventory No.</th>
<th>Rm #</th>
<th>Description</th>
<th>Detail</th>
<th>Condition (Poor, Fair, Good)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Drama Department</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>N/A</td>
<td>138</td>
<td>Dryer</td>
<td>Kenmore - Green</td>
<td>Poor</td>
</tr>
<tr>
<td>1</td>
<td>N/A</td>
<td>138</td>
<td>Washer</td>
<td>Kenmore - White</td>
<td>Poor</td>
</tr>
<tr>
<td>1</td>
<td>N/A</td>
<td>128</td>
<td>Printer</td>
<td>Desk Jet 930C</td>
<td>Poor</td>
</tr>
<tr>
<td>4</td>
<td>N/A</td>
<td>Hallway</td>
<td>Metal Shelves</td>
<td>Grey</td>
<td>Poor</td>
</tr>
<tr>
<td>1</td>
<td>N/A</td>
<td>Hallway</td>
<td>Storage Cabinet</td>
<td>Wood w/broken door</td>
<td>Poor</td>
</tr>
<tr>
<td>1</td>
<td>N/A</td>
<td>Hallway</td>
<td>KDS</td>
<td>Monitor</td>
<td>Poor</td>
</tr>
<tr>
<td>1</td>
<td>10128</td>
<td>Hallway</td>
<td>Printer</td>
<td>Gateway 2000</td>
<td>Poor</td>
</tr>
<tr>
<td>1</td>
<td>N/A</td>
<td>Hallway</td>
<td>Printer</td>
<td>Desk jet 722C</td>
<td>Poor</td>
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<tr>
<td>1</td>
<td>10130</td>
<td>Hallway</td>
<td>Gateway</td>
<td>Monitor</td>
<td>Poor</td>
</tr>
<tr>
<td>1</td>
<td>N/A</td>
<td>Hallway</td>
<td>Preview</td>
<td>Monitor</td>
<td>Poor</td>
</tr>
<tr>
<td>1</td>
<td>806</td>
<td>Hallway</td>
<td>Credenza</td>
<td>Lam Wood/black base</td>
<td>Poor</td>
</tr>
<tr>
<td>2</td>
<td>N/A</td>
<td>Hallway</td>
<td>Shelves</td>
<td>Yellow wood</td>
<td>Poor</td>
</tr>
<tr>
<td>1</td>
<td>N/A</td>
<td>Hallway</td>
<td>Sewing Machine Table</td>
<td>Lam Wood/metal legs</td>
<td>Poor</td>
</tr>
<tr>
<td></td>
<td>Music Department</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>N/A</td>
<td>177</td>
<td>3-shelf bookcase</td>
<td>blonde wood - broken</td>
<td>Poor</td>
</tr>
<tr>
<td>4</td>
<td>N/A</td>
<td>177</td>
<td>White Shutters</td>
<td>White Wood</td>
<td>Poor</td>
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<tr>
<td>1</td>
<td>N/A</td>
<td>Hallway</td>
<td>Clock</td>
<td>Wall mtd. Blue - broken</td>
<td>Poor</td>
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<tr>
<td>1</td>
<td>N/A</td>
<td>181</td>
<td>Magazine holder</td>
<td>Metal grey 8 slot</td>
<td>Poor</td>
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<tr>
<td>1</td>
<td>N/A</td>
<td>under stage</td>
<td>Metal Electrical Box</td>
<td>Grey</td>
<td>Poor</td>
</tr>
<tr>
<td>1</td>
<td>N/A</td>
<td>PA178</td>
<td>Metal Electrical Box</td>
<td>Grey</td>
<td>Poor</td>
</tr>
<tr>
<td>1</td>
<td>N/A</td>
<td>Hallway</td>
<td>Computer Table</td>
<td>Brown Lam Wood</td>
<td>Poor</td>
</tr>
<tr>
<td>1</td>
<td>N/A</td>
<td>Hallway</td>
<td>Music Listening Table</td>
<td>Brown Lam Wood</td>
<td>Poor</td>
</tr>
</tbody>
</table>

8/21/2012 BOT
## COLLEGE OF MARIN - SURPLUS DISPOSAL LIST

<table>
<thead>
<tr>
<th>QTY</th>
<th>Inventory No.</th>
<th>Rm #</th>
<th>Description</th>
<th>Detail</th>
<th>Condition (Poor, Fair, Good)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>Miscellaneous Campus Items</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>N/A</td>
<td>Chain Link Cage</td>
<td>White Tent</td>
<td>8-Metal Posts &amp; accessories</td>
<td>Poor</td>
</tr>
<tr>
<td>1</td>
<td>N/A</td>
<td>Chain Link Cage</td>
<td>Interlocking rubber flooring</td>
<td>50 interlocking mats</td>
<td>Poor</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>Austin Science Center</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>N/A</td>
<td>120</td>
<td>Tek Lab Cart</td>
<td></td>
<td>Poor</td>
</tr>
<tr>
<td>1</td>
<td>N/A</td>
<td>120</td>
<td>5130N Oscilloscope</td>
<td>on top of lab cart</td>
<td>Poor</td>
</tr>
<tr>
<td>3</td>
<td>N/A</td>
<td>120</td>
<td>Chairs, Mobile</td>
<td>Orange</td>
<td>Poor</td>
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<tr>
<td>1</td>
<td>N/A</td>
<td>120</td>
<td>Chairs, Mobile</td>
<td>Brown</td>
<td>Poor</td>
</tr>
<tr>
<td>1</td>
<td>N/A</td>
<td>120</td>
<td>Chairs, Mobile</td>
<td>Gray</td>
<td>Poor</td>
</tr>
<tr>
<td>1</td>
<td>N/A</td>
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<td>Chair</td>
<td>Yellow</td>
<td>Poor</td>
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<tr>
<td>1</td>
<td>N/A</td>
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<td>HP DesignJet 3000CP</td>
<td>P980503 - w/ 42&quot; Toner</td>
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<td>File, Vertical</td>
<td>5 drawer, Black</td>
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</tr>
<tr>
<td>2</td>
<td>N/A</td>
<td>120</td>
<td>Chairs, Mobile</td>
<td>Yellow</td>
<td>Poor</td>
</tr>
<tr>
<td>1</td>
<td>N/A</td>
<td>120</td>
<td>Chairs, Mobile</td>
<td>Blue</td>
<td>Poor</td>
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<tr>
<td>2</td>
<td>N/A</td>
<td>120</td>
<td>17&quot; Computer Monitor</td>
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<tr>
<td>1</td>
<td>N/A</td>
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<td>19&quot; Computer Monitor</td>
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<tr>
<td>1</td>
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<td>Spanish California Map</td>
<td>Framed</td>
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<tr>
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<td>N/A</td>
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<td>Wood</td>
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<tr>
<td>1</td>
<td>N/A</td>
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<tr>
<td>1</td>
<td>N/A</td>
<td>112</td>
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<td></td>
<td>Poor</td>
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<tr>
<td>1</td>
<td>N/A</td>
<td>112</td>
<td>15&quot; Computer Monitor</td>
<td></td>
<td>Poor</td>
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<tr>
<td>1</td>
<td>N/A</td>
<td>103</td>
<td>15&quot; Computer Monitor</td>
<td></td>
<td>Poor</td>
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<tr>
<td>1</td>
<td>N/A</td>
<td>103</td>
<td>17&quot; Computer Monitor</td>
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<td>Poor</td>
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<tr>
<td>1</td>
<td>N/A</td>
<td>103</td>
<td>Black Steel Case</td>
<td></td>
<td>Poor</td>
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8/21/2012 BOT
<table>
<thead>
<tr>
<th>QTY</th>
<th>Inventory No.</th>
<th>Rm #</th>
<th>Description</th>
<th>Detail</th>
<th>Condition</th>
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<tbody>
<tr>
<td>5</td>
<td>N/A</td>
<td>103</td>
<td>DC Amplifiers</td>
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<td>N/A</td>
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<td>Digital LP26 Printer</td>
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<tr>
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<td>N/A</td>
<td>111</td>
<td>Hardness Tester</td>
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<tr>
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<td>N/A</td>
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<td>Hardness Tester</td>
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<td>Poor</td>
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<tr>
<td>1</td>
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<td>Orange &amp; Grey/Black</td>
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<tr>
<td>1</td>
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<td>E3000 Computer Tower</td>
<td>980506</td>
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<td>2</td>
<td>N/A</td>
<td>Open Top</td>
<td>9010A Microsystem Troubleshooter</td>
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<tr>
<td>1</td>
<td>N/A</td>
<td>Open Top</td>
<td>Computer Tower</td>
<td>980509</td>
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<td>Open Top</td>
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<tr>
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<td>Software Box</td>
<td>Brownstone Research Group</td>
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<td>Shelf</td>
<td>Wood, Lateral</td>
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<tr>
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<td>Globe</td>
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<tr>
<td>1</td>
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<td>Open Top</td>
<td>Dartboard</td>
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<td>Shelving</td>
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<td>Gateway Solo Laptop</td>
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<td>Open Top</td>
<td>White Paper Towel Dispenser</td>
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<td>Poor</td>
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<td>N/A</td>
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<td>Box of Trays with Slides</td>
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<td>Open Top</td>
<td>LAMDA LP 520-FM</td>
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<td>Poor</td>
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<tr>
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<td>Open Top</td>
<td>LAMDA LP 522-FM</td>
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<td>N/A</td>
<td>Open Top</td>
<td>Apple Image Writer II</td>
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<td>1</td>
<td>N/A</td>
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<td>Black Metal Turning Aparatus</td>
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<tr>
<td>QTY</td>
<td>Inventory No.</td>
<td>Rm #</td>
<td>Description</td>
<td>Detail</td>
<td>Condition</td>
</tr>
<tr>
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<td>------------------------------------------</td>
<td>--------------------------</td>
<td>-----------</td>
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<td>Toner TN-360</td>
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<td>Boxes of Nursing Books</td>
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<tr>
<td>1</td>
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<td>Open Top</td>
<td>Box of Physics Equipment and mini boxes of parts</td>
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</tr>
<tr>
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<td>N/A</td>
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<td>Spectrometers</td>
<td></td>
<td>Poor</td>
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<tr>
<td>1</td>
<td>N/A</td>
<td>Open Top</td>
<td>Box of Keyboards and Mice</td>
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<td>Poor</td>
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<tr>
<td>1</td>
<td>N/A</td>
<td>Open Top</td>
<td>Box of minihub 8 and black box</td>
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<td>Poor</td>
</tr>
<tr>
<td>1</td>
<td>N/A</td>
<td>Open Top</td>
<td>Box of Sharp Cassette Players</td>
<td></td>
<td>Poor</td>
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<tr>
<td>2</td>
<td>N/A</td>
<td>Open Top</td>
<td>Measurement &amp; Significant Figures Boxes</td>
<td></td>
<td>Poor</td>
</tr>
<tr>
<td>2</td>
<td>N/A</td>
<td>Open Top</td>
<td>Eprom Programmer</td>
<td></td>
<td>Poor</td>
</tr>
<tr>
<td>1</td>
<td>N/A</td>
<td>Open Top</td>
<td>Linear Amplifier</td>
<td></td>
<td>Poor</td>
</tr>
<tr>
<td>3</td>
<td>N/A</td>
<td>Open Top</td>
<td>Grey /Black Plastic Boxes</td>
<td></td>
<td>Poor</td>
</tr>
<tr>
<td>1</td>
<td>N/A</td>
<td>Open Top</td>
<td>Computer Tower 98508</td>
<td></td>
<td>Poor</td>
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<tr>
<td>1</td>
<td>N/A</td>
<td>Open Top</td>
<td>Misc. Equipment</td>
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<td>N/A</td>
<td>Open Top</td>
<td>Globe</td>
<td></td>
<td>Poor</td>
</tr>
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<td>Open Top</td>
<td>Overhead Projector</td>
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<td>Open Top</td>
<td>Kodak Printer</td>
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<td>Poor</td>
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<td>N/A</td>
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<td>Lamp</td>
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<tr>
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<td>Open Top</td>
<td>Keyboard</td>
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<td>Poor</td>
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<td>Corkboard</td>
<td></td>
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</tr>
<tr>
<td>1</td>
<td>N/A</td>
<td>Open Top</td>
<td>Pt. Reyes Map</td>
<td></td>
<td>Poor</td>
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<tr>
<td>3</td>
<td>N/A</td>
<td>Open Top</td>
<td>Computer Towers 990319, 990310, 981107</td>
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</tr>
<tr>
<td>3</td>
<td>N/A</td>
<td>Open Top</td>
<td>Computer Monitors</td>
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<td>Poor</td>
</tr>
<tr>
<td>1</td>
<td>N/A</td>
<td>Open Top</td>
<td>Slides</td>
<td></td>
<td>Poor</td>
</tr>
<tr>
<td>1</td>
<td>N/A</td>
<td>Open Top</td>
<td>Misc. Equipment, P-120</td>
<td></td>
<td>Poor</td>
</tr>
<tr>
<td>QTY</td>
<td>Inventory No.</td>
<td>Rm #</td>
<td>Description</td>
<td>Detail</td>
<td>Condition (Poor, Fair, Good)</td>
</tr>
<tr>
<td>-----</td>
<td>---------------</td>
<td>--------</td>
<td>-----------------------------------</td>
<td>--------</td>
<td>------------------------------</td>
</tr>
<tr>
<td>1</td>
<td>N/A</td>
<td>Open Top</td>
<td>Yellow File Cabinet of Fossils</td>
<td></td>
<td>Poor</td>
</tr>
</tbody>
</table>
BACKGROUND:

The Marin County Office of Education (MCOE) rents classroom and office space at the Indian Valley Campus for its Developmentally Delayed Students Program. This agreement has been ongoing and in effect since 1990. The rent is $862.00 per month ($10,344 annually) and has remained the same since 2007. There is also a $300 annual charge to use the District’s copy machine.

The attached agreement extends the use through June 30, 2013 with an option to extend the agreement as requested by MCOE.

RECOMMENDATION:

The Superintendent/President recommends that the Board authorize staff to enter into the attached agreement with Marin County Office of Education to continue to use facilities for the Developmentally Delayed Student Program.
This agreement is between the Marin Community College District, hereinafter referred to as "District," and the Marin County Office of Education, hereinafter referred to as "County."

The purpose of this Agreement is to provide classroom and office space for the educational component of County's Developmentally Delayed Students Program.

1. This Agreement commences on July 1, 2012 and terminates on June 30, 2013.

2. District agrees to rent to County one classroom and two offices located at the Indian Valley Campus, 1800 Ignacio Boulevard, Novato, California. The room designations are Miwok 171 (access to space), 172, 173 and 174.

3. District will provide light, heat, and use of restroom facilities.

4. County may purchase up to five (5) annual staff parking permits for staff working on site. Daily parking permits are also available for purchase on an as-needed basis.

5. County will provide telephone service as desired. Telephone service may be contracted separately with District.

6. County is responsible for keeping the office spaces and classroom in a neat and clean order.

7. County is responsible directly or indirectly for supervision of students in the Developmentally Delayed Students Program, including compliance with all District policies and procedures where applicable.

8. County agrees to be responsible to repair or replace any District property damaged or destroyed as a result of County’s use.

9. It is the intent of both parties entering this Agreement that each party will be solely responsible for any negligent act or omission of its officers, agents, or employees. District shall not be liable for any personal injuries or damage to property or equipment in, on, or about the leased premises arising from any negligent act or omission of the County officers, agents, or employees. County shall not be liable for any personal injury from any negligent act or omission of District’s officers, agents, or employees.

10. County shall provide District with proof of insurance with limits of $1,000,000 minimum and an endorsement naming Marin Community College District as additional insured as respects the activities of this Agreement.
11. County agrees to pay a monthly rent of Eight Hundred and Sixty Two Dollars ($862.00) per month due on or before the fifteenth (15th) day of the month of occupancy, or paid in full for twelve (12) months at a cost of Ten Thousand Three Hundred and Forty Four Dollars ($10,344.00).

12. County agrees to pay $300 per year for copy costs.

13. Amendments to this Agreement may be made at any time with ninety (90) days advance written notice and mutual agreement of both parties.

14. If County wishes to extend this agreement, County shall provide written notice to District of desire to extend no later than April 5, 2013.

15. This Agreement may be terminated by either party at any time with ninety (90) days advance written notice. The Agreement may be terminated sooner than ninety (90) days by mutual agreement of both parties.

BY:

________________________________________
Mary Jane Burke
Marin County Superintendent of Schools
Marin County Office of Education

Date

BY:

________________________________________
Albert J. Harrison II
Vice President, College Operations
Marin Community College District

Date

July 18, 2012
MARIN COMMUNITY COLLEGE DISTRICT
Kentfield, CA 94904

BOARD AGENDA ITEM

To: Board of Trustees
From: Superintendent/President
Date: August 21, 2012

Subject: Performing Arts Building Modernization Project (306A)
Midstate Construction Corporation – Change Order 13 and Resolution

Reason for Board Consideration: ACTION APPROVAL
Enclosure(s): Change Order 13 and Resolution

BACKGROUND:
On February 11, 2011, Midstate Construction Corporation was selected to provide General Contracting services for the Performing Arts Modernization Project (306A).

Change Order 13 includes PCO#112 for $32,629 for the required modifications to the existing door assemblies to make them code compliant. Also included is PCO 230 for $18,798 to provide design coordination of measures to prevent cracking of the second floor slab at the new addition including the gallery and lobby areas.

The balance of PCOs in Change Order 13 include five (5) PCOs for unforeseen conditions, two (2) PCOs for owner-initiated changes, five (5) PCOs for design coordination and three (3) PCOs for code compliance issues.

| Total Compensation | $165,516.00 |
| Total Time extension | 7 calendar days |

FISCAL IMPACT:
The total amount of this contract to date is as follows and will be paid from Measure C bond funds:

- Original Contract Amt: $10,429,000.00
- Performing Arts Building Project (306A)
  - Change Order 1 (0.01% of original contract value)
  - Change Order 2 (0.30% of original contract value)
  - Change Order 3 (0.7% of original contract value)
  - Change Order 4 (1.2% of original contract value)
  - Change Order 5 (5.7% of original contract value)
  - Change Order 6 (5.97% of original contract value)
  - Change Order 7 (5.8% of original contract value)
  - Change Order 8 (7.1% of original contract value)
  - Change Order 9 (8.7% of original contract value)
  - Change Order 10 (9.6% of original contract value)
  - Change Order 11 (11% of original contract value)
  - Change Order 12 (12.9% of original contract value)
  - Change Order 13 (14.5% of original contract value)

Credit<$21,240.00>

Total Contract Amount $11,936,158.00
Change Orders to date equal 14.5%.

RECOMMENDATION:
The Superintendent/President recommends that the Board of Trustees approve Change Order 13 to Midstate Construction Corporation in the amount of $165,516.00 and Resolution 08-21-2012 C.10.B.1. attesting that the District will not benefit from biding the work separately for the work for the Performing Arts Modernization Project (306A).

Administrator Approving Item
David Wain Coon, Ed. D.
Superintendent/President

Administrator Initiating Item
Laura McCarty
Director of Modernization
MARIN COMMUNITY COLLEGE DISTRICT
MEASURE C BOND PROGRAM

RESOLUTION #08/21/12 - C.10.B.1. FOR APPROVAL OF CHANGE ORDER NO. 13
TO THE EXISTING CONTRACT WITH
Midstate Construction Corporation
FOR
Performing Arts Modernization Project (306A)

WHEREAS, Marin Community College District (the “District”) previously awarded a contract
for work for the Performing Arts Building (the “Project”) to Midstate Construction
Corporation; and

WHEREAS, subsequent to the award of the Project, it was determined that additional work
was necessary as part of the Project (the “Change Order”); and

WHEREAS, the Change Order provides for the work set forth in Exhibit “A;” and

WHEREAS, the total cost for the Change Order is $165,516.00 and exceeds the limitations
set forth in Public Contracts Code Section 20659; and

WHEREAS, it will be more costly and time-consuming to bid this additional work since it is
integral to the Project and the work being performed by the Contractor; and

WHEREAS, competitive bidding the additional work covered by the Change Order would
result in the delay of the completion of the Project and result in coordination issues if another
contractor is performing similar work at the Project site at the same time as Contractor; and

WHEREAS, it would work an incongruity and not produce any advantage to the District to
competitively bid the Change Order since such competitive bid work could result in multiple
contractors being required to performed work more efficiently and effectively performed by
one contractor; and

WHEREAS, a change in contractors in the middle of the Project may cause an inability to
enforce the warranty provisions of the Contract; and

WHEREAS, Los Angeles Dredging v. Long Beach (1930) 210 Cal. 348 holds that statutes
requiring competitive bidding to not apply when competitive bidding would work an
incongruity or not produce any advantage; and
MARIN COMMUNITY COLLEGE DISTRICT
MEASURE C BOND PROGRAM

WHEREAS, while pursuant to Public Contract Code section 20659, a community college district is required to competitively bid any change or alteration to a contract that has a value over 10% of the original contract price, California law provides that, "[w]here competitive proposals work an incongruity and are unavailing as affecting the final result or where they do not produce any advantage . . . the statute requiring competitive bidding does not apply." Hiller v. City of Los Angeles (1961) 197 Cal.App.2d 685, 694;

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Marin Community College District makes the following findings:

1. That the above recitals are true and correct.

2. That it would work an incongruity and not produce any advantage to the District to bid the completion of the work set forth in the Change Order under the competitive process.

3. That the District approves the immediate completion of the work stated in the Change Order without competitively bidding such work and approves the District’s payment in the amount set forth in the Recitals to the Contractor upon the terms and conditions set forth in the Change Order.

PASSED AND ADOPTED by the Governing Board of the Marin Community College District, on August 21, 2012.

AYES: __________________________

NOES: __________________________

ABSENT: _________________________

ABSTAIN: _________________________

I, David Wain Coon., Secretary to the Governing Board of the Marin Community College District, State of California, do hereby certify that the foregoing resolution was duly adopted by the said Board at a regular meeting held August 21, 2012.

______________________________
Secretary to the Governing Board
MARIN COMMUNITY COLLEGE DISTRICT
MEASURE C BOND PROGRAM

EXHIBIT A

CHANGE ORDER WORK
PROJECT: Performing Arts Modernization Project
PROJECT No.: 396A
CONTRACTOR: Midstate Construction Corporation
OWNER: Marin Community College District
ARCHITECT: Mary Wong Dann Logon Architects

EFFECTIVE ONLY WHEN SIGNED BY OWNER

C.O. 13
BID Approval Date: 8/21/2012
DSA File #: 51-451
DSA Application #: 01-110237

To:

You are directed to make the following Changes in this Contract:

<table>
<thead>
<tr>
<th>Item Number</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>See page 2 for details</td>
</tr>
</tbody>
</table>

SUBTOTAL Page 2: $163,516.60
TOTAL: $163,516.60

NOTE: Unless otherwise noted in the specific item description above, the costs detailed in this Change Order represent the total cost of the work, complete supply and installation of materials and equipment, Contractor’s fees, profit, and overhead, administration, general conditions, all other indirect costs, and associated insurance premiums.

<table>
<thead>
<tr>
<th>AGREEMENT</th>
<th>CONTRACT VALUE ADJUSTMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>When this Change Order is signed by all parties, it constitutes their agreement:</td>
<td>Original Contract Price: $10,429,620.60</td>
</tr>
<tr>
<td></td>
<td>Net Change By Previously Authorized Change Order:</td>
</tr>
<tr>
<td></td>
<td>Contract Price Prior To This Change Order: $105,516.00</td>
</tr>
<tr>
<td></td>
<td>Contract Price Will Be:</td>
</tr>
<tr>
<td>A. That the Contract Price / Time is adjusted as shown and that no further adjustment by reason of the change(s) provided herein shall be made: and</td>
<td>Increased:</td>
</tr>
<tr>
<td></td>
<td>Decreased: By this Change Order:</td>
</tr>
<tr>
<td></td>
<td>Unchanged:</td>
</tr>
<tr>
<td></td>
<td>New Contract Price Including This Change Order: $111,936,338.00</td>
</tr>
<tr>
<td></td>
<td>TIME ADJUSTMENTS</td>
</tr>
<tr>
<td></td>
<td>Contract Time Will Be:</td>
</tr>
<tr>
<td>B. That all the Terms and Conditions of the Contract, except as modified by this and any previous changes, shall remain in full force and effect and apply to the work as changed.</td>
<td>Increased:</td>
</tr>
<tr>
<td></td>
<td>Decreased: By this Change Order:</td>
</tr>
<tr>
<td></td>
<td>Unchanged:</td>
</tr>
<tr>
<td></td>
<td>Date of Contract Completion As Of The Date Of This Change Order: 10/4/2012</td>
</tr>
</tbody>
</table>

AGREED BY CONTRACTOR: Mary Wong Dann Logon Architects

ISSUED BY PROJECT MANAGER: Swinerton Management & Consulting

RECOMMENDED BY PROGRAM MANAGER: Anne E. Duley, Program Manager

APPROVED BY OWNER: Marin Community College District

AUTHORIZED BY OWNER: Albert J. Harrison II

Distribution: Owner, Consultant, Construction Manager, Contractor, C.O. File, Other
You are directed to make the following Changes in this Contract:

<table>
<thead>
<tr>
<th>Item Number</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>PCO 109</td>
<td>Provide additional labor, material and rental costs for the temporary ramps to provide code required access to the entire building due to phasing of the project; Reason: Code Compliance; (MCC COP 114R1)</td>
<td>$19,999.00</td>
</tr>
<tr>
<td>PCO 109.1</td>
<td>Demobilize and reconfigure the temporary access ramps to allow for the ongoing site wall construction; Reason: Code Compliance, (MCC COP 251)</td>
<td>$4,124.00</td>
</tr>
<tr>
<td>PCO 111</td>
<td>Provide specified door closers and panic hardware in lieu of &quot;equal&quot; substitutions, items not identified as &quot;sole source&quot; in the finish hardware schedule; PCD amount represents a 5%50 settlement with the contractor; Reason: Unforeseen Conditions/Owner Initiated; (MCC COP 110)</td>
<td>$20,900.00</td>
</tr>
<tr>
<td>PCO 112</td>
<td>Costs to make required modifications to the existing doors, frames and finish hardware that are being re-used; Reason: Code Compliance, (MCC COP 135R1)</td>
<td>$32,629.00</td>
</tr>
<tr>
<td>PCO 148.2</td>
<td>Make required revisions to air handling unit AHU-9 and exist fan AF-13 in order to sufficiently complete the test and balance report for the Modernization phase; Reason: Design Coordination; (MCC COP 252)</td>
<td>$8,270.00</td>
</tr>
<tr>
<td>PCO 225</td>
<td>RFI 325 - Add roof ledger angles at T-Line per the direction of the Structural Engineer due to unforeseen conflicts with sink and toilet water piping; Reason: Unforeseen Condition; (MCC COP 262)</td>
<td>$5,829.00</td>
</tr>
<tr>
<td>PCO 226</td>
<td>Provide paying repairs to the access road at IVC damaged during the export of soil from IVC to the PA site, road was already severely damaged prior to the earthwork operation; Reason: Unforeseen Conditions; (MCC COP 205)</td>
<td>$6,420.00</td>
</tr>
<tr>
<td>PCO 229</td>
<td>PR 591 - Add lock-out key switches and Door cylinders for Doors 215 and 247 to provide handicap access from either side of the opening; Reason: Code Compliance; (MCC COP 241)</td>
<td>$1,670.00</td>
</tr>
<tr>
<td>PCO 230</td>
<td>PR 52 - Provide additional measures (added roller at block outs, fiber mesh in concrete mix, add grout joints) to prevent cracking of the 2nd Floor deck slab; Because of the timing, this work has resulted in a schedule extension of (7) calendar days; Reason: Design Coordination; (MCC COP 242)</td>
<td>$18,798.00</td>
</tr>
<tr>
<td>PCO 234</td>
<td>PR 47 - Make revisions to the existing underground gas lines, including capping existing lines, raising the valve box and collar, etc; Reason: Unforeseen Conditions; (MCC PCO 246)</td>
<td>$18,720.00</td>
</tr>
<tr>
<td>PCO 235</td>
<td>Replace the deteriorated cross beam at the Cooling Tower with a new stainless steel member; Existing member could not be re-used; Reason: Design Coordination; (MCC COP 249)</td>
<td>$2,608.00</td>
</tr>
<tr>
<td>PCO 236</td>
<td>Revise the fireproofing specification at the east condition of the New Addition to provide a product more appropriate for exterior conditions; Reason: Design Coordination; (MCC COP 260)</td>
<td>$1,764.00</td>
</tr>
<tr>
<td>PCO 236.1</td>
<td>Revise the fireproofing specification at the underside of the 2nd floor deck of the New Addition to provide a more flexible, durable product to withstand the roof installation work above; Reason: Design Coordination; (MCC COP 261)</td>
<td>$3,178.00</td>
</tr>
<tr>
<td>PCO 238</td>
<td>Provide waterproofing at the back side of the &quot;seat wall&quot; per the direction of the design team; waterproofing was not specifically shown at this condition on the contract documents; Reason: Design Coordination; (MCC COP 265)</td>
<td>$4,075.00</td>
</tr>
<tr>
<td>PCO 239</td>
<td>Furnish and install additional backfill material at the building side of the &quot;seat wall&quot; to conceal waterproofing that was installed prior to grade changes being issued, reducing the grade of the site by 20&quot;; Reason: Unforeseen Conditions; (MCC COP 254)</td>
<td>$7,493.00</td>
</tr>
<tr>
<td>PCO 242</td>
<td>PR 33 - Provide an additional WT beam at the mounting skids for AHU-9 in order to raise the supports above the new roof insulation at this area; Reason: Design Coordination/Unforeseen Conditions; (MCC COP 258)</td>
<td>$9,700.00</td>
</tr>
<tr>
<td>PCO 243</td>
<td>Revise the irrigation valve specification per the direction of CCM M&amp;O in order for the valves to be able to operate with an elevated level of all of the system; Reason: Owner Initiated; (MCC COP 259)</td>
<td>$454.00</td>
</tr>
</tbody>
</table>

**SUBTOTAL Page 2:** $165,316.00

**NOTE:** Unless otherwise noted in the specific item description above, the costs detailed in this Change Order represent the total cost of the work, complete supply and installation of materials and equipment; Contractor's fees, profit, and overhead; administration, general conditions; all other indirect costs; and associated additional bond and insurance premiums.
MARIN COMMUNITY COLLEGE DISTRICT
Kentfield, CA 94904

BOARD AGENDA ITEM

To: Board of Trustees
From: Superintendent/President

Date: August 21, 2012

Subject: Science Math Central Plant Increment 2&3, Site Development & Building Project (305A)
Approve Contract Amendment 6 – ED2 International

Reason for Board Consideration: ACTION APPROVAL
Enclosure(s): None

BACKGROUND:
On June 12, 2007, the Board of Trustees approved a long form professional services agreement for ED2 International for design services for the Science Math Central Plant Increment 2&3, Site Development & Building Project (305A).

Services included in this amendment were for supplemental design services resulting from changed DSA procedures and DSA review by a third party plan-checker; extended review time by DSA, approximately 6 additional months for structural review; added services for waterproofing consultant to review envelope waterproofing details and added services for calculation to be submitted to DSA for additional overhead storage requested by users.

The District now seeks Board approval of Amendment 6 with ED2 International for additional services related to the Science Math Central Plant Increment 2&3, Site Development & Building Project (305A), in the amount of $243,250.00.

FISCAL IMPACT:
Amendment 6 will be paid from Measure C bond funds allocated to the Science Math Central Plant Increment 2&3, Site Development & Building Project (305A).

<table>
<thead>
<tr>
<th>Original Contract Amount</th>
<th>Amendment 1</th>
<th>Amendment 2</th>
<th>Amendment 3</th>
<th>Amendment 4</th>
<th>Amendment 5</th>
<th>Amendment 6</th>
</tr>
</thead>
<tbody>
<tr>
<td>$ 6,950,000.00</td>
<td>$ 22,000.00</td>
<td>$ 21,242.00</td>
<td>$ 216,513.50</td>
<td>$ 92,413.00</td>
<td>$ 10,000.00</td>
<td>$ 243,250.00</td>
</tr>
</tbody>
</table>

Total Contract Amount $ 7,555,418.50

RECOMMENDATION:
The Superintendent/President recommends that the Board of Trustees approve Amendment 6 with ED2 International in the amount of $243,250.00 for additional services for the Science Math Central Plant Increment 2&3, Site Development & Building Project (305A).

Administrator Initiating Item
Laura McCarty
Director of Modernization

Administrator Approving Item
David Wain Coon, Ed. D.
Superintendent / President
MARIN COMMUNITY COLLEGE DISTRICT  
Kentfield, CA  94904

BOARD AGENDA ITEM

To:        Board of Trustees                          Date: August 21, 2012
From:      Superintendent/President  
Subject:   Project Funds Transfer  
           Child Study Center Project (303C)
Reason for Board Consideration:  
ACTION APPROVAL  
Enclosure(s):  None

BACKGROUND:
The board is asked to approve a transfer of funds for the Child Study Center Project (303C).

The project has been approved by DSA and on July 17, 2012 the Board of Trustees approved the authorization to bid the Site Design package portion of the project. The Modular Building portion of the project construction contract award was approved on February 19, 2012. The Site Design bid documents list landscape deductive alternates which are not expected to result in the significant savings required to accomplish the project. Despite extensive value engineering exercises with Faculty and Staff to reduce non-essential program scope, the reconciled construction cost estimates project a budget shortfall due to the following main factors:

1. Limited value engineering savings on modular building and site elements removed from project;
2. Environmental Impact Report mitigation requirements by reviewing agencies not previously known;
3. Additional site and street access/egress requirements by local agencies;
4. Additional costs for added utility connections required by agencies in addition to those existing on site.

After eliminating non-essential program elements and in consideration of the points above, it is anticipated that the project will require additional funding.

FISCAL IMPACT:
Measure C bond funds in the amount of $400,000.00 will be transferred from projects listed below which are ready for close-out to the Child Study Center Project (303C).

<table>
<thead>
<tr>
<th>Project</th>
<th>Funds to be Transferred</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking Lot Bioswale (401B)</td>
<td>$1,153</td>
</tr>
<tr>
<td>Utilities IVC (407B)</td>
<td>$150,000</td>
</tr>
<tr>
<td>Pathways IVC (413A)</td>
<td>$846</td>
</tr>
<tr>
<td>Main Building Complex (417A)</td>
<td>$110,152</td>
</tr>
<tr>
<td>Ignacio Creek Erosion Mitigation (419A)</td>
<td>$97,254</td>
</tr>
<tr>
<td>Reserves (900A)</td>
<td>$40,595</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$400,000</strong></td>
</tr>
</tbody>
</table>

RECOMMENDATION:
The Superintendent/President recommends that the Board approve a $400,000.00 transfer of funds from the above projects into the Child Study Center Project (303C).

Administrator Initiating Item  
Laura McCarty  
Director of Modernization

Administrator Approving Item  
David Wain Coon, Ed. D  
Superintendent/President
BACKGROUND:
The board is asked to approve a transfer of funds for the FA Building Weatherization Project (306D).

On December 13, 2011 the Board of Trustees approved the funding of the Fine Arts Weatherization project. The project budget was based upon the best available information at the time. Since that time the project construction documents details have been developed and reviewed by DSA, Faculty and Staff. The process involved significant value engineering and reconciliation of construction budget estimates in an effort to arrive at the current design which retains the original mandated design objectives of the project.

The process is now complete and despite the elimination all non-essential design elements, it is anticipated that the project will require additional funding.

FISCAL IMPACT:
Measure C bond funds in the amount of $150,000 will be transferred from the following projects which are ready for close-out to the New Fine Arts Weatherization Project (306D).

<table>
<thead>
<tr>
<th>Project</th>
<th>Funds to be Transferred</th>
</tr>
</thead>
<tbody>
<tr>
<td>FF&amp;E – SMC &amp; Dir. Office (221A)</td>
<td>$77</td>
</tr>
<tr>
<td>Construction Signage (223A)</td>
<td>$17</td>
</tr>
<tr>
<td>West Campus Bridge (301A)</td>
<td>$44,335</td>
</tr>
<tr>
<td>Roof Repairs LRC (302A)</td>
<td>$96</td>
</tr>
<tr>
<td>Roof Repairs Harlan Center (303A)</td>
<td>$94</td>
</tr>
<tr>
<td>FA Asbestos Abatement (306B)</td>
<td>$53</td>
</tr>
<tr>
<td>Roof Repairs – Gardener’s Shop (315A)</td>
<td>$840</td>
</tr>
<tr>
<td>Diamond PE Center Alterations (308B)</td>
<td>$30,961</td>
</tr>
<tr>
<td>SMCP increment #1 – Site Dev. Utilities (305C)</td>
<td>$61,527</td>
</tr>
<tr>
<td>LEED Registration (815A)</td>
<td>$12,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$150,000</strong></td>
</tr>
</tbody>
</table>

RECOMMENDATION:
The Superintendent/President recommends that the Board approve a 150,000.00 transfer of funds from the above projects into the Fine Arts Weatherization Project (306D).
MARIN COMMUNITY COLLEGE DISTRICT
Kentfield, CA 94904

BOARD AGENDA ITEM

To: Board of Trustees
From: Superintendent/President
Subject: Project Funds Transfer
       District Legal Counsel (831A)
       Dannis Woliver Kelley

Date: August 21, 2012
Item & File No. C.10.B.S.

Reason for Board Consideration: 
Enclosure(s): None

ACTION APPROVAL

BACKGROUND:

The board is asked to approve a transfer of funds for the District Legal Consultant (831A).

District Legal Consultant (831A):
The additional funds are required for fees for legal services related to:
- $180,000 projected legal fees for the 2012/2013 fiscal year including mediation of the Fine Arts building matter.
- $101,689 legal consultants preparing the FA matter (November 2011-May 2012)
- $32,674 legal consultants preparing the Performing Arts design peer review
- $235,637 set aside for future legal fees, beyond the 2012/2013 fiscal year or litigation
- $550,000 total request

FISCAL IMPACT:

Measure C bond funds in the amount of $550,000 will be transferred from the KTD Reserves (900A) to the District Legal Consultant (831A).

RECOMMENDATION:

The Superintendent/President recommends that the Board approve a $550,000 transfer of funds from the KTD Reserve (900A) into the District Legal Consultant (831A).

Administrator Initiating Item
Laura McCarty
Director of Modernization

Administrator Approving Item
David Wain Coon, Ed. D
Superintendent/President
To: Board of Trustees                  Date: August 21, 2012
Subject: Child Study Center - Increment One Project (303C)
         Pre-Authorize Award Construction Contract
Reason for Board Consideration: ACTION APPROVAL
Enclosure(s): None

BACKGROUND:

The Child Study Center project includes two phases, a modular building utilizing standard DSA pre-approved details and a second phase, site work. The modular building portion of the project has already been awarded to a general contractor, and is moving forward with the details, already submitted and approved by DSA. The site work (Increment One) will include site utilities, landscape, play equipment and site signage.

On July 17, 2012, the Board of Trustee authorized bidding to proceed for increment one (site work). The District now seeks pre-authorization to award a construction contract to the lowest responsive, responsible bidder following the five (5) business day bid protest period or upon successful resolution of any bid protests for the Child Study Center - Increment One Project (303C).

The contract will be brought to the Board for ratification at the first scheduled meeting following execution of the contract.

FISCAL IMPACT:

The reconciled engineer’s estimate for the project is $1,092,301.00 total Site project cost. A final contractor’s bid containing the final construction budget will be brought to the board for ratification, utilizing the usual procedures.

The project will be paid from Measure C bond funds allocated for the Child Study Center Project (303C). Contingent upon the board’s approval of the project budget augmentation, at this same board meeting (August 21, 2012).

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees pre-authorize award of a construction contract for the Child Study Center - Increment One Project (303C).

Administrator Initiating Item
Laura McCarty
Director of Modernization

Administrator Approving Item
David Wain Coon, Ed. D.
Superintendent/President
MARIN COMMUNITY COLLEGE DISTRICT
Kentfield, CA 94904

BOARD AGENDA ITEM

To: Board of Trustees
From: Superintendent/President
Subject: Approve Amendment 2 - Professional Services Agreement
Austin Science Center Alterations (structural) Project (301B)
Noll & Tam Architects & Planners

Date: August 21, 2012
Reason for Board Consideration: ACTION APPROVAL
Enclosure(s): None

BACKGROUND:

On March 13, 2012, the Board approved a Professional Services Agreement with Noll & Tam Architects & Planners to provide initial swing space programming and planning services for the Austin Science Center Alterations (structural) Project (301B). On June 19, 2012 Amendment 1 to the contract was approved for the remaining swing space programming and planning tasks and initial programming, scope & budget development tasks for the proposed structural alterations.

Amendment 2 is for the following:
- Swing space phase: Prepare bid documents and budget for construction administration.
- Structural alterations phase: Completion of programming, estimating, and preliminary structural investigations.

The District now seeks Board approval of amendment 2 in the amount of $111,160.00 for these additional services, performed as requested.

FISCAL IMPACT:

Amendment 2 in the amount of $111,160.00 with Noll & Tam Architects & Planners for design services will be paid from bond funds allocated for the related to the Austin Science Center Alterations (structural) Project (301B).

Original Contract Amount: $30,000.00
Amendment 1: $50,000.00
Amendment 2: $111,160.00
Total Contract: $191,160.00

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve Amendment 2 for design services with Noll & Tam Architects & Planners for the Austin Science Center Alterations (structural) Project (301B).

Administrator Initiating Item
Laura McCarty
Director of Modernization

Administrator Approving Item
David Wain Coo, Ed. D.
Superintendent/President
### BOARD AGENDA ITEM

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### BACKGROUND:

On December 8, 2004, President George Bush signed off on a law that applies to employees of the Federal Government as well as educational institutions receiving funds from the Federal Government. This law would designate September 17 of each year as “Constitution Day”. The September 17 date commemorates the September 17, 1787 signing of the Constitution. Section 111 of Division J of Public Law 108-447, the Consolidated Appropriations Act, 2005, states in part:

“(b) Each educational institution that receives Federal funds for a fiscal year shall hold an educational program on the United States Constitution on September 17 of such year for the students served by the educational institution.”

### RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve the attached Resolution in support of “Constitution Day.”

Administrator Initiating Item  
David Wain Coon, Ed.D., Superintendent/President
MARIN COMMUNITY COLLEGE DISTRICT
RESOLUTION 08/21/2012 C.10.C.
IN SUPPORT OF CONSTITUTION DAY

WHEREAS, the Constitution of the United States of America was signed on September 17, 1787; and

WHEREAS, it is important that all students be aware of the nature and function of this living document; and

WHEREAS, Section 111 of the “Consolidated Appropriations Act, 2005” established a new statutory requirement for implementation of an educational program pertaining to the United States Constitution, designated by statute as Constitution Day and Citizenship Day (“Constitution Day”); and

WHEREAS, Section 111(b) of PL 108-447 states that “each educational institution that receives Federal funds for a fiscal year shall hold an educational program on the United States Constitution on September 17 of such year for the students served by the educational institution.”

NOW, THEREFORE BE IT RESOLVED that each year, on September 17, College of Marin shall conduct educational programs designed to highlight the historic and continuing importance of the United States Constitution, and

BE IT FURTHER RESOLVED that when September 17 falls on a Saturday, Sunday, or holiday, Constitution Day shall be held during the preceding or following week.

PASSED AND ADOPTED THIS 21st day of August 2012, by the Board of Trustees of the Marin Community College District of Marin County, California, by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

STATE OF CALIFORNIA )
COUNTY OF MARIN )

I, David Wain Coon, Secretary to the Board of Trustees of the Marin Community College District of Marin County, California, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by said Board at a regular meeting thereof, held at its regular place of meeting at the time and by the vote above stated.

______________________________
Dr. David Wain Coon, Superintendent/President
Secretary to the Board
BOARD AGENDA ITEM

To: Board of Trustees | Date: August 21, 2012
From: Superintendent/President | Item & File No. C.10.D.
Subject: Resolution Authorizing Issuance of Election of 2004 General Obligation Bonds, Series D

Reason for Board Consideration: APPROVAL

Enclosure(s): Resolution

BACKGROUND:

Based on our projected cash flow needs for the Measure C Capital Program, the college needs to sell the fourth-series of General Obligation Bonds. The attached resolution authorizes the issuance of $46.995 million of Series D General Obligation Bonds.

Based on action taken by the Marin County Board of Supervisors, the District will issue the bonds in its own name and no action of the County Board of Supervisors is required. The resolution permits both a competitive sale and a negotiated sale, which will allow the District and our Financial Advisors (PFM) the necessary options in selling the bonds into a difficult market.

All acts, conditions and things required by law to be performed have been completed and performed in strict conformity with the laws authorizing the issue of general obligation bonds of the District. The indebtedness of the District, including the proposed issue of bonds, is within all limits prescribed by law.

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve the Resolution Authorizing the Issuance of Election of 2004 General Obligation Bonds, Series D.

Administrator Initiating Item

A. J. Harrison II, Vice President, College Operations
RESOLUTION NO. 08/21/2012 C.10.D.

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE MARIN COMMUNITY COLLEGE DISTRICT AUTHORIZING THE ISSUANCE OF ELECTION OF 2004 GENERAL OBLIGATION BONDS, SERIES D

WHEREAS, a duly called election was held in the Marin Community College District (the "District"), Marin County, State of California, on November 2, 2004 (the "Election") and thereafter canvassed pursuant to law;

WHEREAS, at such election there was submitted to and approved by the requisite fifty-five percent vote of the qualified electors of the District a question as to the issuance and sale of general obligation bonds of the District for various purposes set forth in the ballot submitted to the voters, in the maximum amount of $249,500,000 payable from the levy of an ad valorem tax against the taxable property in the District;

WHEREAS, on April 28, 2005, the District issued the first series of such bonds in the aggregate principal amount of $75,000,000 and styled as "Marin Community College District (Marin County, California) Election of 2004 General Obligation Bonds, Series A";

WHEREAS, on March 4, 2009, the District issued the second series of such bonds in the aggregate principal amount of $75,000,000 and styled as "Marin Community College District, Marin County, California, Election of 2004 General Obligation Bonds, Series B";

WHEREAS, on June 1, 2011, the District issued the third series of such bonds in the aggregate principal amount of $52,505,000 and styled as "Marin Community College District (Marin County, California) Election of 2004 General Obligation Bonds, Series C";

WHEREAS, at this time this Board of Trustees (the "Board") has determined that it is necessary and desirable to authorize the issuance of one or more series of bonds in an aggregate principal amount not-to-exceed $46,995,000 to be styled as "Marin Community College District (Marin County, California) Election of 2004 General Obligation Bonds, Series D" or such other designation or designations as are specified in the Official Statement for the Bonds (the "Bonds");

WHEREAS, the District shall issue the Bonds pursuant to Chapter 1.5 of Part 10 of Division 1 of Title 1 of the California Education Code, commencing with Section 15264 et seq. (the "Act");

WHEREAS, the Board of Supervisors of Marin County (the "County") has provided by resolution pursuant to Education Code Section 15140(b) that the District may sell the Bonds on its own behalf;

WHEREAS, the Board desires to authorize the issuance of Bonds in one or more series as any combination of Current Interest Bonds and Capital Appreciation Bonds;

WHEREAS, this Board desires to reappoint certain professionals to provide services related to the issuance of Bonds; and

WHEREAS, all acts, conditions and things required by law to be done or performed have been done and performed in strict conformity with the laws authorizing the issuance of general
obligation bonds of the District, and the indebtedness of the District, including this proposed issue of Bonds, is within all limits prescribed by law;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE MARIN COMMUNITY COLLEGE DISTRICT AS FOLLOWS:

SECTION 1. **Purpose.** To raise money for the purposes authorized by the voters of the District at the Election and to pay all necessary legal, financial, engineering and contingent costs in connection with the issuance of the Bonds, this Board hereby authorizes the issuance of the Bonds and orders such Bonds sold at a competitive sale, in one or more series, such that the Bonds shall be dated as of a date to be determined by the Authorized Officers (defined below), shall bear interest at a rate not to exceed that authorized at the Election, shall be payable upon such terms and provisions as shall be set forth in the Bonds, shall mature on the dates and in the amounts set forth in the Official Statement (defined herein), not-to-exceed twenty-five years from the date of delivery of the Bonds, and shall be in an aggregate principal amount not-to-exceed $46,995,000, for some or all of the purposes authorized at the Election (the “Projects”).

SECTION 2. **Bond Registrar.** This Board does hereby appoint U.S. Bank National Association, as authenticating agent, bond registrar, transfer agent and paying agent (collectively, the “Bond Registrar”) for the Bonds on behalf of the District.

SECTION 3. **Approval of the Notice Inviting Proposals for Purchase of Bonds.** The competitive sale shall be undertaken pursuant to the Notice Inviting Proposals for Purchase of Bonds, set forth in Exhibits A, B and C hereto. The Superintendent/President of the District (the “Superintendent”), the Vice President, College Operations (the “Vice President”), or a designated deputy thereof (collectively the “Authorized Officers”) each alone, are hereby authorized to execute the Notice of Intention to Sell Bonds attached hereto as Exhibit C (the “Notice of Intention”) and to cause the Notice of Intention to be published once at least five (5) days prior to the date set to receive bids in The Bond Buyer.

The terms and conditions of the offering and the sale of the Bonds shall be as specified in the Notice Inviting Proposals for Purchase of Bonds. The Board shall award the sale of the Bonds by acceptance of the bids with the lowest true interest cost with respect to the Bonds, so long as the principal amount of the Bonds does not exceed $46,995,000, the true interest cost does not exceed 6% per annum.

Public Financial Management, Inc., the financial advisor to the District (the “Financial Advisor”), is hereby authorized and directed to cause to be furnished to prospective bidders a reasonable number of copies of the Notice Inviting Proposals for Purchase of Bonds (including the Bid Form) and a reasonable number of copies of the Official Statement.

The Board hereby approves the competitive sale of the Bonds, having determined that a competitive sale contributes to the District’s goal of achieving the lowest overall cost of funds. The Board estimates that the costs associated with the issuance of the Bonds and any such costs which the successful bidder or bidders agrees to pay pursuant to the Notice Inviting Proposals for Purchase of Bonds, will equal approximately 1.5% of the principal amount of the Bonds.

The Financial Advisor and/or Stradling Yocca Carlson & Rauth, a Professional Corporation, San Francisco, California (“Bond Counsel”), are hereby authorized and directed to open the bids at
the time and place specified in the Notice Inviting Proposals for Purchase of Bonds and to present
the same to the Authorized Officers. The Financial Advisor and/or Bond Counsel are hereby authorized
and directed to receive and record the receipt of all bids made pursuant to the Notice Inviting
Proposals for Purchase of Bonds; to cause said bids to be examined for compliance with the Notice
Inviting Proposals for Purchase of Bonds; and to cause computations to be made as to which bidder
has bid the lowest true interest cost with respect to the Bonds, as provided in the Notice Inviting
Proposals for Purchase of Bonds, along with a report as to the foregoing and any other matters
deemed pertinent to the award of the Bonds and the proceedings for the issuance thereof.

SECTION 4. Certain Definitions. As used in this Resolution, the terms set forth below
shall have the meanings ascribed to them (unless otherwise set forth in the Official Statement):

(a) “Accreted Interest” means, with respect to the Capital Appreciation Bonds, the Accreted
Value thereof as of the date of calculation minus the Denominational Amount thereof.

(b) “Accretion Rate” means, unless otherwise provided by the Official Statement, that rate
which, when applied to the Denominational Amount of any Capital Appreciation Bond and compounded
semiannually on each February 1 and August 1 (commencing February 1, 2013), produces the Accreted
Value on the maturity date.

(c) “Accreted Value” means with respect to the Capital Appreciation Bonds, as of the date
of calculation, the Denominational Amount thereof, plus Accreted Interest thereon to such date of
calculation, compounded semiannually on each February 1 and August 1 (commencing on February 1,
2013 (unless otherwise provided in the Notice Inviting Proposals for Purchase of Bonds)) with respect
to the Capital Appreciation Bonds which mature on August 1 of a given year at the stated Accretion Rate
to maturity thereof, assuming in any such semiannual period that such Accreted Value increases in equal
daily amounts on the basis of a 360-day year of twelve 30-day months.

(d) “Bond Insurer” means any insurance company which issues a municipal bond
insurance policy insuring the payment of principal and interest on and Accreted Value of the Bonds.

(e) “Bond Payment Date” means (unless otherwise provided for in the Official
Statement), with respect to the Current Interest Bonds, February 1 and August 1 of each year
commencing February 1, 2013 with respect to interest on the Current Interest Bonds and August 1 of
each year commencing August 1, 2013 with respect to the principal payments on the Current Interest
Bonds, and, with respect to the Capital Appreciation Bonds, the stated maturity dates thereof, as
applicable.

(f) “Bond Registrar” means U.S. Bank National Association, or any other such bond
registrar designated in the Official Statement.

(g) “Capital Appreciation Bonds” means the Bonds the interest component of which is
compounded semiannually on each February 1 and August 1 (or such other dates as shown in the
Official Statement) commencing on February 1, 2013 (unless otherwise provided in the Notice
Inviting Proposals for Purchase of Bonds)) to maturity as shown in the table of Accreted Value for
such Bonds in the Official Statement.

(h) “Code” means the Internal Revenue Code of 1986, as the same may be amended from
time to time. Reference to a particular section of the Code shall be deemed to be a reference to any
successor to any such section.
(i) "Continuing Disclosure Certificate" means that certain Continuing Disclosure Certificate executed by the District and dated the date of issuance and delivery of the Bonds, as originally executed and as it may be amended from time to time in accordance with the terms thereof.

(j) "Current Interest Bonds" means the Bonds the interest on which is payable semiannually on each Bond Payment Date specified for each such Bond as designated and maturing in the years and in the amounts set forth in the Official Statement.

(k) "Denominational Amount" means, with respect to the Capital Appreciation Bonds, the initial principal amount thereof.

(l) "Depository" means, initially, DTC, and thereafter the securities depository acting as Depository pursuant to Section 5(c) hereof.

(m) "DTC" means The Depository Trust Company, New York, New York, 55 Water Street, New York, New York 10041, Tel: (212) 855-1000 or Fax: (212) 855-7320, a limited purpose trust company organized under the laws of the State of New York, in its capacity as Depository for the Bonds.

(n) "Fair Market Value" means the price at which a willing buyer would purchase the investment from a willing seller in a bona fide, arm's length transaction (determined as of the date the contract to purchase or sell the investment becomes binding) if the investment is traded on an established securities market (within the meaning of Section 1273 of the Code) and, otherwise, the term "Fair Market Value" means the acquisition price in a bona fide arm's length transaction (as referenced above) if (i) the investment is a certificate of deposit that is acquired in accordance with applicable regulations under the Code, (ii) the investment is an agreement with specifically negotiated withdrawal or reinvestment provisions and a specifically negotiated interest rate (for example, a guaranteed investment contract, a forward supply contract or other investment agreement) that is acquired in accordance with applicable regulations under the Code, (iii) the investment is a United States Treasury Security—State and Local Government Series that is acquired in accordance with applicable regulations of the United States Bureau of Public Debt, or (iv) any commingled investment fund in which the District and related parties do not own more than a ten percent (10%) beneficial interest therein if the return paid by the fund is without regard to the source of the investment.

(o) "Information Services" means Financial Information, Inc.'s "Financial Daily Called Bond Service"; Mergent Inc.'s Called Bond Department; or Standard & Poor's J.J. Kenny Information Services' Called Bond Service.

(p) "Maturity Value" means the Accreted Value of any Capital Appreciation Bond on its maturity date.

(q) "Nominee" means the nominee of the Depository, which may be the Depository, as determined from time to time pursuant to Section 5(c) hereof.

(r) "Non-AMT Bonds" means obligations the interest on which is excludable from gross income for federal income tax purposes under Section 103(a) of the Code and not treated as an item of tax preference under Section 57(a)(5)(C) of the Code, that are legal investments pursuant to Section 53601 of the Government Code.
(s) "Official Statement" means the Official Statement for the Bonds, as described in Section 16 hereof.

(t) "Outstanding" means, when used with reference to the Bonds, as of any date, Bonds theretofore issued or thereupon being issued under this resolution except:

(i) Bonds canceled at or prior to such date;

(ii) Bonds in lieu of or in substitution for which other Bonds shall have been delivered pursuant to Section 7 hereof; or

(iii) Bonds for the payment or redemption of which funds or Government Obligations in the necessary amount shall have been set aside (whether on or prior to the maturity or redemption date of such Bonds), in accordance with Section 18 of this Resolution.

(u) "Owner" means the registered owner of a Bond as set forth on the registration books maintained by the Paying Agent pursuant to Section 7 hereof.

(v) "Participants" means those broker-dealers, banks and other financial institutions from time to time for which the Depository holds book-entry certificates as securities depository.

(w) "Permitted Investments" means (i) any lawful investments permitted by Section 16429.1 and Section 53601 of the Government Code, including Non-AMT Bonds and Qualified Non-AMT Mutual Funds, (ii) shares in a California common law trust established pursuant to Title 1, Division 7, Chapter 5 of the Government Code which invests exclusively in investments permitted by Section 53635 of the Government Code, but without regard to any limitations in such Section concerning the percentage of moneys available for investment being invested in a particular type of security, (iii) a guaranteed investment contract with a provider rated in at least the second highest category by each rating agency then rating the Bonds, (iv) the Local Agency Investments Fund of the California State Treasurer, (v) the county investment pool maintained by the Treasurer-Tax Collector (defined herein), and (vi) State and Local Government Series Securities.

(x) "Principal" or "Principal Amount" means, with respect to any Current Interest Bond, the principal or principal amount thereof and, with respect to any Capital Appreciation Bond, the Denominational Amount.

(y) "Projects" shall have the meaning given to that term in Section 1 of this Resolution.

(z) "Projects Costs" means all of the expenses of and incidental to the construction and/or acquisition of the Projects, including costs of issuance.

(aa) "Qualified Non-AMT Mutual Fund" means stock in a regulated investment company to the extent that at least 95% of the income of such regulated investment company is interest that is excludable from gross income under Section 103 of the Code and not an item of tax preference under Section 57(a)(5)(C) of the Code.

(bb) "Qualified Permitted Investments" means (i) Non-AMT Bonds, (ii) Qualified Non-AMT Mutual Funds, (iii) other Permitted Investments authorized by an opinion of Bond Counsel to the effect that such investment would not adversely affect the tax-exempt status of the Bonds, and
(iv) Permitted Investments of proceeds of the Bonds, and interest earned on such proceeds, held not more than thirty days pending reinvestment or Bond redemption. A guaranteed investment contract or similar investment agreement (e.g. a forward supply contract, GIC, repo, etc.) does not constitute a Qualified Permitted Investment.

(cc) “Rating Agencies” means Standard & Poor’s Ratings Services and Moody’s Investors Services.

(dd) “Record Date” means the close of business on the 15th day of the month preceding each Bond Payment Date.

(ee) “Securities Depository” means The Depository Trust Company, 55 Water Street, New York, New York 10041, Tel: (212) 855-1000 or Fax: (212) 855-7320. with Cede & Co., as its nominee.

(ff) “Taxable Bonds” means any Bonds not issued as Tax-Exempt Bonds.

(gg) “Tax-Exempt Bonds” means any Bonds the interest in which is excludable from gross income for federal income tax purposes and is not treated as an item of tax preference for purposes of calculating the federal alternative minimum tax, as further described in an opinion of Bond Counsel supplied to the original purchasers of such Bonds.

(hh) “Term Bonds” means those Bonds for which mandatory redemption dates have been established in the Official Statement.

(ii) “Transfer Amount” means, with respect to any Outstanding Current Interest Bond, the Principal Amount and, with respect to any Capital Appreciation Bond, the Maturity Value.

(ii) “Treasurer-Tax Collector” means, the Treasurer-Tax Collector of Marin County.

SECTION 5. Terms of the Bonds.

(a) Denomination, Interest, Date of Delivery. The Bonds shall be issued as any combination of Current Interest Bonds and Capital Appreciation Bonds registered as to both principal and interest, in the denominations of, with respect to the Current Interest Bonds, $5,000 Denominational Amount or any integral multiple thereof, and with respect to the Capital Appreciation Bonds, $5,000 Maturity Value, or any integral multiple thereof (except for one odd denomination if necessary). The Bonds will be initially registered to “Cede & Co.,” the nominee of the Depository Trust Company, New York, New York.

Each Capital Appreciation Bond shall be dated, and shall accrete interest from, its date of initial issuance, unless otherwise set forth in the Official Statement. Capital Appreciation Bonds will not bear interest on a current basis.

Each Current Interest Bond shall be dated the date of delivery or such date as shall appear in the Official Statement (the “Date of Delivery”), and shall bear interest from the Bond Payment Date next preceding the date of authentication thereof unless it is authenticated as of a day during the period from the 16th day of the month next preceding any Bond Payment Date to that Bond Payment Date, inclusive, in which event it shall bear interest from such Bond Payment Date, or unless it is
authenticated on or before the first Record Date, in which event it shall bear interest from the Date of Delivery.

The Bonds shall bear or accrete interest at a rate or rates such that the interest rates or true interest cost shall not exceed the maximum rate permitted by law. Interest shall be payable on the respective Bond Payment Dates. Interest on the Current Interest Bonds shall be computed on the basis of a 360-day year of twelve 30-day months.

The Capital Appreciation Bonds shall mature in the years and shall be issued in the aggregate Denominational Amount, with Maturity Values as set forth in the Official Statement and shall have Accretion Rates and shall have Denominational Amounts per each five thousand dollars ($5,000) in Maturity Value as shown in the Accreted Value Table attached to the Official Statement; provided, that in the event that the amount shown in such Accreted Value Table and the Accreted Value calculated by the District and approved by the Bond Insurer by application of the definition of Accreted Value set forth in Section 4 differ, the latter amount shall be the Accreted Value of such Capital Appreciation Bond.

(b) Redemption.

(i) Optional Redemption. The Bonds shall be subject to optional redemption prior to their stated maturity dates as provided in the Official Statement.

(ii) Mandatory Redemption. Unless otherwise provided in the Official Statement, the Term Bonds are subject to mandatory redemption from moneys in the Debt Service Fund established in Section 11 hereof prior to their stated maturity dates, without premium, on each August 1, in the Principal Amounts as set forth in the Official Statement.

(iii) Selection of Bonds for Redemption. Whenever provision is made in this Resolution for the optional redemption of Outstanding Bonds and less than all Outstanding Bonds are to be redeemed, the Bond Registrar identified below, upon written instruction from the District, shall select Bonds for redemption as so directed and if not directed, in inverse order of maturity. Within a maturity, the Bond Registrar shall select Bonds for redemption by lot. Redemption by lot shall be in such manner as the Bond Registrar shall determine; provided, however, that the portion of any Current Interest Bond to be redeemed in part shall be in the Principal Amount of $5,000 or any integral multiple thereof and the portion of any Capital Appreciation Bond to be redeemed in part shall be in integral multiples of the Accreted Value per $5,000 Maturity Value thereof.

(iv) Notice of Redemption. When redemption is authorized or required pursuant to Section 5(b)(i) hereof, the Bond Registrar, upon written instruction from the District, shall give notice (a “Redemption Notice”) of the redemption of the Bonds. Such Redemption Notice shall specify: the Bonds or designated portions thereof (in the case of redemption of the Bonds in part but not in whole) which are to be redeemed; the date of redemption; the place or places where the redemption will be made, including the name and address of the Bond Registrar; the redemption price; the CUSIP numbers (if any) assigned to the Bonds to be redeemed; the Bond numbers of the Bonds to be redeemed in whole or in part and, in the case of any Bond to be redeemed in part only, the Principal Amount or Accreted Value of such Bond to be redeemed; and the original issue date, interest rate or Accretion Rate and stated maturity date of each Bond to be redeemed in whole or in part. Such Redemption
Notice shall further state that on the specified date there shall become due and payable upon each Bond or portion thereof being redeemed, at the redemption price thereof, together with the interest accrued or accreted to the redemption date, and that from and after such date, interest with respect thereto shall cease to accrue or accrete.

The Bond Registrar shall take the following actions with respect to such Redemption Notice:

(A) At least 30 but not more than 45 days prior to the redemption date, such Redemption Notice shall be given to the respective Owners of Bonds designated for redemption by registered or certified mail, postage prepaid, at their addresses appearing on the Bond Register.

(B) At least 30 but not more than 45 days prior to the redemption date, such Redemption Notice shall be given by (i) registered or certified mail, postage prepaid, (ii) telephonically confirmed facsimile transmission, or (iii) overnight delivery service, to the Security Depository.

(C) At least 30 but not more than 45 days prior to the redemption date, such Redemption Notice shall be given by (i) registered or certified mail, postage prepaid, or (ii) overnight delivery service, to one of the Information Services.

Neither failure to receive or failure to publish any Redemption Notice nor any defect in any such Redemption Notice so given shall affect the sufficiency of the proceedings for the redemption of the affected Bonds. Each check issued or other transfer of funds made by the Bond Registrar for the purpose of redeeming Bonds shall bear or include the CUSIP number identifying, by issue and maturity, the Bonds being redeemed with the proceeds of such check or other transfer. Such redemption notices may state that no representation is made as to the accuracy or correctness of the CUSIP numbers printed therein or on the Bonds.

(v) Partial Redemption of Bonds. Upon the surrender of any Bond redeemed in part only, the Bond Registrar shall execute and deliver to the Owner thereof a new Bond or Bonds of like tenor and maturity and of authorized denominations equal in Transfer Amounts to the unredeemed portion of the Bond surrendered. Such partial redemption shall be valid upon payment of the amount required to be paid to such Owner and the District shall be released and discharged thereupon from all liability to the extent of such payment.

(vi) Effect of Notice of Redemption. Notice having been given as aforesaid, and the moneys for the redemption (including the interest accrued to the applicable date of redemption) having been set aside as provided in Section 18 hereof, the Bonds to be redeemed shall become due and payable on such date of redemption.

If on such redemption date, money for the redemption of all the Bonds to be redeemed as provided in Section 5(b)(i) hereof, together with interest accrued to such redemption date, shall be held by the Bond Registrar (or an independent escrow agent selected by the District) so as to be available therefor on such redemption date, and if notice of redemption thereof shall have been given as aforesaid, then from and after such redemption date, interest with respect to the Bonds to be redeemed shall cease to accrue or
accrete and become payable. All money held by or on behalf of the Bond Registrar (or an independent escrow agent selected by the District) for the redemption of Bonds shall be held in trust for the account of the Owners of the Bonds so to be redeemed.

All Bonds paid at maturity or redeemed prior to maturity pursuant to the provisions of this Section 5 shall be cancelled upon surrender thereof and be delivered to or upon the order of the District. All or any portion of a Bond purchased by the District shall be cancelled by the Bond Registrar.

(vii) Bonds No Longer Outstanding. When any Bonds (or portions thereof), which have been duly called for redemption prior to maturity under the provisions of this Resolution, or with respect to which irrevocable instructions to call for redemption prior to maturity at the earliest redemption date have been given to the Bond Registrar (or an independent escrow agents elected by the District), in form satisfactory to it, and sufficient moneys shall be held by the Bond Registrar (or an independent escrow agent selected by the District, irrevocably in trust as provided in Section 18 hereof for the payment of the redemption price of such Bonds or portions thereof, and, in the case of Current Interest Bonds, accrued interest with respect thereto to the date fixed for redemption, all as provided in this Resolution, then such Bonds shall no longer be deemed Outstanding and shall be surrendered to the Bond Registrar for cancellation.

(viii) Conditional Notice of Redemption. With respect to any notice of optional redemption of Bonds, unless upon the giving of such notice, such Bonds shall be deemed to have been paid within the meaning of Section 5(vii) hereof or unless the Bond Registrar holds cash or Government Obligations sufficient to pay the principal, premium, if any, and interest on the Bonds to be redeemed, such notice may state that such redemption shall be conditional upon the receipt by the Bond Registrar on or prior to the date fixed for such redemption of moneys sufficient to pay the principal, premium, if any, and interest on such Bonds and that if such moneys shall not have been so received said notice shall be of no force and effect and the Bond Registrar shall not be required to redeem such Bonds. In the event that such notice of redemption contains such a condition and such moneys are not so received, the redemption shall not be made and the Bond Registrar shall be within a reasonable time thereafter give notice, in the manner in which the notice of redemption was given, that such moneys were not so received.

(c) Book-Entry System.

(i) Definitions. As used in this Section, the terms set forth below shall have the meanings ascribed to them:

"Nominee" means the nominee of the Depository, which may be the Depository, as determined from time to time pursuant to this Section.

"Participants" means those broker-dealers, banks and other financial institutions from time to time for which the Depository holds book-entry certificates as securities depository.

(ii) Election of Book-Entry System. The Bonds shall initially be delivered in the form of a separate single fully-registered bond (which may be typewritten) for each maturity date of such Bonds in an authorized denomination (except for any odd denomination Bond).
The ownership of each such Bond shall be registered in the Bond Register (as defined below) in the name of the Nominee, as nominee of the Depository and ownership of the Bonds, or any portion thereof may not thereafter be transferred except as provided in Section 5(c)(ii)(4).

With respect to book-entry Bonds, the District and the Bond Registrar shall have no responsibility or obligation to any Participant or to any person on behalf of which such a Participant holds an interest in such book-entry Bonds. Without limiting the immediately preceding sentence, the District and the Bond Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of the Depository, the Nominee, or any Participant with respect to any ownership interest in book-entry Bonds; (ii) the delivery to any Participant or any other person, other than an Owner as shown in the Bond Register, of any notice with respect to book-entry Bonds, including any notice of redemption; (iii) the selection by the Depository and its Participants of the beneficial interests in book-entry Bonds to be prepaid in the event the District redeems the Bonds in part; or (iv) the payment by the Depository or any Participant or any other person, of any amount with respect to Accreted Value, Principal, premium, if any, or interest on the book-entry Bonds. The District and the Bond Registrar may treat and consider the person in whose name each book-entry Bond is registered in the Bond Register as the absolute owner (the “Registered Owner” or “Owner”) of such book-entry Bond for the purpose of payment of Accreted Value, or Principal of and premium and interest on and to such Bond, for the purpose of giving notices of redemption and other matters with respect to such Bond, for the purpose of registering transfers with respect to such Bond, and for all other purposes whatsoever. The Bond Registrar shall pay all Accreted Value or Principal of and premium, if any, and interest on the Bonds only to or upon the order of the respective Owner, as shown in the Bond Register, or his respective attorney duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the District’s obligations with respect to payment of Accreted Value or Principal of, and premium, if any, and interest on the Bonds to the extent of the sum or sums so paid. No person other than an Owner, as shown in the Bond Register, shall receive a certificate evidencing the obligation to make payments of Accreted Value or Principal of, and premium, if any, and interest on the Bonds. Upon delivery by the Depository to the Owner and the Bond Registrar, of written notice to the effect that the Depository has determined to substitute a new nominee in place of the Nominee, and subject to the provisions herein with respect to the Record Date, the word Nominee in this Resolution shall refer to such nominee of the Depository.

1. Delivery of Letter of Representations. In order to qualify the book-entry Bonds for the Depository’s book-entry system, the District and the Bond Registrar shall execute and deliver to the Depository a Letter of Representations. The execution and delivery of a Letter of Representations shall not in any way impose upon the District or the Bond Registrar any obligation whatsoever with respect to persons having interests in such book-entry Bonds other than the Owners, as shown on the Bond Register. By executing a Letter of Representations, the Bond Registrar shall agree to take all action necessary at all times so that the District will be in compliance with all representations of the District in such Letter of Representations. In addition to the execution and delivery of a Letter of Representations, the District and the Bond Registrar shall take such other actions, not inconsistent with this Resolution, as are reasonably necessary to qualify book-entry Bonds for the Depository’s book-entry program.
2. **Selection of Depository.** In the event (i) the Depository determines not to continue to act as securities depository for book-entry Bonds, or (ii) the District determines that continuation of the book-entry system is not in the best interest of the beneficial Owners of the Bonds or the District, then the District will discontinue the book-entry system with the Depository. If the District determines to replace the Depository with another qualified securities depository, the District shall prepare or direct the preparation of a new single, separate, fully registered bond for each maturity date of such book-entry Bond, registered in the name of such successor or substitute qualified securities depository or its Nominee as provided in subsection (4) hereof. If the District fails to identify another qualified securities depository to replace the Depository, then the Bonds shall no longer be restricted to being registered in such Bond Register in the name of the Nominee, but shall be registered in whatever name or names the Owners transferring or exchanging such Bonds shall designate, in accordance with the provisions of this Section 5(c).

3. **Payments to Depository.** Notwithstanding any other provision of this Resolution to the contrary, so long as all Outstanding Bonds are held in book-entry and registered in the name of the Nominee, all payments by the District or the Bond Registrar with respect to Accreted Value or Principal of and premium, if any, or interest on the Bonds and all notices with respect to such Bonds shall be made and given, respectively to the Nominees, as provided in the Letter of Representations or as otherwise instructed by the Depository and agreed to by the Bond Registrar notwithstanding any inconsistent provisions herein.

4. **Transfer of Bonds to Substitute Depository.**

(A) The Bonds shall be initially issued as described in the Official Statement described herein. Registered ownership of such Bonds, or any portions thereof, may not thereafter be transferred except:

1. to any successor of DTC or its nominee, or of any substitute depository designated pursuant to Section 5(c)(ii)(4)(A)(2) ("Substitute Depository"); provided that any successor of DTC or Substitute Depository shall be qualified under any applicable laws to provide the service proposed to be provided by it;

2. to any Substitute Depository, upon (a) the resignation of DTC or its successor (or any Substitute Depository or its successor) from its functions as depository, or (b) a determination by the District that DTC (or its successor) is no longer able to carry out its functions as depository; provided that any such Substitute Depository shall be qualified under any applicable laws to provide the services proposed to be provided by it; or

3. to any person as provided below, upon (a) the resignation of DTC or its successor (or any Substitute Depository or its successor) from its functions as depository, or (b) a determination by the District that DTC or its successor (or Substitute Depository or its successor) is no longer able to carry out its functions as depository.
(B) In the case of any transfer pursuant to Section 5(c)(ii)(4)(A)(1) or (2), upon receipt of all Outstanding Bonds by the Bond Registrar, together with a written request of the District to the Bond Registrar designating the Substitute Depository, a single new Bond, which the District shall prepare or cause to be prepared, shall be executed and delivered for each maturity of Bonds then Outstanding, registered in the name of such successor or such Substitute Depository or their Nominees, as the case may be, all as specified in such written request of the District. In the case of any transfer pursuant to Section 5(c)(ii)(4)(A)(3), upon receipt of all Outstanding Bonds by the Bond Registrar, together with a written request of the District to the Bond Registrar, new Bonds, which the District shall prepare or cause to be prepared, shall be executed and delivered in such denominations and registered in the names of such persons as are requested in such written request of the District, provided that the Bond Registrar shall not be required to deliver such new Bonds within a period of less than sixty (60) days from the date of receipt of such written request from the District.

(C) In the case of a partial redemption or an advance refunding of any Bonds evidencing a portion of the Maturity Value or Principal maturing in a particular year, DTC or its successor (or any Substitute Depository or its successor) shall make an appropriate notation on such Bonds indicating the date and amounts of such reduction in Maturity Value or Principal, in form acceptable to the Bond Registrar, all in accordance with the Letter of Representations. The Bond Registrar shall not be liable for such Depository's failure to make such notations or errors in making such notations.

(D) The District and the Bond Registrar shall be entitled to treat the person in whose name any Bond is registered as the Owner thereof for all purposes of this Resolution and any applicable laws, notwithstanding any notice to the contrary received by the Bond Registrar or the District; and the District and the Bond Registrar shall not have responsibility for transmitting payments to, communicating with, notifying, or otherwise dealing with any beneficial Owners of the Bonds. Neither the District nor the Bond Registrar shall have any responsibility or obligation, legal or otherwise, to any such beneficial Owners or to any other party, including DTC or its successor (or Substitute Depository or its successor), except to the Owner of any Bonds, and the Bond Registrar may rely conclusively on its records as to the identity of the Owners of the Bonds.

SECTION 6. Execution of the Bonds. The Bonds shall be signed by the President of the Board or other member of the Board authorized to do so by resolution of the Board, by their manual or facsimile signature and countersigned by the manual or facsimile signature of the Clerk of the Board or Secretary to the Board, all in their official capacities. No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under this Resolution unless and until the certificate of authentication printed on the Bond is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under this Resolution and is entitled to the security and benefit of this Resolution.

SECTION 7. Bond Registrar; Transfer and Exchange. This Board does hereby appoint U.S. Bank National Association to act as the Bond Registrar for the Bonds.
So long as any of the Bonds remains Outstanding, the District will cause the Bond Registrar to maintain and keep at its designated office all books and records necessary for the registration, exchange and transfer of the Bonds as provided in this Section. Subject to the provisions of Section 8 below, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute Owner of that Bond for all purposes of this Resolution. Payment of or on account of the Principal or Accreted Value of and premium, if any, and interest on any Bond shall be made only to or upon the order of that person; neither the District nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the District’s liability upon the Bonds, including interest, to the extent of the amount or amounts so paid.

Any Bond may be exchanged for Bonds of like tenor, maturity and Transfer Amount upon presentation and surrender at the designated office of the Bond Registrar, together with a request for exchange signed by the Owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. A Bond may be transferred on the Bond Register only upon presentation and surrender of the Bond at the designated office of the Bond Registrar together with an assignment executed by the Owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer, the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of like tenor and of any authorized denomination or denominations requested by the Owner equal to the Transfer Amount of the Bond surrendered and bearing or accruing interest at the same rate and maturing on the same date. Capital Appreciation Bonds and Current Interest Bonds may not be exchanged for one another.

If any Bond shall become mutilated, the District, at the expense of the Owner of said Bond, shall execute, and the Bond Registrar shall thereupon authenticate and deliver, a new Bond of like series, tenor and Transfer Amount in exchange and substitution for the Bond so mutilated, but only upon surrender to the Bond Registrar of the Bond so mutilated. If any Bond issued hereunder shall be lost, destroyed or stolen, evidence of such loss, destruction or theft may be submitted to the Bond Registrar and, if such evidence be satisfactory to the Bond Registrar and indemnity for the Bond Registrar and the District satisfactory to the Bond Registrar shall be given by the Owner, the District, at the expense of the Bond Owner, shall execute, and the Bond Registrar shall thereupon authenticate and deliver, a new Bond of like Series and tenor in lieu of and in substitution for the Bond so lost, destroyed or stolen (or if any such Bond shall have matured or shall have been called for redemption, instead of issuing a substitute Bond the Bond Registrar may pay the same without surrender thereof upon receipt of indemnity satisfactory to the Bond Registrar and the District). The Bond Registrar may require payment of a reasonable fee for each new Bond issued under this paragraph and of the expenses which may be incurred by the District and the Bond Registrar.

If manual signatures on behalf of the District are required in connection with an exchange or transfer, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the District. In all cases of exchanged or transferred Bonds, the District shall sign and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of this Resolution. All fees and costs of transfer shall be paid by the requesting party. Those charges may be required to be paid before the procedure is begun for the exchange or transfer. All Bonds issued upon any exchange or transfer shall be valid obligations of the District, evidencing the same debt, and entitled to the same security and benefit under this Resolution as the Bonds surrendered upon that exchange or transfer.
Any Bond surrendered to the Bond Registrar for payment, retirement, exchange, replacement or transfer shall be cancelled by the Bond Registrar. The District may at any time deliver to the Bond Registrar for cancellation any previously authenticated and delivered Bonds that the District may have acquired in any manner whatsoever, and those Bonds shall be promptly cancelled by the Bond Registrar. Written reports of the surrender and cancellation of Bonds shall be made to the District by the Bond Registrar as requested by the District. The cancelled Bonds shall be retained for three years, then returned to the District or destroyed by the Bond Registrar as directed by the District.

Neither the District nor the Bond Registrar will be required (a) to issue or transfer any Bonds during a period beginning with the opening of business on the 16th business day next preceding either any Bond Payment Date or any date of selection of Bonds to be redeemed and ending with the close of business on the Bond Payment Date or any day on which the applicable notice of redemption is given or (b) to transfer any Bonds which have been selected or called for redemption in whole or in part.

SECTION 8. Payment. Payment of interest on any Current Interest Bond on any Bond Payment Date shall be made to the person appearing on the registration books of the Bond Registrar as the Owner thereof as of the Record Date immediately preceding such Bond Payment Date, such interest to be paid by check mailed to such Owner on the Bond Payment Date at his or her address as it appears on such registration books or at such other address as he may have filed with the Bond Registrar for that purpose on or before the Record Date. The Owner in an aggregate Principal Amount of $1,000,000 or more may request in writing to the Bond Registrar that such Owner be paid interest by wire transfer to the bank and account number on file with the Bond Registrar as of the Record Date. The principal, and redemption price, if any, payable on the Current Interest Bonds and the Accreted Value and redemption price, if any, on the Capital Appreciation Bonds shall be payable upon maturity or redemption upon surrender at the designated office of the Bond Registrar. The interest, Accreted Value, Principal and premiums, if any, on the Bonds shall be payable in lawful money of the United States of America. The Bond Registrar is hereby authorized to pay the Bonds when duly presented for payment at maturity, and to cancel all Bonds upon payment thereof. The Bonds are general obligations of the District payable solely from the levy of ad valorem property taxes upon all property subject to taxation within the District.

SECTION 9. Form of the Bonds. The Bonds shall be in substantially the following form, allowing those officials executing the Bonds to make the insertions and deletions necessary to conform the Bonds to this Resolution and the Official Statement and to correct any defect or inconsistency therein or to cure any ambiguity or omission therein.
(Form of Current Interest Bond)

REGISTRATION NO. $_______

MARIN COMMUNITY COLLEGE DISTRICT
(MARIN COUNTY, CALIFORNIA)
ELECTION OF 2004 GENERAL OBLIGATION BOND, SERIES D

INTEREST RATE: MATURITY DATE: DATED AS OF: CUSIP
___% per annum August 1, 20__ Date of Delivery

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT:

The Marin Community College District (the "District") in Marin County, California (the "County"), for value received, promises to pay to the Registered Owner named above, or registered assigns, the Principal Amount on the Maturity Date, each as stated above, and interest thereon until the Principal Amount is paid or provided for at the Interest Rate stated above, on February 1 and August 1 of each year (the "Bond Payment Dates"), commencing February 1, 2013. This bond will bear interest from the Bond Payment Date next preceding the date of authentication hereof unless it is authenticated as of a day during the period from the 16th day of the month next preceding any Bond Payment Date to the Bond Payment Date, inclusive, in which event it shall bear interest from such Bond Payment Date, or unless it is authenticated on or before January 15, 2013, in which event it shall bear interest from the Date of Delivery. Interest shall be computed on the basis of a 360-day year of twelve 30-day months. Principal and interest are payable in lawful money of the United States of America, without deduction for the paying agent services, to the person in whose name this bond (or, if applicable, one or more predecessor bonds) is registered (the "Registered Owner") on the Register maintained by the Bond Registrar, initially U.S. Bank National Association. Principal is payable upon presentation and surrender of this bond at the principal office of the Bond Registrar. Interest is payable by check or draft mailed by the Bond Registrar on each Bond Payment Date to the Registered Owner of this bond (or one or more predecessor bonds) as shown and at the address appearing on the Register at the close of business on the 15th day of the calendar month next preceding that Bond Payment Date (the "Record Date"). The Owner of Current Interest Bonds in the aggregate principal amount of $1,000,000 or more may request in writing to the Bond Registrar that the Owner be paid interest by wire transfer to the bank and account number on file with the Bond Registrar as of the Record Date.

This bond is one of an authorization of $_______ of bonds approved to raise money for the purposes authorized by the voters of the District at the Election, defined below, and to pay all necessary legal, financial, engineering and contingent costs in connection therewith under authority of and pursuant to the laws of the State of California, and the requisite fifty-five percent vote of the voters of the District cast at an election held on November 2, 2004 (the "Election"), upon the question of issuing bonds in the amount of $249,500,000 and the resolution of the Board of Trustees of the District adopted on August 21, 2012 (the "Bond Resolution"). This bond is being issued under the provisions of Chapter 1.5 of Part 10 of Division 1 of title 1 of the California Education Code,
commencing with Section 15264 et seq. This bond and the issue of which this bond is one are payable as to both principal and interest solely from the proceeds of the levy of *ad valorem* taxes on all property subject to such taxes in the District, which taxes are unlimited as to rate or amount in accordance with California Education Code Sections 15250 and 15252. The Bonds of this issue are general obligations of the District.

The bonds of this issue comprise $\_\_\_\_\_\_\_\_\_\_\_\_ principal amount of Current Interest Bonds, of which this bond is a part (a “Current Interest Bond”) and Capital Appreciation Bonds of which $\_\_\_\_\_\_\_\_\_\_\_\_ represents the Denomination Amount and $\_\_\_\_\_\_\_\_\_\_\_\_ represents the Maturity Value.

This bond is exchangeable and transferable for bonds of like tenor, maturity and Transfer Amount (as defined in the Bond Resolution) and in authorized denominations at the principal office of the Bond Registrar in San Francisco, California, by the Registered Owner or by a person legally empowered to do so, in a form satisfactory to the Bond Registrar, all subject to the terms, limitations and conditions provided in the Bond Resolution. All fees and costs of transfer shall be paid by the transferor. The District and the Bond Registrar may deem and treat the Registered Owner as the absolute Owner of this bond for the purpose of receiving payment of or on account of principal or interest and for all other purposes, and neither the District nor the Bond Registrar shall be affected by any notice to the contrary.

Neither the District nor the Bond Registrar will be required (a) to issue or transfer any bond during a period beginning with the opening of business on the 15th business day next preceding either any Bond Payment Date or any date of selection of bonds to be redeemed and ending with the close of business on the Bond Payment Date or day on which the applicable notice of redemption is given or (b) to transfer any bond which has been selected or called for redemption in whole or in part.

The Bonds maturing on or before August 1, 20\_\_ are not subject to optional redemption prior to their respective maturity dates. The Bonds maturing on or after August 1, 20\_, are subject to optional redemption prior to their respective maturity dates at the option of the District, from any source of available funds, as a whole or in part on any date on or after August 1, 20\_, at a redemption price equal to the principal amount of the Bonds, together with accrued interest to the date fixed for redemption, without premium.

The Term Bonds maturing on August 1, 20\_, are subject to redemption prior to maturity from mandatory sinking fund payments on August 1 of each year, on and after August 1, 20\_, at a redemption price equal to the principal amount thereof, plus accrued interest to the date fixed for redemption, without premium. The principal amount represented by such Term Bonds to be so redeemed and the dates therefor and the final principal payment date is as indicated in the following table:

<table>
<thead>
<tr>
<th>Redemption Date</th>
<th>Principal Amount</th>
</tr>
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<tbody>
<tr>
<td>(August 1)</td>
<td></td>
</tr>
<tr>
<td>(1)</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
</tr>
<tr>
<td>(1) Maturity</td>
<td></td>
</tr>
</tbody>
</table>

16
The principal amount to be redeemed in each year shown above will be reduced proportionately or as otherwise directed by the District, in integral multiples of $5,000, by any portion of the Term Bond optionally redeemed prior to the mandatory sinking fund redemption date.

If less than all of the bonds of any one maturity shall be called for redemption, the particular bonds or portions of the bonds of such maturity to be redeemed shall be selected by lot by the Paying Agent in such manner as the Paying Agent in its discretion may determine; provided, however, that the portion of any bond to be redeemed shall be in the principal amount of $5,000 or some multiple thereof. If less than all of the bonds stated to mature on different dates shall be called for redemption, the particular bonds or portions thereof to be redeemed shall be called in any order of maturity selected by the District or, if not so selected, in the inverse order of maturity.

Reference is made to the Bond Resolution for a more complete description of the provisions, among others, with respect to the nature and extent of the security for the bonds of this series, the rights, duties and obligations of the District, the Bond Registrar and the Registered Owners, and the terms and conditions upon which the bonds are issued and secured. The Registered Owner of this bond assents, by acceptance hereof, to all of the provisions of the Bond Resolution.

It is certified and recited that all acts and conditions required by the Constitution and laws of the State of California to exist, to occur and to be performed or to have been met precedent to and in the issuing of the bonds in order to make them legal, valid and binding general obligations of the District, have been performed and have been met in regular and due form as required by law; that payment in full for the bonds has been received; that no statutory or constitutional limitation on indebtedness or taxation has been exceeded in issuing the bonds; and that due provision has been made for levying and collecting ad valorem property taxes on all of the taxable property within the District in an amount sufficient to pay principal and interest when due.

This bond shall not be valid or obligatory for any purpose and shall not be entitled to any security or benefit under the Bond Resolution until the Certificate of Authentication below has been signed.
IN WITNESS WHEREOF, the Marin Community College District, Marin County, California, has caused this bond to be executed on behalf of the District and in their official capacities by the manual or facsimile signature of the President of the Board of Trustees of the District, and to be countersigned by the manual or facsimile signature of the Secretary to the Board of Trustees of the District, all as of the date stated above.

BOARD OF TRUSTEES OF THE MARIN COMMUNITY COLLEGE DISTRICT

By: _______ (Facsimile Signature) _______
   President of the Board of Trustees

COUNTERSIGNED:

 _______ (Facsimile Signature) _______
   Secretary to the Board of Trustees

CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds described in the Bond Resolution referred to herein which has been authenticated and registered on _________, 2012.

U.S. BANK NATIONAL ASSOCIATION

_______ (Authorized Officer) _______
ASSIGNMENT

For value received, the undersigned sells, assigns and transfers to (print or typewrite name, address and zip code of Transferee): ___________________________________________ this bond and irrevocably constitutes and appoints attorney to transfer this bond on the books for registration thereof, with full power of substitution in the premises.

Dated: __________________________________________

Signature Guaranteed: ____________________________

Notice: The assignor’s signature to this assignment must correspond with the name as it appears upon the within bond in every particular, without alteration or any change whatever, and the signature(s) must be guaranteed by an eligible guarantor institution.

Social Security Number, Taxpayer Identification Number or other identifying number of Assignee: ____________________________

Unless this bond is presented by an authorized representative of The Depository Trust Company to the issuer or its agent for registration of transfer, exchange or payment, and any bond issued is registered in the name of Cede & Co. or such other name as requested by an authorized representative of The Depository Trust Company and any payment is made to Cede & Co., ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL since the registered Owner hereof, Cede & Co., has an interest herein.

LEGAL OPINION

The following is a true copy of the opinion rendered by Stradling Yocca Carlson & Rauth, a Professional Corporation in connection with the issuance of, and dated as of the date of the original delivery of, the bonds. A signed copy is on file in my office.

______________________________
(Facsimile Signature)
Secretary to the Board of Trustees
(Form of Capital Appreciation Bond)

REGISTERED NO. $

MARIN COMMUNITY COLLEGE DISTRICT
(MARIN COUNTY, CALIFORNIA)
ELECTION OF 2004 GENERAL OBLIGATION BONDS, SERIES D

ACCRETION RATE: Maturity Date: Dated as of: CUSIP
August 1, ____ Date of Delivery

REGISTERED OWNER: CEDE & CO.

DENOMINATIONAL AMOUNT:

MATURITY VALUE:

The Marin Community College District (the “District”) in Marin County, California (the “County”), for value received, promises to pay to the Registered Owner named above, or registered assigns, the Maturity Value on the Maturity Date, each as stated above, such Maturity Value comprising the Denominational Amount and interest accrued thereon. This bond will not bear current interest but will accrue interest, compounded on each February 1 and August 1, commencing February 1, 2013, at the Accretion Rate specified above to the Maturity Date, assuming that in any such semiannual period the sum of such compounded accrued interest and the Denominational Amount (such sum being herein called the “Accreted Value”) increases in equal daily amounts on the basis of a 360-day year consisting of twelve 30-day months. Accreted Value and redemption premium, if any, are payable in lawful money of the United States of America, without deduction for the paying agent services, to the person in whose name this bond (or, if applicable, one or more predecessor bonds) is registered (the “Registered Owner”) on the Register maintained by the Bond Registrar, initially U.S. Bank National Association. Accreted Value and redemption premium, if any, are payable upon presentation and surrender of this bond at the principal office of the Bond Registrar.

This bond is one of an authorization of $__________ of bonds approved to raise money for the purposes authorized by the voters of the District at the Election, defined below, and to pay all necessary legal, financial, engineering and contingent costs in connection therewith under authority of and pursuant to the laws of the State of California, and the requisite fifty-five percent vote of the voters of the District cast at an election held on November 2, 2004 (the “Election”), upon the question of issuing bonds in the amount of $249,500,000 and the resolution of the Board of Trustees of the District adopted on August 21, 2012 (the “Bond Resolution”). This bond is being issued under the provisions of Chapter 1.5 of Part 10 of Division 1 of title 1 of the California Education Code, commencing with Section 15264 et seq. This bond and the issue of which this bond is one are payable as to both principal and interest solely from the proceeds of the levy of ad valorem taxes on all property subject to such taxes in the District, which taxes are unlimited as to rate or amount in accordance with California Education Code Sections 15250 and 15252. The Bonds of this issue are general obligations of the District.
The bonds of this issue comprise $_______ principal amount of Current Interest Bonds (each a “Current Interest Bond”) and Capital Appreciation Bonds, of which this bond is a part, in the Denominational Amount of $_______ and the Maturity Value of $_______.

[This bond is not subject to optional redemption prior to maturity.]

This bond is exchangeable and transferable for bonds of like tenor, maturity and Transfer Amount (as defined in the Bond Resolution) and in authorized denominations at the principal office of the Bond Registrar, by the Registered Owner or by a person legally empowered to do so, in a form satisfactory to the Bond Registrar in San Francisco, California, all subject to the terms, limitations and conditions provided in the Bond Resolution. All fees and costs of transfer shall be paid by the transferor. The District and the Bond Registrar may deem and treat the Registered Owner as the absolute Owner of this bond for the purpose of receiving payment of or on account of principal or interest and for all other purposes, and neither the District nor the Bond Registrar shall be affected by any notice to the contrary.

Neither the District nor the Bond Registrar will be required (a) to issue or transfer any bond during a period beginning with the opening of business on the 15th business day next preceding either any Bond Payment Date or any date of selection of bonds to be redeemed and ending with the close of business on the Bond Payment Date or day on which the applicable notice of redemption is given or (b) to transfer any bond which has been selected or called for redemption in whole or in part.

The Capital Appreciation Term Bonds maturing on August 1, 20____ are subject to redemption prior to maturity from mandatory sinking fund payments on August 1 of each year, on and after August 1, 20___, at a redemption price equal to the Accreted Value thereof, as of the date of such payment, without premium. The Accreted Value represented by such Capital Appreciation Term Bonds to be so redeemed and the dates therefor and the final payment date are as indicated in the following table:

<table>
<thead>
<tr>
<th>Redemption Date (August 1)</th>
<th>Accreted Value</th>
</tr>
</thead>
</table>

(1) Maturity.
Reference is made to the Bond Resolution for a more complete description of the provisions, among others, with respect to the nature and extent of the security for the Capital Appreciation Bonds of this series, the rights, duties and obligations of the District, the Bond Registrar and the Registered Owners, and the terms and conditions upon which the bonds are issued and secured. The Registered Owner of this bond assents, by acceptance hereof, to all of the provisions of the Bond Resolution.

It is certified and recited that all acts and conditions required by the Constitution and laws of the State of California to exist, to occur and to be performed or to have been met precedent to and in the issuing of the bonds in order to make them legal, valid and binding general obligations of the District, have been performed and have been met in regular and due form as required by law; that payment in full for the bonds has been received; that no statutory or constitutional limitation on indebtedness or taxation has been exceeded in issuing the bonds; and that due provision has been made for levying and collecting ad valorem property taxes on all of the taxable property within the District in an amount sufficient to pay principal and interest when due.

This bond shall not be valid or obligatory for any purpose and shall not be entitled to any security or benefit under the Bond Resolution until the Certificate of Authentication below has been signed.
IN WITNESS WHEREOF, the Marin Community College District, Marin County, California, has caused this bond to be executed on behalf of the District and in their official capacities by the manual or facsimile signature of the President of the Board of Trustees of the District, and to be countersigned by the manual or facsimile signature of the Secretary to the Board of Trustees of the District, all as of the date stated above.

MARIN COMMUNITY COLLEGE DISTRICT

By: ____________________ (Facsimile Signature)  
President of the Board of Trustees

COUNTERSIGNED:

__________________________ (Facsimile Signature)  
Secretary to the Board of Trustees

CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds described in the Bond Resolution referred to herein which has been authenticated and registered on ________, 2012.

U.S. BANK NATIONAL ASSOCIATION

__________________________  
Authorized Officer
ASSIGNMENT

For value received, the undersigned sells, assigns and transfers to (print or typewrite name, address and ZIP code of Transferee): ___________________________________________________________________________ this bond and irrevocably constitutes and appoints attorney to transfer this bond on the books for registration thereof, with full power of substitution in the premises.

Dated: ______________________ ______________________

Signature Guaranteed: ______________________

Notice: The assignor’s signature to this assignment must correspond with the name as it appears upon the face of the within bond in every particular, without alteration or by any change whatever, and the signature(s) must be guaranteed by an eligible guarantor institution.

Social Security Number, Taxpayer Identification Number or other identifying number of Assignee: ______________

Unless this certificate is presented by an authorized representative of The Depository Trust Company to the issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or such other name as requested by an authorized representative of The Depository Trust Company and any payment is made to Cede & Co., ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL since the registered Owner hereof, Cede & Co., has an interest herein.

LEGAL OPINION

The following is a true copy of the opinion rendered by Stradling Yocca Carlson & Rauth, a Professional Corporation, in connection with the issuance of, and dated as of the date of the original delivery of, the bonds. A signed copy is on file in my office.

__________________________________________________________________________
(Facsimile Signature)
Secretary to the Board of Trustees

(Form of Legal Opinion)
SECTION 10. Delivery of the Bonds. The proper officials of the District shall cause the Bonds to be prepared and, following their sale, shall have the Bonds signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the original purchaser upon payment of the purchase price therefor.

SECTION 11. Deposit of Proceeds of the Bonds. (a) The purchase price received from the sale of the Bonds, to the extent of the Denominational Amount and the Principal Amount thereof, shall be paid to the County to the credit of the fund hereby creating and established and to be known as the “Marin Community College District Election of 2004 General Obligation Bonds, Series D Building Fund” (the “Building Fund”) of the District, shall be kept separate and distinct from all other District and County funds, and those proceeds shall be used solely for the purpose for which the Bonds are being issued and provided further that such proceeds shall be applied solely to authorized purposes of the Election. The purchase price received to the extent of any accrued interest and any original issue premium from the sale of the Bonds shall be kept separate and apart in the fund hereby created and established and to be designated as the “Marin Community College District, Election of 2004 General Obligation Bonds, Series D Debt Service Fund” (the “Debt Service Fund”) for the Bonds, and used only for payment of Accreted Value or Principal of and interest on the Bonds. Interest earnings on moneys held in the Building Fund shall be retained in the Building Fund. Interest earnings on moneys held in the Debt Service Fund shall be retained in the Debt Service Fund. Any amounts that remain in the Building Fund at the completion of the Projects, at the written direction of the District, shall be transferred to the Debt Service Fund to be used to pay the Principal of, premium, if any, and interest on the Bonds, subject to any conditions set forth in the Tax Certificate. Any excess proceeds of the Bonds not needed for the authorized purposes set forth herein for which the Bonds are being issued shall be transferred to the Debt Service Fund and applied to the payment of Accreted Value or Principal of and interest on the Bonds. If, after payment in full of the Bonds, there remain excess proceeds, any such excess amounts shall be transferred to the General Fund of the District.

The costs of issuance of the Bonds are hereby authorized to be paid either from premium withheld by the purchaser upon the sale of the Bonds, or from proceeds of the Bonds. To the extent costs of issuance are paid from such proceeds, the District, may direct that a portion of the proceeds of the Bonds received from the purchaser, in an amount not to exceed 2.0% of the Principal Amount of the Bonds, in lieu of being deposited into the Building Fund, be deposited in a costs of issuance account to be held by a fiscal agent of the District appointed for such purpose.

(b) Moneys in the Debt Service Fund and the Building Fund shall be invested at the written direction of the District, and after consultation with the County, in Permitted Investments. If at the time of issuance the District determines to issue the Bonds as Tax-Exempt Bonds without regard to the Internal Revenue Code “temporary period” restrictions, all investment of Bond proceeds shall be subject to paragraph (1) below; and the District, in consultation with the County, may provide for an agent to assist the District in investing funds pursuant to paragraph (1) below. If the District fails to direct such agent, the agent shall invest or cause the funds in the Building Fund to be invested in Qualified Permitted Investments, subject to the provisions of paragraph (1) below, until such time as the District provides written direction to invest such funds otherwise. Neither the County nor its officers and agents, as the case may be, shall have any responsibility or obligation to determine the tax consequences of any investment. The interest earned on the moneys deposited to the Building Fund shall be applied as set forth in subparagraph (1)(C) below:
(1) Covenant Regarding Investment of Proceeds.

(A) Permitted Investments. Beginning on the delivery date, and at all times until expenditure for authorized purposes, not less than 95% of the proceeds of the Bonds deposited in the Building Fund, including investment earnings thereon, will be invested in Qualified Permitted Investments which are rated in at least the second highest rating category by one of the two Rating Agencies. Notwithstanding the preceding provisions of this Section, for purposes of this paragraph, amounts derived from the disposition or redemption of Qualified Permitted Investments and held pending reinvestment or redemption for a period of not more than 30 days may be invested in Permitted Investments. The District hereby authorizes investments made pursuant to this Resolution with maturities exceeding five years.

(B) Recordkeeping and Monitoring Relating to Building Fund.

i. Information Regarding Permitted Investments. The District hereby covenants that it will record or cause to be recorded with respect to each Permitted Investment in the Building Fund the following information: purchase date; purchase price; information establishing the Fair Market Value of such Permitted Investment; face amount; coupon rate; periodicity of interest payments; disposition price; disposition date; and any accrued interest received upon disposition.

ii. Information in Qualified Non-AMT Mutual Funds. The District hereby covenants that, with respect to each investment of proceeds of the Bonds in a Qualified Non-AMT Mutual Fund pursuant to paragraph (1)(A) above, in addition to recording, or causing to be recorded, the information set forth in paragraph (1)(B)(i) above, it will retain a copy of each IRS information reporting form and account statement provided by such Qualified Non-AMT Mutual Fund.

iii. Monthly Investment Fund Statements. The District covenants that it will obtain, at the beginning of each month following the delivery date, a statement of the investments in the Building Fund detailing the nature, amount and value of each investment as of such statement date.

iv. Retention of Records. The District hereby covenants that it will retain the records referred to in paragraph (1)(B)(i) and each IRS information reporting form referred to in paragraph (1)(B)(ii) with its books and records with respect to the Bonds until three years following the last date that any obligation comprising the Bonds is retired.

(c) Interest Earned on Permitted Investments. The interest earned on the moneys deposited in the Building Fund shall be deposited in the Building Fund and used for the purposes of that fund.

Except as required below to satisfy the requirements of Section 148(f) of the Internal Revenue Code of 1986, as amended (the "Code"), interest earned on the investment of moneys held in the Debt Service Fund shall be retained in the Debt Service Fund and used by the County to pay the Accreted Value or Principal of and interest on the Bonds when due.
SECTION 12. Rebate Fund.

(a) The District shall create and establish a special fund designated the “Marin Community College District Election of 2004 General Obligation Bonds, Series D Rebate Fund” (the “Rebate Fund”). All amounts at any time on deposit in the Rebate Fund shall be held in trust, to the extent required to satisfy the requirement to make rebate payments to the United States (the “Rebate Requirement”) pursuant to Section 148 of the Code, and the Treasury Regulations promulgated thereunder (the “Treasury Regulations”). Such amounts shall be free and clear of any lien hereunder and shall be governed by this Section and by the Tax Certificate to be executed by the District.

(b) Within forty-five (45) days of the end of each fifth Bond Year (as such term is defined in the Tax Certificate), (1) the District shall calculate or cause to be calculated with respect to the Bonds the amount that would be considered the “rebate amount” within the meaning of Section 1.148-3 of the Treasury Regulations, using as the “computation date” for this purpose the end of such Bond Year, and (2) the District shall deposit to the Rebate Fund from amounts on deposit in the other funds established hereunder or from other District funds, if and to the extent required, amounts sufficient to cause the balance in the Rebate Fund to be equal to the “rebate amount” so calculated. The District shall not be required to deposit any amount to the Rebate Fund in accordance with the preceding sentence, if the amount on deposit in the Rebate Fund prior to the deposit required to be made under this subsection (b) equals or exceeds the “rebate amount” calculated in accordance with the preceding sentence. Such excess may be withdrawn from the Rebate Fund to the extent permitted under subsection (g) of this Section. The District shall not be required to calculate the “rebate amount” and shall not be required to deposit any amount to the Rebate Fund in accordance with this subsection (b), with respect to all or a portion of the proceeds of the Bonds (including amounts treated as proceeds of the Bonds) (1) to the extent such proceeds satisfy the expenditure requirements of Section 148(f)(4)(B) or Section 148(f)(4)(C) of the Code or Section 1.148-7(d) of the Treasury Regulations, whichever is applicable, and otherwise qualify for the exception to the Rebate Requirement pursuant to whichever of said sections is applicable, (2) to the extent such proceeds are subject to an election by the District under Section 148(f)(4)(C)(vii) of the Code to pay a one and one-half percent (1½%) penalty in lieu of arbitrage rebate in the event any of the percentage expenditure requirements of Section 148(f)(4)(C) are not satisfied, or (3) to the extent such proceeds qualify for the exception to arbitrage rebate under Section 148(f)(4)(A)(ii) of the Code for amounts in a “bona fide debt service fund.” In such event, and with respect to such amounts, the District shall not be required to deposit any amount to the Rebate Fund in accordance with this subsection (b).

(a) Any funds remaining in the Rebate Fund after redemption of all the Bonds and any amounts described in paragraph (2) of subsection (d) of this Section, or provision made therefor satisfactory to the District, including accrued interest, shall be remitted to the District.

(b) Subject to the exceptions contained in subsection (b) of this Section to the requirement to calculate the “rebate amount” and make deposits to the Rebate Fund, the District shall pay to the United States, from amounts on deposit in the Rebate Fund,

(1) not later than sixty (60) days after the end of (i) the fifth (5th) Bond Year, and (ii) each fifth (5th) Bond Year thereafter, an amount that, together with all previous rebate payments, is equal to at least 90% of the “rebate amount” calculated as of the end of such Bond Year in accordance with Section 1.148-3 of the Treasury Regulations; and
(2) not later than sixty (60) days after the payment of all Bonds, an amount equal to one hundred percent (100%) of the "rebate amount" calculated as of the date of such payment (and any income attributable to the "rebate amount" determined to be due and payable) in accordance with Section 1.148-3 of the Treasury Regulations.

(c) In the event that, prior to the time any payment is required to be made from the Rebate Fund, the amount in the Rebate Fund is not sufficient to make such payment when such payment is due, the District shall calculate (or have calculated) the amount of such deficiency and deposit an amount equal to such deficiency into the Rebate Fund prior to the time such payment is due.

(d) Each payment required to be made pursuant to subsection (d) of this Section shall be made to the Internal Revenue Service Center, Ogden, Utah 84201, on or before the date on which such payment is due, and shall be accompanied by Internal Revenue Service Form 8038-T, such form to be prepared or caused to be prepared by the District.

(e) In the event that immediately following the calculation required by subsection (b) of this Section, but prior to any deposit made under said subsection, the amount on deposit in the Rebate Fund exceeds the "rebate amount" calculated in accordance with said subsection, the District may withdraw the excess from the Rebate Fund and credit such excess to the Debt Service Fund.

(f) The District shall retain records of all determinations made hereunder until three years after the complete retirement of the Bonds.

(g) Notwithstanding anything in this Resolution to the contrary, the Rebate Requirement shall survive the payment in full or defeasance of the Bonds.

SECTION 13. Security for the Bonds. There shall be levied on all the taxable property in the District, in addition to all other taxes, a continuing direct ad valorem tax annually during the period the Bonds are outstanding in an amount sufficient to pay the principal and Accreted Value of and interest on the Bonds when due, which moneys when collected will be placed in the Debt Service Fund of the District and used for the payment of the principal and Accreted Value of and interest on the Bonds when and as the same fall due, and for no other purpose. The District covenants to cause the County to take all actions necessary to levy such ad valorem tax in accordance with this Section 13.

The moneys in the Debt Service Fund, to the extent necessary to pay the principal and Accreted Value of and interest on the Bonds as the same become due and payable, shall be transferred by the Treasurer-Tax Collector to the Bond Registrar which, in turn, shall pay such moneys to DTC to pay the principal and Accreted Value and interest on the Bonds. DTC will thereupon make payments of principal and Accreted Value of and interest on the Bonds to the DTC Participants who will thereupon make payments of principal and Accreted Value and interest to the beneficial Owners of the Bonds. Any moneys remaining in the Debt Service Fund after the Bonds and the interest thereon have been paid, or provision for such payment has been made, shall be transferred to the General Fund of the District, pursuant to the Education Code Section 15234.

SECTION 14. Arbitrage Covenant. The District covenants that it will restrict the use of the proceeds of the Bonds in such manner and to such extent, if any, as may be necessary, so that the Bonds will not constitute arbitrage bonds under Section 148 of the Code and the applicable
regulations prescribed under that Section or any predecessor section. Calculations for determining arbitrage requirements are the sole responsibility of the District.

SECTION 15. Legislative Conditions. The Board determines that all acts and conditions necessary to be performed by the Board or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding general obligations of the District have been performed and have been met, or will at the time of delivery of the Bonds have been performed and have been met, in regular and due form as required by law; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds.

SECTION 16. Official Statement. The Preliminary Official Statement relating to the Bonds, substantially in the form on file with the Secretary to or Clerk of the Board is hereby approved and the Authorized Officers, each alone, are hereby authorized and directed, for and in the name and on behalf of the District, to deliver such Preliminary Official Statement to the Financial Advisor, as the case may be, to be used in connection with the offering and sale of the Bonds. The Authorized Officers, each alone, are hereby authorized and directed, for and in the name and on behalf of the District, to deem the Preliminary Official Statement "final" pursuant to 15c2-12 of the Securities Exchange Act of 1934, prior to its distribution and to execute and deliver to the purchaser of the Bonds a final Official Statement, substantially in the form of the Preliminary Official Statement, with such changes therein, deletions therefrom and modifications thereto as the Authorized Officer executing the same shall approve.

SECTION 17. Insurance. In the event the District purchases bond insurance for the Bonds, and to the extent that the Bond Insurer makes payment of the principal, interest or Accreted Value on the Bonds, it shall become the Owner of such Bonds with the right to payment of principal of, interest or Accreted Value on the Bonds, and shall be fully subrogated to all of the Owners' rights, including the Owners' rights to payment thereof. To evidence such subrogation (i) in the case of subrogation as to claims that were past due interest components, the Bond Registrar shall note the Bond Insurer's rights as subrogee on the registration books for the Bonds maintained by the Bond Registrar upon receipt of a copy of the cancelled check issued by the Bond Insurer for the payment of such interest to the Owners of the Bonds, and (ii) in the case of subrogation as to claims for past due Principal or Accreted Value, the Bond Registrar shall note the Bond Insurer as subrogee on the registration books for the Bonds maintained by the Bond Registrar upon surrender of the Bonds by the Owners thereof to the Bond Insurer or the insurance trustee for the Bond Insurer.

SECTION 18. Defeasance. All or any portion of the Outstanding maturities of the Bonds may be defeased prior to maturity in the following ways:

(a) Cash: by irrevocably depositing with an independent escrow agent selected by the District an amount of cash which together with amounts transferred from the Debt Service Fund (as herein defined) is sufficient to pay all Bonds Outstanding and designated for defeasance, including all principal or Accreted Value and interest and premium, if any; or

(b) Government Obligations: by irrevocably depositing with an independent escrow agent selected by the District noncallable Government Obligations together with cash, if required, in such amount as will, in the opinion of an independent certified public accountant, together with interest to accrue thereon and moneys transferred from the Debt Service Fund together with the interest to accrue thereon, be fully sufficient to pay and discharge all Bonds Outstanding and designated for defeasance (including all principal or
Accredited Value and interest represented thereby and redemption premiums, if any) at or before their maturity date;

then, notwithstanding that any of such Bonds shall not have been surrendered for payment, all obligations of the District with respect to all such designated Outstanding Bonds shall cease and terminate, except only the obligation of the Bond Registrar or an independent escrow agent selected by the District to pay or cause to be paid from funds deposited pursuant to paragraphs (a) or (b) of this Section, to the Owners of such designated Bonds not so surrendered and paid all sums due with respect thereto.

For purposes of this Section, Government Obligations shall mean:

Direct and general obligations of the United States of America, or obligations that are unconditionally guaranteed as to principal and interest by the United States of America (which may consist of obligations of the Resolution Funding Corporation that constitute interest strips), or “prerefunded” municipal obligations rated in the highest rating category by Moody’s Investors Service or Standard & Poor’s. In the case of direct and general obligations of the United States of America, Government Obligations shall include evidences of direct ownership of proportionate interests in future interest or principal payments of such obligations. Investments in such proportionate interests must be limited to circumstances where (a) a bank or trust company acts as custodian and holds the underlying United States obligations; (b) the Owner of the investment is the real party in interest and has the right to proceed directly and individually against the obligor of the underlying United States obligations; and (c) the underlying United States obligations are held in a special account, segregated from the custodian’s general assets, and are not available to satisfy any claim of the custodian, any person claiming through the custodian, or any person to whom the custodian may be obligated; provided that such obligations are rated or assessed “AAA” by Standard & Poor’s or “Aaa” by Moody’s Investors Service.

SECTION 19. Nonliability of County. Notwithstanding anything to the contrary contained herein, in the Bonds or in any other document mentioned herein, neither the County, nor its officials, officers, employees or agents shall have any liability hereunder or by reason hereof or in connection with the transactions contemplated hereby, the Bonds are not a debt of the County or a pledge of the County’s full faith and credit, and the Bonds and any liability in connection therewith shall be paid solely from ad valorem taxes lawfully levied to pay the principal of or interest on the Bonds.

SECTION 20. Indemnification of County. The District shall defend, indemnify and hold harmless the County, its officials, officers, agents and employees (“Indemnified Parties”) against any and all losses, claims, damages or liabilities, joint or several, to which such Indemnified Parties may become subject based in whole or in part upon any acts or omission related to the Bonds, except with regard to the County’s responsibilities under Section 21 hereof. The District shall also reimburse the Indemnified Parties for any legal or other costs and expenses incurred in connection with investigating or defending any such claims or liabilities.

SECTION 21. Request to County to Levy Tax. The Board of Supervisors and officers of the County are obligated by statute to provide for the levy and collection of property taxes in each year sufficient to pay all principal and interest coming due on the Bonds in such year, and to pay from such taxes all amounts due on the Bonds. The District hereby requests such Board of Supervisors to annually levy a tax upon all taxable property in the District sufficient to redeem the Bonds, and to
pay the principal, redemption premium, in any, and interest thereon as and when the same become
due.

SECTION 22. Other Actions. (a) Officers of the Board and District officials and staff are
hereby authorized and directed, jointly and severely to do any and all things and to execute and
deliver any and all documents which they may deem necessary or advisable in order to proceed with
the issuance of the Bonds and otherwise carry out, give effect to and comply with the terms and
intent of this Resolution. Such actions heretofore taken by such officers, officials and staff are
hereby ratified, confirmed and approved.

(b) The Board hereby appoints Public Financial Management, Inc. as the Financial
Advisor, and Stradling Yocca Carlson & Rauth, a Professional Corporation, as bond counsel and
disclosure counsel, with respect to the issuance of the Bonds.

(c) The provisions of this Resolution may be amended by the Official Statement.

SECTION 23. Resolution to Treasurer-Tax Collector. The Clerk of this Board is hereby
directed to provide a certified copy of this Resolution to the Treasurer-Tax Collector and Auditor-
Controller of Marin County immediately following its adoption.

SECTION 24. Continuing Disclosure. The District hereby covenants and agrees that it will
comply with and carry out all of the provisions of that certain Continuing Disclosure Certificate
executed by the District and dated the date of issuance and delivery of the Bonds, as originally
executed and as it may be amended from time to time in accordance with the terms thereof. Any
Bondholder may take such actions as may be necessary and appropriate, including seeking mandate
or specific performance by court order, to cause the District to comply with its obligations under this
Section. Noncompliance with this Section shall not result in acceleration of the Bonds.

SECTION 25. Recitals. All the recitals in this Resolution above are true and correct and this
Board so finds, determines and represents.
SECTION 26. Effective Date. This Resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED this 21st day of August, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

BOARD OF TRUSTEES OF THE MARIN COMMUNITY COLLEGE DISTRICT

President of the Board of Trustees

Attest:

Secretary to the Board of Trustees
SECRETARY'S CERTIFICATE

I, __________________, Secretary to the Board of Trustees of the Marin Community College District, hereby certify:

The foregoing is a full, true and correct copy of a resolution duly adopted at a regular meeting of the Board of Trustees of said District duly and regularly and legally held at the regular meeting place thereof on August 21, 2012, of which meeting all of the members of the Board of said District had due notice and at which a quorum was present.

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes.

Said resolution has not been amended, modified or rescinded since the date of its adoption, and the same is now in full force and effect.

Dated: August 21, 2012

______________________________
Secretary to the Board of Trustees
EXHIBIT A

NOTICE INVITING PROPOSALS FOR PURCHASE OF BONDS

$__________

MARIN COMMUNITY COLLEGE DISTRICT
(MARIN COUNTY, CALIFORNIA)
ELECTION OF 2004 GENERAL OBLIGATION BONDS, SERIES D

NOTICE IS HEREBY GIVEN that sealed unconditioned proposals will be received to and including the hour of 8:30 a.m., Pacific Standard Time, on ________, __, 2012, at the offices of Public Financial Management, Inc., 50 California Street, Suite 2300, San Francisco, California 94111 (the “Financial Advisor”), in the manner described below, for the purchase of all, but not less than all, of $__________* principal amount of Marin Community College District (Marin County, California) Election of 2004 General Obligation Bonds, Series D (the “Bonds”). Proposals may also be submitted electronically via the Parity Electronic Bid Submission System (“PARITY”) of Dalcomp, a division of Thomson Information Services, Inc. (“Dalcomp”), in the manner described below, for the purchase of all, but not less than all, of $__________* principal amount of the Bonds. In the event that the sale has not been awarded by the designated time, bids will be received at a subsequent time and date to be determined by the District and publicized via the Bond Buyer or the Bond Buyer Wire or Thomson Municipal Market Monitor (www.tm3.com).

I. Issue:

The Bonds will be dated the date of delivery, will be in the denomination of $5,000 each, or integral multiples thereof, and will bear interest from the date of the Bonds to the maturity of each of the Bonds at the rate or rates such that the interest rate shall not exceed ___% per annum, with interest payable on February 1, 2013 and semiannually on February 1 and August 1 of each year during the term of each of the Bonds. The Bonds mature on August 1 in each of the years 2013 to 20____, inclusive, as follows:

<table>
<thead>
<tr>
<th>YEAR</th>
<th>PRINCIPAL AMOUNT</th>
</tr>
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</table>

* Preliminary, subject to change.

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DOCS/878216v2/024651-0004
II. Option to Elect Term Bonds:

The purchaser may elect to combine any number of consecutive maturities of Bonds for which an identical interest rate has been specified to comprise term bonds by indicating such an election on the bid form. The election to create term bonds in such manner will require the creation of a mandatory sinking fund so that the sinking fund redemption payments shall equal the corresponding serial bond maturity amounts.

III. Adjustment of Principal Amounts:

The principal amounts of each maturity of Bonds set forth above reflect certain assumptions of the Marin Community College District (the “District”) and the Financial Advisor with respect to the likely interest rates of the winning bid or bids. Following the determination of the successful bidder or bidders, the Vice President, College Operations, on behalf of the District, reserves the right to increase or decrease the principal amount of each maturity of the Bonds, in $5,000 increments of principal amounts. Such adjustment shall be made within 26 hours of the bid opening and in the sole discretion of the District, upon recommendation of the Financial Advisor. In the event of any such adjustment, no rebidding or recalculation of the bids submitted will be required or permitted and the successful bid or bids may not be withdrawn, and the successful bidder will not be permitted to change the interest rate(s) in its bid for the bonds. The percentage compensation to be paid to the successful bidder will not change if the maturity schedule is adjusted.

IV. Interest Rates:

The price for each maturity of the Bonds shall be greater than or equal to ________%. All bids for the purchase of the Bonds must state the rate or rates of interest to be paid and no bid at a price less than the par value of the Bonds, together with all accrued interest thereon to the date of the delivery of the Bonds, will be considered. All Bonds of the same maturity must bear the same rate of interest and no Bond may bear more than one rate. The maximum interest rate bid may not exceed [six percent (6%)] per annum, and the true interest cost shall not exceed [six percent (6%)] per annum. Bidders may specify any number of different rates to be borne on the Bonds; provided that, all interest rates must be in multiples of 1/8 or 1/20 of one percent and a zero rate of interest cannot be specified. Interest will be computed on the basis of a 360-day year consisting of 12 30-day months.
V. Redemption:

The Bonds maturing on or before August 1, 20__ are not subject to optional redemption prior to their respective maturity dates. The Bonds maturing on or after August 1, 20__, are subject to optional redemption prior to their respective maturity dates at the option of the District, from any source of available funds, as a whole or in part on any date on or after August 1, 20__, at a redemption price equal to the principal amount of the Bonds, together with accrued interest to the date fixed for redemption, without premium.

VI. Notice of Redemption:

Notice of redemption of any Bond will be mailed to the Registered Owner of each Bond to be redeemed in whole or in part at the address shown on the registration records maintained by the U. S. Bank National Association, the Bond Registrar designated for this issue of Bonds; such mailing to be not more than 45 nor less than 30 days prior to the date set for redemption. Neither failure to receive such notice nor any defect in any notice so mailed shall affect the sufficiency of the proceedings for the redemption of Bonds.

VII. Registration of Bonds as to Principal and Interest and Place of Payment:

The Bonds, when delivered, will be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"). DTC will act as securities depository of the Bonds. Individual purchases will be made in book-entry form only, in the denominations of $5,000 and integral multiples thereof. Purchasers will not receive certificates representing their interest in the Bonds purchased. Principal and interest are payable in lawful money of the United States of America and will be paid to DTC which in turn will remit such amounts to the beneficial Owners of the Bonds through DTC's Participants, as described in the Preliminary Official Statement.

VIII. Authority:

The Bonds will be issued pursuant to the Constitution and laws of the State of California. The issuance of the Bonds was authorized by the requisite fifty-five percent vote of the qualified electors of the District voting at an election held on November 2, 2004.

IX. Security:

Both principal of and interest on the Bonds are payable solely from an unlimited *ad valorem* tax levied against all of the taxable property in the District.

X. Form of Bid:

A prescribed form of bid for the Bonds has been prepared and is attached hereto. Bids must be submitted electronically via PARITY.
All bids which are submitted electronically via PARITY pursuant to the procedures described below shall be deemed to constitute a Bid for Purchase of the Bonds and shall be deemed to incorporate by reference all of the terms and conditions of this Notice Inviting Proposals for Purchase of Bonds. The submission of a bid electronically via PARITY shall constitute and be deemed the bidder’s signature on the Bid for Purchase of the Bonds.

XI. Procedures Regarding Electronic Bidding:

Bids may be submitted electronically via PARITY in accordance with this Notice Inviting Proposals for Purchase of Bonds, until 8:30 a.m., Pacific Standard Time, on_________2012, but no bid will be received after the time for receiving bids specified above. To the extent any instructions or directions set forth in PARITY conflict with this Notice Inviting Proposals for Purchase of Bonds, the terms of this Notice Inviting Proposals for Purchase of Bonds shall control. For further information about PARITY, potential bidders may contact the District’s Financial Advisor or PARITY at Dalcomp at (212) 806-8304. In the event that a bid for the Bonds is submitted via PARITY, the bidder further agrees that:

1. The District may regard the electronic transmission of the bid through PARITY (including information about the purchase price of the Bonds, the interest rate or rates to be borne by the various maturities of the Bonds, the initial public offering price of each maturity and any other information included in such transmission) as though the same information were submitted on the Bid for Purchase of the Bonds form, provided by the District and executed by a duly authorized signatory of the bidder. If a bid submitted electronically by PARITY is accepted by the District, the terms of the Bid for Purchase of the Bonds and the Notice Inviting Proposals for Purchase of Bonds and the information that is electronically transmitted through PARITY shall form a contract and the successful bidder shall be bound by the terms of such contract.

2. PARITY is not an agent of the District, and the District shall have no liability whatsoever based on any bidder’s use of PARITY, including but not limited to any failure by PARITY to correctly or timely transmit information provided by the District or information provided by the bidder.

3. The District may choose to discontinue use of electronic bidding via PARITY by issuing a notification to such effect via PARITY’s internet site (www.tm3.com) no later than 1:00 P.M. (Pacific Daylight Time) on the last business day prior to the date of sale.

4. Once the bids are communicated electronically via PARITY to the District as described above, each bid will constitute a Bid for Purchase of the Bonds and shall be deemed to be an irrevocable offer to purchase the Bonds on the terms provided in this Notice Inviting Proposals for Purchase of Bonds. For purposes of submitting all Bids for Purchase of the Bonds, whether by hand delivery, facsimile or electronically via PARITY, the time as maintained on PARITY shall constitute the official time.

5. Each bidder choosing to bid electronically shall be solely responsible to make necessary arrangements to access PARITY for purposes of submitting its bid in a timely manner and in compliance with this Notice Inviting Proposals for Purchase of Bonds. Neither the District nor Dalcomp shall have any duty or obligation to undertake such registration to bid for any prospective bidder or to provide or assure such access to any qualified prospective bidder, and neither the District nor Dalcomp shall be responsible for a bidder’s failure to register to bid or for proper operation of, or
have any liability for any delays or interruptions of, or any damages caused by, PARITY. The
District is using PARITY as a communication mechanism, and not as the District’s agent, to conduct
the electronic bidding for the Bonds. By using PARITY, each bidder agrees to hold the District
harmless for any harm or damages caused to such bidder in connection with its use of PARITY for
bidding on the Bonds.

In the event that both an electronic bid and a facsimile bid from a single bidder are received
at or prior to the bid receipt deadline, and to the extent that there is an inconsistency in the interest
rates or price bid, the facsimile shall be deemed to be the bid submitted. No bid received after the
deadline shall be considered. In any case, each bid must be in accordance with the terms and
conditions set forth in this official Notice Inviting Proposals for Purchase of Bonds.

XII. Estimate of True Interest Cost:

Bidders are requested (but not required) to supply an estimate of the total true interest cost to
the District on the basis of their respective bids, which shall be considered as informative only and
not binding on either the bidder or the Board of Trustees of the District.

XIII. Deposit:

Except as otherwise provided below, a good faith deposit ("Deposit") in the form of a
certified, treasurer's or cashier's check drawn on a solvent commercial bank or trust company in the
United States of America or a Financial Surety Bond issued by an insurance company licensed to
issue such surety bond in the State of California, made payable to

Marin Community College District
in the amount of

$_________

is required for any bid to be accepted. If a check is used, it must accompany each bid. If a Financial
Surety Bond is used, such surety bond must be submitted to the District or its Financial Advisor prior
to the opening of the bids. The Financial Surety Bond must identify each bidder whose Deposit is
guaranteed by such Financial Surety Bond. If the winning bidder on the Bonds is determined to be a
bidder utilizing a Financial Surety Bond, then that bidder is required to submit its Deposit to the
District in the form of a cashier's check (or wire transfer such amount as instructed by the District or
its Financial Advisor) not later than 10:00 a.m. (District's local time) on the next business day
following the bid opening. If such Deposit is not received by that time, the Financial Surety Bond
may be drawn by the District to satisfy the Deposit requirement. If the apparent winning bidder on
the Bonds is determined to be a bidder who has not submitted a Deposit in the form of a Financial
Surety Bond or check, as provided above, the Financial Advisor will request the apparent winning
bidder to immediately wire the Deposit and provide the Federal wire reference number of such
Deposit to the Financial Advisor within 90 minutes of such request by the Financial Advisor. The
Bonds will not be officially awarded to a bidder who has not submitted a Deposit in the form of a
Financial Surety Bond or check, as provided above, until such time as the bidder has provided a
Federal wire reference number for the Deposit to the Financial Advisor.
No interest on the Deposit will accrue to any bidder. The District will deposit the Deposit of the winning bidder. The Deposit (without accruing interest) of the winning bidder will be applied to the purchase price of the Bonds. In the event the winning bidder fails to honor its accepted bid, the Deposit plus any interest accrued on the Deposit will be retained by the District. Any investment income earned on the good faith deposit will be paid to the successful bidder in the event the District is unable to deliver the Bonds. Deposits accompanying bids other than the bid which is accepted will be returned promptly upon the determination of the best bidder.

XIV  CUSIP Numbers and Other Fees:

CUSIP numbers will be applied for and will be printed on the Bonds and the cost of printing thereof and service bureau assignment will be purchaser's responsibility. Any delay, error or omission with respect thereto will not constitute cause for the purchaser to refuse to accept delivery of and pay for the Bonds. The successful bidder shall also be required to pay all fees required by The Depository Trust Company, Bond Market Association, Municipal Securities Rulemaking Board, and any other similar entity imposing a fee in connection with the issuance of the Bonds (see, "California Debt Advisory and Investment Commission" below).

XV. Legal Opinion:

The Bonds are sold with the understanding that the purchaser will be furnished with the approving opinion of Bond Counsel, Straddling Yocca Carlson & Rauth, a Professional Corporation. A copy of the opinion will be attached to the Bonds. Said attorneys have been retained by the District as Bond Counsel and in such capacity are to render their opinion only upon the legality of the Bonds under California law and on the exemption of the interest income on such Bonds from federal and State of California income taxes. Fees of Bond Counsel will be paid from the costs of issuance.

XVI. Tax-Exempt Status:

In the opinion of Bond Counsel, under existing laws, interest on the Bonds is exempt from all present State of California personal income taxes, and assuming compliance with certain covenants made by the District, interest on the Bonds is not includable in the gross income of the Owners of the Bonds for federal income tax purposes, provided that such interest may be included in the calculation for certain taxes, including the corporate alternative minimum tax and the corporate environmental tax. Should changes in the law cause Bond Counsel's opinion to change prior to delivery of the Bonds to the purchaser, the purchaser will be relieved of its responsibility to pick up and pay for the Bonds, and in that event its Deposit will be returned.

XVII. Certification of Reoffering Price:

As soon as practicable, but not later than five days following the deadline for receipt of bids for the Bonds, the successful bidder must submit to the District a certificate specifying for each maturity the reoffering price at which at least 10% of the Bonds of such maturity were sold (or were offered in a bona fide public offering and as of the date of award of the Bonds to the successful bidder reasonably expected to be sold) to the public. Such certificate shall be in form and substance satisfactory to Bond Counsel and shall include such additional information as may be requested by Bond Counsel.
XVIII. Award:

The Bonds will be awarded to the responsible bidder submitting the best responsive bid, considering the interest rate or rates specified. The best bid will be the bid that represents the lowest true interest cost ("TIC") to the District for the Bonds. The TIC is the discount rate that, when compounded semiannually and used to discount all debt service payments on the Bonds back to the date of delivery of such Bonds, results in an amount equal to the price bid for said Bonds. In the event that two or more bidders offer bids for the Bonds at the same lowest TIC, the District will determine by lottery which bidder will be awarded the Bonds. For the purpose of calculating the TIC, the mandatory sinking fund payments, if any, shall be treated as serial maturities in such years. The determination of the bid representing the lowest TIC will be made without regard to any adjustments made or contemplated to be made after the award by the Vice President, College Operations, as described herein under "Adjustment of Principal Amounts," even if such adjustments have the effect of raising the TIC of the successful bid to a level higher than the bid containing the next lowest TIC prior to adjustment.

XIX. Delivery:

Delivery of the Bonds will be made to the purchaser through DTC upon payment in federal funds payable to or for the account of the District at the County of Marin, Treasurer-Tax Collector, _______________________________________________. The Closing will take place at the offices of Stradling Yocca Carlson & Rauth, a Professional Corporation, 44 Montgomery Street, Suite 4200, San Francisco, California 94104, or at the purchaser's request and expense, at any other place mutually agreeable to both the District and the purchaser.

XX. Prompt Award:

The Vice President, College Operations of the District, or her designee, will take action awarding the Bonds or rejecting all bids not later than twenty-six (26) hours after the expiration of the time herein prescribed for the receipt of bid proposals, unless such time of award is waived by the successful bidder. Notice of the award will be given promptly to the successful bidder.

XXI. California Debt Advisory and Investment Commission:

The successful bidder will be required, pursuant to state of California law, to pay any fees to the California Debt and Investment Advisory Commission ("CDIAC"). CDIAC will invoice the successful bidder after the closing of the Bonds.

XXII. No Litigation and Non-Arbitrage:

The District will deliver a certificate stating that no litigation is pending affecting the issuance and sale of the Bonds. The District will also deliver an arbitration certificate covering its reasonable expectations concerning the Bonds and the use of proceeds thereof.

XXIII. Official Statement:

The District will make available a Preliminary Official Statement relating to the Bonds, a copy of which, along with related documents, will be furnished upon request made by mail to Public Financial Management, Inc., 50 California Street, Suite 2300, San Francisco, California 94111, Attn: Sarah Hollenbeck the District's Financial Advisor for the Bonds, or telephoned to said Financial
Advisor at (415) 982-5544. Such Preliminary Official Statement, together with any supplements thereto, shall be in form “deemed final” by the District for the purposes of SEC Rule 15c2-12(b)(1), but is subject to revision, amendment and completion in a final official statement. The District shall deliver, at closing, a certificate, executed by appropriate officers of the District acting in their official capacities, to the effect that the facts contained in the Official Statement relating to the Bonds are true and correct in all material respects, and that the Official Statement does not contain any untrue statements of a material fact or omit to state a material fact necessary to make the statement therein, in light of the circumstances under which they were made, not misleading. One hundred (100) copies of the Official Statement will be made available to the purchaser without charge within seven business days of the date of sale and additional copies will be made available upon request at the purchaser’s expense.

XXIV. Continuing Disclosure:

In order to assist bidders in complying with Rule 15c2-12(b)(5) promulgated under the Securities Exchange Act of 1934, the District will undertake in a Continuing Disclosure Certificate to provide certain annual financial information and Notice of the occurrence of certain events, if material. A description of this undertaking and a form of the Continuing Disclosure Certificate is included in the Preliminary Official Statement.

XXV. Ratings:

Standard & Poor’s and Moody’s Investors Service have assigned to the Bonds the ratings shown on the cover page of the Preliminary Official Statement or, if not so indicated, will be available upon request from the Financial Advisor. Such ratings reflect only the views of such organization and explanation of the significance of such ratings may be obtained from them as follows: Standard & Poor’s, 55 Water Street, New York, New York 10041, (212) 438-2000, and Moody’s Investors Service, 7 World Trade Center at 250 Greenwich Street, New York, New York 10007, (212) 553-1658. There is no assurance that the ratings will continue for any given period of time or that they will not be revised downward or withdrawn entirely by either of the rating agencies, if, in the judgment of such agency, circumstances so warrant. Any such downward revision or withdrawal of such rating may have an adverse effect on the market price of the Bonds.

XXVI. Right to Cancel, Postpone, or Reschedule Sale:

The District reserves the right to cancel, postpone or reschedule the sale of the Bonds upon notice given through the Bloomberg News Service, Thomson Municipal Market Monitor (www.tm3.com) or The Bond Buyer prior to the time bids are to be received. If the sale is postponed, bids will be received at the place set forth above, at the date and time as the District shall determine. Notice of the new sale date and time, if any, will be given through Bloomberg News Service, Thomson Municipal Market Monitor (www.tm3.com) or The Bond Buyer no later than twenty-three (23) hours prior to the new time bids are to be received. As an accommodation to bidders, telephone or fax notice of the postponement of the sale date and of the new sale date will be given to any bidder requesting such notice from the Financial Advisor. Failure of any bidders to receive such notice shall not affect the legality of the sale.
XXVII. Additional Information:

Copies of the Notice Inviting Proposals for Purchase of Bonds, the form of bid, and the Preliminary Official Statement relating to the Bonds will be furnished to any bidder upon request made to Public Financial Management, Inc., Attn: Sarah Hollenbeck, phone: (415) 982-5544, hollenbecks@pfm.com, the Financial Advisor.

Dated: ________________, 2012

MARIN COMMUNITY COLLEGE DISTRICT

By: ________________________________
   Vice President, College Operations
EXHIBIT B

BID FOR THE PURCHASE OF $
MARIN COMMUNITY COLLEGE DISTRICT
(MARIN COUNTY, CALIFORNIA)
ELECTION OF 2004 GENERAL OBLIGATION BONDS, SERIES D

____________________, 2012

Marin Community College District
Marin County, California

On behalf of a group which we have formed consisting of:

and pursuant to the Notice Inviting Proposals for Purchase of Bonds hereinafter mentioned, we offer to purchase all of the ___________________ Dollars ($_________________) principal amount of the Bonds designated as “Marin Community College District (Marin County, California) Election of 2004 General Obligation Bonds, Series D,” maturing on August 1 in the years and amounts and bearing interest at the rate or rates set forth in the following schedule:

<table>
<thead>
<tr>
<th>YEAR</th>
<th>PRINCIPAL AMOUNT*</th>
<th>INTEREST RATE</th>
<th>INSURANCE</th>
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</table>

and to pay therefor the aggregate sum of $_________________ (representing the $_________ principal amount of the Bonds, plus interest accrued on such Bonds to the date of delivery thereof, plus premium of $_________________.)

We hereby elect to combine the maturities of Bonds maturing on the following dates to comprise term bonds:

*Preliminary, subject to change. See “III. Adjustment of Principal Amounts” in the Notice Inviting Proposals for Purchase of Bonds.
Redemption Dates

_______ through __________
_______ through __________
_______ through __________

Maturity Date

_______ 1, __
_______ 1, __
_______ 1, __

This bid is submitted with our intention to purchase municipal bond insurance from _______________ (fill in if applicable). Such insurance will be obtained at our expense.

This bid is made subject to all the terms and conditions of the Notice Inviting Proposals for Purchase of Bonds heretofore published, all of which terms and conditions are made a part hereof as fully as though set forth in full in this bid.

As specified in the Notice Inviting Proposals for Purchase of Bonds, this bid is subject to acceptance not later than 26 hours after the expiration of the time for the receipt of bids, and the opinion of Stradling Yocca Carlson & Rauth, a Professional Corporation approving the validity of the Bonds will be furnished us (if we are the successful bidder) at the time of the delivery of the Bonds at the expense of the District.

There is submitted herewith a memorandum (which shall not constitute a part of this bid) stating the total true interest cost in dollars on the Bonds during the life of the issue under this bid, and the true interest rate determined thereby.

We have received and reviewed the Preliminary Official Statement with respect to the Bonds (the "Preliminary Official Statement") and as a condition to bidding on the Bonds, have determined that we can comply with the requirements of Rule 15c2-12 of the Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended.

As of the date of award and as of the date of delivery of the Bonds, all members of our syndicate either participate in DTC or clear through or maintain a custodial relationship with an entity that participates in said depository.

We hereby request that ________ (not to exceed ___) printed copies of the Official Statement with respect to the Bonds be furnished to us in accordance with the terms of the Notice Inviting Proposals for Purchase of Bonds.

Respectfully submitted,

Name: ____________________________
(Account Manager)
By: ______________________________
Address: __________________________
City: __________ State: __________
Phone: __________________________

MEMORANDUM OF INTEREST COST: Under the above bid, the total true interest cost on the Bonds during the life of the issue is $___________ and the true interest rate determined thereby is ____%.
EXHIBIT C

NOTICE OF INTENTION TO SELL

$__________

MARIN COMMUNITY COLLEGE DISTRICT
(MARIN COUNTY, CALIFORNIA)
ELECTION OF 2004 GENERAL OBLIGATION BONDS, SERIES D

NOTICE IS HEREBY GIVEN that the Marin Community College District (the “District”), in Marin County, California, intends to offer for public sale on _______, May ___, 2012, at the hour of 8:30 a.m. Pacific Daylight Time, at the office of Public Financial Management, Inc., 50 California Street, Suite 2300, San Francisco, California 94111 not to exceed $__________* principal amount of general obligation bonds of the District designated “Marin Community College District (Marin County, California) Election of 2004 General Obligation Bonds, Series D (the “Bonds”). Within 26 hours, the Vice President, College Operations of the District will consider the bids received and, if acceptable bids are received, award the sale of the Bonds on the basis of the true interest cost. In the event that no bids are awarded by the designated time, proposals will be received at a subsequent time and date to be determined by the District and publicized via PARITY, the Bond Buyer Wire or Thomson Municipal Market Monitor (www.tm3.com).

NOTICE IS HEREBY FURTHER GIVEN that the Bonds will be offered for public sale subject to the terms and conditions of the Notice Inviting Proposals for Purchase of the Bonds, dated __________, 2012. Copies of the preliminary Official Statement and Notice Inviting Proposals for Purchase of Bonds and the form of bid relating to the Bonds will be furnished upon request made to Public Financial Management, Inc., 50 California Street, Suite 2300, San Francisco, California 94111, Attn: Sarah Hollenbeck, phone (415) 982-5544, Hollenbecks@pfm.com, the Financial Advisor to the District for the Bonds.

Dated: __________, 2012

MARIN COMMUNITY COLLEGE DISTRICT

By: ____________________________
    Vice President, College Operations

* Preliminary, subject to change.
MARIN COMMUNITY COLLEGE DISTRICT  
Kentfield, CA 94904  

BOARD AGENDA ITEM  

<table>
<thead>
<tr>
<th>To:</th>
<th>Board of Trustees</th>
<th>Date:</th>
<th>August 21, 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>From:</td>
<td>Superintendent/President</td>
<td>Item &amp; File No.</td>
<td>C.10.E.</td>
</tr>
<tr>
<td>Subject:</td>
<td>Establishment of Fiscal Year 2012/13 Proposition 4 (GANN) Appropriations Limit</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reason for Board Consideration:</td>
<td>APPROVAL</td>
<td>Enclosure(s): Resolution</td>
<td></td>
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</tbody>
</table>

**BACKGROUND:**

Mandated by Article XIIIIB of the California Constitution and Chapter 1205, Statutes of 1980 and Government Code Section 7910.

On November 6, 1979, the voters of California approved Proposition 4 (Gann Initiative). This Proposition added Article XIIIIB to the California Constitution and limits the total appropriations of all state and local governments to the previous year’s appropriation limit, adjusted for changes in inflation and attendance. This appropriations limit took effect July 1, 1980.

The Appropriations Limit is the maximum amount of revenue that the District can generate from secured and unsecured property tax, state subventions, trailer fees, general apportionments, and interest on tax proceeds as prescribed under the Gann Limit legislation. The limit first calculated in 1980, has been rolled forward and increased based on inflation and increases in FTEs during each of the following years.

The appropriations subject to limit are the amounts of revenue that the District expects to receive during the next fiscal year for the categories of revenue listed above. The Gann limit computation is completed to ensure that the District will not generate more revenue than is allowable under the Gann regulations.

The calculated Appropriations Limit for fiscal year 2012/13 is $48,167,835. The total appropriation subject to limit based on the final budget is $40,409,428.

**RECOMMENDATION:**

The Superintendent/President recommends that the Board of Trustees approve the attached Resolution to establish the Appropriations Limit for 2012/13 at $48,167,835 per Government Code Section 7910.

Administrator Initiating Item  
A. J. Harrison II, Vice President, College Operations
Marin Community College District
Establish Appropriate Limit for 2012/13
Resolution # 08-21-2012 – C.10.E.

In the matter of the Board of Trustees setting the District Appropriations Limit for Fiscal Year 2012/13 as required by Senate Bill 1352, Chapter 1205 of 1980;

WHEREAS, on November 6, 1979, the People of California passed Proposition 4, a constitutional amendment requiring appropriations limits for state and local government units; and

WHEREAS, Senate Bill 1352, Chapter 1205 of 1980, implements Proposition 4, and requires the Board of Trustees to establish by Resolution an appropriation limit each fiscal year beginning with 1981/1982; and

WHEREAS, the Board of Trustees has directed that the appropriations limit for Fiscal year 2012/13 be developed in accordance with the provisions of Senate Bill 1352; and

WHEREAS, California Government Code Section 7910 provides that the governing body of each local jurisdiction shall, by resolution, establish its appropriations limit and make other necessary determinations for the following fiscal year pursuant to Article XIII B at a regularly scheduled meeting or noticed special meeting.

WHEREAS, the documentation used in determining the appropriations limit for Fiscal Year 2012/13 has been made available to the public in the Fiscal Services office for fifteen days prior to the adoption of this Resolution;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees hereby establish the Fiscal Year 2012/13 appropriations limit of $48,167,835.

PASSED AND ADOPTED by the Board of Trustees of the Marin Community College District on this 21st day of August, 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

STATE OF CALIFORNIA)
COUNTY OF MARIN    }

I, David Wain Coon, Secretary to the Board of Trustees of the Marin Community College District of Marin County, California, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by said Board at a regular meeting thereof, held at its regular place of meeting at the time and by the vote above stated.

_____________________________________
David Wain Coon, Superintendent/President
Secretary to the Board
MARIN COMMUNITY COLLEGE DISTRICT  
Kentfield, CA 94904

BOARD AGENDA ITEM

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<td>Item &amp; File No.</td>
<td>C.10.F.</td>
</tr>
<tr>
<td>Subject:</td>
<td>Resolution to Enter Into Agreement with California Department of Education for Child Care and Development Services and Signature Authorization for Fiscal Year 2012/13</td>
<td>Reason for Board Consideration:</td>
<td>APPROVAL</td>
</tr>
</tbody>
</table>

**BACKGROUND:**

Attached is the Local Agreement for Child Development Services with the California State Department of Education for Child Development Services for fiscal year 2012/13. The agreement authorizes funding to the College in the amount of $129,152.00. Also attached is a Resolution certifying approval by the Board of Trustee to enter into the Agreement and designation of authorized personnel to sign the contract documents for the Fiscal Year 2012/13.

**RECOMMENDATION:**

The Superintendent/President recommends that the Board approve the attached Resolution to enter the Agreement with California Department of Education for Child Care and Development Services and authorize Lyda Beardsley and Rebecca Kenney to sign related contract documents for Fiscal Year 2012/13.

Administrator Initiating Item  
Rebecca J. Kenney, Interim Vice President of Student Learning
June 1, 2012

Dear Director of Child Development Programs:

FISCAL YEAR 2012–13 CHILD DEVELOPMENT CONTRACT(S)

Enclosed please find your contract(s) for Alternative Payment Program (CAPP), CalWORKs Stage 2 (C2AP), and/or CalWORKs Stage 3 (C3AP) for Fiscal Year (FY) 2012–13. Contracts for General Child Care (CCTR), California State Preschool (CSPP), Migrant (CMIG), Family Child Care Homes (CFCC), and/or Allowance for Handicapped (CHAN) are forthcoming.

You were previously notified by the California Department of Education (CDE) that FY 2012–13 contracts would be rolled based on FY 2011–12 (current year) terms rather than the Administration’s proposed budget released in January 2012. The exceptions were the CAPP, C2AP, and C3AP contracts for which the CDE would await May Revise to determine how these contracts would be rolled. The CDE has changed the decision to issue contracts based on current year and instead will roll all FY 2012–13 child development contracts based on the Administration’s May Revision.

Although we are using May Revise funding levels, contract terms do not reflect any of the proposed May Revise policy changes. All contract MRAs, except C2AP, were calculated with an across-the-board percent-to-total reduction. C2AP contract allocations are calculated using March 2012 caseload data. Please note that one-time reductions effected in FY 2011–12 were restored (including those that mitigated the mid-year trigger cut) prior to the percent to total calculation. In addition, program cut percentages were reduced by the use of unallocated funding made available through Contract Review. Please note that these contracts are no indication or prediction of Budget action yet to be undertaken by the Legislature, and should thus be considered a placeholder until the Budget Act is adopted.

For CAPP, C2AP, and C3AP, May Revise continues to propose the administrative restructuring of child care with all of the funding for these contract types budgeted within the Alternative Payment schedule and the understanding that these three programs would be combined into one contract. Due to Superintendent Torlakson’s continued opposition to realignment of child care programs and the drastic child care cuts proposed by the Administration as well as the belief that the Administration’s proposal will be significantly restructured by the Legislature, the CDE is issuing individual CAPP, C2AP, and C3AP contracts for FY 2012–13.
Be assured that the CDE is diligently working with the Legislature to protect child care and development programs and minimize the effects of budget cuts on our programs. It is expected that May Revise is the worse-case scenario, and contract amendments with new terms will be necessary once the FY 2012-13 Budget is signed into law. The CDE will make every effort to inform you of new contract terms as quickly as possible once the Budget Act has been approved.

Thank you for your continued support and service to children and families of California, as well as your patience in these difficult fiscal times. If you have any questions, please feel free to contact your assigned fiscal analyst.

Sincerely,

Roxanne Eres,
Division Director
Fiscal and Administrative Services Division
Services for Administrative, Finance, Technology and Infrastructure Branch

RE:ey
Enclosure
LOCAL AGREEMENT FOR CHILD DEVELOPMENT SERVICES

CONTRACTOR'S NAME: MARIN COMMUNITY COLLEGE DISTRICT

By signing this contract and returning it to the State, you are agreeing to provide services in accordance with the FUNDING TERMS AND CONDITIONS (FT&C - available online at http://www.cde.ca.gov/fg/aa/cd/) and the CURRENT APPLICATION which by this reference are incorporated into this contract. The FT&C and Requirements specify the contractual responsibilities of the State and the contractor. The contractor's signature also certifies compliance with "General Terms and Conditions," (GTC 610/Exhibit A) which by this reference is incorporated herein.

Funding of this contract is contingent upon appropriation and availability of sufficient funds. This contract may be terminated immediately by the State if funds are not appropriated or available in amounts sufficient to fund the State's obligations under this contract.

The period of performance for this contract is July 01, 2012 through June 30, 2013. For satisfactory performance of the required services, the contractor shall be reimbursed in accordance with the Determination of Reimbursable Amount Section of the FT&C, at a rate not to exceed $34.38 per child per day of full-time enrollment and a Maximum Reimbursable Amount (MRA) of $129,152.00.

SERVICE REQUIREMENTS

Minimum Child Days of Enrollment (CDE) Requirement 3,757.0
Minimum Days of Operation (MDO) Requirement 169

Any provision of this contract found to be in violation of Federal and State statute or regulation shall be invalid, but such a finding shall not affect the remaining provisions of this contract.

Exhibit A, General Terms and Conditions attached.

<table>
<thead>
<tr>
<th>STATE OF CALIFORNIA</th>
<th>CONTRACTOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>BY (AUTHORIZED SIGNATURE)</td>
<td>Lyda Beardsley, College of Marin</td>
</tr>
<tr>
<td>PRINTED NAME OF PERSON SIGNING</td>
<td>Lyda Beardsley, Director, Child Development</td>
</tr>
<tr>
<td>TITLE</td>
<td>Contracts, Purchasing &amp; Conference Services</td>
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<tr>
<td>ADDRESS</td>
<td>835 College Ave, Kentfield CA 94904</td>
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| AMOUNT ENCUMBERED BY THIS DOCUMENT | $129,152 |
| PRIOR AMOUNT ENCUMBERED FOR THIS CONTRACT | $0 |
| TOTAL AMOUNT ENCUMBERED TO DATE | $129,152 |

PROGRAM/CATEGORY (CODE AND TITLE) | FUND TITLE |
<table>
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<tr>
<th></th>
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<tbody>
<tr>
<td>Child Development Programs</td>
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</table>

T.B.A. NO. | B.R. NO. |
|-----------|----------|

I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purpose of the expenditure stated above.

SIGNATURE OF ACCOUNTING OFFICER | See Attached |

DATE | 
<table>
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<tr>
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I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purpose of the expenditure stated above.

SIGNATURE OF ACCOUNTING OFFICER

T.B.A. NO.  
B.R. NO.  
DATE
GENERAL TERMS AND CONDITIONS

1. APPROVAL: This Agreement is of no force or effect until signed by both parties and approved by the Department of General Services, if required. Contractor may not commence performance until such approval has been obtained.

2. AMENDMENT: No amendment or variation of the terms of this Agreement shall be valid unless made in writing, signed by the parties and approved as required. No oral understanding or Agreement not incorporated in the Agreement is binding on any of the parties.

3. ASSIGNMENT: This Agreement is not assignable by the Contractor, either in whole or in part, without the consent of the State in the form of a formal written amendment.

4. AUDIT: Contractor agrees that the awarding department, the Department of General Services, the Bureau of State Audits, or their designated representative shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this Agreement. Contractor agrees to maintain such records for possible audit for a minimum of three (3) years after final payment, unless a longer period of records retention is stipulated. Contractor agrees to allow the auditor(s) access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. Further, Contractor agrees to include a similar right of the State to audit records and interview staff in any subcontract related to performance of this Agreement. (Gov. Code §8546.7, Pub. Contract Code §10115 et seq., CCR Title 2, Section 1896).

5. INDEMNIFICATION: Contractor agrees to indemnify, defend and save harmless the State, its officers, agents and employees from any and all claims and losses accruing or resulting to any and all contractors, subcontractors, suppliers, laborers, and any other person, firm or corporation furnishing or supplying work services, materials, or supplies in connection with the performance of this Agreement, and from any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged by Contractor in the performance of this Agreement.

6. DISPUTES: Contractor shall continue with the responsibilities under this Agreement during any dispute.

7. TERMINATION FOR CAUSE: The State may terminate this Agreement and be relieved of any payments should the Contractor fail to perform the requirements of this Agreement at the time and in the manner herein provided. In the event of such termination the State may proceed with the work in any manner deemed proper by the State. All costs to the State shall be deducted from any sum due the Contractor under this Agreement and the balance, if any, shall be paid to the Contractor upon demand.
8. INDEPENDENT CONTRACTOR: Contractor, and the agents and employees of Contractor, in the performance of this Agreement, shall act in an independent capacity and not as officers or employees or agents of the State.

9. RECYCLING CERTIFICATION: The Contractor shall certify in writing under penalty of perjury, the minimum, if not exact, percentage of post consumer material as defined in the Public Contract Code Section 12200, in products, materials, goods, or supplies offered or sold to the State regardless of whether the product meets the requirements of Public Contract Code Section 12209. With respect to printer or duplication cartridges that comply with the requirements of Section 12156(e), the certification required by this subdivision shall specify that the cartridges so comply (Pub. Contract Code §12205).

10. NON-DISCRIMINATION CLAUSE: During the performance of this Agreement, Contractor and its subcontractors shall not unlawfully discriminate, harass, or allow harassment against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS), mental disability, medical condition (e.g., cancer), age (over 40), marital status, and denial of family care leave. Contractor and subcontractors shall insure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment. Contractor and subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code §12990 (a-f) et seq.) and the applicable regulations promulgated thereunder (California Code of Regulations, Title 2, Section 7285 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code Section 12990 (a-f), set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulations, are incorporated into this Agreement by reference and made a part hereof as if set forth in full. Contractor and its subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other Agreement.

Contractor shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under the Agreement.

11. CERTIFICATION CLAUSES: The CONTRACTOR CERTIFICATION CLAUSES contained in the document CCC 307 are hereby incorporated by reference and made a part of this Agreement by this reference as if attached hereto.

12. TIMELINESS: Time is of the essence in this Agreement.

13. COMPENSATION: The consideration to be paid Contractor, as provided herein, shall be in compensation for all of Contractor's expenses incurred in the performance hereof, including travel, per diem, and taxes, unless otherwise expressly so provided.

14. GOVERNING LAW: This contract is governed by and shall be interpreted in accordance with the laws of the State of California.
15. ANTITRUST CLAIMS: The Contractor by signing this agreement hereby certifies that if these services or goods are obtained by means of a competitive bid, the Contractor shall comply with the requirements of the Government Codes Sections set out below.

a. The Government Code Chapter on Antitrust claims contains the following definitions:

1) "Public purchase" means a purchase by means of competitive bids of goods, services, or materials by the State or any of its political subdivisions or public agencies on whose behalf the Attorney General may bring an action pursuant to subdivision (c) of Section 16750 of the Business and Professions Code.

2) "Public purchasing body" means the State or the subdivision or agency making a public purchase. Government Code Section 4550.

b. In submitting a bid to a public purchasing body, the bidder offers and agrees that if the bid is accepted, it will assign to the purchasing body all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Sec. 15) or under the Cartwright Act (Chapter 2 (commencing with Section 16700) of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, materials, or services by the bidder for sale to the purchasing body pursuant to the bid. Such assignment shall be made and become effective at the time the purchasing body tenders final payment to the bidder. Government Code Section 4552.

c. If an awarding body or public purchasing body receives, either through judgment or settlement, a monetary recovery for a cause of action assigned under this chapter, the assignor shall be entitled to receive reimbursement for actual legal costs incurred and may, upon demand, recover from the public body any portion of the recovery, including treble damages, attributable to overcharges that were paid by the assignor but were not paid by the public body as part of the bid price, less the expenses incurred in obtaining that portion of the recovery. Government Code Section 4553.

d. Upon demand in writing by the assignor, the assignee shall, within one year from such demand, reassign the cause of action assigned under this part if the assignor has been or may have been injured by the violation of law for which the cause of action arose and (a) the assignee has not been injured thereby, or (b) the assignee declines to file a court action for the cause of action. See Government Code Section 4554.

16. CHILD SUPPORT COMPLIANCE ACT: For any Agreement in excess of $100,000, the contractor acknowledges in accordance with Public Contract Code 7110, that:

a. The contractor recognizes the importance of child and family support obligations and shall fully comply with all applicable state and federal laws relating to child and family support enforcement, including, but not limited to, disclosure of information and compliance with earnings assignment orders, as provided in Chapter 8 (commencing with section 5200) of Part 5 of Division 9 of the Family Code; and

b. The contractor, to the best of its knowledge is fully complying with the earnings assignment orders of all employees and is providing the names of all new employees to the New Hire Registry maintained by the California Employment Development Department.
17. **UNENFORCEABLE PROVISION:** In the event that any provision of this Agreement is unenforceable or held to be unenforceable, then the parties agree that all other provisions of this Agreement have force and effect and shall not be affected thereby.

18. **PRIORITY HIRING CONSIDERATIONS:** If this Contract includes services in excess of $200,000, the Contractor shall give priority consideration in filling vacancies in positions funded by the Contract to qualified recipients of aid under Welfare and Institutions Code Section 11200 in accordance with Pub. Contract Code §10353.

19. **SMALL BUSINESS PARTICIPATION AND DVBE PARTICIPATION REPORTING REQUIREMENTS:**

   a. If for this Contract Contractor made a commitment to achieve small business participation, then Contractor must within 60 days of receiving final payment under this Contract (or within such other time period as may be specified elsewhere in this Contract) report to the awarding department the actual percentage of small business participation that was achieved. (Govt. Code § 14841.)

   b. If for this Contract Contractor made a commitment to achieve disabled veteran business enterprise (DVBE) participation, then Contractor must within 60 days of receiving final payment under this Contract (or within such other time period as may be specified elsewhere in this Contract) certify in a report to the awarding department: (1) the total amount the prime Contractor received under the Contract; (2) the name and address of the DVBE(s) that participated in the performance of the Contract; (3) the amount each DVBE received from the prime Contractor; (4) that all payments under the Contract have been made to the DVBE; and (5) the actual percentage of DVBE participation that was achieved. A person or entity that knowingly provides false information shall be subject to a civil penalty for each violation. (Mil. & Vets. Code § 999.5(d); Govt. Code § 14841.)

20. **LOSS LEADER:**

    If this contract involves the furnishing of equipment, materials, or supplies then the following statement is incorporated: It is unlawful for any person engaged in business within this state to sell or use any article or product as a “loss leader” as defined in Section 17030 of the Business and Professions Code. (PCC 10344(e).)
RESOLUTION
#08-21-2012 C.10.F.

This resolution must be adopted in order to certify the approval of the Governing Board to enter into this transaction with the California Department of Education for the purpose of providing child care and development services and to authorize the designated personnel to sign contract documents for Fiscal Year 2012/13.

RESOLUTION

BE IT RESOLVED that the Governing Board of Marin Community College District authorizes entering into local agreement number 21-6538-00-2, California State Preschool Program CSPP-2274 and that the person/s who is/are listed below, is/are authorized to sign the transaction for the Governing Board.

<table>
<thead>
<tr>
<th>NAME</th>
<th>TITLE</th>
<th>SIGNATURE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lyda Beardsley</td>
<td>Director, Child Development Program</td>
<td>Lyda Beardsley</td>
</tr>
<tr>
<td>Rebecca Kenney</td>
<td>Interim Vice President of Student Learning</td>
<td>Rebecca Kenney</td>
</tr>
</tbody>
</table>

PASSED AND ADOPTED THIS 21st day of August 2012/13, by the Governing Board of the Marin Community College District of Marin County, California.

I, _____________________________, Clerk of the Governing Board of the Marin Community College District, of Marin County, California, certify that the foregoing is a full, true and correct copy of a resolution adopted by the said Board at a regular meeting thereof held at a regular public place of meeting and the resolution is on file in the office of said Board.

_________________________ (Clerk's signature)  ____________________________ (Date)

By the following vote:

Ayes
Noes
Abstain
Absent
BACKGROUND:
This Land Use Agreement and Resolution is submitted to the board for approval and has been revised and approved by the District’s Legal Counsel.

This Land Use Agreement is by and between the State of California, Department of Water resources, the North Marin Water District and the Marin Community College District to continue the use of a CIMIS (California Irrigation Management Information System) station at the Marin Community College District at the Indian Valley Campus. The Resolution authorizes use College property for this purpose.

It is anticipated that through this collaboration, the College of Marin will benefit significantly from the participation of the State Water Board and the North Marin Water District in providing state-of-the-art technology for College of Marin students and the community to gain the skills and knowledge to manage water resources responsibility.

This CIMIS Station, to be located between the Pomo and Miwok Clusters on the green of the Indian Valley Campus, will further the educational program to advance the skills and knowledge of students, professionals and residents of the region in responsible water management practices.

The California Irrigation Management Information System (CIMIS) is a program of the Office of Water Use Efficiency (OWUE), California Department of Water Resources (DWR) that manages a network of over 120 automated weather stations in the state of California. CIMIS was developed in 1982 by DWR and the University of California, Davis to assist irrigators in managing their water resources efficiently. Efficient use of water resources benefits Californians by saving water, energy, and money.

CIMIS weather stations collect weather data on a minute-by-minute basis, calculate hourly and daily values and store them in the dataloggers. A computer at the DWR headquarters in Sacramento calls every station starting at midnight Pacific Standard Time (PST) and retrieves each day's data.

RECOMMENDATION:
The Superintendent/President recommends that the Board of Trustees approve the attached agreement and Resolution Authorizing use of Real Property for the Operation of a Weather Station as described.
PERMIT TO USE LAND FOR Non-ETo CIMIS WEATHER STATION (Land Use Agreement)

This Agreement is made on this 21st day of August, 2012, by and between the State of California, Department of Water Resources, North Marin Water District, and the Marin Community College District.

Permission is hereby granted by Marin Community College District, herein called "LANDOWNER", to the State of California, Department of Water Resources, herein called "STATE", North Marin Water District, herein called "COOPERATOR", and their agents and contractors, to enter upon and use a portion of LANDOWNER's property, consisting of approximately 90 x 140 square feet and situated between the Miwok and Porno Clusters on the Indian Valley Campus located in Novato, California, and depicted on Attachment 1, without charge, herein called "SITE", in the county of Marin, as outlined on the attached map for California Irrigation Management Information System (CIMIS) facilities, appurtenances, and incidents. This Agreement includes permission for STATE and COOPERATOR to pass over other portions of LANDOWNER's property not specified herein as may be necessary for entrance to and exit from SITE, and subject to the following conditions:

1. STATE and COOPERATOR will use the SITE for the installation, maintenance and operation of a computerized weather station to collect weather information necessary for estimating crop water use under local conditions. This activity is an essential part of CIMIS, which is a program of the California Department of Water Resources to provide irrigation management information to California growers and irrigation water managers. LANDOWNER hereby grants STATE and COOPERATOR a revocable, non-exclusive right, during the time that their agreement is in effect and a reasonable period thereafter for removal of the weather station, to enter upon and use the real property at and around SITE as necessary for access, installation, removal, operation or maintenance of the CIMIS station, or to perform any other action contemplated by this Agreement. This provision gives STATE and COOPERATOR a license only, and is not intended to grant real property interest in SITE or its vicinity.

2. SITE will be a well-maintained grassy area on the College Campus approximately 90 feet by 140 feet. LANDOWNER will maintain this land use configuration for a minimum of five years. SITE must be exposed to unrestricted wind and sun.

3. LANDOWNER will, at no cost to STATE or COOPERATOR, provide water for irrigation of SITE. If equipment necessary for irrigation of the SITE is not provided by LANDOWNER, COOPERATOR shall provide and install suitable equipment at their own expense. The irrigation system shall not impact the weather station in any way.
4. COOPERATOR will be responsible for the installation of a fence around the weather station if fencing is required.

5. LANDOWNER will be responsible for the maintenance of the grass at the SITE. The grass under the weather station will provide complete vegetative cover and will be irrigated and trimmed. The grass at the SITE shall be well irrigated, trimmed, and maintained in a healthy growing condition year round.

6. COOPERATOR will provide all equipment necessary for a complete CIMIS weather station. All equipment will meet STATE’s specifications for CIMIS weather station equipment. The programming of the datalogger will be identical to existing programming used in the CIMIS weather station network. Any exception to the programming used must be approved by STATE.

7. COOPERATOR will be responsible for the maintenance and repair of the weather station and will maintain the weather station using STATE maintenance procedures. STATE will train at least two COOPERATOR personnel on weather station maintenance procedures. COOPERATOR must use an aspirated psychrometer in their maintenance program. When requested by COOPERATOR, STATE will help troubleshoot problems with the weather station. COOPERATOR will be responsible for the repair or replacement of all weather station equipment and sensors. STATE will perform normal maintenance visits a minimum of once each year at random for quality control. STATE will service the anemometer every 12 months.

8. STATE may decide in the future to cease operation of certain sensors in the weather station and/or begin using new and different sensors. If a different sensor is deemed necessary by STATE, the COOPERATOR will obtain the new sensor within six (6) months of notification by STATE. The sensor will be installed by STATE.

9. COOPERATOR will be responsible for the installation and monthly service charges for telephone service to the weather station.

10. STATE’s CIMIS computer will call the weather station automatically every day. The data will be checked and flagged by the quality control program. All non-ETo data (hourly and daily) will be stored in the computer’s database. All data will be public information.

11. STATE will be responsible for the installation of the weather station for operation. STATE will also be responsible for initial calibration of the weather station, and for annual calibrations.

12. COOPERATOR will allow STATE to place a STATE lock on station enclosure box and STATE will supply a key for that box to the COOPERATOR.
13. This Agreement shall be effective through November 9, 2014, installation. After which STATE, COOPERATOR, or LANDOWNER may terminate this Agreement, by that party giving thirty (30) days prior written notice to the other party. Within a reasonable amount of time after termination, COOPERATOR shall remove any and all facilities, appurtenances, and incidents and shall attempt to return the SITE to its original condition.

14. All costs incurred by STATE for installation, training, troubleshooting, and operation, and any labor costs incurred by STATE for repair or maintenance of equipment at the SITE pursuant to this Agreement shall be without cost or charge to COOPERATOR or LANDOWNER.

15. STATE and COOPERATOR will exercise reasonable precautions to avoid damage to people or property.

LANDOWNER shall indemnify and hold STATE and COOPERATOR and their agencies, respective officers, employees and agents harmless from and against any and all liability, loss, expense, attorneys' fees, or claims for injury or damages arising out of the performance of this Agreement but only in proportion to and to the extent such liability, loss, expense, attorneys' fees, or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of LANDOWNER, its officers, agents, or employees.

STATE shall indemnify and hold LANDOWNER and COOPERATOR and their agencies, respective officers, employees and agents harmless from and against any and all liability, loss, expense, attorneys' fees, or claims for injury or damages arising out of the performance of this Agreement but only in proportion to and to the extent such liability, loss, expense, attorneys' fees, or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of STATE, its officers, agents, or employees.

COOPERATOR shall indemnify and hold LANDOWNER and STATE and their agencies, respective officers, employees and agents harmless from and against any and all liability, loss, expense, attorneys' fees, or claims for injury or damages arising out of the performance of this Agreement but only in proportion to and to the extent such liability, loss, expense, attorneys' fees, or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of COOPERATOR, its officers, agents, or employees.
In Witness whereof, the parties have entered into this Agreement on the date first hereinabove written.

STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES

Approval Recommended by:

Linus Paulus
Senior Land Agent

(COOPERATING AGENCY)

(COOPERATOR)
(Title)
North Marin Water District
999 Rush Creek Place, Novato, CA 94948
415-899-9237

(LANDOWNER)

Accepted by:

Paul Ferris
Chief
Real Estate Branch

For Inquiries:
California Department of Water Resources
OWUE CIMIS Program
Bekele Temesgen
PO Box 942839
Sacramento, California 94236

College of Marin
835 College Ave
Kentfield, CA 94904
RESOLUTION AUTHORIZING NON-EXCLUSIVE USE OF CERTAIN REAL PROPERTY LOCATED ON THE INDIAN VALLEY CAMPUS FOR THE MAINTENANCE AND OPERATION OF A WEATHER STATION

WHEREAS, the Marin Community College District ("District") is the owner of real property commonly known as the Indian Valley Campus at 1800 Ignacio Boulevard, Novato, Marin County, California, depicted on the attached map (Assessor’s Map BK. 150, pg. 48); and

WHEREAS, the State of California ("State") and the North Marin Water District ("Water District") have been operating a California Irrigation Management Information ("CIMIS") weather station to collect weather information necessary for estimating crop water use under local conditions on a 90 x 140 foot portion of the green between the Miwok and Pomo Clusters as depicted on Attachment 1 hereto ("Site") and desire to continue to operate the weather station at that location; and

WHEREAS, the District desires that the weather station continue in operation on the Indian Valley Campus because it enhances educational programs by providing data and hands-on learning opportunities for students; and

WHEREAS, the Site is not and will not be needed for classroom purposes;

NOW, THEREFORE, THE BOARD OF TRUSTEES DOES HEREBY DETERMINE, RESOLVE, AND ORDER AS FOLLOWS:

1. The above recitals are true and correct.

2. The Board of Trustees approves the non-exclusive use of the Site by the State and Water District for maintenance and operation of the CIMIS weather station through November 9, 2014, which use shall thereafter be subject to termination upon 30 days’ written notice.

3. The State’s and Water District’s non-exclusive use shall be subject to the terms and conditions set forth in the proposed agreement dated August 21, 2012, which shall be available for inspection in the District Office upon request.

4. The Board hereby delegates authority to Vice President Al Harrison, or his designee, to take such actions as may be required to carry out the purpose of this Resolution, including the publication of this Resolution pursuant to Education Code section 81432.

PASSED AND ADOPTED by the following vote:

AYES: ________________________________

NOES: ________________________________

ABSENT: ________________________________

ABSTAIN: ________________________________

I, David Wain Coon, Secretary to the Governing Board of the Marin Community College District, County of Marin, State of California, do hereby certify that the foregoing resolution was introduced by __________________, seconded by __________________ and adopted by unanimous vote on August 21, 2012 by the said Board at its regular meeting.

______________________________
Secretary to the Governing Board
**BACKGROUND:**

The Marin Community College District is in the process of updating and aligning the District’s Board Policies with the recommended policies developed through the legal firm of Liebert Cassidy Whitmore in conjunction with the Community College League of California (CCLC). The District is a member of the Board Policy and Administrative Procedure Subscription Service coordinated by the CCLC.

**ANALYSIS:**

The District’s current Board Policy Manual has not been revised for quite some time. Therefore, the Board Policy Manual is being reorganized and updated to align with the recommended policy information provided by the Policy and Procedure Subscription Service. Fifty-nine community college districts throughout the state are embarking on or have completed this same process.

There are seven chapters of the Board Policy Manual that include the following sections: 1) The District, 2) Board of Trustees, 3) General Institution, 4) Academic Affairs, 5) Student Services, 6) Business and Fiscal Affairs, and 7) Human Resources. The goal will be to review the current Board Policies and align them with the recommended policy information provided by the Policy and Procedure Subscription Service.

Board Policies and Administrative Procedures for *Chapters 1 and 2* will undergo administrative review by Dr. Jane Wright and Dr. David Wain Coon. After this review, the new draft will be evaluated by the Board Subcommittee on Policy for suggested revisions. Revisions will then be reviewed as information items at the BP/AP Revision Task Force and College Council. Once these steps have been completed, finished Board Policies will be submitted to the full Board for first reading and adoption. Administrative Procedures will be presented as information items.

Board Policies and Administrative Procedures for *Chapters 3 through 7* will undergo administrative review by Dr. Jane Wright and Dr. David Wain Coon. After this review, the new draft will be evaluated by the BP/AP Revision Task Force for suggested revisions. Revisions will then be reviewed as information items at College Council. Once these steps have been completed, finished Board Policies will be submitted to the full Board for first reading and adoption. Administrative Procedures will be presented as information items.

Board Policies 3420, 3520, 3715, 3820, 4020, 5800, 7130, and 7380 are now ready for review by the Board of Trustees.
FISCAL ANALYSIS:

No fiscal impact for the District.

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees receive Board Policies 3420, 3520, 3715, 3820, 4020, 5800, 7130, and 7380 for first reading and discussion.

Administrator Initiating Item  Dr. David Wain Coon, Superintendent/President
BP 3420       EQUAL EMPLOYMENT OPPORTUNITY

References:
Education Code Sections 87100 et seq.;
Title 5 Sections 51010 and 53000 et seq.

The Marin Community College District shall assure that effort is made to build a community in which opportunity is equalized and community colleges foster a climate of acceptance with the inclusion of faculty and staff from a wide variety of backgrounds. The District agrees that diversity in the academic environment fosters cultural awareness, mutual understanding, respect, harmony, and suitable role models for all students. Therefore, the District is committed to promoting equal employment through a continuing equal employment opportunity program.

The Superintendent/President shall develop, for review and adoption by the Board of Trustees, a plan for equal employment opportunity that complies with the Education Code and Title 5 requirements as from time to time modified or clarified by judicial interpretation.

❖ From current College of Marin Policy 7.0001 titled Staffing Diversity/Affirmative Action/Equal Opportunity

Marin Community College District is committed to cultural, racial, and ethnic understanding and diversity. The Board believes these democratic principles can best be learned in the presence of faculty and staffs of different cultures, races, and ethnic groups, as well as both sexes working together. It, therefore, advocates action to provide equal opportunity for all Marin Community College District students and staff regardless of race, ethnicity, religious creed, age, sex, sexual preference, national origin, marital status, medical condition (cancer), physical disability, or status as a Vietnam-era veteran.

Therefore, the Superintendent/President shall ensure that, in accordance with state and federal statutes:

1. There is no unlawful discrimination in District hiring practices, programs, and activities.
2. A process is established for initiating an investigation of complaints of alleged harassment/discrimination at the District level within 30 days of the reporting of the incident.

3. A District Staff Diversity/Affirmative Action Program is established to promote staff diversity through effective representation of ethnic groups, women, and the physically disabled in District hiring programs and activities. Such Program shall be evaluated annually to determine the extent to which it is effective.

Nothing in this policy shall be construed to prohibit the District from administering, or assisting in the administration of, scholarships, fellowships, or other forms of financial aid, established pursuant to domestic or foreign wills, bequests, trusts, or similar legal instruments or by acts of a foreign government, which require that awards be made to members on the basis of race, religious creed, age, sex, sexual preference, national origin, marital status, medical condition (cancer), physical disability, or status as a Vietnam-era veteran; provided that the overall effect of the award of these restricted scholarships, fellowships, and other forms of student financial aid does not discriminate on the basis of race, religious creed, age, sex, sexual preference, national origin, marital status, medical condition (cancer), physical disability, or status as a Vietnam-era veteran.

- From current College of Marin Procedure 7.0001 DP.1 titled Staff Diversity/Affirmative Action/Equal Opportunity

District Policy 7.0001 requires a process for investigation and resolution of complaints of alleged discrimination based on race, color, religion, age, sex, sexual preference, national origin, marital status, medical condition (cancer), handicap, or status as a Vietnam-era veteran. The policy also requires an annual evaluation of the District Affirmative Action Program. In order to implement these requirements, the following procedure will be used:

1. Affirmative Action Advisory Committee

The President will select a five-person committee from recommendations made by the Academic, Classified, and Student Senates. The Affirmative Action Officer will be a member of the Committee. Efforts will be made to assure an ethnic and gender diversity on the committee. The Committee will:

A. Develop an Affirmative Action Plan to be reviewed annually by the Personnel Advisory Committee.

B. At its discretion, evaluate District policies, programs, processes and actions for their effect on Affirmative Action. These evaluations will be sent to the President along with recommendations for needed changes.
C. Sit as a hearing body for complaints alleging discrimination, including complaints on accessibility of facilities and programs under Section 504 of the Rehabilitation Act of 1972.

2. Affirmative Action-Complaint Process

This complaint process is available to students, the public, and District staff who cannot use the grievance processes available in the collective bargaining agreements. It cannot be used in addition to or in lieu of District labor contract provisions. All "days" in the following process are calendar days.

A. Any person alleging discrimination, or exclusion from facilities or programs because of a handicap, should try within five (5) days to discuss the problem with the District employee(s) alleged to have committed the discriminatory or exclusionary act. The purpose of this discussion is to attempt to resolve the problem constructively, informally and quickly.

B. If within five (5) days a resolution is not reached, or within ten (10) days if a resolution is not attempted, the complainant may submit the complaint in writing to the Affirmative Action Officer who will present it to the appropriate first level District manager or supervisor and advise the complainant on the District process, the State Chancellor's discrimination complaint process, and other applicable agencies. The Affirmative Action Officer will also complete the Discrimination Complaint form and assume responsibility for seeing that District deadlines are met.

C. The Manager or Supervisor will respond within three (3) days to the complainant and give a copy of the response to the Affirmative Action Officer.

D. If the complainant is not satisfied with the response, he or she has five (5) days to submit a written rebuttal to the Affirmative Action Advisory Committee through the Affirmative Action Officer.

E. The Committee will meet, obtain any necessary additional information in writing or orally from the complainant, the person or persons against whom the allegation is made, and the Manager, and prepare a recommendation to the President for the resolution of the issues involved.

F. The President will respond to the complainant. Steps E and F shall be completed within eight (8) days after receipt of the rebuttal submitted in Step D.

G. If the complainant is not satisfied with the response, he or she may file a complaint with the Chancellor of the California Community Colleges in accordance with Administrative Code 59320 et seq. or with other applicable agencies. The process through the
Chancellor’s Office must be started within 120 days of the alleged unlawful discrimination.

NOTE: The underlined regular text signifies legally required language recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in black ink is from current College of Marin Policy 7.0001 titled Staffing Diversity/Affirmative Action/Equal Opportunity adopted on 9/30/81 and revised on 4/9/85, 6/8/88, and 6/25/91 and College of Marin Procedure 7.0001 DP.1 titled Staff Diversity/Affirmative Action/Equal Opportunity approved on 4/29/88. The language struck through is recommended for deletion. This document was reviewed on March 29, 2012, April 24, 2012, and May 22, 2012 by the Executive Dean of Human Resources.

Date Adopted:
(Replaces current College of Marin Policy 7.0001 and Procedure 7.0001 DP.1)
BP 3520 LOCAL LAW ENFORCEMENT

References:

Education Code Section 67381;
34 Code of Federal Regulations Part 668.46(b)(4)

Each campus or center of the District, on behalf of each campus or center, the District shall enter into a written agreement with local law enforcement agencies. The agreement shall clarify operational responsibilities for investigations of Part I violent crimes, defined by law as willful homicide, forcible rape, robbery, and aggravated assault, occurring at each location.

The written agreement shall designate which law enforcement agency shall have operational responsibility for violent crimes and delineate the specific geographical boundaries of each agency's operational responsibility, including maps as necessary.

The written agreements required by this policy shall be public records and shall be made available for inspection by members of the public upon request.

The Marin Community College District encourages accurate and prompt reporting of all crimes to the District Police Department and/or the appropriate police agencies. The Superintendent/President shall establish procedures that encourage pastoral* counselors and professional* counselors, if and when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

* See Clergy Act definitions for pastoral and professional counselors in AP 3515 titled Reporting of Crimes and AP 3520 titled Local Law Enforcement.

Date Revised:
Date Adopted: March 17, 2009
(This is a new policy recommended by the League and the League's legal counsel)

NOTE: The underlined regular text signifies legally required language recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore) from legal Update 19 disseminated to districts in August 2011. The language in black ink is from current College of Marin Board Policy 3520 titled Local Law Enforcement adopted on 3/17/2009. The language struck through is recommended for deletion. The language in underlined italics reflects revisions from Chief Lemy on 5/12/2012. This policy was reviewed by the Task Force and recommended to move forward.
BP 3715 INTELLECTUAL PROPERTY

References:

17 U.S. Code Sections 101 et seq.;
35 U.S. Code Sections 101 et seq.; and
37 Code of Federal Regulations Sections 1.1 et seq.

The Superintendent/President shall develop procedures that define the rights, interests, protection and transfer of intellectual property created by the District employees and students.

NOTE: The underlined regular text signifies legally required language recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). This policy was reviewed by Susan Andrien on 3-29-11. This policy was reviewed Susan Andrien on 2-9-12. Reviewed by Linda Beam 4/16/12. Approved by the Academic Senate to move forward to the Board 5/10/12.

Date Adopted:

(This is a new policy recommended by the League and the League's legal counsel)
BP 3820 GIFTS

References:
Education Code Sections 72122 and 72205

❖ From current College of Marin Policy 7.0038 titled Gifts, Donations and Bequests

The Board of Trustees shall consider all gifts, donations, and bequests made to the District. Such consideration may be through the College of Marin Foundation which acts solely on behalf of the District or to the College directly. The Board reserves the right to refuse to accept any gift which does not contribute toward the goals of the District, or the ownership of which would have the potential to deplete the resources of the District.

The District shall assume no responsibility for appraising the value of gifts made to the District.

Acceptance of a gift shall not be considered endorsement by the District of a product, enterprise or entity.

In no event shall the District accept a donation from any donor who engages in practices or policies which discriminate against any person on the basis of race, sex (i.e. gender), color, religion, national origin, age, disability or sexual preference nationality, religion, age, gender, gender identity, gender expression, race or ethnicity, medical condition, genetic information, ancestry, sexual orientation, marital status, or physical or mental disability; or when the stated purposes of the donation are to facilitate such discrimination in providing educational opportunity. (See BP/AP 3410 titled Nondiscrimination)

❖ From current College of Marin Policy (no number – embedded in 7.0038) titled Gifts of Works of Art

Policy as respects acceptance, placement, maintenance and de-accession:

The Board of Trustees of the Marin Community College District is committed to providing aesthetic and intellectual stimuli to a broad public, including the college community, alumni and District residents through direct access to innovative, quality arts experiences. On behalf of College of Marin, the Board welcomes and encourages offers of gifts and other proposals for acquisition of works of art that will enhance the College, its buildings, grounds and natural features.

The Board, as part of its fiduciary responsibility, must exercise control over the acquisition of works of art because resources for such acquisitions and for the maintenance thereafter are limited. Failure to exercise such control could result in creating serious problems of maintenance, cataloguing and unmet
expenses—Consideration of recommendations as respects gifts of works of art that require Board approval may only take place at a regularly-scheduled public meeting of the Board of Trustees where the item is posted under the section for Other Action Items.

I. Purpose

The Board of Trustees acknowledges that acquisitions for and the subsequent preservation, enhancement and diversification of its art collection are important to College of Marin. It further acknowledges that appropriate gifts beautify the College, encourage the appreciation of fine art in a variety of media and styles, offer enjoyment in the college community and general public and memorialize important aspects of college tradition and culture.

The Trustees believe and support these concepts:
- A fully developed environment includes art
- Art must be integrated into daily life
- Arts education fosters a culturally aware society and a creative workforce

II. Basic Principles

Acceptance of gifts of art by the College will be guided by the following assumptions:
- Art works are for the education and enjoyment of students, staff and the general public
- Art works will enhance the beauty of the chosen site
- The entire College is an “environmental work of art”, consequently all art will be seen as part of the greater whole
- A variety of art, media and style will be represented throughout the College

III. Acceptance Process

The process to be followed for the consideration of gifts and proposals for the acquisition is necessary to ensure that proposed works of art:
- Complement and respect the educational environment of the College
- Are appropriate to the setting, history, traditions and mission
- Do not impose unexpected or unsupportable burdens on the College (such as frequent need for maintenance and repair, liability or security costs)

A. Arts Advisory Committee (AAC)

A permanent standing committee will be formed which will have the responsibility for review of all proposals for acquisition, submit recommendations to the full Board of Trustees at a public meeting, and will work with the artist/donor(s) to ensure the successful installation and maintenance of accepted works of art.

The AAC will be composed of individuals who are knowledgeable in the arts in addition to having responsibility for meeting the goals of the College while protecting its resources. The committee will include one Trustee from the College Board, the College President, one member of the College art faculty, one member of the College of Marin Foundation Board and the Executive Director of the CCM Foundation. The AAC may use other experts to serve as advisors on artistic, technical or legal issues.
B. Strategic Issues for Consideration—Criteria
   • Educational appropriateness for College of Marin
   • Environmental “fit” within available locations/sites
   • Durability of art work’s materials
   • Type and extent of maintenance that must be provided and support for such maintenance
   • District’s obligations for maintaining the art work
   • Appropriate insurance coverage and costs of coverage for accepted art work

C. Additional Issues for Consideration
   • Plaques—modest in size with concise appropriate wording
   • Donor recognition—name of individual(s) and/or name of group/agency in included on the plaque only if donor(s) is responsible for all or majority of donation
   • Agreement by donor that:
     o indoor works of art may be moved from location or building where originally placed
     o College has right to move outside works of art to meet its changing needs for building sites and landscape alteration

D. Steps of the Process

Preparing for presentation to AAC—All prospective donors are asked to first contact the Executive Director of the COM Foundation who will provide them with a copy of this policy’s criteria guidelines, as well as a list of documentation requested by the AAC. The donors should be prepared to present the following:
   • Information about the work(s) of art, including materials, concept and purpose, artist biography, date of creation of the piece and history, any awards or critical notice it has garnered, any additional information donor may have that would be useful to the AAC for its consideration.
   • Information about the donor(s), their background and association with the College and any additional information donors may wish to share as to why this donation is being offered.
   • Any technical issues related to the materials, care and installation needs such as hanging, arrangements, bases, pedestals or concerns relating to specific environmental conditions (excessive sunlight, moisture, etc.) that might affect the work of art.
   • Clear photographs of the artwork or when the creation of a piece of artwork for the College is proposed, an illustration or model that accurately depicts the dimensions and appearance of the work of art.

Presentation to the Art Advisory Committee—After all pertinent documentation has been supplied to the AAC, the committee will evaluate the art work in relation to the developed criteria with advice from the Director of Maintenance and Operations regarding location, installation or maintenance, if needed. Additional considerations that may be addressed:
   • Works of art with moving parts must be carefully evaluated for their potential for breakage and future need of repair.
   • For outside art, the following must be taken into consideration:
- Additional costs for relocation or repair of utility lines, light fixtures, paving, landscaping, etc. during installation
- Safety concerns - Avoidance of conflicts with underground utility lines and vehicle, pedestrian and wheelchair circulation.

Recommendations of the AAC - The Art Advisory Committee will submit all recommendations, with written back-up materials, to the full Board of Trustees to be taken up on its agenda, as an item under the section for Other Action items, at a regularly scheduled public meeting of the Board. All actions of the Board on the AAC recommendations will take place in the public meeting.

E. Notification to Donor(s) - The College District will notify the donor(s), in writing, as to the recommendation of the AAC and the decision of the Board of Trustees.
   - Acceptance
     Letter sent, signed by President of the Board of Trustees, President of the COM Foundation and President of College of Marin, listing proposed work(s) of art including artist, title, date of work, medium and size.
     COM Foundation prepares a Gift/Endowment Report.
     AAC implements the recording, cataloguing and classifying of the work for the District and Foundation records.
   - Refusal
     Letter sent, signed by above, with short explanation of declination when appropriate.

IV. Placement

The College will display indoor and outdoor works of art in locations that are accessible to viewing by the general population and visitors, including those with physical disabilities, so that they can be fully appreciated and enjoyed. Works of art (individual pieces, parts of collections and entire collections) may not always be on public display and may be rotated and/or stored by the College.

V. Works of Art Endowment Fund

Funds are not always available in the College's annual budget for the maintenance of a collection of artworks. Therefore, a permanent endowment will be established, through the COM Foundation, to help cover the costs of regular and appropriate maintenance of all art acquisitions, the rotation and storage of works of art, as well as the cost of acquisitions and de-accessions.

VI. Maintenance/Record/Keeping

Maintenance - The donor will prepare a written statement that addresses the customary maintenance requirements for the work(s) of art. It should be established before acceptance that the cost of such maintenance is within the resources available for maintenance of the collection of artworks at the College.
Archive/Cataloguing of the Artwork—The College and the Foundation will each maintain an active archive of photographic documentation, records of maintenance and fabrication materials and details of installation.

VII. De-accession

The College will retain the right to de-access any item which no longer demonstrably enhances the existing collection. Such de-accession of the artwork(s) will be related to criteria set forth here to be used by the AAC for its recommendation for action to the full Board of Trustees.

Funds realized from the sale of de-accessioned artwork(s) will be placed in the endowment fund and will only be used to augment the College’s collection of artworks in a manner that will fulfill the purposes of the College and the intent of the original donor.

A. Criteria to be used by AAC

• Piece is no longer relevant to and/or consistent with the College’s purposes and activities
• Piece no longer maintains its integrity
• Piece is an unnecessary duplication of other pieces in collection, including pieces which are repetitive of similar themes in a similar medium
• Piece cannot adequately be cared for in a professionally accepted manner
• Disposition of the piece, under specified circumstances, would ultimately improve or refine the collection

B. Methods of De-accession

• Sale or Exchange
  o The College will honor all legal restrictions attached to a gift of a work of art. In addition, stipulations which do not impose accompanying legal obligations shall be respected to the extent possible.
  o Reasonable means will be used to locate the donor. If the donor is no longer living, college judgment will prevail. Decisions will consider the donor’s original wishes.
  o Sale or exchange will be carried out in accordance with all applicable State and Federal laws including the State of California Resale Royalties Act.

C. Sale at Auction

Whenever practical, de-accessioned works of art will be sold at public auction. The auction house will determine if the artist is living and take responsibility for the terms and conditions set forth in the California Resale Royalties Act of 1975.

D. Other

In the event a particular work of art is deemed unsuitable for sale, the AAC may recommend other means of de-accession after all reasonable efforts have been made to locate the donor(s) and offer to return the particular piece of art.

E. Process for De-accession
• A particular work of art will be presented to the AAC for consideration on de-accession.
• The AAC ascertains, with the advice of legal counsel, if necessary, that there are no legal restrictions upon the de-accession before presenting to the Board of Trustees for approval.
• The AAC will use all reasonable means to locate the donor(s).
• The AAC will advise the donor(s) in writing of the intention to sell, exchange or return a work of art.
• The AAC will review the sales process, approve specific terms and set forth such terms in a Letter of Agreement, to be signed by the College President and the Executive Director of the COM Foundation.
• The AAC will record all de-accessioned objects in its permanent records giving copies to the College and the Foundation.
• The COM Foundation will initiate appropriate accounting and recording procedures for the de-accession.
• The AAC will recommend the best use of the fund obtained from sale or exchange. All such funds are to be deposited in the endowment account established for works of art. Subsequent purchases will be chosen by the AAC, with approval of the Board of Trustees, in a manner that would fulfill the purpose of the College, as set forth here, and the intent of the original donation, bequest or appropriation.

Also see BP/AP 2800 titled Naming of Facilities and BP/AP 2710 titled Conflict of Interest

NOTE: The underlined regular text signifies legally required language recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in black ink is from current College of Marin Policy 7.0038 titled Gifts, Donations and Bequests adopted on 12/10/02 and Policy (no number) titled Gifts of Work of Art adopted on 12/10/02. The language struck through is recommended for deletion. The language in bold underlined italics was updated to reflect current protected categories 4/11/12. The language in underlined italics added by President Coon 4/12/12. Approved to move forward by President Coon 4/12/12.

Date Adopted:
(Replaces College of Marin Policy 7.0038)
BP 4020 PROGRAM, CURRICULUM, AND COURSE DEVELOPMENT

References:
Education Code Sections 70901(b), 70902(b), 78016, 78300;
Title 5 Sections 51000, 51022, 51956, 55000-55225;
U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended;
34 Code of Federal Regulations Sections 600.2, 602.24, 603.24, and 668.8

The District shall offer credit, noncredit, and community services classes in conformance with definitions and a classification system consistent with state law.

The programs and curricula of the District shall be of high quality, relevant to community and student needs, and evaluated regularly to ensure quality and currency. The Superintendent/President shall establish procedures for the development and review of all curricular offerings, including their establishment, modification, or discontinuance.

Furthermore, these procedures shall include:
- appropriate involvement of the faculty and Academic Senate in all processes;
- regular review and justification of programs and course descriptions;
- opportunities for training for persons involved in aspects of curriculum development; and
- consideration of job market and other related information for career and technical programs.

All new credit and noncredit courses, programs, certificates, and degrees must satisfy the conditions authorized by Title 5 regulations, shall be approved by the Board of Trustees, and shall be submitted to the California Community College Chancellor's Office for approval as required. In addition, all course and program deletions shall be approved by the Board of Trustees.

The total educational program of the District shall be reviewed continuously with respect to its value to the students enrolled and in meeting the needs of the community.

Credit Hour
Consistent with federal regulations applicable to federal financial aid eligibility, the District shall assess and designate each of its programs as either a “credit hour” program or a “clock hour” program.

The Superintendent/President will establish procedures which prescribe the definition of “credit hour” consistent with applicable federal regulations, as they apply to community college districts.

The Superintendent/President shall establish procedures to assure that curriculum at the District complies with the definition of “credit hour” or “clock hour,” where applicable. The Superintendent/President shall also establish procedure for using a clock-to-credit hour conversion formula to determine whether a credit hour program is eligible for federal financial aid. The conversion formula is used to determine whether such a credit-hour program has an appropriate minimum number of clock hours of instruction for each credit hour it claims.

From current College of Marin Policy 2.0006 titled Off-Campus Credit Instruction

The Board recognizes that the District’s mission to provide educational opportunities may include the placement of credit programs and courses in locations other than the college campuses. The Board, therefore, directs the Superintendent/President to assess the need for off-campus credit instruction and to offer such Board-approved programs and courses in a manner which complies with the academic responsibilities and governance requirements of the District.

Date Revised:
Date Adopted: July 27, 2010
(Replaces College of Marin Policies 2.0006, 2.0013 and 2.0017)

NOTE: The language in underlined regular text is from legal Update 19 (disseminated to districts in September 2011) and Update 20 (disseminated to districts in April 2012). The language in regular text is from current College of Marin Policy BP 4020 titled Program Curriculum and Course Development adopted 7/27/2010. College of Marin Policy 2.0006 titled Off-Campus Credit Instruction adopted 2/24/82 and revised on 1/12/85 is recommended for deletion because it is out of date. Reviewed by Dean of Enrollment Services on 2/8/12 and 4/24/12. This document was reviewed by the Academic Senate President on 4/25/12. Approved by Academic Senate 5/17/12.
BP 5800 PREVENTION OF IDENTITY THEFT IN STUDENT FINANCIAL TRANSACTIONS

References:
Fair and Accurate Credit Transactions Act (FACT Act) 15 U.S. Code Section 1681m(e))

The District is required to provide for the identification, detection, and response to patterns, practices, or specific activities ("Red Flags") that could indicate identity theft of students when the District serves as a creditor in relation to its students. When applicable, the Superintendent/President is directed to develop procedures to implement an Identity Theft Prevention Program (ITPP) to control reasonably foreseeable risks to students from identity theft.

NOTE: The underlined regular text signifies language that is legally required. This new policy was recommended by the CC League and the League's legal counsel in Update #15 disseminated to districts in September 2008. This policy was created to comply with the Fair and Accurate Credit Transactions Act (FACT Act), a new federal law that requires any public agency which establishes "covered accounts," i.e. accounts that involve multiple payments or transactions, to implement a program to monitor for identity theft. Reviewed by Dean of Enrollment Services on 4-24-12. This document was reviewed by the Vice President of College Operations on 5-21-12.

Date Adopted:
(This is a new policy recommended by the CC League and the League’s legal counsel)
BP 7130 COMPENSATION

References:
Education Code Sections 70902(b)(4), 87801, and 88160;
Government Code Sections 3543.5 and 53200;
U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid
Programs under Title IV of the Higher Education Act of 1965, as amended.

Salary schedules, compensation, and benefits (including health and welfare benefits) for all classes of employees and each contract employee shall be established by the Board of Trustees.

The Superintendent/President shall be responsible for the administration of the salary schedules. For unrepresented employees, exceptions to salary schedules and conditions contained therein may be made upon the recommendation of the Superintendent/President and with the approval of the Board.

Prohibition of Incentive Compensation
Except as applicable to foreign students residing in foreign countries who are not eligible to receive federal student assistance, the District shall not provide any commission, bonus, or other incentive payment based, directly or indirectly, on the success in securing enrollments or financial aid, to any person or entity engaged in any student recruiting or admission activities or in making decisions regarding the award of student financial assistance. Employees covered by this ban shall be referred to as “covered employees” for purposes of this policy.

Date Revised:
Date Adopted: March 17, 2009
(Replaces College of Marin Policy 5.0015)

NOTE: The language underlined regular text is legally required from legal Update 19 disseminated to districts in August 2011 to comply with recently enacted U.S. Department of Education regulations. Reviewed an April 24, 2012 by the Executive Dean of Human Resources.
BP 7380 RETIREE HEALTH BENEFITS – ACADEMIC EMPLOYEES

References:
Education Code Sections 7000 et seq.

The District shall permit any former academic employee who has retired from the District to enroll in the health and welfare benefit plan and/or dental care benefit plan currently provided to its current academic employees. In addition, the District shall also permit the enrollment of the surviving spouse of any former academic employee who either retired from the District or was, at the time of his/her death, employed by the District as an academic employee and a member of the State Teacher’s Retirement System. Enrollment shall be in accordance with the criteria specified in the respective collective bargaining agreement, the Consolidated Omnibus Budget Reconciliation Act (COBRA), and/or under the rules of the District-sponsored plan.

Enrollment pursuant to this policy shall be at the retiree or surviving spouse’s own expense.

Any former academic employee or surviving spouse may enroll in the District’s health and welfare benefit plans only once pursuant to this policy. A retired academic employee or surviving spouse who voluntarily terminates coverage under this policy may be excluded from obtaining coverage again.

The Superintendent/President shall establish procedures as may be deemed necessary to administer this policy in accordance with Education Code Sections 7000 et seq.

Also refer to the applicable collective bargaining agreement.

NOTE: The underlined regular text signifies legally required language recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in underlined italics reflects revisions made by the Executive Dean of Human Resources on April 24, 2012 and May 22, 2012.

Date Adopted:
(This is a new policy recommended by the CC League and the League’s legal counsel)
A. **Open Session**
   1. **Call to Order, Roll Call and Adoption of Agenda**
      The Board of Trustees of the Marin Community College District met in the Student Services Building Cafeteria, at the Kentfield Campus located in Kentfield, California, all members having received notice as prescribed by law. Board President Conti called the meeting to order at 4:05 p.m. and asked the Vice President to call roll. Trustees Conti, Long, O’Brien and Treanor were present. Also present were Dr. David Wain Coon, Mr. Al Harrison; Dr. Rebecca Kenney, Ms. Linda Beam; Mr. Bruce Heid and Ms. Nancy Klein. M/s (O’Brien/Long) to adopt the agenda. Motion carried by unanimous vote 4-0.

   2. **Public Comment – Closed Session Agenda**
      There was no public comment on the closed session agenda.

   3. **Recess to Closed Session:**
      The Board recessed to closed session at 4:07 p.m.

B. **Closed Session**
   The Board met in closed session at 4:09 p.m. in Student Services Building, Staff Lounge, on the Kentfield Campus. Trustees Conti, Long, O’Brien and Treanor were present. Also present were Dr. David Wain Coon, Mr. Al Harrison; Dr. Rebecca Kenney, Ms. Linda Beam; Mr. Bruce Heid and Ms. Nancy Klein. Trustee Dolan arrived at 4:15 p.m., Trustee Namnath arrived at 4:24 p.m. and Trustee Kranenburg arrived at 4:26 p.m.

C. **Reconvene to Open Session**
   1. **Call to Order, Roll Call and Adoption of Agenda**
      Board President Conti called the open session of the meeting of the Board of Trustees of the Marin Community College District to order at 5:29 p.m. in the Student Services Building Cafeteria at the Kentfield Campus and asked the Clerk to call roll. All publicly elected officials were present. Student Trustee Scott Blood, Dr. David Wain Coon, Ms. Linda Beam, Ms. Angelina Duarte, Mr. Al Harrison and Dr. Rebecca Kenney were also present. President Conti noted that the Board would recess back to closed session after the public
meeting. M/s (O’Brien/Long) to approve the agenda. The motion passed 7-0 plus an advisory aye vote by Student Trustee Blood.

2. Report from Closed Session
Clerk Namnath reported no action was taken during closed session.

3. Public Comment
   A. Comments regarding items not on the Agenda:
      Mr. Bill Scott provided historical information to the Board, specifically the new members, about the Project Labor Agreement approved by the Board in 2007 and other information about Project Labor Agreements and the benefits they provide the College.
      Ms. Laurie Ordin introduced herself as the new President of UPM, replacing Ira Lansing after over 20 years. She looks forward to working together in the future.
   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
President Coon introduced Dr. Rebecca Kenney, the Interim Vice President for Student Learning, and Ms. Patricia Gant, Interim Dean of Enrollment Services. President Coon and Board President Conti thanked Ms. Linda Beam for her years of service to the District and wished her well in her new position.
   A. Board Agenda
      President Coon proposed moving toward electronic Board packets within the next few months in an effort to save a significant amount of time, money and resources.
      Discussion followed supporting the move as being appropriate and green. There were comments about the need for appropriate policies and procedures, training and the understanding that use of electronic devises would be solely for receiving Board agenda and packet information and for College Board business. A concern was raised that there should be accommodation for those who have sensitivity to computers. The City Manager of Novato has provided sample policies and procedures and offered to have their clerk train Kathy Joyner on the system. The goal is to implement by January 1, 2013
   B. General Obligation Refunding Bonds
      Vice President Al Harrison informed the Board that College staff and financial and legal advisors had been reviewing our outstanding bonds to determine whether it is timely and sensible to refinance those bonds. He introduced Sara Hollenbeck from Public Financial Management Inc. and Nic Heuer from Stradling Yocca Carlson & Rauth.
      Ms. Hollenbeck provided a presentation (attached) about current rates and market trends and the advantage of refunding at this time for the District and the taxpayers. They propose authorizing the refunding of an estimated $41.75 million of the Series A bonds which were issued in 2005. The interest rate on the maturities that would be refunded is estimated to be very low at approximately 3.2% and only maturities that would generate savings would be refunded. It is anticipated that at current market rates (which will fluctuate), a gross savings in debt service of approximately $1.6 million will
be realized, the present value of that over time is about $1.27 million and would generate almost $100,000 in savings to the taxpayers every year. Ms. Hollenbeck and Mr. Harrison answered questions from the Board members about the proposed refunding process and anticipated outcomes to taxpayers.

C. Strategic Plan 2009-12 Action Step Update
President Coon directed members of the Board to the update in their packet, noting that we have accomplished everything we said we were going to accomplish. He further noted that the College is making progress on the 2012-2015 Strategic Plan and that a working draft will be presented to the Board in the near future. Trustees requested that they continue to be updated on progress, accomplishments, assessment results and fiscal costs, so they are better able to understand the plans and what resources are needed. This will also allow them to provide meaningful input and direction into the process. Board members also expressed their wish to see how we are using the information we gather to tie program review to resource allocation and what impact the planning and training accomplishments have provided toward meeting our goals. President Coon referred the Board to the College Website, which provides a high level of detail within each area and noted that the new plan will show that we are now in the implementation phase in many areas.

D. Information Technology Assessment/Plan
Dr. Coon introduced Mr. Harrison and Marshall Northcott who briefed the Board on the Technology Plan and IT Assessment they received in their Board packets. Mr. Harrison explained how we got to this plan, noting that it gives the College a solid strategic plan that integrates with the Colleges planning model and will satisfy the WASC requirements. The plan was designed to move the College forward in addressing technology at all levels College-wide. Mr. Harrison gave credit to the members of the Technology Planning Committee and Chair Michael Irvine, thanking them for the extensive time, energy and effort they put into the plan. He noted that the plan identifies some items that are already in process, which the College has already purchased as part of the ERP system. There are a number of other items that will require significant funding and will require the development of additional processes to move forward. Mr. Northcott commented on the various components of the plan, including the current and near-term initiatives expected to be completed within the next eighteen months. Mr. Harrison and Mr. Northcott responded to questions from Board members, related to the report, implementation of new technologies, criteria for vendor/resource selection, next steps, tying the plan to student success, following technology trends, consideration of alternative and innovative technology options and specialized technology exclusive to this County. Student Trustee Blood stated that the committee discussed many of the issues the Board raised and that they looked at what they felt was the best use of resources, employees and space. He also noted that student involvement was very high and considered in the plan. Board members commended the work on the plan as well as the progress that has been made over the
past eight to ten years, noting that the challenge is keeping up with changing technology and prioritizing what we need to enable learning.

5. **Academic Senate Report**
   Sara McKinnon updated the Board on the status of SLOs, stating that 1172 out of 1174 have been completed (99.83%). In response to the current Board meeting discussion, Ms. McKinnon stated that options have been added to allow students to buy, rent or use Library copies of text books, addressing the book cost issues. With regard to the discussion about technology, she stated that we are talking about the differences between technology and pedagogy. The skills can be taught in many ways, whether or not you have the technology. The skills include collaboration, cooperation, adaptability, flexibility, critical thinking, problem-solving, communication, and information literacy. All of these are part of our five College-wide student learning outcomes which are already part of everything that we do. Every discipline has just created matrices that show the connection of what they do to teach all of these in each of their classes. The teaching of the skill lies in the skill of the teacher, not the skill of the technology.

6. **Classified Senate Report** – There was no report

7. **Student Association Report**
   Student Trustee Blood reported that students are in the mid-term of the summer session and that the Associated Students have finalized their budget, which will be seen at the next Board meeting in the budget.

8. **Board Study Session**
   Ms. McCarty stated that this was an update on design status and scope of the four major projects in design. She noted that the Performing Arts Building and the Science Math Building projects will be discussed at an upcoming Board meeting.

A. **New Academic Center**
   Ms. McCarty informed the Board that a great deal of work has been done to get the project back at the target cost. A tree demolition program will begin in December, hazardous material abatement will begin once the buildings and the Tacqueria have been vacated, and construction is anticipated to begin in Summer 2013. The occupancy target for the New Academic Center is Summer 2013. She introduced John Fung to recap the scope reductions and value engineering that has been done on this project. Mr. Fung stated that the project is on budget and moving along in design to incorporate the list of items proposed in December.

B. **Child Study Center Project Update**
   Ms. McCarty noted that this is a small project and the team has worked very hard on a tight budget to keep the critical scope and program requirements. There were a number of items as a result of environmental review that added to the scope as well as restricting construction schedules to the Clapper Rail breeding season. In spite of the efforts to keep to budget, an augmentation of $400,000 on this project is expected. She further noted that an action item at this meeting will authorize bidding on the project in
order to stay on schedule and start construction in September, within the Clapper Rail zone. She acknowledged that this did not include the $400,000 augmentation request, which will come to the Board at a later date. Ms. McCarty introduced Dara Youngdale who gave a briefing on the scope reduction efforts on the project. Ms. Youngdale noted that there were numerous changes including simplifying finishes, reduction of canopies and glass areas, changes to fencing, and reduction in landscape.

C. Fine Arts Weatherization Project
Ms. McCarty reminded the Board that this project was a result of scope reductions on the initial project and will create a covered walkway on the ground floor to keep rain away from the lockers and classroom doors, a vertical glass wall on the second and third floor and a covering over the central stair case. She noted that they worked closely with user groups to get as much as they could short of sacrificing critical functionality and that a request for an augmentation of $150,000 will come to the Board next month. It is anticipated that the project will be completed next summer at the same time the demolition in relation to the NAC project will occur. They are working closely on design and with DSA to keep the project on schedule. She and Peter Wong shared samples of the materials that will be used in the project.

D. Austin Science Center
Ms. McCarty restricted her brief to the swing space phase of the project. She noted that programming the spaces for departments and individuals coming out of the Administrative Center, Harlan Center, Olney Hall and Business Center is going well. She stated that they are working closely with the OIM department to maximize classroom space, though noted that it appears there will be a few less classrooms in the swing space than we have currently. The Human Resources Department will be moving into portable MS3, vacated by the Dance Department. The swing space portion of the project is scheduled to bid in October, with moves starting in January, once the Science, Math, Nursing project is completed and the individuals are moved out of Science Building.

Ms. McCarty and members of the design teams answered questions from Board members about a variety of items, including the roof terrace option and flexible classroom in the NAC, the tinted glass and slats in the Fine Arts Weatherization project, the Child Development project schedule, operational costs, the oak trees, availability of project information for the public and community perception of the projects. President Conti complemented Ms. McCarty and the teams for their presentation noting it was clear, focused, informative and helpful to the Board.

9. Consent Calendar Items (Roll Call Vote)
M/s Treasurer/Long to approve the Consent Calendar items. Trustee Dolan requested that items 9.B., 9.C and 9.J. be removed from consent requesting that fiscal implications on the short-term and certificated personnel items be included in the future. Trustee O’Brien requested that Item K.3. be pulled from the consent calendar items. Trustee Dolan noted that she has requested in the past that anything dealing with Measure C, Modernization items, be on the action agenda rather than consent. President Conti noted that there is protocol for consent vs. action for
modernization and that any changes to protocol would have to be discussed at a later meeting. Trustee Dolan requested that items K.1 – 4 be pulled from consent calendar. Trustee Treanor accepted the changes to her motion. Motion carried 7-0 by roll call vote, plus an advisory aye vote by Student Trustee Blood to approve items 9.A and 9.D. – 9.I.

A. Approve Classified Personnel Recommendations
   1. Appointment of Classified Personnel
   2. Appointment of Hourly Employees
   3. Temporary Increase/Decrease in Assignment for Classified Personnel
   4. Resignation/Retirement of Classified Personnel

B. Approve Short-Term Hourly Positions – Item 9.B. was moved to Action

C. Approve Academic Personnel Recommendations – Items 9.C.1 & 9.C.2. were moved to Action
   1. Appointment Academic Personnel
   2. Appointment of Temporary Credit Instructor Appointments Summer 2012

D. Approve Educational Management Personnel Recommendations
   1. Appointment of Educational Management Personnel
   2. Resignation of Educational Management Personnel

E. Budget Transfer – Month of June 2012

F. Warrant Approval

G. Approve New Community Services Courses

H. Approve Student Record Destruction

I. Approve Out of Country Travel

J. Second Reading and Approval of Revised Board Policies – Item 9.J. was moved to Action
   BP 3710 Securing of Copyright
   BP 5010 Admissions and Concurrent Enrollment

K. Modernization (Measure C) – Items 9.K 1 – 4 were moved to action.
   1. Ratify/Approve Modernization Contracts, Changes and Amendments ($643,779.00)
   2. Approve Annual Renewal – Amendment #4 Paragon Software Licenses
      McLaren Software LTD {formerly Citaden, Inc.} ($35,024.00)
   3. Authorize Procurement of Specialty Equipment
      Science-Math Central Plant Complex Increment 2 & 3, Site Development & Building
      Project ($95A)
   4. Declaration of Surplus Disposal
      PA & FA-Relocation (8501)

9. B. Approve Short-Term Hourly Positions
M/s Treanor/Long to approve Short Term Hourly Positions. Trustee Dolan requested that the fiscal information be added to these items in the future. Trustee Treanor noted that the
hourly rates are included in this item and a total will depend on the hours worked. Motion carried 7-0 roll call vote plus an advisory aye vote by Student Trustee Blood.

9. C. Approve Academic Personnel Recommendations
   1. Appointment Academic Personnel
   2. Appointment of Temporary Credit Instructor Appointments Summer 2012
   M/s Long/O'Brien to approve Academic Personnel Recommendations. Trustee Dolan requested that the Fiscal information be added to these items in the future. Motion carried 7-0 roll call vote plus an advisory aye vote by Student Trustee Blood.

9. J. Second Reading and Approval of Revised Board Policies
   - BP 3710 Securing of Copyright
   - BP 5010 Admissions and Concurrent Enrollment
   M/s Long/O'Brien to approve Revised Board Policies BP 3710 and BP 5010. Trustee Dolan had questions about student status, and state and federal mandates which were addressed by Dr. Coon. Motion carried with a 6-1 roll call vote, with a no vote cast by Trustee Dolan and an advisory aye vote by Student Trustee Blood.

9. K. Modernization (Measure C)
   1. Ratify/Approve Modernization Contracts, Changes and Amendments ($643,779.00)
   2. Approve Annual Renewal – Amendment #4 Paragon Software Licenses
      McLaren Software LTD (formerly Citadon, Inc.) ($35,024.00)
   3. Authorize Procurement of Specialty Equipment
      Science Math Central Plant Complex Increments 2 & 3, Site Development & Building Project (305A)
   4. Declaration of Surplus Disposal
      PA & FA Relocation (8501)
   M/s Namnath/O'Brien to approved Modernization items 9K 1 – 4. Trustee O'Brien had questions about procurement of items in Item K.3. and whether we are using CMAS contracts to save money. Ms. Anne Daley responded and will provide follow-up information. Motion carried 7-0 by roll call vote plus an advisory aye vote by Student Trustee Blood.

10. Other Action Items
    A. Resolution #7-17-2012 C.10.A. Authorizing the Refund of Election of 2004 General Obligation Bonds, Series A. M/s Trenor/O'Brien to move approval of Resolution #7-17-2012 C.10.A. Motion carried 7-0 by roll call vote plus an advisory aye vote by Student Trustee Blood.

9. Modernization (Measure C)
   2. Approve Authorization to Bid Child Study Center - Increment One Project (303C

   M/s O'Brien/Long to approve Item 10.B. Motion carried 7-0 by roll call vote, with
Trustee O’Brien noting that her sister works at Midstate although she has no ownership interest or interest in this project, plus an advisory aye vote by Student Trustee Blood.

M/s Namnath/Treanor to merge items 10.C. through 10G into one and approve as one vote. Student Trustee Blood requested that item 10.C. be heard separately. M/s Namnath/O’Brien to merge and approve items 10.D. to 10.G. into one vote. Motion carried 7-0, plus an advisory aye vote by Student Trustee Blood.

C. Student Health Fee Increases.
M/s O’Brien/Long to approve Student Health Fee Increases. Student Trustee Blood commented that any increase in costs to students should be avoided if possible as students have already faced significant increases. Board members discussed the issue and President Coon pulled the item to review with the students and bring back to the Board at a later date.

Board President Conti referred Board members to their packets to review Future agenda items.

11. Board Policy Review (1st Reading)
There were no Board Policies for review.

12. Future Agenda Items
A. Review Mission Statement/Strategic Planning
B. Pension Reform
C. Distance Education
D. WASC Interim Report
E. Renewal of MOU for California Irrigation Management Information System

13. Board Reports and/or Requests
A. Committee Chair Reports - None
B. Legislative Report – Trustee O’Brien referred Board members to the copy of the updated legislative report and clarification of Basic Aid questions they received earlier. She informed the Board that she met with Kerry Mazzoni recently to discuss some of these issues. Ms. Mazzoni or Mr. Shimasaki will attend the August 21 Board meeting to provide an update on any fiscal implications of legislative actions as well as to brief the Board on new bills they will be tracking on our behalf, including Redevelopment.
Trustees suggested that a quick summary would be helpful as well as the very detailed report. Trustee O’Brien also noted the Kerry Mazzoni and President Coon would be meeting with Mary Jane Burke, Superintendent of Marin County Schools, to discuss opportunities for shared services and will also be looking doing the same within the County of Marin. She also noted that Ms. Mazzoni would be meeting with Fireman’s Fund who is interested in developing a pipeline for employees.
C. Individual Reports/or Requests – None
14. Approval of Minutes
   - M/s (Treanor/O’Brien) to approve the minutes of the June 19, 2012 Board meeting.
     Motion carried 7-0, plus an advisory aye vote by Student Trustee Blood.

Board President Conti referred Board members to their packets to review the Information items.

15. Information Items (see written reports)
   A. Contracts and Agreements for Services – June 2012
   B. Modernization Update
      1. Director’s Report
      2. Contract Milestone Report through June 2012
      3. Program Schedule
   C. Calendar of Special Events – None listed

16. Correspondence

17. Board Meeting Evaluation – Trustee Treanor noted that there was good discussion about
    the technology plan.

18. Adjournment
    M/s (O’Brien/Long) to recess to closed session to continue the discussion of the existing
    litigation. Motion carried by unanimous vote of 7-0, plus and advisory aye vote by Student
    Trustee Blood.

   The Board recessed to closed session at 9:31 p.m.

   The Board reconvened to open session at 9:36 p.m. and reported that there was no action
   taken in closed session.

   M/s Namnath/Long to adjourn meeting. Meeting adjourned at 9:37 p.m.
Call to Order and Roll Call
The Board of Trustees of the Marin Community College District met for a Special Board Meeting (Board Retreat) at the College of Marin Kentfield Campus in Room 108 of the Administrative Center, all members having received notice as prescribed by law. Board President Conti called the meeting to order at 9:08 a.m.

Trustees Diana Conti, Eva Long, Stephan O’Brien, Wanden Treanor and Student Trustee Scott Blood were present. Trustee Philip Kranenburg participated by telephone. Trustees Barbara Dolan and James Namnath were absent. Also present were Superintendent/President David Wain Coon, Vice President of College Operations, Al Harrison and Director of Fiscal Services, Peggy Iozaki.

M/s (O’Brien/Treanor) to adopt the agenda. Motion carried 5-0.

Public Comment
There was no public comment.

Budget Planning
Mr. Harrison shared a presentation on current budget and the budgets for past three years describing the high percentage of expenditures that go to salary and benefits and the effect of property tax fluctuations, Basic Aid, and State budget decisions on our budget. The presentation also showed budget projections for the next three years with spending at status quo as well as three possible scenarios for reducing budget and building back the reserve. President Coon informed the Board that he has presented the scenarios to PRAC. There was discussion about a variety of issues affecting the budget and suggestions about ways to reduce expenditures and increase revenue, including re-organization, eliminating summer school next year during construction, retirement incentives, partnerships and property rental. It was stressed that we need to keep in mind how decisions will impact core courses and student services. There was consensus among Board members to move forward with Option 2 with the understanding that dialog will continue and that modifications will be made as required moving forward.

Student Trustee Blood left the meeting.
Supplemental Employee Retirement Plan
Gail Beal from Keenan and Associates gave a presentation about a Supplemental Employee Retirement Plan annuity option which would be offered to employees 55 years of age or older with 10 or more years of service at the College. The College would realize savings if a specific number of employees participated in the plan. Ms. Beal gave an overview of the options available to the employees, explained how the program would work and what the next steps would be. Ms. Beal and Mr. Harrison answered questions from the Board and President Coon will research whether this is a negotiable item.

Bond Sale
Ms. Sara Hollenbeck of Public Financial Management and Mr. David Casnocha of Stradling Yocca Carlson & Rauth gave a brief presentation (attached) about the Bond structuring alternatives for the Series D Bonds. A Resolution will be presented to the Board at the August meeting authorizing the bond sale.

Superintendent/President 2012-2013 Goals & Priorities
President Coon complimented the President’s Evaluation Committee, Trustees Long and O’Brien, for their clear, focused and comprehensive review. He informed the Board that he met with the committee last week and shared the resulting three goals for 2012-13. There was discussion that the goals must clearly tie to the Strategic Plan and are integrated into our planning processes. The committee and Board President Conti will have a future discussion about the timeline for this process moving forward.

Accreditation Next Steps
President Coon reminded Board members to respond to the meeting wizard request to assist in scheduling two special meetings to work on the accreditation response. He shared that he will be creating a timeline, will scheduling the meetings and will send out a process and definition of roles next week to assist in developing the response. This needs to happen quickly.

Adjournment
M/s (Long/Kranenburg) to adjourn the meeting. Motion carried 4 – 1, with Trustee Treanor voting no.

Meeting adjourned at 1:15 p.m.
MARIN COMMUNITY COLLEGE DISTRICT
Kentfield, CA 94904

BOARD AGENDA ITEM

To: Board of Trustees
From: Superintendent/President
Subject: Contracts and Agreement for Services for Month of July 2012

Date: August 21, 2012
Item & File No. C.15.A.

Reason for Board Consideration:

INFORMATION

Attachment

BACKGROUND:

Attached for your information is a listing of all External Consultants and Contractors with whom we entered into a contract in excess of $1,000 with a description of services provided.

Administrator Initiating Item

Albert J. Harrison II, Vice President, College Operations
### Contracts and Agreement for Services

**OVER $1,000.00**

**MONTHLY REVIEW**

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<th>Agreement Number</th>
<th>Vendor/Description</th>
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Contracts and Agreement for Services  
OVER $1,000.00  
MONTHLY REVIEW

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<td>P0215042</td>
<td>Xerox Corporation</td>
<td>Logistics</td>
<td>$ 4,000.00</td>
</tr>
<tr>
<td></td>
<td>Leasing services for the Xerox Nuvera 100 copier for the College.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0215045</td>
<td>Easy Permit Postage</td>
<td>Logistics</td>
<td>$ 11,000.00</td>
</tr>
<tr>
<td></td>
<td>Postage/mailing services for the Spring 2012 schedule of classes.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0215046</td>
<td>Pitney Bowes Postage By Phone</td>
<td>Logistics</td>
<td>$ 10,000.00</td>
</tr>
<tr>
<td></td>
<td>Postage/mailing services for the first class mailing for the College.</td>
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<td></td>
</tr>
<tr>
<td>P0215047</td>
<td>Mill Valley Services</td>
<td>Logistics</td>
<td>$ 2,000.00</td>
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<td></td>
<td>Overflow printing and copying services for the College.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0215048</td>
<td>Pitney Bowes Global Financial Services, LLC</td>
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<td>$ 1,518.00</td>
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<td></td>
<td>Postage/mailing services for the first class mailing for the College.</td>
<td></td>
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<tr>
<td>P0215050</td>
<td>CBS Outdoor</td>
<td>Community Relations</td>
<td>$ 3,058.00</td>
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<tr>
<td></td>
<td>Bus shelter advertising services for the College.</td>
<td></td>
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<tr>
<td>P0215058</td>
<td>Liebert Cassidy &amp; Whitmore</td>
<td>Human Resources</td>
<td>$ 2,500.00</td>
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<tr>
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<td>Annual membership services for the Bay Area Community College District Employment Relations Consortium.</td>
<td></td>
<td></td>
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<tr>
<td>P0215060</td>
<td>Department Of Justice</td>
<td>Human Resources</td>
<td>$ 1,500.00</td>
</tr>
<tr>
<td></td>
<td>Fingerprinting and FBI screening services of associates of the College.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Contracts and Agreement for Services
**OVER $1,000.00**
**MONTHLY REVIEW**

<table>
<thead>
<tr>
<th>Agreement Number</th>
<th>Vendor/Description</th>
<th>Department</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>P0215061</td>
<td>Job Elephant.com, Inc Recruitment advertising services for the College.</td>
<td>Human Resources</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>P0215062</td>
<td><strong>Nature of Interpreting</strong> American Sign Language interpreting services for the College.</td>
<td>Human Resources</td>
<td>$3,500.00</td>
</tr>
<tr>
<td>P0215074</td>
<td>Casey Printing Printing services for the Indian Valley Campus Fall 2012 class bi-fold mailer.</td>
<td>Community Relations</td>
<td>$2,923.36</td>
</tr>
<tr>
<td>P0215075</td>
<td>Job Elephant.com, Inc Annual recruitment advertising fee for InsideHigherEd.com web site.</td>
<td>Human Resources</td>
<td>$3,650.00</td>
</tr>
<tr>
<td>P0215083</td>
<td>American Sentry Systems, Inc Security services for Pool, Bolinas, Health Center, Student Services and the Pomo Building for 2012-2013.</td>
<td>Maintenance</td>
<td>$3,252.00</td>
</tr>
<tr>
<td>P0215088</td>
<td>College Board Accuplacer testing services for students at the College.</td>
<td>Testing</td>
<td>$7,598.50</td>
</tr>
<tr>
<td>P0215102</td>
<td>ARTstor Annual access service fee for Artstor digital library.</td>
<td>Arts and Humanities</td>
<td>$1,150.00</td>
</tr>
<tr>
<td>P0215104</td>
<td><strong>North Bay Delivery Service</strong> Delivery services for the twelve monthly Board Packets.</td>
<td>President's Office</td>
<td>$1,202.64</td>
</tr>
<tr>
<td>P0215112</td>
<td>California Community College Athletic Association Athletic Association institutional service fee for the College in 2012-2013.</td>
<td>District Wide</td>
<td>$6,315.00</td>
</tr>
<tr>
<td>P0215121</td>
<td><strong>San Joaquin Chemicals</strong> Monthly water chemical treatment services for the Indian Valley Campus.</td>
<td>Maintenance</td>
<td>$3,120.00</td>
</tr>
<tr>
<td>P0215122</td>
<td><strong>San Joaquin Chemicals</strong> Monthly water chemical treatment services for the Kentfield Campus.</td>
<td>Maintenance</td>
<td>$4,560.00</td>
</tr>
<tr>
<td>P0215126</td>
<td><strong>Protection One Alarm Monitor</strong> Monitoring services for Learning Center, TB 1 and Child Development Center.</td>
<td>Maintenance</td>
<td>$1,764.96</td>
</tr>
<tr>
<td>P0215130</td>
<td><strong>Smile A Program of De Lage Landen</strong> Annual lease agreement for Sharp copier for 2012-2013.</td>
<td>Maintenance</td>
<td>$5,360.00</td>
</tr>
<tr>
<td>P0215131</td>
<td><strong>Association of Community College Trustees</strong> Membership services for the College.</td>
<td>Board</td>
<td>$3,718.00</td>
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<tr>
<td>P0215132</td>
<td><strong>Community College League of California</strong> Membership services for the College.</td>
<td>District Wide</td>
<td>$12,280.00</td>
</tr>
<tr>
<td>Agreement Number</td>
<td>Vendor/Description</td>
<td>Department</td>
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<td>------------------</td>
<td>--------------------------------------------------------</td>
<td>----------------------------</td>
<td>------------</td>
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<tr>
<td>P0215134</td>
<td>Discovery Office Systems</td>
<td>District Wide</td>
<td>$ 1,583.13</td>
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<td></td>
<td>Maintenance/Service agreement for the Indian Valley</td>
<td></td>
<td></td>
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<td></td>
<td>Mailroom copier for 2012-2013.</td>
<td></td>
<td></td>
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<tr>
<td>P0215139</td>
<td>Mill Valley Refuse Service, Inc</td>
<td>Maintenance</td>
<td>$ 2,400.00</td>
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<tr>
<td></td>
<td>Port-O-Potty services for the Indian Valley Campus</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Farm.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0215142</td>
<td>Knorr Systems, Inc</td>
<td>Maintenance</td>
<td>$ 1,500.00</td>
</tr>
<tr>
<td></td>
<td>Facility/Service agreement for the Indian Valley</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>and Kentfield pools for 2012-2013.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0215143</td>
<td>Job Elephant.Com, Inc</td>
<td>Human Resources</td>
<td>$ 1,300.00</td>
</tr>
<tr>
<td></td>
<td>Annual advertising services for in the Northern</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>California Higher Education</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Recruitment Consortium for 2012-2013.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0215159</td>
<td>GT Software, Inc</td>
<td>Information Technology</td>
<td>$ 1,320.00</td>
</tr>
<tr>
<td></td>
<td>Maintenance/Support services for NetCOLBOL developer</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>in 2012-2013.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0215166</td>
<td>School &amp; College Legal Services of California</td>
<td>District Wide</td>
<td>$ 13,227.50</td>
</tr>
<tr>
<td></td>
<td>Charges for Legal Services above the retainer agreement,</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>June 2012</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0215182</td>
<td>Oxford University Press, Inc</td>
<td>Learning Resources Center</td>
<td>$ 1,900.00</td>
</tr>
<tr>
<td></td>
<td>Online Oxford reference database for the College</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>throughout 2012-2013.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0215190</td>
<td>Jennifer Pittman</td>
<td>Community Relations</td>
<td>$ 1,000.00</td>
</tr>
<tr>
<td></td>
<td>Copy writing services for the College.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0215192</td>
<td>Affinaquest</td>
<td>Community Relations</td>
<td>$ 1,188.00</td>
</tr>
<tr>
<td></td>
<td>Annual licensing and support services for Affinaquest</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>fundraising software.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0215201</td>
<td>Shred-It</td>
<td>District Wide</td>
<td>$ 6,000.00</td>
</tr>
<tr>
<td></td>
<td>Shredding services for Kentfield and Indian Valley</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Campuses for 2012-2013.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Restricted**

<table>
<thead>
<tr>
<th>Agreement Number</th>
<th>Vendor/Description</th>
<th>Department</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>P0215116</td>
<td>SARS Software Products, Inc</td>
<td>Student Development</td>
<td>$ 4,320.00</td>
</tr>
<tr>
<td></td>
<td>Annual renewal services for the SARS-GRID and CALL</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>applications for the Colleges.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0215151</td>
<td>National Association of Student Financial Aid</td>
<td>Financial Aid</td>
<td>$ 1,046.00</td>
</tr>
<tr>
<td>Administrators</td>
<td>Annual membership services for the College for</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>2012-2013.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agreement Number</td>
<td>Vendor/Description</td>
<td>Department</td>
<td>Amount</td>
</tr>
<tr>
<td>------------------</td>
<td>-------------------------------------------</td>
<td>------------</td>
<td>----------</td>
</tr>
<tr>
<td>P0214987</td>
<td>Marin County Clerk Processing fee environmental impact report for the Child Study Center.</td>
<td>Measure C</td>
<td>$2,969.00</td>
</tr>
<tr>
<td>P021500</td>
<td>PowerDown Lighting Systems Lighting services for Smart Lights Program for the Performing Arts Modernization Project.</td>
<td>Measure C</td>
<td>$5,069.00</td>
</tr>
</tbody>
</table>
**BOARD AGENDA ITEM**

<table>
<thead>
<tr>
<th>To:</th>
<th>Board of Trustees</th>
</tr>
</thead>
<tbody>
<tr>
<td>From:</td>
<td>Superintendent/President</td>
</tr>
<tr>
<td>Date:</td>
<td>August 21, 2012</td>
</tr>
<tr>
<td>Item &amp; File No.:</td>
<td>C.15.B.</td>
</tr>
<tr>
<td>Subject:</td>
<td>Fourth Quarter Financial Status Report and CCFS-311 Q for 2011/12</td>
</tr>
<tr>
<td>Reason for Board Consideration:</td>
<td></td>
</tr>
<tr>
<td>Enclosure(s):</td>
<td>CCFS-311Q</td>
</tr>
</tbody>
</table>

**BACKGROUND:**

The CCFS-311Q report is attached for review. Staff is available to answer any questions.

Administrator Initiating Item

A. J. Harrison II, Vice President College Operations
## Unrestricted General Fund Revenue, Expenditure and Fund Balance:

### A. Revenues:

<table>
<thead>
<tr>
<th>Line</th>
<th>Description</th>
<th>Actual 2008-09</th>
<th>Actual 2009-10</th>
<th>Actual 2010-11</th>
<th>Projected 2011-2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.1</td>
<td>Unrestricted General Fund Revenues (Objects 8100, 8600, 8600)</td>
<td>45,788,647</td>
<td>45,402,469</td>
<td>45,310,644</td>
<td>45,562,252</td>
</tr>
<tr>
<td>A.2</td>
<td>Other Financing Sources (Object 8900)</td>
<td>0</td>
<td>0</td>
<td>235</td>
<td>0</td>
</tr>
<tr>
<td>A.3</td>
<td>Total Unrestricted Revenue (A.1 + A.2)</td>
<td>45,788,647</td>
<td>45,402,469</td>
<td>45,310,644</td>
<td>45,562,252</td>
</tr>
</tbody>
</table>

### B. Expenditures:

<table>
<thead>
<tr>
<th>Line</th>
<th>Description</th>
<th>Actual 2008-09</th>
<th>Actual 2009-10</th>
<th>Actual 2010-11</th>
<th>Projected 2011-2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>B.1</td>
<td>Unrestricted General Fund Expenditures (Objects 1000-6000)</td>
<td>44,178,109</td>
<td>43,876,510</td>
<td>43,701,404</td>
<td>45,821,851</td>
</tr>
<tr>
<td>B.2</td>
<td>Other Outgo (Objects 7100, 7200, 7300, 7400, 7500, 7600)</td>
<td>1,313,096</td>
<td>1,260,672</td>
<td>560,652</td>
<td>899,116</td>
</tr>
<tr>
<td>B.3</td>
<td>Total Unrestricted Expenditures (B.1 + B.2)</td>
<td>45,491,205</td>
<td>45,137,182</td>
<td>44,262,056</td>
<td>46,720,967</td>
</tr>
</tbody>
</table>

### C. Revenues Over(Under) Expenditures (A.3 - B.3)

| | | Actual 2008-09 | Actual 2009-10 | Actual 2010-11 | Projected 2011-2012 |
|-----------------|----------------|----------------|----------------|---------------------|
| C.              | Revenues Over(Under) Expenditures (A.3 - B.3) | 257,442 | 245,307 | 1,048,823 | -1,068,705 |

### D. Fund Balance, Beginning

| | | Actual 2008-09 | Actual 2009-10 | Actual 2010-11 | Projected 2011-2012 |
|-----------------|----------------|----------------|----------------|---------------------|
| D.              | Fund Balance, Beginning | 4,618,497 | 4,915,939 | 5,161,246 | 6,210,069 |

### D.1 Prior Year Adjustments + (-)

<p>| | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>D.1</td>
<td>Prior Year Adjustments + (-)</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

### D.2 Adjusted Fund Balance, Beginning (D + D.1)

| | | Actual 2008-09 | Actual 2009-10 | Actual 2010-11 | Projected 2011-2012 |
|-----------------|----------------|----------------|----------------|---------------------|
| D.2             | Adjusted Fund Balance, Beginning (D + D.1) | 4,618,497 | 4,915,939 | 5,161,246 | 6,210,069 |

### E. Fund Balance, Ending (C + D.2)

| | | Actual 2008-09 | Actual 2009-10 | Actual 2010-11 | Projected 2011-2012 |
|-----------------|----------------|----------------|----------------|---------------------|
| E.              | Fund Balance, Ending (C + D.2) | 4,915,939 | 5,161,246 | 6,210,069 | 5,141,364 |

### F.1 Percentage of GF Fund Balance to GF Expenditures (E / B.3)

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>F.1</td>
<td>Percentage of GF Fund Balance to GF Expenditures (E / B.3)</td>
<td>10.8%</td>
</tr>
</tbody>
</table>
**II. Annualized Attendance FTES:**

| G.1          | Annualized FTES (excluding apprentice and non-resident) | 4,737 | 5,415 | 5,390 | 5,140 |

**III. Total General Fund Cash Balance (Unrestricted and Restricted)**

| H.1 | Cash, excluding borrowed funds | 11,722,646 | 11,563,198 | 12,433,717 |
| H.2 | Cash, borrowed funds only | 0 | 0 | 0 |
| H.3 | Total Cash (H.1+ H.2) | 11,235,454 | 11,722,646 | 11,563,198 | 12,433,717 |

**IV. Unrestricted General Fund Revenue, Expenditure and Fund Balance:**

<table>
<thead>
<tr>
<th>Line</th>
<th>Description</th>
<th>Adopted Budget (Col. 1)</th>
<th>Annual Current Budget (Col. 2)</th>
<th>Year-to-Date Actuals (Col. 3)</th>
<th>Percentage (Col. 3/Col. 2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>I.</td>
<td>Revenues:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>I.1</td>
<td>Unrestricted General Fund Revenues (Object 8100, 8600, 8800)</td>
<td>46,295,524</td>
<td>46,295,524</td>
<td>45,562,252</td>
<td>98.4%</td>
</tr>
<tr>
<td>I.2</td>
<td>Other Financing Sources (Object 8900)</td>
<td>77,210</td>
<td>77,210</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>I.3</td>
<td>Total Unrestricted Revenue (I.1 + I.2)</td>
<td>46,372,734</td>
<td>46,372,734</td>
<td>45,562,252</td>
<td>98.3%</td>
</tr>
<tr>
<td>J.</td>
<td>Expenditures:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>J.1</td>
<td>Unrestricted General Fund Expenditures (Object 1000-8000)</td>
<td>46,530,480</td>
<td>46,530,480</td>
<td>45,821,851</td>
<td>98.5%</td>
</tr>
<tr>
<td>J.2</td>
<td>Other Outgo (Objects 7100, 7200, 7300, 7400, 7500, 7600)</td>
<td>392,896</td>
<td>392,896</td>
<td>809,116</td>
<td>205.9%</td>
</tr>
<tr>
<td>J.3</td>
<td>Total Unrestricted Expenditures (J.1 + J.2)</td>
<td>46,923,376</td>
<td>46,923,376</td>
<td>46,630,967</td>
<td>99.4%</td>
</tr>
<tr>
<td>K.</td>
<td>Revenues Over(Under) Expenditures (I.3 - J.3)</td>
<td>-550,642</td>
<td>-550,642</td>
<td>-1,068,705</td>
<td></td>
</tr>
<tr>
<td>L.</td>
<td>Adjusted Fund Balance, Beginning</td>
<td>6,210,069</td>
<td>6,210,069</td>
<td>6,210,069</td>
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</tr>
<tr>
<td>L.1</td>
<td>Fund Balance, Ending (C. + L.2)</td>
<td>5,659,427</td>
<td>5,659,427</td>
<td>5,141,364</td>
<td></td>
</tr>
<tr>
<td>M.</td>
<td>Percentage of GF Fund Balance to GF Expenditures (L.1 / J.3)</td>
<td>12.1%</td>
<td>12.1%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
V. Has the district settled any employee contracts during this quarter?  

**NO**

If yes, complete the following: *(If multi-year settlement, provide information for all years covered.)*

<table>
<thead>
<tr>
<th>Contract Period Settled</th>
<th>Management</th>
<th>Permanent</th>
<th>Academic</th>
<th>Temporary</th>
<th>Classified</th>
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</thead>
<tbody>
<tr>
<td>(Specify) YYYY-YY</td>
<td>Total Cost Increase</td>
<td>% *</td>
<td>Total Cost Increase</td>
<td>% *</td>
<td>Total Cost Increase</td>
</tr>
<tr>
<td>a. SALARIES:</td>
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<td></td>
</tr>
<tr>
<td>Year 1:</td>
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<tr>
<td>Year 2:</td>
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<td>Year 3:</td>
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<td>b. BENEFITS:</td>
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<td>Year 1:</td>
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<tr>
<td>Year 2:</td>
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<tr>
<td>Year 3:</td>
<td></td>
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</tr>
</tbody>
</table>

* As specified in Collective Bargaining Agreement or other Employment Contract

c. Provide an explanation on how the district intends to fund the salary and benefit increases, and also identify the revenue source/object code.

VI. Did the district have significant events for the quarter (include incurrence of long-term debt, settlement of audit findings or legal suits, significant differences in budgeted revenues or expenditures, borrowing of funds (TRANs), issuance of COPs, etc.)?  

**NO**

If yes, list events and their financial ramifications. (Enter explanation below, include additional pages if needed.)

VII. Does the district have significant fiscal problems that must be addressed?

**This year? NO**

**Next year? NO**

If yes, what are the problems and what actions will be taken? (Enter explanation below, include additional pages if needed.)
Marin Community College District  
Measure C Bond Modernization Program

Modernization Director's Report to Board of Trustees  
August 21, 2012

BUDGET UPDATE

Bond spending plan: $260.5 million ($249.5 m bond, $11 m interest)  
Reserves: $4,914,931, of which $2,300,000 is allocated to IVC  
Expended to date: $182.3 million (70% of bond spending plan)  
  - Assessment $ 5.5 million  
  - Planning/design $ 60.8 million  
  - Construction $116.0 million

Summary of modernization items in this agenda:

Notification of PCO items exceeding $50,000  
($198,055.00)  
(To be included in future change orders).  
  - SMCP Increment 2&3, Site Development & Building Project (305A)  
    - PCO No. 141.1 – relocate storm & sewer lines; Reason: design coordination  
      $108,764.00  
    - PCO No. 339 – redesign of solar domestic hot water system; Reason: design coordination  
      $89,291.00

Consent (all routine items not requiring resolution or discussion):  
($2,526,634.73)  
  - Seven (7) new construction contracts for ratification ($2,153,398.13)  
  - One (1) construction change order ($317,052.00)  
  - Five (5) professional service agreement amendments ($46,195.00)  
  - Three (3) new professional service agreements ($7,906.00)  
  - One (1) agreement for services (temporary fencing) ($716.40)  
  - One (1) lease agreement for containers ($1,367.20)  
  - Declaration of Surplus Disposal – PA&FA Relocation (850I); Austin Science Center Relocation (850E) ($0.00)

Action items requiring resolution or discussion:  
($1,619,926.00)  
  - Approve Midstate Construction Corporation’s Change Order 13 and Board of Trustee’s Resolution, PA Bldg Modernization Project (306A) ($165,516.00)  
  - Approve ED2 International’s Amendment 6, SMCP Increment 2&3, Site Development & Building Project (305A) ($243,250.00)  
  - Approve Project Funds Transfer, Child Study Center Project (303C) ($400,000.00)  
  - Approve Project Funds Transfer, FA Bldg Weatherization Project (306D) ($150,000.00)  
  - Approve Project Funds Transfer, District Legal Counsel (831A) ($550,000.00)  
  - Approve Pre-Authorization to Award a Construction Contract, Child Study Center – Increment One (site work) Project (303C)  
  - Approve Amendment 2, Austin Science Center Alterations (structural) Project (301B) ($111,160.00)

Net value of new contracts / changes / amendments in this agenda:  
($4,146,560.73)
CURRENT DESIGN

- **KTD Academic Center:**

  Design is now complete through the 50% “Construction Documents” phase. The design is currently on schedule for submittal to DSA in late November. Site preparation activities are under way such as hazardous materials testing of the buildings to be demolished and detailed planning for the removal of selected trees. A future BOT study session will cover the tree plan in more detail. A constructability review has been completed and design peer reviews are being considered.

- **KTD Child Study Center:**

  DSA has approved the site package (the second increment) for this project and it is out to bid. There are two action items for approval at this meeting; a request to augment the budget by $400,000 (previewed at last month’s study session) and a request to pre-authorize award of a construction contract. See the action items for more details on the need for the transfer and the closed-out project budgets we propose to draw from. The final EIR will be presented at the special September 8th meeting and construction will commence immediately thereafter pending a successful bidding process.

- **Austin Science Center Swing Space:**

  The preparations for converting the Austin Science Center to Swing Space are on-track. The swing space layout of classrooms, computer labs and offices has been confirmed with the user groups. Current activities include removing hazardous chemicals and packing of items not currently needed for teaching.

- **KTD Fine Arts Weatherization:**

  This project has recently been approved by DSA. A detailed bidding schedule is now being developed and construction is planned for Summer 2013. There is one action item for approval this meeting; a request to augment the budget by $150,000. See the action item for more details on the need for the transfer and the closed-out project budgets we propose to draw from.

CURRENT CONSTRUCTION

- **KTD Performing Arts Building:**

  As previously reported, a design peer review was conducted. Follow-up of the issues mentioned in that review is nearly complete. Once complete we will be prepared to give a full report to the BOT. The items have resulted in several new design instructions from the architect which will have cost and schedule impact. The good news is that we appear to have caught some items that could have been even more problematic in the future. We continue to hold contingency for future known and unknown items and at this time do not anticipate the requirement for an augmentation of the budget.

  This month, we are requesting approval of change order 13; please see the action item for detail. Overall changes on this project are now 14.9%. A detailed breakdown of the change order percentages by category will be available at the August meeting.

  The contractor’s schedule for completion of the project, including the new dance addition and art gallery is now late October. We plan to move the dance faculty into the facility over winter break.
Marin Community College District
Measure C Bond Modernization Program

Science Math Nursing:
We are working diligently to resolve a construction problem with the window and building cladding system. Although the problem has been known for some time, it was perceived to be manageable and not likely jeopardize the construction schedule. We now have additional information that will require significant re-work and a schedule extension. We are currently assessing the impact and will report back next month in greater detail. We remain optimistic that the facility will be complete for teaching in January but are analyzing other schedule scenarios.

BOARD FUND-RAISING OPPORTUNITIES

KTD Science Complex
Installation of historic items salvaged from Dickson Hall, part of museum in new facility (~$150,000)

PA Performing Arts
Donor opportunities for FF&E are being developed.

COMPLETED PROJECTS       Budget (approx.)

- KTD College Avenue Utility Conduit Crossing  $68,000
- KTD Dance Relocation                        $770,800
- KTD Diamond PE Center                       $20,900,000
- KTD Dickson Hall Faculty Relocation         n/a
- KTD DSPS Relocation                         $212,000
- KTD Health Services Relocation              $495,000
- KTD Larkspur Annex Restoration               $1,200,000
- KTD Literacy Lab (partially funded by Redevelopment funds) n/a
- KTD Parking Lot 10 Paving Project           n/a
- KTD Photovoltaic System                     $3,700,000
- KTD Pool Repair Project                     $425,100
- KTD Portable Village Swing Space            $1,300,000
- KTD West Bridge                             $2,000,000
- KTD Hazmat Abatement                        n/a
- KTD Science Math Central Plant Complex Increment 1 Site Utilities 7,800,000
- KTD and IVC Geothermal Fields               $9,300,000
- KTD and IVC Greenhouse/Shade Structure Relocation $359,000
- KTD and IVC Tree Removal                    $315,000
- KTD New Fine Arts                           $17,721,000
- KTD PE Track renovation                    $1,250,000
Marin Community College District  
Measure C Bond Modernization Program

- IVC 12kV Utility Extension: $472,000
- IVC Creek Erosion Mitigation: $788,000
- IVC Fire Mitigation: $785,000
- IVC Gas Main Replacement: $534,000
- IVC Pomo 4 Roof Replacement: $159,000
- IVC Storm Drain Repairs: $349,000
- IVC TransTech Swing Space: $538,000
- IVC Trans. Tech. Complex: $13,042,826
- KTD SMCP Utility Project: $5,900,000
- IVC New Main Building: $18,827,000
- IVC Utilities & MEP supplemental: $399,127

Total completed projects to date: $109,609,853
### A. Alfa Tech Consulting Enterprise

**Geothermal / PV @ PE / Sitework**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Milestone Date</th>
<th>Document</th>
<th>Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Design services for changes to PE Complex Portables</td>
<td>12/24/2007</td>
<td>Amendment 14</td>
<td>In close out</td>
</tr>
<tr>
<td>Contracts docs - Utility connection design services 850C</td>
<td></td>
<td>Amendment 15</td>
<td>In close out</td>
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<tr>
<td>Construction Admin 850C</td>
<td>12/31/2008</td>
<td>Amendment 16</td>
<td>In close out</td>
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<tr>
<td>Credit from Amend #13 for DPHS relocations (850G)</td>
<td>N/A</td>
<td>Amendment 18</td>
<td>In close out</td>
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<tr>
<td>Provide a fix for damaged anchor bolts; PE Complex PV</td>
<td>N/A</td>
<td>Amendment 19</td>
<td>In close out</td>
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<tr>
<td>Calcs for TB-1 transformer-Health Services Portable (880G)</td>
<td>n/a</td>
<td>Amendment 20</td>
<td>In close out</td>
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<tr>
<td>Electrical design for add alternate 6-kilowatt dispensing</td>
<td>11/15/2009</td>
<td>Amendment 21</td>
<td>Completed</td>
</tr>
<tr>
<td>machine and future blue light telephone (413A)</td>
<td></td>
<td>Amendment 22</td>
<td>In close out</td>
</tr>
<tr>
<td>No Cost Time Extension thru 12/31/10</td>
<td>2/26/2010</td>
<td>Amendment 23</td>
<td></td>
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<tr>
<td>Design services for install of new lights at IVC bus shelter</td>
<td>9/18/2010</td>
<td>Amendment 24</td>
<td></td>
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<tr>
<td>(413A)</td>
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<td>Amendment 24</td>
<td>Completed</td>
</tr>
<tr>
<td>Construction Admin services for install of new lights at IVC</td>
<td>7/11/2010</td>
<td>Amendment 25</td>
<td>Completed</td>
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<tr>
<td>bus shelter (413A)</td>
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<td>Amendment 25</td>
<td></td>
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<tr>
<td>Design PE Center Supplemental Cooling Project 306B</td>
<td>12/31/2010</td>
<td>Amendment 26</td>
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<tr>
<td>Modification to PE Center Supplemental Cooling Project 306B</td>
<td>3/30/2011</td>
<td>Amendment 27</td>
<td>Completed</td>
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<tr>
<td>No Cost Time Extension thru 12/31/12</td>
<td>6/19/2012</td>
<td>Amendment 28</td>
<td></td>
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<tr>
<td>No Cost Time Extension thru 12/31/12</td>
<td>6/19/2012</td>
<td>Amendment 29</td>
<td></td>
</tr>
</tbody>
</table>

### B. CSW Stuber-Stroeh (Bioswale / West Campus Bridge / Sitework)

<table>
<thead>
<tr>
<th>Activity</th>
<th>Milestone Date</th>
<th>Document</th>
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</thead>
<tbody>
<tr>
<td>Create final Rec Sec documenting all completed utility</td>
<td>6/30/2011</td>
<td>Amendment 35</td>
<td>In close out</td>
</tr>
<tr>
<td>Infrastructure project on Indian Valley Campus; District Civil</td>
<td></td>
<td>Amendment 36</td>
<td>Completed</td>
</tr>
<tr>
<td>Engineer Project (803A)</td>
<td></td>
<td>Amendment 37</td>
<td>Completed</td>
</tr>
<tr>
<td>Site walk/engineering recommendations for pavement repair</td>
<td>6/30/2011</td>
<td>Amendment 38</td>
<td></td>
</tr>
<tr>
<td>on Ignacio Drive &amp; the loop through the parking area used by</td>
<td></td>
<td>Amendment 39</td>
<td>In progress</td>
</tr>
<tr>
<td>buses during construction-Main Bldg Complex (417A)</td>
<td></td>
<td>Amendment 40</td>
<td></td>
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<tr>
<td>Civil Engineering Svcs as follows: Taps survey &amp; base map</td>
<td>12/31/2011</td>
<td>Amendment 41</td>
<td></td>
</tr>
<tr>
<td>pavement demo &amp; rehab plan, grading &amp; drainage plan,</td>
<td></td>
<td>Amendment 42</td>
<td></td>
</tr>
<tr>
<td>signing &amp; striping plan, SWPPP &amp; Erosion Control Plan,</td>
<td></td>
<td>Amendment 43</td>
<td></td>
</tr>
<tr>
<td>Svcs, etc.-Main Bldg Complex (417A)</td>
<td></td>
<td>Amendment 44</td>
<td></td>
</tr>
<tr>
<td>Civil Engineering services: Design and Construction</td>
<td>3/15 - 6/30/2012</td>
<td>Amendment 45</td>
<td></td>
</tr>
<tr>
<td>Administration to bring utility conduits for IT and geothermal</td>
<td></td>
<td>Amendment 46</td>
<td></td>
</tr>
<tr>
<td>piping to upcoming projects (NAG &amp; CSC); installation of</td>
<td></td>
<td>Amendment 47</td>
<td></td>
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<tr>
<td>three (3) survey monuments at the Kentfield Campus in the</td>
<td></td>
<td>Amendment 48</td>
<td></td>
</tr>
<tr>
<td>area north of Carter Mathews Creek. The monuments will be</td>
<td></td>
<td>Amendment 49</td>
<td></td>
</tr>
<tr>
<td>brass discs permanently affixed to existing concrete</td>
<td></td>
<td>Amendment 50</td>
<td></td>
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<tr>
<td>foundations and low walls. Deliverables include: field</td>
<td></td>
<td>Amendment 51</td>
<td></td>
</tr>
<tr>
<td>survey; office calculations; installation of the brass discs;</td>
<td></td>
<td>Amendment 52</td>
<td></td>
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<tr>
<td>and CD with 3D control points references to existing</td>
<td></td>
<td>Amendment 53</td>
<td></td>
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<tr>
<td>public monuments.</td>
<td></td>
<td>Amendment 54</td>
<td></td>
</tr>
<tr>
<td>Confirmation of existing and additional survey points for</td>
<td></td>
<td>Amendment 55</td>
<td></td>
</tr>
<tr>
<td>the design of fire truck access point at the new Fine Arts</td>
<td></td>
<td>Amendment 56</td>
<td></td>
</tr>
<tr>
<td>Building at Circle Drive (3080)</td>
<td></td>
<td>Amendment 57</td>
<td></td>
</tr>
<tr>
<td>Also civil engineering services associated with the new</td>
<td>4/4/2012 - 12/31/2012</td>
<td>Amendment 58</td>
<td></td>
</tr>
<tr>
<td>ADA ramp and pathway adjacent to the Learning Resource</td>
<td></td>
<td>Amendment 59</td>
<td></td>
</tr>
<tr>
<td>Center and Student Services Building on the Kentfield</td>
<td></td>
<td>Amendment 60</td>
<td></td>
</tr>
<tr>
<td>Campus (309A)</td>
<td></td>
<td>Amendment 61</td>
<td></td>
</tr>
<tr>
<td>District Civil Engineer (803A) Civil engineering services:</td>
<td>N/A</td>
<td>Amendment 62</td>
<td></td>
</tr>
<tr>
<td>Underground utility mapping of Kentfield Campus</td>
<td></td>
<td>Amendment 63</td>
<td></td>
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<tr>
<td>New Academic Center Project (303B) - Prepare supplemental</td>
<td></td>
<td>Amendment 64</td>
<td></td>
</tr>
<tr>
<td>topographic survey for the area between the Fine Arts</td>
<td></td>
<td>Amendment 65</td>
<td></td>
</tr>
<tr>
<td>building and the new Academic Center building. Also provide</td>
<td></td>
<td>Amendment 66</td>
<td></td>
</tr>
<tr>
<td>peer review of the New Academic Center documents at the</td>
<td></td>
<td>Amendment 67</td>
<td></td>
</tr>
<tr>
<td>Design Development and Construction</td>
<td></td>
<td>Amendment 68</td>
<td></td>
</tr>
<tr>
<td>Documents level.</td>
<td></td>
<td>Amendment 69</td>
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<tr>
<td>District CEQA Consultant (810A) - Provide civil engineering</td>
<td></td>
<td>Amendment 70</td>
<td></td>
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<tr>
<td>assistance and support for preparation and processing of</td>
<td></td>
<td>Amendment 71</td>
<td></td>
</tr>
<tr>
<td>the Child Study Center and New Academic Center EIR (</td>
<td></td>
<td>Amendment 72</td>
<td></td>
</tr>
<tr>
<td>Environmental Impact Report) and CEQA (California Environmental Quality Act) documentation, as requested.</td>
<td></td>
<td>Amendment 73</td>
<td></td>
</tr>
<tr>
<td>Science Math Nursing Project (305A) - Review final issue</td>
<td></td>
<td>Amendment 74</td>
<td></td>
</tr>
<tr>
<td>at Laurel Avenue and prepare a written response for the</td>
<td></td>
<td>Amendment 75</td>
<td></td>
</tr>
<tr>
<td>County of Marin</td>
<td></td>
<td>Amendment 76</td>
<td></td>
</tr>
</tbody>
</table>
C. ED2 International (Fine Arts Weatherization)

<table>
<thead>
<tr>
<th>Activity</th>
<th>Milestone Date</th>
<th>Document</th>
<th>Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Long Form Contract includes: programming phase, schematic design phase, design development phase, construction document phase, bidding, construction &amp; close out; FA Weatherization (306D)</td>
<td>11/15/2011 - 6/30/2013</td>
<td>Contract</td>
<td>In progress</td>
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</table>

D. ED2 International (Science / Math / Central Plant)

<table>
<thead>
<tr>
<th>Activity</th>
<th>Milestone Date</th>
<th>Document</th>
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<tbody>
<tr>
<td>Construction Phase - 24 Months</td>
<td>8/7/2010-8/7/2012</td>
<td>Contract</td>
<td>In progress</td>
</tr>
<tr>
<td>Operation/Project Close-out/FFE Phase</td>
<td>11/30/2012</td>
<td>Contract</td>
<td></td>
</tr>
<tr>
<td>Add'l services for subconsultant (Davis Langdon) to prepare opinions of probable construction cost for revisions to existing design; Current South enhance breezeway &amp; adjacent Museum (Rm 163) will be replaced by a new biology lab of approx. 1,600 gross square feet; display kiosk containing the historic cupola will be incorporated adjacent to elevator No. 1; museum will be relocated to available space currently programmed for the IT server room; SMCP increments No. 2 &amp; 3, Demo &amp; Building Project (205A)</td>
<td>N/A</td>
<td>Amendment 3</td>
<td>In progress</td>
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<tr>
<td>Feasibility Study for the Fine Arts Weatherization (Project WPA/District Architect)</td>
<td>N/A</td>
<td>New Contract</td>
<td>Completed</td>
</tr>
<tr>
<td>Additional Services Request 03: Museum Interior Design - ED2 will be utilizing the services of a museum designer as requested by the District; Additional Services Request 04 - Review and revise toilet accessibility revised to accommodate larger dispensers in all restrooms; Additional Services Request 05 - Electronic Lock Mechanisms at Entry Doors; Additional Service Request 06 - Fusselman Hall drainage; Emergency scope to clear the Fusselman elevator and make it available to ADA students; Additional Services Request 07 - Design to incorporate the site development area between the southwest edge of the Performing Arts Bldg and the northeast edge of Parking Lot 4 for SMCP Inc. 2 &amp; 3 (306A)</td>
<td>N/A</td>
<td>Amendment 4</td>
<td></td>
</tr>
<tr>
<td>Additional Services Request 08: Waterproofing consultant services to provide review on waterproofing issues related to ground water in elevator pit and window details for SMCP Inc. 2 &amp; 3 (306A)</td>
<td>N/A</td>
<td>Amendment 5</td>
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E. Environmental Science Associates (ESA)

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<tr>
<th>Activity</th>
<th>Milestone Date</th>
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</thead>
<tbody>
<tr>
<td>Long Form Contract for Child Study Center Project and New Academic Center Project (District CEGA Consultant Project 5104); Scope Includes providing Focused Environmental Impact Reports</td>
<td>6/20/2012</td>
<td>LF Contract</td>
<td></td>
</tr>
<tr>
<td>No cost time extension</td>
<td>7/17/2012</td>
<td>Amendment 1</td>
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</table>

F. HKIT (Hardison, Komatsu, Ivelich & Tucker) (Transportation Technology Center/Child Study Center)

<table>
<thead>
<tr>
<th>Activity</th>
<th>Milestone Date</th>
<th>Document</th>
<th>Completed</th>
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<tbody>
<tr>
<td>Operation/Project Close-out Phase - 12 months</td>
<td>9/1/2010-9/1/2010</td>
<td>Contract</td>
<td>In close out</td>
</tr>
<tr>
<td>Programming confirmation &amp; beginning schematic design; Child Study Center at KTD Project 303C</td>
<td>12/31/2011</td>
<td>New SF Contract</td>
<td>In progress</td>
</tr>
<tr>
<td>Construction Drawings &amp; Specifications - Bid Set Due for the MEP Supplemental Project (306B/402A/417A/078B)</td>
<td>6/17/2011</td>
<td>Amendment 21</td>
<td>In progress</td>
</tr>
<tr>
<td>Construction Drawings &amp; Specifications - Bidding &amp; CA Services for the MEP Supplemental Project (306B/402A/417A/078B)</td>
<td>6/20/2011 to 10/30/2011</td>
<td>Amendment 21</td>
<td>In progress</td>
</tr>
<tr>
<td>Continued programming confirmation, continued schematic design and beginning of design development; Child Study Center Project 303C</td>
<td>6/30/2011</td>
<td>SF Amendment 1</td>
<td></td>
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<tr>
<td>Design &amp; engineering services for DSA required ramp-handrail extension; DSA coordination and meetings - Transportation Tech Complex Project 402A</td>
<td>9/30/2011</td>
<td>Amendment 22</td>
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<td>Activity</td>
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<tr>
<td>Main Building Complex Signage (417A)</td>
<td>9/30/2010</td>
<td>Amendment 5</td>
<td>In close out</td>
</tr>
<tr>
<td>Addt construction admin services related to signage for Science-Math-GP Complex Project 309A</td>
<td>N/A</td>
<td>Amendment 6</td>
<td>In progress</td>
</tr>
<tr>
<td>Design services for Building Mounted Acknowledgement Plaque; Reference KKA proposal dated Feb 09, 2012 ($5,350.00); Revisit and replace at Indian Valley Campus (IVC) changing any reference to “Media Resource Center” to “Library,” Review Kentfield Campus Map showing construction zones/areas for District publications ($3,000.00)</td>
<td>4/2 - 12/31/12</td>
<td>Amendment 7</td>
<td>In progress</td>
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<tr>
<td>H. Marcy Wong and Donn Logan (FAI / PA Buildings)</td>
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<tr>
<td>Activity</td>
<td>Milestone Date</td>
<td>Document</td>
<td>Completed</td>
</tr>
<tr>
<td>Construction Phase</td>
<td>5/1/2011 to 10/15/2012</td>
<td>Contract</td>
<td>In progress</td>
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<tr>
<td>Operation / Project Close-out Phase - 12 months</td>
<td>8/1/2012 to 4/1/2013</td>
<td>Contract</td>
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<tr>
<td>Project Close-out with DSA</td>
<td>8/1/2012 to 4/1/2013</td>
<td>Contract</td>
<td></td>
</tr>
<tr>
<td>Extra programming &amp; conceptual design schemes</td>
<td>dates not changed</td>
<td>Amendment 1</td>
<td></td>
</tr>
<tr>
<td>Survey specs and preproject scope guidelines</td>
<td>dates not changed</td>
<td>Amendment 1</td>
<td></td>
</tr>
<tr>
<td>Feasibility study required by DSA and additional time and material authorization for additional reviews to meet DSA requirements for FA Modernization Project 309A</td>
<td>11/1/2011</td>
<td>Amendment 9</td>
<td></td>
</tr>
<tr>
<td>Addt architectural design services as follows: Grade differential, add MDF room, implement revisions at Gallery and revise the cooling tower water treatment (FA Modernization Project 309A)</td>
<td>N/A</td>
<td>Amendment 10</td>
<td>In progress</td>
</tr>
<tr>
<td>Fine Arts</td>
<td></td>
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<tr>
<td>Provide design services for Fine Arts Foundry and Kin Awning, part of the New FA Building Project 306C</td>
<td>N/A</td>
<td>Amendment 11</td>
<td></td>
</tr>
<tr>
<td>Performing Arts Building Project (306A) - Add continuous dimming controls to separately control each section of track lighting in the (N) Gallery and (N) Lobby. Update HVAC in (N) Gallery Work Area to reflect the change in the Gallery Work Area from the catering</td>
<td>N/A</td>
<td>Amendment 12</td>
<td>In progress</td>
</tr>
<tr>
<td>Fine Arts Kin &amp; Foundry Awning Project (306C) - Provide assistance with DSA submittal, shop drawing review, monitor installation and DSA close out for the New Fine Arts Building Design Draft Kin &amp; Foundry Awning Project</td>
<td>N/A</td>
<td>Amendment 13</td>
<td>In progress</td>
</tr>
<tr>
<td>Performing Arts Modernization Project (306A) - Reference ASR 5.1R (correction of ASR amount from ASR 5.1) - Provide additional design services to accommodate user responses from the design presentation in December 2011, including dimming/track lighting and HVAC requirements not included in MWDL ASR 3. Reference ASR 5.2 (additional gallery revisions-correction to Amendment 12 fees) - Provide additional design services and attend additional User meetings in order to incorporate any late design changes by the User group. In addition to meeting attendance, services will include participating in the preparation and presentation of lighting and exterior paving mock-ups. Reference ASR 9 (related telecom scope) - Provide additional services to redesign fiber and copper pathway for IT-requested IDF closet for telecom distribution for the Performing Arts building. Reference ASR 10 (PA/SMCP utility coordination) - Additional design services related to changes in adjacent project (SMCP aka MSCP) underground utilities. Changes made prior to completion of construction documents. Tasks include underground utility coordination and redesign.</td>
<td>N/A</td>
<td>Amendment 14</td>
<td>In progress</td>
</tr>
<tr>
<td>New Fine Arts Building Project (306C) - Reference ASR 9 - Provide review of proposed equipment for the new Fine Arts building. Recommend and update bid documents to distribute equipment as (OFCI) owner furnished/contractor installed and (CPG) contractor purchased/contractor installed, respectively. Reference ASR 9 - Provide modification of bid documents for Kiln and Foundry Yard equipment for new Fine Arts building to require contractor to supply and install Kiln and Foundry Yard equipment. Additional services to convey equipment specification to contractor, respond to information requests related to this equipment, review equipment submittals and review requests from building users to modify or change equipment. Reference ASR 31R 1 (partially) - Provide additional services for additional site visits not covered in original long form professional services agreement. Reference ASR 34 - (Architectural and structural tasks) Architectural Tasks: Additional services related to: submittals for DSA (Division of the State Architect) approval. Additional services related to submittal review for structural tasks. Reference ASR 38 - Additional services for review of additional cabinets at 2D/3D/Color/Fiber. Reference ASR 40 - (Kiln &amp; Foundry Awnings) Additional services to review design/build shop drawings and structural calculations for the Kiln &amp; Foundry area awnings.</td>
<td>N/A</td>
<td>Amendment 15</td>
<td>In progress</td>
</tr>
<tr>
<td>Performing Arts Modernization Project (306A) - Reference ASR 08.1 - Provide additional design services for design development of theatrical equipment and classroom audiovisual system upgrades in the Performing Arts building. Reference ASR 14 - Provide additional design services for upgrades to site electrical and irrigation.</td>
<td>N/A</td>
<td>Amendment 16</td>
<td>In progress</td>
</tr>
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</table>

### I. Radixos

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<thead>
<tr>
<th>Activity</th>
<th>Milestone Data</th>
<th>Document</th>
<th>Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>FF&amp;E Consultant for the SMCP Complex Project 305A</td>
<td>to follow project 305A schedule</td>
<td>New Contract</td>
<td>In progress</td>
</tr>
<tr>
<td>FF&amp;E Consultant for the PA Modernization Project 306A</td>
<td>to follow project 306A schedule</td>
<td>New Contract</td>
<td>In progress</td>
</tr>
<tr>
<td>FF&amp;E Consultant for the Child Study Center Project 303C</td>
<td>to follow project 303C schedule</td>
<td>New Contract</td>
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<tr>
<td>FF&amp;E Consultant for the PE Track Renovation Project 301G</td>
<td>N/A</td>
<td>Amendment 1</td>
<td>Completed</td>
</tr>
<tr>
<td>FF&amp;E Consultant for the Performing Arts Modernization Project (306A) &amp; the SMCP Complex Project (305A) 301G</td>
<td>to follow project 301A &amp; 305A schedule</td>
<td>Amendment 2</td>
<td>In progress</td>
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</table>
### J. Royston Hanamoto Alley & Abey (District Landscape Consultant)

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<tr>
<th>Activity</th>
<th>Milestone Date</th>
<th>Document</th>
<th>Completed</th>
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<tbody>
<tr>
<td>Kenfield Campus Construction Phasing Diagrams</td>
<td>Quarterly through 2011</td>
<td>Amendment 3</td>
<td>On Going</td>
</tr>
<tr>
<td>LEED Services</td>
<td>6/15/2007 through CA Phase</td>
<td>Amendment 4</td>
<td>On Going</td>
</tr>
<tr>
<td>Construction Administration</td>
<td>Part of IVC Main project</td>
<td>Amendment 5</td>
<td>In close out</td>
</tr>
<tr>
<td>Credit for work tasks related to tree species diversity 413A</td>
<td>Not applicable</td>
<td>Amendment 7</td>
<td></td>
</tr>
<tr>
<td>Give (1) Person Office subscription</td>
<td>N/A</td>
<td>Amendment 9</td>
<td>On Going</td>
</tr>
<tr>
<td>Landscape design around new signs for FA (306C and PE (306B))</td>
<td>5/20/2009</td>
<td>Amendment 10</td>
<td></td>
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<tr>
<td>Construction Phasing Plan Docs (850D)</td>
<td>4/24/2009</td>
<td>Amendment 10</td>
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<tr>
<td>Additional landscape design services (413A)</td>
<td>9/20/2010</td>
<td>Amendment 11</td>
<td>Closed</td>
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<tr>
<td>Additional landscape design services (413A)</td>
<td>7/15/2009</td>
<td>Amendment 11</td>
<td>Closed</td>
</tr>
<tr>
<td>Additional services to provide parking diagram in accordance with USGBC standards for LEED Accreditation (305D)</td>
<td>7/21/2009</td>
<td>Amendment 12</td>
<td>X</td>
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<tr>
<td>Additional design services to prepare tree removal and tree relocation bid package drawings - SMCP-Increment No. 1, Site Development Utilities Proj (306C)</td>
<td>n/a</td>
<td>Amendment 13</td>
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<tr>
<td>Add design services for separation &amp; reorganization of bus Shelter and Bridge work scopes; coordination, revisions &amp; submittal of Bridge scope of work to DSA for approval (413A)</td>
<td>n/a</td>
<td>Amendment 14</td>
<td>Completed</td>
</tr>
<tr>
<td>Revisions to current DSA drawings per DSA comments: create new campus access plan specific to bridge as a separate project; provide new detail sheet for bridge; expand contract plan to indicate materials &amp; grades along accessible routes; Pathways IVC Project 413A</td>
<td>n/a</td>
<td>Amendment 15</td>
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<tr>
<td>Exterior furniture for Main Bldg; research &amp; prep of furniture options; Main Bldg Complex Project 417A</td>
<td>n/a</td>
<td>Amendment 16</td>
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<tr>
<td>Conceptual parking lot study for lots 1, 6, 7 and 9 on KTD Campus as requested by Owner in prep for February BOT mtg and Revised Bond Spending Plan; District Landscape Architect Project (807A)</td>
<td>n/a</td>
<td>Amendment 17</td>
<td>Completed</td>
</tr>
<tr>
<td>Credit for unused portion of fee under Amendment 10; Diamond PE Center Alterations Project (306B)</td>
<td>n/a</td>
<td>Amendment 18</td>
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<tr>
<td>Credit for unused portion of fee under Amendment 10; Fine Arts Bldg (306C)</td>
<td>n/a</td>
<td>Amendment 19</td>
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<tr>
<td>District Architect (807A) - Landscape design services associated with the new ADA ramp and path/way adjacent to the Learning Resource Center and Student Services Buildings on the Kenfield campus.</td>
<td>n/a</td>
<td>Amendment 19</td>
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<tr>
<td>New Academic Center Project (303B) - New Academic Center site tree removal and replanting site coordination and bid documents</td>
<td>n/a</td>
<td>Amendment 20</td>
<td>In progress</td>
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</table>

### K. TLCD Architecture (New Academic Center)

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<tr>
<th>Activity</th>
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<th>Document</th>
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</thead>
<tbody>
<tr>
<td>Programming confirmation &amp; begin schematic design; NAC Project 303B</td>
<td>12/31/2010</td>
<td>Short Form Contract</td>
<td>Completed</td>
</tr>
<tr>
<td>Add services for continued programming &amp; program validation activities, including user group mgs, meeting notes, furniture confirmation, standards review &amp; draft of final report; NAC Project 303B</td>
<td>9/16/2011</td>
<td>SF Amendment 1</td>
<td>Completed</td>
</tr>
<tr>
<td>Long Form Contract includes: programming phase, schematic design phase, design development phase, construction document phase, bidding, construction &amp; close out; NAC Project 303B</td>
<td>9/11/2015</td>
<td>Long Form Contract</td>
<td>In progress</td>
</tr>
<tr>
<td>Add services for programming phase: programming verification &amp; reprographics; NAC Project 303B</td>
<td>9/16/2011</td>
<td>LF Amendment 1</td>
<td>Completed</td>
</tr>
<tr>
<td>Conceptual design of the NAC &quot;Great Lawn Proposal&quot;; District Landscape Architect Project 807A</td>
<td>9/16/2011</td>
<td>LF Amendment 2</td>
<td>In progress</td>
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</table>

### L. VBN Architects (IVC Main Building) & Architects vbn (Facilities Master Plan)

<table>
<thead>
<tr>
<th>Activity</th>
<th>Milestone Date</th>
<th>Document</th>
<th>Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operation/Project Close-out Phase</td>
<td>12/1/2009-5/31/2010</td>
<td>Contract</td>
<td>In progress</td>
</tr>
<tr>
<td>Structural engineering services for DSA Field Changes Directive documents # 2 and # 4; Main Bldg Complex Project 417A</td>
<td>6/30/2011</td>
<td>Amendment 10</td>
<td>In close out</td>
</tr>
<tr>
<td>Facilities Master Plan Phase 1 (Project 806A District Arch)</td>
<td>N/A</td>
<td>New Contract</td>
<td>In progress</td>
</tr>
<tr>
<td>Project Description</td>
<td>Status</td>
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<tr>
<td>Relocation Costs (Swing Space Parking Study) Project (850A) - Swing parking study to generate additional parking spaces on Kentfield campus to replace parking spaces lost due to modernization and construction.</td>
<td>N/A</td>
<td></td>
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<tr>
<td>District Architect (808A) Facilities Master Planning - Task A: Review and document process, planning &amp; implementation related to Measure C Bond Program; previous Master Planning; Valuing/Goals, District-wide Program Analysis, District Standards and Guidelines, Long Range Plan, Bond Spending Plan; Task B: Note adjustments to Plan since its development and note current status of adjusted Plan; completed, in-progress; Coordination with Swinerton Management &amp; Consulting; Task C: Read/Analyze WASC Handbook as reference to requirements of Accreditation (as related to planning and provision of Facilities, specifically); Standard III, B, Physical Resources; Standard III, C, Technology Resources; Standard III, D, Financial Resources; Document District's past and current undertakings that are in support of Standard III, B, as related to the Facilities Master Plan; Standard III, B, Physical Resources; Reference to C. and D. will be made, as appropriate.</td>
<td>N/A</td>
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</tr>
<tr>
<td>ARCHITECTUREAbn will facilitate review of in-progress deliverables as outlined below. Schedule of Final Deliverables are per attached Process Plan. Draft data development 3/13/2012 Final data development 4/17/2012 Draft FMP 5/1/2012 Task 2a: Reorganize FMP documentation to simplify historic facilities planning and implementation.</td>
<td>N/A</td>
<td></td>
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</tr>
<tr>
<td>Main Building Complex Project (417A) - No cost time extension</td>
<td>N/A</td>
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</table>
## 2.1 Schedule

**Marin Community College District - College of Marin**

Based on expenditures as of August 3, 2012. Includes latest BSP revisions approved on December 13, 2011.

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<tbody>
<tr>
<td><strong>305A - Science Math Central Plant Complex - see note 1</strong>&lt;br&gt;Oct 2006 Schedule/Budget</td>
<td>$4,167,802</td>
<td>$35,245,476</td>
<td>$42,434,200</td>
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<tr>
<td>Feb 2007 Schedule/Budget</td>
<td>$6,171,000</td>
<td>$62,923,000</td>
<td>$69,540,000</td>
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<tr>
<td>Mar 2009 Schedule/Budget</td>
<td>$6,917,000</td>
<td>$62,923,000</td>
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<td>Nov 2009 Schedule/Budget</td>
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<tr>
<td>Mar 2011 Schedule/Budget</td>
<td>$8,867,548</td>
<td>$64,896,656</td>
<td>$61,363,598</td>
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<td>Dec 2011 Schedule/Budget</td>
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<tr>
<td><strong>Current Schedule (% of current phase)</strong></td>
<td>100%</td>
<td>60%</td>
<td>NTP Jun 2010; Subst Compl Oct 2012</td>
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<tr>
<td><strong>Current expenditures (% of budget)</strong></td>
<td>93%</td>
<td>70%</td>
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**306C New Fine Arts Building - see note 2**

| Oct 2006 Schedule/Budget | $1,732,885 | $15,977,033 | $17,709,918 |
| Feb 2007 Schedule/Budget | $1,846,800 | $17,149,500 | $19,999,300 |
| Mar 2009 Schedule/Budget | $2,047,000 | $16,953,000 | $19,000,000 |
| Mar 2011 Schedule/Budget | $2,142,577 | $17,206,723 | $19,340,328 |
| **Current Schedule (% of current phase)** | 100% | 100% | NTP Aug 2006; Subst Compl Jan 2011 |
| **Current expenditures (% of budget)** | 90% | 93% | |

**306A Performing Arts Modernization - see note 3**

| Oct 2006 Schedule/Budget | $1,052,468 | $8,720,632 | $10,773,100 |
| Feb 2007 Schedule/Budget | $1,578,000 | $15,622,000 | $17,200,000 |
| Mar 2009 Schedule/Budget | $1,676,000 | $15,522,000 | $17,200,000 |
| Mar 2011 Schedule/Budget | $1,856,000 | $15,344,000 | $17,200,000 |
| **Current Schedule (% of current phase)** | 100% | 53% | NTP Feb 2011; Subst Compl Sep 2012 |
| **Current expenditures (% of budget)** | 94% | 70% | |

Page 1 of 3
### 2.1 Schedule

**Marin Community College District - College of Marin**

Based on expenditures as of August 3, 2012. Includes latest BSP revisions approved on December 13, 2011.

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<tr>
<td>306B Diamond PE Center Alterations - see note 4</td>
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## 2.1 Schedule

**Marin Community College District - College of Marin**

Based on expenditures as of August 3, 2012. Includes latest BSP revisions approved on December 13, 2011.

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### Notes:

1. **SMCP project (305A)** duration evolved; originally based on a 50,000 SF building which was revised to 77,000 SF. Budget then reduced in March 2011 after favorable low bid. The program is currently on time and on budget; new FFE consultant hired to confirm final FFE list with Faculty.
2. **FY project (306C)** is substantially complete; budget increased in June BSP to accommodate additional equipment requests and infrastructure adjustments; close-out ongoing.
3. **PA project (306A)** hazardous materials abatement complete; demolition to start August 1; FFE list being prioritized by College.
4. **PF project (308B)** is complete.
5. **TransTech (402A)** in field construction issue needing DSA approval, schedule adjusted to current status.
6. **Main Bldg (417A)** is substantially complete with close out ongoing.
7. **NAC project (303B)** is in design with anticipated SCA approval in September 2011. Project delayed for architect selection and program approval.
8. **LRC project (302A)** funding was reallocated to other projects.
9. **FH project (304A)** funding was reallocated to other projects.
10. **Austin Science Alterations (Structural project (301B))** initiated on March 15, 2011. The project is not fully funded at this time; schedule anticipated but should be considered a draft.
MARIN COMMUNITY COLLEGE DISTRICT
Kentfield, CA 94904

BOARD AGENDA ITEM

<table>
<thead>
<tr>
<th>To:</th>
<th>Board of Trustees</th>
<th>Date: August 21, 2012</th>
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</thead>
<tbody>
<tr>
<td>From:</td>
<td>Superintendent/President</td>
<td>Item &amp; File No.</td>
</tr>
<tr>
<td>Subject:</td>
<td>Revised Administrative Procedures</td>
<td>C.15.D.</td>
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<td>Reason for Board Consideration:</td>
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<td>Enclosure(s):</td>
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INFORMATION

**BACKGROUND:**

The Marin Community College District is in the process of updating and aligning the District’s Board Policies with the recommended policies developed through the legal firm of Liebert Cassidy Whitmore in conjunction with the Community College League of California (CCLC). The District is a member of the Board Policy and Administrative Procedure Subscription Service coordinated by the CCLC.

**ANALYSIS:**

The District’s current Board Policy Manual has not been revised for quite some time. Therefore, the Board Policy Manual is being reorganized and updated to align with the recommended policy information provided by the Policy and Procedure Subscription Service. Fifty-nine community college districts throughout the state are embarking on or have completed this same process.

There are seven chapters of the Board Policy Manual that include the following sections: 1) The District, 2) Board of Trustees, 3) General Institution, 4) Academic Affairs, 5) Student Services, 6) Business and Fiscal Affairs, and 7) Human Resources. The goal will be to review the current Board Policies and align them with the recommended policy information provided by the Policy and Procedure Subscription Service.

Board Policies and Administrative Procedures for Chapters 1 and 2 will undergo administrative review by Dr. Jane Wright and Dr. David Wain Coon. After this review, the new draft will be evaluated by the Board Subcommittee on Policy for suggested revisions. Revisions will then be reviewed as information items at the BP/AP Revision Task Force and College Council. Once these steps have been completed, finished Board Policies will be submitted to the full Board for first reading and adoption. Administrative procedures will be presented as information items.

Board Policies and Administrative Procedures for Chapters 3 through 7 will undergo administrative review by Dr. Jane Wright and Dr. David Wain Coon. After this review, the new draft will be evaluated by the BP/AP Revision Task Force for suggested revisions. Revisions will then be reviewed as information items at College Council. Once these steps have been completed, finished Board Policies will be submitted to the full Board for first reading and adoption. Administrative Procedures will be presented as information items.

Administrative Procedures 3520, 3715, 4020, 4023, 4260, 5010, 5011, 5031, and 5800 are presented herein for information.
FISCAL ANALYSIS:

No fiscal impact for the District.

RECOMMENDATION:

For information only. No action is required.

Administrator Initiating Item  Dr. David Wain Coon, Superintendent/President
AP 3520 LOCAL LAW ENFORCEMENT

References:
- Education Code Section 67381;
- 34 Code of Federal Regulations Part 668.46

In order to comply with the Kristin Smart Campus Safety Act of 1998, each college or center of the District, on behalf of each campus or center, has a written agreement with local law enforcement agencies. The agreement clarifies operational responsibilities for investigations of Part I violent crimes, defined by law as willful homicide, forcible rape, robbery, and aggravated assault, occurring at each location.

The written agreement designates which law enforcement agency has operational responsibility for violent crimes and delineates the specific geographical boundaries of each agency’s operational responsibility, including maps as necessary.

The written agreements required by the Board Policy are public records and are made available for inspection by members of the public upon request to College Operations.

The District Police Department maintains a close working relationship with the Marin County Sheriff’s Department, the Novato Police Department, the Twin Cities Police Authority. The District Police Department occasionally works with other law enforcement agencies within the County of Marin. Meetings may be held between the leaders of these agencies on both a formal and informal basis. The District Police Department and the law enforcement agencies within the County of Marin communicate regularly on the scene of incidents that occur in and around the campus area. When incidents arise that require joint investigative efforts, resources, crime related reports and exchanges of information, the District Police Department will work closely with the law enforcement agencies within the County of Marin. There are written memoranda of understanding between the District’s Police Department and the Marin County Sheriff’s Department, the Novato Police Department, the Twin Cities Police Authority.

In response to a call, the District Police Department will take the required action, dispatching an officer or asking the victim to file an incident report. Upon request, report summaries taken by the District Police Department are forwarded to the requesting District official for review and potential action.

Crimes should be reported to the District Police Department to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, when appropriate.

Community members, students, faculty, staff, and campus visitors are encouraged to report all crimes and public safety related incidents to the District Police Department in a timely manner. To report a crime or an emergency, call 911 and/or the District Police Department at 415-485-9696. To report a
non-emergency security or public safety related matter, call the District Police Department at 415-485-9455.

The District Police Department has complete police authority to apprehend and arrest anyone involved in illegal acts on-campus and areas immediately adjacent to the campus. If minor offenses involving District rules and regulations are committed by a student, the District Police may also refer the individual to the Chief Student Services Officer. Major offenses such as rape, murder, aggravated assault, robbery, and auto theft are reported to the local law enforcement and the District Police Department and local law enforcement work together to solve these serious felony crimes. The District Police personnel work closely with local, state, and federal police agencies. The District Police Department is also a part of the local 911 Emergency System. Through coordination with local law enforcement agencies, any criminal activity engaged in by students at off-campus locations of student organizations, is monitored and recorded. This information is provided to the Chief Student Services Officer for any action or follow-up that may be required.

Campus “Pastoral Counselors” and Campus “Professional Counselors,” when acting as such, are not considered to be a campus security officers and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.

A Pastoral Counselor is a person who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.

A Professional Counselor is an employee of a District whose official responsibilities include providing psychological counseling to members of the District’s community and who is functioning within the scope of his/her license or certification.

Office of Primary Responsibility: College Operations

Date Revised:

Date Approved: February 17, 2009

NOTE: The underlined regular text is language from legal Update 19 disseminated to districts in August 2011 and legal Update 20 disseminated to districts in April 2012 is included in this document. The language in regular text is from current College of Marin Administrative Procedure 3520 titled Local Law Enforcement. The language struck through is recommended for deletion. The language in underlined italics reflects revisions from Chief Lemay on 5/22/12.
INTELLECTUAL PROPERTY

References:
17 U.S. Code Sections 101 et seq.;
35 U.S. Code Sections 101 et seq.;
37 Code of Federal Regulations Sections 1.1 et seq.

The following intellectual property procedure shall be interpreted consistent with other District policies, including, but not limited to, the District’s policy on academic freedom and federal and state statutes and regulations. This procedure shall also be interpreted consistent with all collective bargaining agreements.

In the event the provisions of this procedure and the provisions of any operative collective bargaining agreement conflict, the collective bargaining agreement shall take precedence.

Definitions
For the purposes of this procedure, the following definitions apply to the following words or phrases:

Administrative Activity: the execution of the District’s management or administrative functions such as preparing budgets, policies, contracts, personnel management, printing course materials and catalogues, maintenance of computer data, long range planning, and keeping inventories of equipment. Teaching and academic endeavors are not administrative activities.

Author or Creator: an individual who alone or as part of a group of other creators, invent, author, discover, or otherwise create intellectual property.

District Resources: all tangible resources including buildings, equipment, facilities, computers, software, personnel, and funding.

Course Materials: Materials prepared for use in teaching, fixed or unfixed, in any form, including, but not limited to, digital, print, audio, visual, or any combination thereof. Course materials include, but are not limited to, lectures, lecture notes, and materials, syllabi, study guides, bibliographies, visual aids, images, diagrams, multimedia presentations, web-ready content, and educational software.

Course Syllabus: a document that includes information about the outline, standards for student evaluation, and additional information which reflects the academic work of the faculty member.

Digital Encoded Work: a work (on a bit-sequence) that can be stored on computer-readable media, manipulated by computers, and transmitted through data networks.
Employee: an individual employed by the District, and shall include full-time and part-time faculty, classified staff, student employees, appointed personnel, persons with "no salary" appointments, and academic professionals, who develop intellectual property using District resources, unless there is an agreement providing otherwise.

Intellectual Property: works, products, processes, tangible research property, copyrightable subject matter, works of art, trade secrets, expertise, inventions and other creations the ownership which are recognized and protected from unauthorized exploitation by law. Examples of intellectual property include scholarly, artistic, and instructional materials.

Student: an individual who was or is enrolled in a class or program at the District at the time the intellectual property was created.

Student Employee: a student who is paid by the District, and may include students participating in a work study program or who receive stipends while they are acting within the scope of their employment at the District at the time the intellectual property was created.

Substantial Use of District Resources: use of District resources beyond the normal professional, technology, and technical support generally provided by the District and extended to an individual or individuals for development of a product, project or program. The use of District resources must be important and instrumental to the creation of the intellectual property. The following do not constitute substantial use of the District’s resources: (1) incidental use of District resources and/or (2) extensive use of District resources commonly available to District employees. A substantial use of the District’s resources may be implicated in situations where the creator spends such time and energy in the creation of a work that results in a great reduction of the creator’s assigned duties.

Work: an “original work of authorship fixed in a tangible medium” as used in the Copyright Act.

Employee Intellectual Property Rights
The ownership rights to a creation at the District shall be determined generally as set forth below, unless ownership is modified by an agreement.

A faculty member who is the creator of an academic work in his/her field of expertise owns the copyright in that work. Academic works include textbooks, lecture notes and other course materials, literary works, artistic works, musical works, architectural works and software produced with no more than nominal or incidental use of the District’s resources. District faculty members who create academic work, as described in this paragraph, own the work even though it may have been developed within the employee’s scope of employment.

Intellectual property unrelated to an individual’s employment responsibilities at the District, and that is developed on an individual’s own time and without the District’s support or use of District facilities is the exclusive property of the creator and the District has no interest in any such property and holds no claim to any profits resulting from such intellectual property.

District Intellectual Property Rights
The District owns all other intellectual property, including but not limited to patentable inventions, such as computer software, created by its employees if it is:
1) Created through the District’s administrative activities by an employee working within his/her scope of employment, or

2) Created by an employee executing a duty or specific assignment designated by the District, or

3) Created through the substantial use of District resources, or

4) Commissioned by the District pursuant to a signed contract, or

5) Produced within one of the nine categories of works considered works for hire under copyright law pursuant to a written contract, or

6) Produced from research specifically supported by state or federal funds or third party sponsorship

Where circumstances invoke District intellectual property rights, as described above, the creator of the potential intellectual property will promptly disclose the intellectual property to the District. The District and the creator may enter into a written agreement whereby the creator executes documents assigning intellectual property rights to the District.

The Superintendent/President may waive the District’s interests in its intellectual property by executing a written waiver.

**Student Intellectual Property Rights** -- District students who created a work are owners of and have intellectual property rights in that work. District students own the intellectual property rights in the following works created while they are students at the District: (1) intellectual property created to meet course requirements using District resources, and (2) intellectual property created using resources available to the public. Intellectual property works created by students while acting as District employees shall be governed under provisions for employees.

**Modification of Ownership Rights**
The general provisions for ownership of intellectual property rights may be modified by the parties as follows:

**Sabbatical Works** -- Generally, intellectual property created by District employees during a sabbatical is defined as an academic work. However, where a work to be created as part of an approved sabbatical plan requires resources beyond those normally provided to other employees during a sabbatical (substantial use of District resources), the parties may enter into a written agreement to define the District’s and employee’s intellectual property rights in the sabbatical work.

**Assignment of Rights** -- When the conditions outlined in the sections on employee intellectual property rights or student intellectual property are met, ownership will reside with the employee or student responsible for creating the intellectual property. In these circumstances, the creator may pursue intellectual property protection, marketing, and licensing activities without involving the District. If such a decision is made, the creator is entitled to all revenues received.

Any person may agree to assign some or all of his/her intellectual property rights to the District. In the event the creator offers to share or assign intellectual property rights in the creation to the District, the
District may support and finance application for intellectual property protection (trademark, patent, or copyright) or it may enter into an agreement for other exploitation of the work, including management, development and commercialization of the property under terms and conditions as may be agreeable to the parties. After evaluating the creator’s offer, the District may or may not decide to become involved in a joint investment agreement. A negative response from the District will be communicated in writing to the creator. An affirmative response from the District will be summarized as an offer to enter into a written contract. If the creator accepts the District’s proposed contract, any revenues received from commercialization of the intellectual property will be distributed as defined in the contract.

**Sponsorship Agreements** -- A sponsored work is a work first produced by or through the District in the performance of a written agreement between the District and a sponsor. Sponsored works generally include interim and final technical reports, software, and other works first created in the performance of a sponsored agreement. Sponsored works do not include journal articles, lectures, books, or other copyrighted works created through independent academic effort and based on the findings of the sponsored project, unless the sponsored agreement states otherwise. Ownership of copyrights to sponsored works shall be with the District unless the sponsored agreement states otherwise. Where a sponsorship agreement does not define ownership of the intellectual property, ownership shall be determined under applicable law. Any sponsorship agreement that provides for ownership of the work by one other than the District generally shall provide the District with a nonexclusive, world-wide license to use and reproduce the copyrighted work for education and research purposes.

**Collaboration/Partnership Agreements** -- The District may participate in projects with persons/organizations that result in the creation of intellectual property. Ownership rights of such intellectual property will be defined by the collaboration/partnership agreement, or shall be determined under applicable law.

**Special Commissions** -- Intellectual property rights to a work specially ordered or commissioned by the District from a faculty member, professional staff member, other District employee, or other individual or entity, and identified by the District as a specially commissioned work at the time the work was commissioned, shall belong to the District. The District and the employee shall enter into a written agreement for creation of the specially-commissioned work.

**Use of Substantial District Resources** -- In the event the District provides substantial resources to an employee for creation of a work and the work was not created under an agreement (such as a sponsorship agreement, individual agreement, or special commission) the District and the creator shall own the intellectual property rights jointly in proportion to the respective contributions made.

**Encoded Works/Software for Administrative Activities** -- The District may hire an individual or entity to develop software or other encoded works to be used in the District’s administrative activities. The District shall maintain ownership of the intellectual property rights in such encoded works. Similarly, the District shall have ownership of the intellectual property rights in encoded works created by an employee, even where the work was created on the employee’s own initiative, if the work is related to the employee’s job responsibilities. For example, if an employee in the student records office creates a software program, on his/her own initiative that will organize student records, such work is related to the employee’s job duties and will belong to the District. Where an employee creates a program that does not relate to his/her job duties, and that program was created on the employee’s own time, the work belongs to the employee.
Jointly Created Works – Ownership of jointly created works shall be determined by separately assessing which of the above categories applies to each creator, respectively. Rights between joint owners of a copyright shall be determined pursuant to copyright law.

Work Acquired by Assignment or Will – The District may acquire copyrights by assignment or will pursuant to the terms of a written agreement or testament. The terms of such agreements should be consistent with District policies and this procedure.

Materials Implicating Third Party Rights
In creating works, District employees and students must comply with District policies and state and federal laws, including copyright and privacy laws. District employees and students must obtain all required licenses, consents, and releases necessary to avoid infringing the rights of third parties. District employees and students with questions or concerns regarding third party rights should direct all inquiries to Office of Student Learning.

Intellectual Property Coordinator
The Vice President of Student Learning or designee shall be the District’s Intellectual Property Coordinator. The coordinator shall administer this procedure and will implement the District’s Intellectual Property Policy. The Intellectual Property Coordinator will also monitor the development and use of the District’s intellectual property. Any questions relating to the applicability of the District Intellectual Property or this procedure may be directed and answered by the Intellectual Property Coordinator.

Preservation of Intellectual Property Right
Protection of Rights -- The District shall undertake such efforts as it deems necessary to preserve its rights regarding original works for which the District is the sole or joint owner of intellectual property rights. The District may apply for a patent, for trademark registration, for copyright registration, or for other protection available by law on any new work in which it maintains intellectual property rights.

Payment of Costs -- The District may pay some or all costs required for obtaining a patent, trademark, copyright, or other classification on original works for which it exclusively owns intellectual property rights. If the District has intellectual property rights in a jointly owned work, the District may enter into an agreement with the joint owners concerning payment of such costs.

Commercialization of Intellectual Property
Right of Commercialization -- The District may commercialize its Intellectual Property using its resources or it may enter into agreements with others to commercialize the work as authorized by law.

Distribution of Proceeds -- An employee who creates a work and retains an intellectual property interest in such work for which the District maintains intellectual property rights is entitled to share in royalties, licenses, and any other payments from commercialization of the work, in accordance with applicable agreements and applicable laws. All expenses incurred by the District in protecting and promoting the work including costs, incurred in seeking patent or copyright protection and reasonable costs of marketing the work, shall be deducted and reimbursed to the District before the creator is entitled to share in the proceeds.

Intellectual Property Account -- The District shall deposit all net proceeds from commercialization of intellectual property in its own general intellectual property account. The Vice President of Student
Learning or designee may use the account to reimburse expenses related to creating or preserving the District’s intellectual property rights or for any other purpose authorized by law and District policy including the development of intellectual property.

Notification
The Intellectual Property Coordinator shall provide a copy of these Intellectual Property Procedures to persons upon request. The District shall arrange training on a periodic basis for faculty, staff, and/or other persons who are covered by this Intellectual Property Procedure.

Office of Primary Responsibility: Office of Student Learning

NOTE: This procedure is legally advised. The **underlined regular text** is language recommended by the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in **underlined italics** was added on 3-29-12 during the review with Susan Andrien. Linda Beam also reviewed it 4/16/12. Approved by the Academic Senate to move forward 5/10/12.

Date Approved:
(This is a new procedure recommended by the CCLC and the League’s legal counsel)
AP 4020      PROGRAM AND CURRICULUM DEVELOPMENT

References:
Title 5 Sections 51021, 55000 et seq., and 55100 et seq.;
ACCJC Accreditation Standard II.A;
U.S. Department of Education regulations on the Integrity of Federal Student Financial
Aid Programs under Title IV of the Higher Education Act of 1965, as amended.

Instructional programs will be systematically assessed in order to assure currency, improve
educational programs, and achieve stated student learning outcomes. Curriculum
shall be evaluated to determine whether courses and program should be established,
expanded, modified, or deleted on a periodic basis.

In order to create and maintain a viable curriculum compatible with the Educational Master Plan, the Superintendent/President or designee shall be responsible for:
1. Recommending to the Board for approval the establishment or discontinuance of
   educational programs, degrees, certificates, and courses, in accordance with the
   Education Code.
2. Approving editorial and technical changes, teaching unit modifications, and related
deviations of minor significance within Board-approved programs and courses. The
   Board shall be advised of all such changes.
3. Ongoing development of the curriculum, including:
   a. Periodic determination of the educational needs of the area;
   b. Utilization of citizen advisory committees where appropriate;
   c. Academic Senate participation in curriculum development;
   d. Preparation and maintenance of current course outlines and objectives for all
      approved programs.

Faculty members shall follow the course outline of record as the framework for the course.
Within this framework, each instructor shall use the outline in a manner best designed to meet
the needs and capabilities of students and to best suit the instructional methods of the faculty
member. This flexibility in use of the outline shall be limited by the instructor's ability to meet
stated objectives and outcomes as determined by the approved evaluative criteria.

The Curriculum Committee is a standing committee of the Academic Senate, as established
through mutual agreement between the District and the Academic Senate. The purpose of the
Curriculum Committee is to maintain the quality and the integrity of the educational program. Courses and programs will be evaluated for their educational content and their appropriateness and value to the students served.

The functions and operating guidelines of the Curriculum Committee will be determined by the Academic Senate.

1. Functions:
The functions of the College Curriculum Committee will be as follows:
   a. Recommend all credit courses for approval by the Board of Trustees. To be recommended, credit courses must meet the standards set forth by the Education Code.
   b. Recommend all noncredit courses for approval by the Board of Trustees. To be recommended, noncredit courses must meet the standards set forth by the Education Code.
   c. The Curriculum Committee does not approve Community Education courses. However, the Community Education Program will send all new course outlines to the Curriculum Committee to ensure there is no conflict with credit courses.
   d. Recommend all new credit and noncredit programs for approval by the Board of Trustees.
   e. Recommend program changes, course revisions, or deletions for approval by the Board of Trustees, making sure such changes meet the standards set forth by the Education Code.
   f. Review the Master Schedule and recommend modifications as necessary.
   g. Recommend requirements for skills certificates and certificates of achievement.
   h. Recommend graduation requirements and general education requirements for the A.A. and A.S. degrees for approval by the Board of Trustees.
   i. Recommend for approval by the Board of Trustees, baccalaureate level courses for submission to the California State University system for inclusion on the transfer list of courses which satisfy the state universities' general education requirements.
   j. Support development of new curricula and dissemination of curricular material.

2. Membership:
Membership of the College Curriculum Committee will be for two-year terms and will consist of the following:
   a. Voting Members: One faculty member elected from each Department and Community Education; one classified member who is directly related to Academic Affairs selected by the official classified staff appointing body, and one student selected by the Student Senate.
   b. Non-voting Staff Resource: The Dean of Enrollment Services.
   c. Department Chairs serve as ex-officio members of the Committee and all Department Chairs are welcome to attend at all times. Particular Department Chairs will be invited to attend Curriculum Committee meetings when there are proposals originating from their department; further, Department Chairs shall be invited when proposals are presented from other departments that will affect their courses and/or programs.
3. Operating Guidelines:
   a. According to the UPM/MCCD Collective Bargaining Agreement Article 8.12.2 (2004-
      2007 contract) Department Chairs shall: in conjunction with the department’s
      faculty, develop and/or modify curriculum, subject to departmental and District
      approval as recommended by the College Curriculum Committee; and assist faculty
      in up-dating course descriptions and communicate these updates in writing within
      the department and to the appropriate instructional office(s) through
      recommendations of the College Curriculum Committee.
   b. The Curriculum Committee Chair will be elected by voting members of the
      Committee.
   c. Additional support will be provided by the Office of Instructional Management.
   d. Curriculum Committee agendas, approved minutes and updated Curriculum
      Committee approval schedules will be posted on the Curriculum Committee
      website.

For purposes of federal financial aid eligibility, a “credit hour” shall be not less than:
   • One hour of classroom or direct faculty instruction and a minimum of two hours of out-
     of-class student work each week for approximately 15 weeks for one semester or the
     equivalent amount of work over a different amount of time; or
   • At least an equivalent amount of work as required in the paragraph above, of this
     definition for other academic activities as established by the institution including
     laboratory work, internships, practica, studio work, and other academic work leading to
     the award of credit hours.

See also BP 4021 titled Program Revitalization and Discontinuance

Office of Primary Responsibility: Office of Student Learning

Date Approved: June 22, 2010
(Replaces College of Marin Policy 2.0001 and Procedure 2.0001 DP.1)

NOTE: The underlined regular text language is from the CCLC per legal Update 19. The added language is legally
required in an effort to show good faith compliance with the applicable federal regulations. David Cook reviewed
and approved this AP to move forward on 2-8-12. Reviewed by Dean of Enrollment Services 2/8/12 and 4/24/12.
This document was reviewed by the Academic Senate President on 4/25/12. Approved by Academic Senate to move
forward 5/17/12.
AP 4023 COURSE APPROVAL

Reference:
Title 5 Section 55100

Procedure for submitting for Board approval individual degree-applicable credit courses offered as part of an educational program approved by the State Chancellor’s Office.

- Credit and non-credit course proposals and revisions are approved by the college’s Curriculum Committee and are forwarded to the Union District Workload Committee (UDWC) for approval of teaching units. Once the Curriculum Committee and UDWC have signed off on a course, it is forwarded to the Board of Trustees for approval.

Procedures for course approval of non-degree-applicable credit courses and degree-applicable credit courses that are stand-alone courses and therefore not part of a permitted educational program:

- These courses must be approved by the Curriculum Committee.
- Unless modified to properly address the reasons for denial, no courses may be offered that were previously denied separate approval by the State Chancellor’s Office.
- Students may only count a limited number of units approved for stand-alone courses toward satisfying the requirements for a certificate or completion of an associate degree.
- No group of stand-alone courses approved pursuant to this subdivision which total 18 or more semester units in a single four-digit Taxonomy of Programs Code may be linked to one another by means of prerequisites or co-requisites.
- All courses approved must be reported to the State Chancellor’s Office.

Stand-Alone Course Approval: Title 5, Section 55100 states that by September 30 of each year, the District shall submit a certification to the State Chancellor’s Office, verifying that the persons who will serve on the curriculum committee, and others who will be involved in the curriculum approval process at each college, have received training consistent with guidelines prescribed by the State Chancellor on stand-alone credit course approval and relevant regulations.

See also: AP 4020 - PROGRAM AND CURRICULUM DEVELOPMENT

Office of Primary Responsibility: Office of Student Learning
NOTE: The **underlined regular text** signifies legally required language recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). This is a new procedure recommended in the CC League’s Update #13 distributed on September 21, 2007. The language in **underlined italics** reflects revisions from the Academic Standards Committee. Approved by Academic Senate 5/10/12

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**Date Approved:**

(This is a new procedure recommended by the CC League and the League’s legal counsel)
PREREQUISITES, CO-REQUISITES, AND ADVISORIES

References:
  Title 5 Sections 55000 et seq.

Prerequisites, co-requisites, advisories, and limitations are necessary to ensure that students succeed in their coursework and have access to the courses they require. It is important to have prerequisites in place where they are a vital factor in maintaining academic standards. It is also necessary to ensure that prerequisites, co-requisites, advisories, and limitations do not constitute unjustifiable obstacles to student access and success. Therefore, to foster the appropriate balance between these two concerns, the Education Code requires that prerequisites, co-requisites, advisories, and limitations be established based solely on content review or content review with statistical validation.

Content review is a rigorous, systematic process conducted by faculty to identify the necessary and appropriate body of knowledge or skills students need to possess prior to enrolling in a course, or which students need to acquire through simultaneous enrollment in a co-requisite course.

I. **Information in the Catalog and Schedule of Classes**
   The District shall provide the following explanations both in the District’s catalog and in the schedule of classes:
   A. Definitions of prerequisites, co-requisites, and limitations on enrollment including the differences among them and the specific prerequisites, co-requisites, and limitations on enrollment that have been established.
   B. Procedures for a student to challenge prerequisites, co-requisites, and limitations on enrollment and circumstances under which a student is encouraged to make such a challenge. The information about challenges must include, at a minimum, the specific process including any deadlines, the various types of challenge that are established in law, and any additional types of challenge permitted by the District.
   C. Definitions of advisories on recommended preparation, the right of a student to choose to take a course without meeting the advisory, and circumstances under which a student is encouraged to exercise that right.
   D. Definitions of contract course, co-requisite, noncredit basic skills course, non-degree-applicable basic skills courses, prerequisite and satisfactory grade.

II. **Challenge Process**
   A. Any student who does not meet a prerequisite or co-requisite or who is not permitted to enroll due to a limitation on enrollment but who provides satisfactory evidence may seek entry into the course as follows:
      1. If space is available in a course when a student files a challenge to the prerequisite or co-requisite, the District shall reserve a seat for the student and resolve the challenge within five working days. If the challenge is upheld or the District fails to resolve the
challenge within the five working-day period, the student shall be allowed to enroll in the course.

Challenges are reviewed by the appropriate academic Department Chairperson. The Department Chairperson has five working days to approve or deny the challenge (except during Spring and Winter breaks or when Departments are closed). If the Department Chairperson exceeds the time limit, the student will be allowed to enroll in the target course. See the Admissions and Records website for detailed instructions regarding challenging a prerequisite.

2. If no space is available in the course when a challenge is filed, the challenge shall be resolved prior to the beginning of registration for the next term and, if the challenge is upheld, the student shall be permitted to enroll if space is available when the students registers for that subsequent term.

B. Grounds for challenge shall include the following:
1. Those grounds for challenge specified in Title 5 Section 55201(f).
2. The student seeks to enroll and has not been allowed to enroll due to a limitation on enrollment established for a course that involves intercollegiate competition or public performance or one or more of the courses for which enrollment has been limited to a cohort of students. The student shall be allowed to enroll in such a course if otherwise he/she would be delayed by a semester or more in attaining the degree or certificate specified in his/her educational plan.

3. The student seeks to enroll in a course that has a prerequisite established to protect health and safety, and the student demonstrates that he/she does not pose a threat to himself/herself or others.

4. The student has the obligation to provide satisfactory evidence that the challenge should be upheld. However, where facts essential to a determination of whether the student's challenge should be upheld are or ought to be in the District's own records, then the District has the obligation to produce that information.

III. Curriculum Review Process
The District relies primarily upon the Academic Senate regarding how prerequisites, co requisites, and advisories will be established.

The curriculum review process shall at a minimum be in accordance with all of the following:
A. Establish a curriculum committee and its membership in a manner that is mutually agreeable to the administration and the Academic Senate. Provisions will be made to train the curriculum committee on content review.

B. Establish prerequisites, co-requisites, and advisories on recommended preparation (advisories) only upon the recommendation of the Academic Senate except that the Academic Senate may delegate this task to the curriculum committee without forfeiting its rights or responsibilities under Title 5 Sections 53200-53204 and within the limits set forth in Title 5 Section 55003. Certain limitations on enrollment must be established in the same manner.
C. Establish prerequisites, co-requisites, advisories on recommended preparation and limitations on enrollment only if:

1. The faculty in the discipline or, if the District has no faculty member in the discipline, the faculty in the department do all of the following:
   a) Approve the course; and,
   b) As a separate action, approve any prerequisite or co-requisite, only if:
      1) The prerequisite or co-requisite is an appropriate and rational measure of a student's readiness to enter the course or program as demonstrated by a content review including, at a minimum, all of the following:
         i. involvement of faculty with appropriate expertise;
         ii. consideration of course objectives set by relevant department(s). The curriculum review process should be done in a manner that is in accordance with accreditation standards,
         iii. be based on a detailed course syllabus and outline of record, tests, related instructional materials, course format, type, and number of examinations, and grading criteria;
         iv. specification of the body of knowledge and/or skills which are deemed necessary at entry and/or concurrent with enrollment;
         v. identification and review of the prerequisite or co-requisite which develops the body of knowledge and/or measures skills identified under iv,
         vi. matching of the knowledge and skills in the targeted course (identified under section iv) and those developed or measured by the prerequisite or co-requisite (i.e. the course or assessment identified under section v above); and
         vii. maintain documentation that the above steps were taken.

c) Approve any limitation on enrollment that is being established for an honors course or section, for a course that includes intercollegiate competition or public performance, or so that a cohort of students will be enrolled in two or more courses, and, in a separate action, specify which.

d) Approve that the course meets the academic standards required for degree applicable courses, non-degree applicable courses, non-credit courses, or community service respectively.

e) Review the course outline to determine if a student would be highly unlikely to receive a satisfactory grade unless the student had knowledge or skills not taught in the course. If the student would need knowledge or skills not taught in the course itself, then the course may be approved for degree applicable credit only if all requirements for establishing the appropriate prerequisite have been met excepting only approval by the curriculum committee.

f) Review the course outline to determine whether receiving a satisfactory grade is dependent on skills in communication or computation. If receiving a satisfactory grade is sufficiently dependent on such skills, then the course may be approved for degree applicable credit only if all requirements have been met for establishing a prerequisite or co-requisite of not less than eligibility for enrollment to a degree-applicable course in English or mathematics, respectively.


2. A course which should have a prerequisite or co-requisite as provided in (e) or (f) but for which one or more of the requirements for establishing a prerequisite have not been met may only:
   a) Be reviewed and approved pursuant to the standards for non-degree applicable credit, non-credit, or community service; or
   b) Be revised and reviewed as required to meet the criteria for establishing the necessary prerequisites or co-requisites.

3. The curriculum committee also reviews the course and prerequisite in a manner that meets each of the requirements specified above.

D. Program Review -- As a regular part of the program review process or at least every six years, except that the prerequisites and co-requisites for vocational course or programs shall be reviewed every two years, the District shall review each prerequisite, co-requisite, or advisory to establish that each is still supported by the faculty in the discipline or department and by the curriculum committee and is still in compliance with all other provisions of this policy and with the law. Any prerequisite or co-requisite that is still supported shall be reviewed promptly thereafter to assure that it is in compliance with all other provisions of this policy and with the law. These processes shall also provide for the periodic review of advisories on recommended preparation.

E. Implementing Prerequisites, Co-requisites, and Limitations on Enrollment -- Implementation of prerequisites, co-requisites, and limitations on enrollment must be done in a consistent manner and not left exclusively to the classroom instructor. Every attempt shall be made to enforce all conditions a student must meet to be enrolled in the course through the registration process so that a student is not permitted to enroll unless he/she has met all the conditions or has met all except those for which he/she has a pending challenge or for which further information is needed before final determination is possible of whether the student has met the condition.

F. Instructor’s Formal Agreement to Teach the Course as Described -- The District shall establish a procedure so that courses for which prerequisites or co-requisites are established will be taught in accordance with the course outline, particularly those aspects of the course outline that are the basis for justifying the establishment of the prerequisite or co-requisite. The process shall be established by consulting collegially with the Academic Senate and, shall be consistent with the UPM/MCCD collective Bargaining Agreement.

IV. Review of Individual Courses

If the student's enrollment in a course or program is to be contingent on his/her having met the proposed prerequisite(s) or co-requisite(s), then such a prerequisite or co-requisite must be established. If enrollment is not blocked, then what is being established is not a prerequisite or co-requisite but, rather, an advisory on recommended preparation and must be identified as such in the schedule and catalog.

A. Advisories on Recommended Preparation

The District may recommend that a student meet a standard of readiness at entry only if recommended by the faculty in the discipline or department and by the curriculum committee as provided in above. This process is required whether the District described
such recommendations in its catalog or schedule as "prerequisites," or "recommended," or by any other term.

B. Limitations on Enrollment
The types of limitation on enrollment specified below may only be established through the curriculum review process by the discipline or department faculty and the curriculum committee specified above including the requirement to review them again at least every six years (two years for vocational courses); for example, as part of program review. The following requirements must also be met in order to establish these particular limitations on enrollment.

1. Performance Courses -- The District may establish audition or try-out as a limitation on enrollment for courses that include public performance or intercollegiate competition such as but not limited to band, orchestra, theater, competitive speech, chorus, journalism, dance, and intercollegiate athletics provided that:
a) For any certificate or associate degree requirement which can be met by taking this course, there is another course or courses which satisfy the same requirement; and
b) The District includes in the course outline of record a list of each certificate or associate degree requirement that the course meets and of the other course or courses which meet the same requirement.

Limitations on enrollment established as provided for performance courses shall be reviewed during program review or at least every six years to determine whether the audition or try-out process is having a disproportionate impact on any historically underrepresented group and, if so, a plan shall be adopted to seek to remedy the disproportionate impact. If disproportionate impact has been found, the limitation on enrollment may not be printed in subsequent catalogs or schedules nor enforced in any subsequent term until such a plan has been endorsed by the department and the administration and put into effect.

C. Honors Courses -- A limitation on enrollment for an honors course or an honors section of a course may be established if, in addition to the review by the faculty in the discipline or department and by the curriculum committee as provided above, there is another section or another course or courses at the District which satisfy the same requirements. If the limitation is for an honors course and not only for an honors section, the District must also include in the course outline of record a list of each certificate or associate degree requirement that the course meets and of the other course or courses which meet the same associate degree or certificate requirement.

V. Blocks of Courses or Sections
Blocks of courses or blocks of sections of courses are two or more courses or sections for which enrollment is limited in order to create a cohort of students. Such a limitation on enrollment may be established if, in addition to review by the faculty in the discipline or department and by the curriculum committee as provided above, there is another section or another course or courses that satisfy the same requirement. If the cohort is created through limitations on enrollment in the courses rather than limitations on specific sections of courses, then the District must include in the course outline of record a list of each certificate or associate degree requirement that the course meets and of the other course or courses which satisfy the same associate degree or certificate requirement.
From current College of Marin Procedure 2.0021 DP.1 titled Prerequisites and Corequisites (Title 5, 55201 a-f)

Prerequisite/Corequisite Challenge Procedures
The student shall bear the initial burden of proof that grounds exist for a challenge. A prerequisite challenge requires the student to prepare written documentation and explanation of the alternative coursework, background, or abilities, which have adequately prepared the student for the course. Reasons for seeking a challenge may include one of the following:

- The student will be subject to undue delay in attaining the goal of his or her Student Educational Plan (SEP) because the prerequisite or corequisite course has not been made reasonably available.
- The student believes the prerequisite was established in violation of state regulation or in violation of the district-approved process.
- The student believes the prerequisite is unlawfully discriminatory or being applied in an unlawfully discriminatory manner.
- The student has documented the evidence of knowledge or ability to succeed in the course without meeting the prerequisite.

A Challenge Form will be obtained from the Office of Admissions and Records or from the Counseling Office. After submitting the Challenge Form to the appropriate person or designee, the student may enroll in the challenged class, if there are seats available, by presenting a receipt signed by the appropriate person at registration. A decision will be made within five working days of receipt by the appropriate person or designee. If this challenge is not upheld, the student will be notified in writing and dropped from the class.

From current College of Marin Procedure 2.0021 DP.2 titled Prerequisites and Corequisites (Title 5, 55201 a-f)

Curriculum Review Process
The College certifies that the Curriculum Committee has been established by mutual agreement of the administration and the Academic Senate in conformity with educational code. (Title 5, 55002-4)

Accordingly, the Curriculum Committee will:
1. require and verify documentation that each prerequisite, co-requisite, advisory or limitation on enrollment is necessary and meets the appropriate level of scrutiny;
2. approve prerequisites, co-requisites, advisories and other limits on enrollment;
3. require and verify documentation that courses which have prerequisites, co-requisites, advisories or limits on enrollment are being taught in accordance with the course outline, particularly those aspects of the course outline that are the basis for justifying the establishment of the prerequisite or co-requisite;
4. provide for a review of each prerequisite, co-requisite, advisory or limit on enrollment during program review cycle or at least every six years.

Office of Primary Responsibility: Office of Student Learning
NOTE: The underlined regular text signifies legally required language recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The language in black ink is from current College of Marin Procedures 2.0021 DP.1 titled Prerequisites and Corequisites approved on 4/13/93 and revised on 9/20/94 and 2.0021 DP.2 titled Prerequisites and Corequisites approved on 9/20/94. The language in this procedure has been revised to reflect the CC League’s Update 13 distributed on September 21, 2007, legal Update 19 disseminated to districts in August 2011 and legal Update 20 disseminated to districts in April 2012. The language struck through is recommended for deletion. The language in underlined italics reflects revisions recommended by Vice President Martinez. The Academic Senate approved this procedure on 5/1/08. This document was reviewed by the Academic Senate President on 4/25/12. Approved by Academic Senate 5/17/12.

Date Approved:
(Replaces portions of College of Marin Procedures 2.0021 DP.1 and 2.0021 DP.2)
AP 5010      ADMISSIONS

References:
Education Code Sections 48800, 48800.5, 48802, 70901, 71029, 76000, 76001, 76140, 76380, 84757, 84810.5;
Labor Code Section 3077;
Title 5 Sections 58007 and 58050;
U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended;
34 Code of Federal Regulations Part 668.16(p)

The Dean of Enrollment Services under the direction of the Chief Student Services Officer is responsible for the implementation of all admissions procedures and for California residency classification.

The Marin Community College District shall admit any California resident and may admit the following individuals:

- Any nonresident (as determined in the District’s residence classification process as outlined in AP 5015 titled Residence Determination), possessing a high school diploma or equivalent such as a General Education Development (GED) or California High School Proficiency Examination (CHSPE).

- Any apprentice as defined in Labor Code Section 3077 who is capable of profiting from the instruction offered.

- Any other person over the age of 18 who is capable of profiting from the instruction offered. If the Board of Trustees determines to admit other persons, those persons shall be admitted as provisional students and thereafter shall be required to comply with the rules and regulations prescribed by the Board of Governors pertaining to the scholastic achievement and other standards to be met by provisional or probationary students, as a condition to being readmitted in any succeeding semester. This does not apply to persons in attendance in special classes and programs established for adults pursuant to Education Code Section 78401 or to any persons attending on a part-time basis only.

- May admit to a regular term as a special full-time student any student upon a parent or guardian’s petition to, and authorized by, the governing board of the school district in which the student is enrolled. Such students are required to undertake courses of instruction of a scope and duration sufficient to satisfy the requirements of law.
• May admit to a regular term as a special part-time student any student whose admission is recommended by the high school principal and consented to by the parents. The students recommended by the school district are those who would benefit from advanced scholastic or vocational courses. Credit for courses completed shall be at a level determined to be appropriate by the school district and community college district.
  
  o A special part-time student, for purposes of Education Code Section 76001, i.e., one who attends special classes and programs established for adults or any persons attending on a part-time basis, may enroll in up to, and including 11 units per semester.

• Any student who attends as a special part-time student under Education Code, Section 48800.5 and Education Code Section 76001(b) is exempt from compulsory school attendance.

• May admit students who are inmates of any city, county, or city and county jail, road camp, farm, or federal correctional facility.

• May admit international students.

The Chief Instructional Officer shall establish procedures for evaluating the validity of a student’s high school completion if the District or the United States Department of Education has reason to believe that the high school diploma is not valid or was not obtained from an entity that provides secondary school education.

❖ From current College of Marin Procedure 4.0003 DP.1 titled Academic Standards (Pages 20-21)

Admission Eligibility Title V, 76026, 58108. Students graduating from high school shall be admitted in good standing.

1. Non-graduates of high school shall be admitted if they are 18 years of age or older and capable of profiting from college instruction or if they have successfully passed the California High School Proficiency Examination (CHSPE) or the General Education Development (G.E.D.) Test.

2. Students under 18 who have not passed these exams or graduated from high school must submit a special petition asking for admission. The petition must contain the signature of a high school or college counselor advising that the student is capable of performing college work. The petition must contain the signature of the parent as well unless the student is married. The student must also submit, at the time of registration, a completed Student Educational Plan.

3. Transfer students on probation or dismissal at their last college attended shall be admitted on a probationary status.

4. Students in high school may be admitted as part-time students upon recommendation of their high school counselor, parent and college counselor in advanced scholastic and vocational classes. Concurrent high school enrollment is required. A College Credit Program (CCP) card with appropriate signatures must be submitted at the time of registration. Students under high
school-level must also obtain the signature of the college instructor on a student petition approving the enrollment. PE enrollment is limited and by an approved special petition only.

5. Students shall be admitted to one of the College's campuses but not necessarily to a particular curriculum. Certain programs require supplementary applications.

6. International Student applicants shall follow the admission procedures for regular students.

Out of District Students

The College of Marin shall furnish students from other community college districts the same advantages, equipment, supplies and services as furnished to other students in attendance in such classes. Priority for acceptance in impacted programs, however, may be given to Marin County residents.

Also see AP 5011 titled Admission and Concurrent Enrollment of High School and Other Young Students

Office of Primary Responsibility: Office of Admissions and Records

NOTE: The red type signifies legally required language recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The language recommended in Update 19 (August 2011) has been incorporated into AP 5010. The information in black type is current College of Marin Procedure 4.0003 DP.1 titled Academic Standards approved on 2/8/05. The language struck through is recommended for deletion. The language in underlined italics reflects recommendations by the Dean of Enrollment Management, Academic Standards Committee and Academic Senate. The document was reviewed on April 24, 2012 by Rinetta and Bob. This document was reviewed by the Academic Senate President on 4/25/12.

Date Approved:

(Replaces part of current College of Marin Procedure 4.0003 DP.1)
MARIN COMMUNITY COLLEGE DISTRICT PROCEDURE

AP No. 5011

STUDENT SERVICES

AP 5011 ADMISSION OF HIGH SCHOOL AND OTHER YOUNG STUDENTS

References:
Education Code Sections 48800, 48800.5, 76001, and 76002;
Title 5 Section 55530

Students may be admitted and enroll in courses not offered at their schools of attendance. Courses in which high school students are permitted to enroll will be open to the entire college population, and will be taught with the rigor appropriate to college-level courses in accordance with the approved course outline.

The District authorizes the admissions of “academically gifted” special part-time and full-time K-12 minor students without high school diplomas or the equivalent, who will benefit from advanced scholastic or vocational work. The responsibility to make the determination of the student’s preparation belongs to the school district in which the student is enrolled and the Marin Community College District.

The District retains the authority to restrict admission or enrollment of special part-time or full-time students in any session based on age, grade-level completion, current academic performance, or assessment and placement procedures in compliance with matriculation policies and procedures.

Once enrolled, students must meet all standards for academic performance at the college level and conform to expectations of student conduct. The school of attendance retains the right to apply course credit.

Certain restrictions apply. All classes must be open to the general public, and there may be limitations on the number of students who may enroll in a particular course. The class must be advertised as open to the general public in one or more of the following: the Catalog, the regular schedule of classes, or an addendum to the catalog or schedule of classes.

• If the decision to offer a class on a high school campus is made after publication of the regular schedule of classes, and the class is only advertised to the general public through electronic media, the class must be advertised for a minimum of 30 continuous days prior to the first meeting of the class.

• If the class is offered on a high school campus, the class may not be held during the time the campus is closed to the general public, as defined by the school board.

I. Special Part-Time Admissions Program

Concurrent Part-Time Students (Grades 9th – 12th)
To be considered for admittance as a special part-time high school student, the student must meet the eligibility standards as established in Education Code Sections 48800 and 76001.
Special Part-Time or Full-Time Students
The District may admit as a special part-time or full-time student a student who is not enrolled in a public school upon parent or guardian’s petition to, and authorized by, the President of a community college, based on the fact that the student would benefit from advanced scholastic or vocational course(s).

The District may admit to a summer intersession, as a special part-time student, any student with parental consent:
- Whose admission is recommended by the high school principal.
- Who has demonstrated adequate preparation in the discipline to be studied.
- Who has availed himself/herself of all opportunities to enroll in an equivalent course at his/her school of attendance.

The District shall admit students under the jurisdiction of the Department of the Youth Authority if they otherwise qualify.

Admission Procedures
The student must submit a completed:
- College admissions application
- College Credit Program (CCP) Form which includes
  - Signature of the parent or guardian
  - Signature of the high school principal or counselor
  - Signature of a College of Marin counselor
- Depending on the requested courses, students may be required to complete the appropriate College matriculation process, prior to registration, which includes:
  - Math and/or the English Placement Test
  - Student Success Workshop
  - Counseling Appointment

Academic Eligibility
- Students wanting to enroll in degree appropriate courses must have a cumulative high school grade point average of 2.0 or better.
- For all courses attempted students must meet the stated pre-requisite and/or co-requisite for the desired course.
- Students with a verifiable disability (verification to be provided by the school of origin) may be referred to Disabled Student Programs and Services for accommodation.

Limitations on Enrollment
- For the first semester, students with a cumulative high school grade point average (GPA) between 2.0 and 3.0 may be allowed to enroll in one course. Students wanting to enroll in two courses must have earned a cumulative GPA of 3.0 or better.
- Students may not enroll in physical education classes.
- Students may not initially enroll in any course numbered below 100.

Academically Talented Elementary Students (grades K - 8th)
The District may admit highly gifted elementary students through the 8th grade level for enrollment to the College provided they are eligible to participate based on the criteria established below.
Admissions Procedure

- The student must be recommended by his/her school principal or designee. As part of the approval process the principal must verify that the recommended student can benefit from college instruction.
- A parent/guardian approval form allowing the student to participate must be submitted with the College admissions application. Parents/guardian must also acknowledge that the parent/guardian understands that the student will be expected to conform to all Board Policies and Administrative Procedures.
- Students must submit a completed College Credit Program (CCP) Form which includes:
  a) Signature of the parent or guardian
  b) Signature of the high school principal or counselor
  c) Signature of a College of Marin counselor
  d) Signature of the College of Marin instructor teaching the course
- Depending on the requested courses, students may be required to complete the appropriate matriculation process, prior to registration, which includes:
  a) Math and/or the English Placement Test
  b) Student Success Workshop
  c) Counseling appointment

Academic Eligibility

- Students must have earned a cumulative grade point average of 2.5, or better, if applicable. If a GPA is not provided, academic eligibility will be based on the recommendation of the elementary or secondary principal, teacher and/or counselor.
- For all courses attempted students must meet the stated pre-requisite and/or co-requisite for the desired course.
- Students with a verifiable disability (verification to be provided by the school of origin) may be referred to Disabled Student Programs and Services for accommodation.

Limitations on Enrollment

- Students will be allowed to enroll in a single course each term.
- Students may not enroll in Physical Education Courses.
- Students may not initially enroll in any course numbered below 100.
- Students who have previously enrolled and who have not made satisfactory progress, will not be allowed to continue without an approved petition in the Special Admissions Program.

The decision of the Dean of Enrollment Services to admit or deny admissions will be final. Once a decision has been made, his/her parent of guardian and school principal shall be informed of the decision. This determination may be made by evaluating one or more of the following criteria:

- A review of the materials submitted by the student.
- Meeting with the student and his or her parent or guardian.
- Consultation with a counselor for matriculation
- Consideration of the welfare and safety of the student and others.
- Consideration of local, state, and/or federal laws.
- Review of the content of the class in terms of sensitivity and possible effects on the minor.
- Requirements for supervision of the minor.
- Times the class(es) meet and the effect on the safety of the minor.
II. Full-Time Admission Program

Concurrent Full-Time High School Students (Grades 9th -12th)
To be considered for admission as a special full-time student, the student must meet the eligibility standards as established in Education Code Section 48800.5.

Admission Procedures

Students must submit:
- A completed College admissions application.
- A completed College Credit Program (CCP) Form which includes:
  a) Signature of the parental or guardian
  b) Signature of the high school principal or counselor. (Note: A pupil who is not enrolled in a public or private school does not need to provide written acknowledgment from his/her school principal or counselor)
  c) Signature of a College of Marin counselor
- Written approval of the governing board of the school district of attendance. The Vice President of Student Learning Student Services or designee has the authority to make the final decision whether a student can benefit from instruction.

Academic Eligibility
- Demonstration that the student is capable of benefiting from instruction.
- Official transcripts from the referring high school district.
- Student will not be allowed to register without completing the matriculation process, which includes:
  a) Math and the English Placement Test
  b) Student Success Workshop
  c) Counseling appointment
- For all courses attempted students must meet the stated pre-requisite and/or co-requisite for the desired course.

Enrollment Limitations
Students are limited to 12 units for their first semester. For additional units, students must meet with a College of Marin counselor to complete the Petition to Carry Extra Units. A counselor’s signature must be on the Petition to be accepted by the Office of Admissions and Records.

Home Schooled Students
In addition to meeting all the requirements as established in the above described procedures, home schooled students are required to provide an affidavit from the County Board of Education indicating they are legally home schooled or chartered.

Appeals
If a request for concurrent part-time or full-time enrollment is denied for a student who has been identified as highly gifted, the Board of Trustees shall provide written findings and reasons for the denial within 60 days. A recommendation regarding the request for admission and the denial shall be
submitted to the Board of Trustees at a regularly scheduled meeting that falls at least 30 days after the request for admission has been submitted.

III. Full-Time Student (Exempt from Compulsory School Attendance)
To be considered for admissions as a full-time student exempt from compulsory primary or secondary school attendance, the student must meet the eligibility standards as established in Education Code Section 48800.5 and Education Code Section 76001(b).

Admissions Procedures
- Students must submit a completed admission application.
- A letter from the County Board of Education in which the student resides specifically exempting the student from compulsory school attendance.
- A letter for the parent/guardian requesting that his/her son/daughter be considered for admissions as a full-time student.

Academic Eligibility
- Official transcripts from the student’s primary/secondary school, if available.
- Students must complete the matriculation process, which includes:
  a) Math and English Placement Test
  b) Students Success Workshop
  c) Counseling appointment (development of educational plan).
- For all courses attempted students must meet the stated prerequisite and/or co-requisite for the desired course.

Enrollment Limitations
Students are limited to 12 units for their first semester. For additional units, students must meet with the College of Marin counselor to complete a Petition to Carry Extra Units. A counselor's signature must be on the Petition to be accepted by the Office of Admissions and Records.

Appeals
If a request for full-time enrollment is denied, the Board of Trustees shall provide written findings and reasons for the denial within 60 days. A recommendation regarding the request for admissions and the denial shall be submitted to the Board of Trustees at a regular scheduled meeting that falls at least 30 days after the request for admissions has been submitted.

Location of Information
Current information regarding the procedures for application, admission, and enrollment of high school students is available on the College of Marin website at http://www.marin.edu.

Office of Primary Responsibility: Vice President of Student Learning Student Services

Date Revised:
Date Approved: June 22, 2010
(Replaces part of College of Marin Procedure 4.0003 DP.1)
Note: The language in regular text is from current College of Marin Policy 5011 titled Admissions of High School and Other Young Students. The language struck through is recommended for deletion. The language in italicized text reflects revisions from the ASC Chair, this procedure was revised on 3-1-12 to incorporate language referring to special full and part-time minors originally added to AP 5010 titled Admissions. The document was reviewed on April 24, 2012 by Rinetto and Bab. This document was reviewed by the Academic Senate President on 4/25/12. Approved to move forward by Academic Senate 5/17/12. To coincide with the creation of the position Vice President of Student Services, the Office of Primary Responsibility has been updated on 8/8/2012.
AP 5031 INSTRUCTIONAL MATERIALS FEES

References:
Education Code Section 76365;
Title 5 Sections 59400 et seq.

Students may be required to provide instructional materials required for a credit or non-credit course. Such materials shall be of continuing value to a student outside of the classroom setting and shall not be solely or exclusively available from the District. The College shall not charge more than the actual cost of providing the materials.

Required instructional materials shall not include materials used or designed primarily for administrative purposes, class management, course management, or supervision.

Where instructional materials are available to a student temporarily through a license or access fee, the student shall be provided options at the time of purchase to maintain full access to the instructional materials for varying periods of time ranging from the length of the class up to at least two years. The terms of the license or access fee shall be provided to the student in a clear and understandable manner prior to purchase.

Instructors shall take reasonable steps to minimize the cost of instructional materials.

Definitions
Required instructional materials – means any instructional materials which a student must procure or possess as a condition of registration, enrollment or entry into a class; or any such material which the instructor determines is necessary to achieve the required objectives of a course.

Solely or exclusively available from the District – means that the instructional material is not available except through the District, or that the District requires that the instructional material be purchased or procured from it. A material shall not be considered to be solely or exclusively available from the District if it is provided to the student at the District's actual cost; and 1) The instructional material is otherwise generally available, but is provided solely or exclusively by the District for health and safety reasons; or 2) The instructional material is provided in lieu of other generally available and more expensive material which would otherwise be required.

Required instructional materials which are of continuing value outside of the classroom setting – are materials which can be taken from the classroom setting and which are not wholly consumed, used up, or rendered valueless as they are applied in achieving the required objectives of a course to be accomplished under the supervision of an instructor during the class.
Establishing Required Materials and Related Fees
For new courses requesting fees, or existing courses requesting new or revised fees, the process established by the Curriculum Committee for recommending such fees shall be followed.

As a part of the process for establishing fees, justification must be provided in the course outline of record as to how the request meets the state criteria for allowable fees; and calculation and support data for determining fees must be provided.

Fees approved in the course outline of record by the Curriculum Committee will be forwarded to the Board of Trustees for approval.

Fees are published in the schedule of classes and collection is done at the time of registration by Admissions and Records

- From current College of Marin Policy 6.0011 titled Tuition and Fees

1. **Non-Resident Tuition (EC 76140, 76142-3)**

   The Board shall establish a non-resident tuition fee schedule for out-of-state and foreign students not later than February 1 of each year for the succeeding fiscal year.

2. **Enrollment Fee (EC 72252)**

   Pursuant to the provisions of EC 72252, there shall be an enrollment fee established by the State for students enrolled in credit classes.

3. **Materials Fees (Title 5, 59400-8)**

   Pursuant to the provisions of Title 5, 59400-8, when appropriate, there shall be a charge for instructional and other materials required for a credit or non-credit course, provided such materials are of continuing value to a student outside of the classroom setting, and provided that such materials are not solely or exclusively available from the College. The College shall not charge more than the actual cost of providing the materials.

4. **Non-Credit Resident/Non-Resident Fee (EC 78460-62.5)**

   Non-credit students who are not legal residents of California will also be charged for State-supported classes, except for classes where fees are restricted by law.

5. **Transcript/Verification Fee (EC 76223)**

   The Board shall establish the charge for a copy of any student’s record. The amount shall not exceed the actual cost of furnishing the copies. No charge shall be made for furnishing up to two transcripts of students’ records or up to two verifications of various records of students. No charge may be made to search for or to retrieve any student record.

6. **Parking Service Fee (EC 72247)**
The Board shall establish a charge to be required of students using parking services. All parking fees collected shall be deposited in the designated fund of the College in accordance with the California Community Colleges Budget and Accounting Manual and shall be expended only for parking services such as the purchase, construction, and operation and maintenance of parking facilities. In no event may the fee required pursuant to this statute exceed the actual cost of providing parking services.

Students who receive financial assistance pursuant to any of the programs described in subsection (G) of EC 72252 shall be exempt from semester parking permit fees in excess of twenty dollars ($20) per semester.

7. Health Service Fee

The Board shall establish a Health Service fee to be required of all students at the time of registration.

8. Other Fees

Other fees may be levied as allowed by law.

9. Refunds

All fees are non-refundable except as indicated below:

- Non-Resident Tuition for Credit Classes
- 100% refund through the second week
- 70% refund through the third week
- 50% refund through the fourth week
- 30% refund through the fifth week
- 20% refund through the sixth week
- No refunds will be granted after the sixth week of instruction.

Enrollment Fee: Refunds will be granted through the second week of instruction. A service charge will be withheld from refunds unless the class is canceled by the College.

Materials Fees:

Refunds will be granted through the second week of instruction, when accompanied by a confirmation from the instructor that no materials have been used. Students will also be entitled to refunds if they provide confirmation from the instructor that comparable materials were supplied by the students themselves.

Non-Credit Resident/Non-Resident Fee: Refunds will be made only if requested classes are dropped or canceled.

The Office of Student Learning is responsible for gathering related data and responds to inquiries regarding instructional materials fees from the state Chancellor’s Office.
Information regarding instructional materials is updated annually in the College of Marin Course Outline Guide posted on the District website.

- From current College of Marin Policy 3.0041 titled Criteria for Establishing Fees (EC 66150, 5 CCR 51012)

Fees shall be assessed for community education and services programs in accordance with the program definition and classification system established in Board Policy 3.0002.

No base fees shall be charged for community education courses as defined, since such courses are eligible for full apportionment from the State.

Base fees shall be charged for community services courses and activities as defined, in an amount not to exceed the cost of maintaining such courses and activities.

A materials fee may be charged, however, for all community services courses in which the student is provided materials by the District and shall be charged if the student takes home a finished product which he/she made from materials provided by the District as part of the course.

Partial or total waivers of base fees may be granted to adults who meet current State Federal poverty criteria. The following exemplify evidence of poverty: prolonged unemployment, qualification for financial aid as an undergraduate, AFDC eligible parent, CETA client, older adult living on low fixed income. Laboratory fees for materials and supplies shall not be waived or reduced.

All fees shall be based on a formula approved by the Board.

Also see BP/AP 5030 titled Fees

Office of Primary Responsibility: Office of Student Learning
Office of Student Services

NOTE: The underlined regular text signifies legally required language recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The wording in black ink is from current College of Marin Policy 6.0011 titled Tuition and Fees adopted on 12/10/85 and revised on 6/25/91 and Policy 3.0041 titled Criteria for Establishing Fees adopted on 10/28/81 and revised on 1/15/85. The language struck through is recommended for deletion. The language in underlined italics was added on 4-8-09 during the Administrative Review Session and was reviewed/revised by Cari Torres on March 29, 2012. Approved by Academic Senate to move forward 5/10/12.

Date Approved:
(Replaces portions of College of Marin Policies
6.0011 and 3.0041)
AP 5800  PREVENTION OF IDENTITY THEFT IN STUDENT FINANCIAL TRANSACTIONS

References:
Fair and Accurate Credit Transactions Act (FACT Act) (15 U.S. Code Section 1681m(e))

I. The Purpose of the Student Identity Theft Prevention Program
The purpose of this student Identity Theft Prevention Program (ITPP) is to control reasonably foreseeable risks to students from identity theft, by providing for the identification, detection, and response to patterns, practices, or specific activities ("Red Flags") that could indicate identity theft.

II. Definitions
"Identity theft" is a fraud attempted or committed using identifying information of another person without authority.

A "creditor" includes government entities who defer payment for goods (for example, payment plans for bookstore accounts or parking tickets), issued loans, or issued student debit cards. Government entities that defer payment for services provided are not considered creditors for purposes of the ITPP.

"Deferring payments" refers to postponing payments to a future date and/or installment payments on fines or costs.

A "covered account" includes one that involves multiple payments or transactions.

"Person" means any individual who is receiving goods, receives a loan, and/or is issued a debit card from the District and is making payments on a deferred basis for said goods, loan, and/or debit card.

Detection or discovery of a "Red Flag" implicates the need to take action under this ITPP to help prevent, detect, and correct identity theft.

III. Detecting "Red Flags" for Potential Identity Theft

A. Risk Factors for Identifying "Red Flags"
The District will consider the following factors in identifying relevant "Red Flags:"
1) the types of covered accounts the District offers or maintains;
2) the methods the District provides to open the District's covered accounts;
3) the methods the District provides to access the District's covered accounts; and
4) the District’s previous experience(s) with identity theft.

B. Sources of “Red Flags”
The District will continue to incorporate relevant “Red Flags” into this ITPP from the following sources:
1) incidents of identity theft that the District has experienced;
2) methods of identity theft that the District identifies that reflects changes in identity theft risks; and
3) guidance from the District’s supervisor’s who identify changes in identity theft risks.

C. Categories of “Red Flags”
The following Red Flags have been identified for the District’s covered accounts:

Alerts, Notifications, or Warnings from a Consumer Reporting Agency:
1) A fraud or active duty alert is included with a consumer report the District receives as part of a background check.
2) A consumer reporting agency provides a notice of credit freeze in response to a request for a consumer report.
3) A consumer reporting agency provides a notice of address discrepancy. An address discrepancy occurs when an address provided by a student substantially differs from the one the credit reporting agency has on file. See Section (VI)(9) for specific steps that must be taken to address this situation.
4) A consumer report indicates a pattern of activity that is inconsistent with the history and usual pattern of activity of an applicant, such as:
   (a) A recent and significant increase in the volume of inquiries;
   (b) An unusual number of recently established credit relationships;
   (c) A material change in the use of credit, especially with respect to recently established credit relationships; or
   (d) An account that was closed for cause or identified for abuse of account privileges by a creditor or financial institution.

Suspicious Documents:
5) Documents provided for identification appear to have been forged or altered.
6) The photograph or physical description on the identification is not consistent with the appearance of the applicant or customer presenting the identification.
7) Other information on the identification is not consistent with information provided by the person opening a new covered account or customer presenting the identification.
8) Other information on the identification is not consistent with readily accessible information that is on file with the District, such as a signature card or a recent check.
9) An application appears to have been altered or forged, or gives the appearance of having been destroyed or reassembled.

Suspicious Personal Identifying Information:
10) Personal identifying information provided is inconsistent when compared against external information sources used by the District. For example:
   (a) The address does not match any address in the consumer report; or
(b) The Social Security Number (SSN) has not been issued, or is listed on the Social Security Administration’s Death Master File.

11) Personal identifying information provided by a person is not consistent with other personal identifying information provided by the person. For example, there is a lack of correlation between the SSN range and date of birth.

12) Personal identifying information is associated with known fraudulent activity as indicated by internal or third-party sources used by the District. For example:
   (a) The address on an application is the same as the address provided on a fraudulent application;
   (b) The phone number on an application is the same as the phone number provided on a fraudulent application;

13) Personal identifying information provided is of a type commonly associated with fraudulent activity as indicated by internal or third-party sources used by the District. For example:
   (a) The address on an application is fictitious, a mail drop, or a prison; or
   (b) The phone number is invalid, or is associated with a pager or answering service.

14) The SSN provided is the same as that submitted by other persons currently being served by the District.

15) The address or telephone number provided is the same or similar to the account number or telephone number submitted by an unusually large number of other persons being served by the District.

16) The person opening the covered account fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.

17) Personal identifying information provided is not consistent with personal identifying information that is on file with the District.

18) The person opening the covered account cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.

Unusual Use of - or Suspicious Activity Relating to - A Covered Account:

19) A new covered account is used in a manner that is commonly associated with known patterns of fraud patterns. For example, a person makes a first payment, but there are no subsequent payments made.

20) A covered account is used in a manner that is not consistent with established patterns of activity on the account. For example, there is:
   (a) Nonpayment when there is no history of late or missed payments; or
   (b) A material change in electronic fund transfer patterns in connection with a payment.

21) A covered account that has been inactive for a reasonably lengthy period of time is suddenly used or active.

22) Mail sent to the person holding the covered account is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the person’s covered account.

23) The District is notified that the person is not receiving paper account statements.

24) The District is notified of unauthorized transactions in connection with a person’s covered account.
 Notices from Customers/Persons, Victims of Identity Theft, Law Enforcement Authorities, or Other Businesses About Possible Identity Theft in Connection with Covered Accounts:
25) The District is notified by a person with a covered account, a victim of identity theft, a law enforcement authority, or any other person, that it has opened a fraudulent account for a person engaged in identity theft.

IV. Measures to Detect “Red Flags”
The District shall do the following to aid in the detection of “Red Flags.”

A. When a new covered account is open, the District shall obtain identifying information about, and information verifying the identity of, the student or other person seeking to open a covered account. Two forms of identification shall be obtained (at least one of which must be a photo identification).

The following are examples of the types of valid identification that a person may provide to verify the identity of the person seeking to open the covered account: valid state-issued driver’s license, valid state-issued identification card, current passport, a Social Security Card, current residential lease, or copy of a deed to the person’s home or invoice/statement for property taxes.

B. Persons with covered accounts who request a change in their personal information on file, such as a change of address, will have the requested changes verified by the District.

The person shall provide at least one written form of verification reflecting the requested changes to the personal information. For example, if an address change is requested, then documentation evidencing the new address shall be obtained. If a phone number change is requested, then documentation evidencing the new phone number, such as a phone bill, shall be obtained.

V. Preventing and Mitigating Identity Theft
One or more of the following measures, as deemed appropriate under the particular circumstances, shall be implemented to respond to “Red Flags” that are detected:

A. Monitor the covered account for evidence of identity theft;
B. Contact the person who holds the covered account;
C. Change any passwords, security codes, or other security devices that permit access to a covered account;
D. Reopen the covered account with a new account number;
E. Not open a new covered account for the person;
F. Close an existing covered account;
G. Not attempt to collect on a covered account or not sell a covered account to a debt collector;
H. Notifying law enforcement;
I. Where a consumer reporting agency provides an address for a consumer that substantially differs from the address that the consumer provided, the District shall take the necessary steps to form a reasonable belief that the District knows the identity of the person for whom the District obtained a credit report, and reconcile the address of the consumer with the credit reporting agency, if the District establishes a continuing relationship with the
consumer, and regularly, and in the course of business, provides information to the credit
reporting agency; or
J. Determine that no response is warranted under the particular circumstances.

VI. Updating the ITPP
The District shall update this ITPP on an annual basis to reflect changes in risks to persons with
covered accounts, and/or to reflect changes in risks to the safety and soundness of the District
from identity theft, based on the following factors:
A. The experiences of the District with identity theft;
B. Changes in methods of identity theft;
C. Changes in methods to detect, prevent and mitigate identity theft;
D. Changes in the types of covered accounts that the District maintains;
E. Changes in the business arrangements of the District, including service provider
arrangements.

VII. Methods for Administering the ITPP
A. Oversight of the ITPP

Oversight by the District’s Director of Fiscal Services shall include;
1) Assigning specific responsibility for the ITPP’s implementation;
2) Reviewing reports prepared by the staff regarding compliance of the ITPP; and
3) Approving material changes to the ITPP as necessary to address changing identity
theft risks.

B. Reports

1) In General. Staff responsible for the development, implementation, and administration
of this ITPP shall report to the Board of Trustees on an annual basis.
2) Contents of Report. The report shall address material matters to the ITPP and evaluate
the following issues: the effectiveness of the policies and procedures in addressing the
risk of identity theft in connection with opening new covered accounts and with respect
to existing covered accounts; service provider arrangements; significant incidents
involving identity theft and management’s response; and recommendations for material
changes to the ITPP.
3) Oversight of Service Provider Arrangements. Whenever the District engages a service
provider to perform an activity in connection with one or more covered accounts the
District shall take steps to ensure that the activity of the service provider is conducted in
accordance with reasonable policies and procedures designed to detect, prevent, and
mitigate the risk of identity theft. To that end, the District shall require our service
contractors, by contract, to have policies and procedures to detect relevant “Red Flags”
that may arise in the performance of the service provider’s activities, and either report
the “Red Flags” to the District, or to take appropriate steps to prevent or mitigate
identity theft.

Office of Primary Responsibility: College Operations