BOARD OF TRUSTEES
REGULAR MEETING AGENDA

April 16, 2013
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** – 6:30 p.m., Cafeteria, Student Services Building, Kentfield Campus
   
   1. Call to Order, Roll Call and Adoption of Agenda

2. **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

3. **Chief Executive Officer’s Report**
   A. Accreditation
   B. Student Success Scorecard Report 2013 (ARCC 2.0) (Hsieh, Eldridge, & McKinnon)
   C. Selection of Audit Firm (Harrison)

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

5. **Classified Senate Report** (5 minutes)

6. **Student Association Report** (5 minutes)

7. **Board Study Session**
   A. Project Labor Agreement

8. **Consent Calendar Items (Roll Call Vote)**
   A. **Calendar of Upcoming Meetings**
      ▪ April 20, 2013, Board Retreat, Staff Lounge, Student Services, Kentfield Campus
      ▪ May 21, 2013, Regular Meeting, Cafeteria, Student Services, Kentfield Campus
   B. **Approve Classified Personnel Recommendations**
      1. Appointment of Classified Personnel
      2. Appointment of Hourly Personnel
      3. Resignation/Termination of Classified Personnel
   C. **Approve Classified Position Recommendation**
   D. **Approve Classified Management Personnel Recommendation**
      1. Appointment of Classified Personnel
   E. **Approve Academic Personnel Recommendations**
      1. Change in Sabbatical Leave
      2. Phased-in Early Retirement of Academic Personnel
   F. **Approve Educational Management Personnel Recommendations**
      1. Appointment of Educational/Management Personnel
      2. Resignation Educational Management Personnel
   G. **Approve Budget Transfers – Month of March 2013**
   H. **Approve Warrants - Month of March 2013**
I. Approve Declaration of Surplus Property – Miscellaneous Equipment
J. Approve New Community Services Courses
K. Approve New Community Services Collaborative Program
L. Approve Sabbatical Leave Revision
M. Second Reading and Approval of Board Policies
   ▪ BP 5030 Fees
N. Modernization (Measure C)
   1. Ratify/Approve Modernization Contracts, Changes, Amendments ($349,905.50)

9. Other Action Items
   A. Resolution (Roll Call Vote) Authorization of Temporary Transfer of Funds for 2013/2014
   B. Approve Selection of Auditing Firm
   C. Approve Revised CSEA Salary Schedule dated March 21, 2013
   D. 2013 California Community College Trustees (CCCT) Board Election
   E. Modernization (Measure C)
      1. Resolution (Roll Call Vote) Approve Change Order #19 to Construction Contract ($63,034.00) Midstate Construction, Performing Arts Modernization (306A)
      2. Resolution (Roll Call Vote) Approve Change Order #2 to Construction Contract AE Nelson ($27,211.14), Austin Swing Space (850E)
      3. Resolution (Roll Call Vote) Approve Pre-Qualification Process, Authorization to Bid and Pre-Authorization to Award Construction Contract, New Academic Center (303B)
      4. Approve Purchase of Portables ($328,126.00) Relocation Costs (805A)
      5. Approve New Professional Services Agreement for Design Services ($30,000.00) Structural Engineer Project (805A)
      6. Approve Extension to Professional Services Agreement ($99,000.00) Schoening Group Inc., District Salaries Assistance (832A)
      7. Approve RFP and New Professional Services Agreement for Design Services ($50,000.00) ADA Upgrades KTD Project (309A)
      8. Approve Project Funds Transfer for Program Management (825C) ($0) Transfer from Project Close Out - Science Math and Nursing (305A); Bond Issuance Costs (831C); Bond Counsel (831B)
      9. Approve Amendment #2 to Professional Services Agreement ($1,215,000.00) Jacobs Project Management Co., Project Construction Management (301B), (303B), 309A) Program (825C)
     10. Approve Contract Amendment to the Professional Services Agreement ($55,550.00) Gayner Engineers, New Fine Arts Building (306C)
11. Approve Inclusion of New Academic Center Project in Existing Project Stabilization Agreement

12. Approve Notice of Completion, KTD Utilities Project – Phase I (305A) Wildcat Engineering

13. Approve Notice of Completion, Austin Science Swing Project (850E) AE Nelson Construction

F. Accept Student Success Scorecard 2013 Report

G. Election of Board Vice President

10. Board Policy Review (1st Reading)
   ▪ BP 5500 Standards of Conduct

11. Future Agenda Items
   A. Bond Spending Plan
   B. COM Foundation Update

12. Board Reports and/or Requests (15 minutes)
   A. Committee Chair Reports
   B. Legislative Report
   C. Individual Reports/or Requests

13. Approval of Meeting Minutes (2 minutes)
   ▪ Approve Minutes of March 19, 2013 Board Meeting

14. Information Items (see written reports)
   A. Contracts and Agreements for Services – March 2013
   B. Third-Quarter Financial Status Report CCSF-311Q
   C. YTD Financial Update 3/31/2013
   D. Modernization Update
      1. Director’s Report
      2. Contract Milestones Report
      3. Program Schedule
   E. Administrative Procedures
      ▪ AP 4228 Course Repetition – Significant Lapse of Time
      ▪ AP 5055 Enrollment Priorities
      ▪ AP 5520 Student Discipline and Due Process
   F. Calendar of Special Events
      ▪ CCLC Trustees Conference, May 3 – 5, 2013, Lake Tahoe
      ▪ Grand Opening Math Science Nursing Building, May 10, 2013, 1:30 p.m. – 5:00 p.m.
      ▪ Retiree Reception, Marin Art & Garden Center, May 15, 2013, 4:00 p.m. – 6:00 p.m.
      ▪ Commencement, Diamond Physical Education Center, May 24, 2013. 6:00 p.m.

15. Correspondence

16. Board Meeting Evaluation
17. Adjournment
BOARD AGENDA ITEM

To: Board of Trustees  Date: April 16, 2013
From: Superintendent/President  Item & File No. 8.B.
Subject: Classified Personnel Recommendations
Reason for Board Consideration: Enclosure(s):

CONSENT APPROVAL

BACKGROUND:

The following actions are included in the Classified Personnel Recommendations:

1. Appointment of Classified Personnel
2. Appointment of Hourly Personnel
3. Resignation/Termination of Classified Personnel

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

P. Giffen, S. Clair, M. Ebert, C Fernandes-Goes, D. LaRocca, S. Lee, J. Obregozo, M. Peterson, D. Quirk, R. Rodgers, S. Scott and F. Yanez are on the non-instructional side of the 50% law.

R. Bradford and J. Muilenburg 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: Kristina Combs, Executive Director of Human Resources & Labor Relations
1. APPOINTMENT OF CLASSIFIED PERSONNEL

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Name</th>
<th>Division/Department</th>
<th>FTE</th>
<th>MPY</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Giffen, Phoenix</td>
<td>Gardner</td>
<td>1.0</td>
<td>12</td>
<td>04/08/2013</td>
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</table>

BACKGROUND INFORMATION:

1. Mr. Giffen has accepted the 1.0FTE/12MPY Gardner position effective April 8, 2013.
2. APPOINTMENT OF HOURLY PERSONNEL

<table>
<thead>
<tr>
<th>Name</th>
<th>Division/Department</th>
<th>Start Date</th>
<th>Expiration Date</th>
<th>Hourly Rate</th>
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<tr>
<td>1. Fernandes-Goes, Carla</td>
<td>Children’s Center</td>
<td>03/01/2013</td>
<td>06/30/2013</td>
<td>$40.00</td>
</tr>
</tbody>
</table>

BACKGROUND INFORMATION:

1. Ms. Fernandes-Goes will serve as professional expert to the Children’s Center as a Spanish translator for Child Development Program documents and interpreter for Spanish-speaking student parents.
### 3. RESIGNATION/TERMINATION OF CLASSIFIED PERSONNEL

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Name</th>
<th>Position</th>
<th>FTE</th>
<th>MPY</th>
<th>Type</th>
<th>Effective Date</th>
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<tr>
<td>1</td>
<td>Bradford, Robert</td>
<td>Instructional Specialist – DSPS</td>
<td>.53</td>
<td>11</td>
<td>Retirement</td>
<td>COB 06/28/2013</td>
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<td>2</td>
<td>Bradford, Robert</td>
<td>Alternate Media Specialist – DSPS</td>
<td>.47</td>
<td>11</td>
<td>Retirement</td>
<td>COB 06/28/2013</td>
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<td>3</td>
<td>Clair, Scotti</td>
<td>Media Center Assistant</td>
<td>1.0</td>
<td>11</td>
<td>Retirement</td>
<td>COB 05/02/2013</td>
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<td>4</td>
<td>Ebert, Mary</td>
<td>Police Officer</td>
<td>1.0</td>
<td>12</td>
<td>Resignation</td>
<td>COB 06/30/2013</td>
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<td>5</td>
<td>LaRocca, David</td>
<td>Custodian</td>
<td>1.0</td>
<td>12</td>
<td>Retirement</td>
<td>COB 06/28/2013</td>
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<td>6</td>
<td>Lee, Stephen</td>
<td>Lead Custodian</td>
<td>1.0</td>
<td>12</td>
<td>Retirement</td>
<td>COB 12/30/2013</td>
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<td>7</td>
<td>Muilenburg, Jo</td>
<td>Instructional Specialist – English</td>
<td>1.0</td>
<td>8.5</td>
<td>Retirement</td>
<td>COB 05/31/2013</td>
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<td>8</td>
<td>Obregozo, Juan</td>
<td>Custodial Supervisor</td>
<td>1.0</td>
<td>12</td>
<td>Retirement</td>
<td>COB 06/28/2013</td>
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<td>9</td>
<td>Peterson, Mylo</td>
<td>Receiving Clerk</td>
<td>1.0</td>
<td>12</td>
<td>Retirement</td>
<td>COB 06/28/2013</td>
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<tr>
<td>10</td>
<td>Quirk, Dan</td>
<td>Police Officer</td>
<td>1.0</td>
<td>12</td>
<td>Resignation</td>
<td>COB 04/18/2013</td>
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<td>11</td>
<td>Rodgers, Richard</td>
<td>Lab Technician – Physics</td>
<td>.60</td>
<td>10</td>
<td>Retirement</td>
<td>COB 05/31/2013</td>
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<td>12</td>
<td>Scott, Susan</td>
<td>Administrative Assistant – Counseling</td>
<td>1.0</td>
<td>12</td>
<td>Retirement</td>
<td>COB 06/28/2013</td>
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<tr>
<td>13</td>
<td>Yanez, Frank</td>
<td>Custodian</td>
<td>1.0</td>
<td>12</td>
<td>Retirement</td>
<td>COB 06/28/2013</td>
</tr>
</tbody>
</table>

**BACKGROUND INFORMATION:**


3. Ms. Clair has submitted her letter of resignation for retirement purposes effective close of May 2, 2013.

4. Officer Ebert has submitted her letter of resignation effective close of business June 30, 2013.

April 16, 2013 Board Item
3. RESIGNATION/TERMINATION OF CLASSIFIED PERSONNEL

5. Mr. LaRocca has submitted his letter of resignation for retirement purposes effective close of business June 28, 2013.

6. Mr. Lee has submitted his letter of resignation for retirement purposes effective close of business December 30, 2013.


9. Mr. Peterson has submitted his letter of resignation for retirement purposes effective close of business June 28, 2013.

10. Officer Quirk has submitted his letter of resignation effective close of business April 18, 2013.

11. Mr. Rodgers has submitted his letter of resignation for retirement purposes effective close of business May 31, 2013.


13. Mr. Yanez has submitted his letter of resignation for retirement purposes effective close of business June 28, 2013.
BACKGROUND:

The District and CSEA have discussed and agreed to lower the minimum qualifications of the Laboratory Technician – Computer Technology position. The minimum qualifications required of the position were not consistent with the salary level.

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

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve the following action effective April 16, 2013; approve revised minimum qualifications for the Laboratory Technician – Computer Technology position. Current and revised job descriptions are attached for your review and approval.

Administrator Initiating Item: Kristina Combs, Executive Director of Human Resources and Labor Relations
Purpose Statement: (Duties, General Description)
The job of Laboratory Technician Class Series (Computer Technology) is done for the purpose/s of performing a variety of learning resources activities, technical and clerical work related to the operation and maintenance of computer labs.

Essential Functions:
Compiles data from a variety of sources for the purpose of complying with financial, legal and/or administrative requirements.

Evaluates situations involving other staff, students, the public, etc. for the purpose of taking appropriate action and/or directing to appropriate personnel for resolution.

Installs computer software and/or hardware for the purpose of ensuring the availability of hardware and/or software as needed.

Maintains documents, files and records (e.g. user profiles, etc.) for the purpose of providing up-to-date reference and audit trail for compliance.

Maintains and upgrades computer software and hardware including NetWare servers, computers, wiring, peripheral and components (e.g. trouble shooting equipment and/or software failures, upgrading software/hardware, etc.) for the purpose of ensuring computer systems are operating effectively and/or diagnosing software/hardware problems.

Monitors assigned activities and/or processes for the purpose of coordinating activities and ensuring compliance with established financial, legal and/or administrative requirements.

Performs minor repairs for the purpose of ensuring availability of computer hardware/software systems.

Prepares written materials for the purpose of documenting activities, providing written reference and/or conveying information.

Processes documents and materials for the purpose of disseminating information to appropriate parties.

Researches a variety of information for the purpose of providing information and/or recommendations for resolution.

Responds to inquiries from a variety of internal and external parties (e.g. faculty, administrators, students, etc.) for the purpose of providing information, facilitating communication among parties and/or providing direction.

Sets-up and maintains student labs (e.g. installing software and/or hardware, deleting student files and/or software, etc.) for the purpose of supporting assigned instructors.

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 technical tasks with an occasional need to upgrade skills due to changing job conditions. Specific skills required to satisfactorily perform the functions of the job include: adhering to safety practices; operating equipment used the computer lab; preparing and maintaining accurate records; and operating standard office equipment including pertinent software applications. Use of new or additional equipment brought about by new technology shall be incorporated consistent with the level of responsibility and complexity of this job.
KNOWLEDGE is required to perform algebra and/or geometry; read a variety of manuals, write documents following prescribed formats and/or present information before groups; and solve practical problems. Specific knowledge required to satisfactorily perform the functions of the job includes: use of equipment required in computer lab; processes required to complete lab projects; safety requirements; and maintenance of network operating systems.

ABILITY is required to schedule activities; gather, collate, and/or classify data; and coordinate a significant number of factors in the use of equipment. Flexibility is required to work with others under a variety of circumstances; analyze data utilizing defined but different processes; and use equipment for a variety of purposes under different conditions that requires an understanding of various methods of operation. Ability is also required to work with a diversity of individuals and/or groups; work with data of similar types and/or purposes; and utilize a wide variety of 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 limited; and with equipment it is significant. Specific abilities required to satisfactorily perform the functions of the job include: communicating with diverse groups; setting priorities; working as part of a team; working with constant interruptions. Sensitivity to and understanding of the diverse academic, socioeconomic, cultural and ethnic backgrounds, disabilities and learning styles of community college students and staff.

Responsibility:
Responsibilities include: working under limited supervision; leading, guiding and/or coordinating other persons; and operating within a defined budget and/or financial guidelines. Utilization of resources from other work units may be required to perform the job's functions. There is a continual opportunity to 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, fingering and/or feeling. Generally the job requires 55% sitting, 35% walking and 10% standing. The job is performed under minimal temperature variations, some hazardous conditions (e.g. mechanical, cuts, burns, infectious disease, high decibel noise, etc.), and in varying atmospheric conditions.

Minimum Qualifications: (Position Requirements)
(Education & Experience)
Community College and/or Vocational School Degree with study in job related area. Job Related Experience within Specialized Field is required.

Desirable Qualifications:

Certificates & Licenses:
Clearances: Criminal Justice/Fingerprint
TB Clearance

FLSA Status: Non-exempt

Date: Bargaining Unit: CSEA

Salary Range: 13
LABORATORY TECHNICIAN CLASS SERIES  Proposed  
COMPUTER TECHNOLOGY

Purpose Statement: (Duties, General Description)
The job of Laboratory Technician Class Series (Computer Technology) is done for the purpose/s of performing a variety of learning resources activities, technical and clerical work related to the operation and maintenance of computer labs.

Essential Functions:
Compiles data from a variety of sources for the purpose of complying with financial, legal and/or administrative requirements.
Evaluates situations involving other staff, students, the public, etc. for the purpose of taking appropriate action and/or directing to appropriate personnel for resolution.
Installs computer software and/or hardware for the purpose of ensuring the availability of hardware and/or software as needed.
Maintains documents, files and records (e.g. user profiles, etc.) for the purpose of providing up-to-date reference and audit trail for compliance.
Maintains and upgrades computer software and hardware including NetWare servers, computers, wiring, peripheral and components (e.g. trouble shooting equipment and/or software failures, upgrading software/hardware, etc.) for the purpose of ensuring computer systems are operating effectively and/or diagnosing software/hardware problems.
Monitors assigned activities and/or processes for the purpose of coordinating activities and ensuring compliance with established financial, legal and/or administrative requirements.
Performs minor repairs for the purpose of ensuring availability of computer hardware/software systems.
Prepares written materials for the purpose of documenting activities, providing written reference and/or conveying information.
Processes documents and materials for the purpose of disseminating information to appropriate parties.
Researches a variety of information for the purpose of providing information and/or recommendations for resolution.
Responds to inquiries from a variety of internal and external parties (e.g. faculty, administrators, students, etc.) for the purpose of providing information, facilitating communication among parties and/or providing direction.
Sets-up and maintains student labs (e.g. installing software and/or hardware, deleting student files and/or software, etc.) for the purpose of supporting assigned instructors.

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 technical tasks with an occasional need to upgrade skills due to changing job conditions. Specific skills required to satisfactorily perform the functions of the job include: adhering to safety practices; operating equipment used the computer lab; preparing and maintaining accurate records; and operating standard office equipment including pertinent software applications. Use of new or additional equipment brought about by new technology shall be incorporated consistent with the level of responsibility and complexity of this job.

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Responsibility:
Responsibilities include: working under limited supervision; leading, guiding and/or coordinating other persons; and operating within a defined budget and/or financial guidelines. Utilization of resources from other work units may be required to perform the job's functions. There is a continual opportunity to 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, fingering and/or feeling. Generally the job requires 55% sitting, 35% walking and 10% standing. The job is performed under minimal temperature variations, some hazardous conditions (e.g. mechanical, cuts, burns, infectious disease, high decibel noise, etc.), and in varying atmospheric conditions.

Minimum Qualifications: (Position Requirements)
(Education & Experience)
1.) An Associate's and/or Vocational School Degree with study in job related area and job related experience; or
2.) Any combination equivalent to two years' college-level computer science or computer technology courses; or
3.) Any combination of education and training equivalent to two years' college-level coursework from an accredited institution in a related field and two years' responsible experience working in a computer lab setting. Additional years of job related experience may be considered in lieu of the education required on a year-for-year basis.

Desirable Qualifications:

Certificates & Licenses:

Clearances:  Criminal Justice/Fingerprint
            TB Clearance

FLSA Status:  Non-exempt

Date:  Bargaining Unit:  CSEA

Salary Range:  110
To: Board of Trustees  
From: Superintendent/President  
Subject: Classified Management Personnel Recommendation  
Reason for Board Consideration:  

<table>
<thead>
<tr>
<th>CONSENT APPROVAL</th>
<th>Enclosure(s): Recommendations</th>
</tr>
</thead>
</table>

**BACKGROUND:**

The following actions are included in the Classified Management Personnel Recommendations:

1. Appointment of Interim Classified Management Personnel

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

D. Flowers is on the non-instructional side of the 50% law.

**RECOMMENDATION:**

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

Administrator Initiating Item: Kristina Combs, Executive Director of Human Resources and Labor Relations
## A. APPOINTMENT OF CLASSIFIED MANAGEMENT PERSONNEL

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Name</th>
<th>Title/Discipline</th>
<th>FTE</th>
<th>MPY</th>
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<td>Interim Director of Maintenance and Operations</td>
<td>1.0</td>
<td>12</td>
<td>02/11/2013 – 06/30/2013</td>
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### BACKGROUND INFORMATION:

1. Mr. Flowers has been appointed Interim Director of Maintenance and Operations effective February 11, 2013 through June 30, 2013 due to the retirement of Robert Thompson.
The Superintendent/President recommends that the Board of Trustees approve the Academic Personnel Recommendations.

**ADMINISTRATOR INITIATING ITEM:** Katrina Coombs, Executive Director of Human Resources and Labor Relations
1. CHANGE IN SABBATICAL LEAVE

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Name</th>
<th>Title/Discipline</th>
<th>FTE</th>
<th>Appt. Type</th>
<th>Effective Date</th>
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<tbody>
<tr>
<td>1.</td>
<td>Wagner, Katherine</td>
<td>Instructor, Fine &amp; Visual Arts</td>
<td>1.0</td>
<td>Permanent</td>
<td>7/1/13</td>
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BACKGROUND INFORMATION:

1. Katherine Wagner has requested to rescind her Sabbatical Leaves for Fall 2013 and Fall 2014.
### PHASED-IN - EARLY RETIREMENT OF ACADEMIC 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>
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<td>1.</td>
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<td>Instructor, Fine &amp; Visual Arts</td>
<td>67%</td>
<td>Permanent</td>
<td>7/1/13</td>
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**BACKGROUND INFORMATION:**

1. Ms. Katherine Wagner has requested a reduced workload for Phased-In Early Retirement beginning Fall Semester 2013.
To: Board of Trustees | Date: April 16, 2013
---|---
Subject: Educational Management Personnel Appointments

Reason for Board Consideration:
CONSENT APPROVAL

Enclosure(s):
Recommendations

BACKGROUND:

1. Appointment of Educational /Management Personnel
2. Resignation 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 Appointments.

Administrator Initiating Item: Kristina Combs, Executive Director of Human Resources and Labor Relations
1. **APPOINTMENT OF EDUCATIONAL MANAGEMENT PERSONNEL**

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Name</th>
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<th>Appt. Type</th>
<th>Effective Date</th>
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</thead>
<tbody>
<tr>
<td>1.</td>
<td>Gesulga, Terry</td>
<td>Interim Dean of Health Sciences and Child Development</td>
<td>1.0</td>
<td>Educational Administrator</td>
<td>3/14/13-6/30/13</td>
</tr>
</tbody>
</table>

**BACKGROUND INFORMATION:**

1. Terry Gesulga has been appointed to the position of Interim Dean of Health Sciences and Child Development effective 3/14/13-6/30/13.
### 2. RESIGNATION OF EDUCATIONAL MANAGEMENT PERSONNEL

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Name</th>
<th>Title/Discipline</th>
<th>FTE</th>
<th>Appt. Type</th>
<th>Effective Date</th>
</tr>
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<tbody>
<tr>
<td>1.</td>
<td>Thompson, Robert</td>
<td>Director of Maintenance and Operations.</td>
<td>1.0</td>
<td>Resignation</td>
<td>C.O.B. April 30, 2013</td>
</tr>
</tbody>
</table>

**BACKGROUND INFORMATION:**

1. Robert Thompson has resigned from his position as Director of Maintenance and Operations effective C.O.B. April 30 2013 for retirement purposes.
BOARD AGENDA ITEM

To: Board of Trustees  Date:  April 16, 2013
From: Superintendent/President  Item & File No.  8.G.
Subject: Budget Transfers for Month of March 2013

Reason for Board Consideration:  Enclosure(s):

BACKGROUND:

The accompanying information includes sixty-two budget transfers in March 2013 totaling $193,338 in the Unrestricted Fund.

There were thirty-three budget transfers in March 2013 totaling $156,623 in the Restricted Fund.

There were two budget transfers in the Child Development Fund totaling $240.

There were eight budget transfers from Measure C Funds totaling $428,405 including five from Measure C Contingency Reserves in March 2013 for $210,170 including $105,500 for the Austin Science Relocation Project, $1,100 for the New Fine Arts Project and $103,570 for the Performing Arts Modernization.

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>40,900</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>2000 (Classified Salary)</td>
<td>(17,313)</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>3000 (Employee Benefits)</td>
<td>(14,068)</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>4000 (Supplies)</td>
<td>10,670</td>
<td>(240)</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>5000 (Other Operating Exp.)*</td>
<td>42,837</td>
<td>240</td>
<td>218,235</td>
<td>-</td>
</tr>
<tr>
<td>6000 (Capital Outlay)</td>
<td>(63,026)</td>
<td>-</td>
<td>(8,065)</td>
<td>-</td>
</tr>
<tr>
<td>7000 (Other Outgo)**</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>(210,170)</td>
</tr>
</tbody>
</table>

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

**Includes contingency reserves, financial aid awards, and inter-fund transfers.

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve the March 2013 Budget Transfers.

A. J. Harrison II, Vice President, College Operations
### Total General Fund

<table>
<thead>
<tr>
<th></th>
<th>10000</th>
<th>20000</th>
<th>30000</th>
<th>40000</th>
<th>50000</th>
<th>60000</th>
<th>70000</th>
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</tbody>
</table>

#### Budget Transfers

**Unrestricted**

<p>| | | | | | | | | |</p>
<table>
<thead>
<tr>
<th></th>
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</tbody>
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**Restricted**

<p>| | | | | | | | | |</p>
<table>
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<tr>
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<td></td>
</tr>
</tbody>
</table>

**TOTAL GENERAL FUND**

- $40,900.00
- (17,312.63)
- (14,068.27)
- 10,669.75
- 42,837.38
- (83,026.23)
## Child Care Fund

<table>
<thead>
<tr>
<th>BT #</th>
<th>1</th>
<th>2</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td>10000</td>
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<td>(40.00)</td>
<td>40.00</td>
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<tr>
<td>20000</td>
<td>12847</td>
<td>(200.00)</td>
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</tr>
<tr>
<td>30000</td>
<td>12812</td>
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</table>

**TOTAL CHILD CARE FUND**

<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>12829</td>
<td>(40.00)</td>
<td>40.00</td>
<td>0.00</td>
<td>40.00</td>
<td>Austin Science Roof Repairs</td>
<td></td>
<td></td>
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<tr>
<td>2</td>
<td>12847</td>
<td>(200.00)</td>
<td>200.00</td>
<td>0.00</td>
<td>200.00</td>
<td>Performing Arts Moderization</td>
<td></td>
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<tr>
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<td>12812</td>
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<td>0.00</td>
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## Measure C

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<td>3</td>
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</table>

**TOTAL MEASURE C FUND**

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<thead>
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<td>1</td>
<td>12943</td>
<td>56,500.00</td>
<td>(56,500.00)</td>
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<td>56,500.00</td>
<td>Austin Science Roof Repairs</td>
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<td>2</td>
<td>12952</td>
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<td>(2,650.00)</td>
<td>0.00</td>
<td>2,650.00</td>
<td>Performing Arts Moderization</td>
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<tr>
<td>3</td>
<td>12955</td>
<td>107,792.26</td>
<td>(107,792.26)</td>
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<td>107,792.26</td>
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<td>(49,000.00)</td>
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<td>Austin Science Roof Repairs</td>
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<td>(90,000.00)</td>
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<td>90,000.00</td>
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<td>13,570.00</td>
<td>(13,570.00)</td>
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<td>Performing Arts Moderization</td>
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<tr>
<td>7</td>
<td>12960</td>
<td>107,792.26</td>
<td>(107,792.26)</td>
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<td>107,792.26</td>
<td>Information Technology</td>
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**TOTAL ALL FUND**

<table>
<thead>
<tr>
<th></th>
<th>$</th>
<th>$</th>
<th>$</th>
<th>$</th>
<th>$</th>
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<tbody>
<tr>
<td>1</td>
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<td>(56,500.00)</td>
<td>0.00</td>
<td>56,500.00</td>
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<tr>
<td>2</td>
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<td>2,650.00</td>
<td>(2,650.00)</td>
<td>0.00</td>
<td>2,650.00</td>
<td>Performing Arts Moderization</td>
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<td>3</td>
<td>12955</td>
<td>107,792.26</td>
<td>(107,792.26)</td>
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<td>107,792.26</td>
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<td>(49,000.00)</td>
<td>0.00</td>
<td>49,000.00</td>
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<td>(90,000.00)</td>
<td>0.00</td>
<td>90,000.00</td>
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<td>(13,570.00)</td>
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<td>13,570.00</td>
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<td>12960</td>
<td>107,792.26</td>
<td>(107,792.26)</td>
<td>0.00</td>
<td>107,792.26</td>
<td>Information Technology</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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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<td></td>
</tr>
</tbody>
</table>

Total Measure C Building transfers were funds remained within same account code.
BOARD AGENDA ITEM

To: Board of Trustees          Date: April 16, 2013
From: Superintendent/President Item & File No. 8.H.
Subject: Warrant Approval for Month of March 2013
Reason for Board Consideration: Enclosure(s):

CONSENT APPROVAL

Warrant Listing

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 03/01/2013 through 03/31/2013, warrants 158116 -158673 were issued in the total amount of $2,777,686.

Payroll warrants 10016658-10017044 and payroll automated clearing house warrants 50022145-50022707 totaled $2,001,999 for the month of March.

Total amount of warrants for the month of March were $4,779,685.

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve the payments for goods and services.

Administrator Initiating Item

A. J. Harrison II, Vice President, College Operations
DATE: April 16, 2013

TO: Members of the Board of Trustees

SUBJECT: Payment for Goods and/or Services ratified

Per Board Bylaw 1.5310, Section i-7, it is recommended that warrants 158116-158673 in the amount of $2,777,686 for the period 03/01/2013 through 03/31/2013 be approved for payment. For the period 03/01/2013 through 03/31/2013, payroll warrants 10016658-10017044 were issued and payroll clearing house warrants 50022145-50022707 for a combined payroll total of $2,001,999. 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 March 2013 were $4,779,685.

President or Designee

Payment for Goods and Services Summary
General Fund – All Programs
March 2013

Warrant totals distributed by fund and expense category as follows:

### General Fund Breakdown:

<table>
<thead>
<tr>
<th>Unrestricted Fund</th>
<th>Amounts</th>
<th>Restricted Fund</th>
<th>Amounts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supplies</td>
<td>$63,576</td>
<td>Supplies</td>
<td>$10,775</td>
</tr>
<tr>
<td>Operating Expenses</td>
<td>272,555</td>
<td>Operating Expenses</td>
<td>69,790</td>
</tr>
<tr>
<td>Capital Expenditures</td>
<td>24,948</td>
<td>Capital Expenditures</td>
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<tr>
<td>Student Refunds</td>
<td>15,033</td>
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<tr>
<td><strong>Totals</strong></td>
<td><strong>$376,112</strong></td>
<td><strong>$82,546</strong></td>
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</tbody>
</table>

### Totals of all Funds:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unrestricted Fund</td>
<td>$376,112</td>
</tr>
<tr>
<td>Restricted Fund</td>
<td>82,546</td>
</tr>
<tr>
<td>Total General Fund</td>
<td>$458,658</td>
</tr>
</tbody>
</table>

- Child Development Fund $3,100
- Investment Trust Fund $2,449
- Self Insurance Fund $44,837
- Measure C Bond Fund $1,120,516

Subtotal Other Funds $1,170,902

Payroll and Benefits $3,150,125

Total Payments $4,321,027
BOARD AGENDA ITEM

To: Board of Trustees       Date: April 16, 2013
From: Superintendent/President Item & File No. 8.1.
Subject: Declaration of Surplus Property – Miscellaneous Equipment
Reason for Board Consideration: Enclosure(s):
Consent Approval List of Equipment

BACKGROUND:

In accordance with Board Policy, the District will submit to the Board a list of equipment to declare surplus. The items listed on the attachment(s) have been determined to have no further value to the District. Some of the items have been replaced and are no longer used. Some items are simply old and repair and/or maintenance is not cost effective. Items that have no value will be disposed of. The District may be able to sell some of the equipment. No one item or item lot is valued at $5,000 or more.

In accordance with Board Policy and Education Code Section 81452(a), a unanimous vote is required declaring the value of any one item or item lot to be less than $5,000. Upon a unanimous vote, the items may then be disposed of pursuant to the provisions of Education Code Section 81452(c).

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees declare the items described on the attached surplus and that no single item or item lot is valued at $5,000 or more and further authorize the District to dispose of the equipment, pursuant to Education Code Section 81452(c), as the District feels is appropriate.

Administrator Initiating Item
A. J. Harrison II, Vice President of College Operations
<table>
<thead>
<tr>
<th>Campus</th>
<th>Dept</th>
<th>Quant</th>
<th>Detailed Description</th>
<th>Inventory #</th>
<th>Age</th>
<th>Condition</th>
<th>Recommendation</th>
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</thead>
<tbody>
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<td>Collapsible metal gurney stretcher</td>
<td>n/a</td>
<td>unknown</td>
<td>good</td>
<td>Dispose</td>
</tr>
</tbody>
</table>
BACKGROUND:
New courses are developed by faculty in the Community Education area. Courses are reviewed and approved according to Board Policy and Administrative Procedure 4020 titled Program and Curriculum Development and 4400 titled Community Service Courses.

The Community Education Program will offer the following new Community Services courses for the first time during Summer Quarter 2013. These fee-based courses are recommended by the appropriate Community Education faculty and staff as well as the Vice President of Student Learning, and are “designed to meet the educational, social, economic, cultural, and recreational needs” of Marin County residents, as specified in Board policy. The proposed new courses are listed below, along with brief descriptions.

Basics of Banking
Is this your first time handling money? Are you ready to become financially independent? Do you want to save money? This course teaches the basics of handling money, understanding how banks process transactions, and ways to avoid paying bank fees and hidden fees. You will learn how to balance your bank statement, how to write checks and verify the accuracy of bank statements. You will become knowledgeable about bank products and how to create positive relationships with financial institutions.
One-day course; 4hrs.

Build and Rebuild Your Credit
Do you want to rebuild your credit and reputation? Are you ready to make big purchases but do not have enough credit? This course teaches the basics of handling your credit score and credit report and how to correct your credit scores with the three major credit bureaus. You will discover ways to build your credit, ways to save money, and ways to cut unnecessary expenses. You will become more confident with your money and create positive relationships with financial institutions.
One-day course; 4hrs.

Cinema & Psyche: Tales of the Elder
“White hair does not make an elder,” goes the old African proverb. What makes an elder? What initiates us into the authentic vocation of eldership? What value does eldership bring to the final stage of our becoming? What gifts does the elder offer? This film series will elucidate ways of thinking, feeling, imagining, and acting that differentiate becoming an elder from simply being older. Using cinema as a medium for inspiration and reflection, we’ll view and discuss six outstanding films rooted in essential themes of eldership. Drawing from archetypal and developmental psychology, myth, and cross-cultural wisdom, we’ll explore themes of initiation, generativity, and integrity; pilgrimage rites; breakdowns and breakthroughs; willing sacrifice; and more.
Total 21 hrs; 3hrs/wk for 7 weeks.
Finding Your Life Work at Any Age
Discovering your right livelihood can be a fun and exciting journey. In this experiential class, we present the latest research on career satisfaction and guide you through a multi-step process of personal exploration, group discussion, and practical planning. You will conduct a three-generation history of work within your family, learn your preferred styles of thinking and problem-solving, identify the types of tasks you most enjoy, and understand how your current stage of adult development can be harnessed to find work that is rewarding, profitable, and inspired. You will leave with a detailed plan for securing the paid or volunteer position best suited to your unique gifts. When you find your life work, your life works.
Total 14hrs, 2hrs a week on for 7 weeks.

Introduction to Mindfulness-Based Stress Reduction
Mindfulness is a way to live in harmony, responding with choice rather than reacting to life. Mindfulness is the guiding light that dwells within us. Mindfulness-Based Stress Reduction utilizes natural and proven methods for increasing awareness to relieve stress and manage pain more effectively. Research over the last twenty years with thousands of participants shows that the majority of the participants report Mindfulness-Based Stress Reduction, a program accredited by the Center for Mindfulness at the University of Massachusetts School of Medicine, as a valuable tool for improved overall quality of life, and for the support of self-healing. In this class, we explore stress and the role of mindfulness, awareness of the breath, meditation techniques, gentle movement, and mindfulness applied in daily life.
Total 6hrs; 3hrs/wk for 2 weeks.

The Life and Art of Isadora Duncan
Legendary dancer Isadora Duncan defied the traditions of dance and of society, and her influence is still felt today. Born in 1877 in San Francisco, she was influenced by the natural beauty of California, ancient Greek art, and classical music. Considered “the mother of modern dance,” and a powerful symbol of women’s emancipation and supporter of human rights, Isadora created a revolution in dance and art, using the natural body to express the deepest human emotions. This culturally enriching and entertaining session presents an interpretation of the original choreography of Isadora Duncan’s legacy, presenting a variety of dances using music by Brahms, Tchaikovsky, Schubert and Chopin. A brief narrative of Isadora’s life and many contributions is included. The program concludes with a question-and-answer session and an informal exhibit of art and books on Isadora.
One-day lecture/demonstration, 2 hrs.

Traditional Jewelry Making, Storytelling, Tule Crafts and Cultural Wisdom
Explore the Coast Miwok culture with engaging storytellers and artisans as they introduce Miwok cultural arts with hands-on instruction. You’ll be making shell beads, abalone necklaces and tule crafts, as well as building a mini tule boat. You’ll learn Coast Miwok games, creation stories and a "Happy" song using clapper sticks. The class begins with a tour of Kule Loklo, the Miwok Village, and includes some time in the Round House to connect with the Spirit of the land.
One-day course, 7 hrs.

Traditional Acorn Preparation
For thousands of years California Indians relied on the noble acorn as a mainstay of nutritional sustenance. This course provides participants with an opportunity to experience acorn preparation with traditional tools, methods and accompanying environmental wisdom. From pounding the nuts into fine flour, to leaching, to cooking and then enjoying the acorn mush, folks will have a chance to immerse themselves in the lifeway that successfully sustained Native communities for all those years. Each student will take home a fire starting kit and a small bag of unleached acorn flour to practice the leaching at home.
Total 10 hrs over 1 weekend. Class held at Kule Loklo in Point Reyes National Seashore.
**Musical Snapshots: American Masters**
This class explores the life and music of four of America’s greatest and most influential composers: Leonard Bernstein, Aaron Copland, George Gershwin and Duke Ellington. Join us as we watch, listen and learn about Bernstein’s On The Town, Candide and West Side Story; Copland’s Billy The Kid, Appalachian Spring and Rodeo; and Gershwin’s Rhapsody in Blue, An American in Paris, Porgy and Bess and selected Broadway shows. And from a ragtime piano player in Washington, D.C. to a White House performance, Ellington maintained his passion for finding the "right sound," as is evidenced in Mood Indigo, as well as the Black and Tan Fantasy, plus his ballet "The River." Includes live, recorded music and video.
*Total 4hrs; 2hrs/wk for 2 weeks.*

**Musical Snapshots: The Big Band Era Swings Into the Fabulous Fifties**
Ellington, Basie, Goodman, Miller and Dorsey, all part of The Big Band Era (1935-1946), brought about the “jitterbug” craze and made Swing big business. This class delves into the evolution of swing style, comparing the styles of these leaders with live and recorded music, and explores blues style as well. From zoot suits and saddle shoes to sock hops, malt shops and big tail fins, we discover how the swing era climaxed, kept swinging, but with the help of television developed into a multi-layered pop cultural style. Includes live, recorded music and video.
*Total 4hrs; 2hrs/wk for 2 weeks.*

**Natural History of Alaska**
A two-week field investigation of the Kenai Peninsula, interior and far north of Alaska. The area is biologically significant for its great abundance and diversity of mammal and bird life. We explore various ecosystems from coastal forests to arctic tundra. We discuss all aspects of science in Alaska, including, but not limited to, biology, geology, weather, sky phenomena, and ecology. The trip begins in Anchorage and includes explorations of Kenai Fjords National Park, Denali National Park, the Brooks Range, the Alaskan tundra, the Alaskan National Wildlife Refuge, and the Yukon River.
This field trip has been offered at the College for credit by the Life and Earth Sciences department for over 15 years; this is the inaugural offering of the course through Community Education.
*Two-week field trip plus one pre-trip meeting.*

**Pacific War History**
Featuring lectures, films, discussion and invited speakers on the Pacific War, 1931-1945, this course is a general introduction to perhaps the most significant world history period of the twentieth century. Because the Pacific War history is largely unknown in the US, and because the impact of the Pacific War has had and continues to have profound impact today, this course is a vital element of general knowledge for educated citizens.
*Total 8hrs; 2 hrs/wk for 4 weeks.*

**Present Day Cuba and How to Travel There Legally**
This course begins with a review of the past 50 years of Cuba’s history, including Cuba’s current social structure, the Cuban Revolution that began in 1960, the Bay of Pigs and Missile Crisis, and other controversial landmarks. Cuba currently functions under a combination of communist, socialist, and capitalist principles; we examine current relaxations in the government’s policies, allowing for home businesses. Cuba has excelled in the performing and visual arts, as well as in medicine—we discuss how the government has helped Cuba achieve a few great things. Finally, we examine opportunities to legally travel in Cuba.
*One-day course, 3 hrs.*
RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve the new Community Services courses identified in this board item.

Administrator Initiating Item:

Nanda Schorske, Executive Dean of Indian Valley Campus & Workforce and Economic Development
BACKGROUND:
The Community Education Program will offer the following new Community Services program for the first time during Summer Quarter 2013. This program has been developed in conjunction with other community-centered agencies as well as Community Education and credit faculty and other college departments, including the Athletic Department, as appropriate.

This fee-based program is recommended by the appropriate Community Education faculty and staff as well as the Executive Dean of Indian Valley Campus & Workforce and Economic Development, and is “designed to meet the educational, social, economic, cultural, and recreational needs” of Marin County residents, as specified in Board policy 4020 titled Program and Curriculum Development. The proposed new program follows, along with brief description.

Community Education/Marin Chinese Cultural Association Collaborative Programs

College of Marin’s Community Education has joined forces with Marin Chinese Cultural Association to offer a series of community education courses to promote Chinese heritage and cross cultural understanding this summer, including 1) the Marin Mandarin Summer Camp; 2) From Dynasty to Democracy: How Chinatown Changed America and the World; and 3) Elementary Chinese Brush Painting. The collaborative effort helps maximize publicity, expertise, and resources among community-centered agencies and assure coordination of quality services to our community members.

The Marin Mandarin Summer Camp
The Marin Mandarin Summer Camp provides a healthy, active, and fun environment for learning the Mandarin Chinese language. Instead of learning via rote memorization and tedious drills, students in this camp learn beginning conversational Mandarin Chinese through activities they enjoy: while having fun building bridges, pretending to be different animals, cooking creative recipes, playing sports, acting in skits, making crafts, and participating in Chinese cultural activities. This one-week camp offers beginning conversational Mandarin for new learners, as well as for kids who have studied Mandarin for a year or two.
Total 32.5hrs; 6.5hrs/day for 5 days. Four consecutive weeklong camps offered July 15-Aug 9.

From Dynasty to Democracy: How Chinatown Changed America and the World Chinatown Tour and Dim Sum Tasting
This dynamic, informative course explores 2000 years of Chinese and Chinese American history, culminating in Chinatown’s struggle for civil rights and cultural dignity. San Francisco’s Chinatown was established in the very first few years of California’s statehood, and has experienced tremendous discrimination and opportunity. Within this complex journey, we look through the lens of Chinatown’s story to gain a deeper understanding of changing notions of ethnicity, national identity, and human rights, and the role they played in the evolution of American democracy.
Total 6hrs; 3-hour lecture/discussion (Day 1), followed by 3-hour guided field trip/walk through San Francisco’s Chinatown, including a visit to the Chinese Cultural Foundation.

Elementary Chinese Brush Painting
Students learn to use a Chinese brush and ink to paint different animals, flowers, leaves, and bamboo. Students create their own painting after the first class, and improve their painting skills and creativity throughout the session.
Total 10.5 hrs; 1.5hrs/wk for 7 weeks.
RECOMMENDATION:
The Superintendent/President recommends that the Board of Trustees approve the new Community Service Programs identified in this board item.

Administrator Initiating Item:

Nanda Schorske, Executive Dean of Indian Valley Campus & Workforce and Economic Development
BOARD AGENDA ITEM

To: Board of Trustees  Date: April 16, 2013
From: Superintendent/President  Item & File No.  8.L.
Subject: SABBATICAL LEAVE REVISION

Reason for Board Consideration: Consent Approval
Enclosure(s): Sabbatical Committee E-Mail

BACKGROUND:
At its January 16, 2013 Board Meeting, the Board approved a sabbatical leave proposal for John Marmysz for a one year sabbatical (Fall 2013 and Spring 2014) for travel and research in Scotland, UK. Mr. Marmysz is requesting that his sabbatical leave be shortened to one semester, or Spring 2014 only.

Enclosed is an e-mail, dated March 11, 2013, from Patricia O’Keefe, Sabbatical Committee Chair, stating that the Committee has reviewed and approved Mr. Marmysz’s request for a shortened sabbatical leave.

RECOMMENDATION:
The Superintendent/President recommends that the Board of Trustees approve the revised sabbatical leave request.

Administrator Initiating Item  Cari Torres, Interim Dean of Instruction
To:          Board of Trustees                    Date:  April 16, 2013
From:        Superintendent/President                   Item & File No.  8.M.

Subject:     Second Reading and Approval of Revised Board Policies

Reason for Board Consideration:
Consent Approval

Enclosure(s):
Proposed revised policies

BACKGROUND:

At the March 19, 2013 Board of Trustees meetings, recommended proposal to revise Board Policy in Chapter 5 Student Services 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 5030 Fees

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve adoption of Board Policy 5030.

Administrator Initiating Item   David Wain Coon, Ed.D., Superintendent/President
BP 5030 FEES

References:
Education Code Sections 76141, 76142, and 76300 et seq.

The Board of Trustees authorizes the following fees. The Superintendent/President shall establish procedures for the collection, deposit, waiver, refund, and accounting for fees as required by law. The procedures shall also assure those who are exempt from or for whom the fee is waived are properly enrolled and accounted for. Fee amounts shall be published in the catalog and schedules of classes.

The Board of Trustees authorizes the deferral of payment of certain fees.

**Community Service Fee** (Education Code Section 78300): The District shall charge each student enrolled in community service classes a fee not to exceed the cost of maintaining community service classes.

**Credit by Examination Fee** (Title 5 Section 55753): The District shall charge a reasonable fee for credit by examination which shall be the per unit enrollment fee established by Education Code Section 76300.

**Enrollment Fee** (Education Code Section 76300): Each student shall be charged a fee for enrolling in credit courses as required by law. Special part-time students who are concurrently enrolled in grade 12 or lower as described in Education Code Sections 76001 and 48800 et seq. are exempt from paying enrollment fees.

**Fee Refunds** (Title 5 Section 58509; Education Code Section 66700): The refunding of various fees shall be in accordance with the law and AP 5030 titled Fees.

**General Education Diploma (GED) Administrative Testing/Retesting Fee**: The District shall charge a GED Testing/Retesting Fee not to exceed the cost of administering the GED Exam.

**Health Fee** (Education Code Section 76355): All students shall be charged the health fee equally, including full and part-time students, provided for in law and as approved by the Board of Trustees. Students who depend exclusively upon prayer for healing in accordance with the teachings of bona fide religious sect shall be considered for an exemption of this fee.

**International Student Application Processing Fee** (Education Code Section 76142): The District shall charge students who are both citizens and residents of a foreign country a fee to process their application for admissions.

**International Students/Resident Capital Outlay Fee** (Education Code Section 76141): The District may charge non-resident students who are both citizens and residents of a foreign country a capital outlay fee. The amount of the fee may not exceed the amount that was expended for capital outlay in the preceding fiscal year divided by the actual full-time equivalent students in the preceding fiscal year. Additionally, the fee cannot be more than 50 percent of the non-resident tuition fee.
Instructional Materials Fee (Education Code Section 76365; Title 5 Sections 59400 et seq.): Students may be required to pay a fee for instructional and other materials for a credit or non-credit course, provided such materials are of continuing value to the student outside the classroom and provided that such materials are not solely or exclusively available from the District.

Parking Fee (Education Code Section 76360): Each student purchasing a parking permit shall be charged a Board approved fee. At the Board’s discretion, parking fees for non-students parking on District property may be assessed.

Physical Education Facilities (Education Code Section 76395): Where the District incurs additional expenses because a physical education course requires the use of non-District facilities, students enrolled in the course shall be charged a fee for participating in the course. Such fee shall not exceed the student’s calculated share of the additional expenses incurred by the District.

Refund Processing Fee (Title 5 Section 58508): The District shall retain the maximum amount as prescribed in Title 5 Section 58508 for the processing of refunds.

Returned Check and/or Declined Credit Card Fee: The District shall charge a fee not to exceed the cost for processing and administering a returned check and/or declined Visa or Master Card.

Student Representation Fee (Education Code Section 76060.5): Students may be charged a fee per semester to be used to provide support for student government affairs representation. Students may refuse to pay the fee for religious, political, financial, or moral reasons and shall submit such refusals in writing to the Director of Student Affairs.

Student Activities Fee (California Community College Chancellor’s Office (CCCCO) Student Fee Handbook) Students may pay an optional student activities fee to support campus clubs, organizations, and intercollegiate athletics and to sponsor educational and social events for the campus community,

Transcript Fee/Verification of Enrollment (Education Code Section 76223): The District shall charge a reasonable amount for furnishing copies of any student record to a student or former student. The Superintendent/President is authorized to establish a fee, which shall not exceed the actual cost of furnishing copies of any student record. No charge shall be made for furnishing up to two transcripts of student records or for two verifications of various records. There shall be no charge for searching for or retrieving any student record.

Also see BP 5020 titled Non-resident Tuition and BP 4400 titled Community Service Programs

Date Adopted: April 20, 2010
(Replaces College of Marin Policies 6.0011, 3.0041, and 3.0045)

Date Revised: November 16, 2010

Note: Highlighted gray text recommended for deletion by President Coon 9/25/12. This revision would allow the District to charge concurrently enrolled high school students the regular per unit enrollment fee as allowed by law. Approved by Academic Senate 1/31/13.
**BACKGROUND:**

New contracts, amendments and change orders to Measure C bond modernization program contracts are listed below for Board approval or ratification. Full copies of the contract documents are available for review in the Jacobs office.

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*Note:* *Aanensen Wildcat Engineering Inc. contract (KTD Utilites Project – Phase 1 (305A) slated for February 19, 2013 Board Meeting. Contract Pre-Approval from October 16, 2012 Board Meeting.*

**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.
# BOARD AGENDA ITEM

<table>
<thead>
<tr>
<th>To:</th>
<th>Board of Trustees</th>
<th>Date:</th>
<th>April 16, 2013</th>
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<tbody>
<tr>
<td>From:</td>
<td>Superintendent/President</td>
<td>Item &amp; File No.</td>
<td>9.A.</td>
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<tr>
<td>Subject:</td>
<td>Authorization of Temporary Transfer of Funds from County of Marin for 2013/2014 Fiscal Year</td>
<td>Reason for Board Consideration:</td>
<td>APPROVAL</td>
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## BACKGROUND:

To ensure the District has sufficient resources necessary to continue operations until receipt of the first property tax installment anticipated by mid December 2013, the District intends to borrow cash as needed from the County of Marin as authorized by Article XVI, Section 6, of the Constitution of the State of California.

Staff calculates that no more than $14,000,000 will be required to meet the financial needs of the District. The funds would be repaid to the County upon receipt of the first property tax installment in December 2013.

## RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve the attached Resolution authorizing district staff to proceed with the application process for a temporary transfer of up to $14,000,000 of funds from the County Treasurer’s Office to meet the working capital needs of the College.

Administrator Initiating Item  
A. J. Harrison II, Vice President, College Operations
MARIN COMMUNITY COLLEGE DISTRICT
RESOLUTION AUTHORIZING TEMPORARY TRANSFER OF FUNDS

Resolution #  2013-10

WHEREAS, Article XVI, Section 6, of the Constitution of the State of California provides that it shall be the duty of the Treasurer of any county to make such temporary transfer from funds in his custody as may be necessary to provide funds for meeting the obligations incurred for maintenance purposes by any political subdivision whose funds are in his custody and are paid out solely through his office; and

WHEREAS, it is necessary that the sum of $14,000,000 (Fourteen Million Dollars) be transferred from funds in the custody of the Treasurer of the County of Marin to the Marin Community College District for meeting working capital needs by said entity through mid December 2013.

NOW, THEREFORE, BE IT RESOLVED, ORDERED AND DECLARED that the Treasurer of the County of Marin be and is hereby authorized and directed to transfer from the funds in his custody to the Marin Community College District, the sum of up to and not to exceed $14,000,000 (Fourteen Million Dollars) to be used for meeting the working capital needs of Marin Community College District through as needed from July 1, 2013 through April 30, 2014. Said sum does not exceed eighty-five percent (85%) of anticipated revenues accruing to said entity and shall be replaced from the revenues accruing to said entity before any other obligations are met from said revenues.

ADOPTED this 16th day of April 2013.

AYES:

NOES:

ABSTAIN:

ABSENT:

STATE OF CALIFORNIA )
 )
COUNTY OF MARIN )

I, David Wain Coon, Ed.D. and Superintendent/President 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.

________________________________________
Secretary to the Board of Trustees
BACKGROUND:

The District solicited 19 Requests for Proposals (RFPs) to conduct Audit Services for the College beginning with the 2012/13 fiscal year for the District, the College of Marin Foundation and the bi-annual audits for the Measure C Bond Program funds for a five-year period ending with the 2016/17 fiscal year. Proposals were due on March 1, 2013.

The District received five proposals from the following firms which were reviewed and evaluated by the Fiscal Services office, using the following criteria: size of firm, experience, staffing on engagement, California community college clientele, cost and references.

- CliftonLarsonAllen LLP
- Crowe Horwath LLP
- Gilbert Associates, Inc.
- Matsom & Isom
- Vavrinek, Trine, Day & Co., LLP

The costs ranged from $76,000 to $86,800 on the low end, and from $84,500 to $95,000 on the high end.

Upon review of the information provided and an excellent reference check, staff recommends continuing to use the services of Crowe Horwath LLP for the District’s required audits.

Crowe Horwath LLP (previously Perry Smith LLP) has performed audit services for the College since 2003/04, has several other California community college clients and vast experience with agreed upon procedures, Prop 39 bond performance audits, and foundation audits. Proposed costs for the next five years to complete audits for the District, the COM Foundation and Measure C Bond including out of pocket expenses are as follows:

- 2012/13: $76,000
- 2013/14: $76,000
- 2014/15: $78,700
- 2015/16: $81,500
- 2016/17: $84,300
RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees authorize staff to enter into a five-year agreement for auditing services with the firm of Crowe Horwath LLP beginning with the 2012/13 audit.

Administrator Initiating Item

A. J. Harrison II, Vice President, College Operations
To: Board of Trustees  
From: Superintendent/President

Subject: California Schools Employees Association, Chapter 196 (CSEA) revised Salary Schedule dated March 21, 2013.

Reason for Board Consideration: APPROVAL

Enclosure(s): CSEA - Salary Schedule

BACKGROUND:

At the March 19, 2013, Board of Trustees meeting, the board approved the squared CSEA Salary schedule at 2.5% between range formats effective February 1, 2013.

Attached is an updated salary schedule which includes the Instructional Technologist – Distance Education classification that was inadvertantly left off.

Attached for approval is the revised CSEA Salary Schedule dated March 21, 2013.

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve the revised Salary Schedule.

Administrator Initiating Item: Kristina Combs, Executive Director of Human Resources and Labor Relations
<table>
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<tr>
<th>TITLE</th>
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<td>$21.83</td>
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<td>$25.27</td>
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</tbody>
</table>

Longevity increments are computed at the step and salary range to which an employee is assigned as follows:

<table>
<thead>
<tr>
<th>Service Years</th>
<th>% of Current Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>4.50%</td>
</tr>
<tr>
<td>10</td>
<td>5.00%</td>
</tr>
<tr>
<td>13</td>
<td>12.50%</td>
</tr>
<tr>
<td>16</td>
<td>17.50%</td>
</tr>
<tr>
<td>20</td>
<td>19.50%</td>
</tr>
</tbody>
</table>
## Salary Schedule (CSEA)

### Longevity Increments

Longevity increments are computed at the step and salary range to which an employee is assigned as follows:

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<thead>
<tr>
<th>Service Years</th>
<th>% of Current Salary</th>
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<tbody>
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<td>5</td>
<td>6.50%</td>
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<td>13.00%</td>
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<td>15</td>
<td>17.50%</td>
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<td>20</td>
<td>20.00%</td>
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</table>

### Salary Schedule Effective 2/1/2013

The table below shows the base salaries for different positions at the Marin Community College District, effective February 1, 2013. Prices are rounded to the nearest dollar.

<table>
<thead>
<tr>
<th>Position</th>
<th>Rate 8</th>
<th>Rate 13</th>
<th>Rate 16</th>
<th>Rate 20</th>
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**Note:** The above rates are effective as of 2/1/2013. Prices are rounded to the nearest dollar.
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Longevity increments are computed at the step and salary range to which an employee is assigned as follows:

<table>
<thead>
<tr>
<th>Service Years</th>
<th>% of Current Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>4.50%</td>
</tr>
<tr>
<td>10</td>
<td>5.00%</td>
</tr>
<tr>
<td>13</td>
<td>7.50%</td>
</tr>
<tr>
<td>16</td>
<td>12.50%</td>
</tr>
<tr>
<td>20</td>
<td>17.50%</td>
</tr>
</tbody>
</table>

1. On recommendation of the supervisor, an employee shall advance one (1) step within his/her salary range effective as follows:
   a) Employees shall be eligible for a step increase on their anniversary date for Steps 1-5. Their anniversary date is on the first day of the month following twelve (12) months of service in the position and this day and month, yearly thereafter. Employees who have breaks in service have reconstructed anniversary dates.

2. Longevity pay shall be granted monthly to all eligible employees, on the following basis:
   a) Those employees who achieve eligibility for an increment, as designated below, are given their increment on their original anniversary date based on the date of hire in the first CSEA position held at the college. In case of promotion, if the employee is on a longevity step, employee retains the longevity increment and eligibility for their next longevity increments based on the years of creditable service listed below.
      1) A first increment for eight (8) years of creditable service.
      2) A second increment for ten (10) years of creditable service.
      3) A third increment for thirteen (13) years of creditable service.
      4) A fourth increment for sixteen (16) years of creditable service.
      5) A fifth increment for twenty (20) years of creditable service, effective July 1, 1998.
To: Board of Trustees  Date: April 16, 2013
From: Superintendent/President  Item & File No. 9.D.
Subject: 2013 California Community College Trustees (CCCT) Board Election

Reason for Board Consideration:  Enclosure(s):

<table>
<thead>
<tr>
<th>ACTION</th>
<th>List of Candidates</th>
</tr>
</thead>
</table>

**BACKGROUND:**

Pursuant to the California Community College Trustees (CCCT) Board Governing Policies, the election of members of the CCCT Board of the Community College League will take place between March 10 and April 25, 2013. There are seven seats to be filled.

Each member community college district board of the League shall have one vote for each of the seven vacancies on the CCCT Board. Only one vote may be cast for any nominee or write-in candidate. The seven candidates who receive the most votes will serve three-year terms. In the event of a tie vote for the last position to be filled, the CCCT board will vote to break the tie.

The fifteen trustees who have been nominated for election to the board are listed on the attached sheet in the Secretary of State’s random drawing order.

A Board subcommittee comprised of Trustees Treanor and O’Brien was appointed at the March 19, 2013 Board meeting to formulate a recommendation to present to the Board at the April Board meeting.

The subcommittee will make their candidate recommendations at the Board meeting.

The ballot will be signed by the Board secretary and Board President or Vice President and returned to the League office, postmarked no later than April 25, 2012.

**RECOMMENDATION:**

The Superintendent/President recommends that the Board of Trustees vote for the recommended candidates in the 2013 CCCT Board election.

---

**Administrator Initiating Item**

David Wain Coon, Superintendent/President
Vote for no more than seven (7) by checking the boxes next to the names.

**NOMINATED CANDIDATES**
List order based on Secretary of State’s January 22, 2013 random drawing.

- Dianne B. McKay, Ventura County CCD
- Howard Rudd, Sierra Joint CCD
- Adrienne Grey, West Valley-Mission CCD
- *Cy Gulassa, Peralta CCD
- *Louise Jaffe, Santa Monica CCD
- *Isabel Barreras, State Center CCD
- Sally W. Biggin, Redwoods CCD
- Greg Bonaccorsi, Ohlone CCD
- Susan M. Keith, Citrus CCD
- Garrett Yee, Ohlone CCD
- Loren Steck, Monterey Peninsula CCD
- *Jerry D. Hart, Imperial CCD
- Brent Hastey, Yuba CCD
- Jeffrey Lease, San Jose-Evergreen CCD
- Linda S. Wah, Pasadena Area CCD

**WRITE-IN CANDIDATES**
Type each qualified trustee’s name and district on the lines provided below.

* Incumbent

**Board Secretary and Board President or Board Vice President must sign below:**
This ballot reflects the action of the board of trustees cast in accordance with local board policy.
BOARD AGENDA ITEM

To: Board of Trustees  From: Superintendent/President  Date: April 16, 2013  Item & File No. 9.E.1.

Subject: Performing Arts Building Modernization Project (306A)

Reason for Board Consideration: Action Approval

Enclosure(s):

Change Order 19 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 19 represents the final project change order for the Performing Arts Building Modernization project (306A). It includes PCO 386 for $120,000.00 for additional field labor for delays and work flow inefficiencies incurred during Phase 1 of the project due to equipment changes, asbestos abatement, required additional cleaning of existing mechanical ducting, required repairs of existing mechanical equipment and other miscellaneous unforeseen conditions at the time of bid. Midstate has agreed to no contractor markup for this item. This change order is equally due to code, unforeseen and design coordination issues.

The balance of PCOs in Change Order 19 includes five (2) PCOs for Design Coordination issues totaling $4,862.00, eleven (10) PCOs for Unforeseen Conditions totaling $43,940.00, eight (7) PCOs for Code Compliance issues for $22,848.50 and three (1) PCOs for Owner Initiated issues for $31,637.50 which includes 3 credit PCOs relating to landscape modifications. Change Order 19 also includes a time extension due to the long lead time and installation for the additional exit devices required by the fire department.

Total Compensation $223,288.00
Total Time extension 139 calendar days

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

<table>
<thead>
<tr>
<th>Original Contract Amt:</th>
<th>Performing Arts Building Project (306A)</th>
</tr>
</thead>
<tbody>
<tr>
<td>$10,429,000.00</td>
<td>Change Order 1 (0.01% of original contract value)</td>
</tr>
<tr>
<td>$1,252.00</td>
<td>Change Order 2 (0.30% of original contract value)</td>
</tr>
<tr>
<td>$32,381.00</td>
<td>Change Order 3 (0.7% of original contract value)</td>
</tr>
<tr>
<td>$42,797.00</td>
<td>Change Order 4 (1.2% of original contract value)</td>
</tr>
<tr>
<td>$51,040.00</td>
<td>Change Order 5 (5.7% of original contract value)</td>
</tr>
<tr>
<td>$465,664.00</td>
<td>Change Order 6 (5.97% of original contract value)</td>
</tr>
<tr>
<td>$29,715.00</td>
<td>Change Order 7 (5.8% of original contract value)</td>
</tr>
<tr>
<td>Credit&lt;21,240.00&gt;</td>
<td>Change Order 8 (7.1% of original contract value)</td>
</tr>
<tr>
<td>$139,967.00</td>
<td>Change Order 9 (8.7% of original contract value)</td>
</tr>
<tr>
<td>$166,284.00</td>
<td>Change Order 10 (9.6% of original contract value)</td>
</tr>
<tr>
<td>$90,825.00</td>
<td>Change Order 11 (11% of original contract value)</td>
</tr>
<tr>
<td>$144,821.00</td>
<td>Change Order 12 (12.9% of original contract value)</td>
</tr>
<tr>
<td>$198,136.00</td>
<td>Change Order 13 (14.5% of original contract value)</td>
</tr>
<tr>
<td>$165,516.00</td>
<td>Change Order 14 (15.6% of original contract value)</td>
</tr>
<tr>
<td>$122,824.00</td>
<td>Change Order 15 (16.4% of original contract value)</td>
</tr>
<tr>
<td>$80,542.00</td>
<td>Change Order 16 (18.7% of original contract value)</td>
</tr>
<tr>
<td>$234,970.00</td>
<td>Change Order 17 (19.5% of original contract value)</td>
</tr>
<tr>
<td>$95,574.00</td>
<td>Change Order 18 (20.1% of original contract value)</td>
</tr>
<tr>
<td>$63,034.00</td>
<td>Change Order 19 (22.3% of original contract value)</td>
</tr>
</tbody>
</table>

Final Total Contract Amount $12,756,390.00 Change Orders to date equal 22.3%.

RECOMMENDATION:
The Superintendent/President recommends that the Board of Trustees approve Change Order 19 to Midstate Construction Corporation in the amount of $223,288.00 and Resolution attesting that the District will not benefit from bidding the work separately for the work for the Performing Arts Modernization Project (306A).

Administrator Initiating Item  Laura McCarty  Director of Modernization
Administrator Approving Item  David Wain Coon, Ed. D.  Superintendent/President
RESOLUTION #2013-11 FOR APPROVAL OF CHANGE ORDER NO. 19
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 $233,288.00 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 April 16, 2013.

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 April 16, 2013.

_____________________________
Secretary to the Governing Board
PROJECT: Performing Arts Modernization Project

PROJECT No. 306A

CONTRACTOR: Midstate Construction Corporation

OWNER: Marin Community College District

ARCHITECT: Marcy Wong Donn Logan Architects

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>See pages 2 for PCO details</td>
<td></td>
</tr>
</tbody>
</table>

SUBTOTAL Page 2: $223,288.00

End of Items

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.

AGREEMENT

When this Change Order is signed by all parties, it constitutes their agreement:

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

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 so changed.

DATE OF CONTRACT COMPLETION

Date of Contract Completion As Of The Date Of This Change Order: 4/30/2013

APPROVED BY OWNER

Marin Community College District

By: Laura McCarty, Director of Modernization

Authorized By: Albert J. Harrison II

VP College Operations

APPROVED BY CONTRACTOR

Midstate Construction Corporation

By: Marcy Wong Donn Logan Architects

APPROVED BY ARCHITECT/ENGINEER

Marcy Wong Donn Logan Architects

By: Marcy Wong Donn Logan Architects

APPROVED BY PROJECT MANAGER

Jacobs

By: Jacobs

ISSUED BY PROJECT MANAGER

Project Manager

By: Ken Brazzel, Program Manager

RECOMMENDED BY PROGRAM MANAGER

Date: 4/30/2013
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>248R1</td>
<td>Landscape planting modifications per ASI 31 revisions 1 and 2.</td>
<td>$7,892.00</td>
</tr>
<tr>
<td>322</td>
<td>Credit due to landscape and irrigation changes.</td>
<td>$(2,106.00)</td>
</tr>
<tr>
<td>337</td>
<td>Additional conduit and wiring in lieu of MC cabling as bid as required for District standards.</td>
<td>$29,059.00</td>
</tr>
<tr>
<td>345</td>
<td>Repairs to existing unidentified storm drain line.</td>
<td>$2,166.00</td>
</tr>
<tr>
<td>353</td>
<td>Roof repairs at existing duct supports.</td>
<td>$1,655.00</td>
</tr>
<tr>
<td>357R1</td>
<td>Additional materials and subgrade preparation for increased exterior scope area.</td>
<td>$14,499.00</td>
</tr>
<tr>
<td>359</td>
<td>Raise drain inlet concrete stairs and pave area at flagstone area as requested.</td>
<td>$2,387.00</td>
</tr>
<tr>
<td>360</td>
<td>Installation of 6 added data run and outlets at ticket booth.</td>
<td>$1,278.00</td>
</tr>
<tr>
<td>361R1</td>
<td>Storage space materials and build out for Dance Studio.</td>
<td>$7,398.00</td>
</tr>
<tr>
<td>362</td>
<td>Added 10 gauge welded galvanized clips at curtain wall.</td>
<td>$2,836.00</td>
</tr>
<tr>
<td>363</td>
<td>Added braced framing and tenting at linear lights.</td>
<td>$5,582.00</td>
</tr>
<tr>
<td>364</td>
<td>Added framing and drywall in elevator room.</td>
<td>$2,473.00</td>
</tr>
<tr>
<td>365</td>
<td>Add L metal base at room 191 &amp; 193.</td>
<td>$2,896.00</td>
</tr>
<tr>
<td>367</td>
<td>Provide and install 4 additional exit signs as required by Kentfield Fire.</td>
<td>$2,594.00</td>
</tr>
<tr>
<td>368</td>
<td>Provide and install T-bar ceiling at gallery storage room.</td>
<td>$1,085.00</td>
</tr>
<tr>
<td>369</td>
<td>Excavation and removal of contaminated soil at existing planter.</td>
<td>$6,521.00</td>
</tr>
<tr>
<td>370</td>
<td>Insulation of existing hot water pipes.</td>
<td>$1,510.00</td>
</tr>
<tr>
<td>371</td>
<td>Provide and install additional 1&quot; double check valve.</td>
<td>$450.00</td>
</tr>
<tr>
<td>372</td>
<td>Additional cast iron pipe work and copper HVAC condensate line run.</td>
<td>$1,326.00</td>
</tr>
<tr>
<td>373</td>
<td>Relocate existing electrical outlets for AV installation in rooms 92 &amp; 99.</td>
<td>$362.00</td>
</tr>
<tr>
<td>374</td>
<td>Additional labor &amp; materials for structural tab welding at curtain wall.</td>
<td>$7,341.00</td>
</tr>
<tr>
<td>375</td>
<td>Removal of gravel from flagstone paver area as requested.</td>
<td>$622.00</td>
</tr>
<tr>
<td>376</td>
<td>Provide and install overhead drip caps at 6 exterior door openings as requested.</td>
<td>$916.00</td>
</tr>
<tr>
<td>377</td>
<td>Remove &amp; replace existing leaking rain water leader.</td>
<td>$2,650.00</td>
</tr>
<tr>
<td>378</td>
<td>Additional fire caulking at lobby &amp; gallery as requested.</td>
<td>$1,225.00</td>
</tr>
<tr>
<td>379</td>
<td>Credit for labor &amp; materials for landscape changes.</td>
<td>$(6,463.00)</td>
</tr>
<tr>
<td>380</td>
<td>Door and hardware modifications as requested.</td>
<td>$4,897.00</td>
</tr>
<tr>
<td>381</td>
<td>Installation of Marley flooring at Dance studios.</td>
<td>$1,622.00</td>
</tr>
<tr>
<td>382</td>
<td>Provide and install additional smoke detectors as required.</td>
<td>$3,481.00</td>
</tr>
<tr>
<td>383</td>
<td>Credit for labor and installation of additional cleanouts in landscape areas.</td>
<td>$(7,500.00)</td>
</tr>
<tr>
<td>384</td>
<td>Provide and install glass privacy film at ticket booth.</td>
<td>$910.00</td>
</tr>
<tr>
<td>385</td>
<td>Provide and install 4 manual Mechoshade roller shades at ticket booth as requested.</td>
<td>$1,714.00</td>
</tr>
<tr>
<td>386</td>
<td>Provide additional field labor due to delays and work flow inefficiencies incurred during Phase 1 of the project due to the following conditions: Air handling unit changes; Asbestos abatement; Required additional cleaning of existing air supply ducts; Required repair and replacement of existing opposed blade dampers.</td>
<td>$120,000.00</td>
</tr>
</tbody>
</table>

**SUBTOTAL Page 2:** $223,288.00

**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.
To: Board of Trustees  Date: April 16, 2013
From: Superintendent/President Item & File No. 9.E.2.
Subject: Austin Swing Project (850E)
A E Nelson Construction – Change Order 2 and Resolution

Reason for Board Consideration: Enclosure(s):
ACTION APPROVAL

BACKGROUND:
On November 26, 2012, A E Nelson Construction was selected to provide General Contracting services for the Austin Swing Project (850E).

Change Order 2 is the final change order for the project and includes PCOs to cover the costs of removing carpet and floor prep and painting, selective wall painting as required and miscellaneous demolition and repairs in 12 additional offices not in the original contract scope. It also includes floor prep and carpet installation in one classroom and adjacent study lab also not in original contract scope.

Total Compensation  $27,211.14
Total Time extension  0 calendar days

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

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Original Contract Amount:</td>
<td>$610,700.00</td>
</tr>
<tr>
<td>Austin Swing Project (850E)</td>
<td></td>
</tr>
<tr>
<td>Change Order 1 (7% of original contract value)</td>
<td>$43,154.83</td>
</tr>
<tr>
<td>Change Order 2 (5% of original contract value)</td>
<td>$27,211.14</td>
</tr>
<tr>
<td>Total Contract Amount</td>
<td>$ 681,065.97</td>
</tr>
</tbody>
</table>

Change Orders to date equal 12%.

RECOMMENDATION:
The Superintendent/President recommends that the Board of Trustees approve Change Order 2 to A E Nelson Construction in the amount of $27,211.14 and Resolution attesting that the District will not benefit from bidding the work separately for the work for the Austin Swing Project (850E).

Administrator Initiating Item  Administrator Approving Item
Laura McCarty  David Wain Coon, Ed. D.
Director of Modernization  Superintendent/President
WHEREAS, Marin Community College District (the “District”) previously awarded a contract for work for the Austin Swing Project (the “Project”) to A E Nelson Construction; 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 $27,211.14 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
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 April 16, 2013.

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 April 16, 2013.

______________________________
Secretary to the Governing Board
### SWINERTON MANAGEMENT AND CONSULTING, INC. CONTRACT CHANGE ORDER

**PROJECT:** Austin Swing Space  
**PROJECT No.:** 850E  
**CONTRACTOR:** A E Nelson Construction  
**OWNER:** Marin Community College District  
**ARCHITECT:** Noll & Tam Architects and Planners  

**CHANGE ORDER:** 2  
**BOR Approval DATE:** 4/16/2013  
**DSA File #:** NA  
**DSA Application #:** NA

---

**To:** A E Nelson Construction  

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

<table>
<thead>
<tr>
<th>PCO #</th>
<th>Description</th>
<th>GC NO.</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>35.0</td>
<td>Room 179 &amp; 118 - paint partial wall; remove floor blocking and provide new tile</td>
<td>39.0</td>
<td>$644.47</td>
</tr>
<tr>
<td>36.0</td>
<td>Rooms 115 &amp; 76- demo (e) base, install new carpet &amp; base</td>
<td>40.1b</td>
<td>$8,394.67</td>
</tr>
<tr>
<td>37.0</td>
<td>Rooms 115,173,181,182 &amp; 185- added miscellaneous demo and finish work</td>
<td>41.0</td>
<td>$1,241.86</td>
</tr>
<tr>
<td>38.0</td>
<td>12 additional offices not in original scope - remove carpet, prep floor and provide final cleaning</td>
<td>42A</td>
<td>$7,070.95</td>
</tr>
<tr>
<td>39.0</td>
<td>12 additional offices - paint floors, install new base; paint designated walls &amp; misc. demo and repairs</td>
<td>42B</td>
<td>$9,859.19</td>
</tr>
</tbody>
</table>

**SUBTOTAL:** $27,211.14  
**TOTAL:** $27,211.14

---

**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.

---

### AGREEMENT  
When this Change Order is signed by all parties, it constitutes their agreement:

- Original Contract Price: $610,700.00  
- Net Change By Previously Authorized Change Order: $43,154.83  
- Contract Price Prior To This Change Order: $653,854.83

#### 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

- Contract Price Will Be: Increased: $27,211.14  
- Decreased: By this Change Order:  
- Unchanged:
- New Contract Price Including This Change Order: $681,065.97

#### 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 so changed.

- Contract Time Will Be: Increased:  
- Decreased: By this Change Order: 0 calendar days  
- Unchanged:  
- Date of Contract Completion As Of The Date Of This Change Order: 04/05/2013

---

### AGREED BY CONTRACTOR  
A E Nelson Construction  

By:  
Date:  

---

### APPROVED BY ARCHITECT/ENGINEER  
Noll & Tam Architects and Planners  

By:  
Date:  

---

### ISSUED BY PROJECT MANAGER  
Jacobs  

By:  
Date:  

---

### RECOMMENDED BY PROGRAM MANAGER  
Ken Brazzel  

By:  
Date:  

---

### APPROVED BY OWNER  
Marin Community College District  

By: Laura McCarty, Director of Modernization  
Date:  

---

### AUTHORIZED BY OWNER  
Marin Community College District  

By: Al Harrison, VP of College Operations  
Date:  

---

### Distribution:  
- Owner  
- Consultant  
- Construction Manager  
- Contractor  
- C. O. File  
- Other
**BACKGROUND:**  
Public contract code allows many public agencies to require licensed contractors that wish to bid for public works jobs to "prequalify" for the right to bid on a public works project. This process is intended to create a responsible and responsive bid pool, while preserving competition and fostering a level playing field. In addition, by ensuring that the potential bidders all meet minimum requirements it also decreases the District’s exposure to undue risk, e.g. contractor default, defective work, claims, and skewed bid results.

In order to complete the construction of the new Academic Center beginning the fall of 2013, it is recommended that the District be prepared to begin construction work on or near September 9, 2013.

At this time the Board of Trustees is asked to approve the prequalification procedures described in the attached documents, to authorize staff to proceed with the prequalification process.

Attached prequalification documents:
- Resolution No. 2013-13 of the Marin Community College District Adopting Prequalification Questionnaire and Uniform Rating System Pursuant to Public Contract Code Section 20651.5
  - Exhibit A:  Prequalification Questionnaire
  - Exhibit B:  Prequalification Rating System
  - Exhibit C:  Appeal Process

**FISCAL IMPACT:**  
The Prequalification will not have a fiscal impact to the District.

The project will be paid from Measure C bond funds allocated for the New Academic Center Project (303B). The project architect’s estimated value of the work is $24,000,000.

**RECOMMENDATION:**  
The Superintendent/President recommends that the Board the Resolution adopting Pre-qualification process for the New Academic Center Project (303B).
RESOLUTION NO. 2013-13
OF THE MARIN COMMUNITY COLLEGE DISTRICT
ADOPTING PREQUALIFICATION QUESTIONNAIRE AND
UNIFORM SYSTEM OF RATING
PURSUANT TO PUBLIC CONTRACT CODE SECTION 20651.5

WHEREAS, the Marin Community College District ("District") desires to prequalify potential bidders for construction of the New Academic Center ("Project");

WHEREAS, the Project involves comprehensive and extensive new construction of the New Academic Center on the Kentfield campus of the College of Marin, a multi-level 56,000 square-foot (approx.) new building consisting of offices, classrooms, a large lecture hall, storage spaces, computer labs, an atrium, and other building elements;

WHEREAS, the Project will entail some complexity, including but not limited to, limited site access, constrained schedule and fixed occupancy date, CEQA restrictions and EIR compliance, Budget constraints, traffic and neighborhood disruption mitigation, experience with project labor agreements (potentially), complex staging experience, preservation of trees and landscape, and experience with cultural artifacts discovery;

WHEREAS, the District seeks to prequalify a pool of experienced General Contractors with skills, capacity, experience and references for successful organization, management and execution of similar or greater complex new construction projects;

WHEREAS, Public Contract Code section 20651.5 authorizes California community college districts to require prospective bidders to submit a standardized questionnaire and financial statement prior to bidding on specific construction projects;

WHEREAS, District staff has developed a standardized questionnaire and financial statement in accordance with Public Contract Code section 20651.5 (collectively “Questionnaire”);

WHEREAS, the Questionnaire includes a process for potential bidders to appeal certain decisions with respect to the prequalification process in accordance with Public Contract Code section 20101 (“Appeal Process”);

WHEREAS, Public Contract Code section 20651.5 requires the District to adopt a uniform system of rating bidders based upon the basis of the completed Questionnaires;

WHEREAS, District staff has developed a uniform system of rating potential bidders based upon the completed Questionnaires (“Rating System”);

WHEREAS, District staff has developed a process for potential bidders to appeal certain decisions with respect to the prequalification process (“Appeal Process”);

WHEREAS, the District desires to adopt the Questionnaire, the Rating System, and the Appeal Process (collectively, the “Prequalification Package”).

NOW, THEREFORE, the Governing Board of the Marin Community College District hereby finds, determines, declares, orders and resolves as follows:

Section 1. That the above recitals are true and correct.
Section 2. That the Prequalification Package is authorized pursuant to Public Contract Code section 20651.5.

APPROVED, PASSED AND ADOPTED by the Governing Board of the Marin Community College District on this 16th day of April, 2013, by the following vote:

AYES:
NOES:
ABSTENTIONS:

President of the Governing Board of the Marin Community College District

Attested to:

Secretary of the Governing Board of the Marin Community College District
PREQUALIFICATION PACKAGE

Due before 2:00 pm, Thursday, May 16, 2013

Contents:

- Exhibit “A”: Prequalification Questionnaire
  - Responsive Criteria
  - General Information
  - Essential Criteria
  - Project Experience and References
  - Business Longevity, Financial Strength and Performance
  - Safety and Subcontracting of Additional Hazardous Material Abatement
  - Certification
  - Attachment “A”: Completed New Construction Projects Form
  - Attachment “B”: Site Specific Criteria

- Exhibit “B”: Prequalification Rating System
  - Prequalification Evaluation Procedure
  - Prequalification Evaluation Reference Form
  - Prequalification Evaluation Worksheet

- Exhibit “C”: Appeal Process

Prequalification Questionnaire and Certification Submittal Checklist:
- [ ] Completed Prequalification Questionnaire (including separate signed explanatory sheets, if applicable)
- [ ] Signature Under Penalty of Perjury
- [ ] Signed Description of Last/Largest Three Similar Projects
- [ ] Notarized Statement of Contractor’s Bonding Capacity
- [ ] Completed Attachment “A”: Completed New Construction Projects
- [ ] Three Project References and Contact Information (Similar Complex New Construction Projects)
- [ ] Audited or Verified Financial Statement for Past Two Fiscal Years
- [ ] Certification: Signed Under Penalty of Perjury
Exhibit “A”

Prequalification Questionnaire

MARIN COMMUNITY COLLEGE DISTRICT
PREQUALIFICATION QUESTIONNAIRE AND CERTIFICATION
FOR PROSPECTIVE BIDDERS
FOR
NEW CONSTRUCTION OF THE NEW ACADEMIC CENTER (“NAC”) PROJECT

Due before 2:00 pm, Thursday, May 16, 2013

Each prospective experienced general contractor shall be currently licensed and shall submit
the following information to establish its qualifications to bid to perform construction work on
Marin Community College District (“District”) facilities, including the Project.

The New Academic Center (“NAC”) Project: The Project involves
comprehensive and extensive new construction of the New Academic Center
on the Kentfield campus of the College of Marin, a multi-level 56,000 square-
foot (approx.) new building consisting of offices, classrooms, a large lecture
hall, storage spaces, computer labs, an atrium, and other building elements.
The Project will entail some complexity, including but not limited to, limited
site access, constrained schedule and fixed occupancy date, CEQA restrictions
and EIR compliance, budget constraints, traffic and neighborhood disruption
mitigation, experience with project labor agreements (potentially), complex
staging experience, preservation of trees and landscape, and experience with
cultural artifacts discovery. The estimated “Bid Day” Cost of Construction of
the NAC Project is $24,000,000.

I. RESPONSIVE CRITERIA

A. Timeliness: Prequalification Statement must be submitted on time.

B. Completeness: Contractor must provide all requested information.

C. Signed Under Penalty of Perjury: The Prequalification Questionnaire must be
signed under penalty of perjury by individuals who have the authority to bind the
contractor on whose behalf they are signing.

D. Misleading/Inaccurate Information: Any and all information provided by the
contractor shall not be misleading or inaccurate in any material manner.

E. Acknowledgement of Receipt of Addenda: Contractor shall acknowledge receipt
of Addenda published on or before 2:00 pm, Tuesday, May 14, 2013.
II. GENERAL INFORMATION

A. Contractor's Information

Firm name: ____________________________________________________________  
___________________________________________________________
Address: ____________________________________________________________  
___________________________________________________________
Telephone: ____________________________________________________________  
Fax: ________________________________________________________________  
Mobile Telephone: ____________________________________________________  
E-mail: ______________________________________________________________

By: __________________________ (Name of individual completing statement)

Date: __________________________

Years in business as a licensed contractor: _________________________________
Years experience with school district, university, and/or community college district projects: _________________________________
Years of experience with similar complex new construction projects: __________
Types of work performed with own forces: _________________________________  
______________________________________________________________  
______________________________________________________________

Years in business under current firm name: _________________________________

Years at the above address: _________________________________

B. Current Organization and Structure of the Business

1. For Firms that are Corporations:
   a. Date incorporated: _________________________________
   b. Type of corporation (e.g., S Corp., C Corp., LLC): __________
   c. Under the laws of what state: _________________________________
   d. Provide all the following information for each person who is either: (a) an officer of the corporation (president, vice president, secretary, treasurer), or (b) the owner of at least ten percent (10%) of the corporation’s stock. Attach all additional references and/or information on separate signed sheets.
<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Years with Co.</th>
<th>% Ownership</th>
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</table>

2. For Firms that are Partnerships:
   a. Date of formation: ________________________________
   b. Type of partnership (e.g., general, limited): __________
   c. Under the laws of what state: ________________________
   d. Provide all the following information for each partner who owns ten percent (10%) or more of the firm. Attach all additional references and/or information on separate signed sheets.

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Years with Co.</th>
<th>% Ownership</th>
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</table>

3. For Firms that are Sole Proprietorships:
   a. Date of commencement of business: ____________________

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<th>Name</th>
<th>Position</th>
<th>Years with Co.</th>
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4. For Firms that Intend to Bid as a Joint Venture:
   a. Date of commencement of joint venture: ________________
   b. Provide all of the following information for each firm that is a member of the joint venture that expects to bid on one or more projects. Attach all additional references and/or information on separate signed sheets.

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<thead>
<tr>
<th>Name of Firm</th>
<th>% of Ownership of Joint Venture</th>
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</table>
c. Provide all the following information for each owner of a firm that is a participant in a joint venture. Attach all additional references and/or information on separate signed sheets.

<table>
<thead>
<tr>
<th>Firm Name</th>
<th>Name of Owner</th>
<th>Position</th>
<th>Years with Co.</th>
<th>% Owner-ship of Co.</th>
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C. Associated Firms

Identify every construction firm that the contractor or any person listed above has been associated with (as owner, general partner, limited partner or officer) at any time during the past five (5) years. Attach all additional references and/or information on separate signed sheets. NOTE: For this question, “owner” and “partner” refer to ownership of at least ten percent (10%) of the business, or at least ten percent (10%) of the stock if the business is a corporation.

<table>
<thead>
<tr>
<th>State Person’s Name or “Contractor”</th>
<th>Name of Associated Firm</th>
<th>Contractor’s License No.</th>
<th>Dates of Participation</th>
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D. History of the Business and Organizational Performance

1. Has there been any change in ownership of the firm at any time during the past three years? NOTE: A corporation whose shares are publicly traded is not required to answer this question. (Please check one).

   Yes ☐ No ☐

   If “yes,” explain on a separate signed sheet.

2. Is the firm a subsidiary, parent, holding company, or affiliate of another construction firm? NOTE: Include information about other firms if one firm owns ten percent (10%) or more of another, or if an owner, partner, or officer of your firm holds a similar position in another firm. (Please check one).

   Yes ☐ No ☐

   If “yes,” explain on a separate signed sheet, including the name of the related company and the percent ownership.

3. Are any corporate officers, partners or owners connected to any other construction firms? NOTE: Include information about other firms if an owner, partner, or officer of your firm holds a similar position in another firm. (Please check one).

   Yes ☐ No ☐
If “yes,” explain on a separate signed sheet.

4. State your firm’s gross revenues for each of the past four (4) years:

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<tr>
<th>Year</th>
<th>Gross Revenue</th>
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<td>2012</td>
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<td>2011</td>
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E. Contractor’s Licenses

1. Contractor shall be licensed in the State of California and shall submit the following information:

   a. Name of license holder exactly as on file with the California State License Board: ________________________________

   b. License classification(s): ________________________________

   c. License #: ________________________________

   d. Expiration Date: ________________________________

   e. Number of years license holder has held the listed license(s): _______

   f. Number of years contractor has done business in California under contractor’s license law: ________________________________

   g. If your firm is a corporation or partnership, list the names of the qualifying individual(s) on file with the California State License Board who meet(s) the experience and examination requirements for each license: ________________________________

2. Has your firm changed names or license numbers in the past five (5) years?

   Yes ☐  No ☐

   If “yes,” explain on a separate signed sheet, including the reason for the change.

3. Has the California State License Board suspended the license held by your firm, its Responsible Managing Employee, or its Responsible Managing Officer within the past five (5) years?

   Yes ☐  No ☐

   If “yes,” explain on a separate signed sheet, including the reason for the suspension.
F. Contractor's Project Personnel

The undersigned contractor hereby commits to the assignment of a full-time on-site project manager and project superintendent(s), as identified below, in the event that the contractor is awarded the project. At the time of the bid, the successful contractor shall confirm the availability of the personnel identified below. If any of the identified staff are no longer employed by the contractor at the time of bid opening, or are otherwise unavailable, the contractor’s bid may be considered nonresponsive. The contractor may formally request substitution of other individuals with equivalent experience, and the District may consider them, in the District's sole discretion. However, résumés, project history, and other relevant information must be submitted by the contractor to District immediately once contractor becomes aware of a need for a replacement.

1. Full-Time, On-Site Project Manager:
   a. Name: ________________________________
   b. Address: ________________________________
   c. Years with firm: __________________________
   d. Years in current position: __________________
   e. Licenses held: ________________________________
   f. Years experience with school district, university, and/or community college district projects: __________
   g. Years performing similar complex new construction projects for community colleges/universities: __________
   h. Recent comparable project references (list at least three):

<table>
<thead>
<tr>
<th>Name</th>
<th>Contact</th>
<th>Phone</th>
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</table>

2. Full-Time, On-Site Project Superintendent:
   a. Name: ________________________________
b. Address: _____________________________________________
   ______________________________________________________

c. Years with firm: _______________________________________

d. Years in current position: ________________________________

e. Licenses held: _________________________________________
   ______________________________________________________

f. Years experience with school district, university, and/or community college district projects: ________________________

 g. Years performing similar complex new construction projects for community colleges/universities: ________________________

h. Recent comparable project references (list at least three):
   Name    Contact    Phone
   ______________________________________________________
   ______________________________________________________
   ______________________________________________________
   ______________________________________________________

G. Contractor's Insurance
   a. Insurance Information - The District will utilize the SEWUP OCIP (Owner Contracted Insurance Program) Program administered by Keenan & Associates. Pre-qualified bidders and the firm (and its subcontractors) awarded a contract for construction will be required to conform to the requirements of the OCIP Program. The OCIP program will provide coverage as follows:
      i. General Liability: Up to $5,000,000/occurrence and $10,000,000 Annual Aggregate. Deductible is $250,000/occurrence and will be paid by the party or parties responsible for the loss or damage and will not be reimbursed by the OCIP Insurance Program.
      ii. Worker's Compensation: Project limits will conform to statutory requirements with Employer's Liability of $1,000,000 occurrence/aggregate. Deductible is $250,000/occurrence and will be paid by the party or parties responsible for the loss or damage and will not be reimbursed by the OCIP Insurance Program.
      iii. Contractor’s Pollution Liability: $25,000,000 occurrence/program aggregate. Deductible is $10,000/occurrence and will be paid by the party or parties responsible for the loss or damage and will not be reimbursed by the OCIP Insurance Program.
      iv. Builder's Risk “Course of Construction” Insurance: Limit is based on the project value, and includes coverage for flood, earthquake and soft costs. Deductibles are $10,000 - $25,000/occurrence and will be paid by the party or parties responsible for the loss or damage and will not be reimbursed by the OCIP Insurance Program.
Program.

v. Any other insurance coverage (e.g., automobile, mold/fungi, offsite fabrication) required by the contractor, and not mentioned above will be provided by the contractor.

vi. Contractor furnished Comprehensive Automobile Liability, covering all owned, non-owned, and hired vehicles.
   1. Insurance coverage amount(s) shall be no less than: $2,000,000 combined single limit.

1. List all insurers contractor utilized in the past five (5) years. Use separate signed sheets as necessary, with all requested information.
   a. Name of insurance company ("Insurer"): ____________________________

   b. Address of Insurer: ________________________________________________

   c. Name of agent: ____________________________________________________

   d. Address of agent: ________________________________________________

   e. Telephone number of agent: ________________________________

   f. Years contractor has been with this Insurer: __________

   g. Amounts paid out by Insurer in the past five (5) years that were in any way related to construction activities of your firm and/or any firm identified in Section B (Please provide an explanation on separate signed sheets): $ ________________________________

   h. Insurer’s “Best” rating: ________________________________

2. In the past five (5) years, has any insurance carrier, for any form of insurance, refused to renew an insurance policy for your firm? (Please circle one.)

   YES ☐  NO ☐

   If “yes,” please explain on a separate signed sheet.
III. ESSENTIAL CRITERIA

A. Similar Projects
1. Has your firm and/or any firm identified in Section II.B. and/or Section II.C. above contracted for and completed construction of a minimum of three (3) similar complex new construction projects for a community college/university each with a minimum contract for construction of $24,000,000, within the past five (5) years?

   Yes ☐       No ☐

   If yes, list both the last three (3) and largest three (3) similar complex new construction projects for a community college/university performed in California within the last five years.

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<tr>
<th>LAST THREE SIMILAR PROJECTS</th>
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<tr>
<td>Owner/Project Name/Location</td>
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<td>3</td>
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<table>
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<tr>
<th>LARGEST THREE SIMILAR PROJECTS</th>
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<tbody>
<tr>
<td>Owner/Project Name/Location</td>
</tr>
<tr>
<td>1</td>
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<tr>
<td>2</td>
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<td>3</td>
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</table>

2. Please attach a separate signed sheet of paper providing a description of each of the last three and largest three similar complex new construction projects for a community college/university performed in California (“Description of Last/Largest Three Similar Projects”). At a minimum, this description should address the following: (i) What did the project consist of?; (ii) What were the original time constraints and were they met?; (iii) What was the original project budget, final contract amount, and change order value?; (iv) What cost control measures were taken? (v) Describe the staging requirements for the project; (vi) Were there any special circumstances involved with the project? i.e., CEQA/EIR restrictions, labor agreement requirements, site specific requirements, etc. Please provide a contact reference for verification for each project, including name, title, and phone number.

B. Default or Bankruptcy
Has your firm and/or any firm identified above in Section II.B. and/or Section II.C., either performing work under its current license or under licenses through other entities, including a joint venture, defaulted on a contract, declared bankruptcy or been placed in receivership within the past five (5) years?

   Yes ☐       No ☐
C. **Licensure**
Has your firm and/or any firm identified in Section II.B. and/or Section II.C. above held all contractors license(s) necessary to perform its work, and have those license(s) been consistently active for at least five (5) years without revocation or suspension?

Yes ☐   No ☐

To prequalify for the Project, the contractor is required to possess one or more of the following State of California Contractor Licenses: A or B

D. **Disqualification, Prohibition**
Has your firm and/or any firm identified above in Section II.B. and/or Section II.C. been disqualified, debarred, forbidden, found non-responsible, or otherwise prohibited, from performing work and/or bidding on work on any project within the State of California or on work for any community college district, university, school district, or other public agency within the State of California within the past five (5) years? (Please circle one).

Yes ☐   No ☐

E. **Termination**
Has your firm and/or any firm identified in Section II.B. and/or Section II.C. been terminated by any owner, including any community college district, university, school district, or other public agency, on any project, including any project for a community college district, school district, or other public agency, within the State of California within the past five (5) years? (Please check one).

Yes ☐   No ☐

F. **Liquidated Damages**
Have liquidated damages ever been assessed against your firm and/or any firm identified in Section II.B. and/or Section II.C.?

Yes ☐   No ☐

If the answer is “yes,” please provide such documentation on a separate signed sheet.

G. **Bonding Capacity**
Is your firm’s total bonding capacity equal to or greater than the estimated “Bid Day” Cost of Construction of $24,000,000?

Yes ☐   No ☐

If the answer is “yes,” please provide a notarized statement that states your firm’s total bonding capacity from an admitted surety insurer that is authorized to issue bonds in the State of California.
IV. PROJECT EXPERIENCE AND REFERENCES

A. ATTACHMENT "A"; Completed New Construction Projects
List all new construction projects in which the contractor has been the general contractor during the past five (5) years on the Completed New Construction Projects form attached as ATTACHMENT “A” and sign the form. For each project, list project size as 'bid day' contract amount.

Please include all projects performed under all firm names identified in Section II.A., Section II.B. and Section II.C. Please use and attach additional signed sheets when needed to explain or clarify any response or to include more responses with all requested information.

You may limit your response to the thirty (30) most-recently completed new construction projects if you have completed more than thirty (30) new construction projects in the past five (5) years. Even if they are not within your firm’s thirty (30) most recently completed new construction projects, at least five (5) of the new construction projects listed in ATTACHMENT "A" must be similar complex new construction projects for a community college/university performed in California, with a minimum initial price of $ 24,000,000, or contractor cannot prequalify for District work for this Project.

B. Site Specific Criteria
ATTACHMENT B; Site Specific Criteria; Current Restrictions is attached to this questionnaire and applies to the work contemplated under this project.

1. Scheduling Criteria:
   a. Fixed Occupancy Date, Limited Extensions Schedule: Due to the preset academic calendar schedules, the NAC Project has a fixed occupancy date and must be substantially completed, with limited extensions, no later than 05/01/2015. List completed complex new construction projects with similar schedule constraints and briefly describe the time challenge and how the schedule was met (attach separate sheet if additional space is needed):

<table>
<thead>
<tr>
<th>Project &amp; Year Completed</th>
<th>Contact</th>
<th>Challenge/Mitigation</th>
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b. **Scheduling Qualifications:** The successful bidder will need to demonstrate internal, proactive scheduling expertise and management. Please describe your firm's scheduling expertise. List individual staff and/or subcontractor experience and provide evidence of project delivery, including initial contract substantial completion date and final substantial completion date for each project identified above. (attach separate sheet if additional space is needed):

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<th>Project &amp; Year Completed</th>
<th>Initial Completion Date</th>
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2. **High Traffic, Limited Site Access:** This project on the College of Marin Kentfield campus requires access near a high traffic intersection with limited site access. The successful bidder will need to comply with strict traffic control restrictions pursuant to a mitigation plan, which is part of the Environmental Impact Report for the project. List projects your firm has completed which had similar traffic and site access limitations. List similar project and describe limitation and briefly describe efforts made to mitigate challenge (attach separate sheet if additional space is needed):

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<tr>
<th>Project &amp; Year Completed</th>
<th>Contact</th>
<th>Challenge/Mitigation</th>
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3. **Tree Preservation:** Preservation of heritage and other trees and landscaping on this site and en route is an essential part of the project. List projects your firm has completed with similar tree preservation concerns, and the measures your firm took to protect the trees (attach separate sheet if additional space is needed):

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<tr>
<th>Project &amp; Year Completed</th>
<th>Contact</th>
<th>Challenge/Mitigation</th>
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</table>
4. **Neighborhood Noise and Disruption Mitigation:** Noise and neighborhood disruption are concerns for this project. The successful bidder will need to comply with a mitigation plan, which is part of the Environmental Impact Report for the project. (A current list of restrictions is attached; however there may be additional restrictions as directed by the District.) List completed projects with similar concerns and briefly describe efforts made to mitigate concerns (attach separate sheet if additional space is needed):

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<tr>
<th>Project &amp; Year Completed</th>
<th>Contact</th>
<th>Challenge/Mitigation</th>
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</table>

5. **Cultural Artifacts Discovery:** This area may contain cultural artifacts (Native American) which would be discovered during construction of foundation, etc. The successful bidder will need to comply with a mitigation plan, which is part of the Environmental Impact Report for the project. (A current list of restrictions is attached; however there may be additional restrictions as directed by the District.) List projects or experience your firm has with procedures for handling discovery of cultural artifacts and briefly describe efforts made to mitigate challenge (attach separate sheet if additional space is needed):

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<thead>
<tr>
<th>Project &amp; Year Completed</th>
<th>Contact</th>
<th>Challenge/Mitigation</th>
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</tbody>
</table>
6. **Cost Control:** Construction of the NAC Project is one of the final projects under the Measure C Bond Program and is subject to strict budget constraints. List completed projects or experience your firm has with similar budget constraints, and provide a complete description of your firm’s performance with regard to cost control and the techniques you used to complete these results. For each project listed, please provide the initial contract amount, final contract amount, value of change orders and value of stop notices (attach separate sheet if additional space is needed):

   **Project/Cost Control Techniques:**

   ___________________________________
   ___________________________________
   ___________________________________
   ___________________________________
   ___________________________________

   **Project & Year Completed** | **Contact** | **Initial Contract Amount** | **Final Contract Amount** | **Value of Change Orders** | **Value of Stop Notices**
   -----------------------------|------------|-----------------------------|---------------------------|---------------------------|------------------------
   1                            |            |                             |                           |                          |                        |
   2                            |            |                             |                           |                          |                        |
   3                            |            |                             |                           |                          |                        |
   4                            |            |                             |                           |                          |                        |

7. **Coordination/Supervision of Subcontractors:** The successful bidder will need to utilize proactive, effective coordination and supervision skills to match Project phase and environment. List completed projects with similar concerns and describe effective coordination and supervision skills used to achieve effective results (attach separate sheet if additional space is needed):

   **Project & Year Completed** | **Contact** | **Concern/Measures Taken**
   -----------------------------|------------|------------------------
   1                            |            |                        |
   2                            |            |                        |
   3                            |            |                        |
   4                            |            |                        |

**C. Project References**

For a minimum of three similar complex new construction projects for a community college/university listed in ATTACHMENT "A", provide a reference contact name, title, email and phone number. Reference contacts must be persons directly familiar with the work of the Contractor on the project, and must be able to provide objective evaluation of Contractor’s performance and project environment description.
V. BUSINESS LONGEVI TY, FINANCIAL STRENGTH AND PERFORMANCE

The District will assign points for the following based on standardized questions that the District will ask each contractor’s references:

A. Years in Business Under Current License  ____________ years

B. Contractor's Financial Information

Contractor must submit an audited financial statement or verified financial statement certified by an officer of the company for the past two (2) full fiscal years. A letter verifying availability of a line of credit may also be attached; however, it will be considered supplemental information only, and is not a substitute for the required audited or certified financial statement.

C. Contractor's Bonding/Surety

Contractors must fully comply with all bid conditions including, without limitation, a ten percent (10%) bid bond, a hundred percent (100%) payment bond, and a hundred percent (100%) performance bond. The contractor may substitute securities for any monies withheld by the District to ensure performance under a contract for the Project, in accordance with the provisions of section 22300 of the Public Contract Code. Contractor’s surety must be admitted and authorized to transact business as a surety in California. List all sureties utilized in the past five (5) years. Use separate signed sheets as necessary, with all requested information.

1. Name of bonding company (not agency): __________________________

2. Address of company: _______________________________________

3. Name of agent: __________________________

4. Address of agent: ____________________________

5. Telephone number of agent: __________________________

6. Years contractor has been with this surety: ________________

7. Amounts paid out by or work performed by surety in the past five (5) years that were in any way related to construction activities of contractor and/or any firm identified above in Section II.B. and/or Section II.C. (Please provide an explanation on separate signed sheets): $ __________________________
8. Has your firm and/or any firm identified in Section II.B. above paid a premium of more than one percent (1%) for a performance and payment bond on any project(s) at any time during the past five (5) years?

   Yes □  No □

   If yes, state the percentage paid. You may provide an explanation for a percentage rate higher than one percent, if you wish to do so:
   ____________________________________________________________________________%

9. During the past five (5) years, has your firm and/or any firm identified above in Section II.B. and/or Section II.C. been denied bond coverage by a surety company, or has there ever been a period of time when your firm had no surety bond in place during a public construction project when one was required? (Please circle one).

   Yes □  No □

   If yes, provide details on a separate signed sheet indicating the date(s) when your firm was denied coverage and the name of the company or companies which denied coverage; and the period(s) during which you had no surety bond in place.

D. Non-Compliance with Applicable Laws

1. Has your firm and/or any firm identified above in Section II.B. and/or Section II.C. been cited and/or assessed any penalties for non-compliance with state and/or federal laws and/or regulations, including OSHA violations, and Labor Code violations, within the past five (5) years? (Please check one).

   Yes □  No □

   If “yes,” indicate on separate signed sheet(s) the project name(s), violation(s), and date(s) of incidents.

2. Has your firm and/or any firm identified above in Section II.B. and/or Section II.C. ever been found liable in a civil suit or found guilty in a criminal action for making any false claim or material misrepresentation to any public entity?

   Yes □  No □

   If “yes,” indicate on separate signed sheet(s), including the person(s) involved, the name of the public entity, the date of the investigation and the grounds for the finding.
3. Has your firm and/or any firm identified above in Section II.B. and/or Section II.C. ever been convicted of a crime involving any federal, state, or local law related to construction?

   Yes □   No □

   If “yes,” explain on a separate signed sheet, including the person(s) involved, the date of the conviction and the grounds for the conviction.

4. Has your firm and/or any firm identified above in Section II.B. and/or Section II.C. ever been convicted of a federal or state crime of fraud, theft, or any other act of dishonesty?

   Yes □   No □

   If “yes,” explain on a separate signed sheet, including the person(s) convicted, the court (the county if a state court, the district or location of a federal court), the year and the criminal conduct.

E. Environmental Citations

   Has your firm and/or any firm identified above in Section II.B. and/or Section II.C. been cited and/or assessed penalties by the Environmental Protection Agency, any air quality management district, any regional water quality control board, or any other environmental agency within the past five (5) years?

   Yes □   No □

   If “yes,” indicate on separate signed sheet(s) the project name(s), violation(s), and date(s) of citation.

F. Workers’ Compensation Experience Modification Rate

   1. State the contractor’s current Workers’ Compensation Experience Modification Rate: __________________________

   2. State the contractor’s Workers’ Compensation Experience Modification Rate for the past five (5) years (including any firm identified in Section II.B., above):

<table>
<thead>
<tr>
<th>Year</th>
<th>Modification Rate</th>
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3. Within the past five (5) years, has there been a period when your firm and/or any firm identified in Section II.B. above had employees but was without workers’ compensation insurance or state-approved self-insurance?

   Yes ☐        No ☐

If yes, indicate on separate sheet(s) of paper the date(s) and reason(s) for the absence of workers' compensation insurance.

4. Within the past five (5) years, has your firm, or any firm identified in Section B above, been cited for any OSHA violations?

   Yes ☐        No ☐

If yes, please explain on a separate signed sheet.

G. Experience with Project Labor Agreements (Provisional)

   Does your firm and/or any firm identified above in Section II.B. and/or Section II.C. have experience working under project labor agreements/project stabilization agreements?

   Yes ☐        No ☐

If yes, please explain on a separate signed sheet.

H. CEQA

   Does your firm and/or any firm identified above in Section II.B. and/or Section II.C. have experience working on Projects subject to strict compliance with requirements set forth in a project Environmental Impact Report, including mitigation measures?

   Yes ☐        No ☐

If yes, please explain and describe the specific EIR requirements complied with on a separate signed sheet.

VI. SAFETY AND SUBCONTRACTING OF ADDITIONAL HAZARDOUS MATERIAL ABATEMENT:

   The Owner has made reasonable efforts to abate and mitigate hazardous materials in the areas of this project. Should additional hazardous materials be discovered during demolition, does Contractor have experience and qualifications for subcontracting abatement on an as-needed, quick response basis?

   Yes ☐        No ☐

If yes, please provide project names in which Contractor was responsible for additional, 'on-call' abatement subcontracting: ________________________

   ________________________________________________________________
   ________________________________________________________________
VII. CERTIFICATION

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct:

Date: 

Proper name of contractor: 

Signature by an officer of the contractor: 

By: 

(Print Name)

Title: 

ATTACHMENT "A"

Completed New Construction Projects

1. Project Name/Identification:
   a. Name of contractor/entity performing work: ____________________________
   
   b. Project owner: ____________________________
   
   c. Project architect (name and telephone number): ____________________________
   
   d. Project Name, Type, and Scope of Work: ____________________________
   
   e. Project address/location: ____________________________
   
   f. Original completion date: ____________________________
   
   g. Date completed: ____________________________
   
   h. Describe measures taken to adhere to scheduling requirements: 
      ____________________________
   
   i. Initial contract value (as of time of bid award): ____________________________
   
   j. Total value of stop notices: ____________________________
   
   k. Total value of change orders: ____________________________
   
   l. Final contract value: ____________________________
   
   m. Describe cost control measures taken:
      ____________________________
   
   n. Were liquidated damages assessed (If yes, explain): ____________________________
o. Contact for verification and reference (name, title, email and telephone number)
   ________________________________
   ________________________________
   ________________________________

p. Describe scope of staging performed and specific staging requirements complied with:
   ________________________________
   ________________________________
   ________________________________

q. Describe any additional special circumstances of the project similar and relevant to the NAC Project (i.e., project labor agreements, CEQA requirements, site specific conditions, etc.)
   ________________________________
   ________________________________
   ________________________________

r. Did the project owner, architect, or construction manager file claim(s) in an amount exceeding $50,000 against you or your firm, or did you or your firm file claim(s) in an amount exceeding $50,000 against a project owner, architect, or construction manager? (Please check one).
   Yes [ ]
   No [ ]

   If yes, explain and indicate on separate signed sheet(s) the project name(s), claim(s), and date(s) of claim(s).

   I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

   Date: ________________    ______________________
   Name
1. **Fixed Occupancy, Limited Extension Schedule:**
   - Due to the preset academic calendar schedules, the NAC Project has a fixed occupancy date and must be substantially completed, with limited extensions, no later than ________.
   - Limit new construction and related activities to daylight hours between 7:00 A.M. and 5:00 P.M., Monday through Friday and between 9:00 A.M. and 5:00 P.M. on Saturdays.
   - The Environmental Impact Report for the project requires strict adherence to the construction schedule.

2. **High Traffic, Limited Site Access:**
   - Compliance with the Construction Management Plan ("CMP"), including, without limitation, adherence to construction access, hauling and delivery routes, construction staging locations, traffic control measures and procedures, signs, truck marshal directive, parking locations, and measures to avoid impacts to adjoining streets and transit facilities.

3. **Tree Preservation:**
   - Adherence to established nest setback zones for loggerhead shrike and raptors species, if any, and related measures.
   - Avoid adversely affecting trees and specified landscaping on site and en route to site.
   - A plan denoting trees and landscaping areas to be preserved and protected will be included in the bid documents.

4. **Neighborhood Noise and Disruption Mitigation:**
   - Limit new construction and related activities to daylight hours between 7:00 A.M. and 5:00 P.M., Monday through Friday and between 9:00 A.M. and 5:00 P.M. on Saturdays.
   - The Environmental Impact Report for the project requires that all adjacent residents and campus staff and students be notified of the construction schedule in writing or by posting signs. Additionally, nearby residents must be provided with a written schedule of “noisy” construction activities. Strict adherence to the construction schedule is required.
   - Construction equipment shall be well maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and be determined to be running in proper condition prior to operation. All off-road construction equipment must be equipped with EPA/CARB Tier 3 certified diesel engines or better.
• Construction equipment shall be used judiciously to be as quiet as practical. Quiet models of air compressors and other stationary noise sources shall be used where technology exists.

• Equip all internal combustion engine-driven equipment with mufflers that are in good condition and appropriate for the equipment.

• Locate all staging areas and stationary noise-generating equipment, such as air compressors and portable power generators, where directed by the CMP and/or District. Storage of supplies and equipment shall occur only in areas designated by the CMP and/or District. Green fabric screening construction fencing shall be placed around the site.

• Prohibit all unnecessary idling of internal combustion engines. Equipment must be shut off when not in use, and any idling time shall not exceed five minutes.

• Comply with and follow all directions and instructions concerning noise disturbance given by the Campus Construction Manager.

• Prohibit construction worker radios from being audible beyond the limits of the construction site. Radio noise from construction traffic vehicles may not be audible outside of the vehicle cabin in adjacent neighborhoods or when ingressing or egressing from the construction site.

• Adherence to air quality control measures during new construction, transportation and handling of construction materials, including, without limitation: cover trucks hauling soil, sand, and other loose materials to or from the site, or require all trucks to maintain at least 2 feet of freeboard; sweep paved access roads, parking areas, streets and staging areas daily; water sweepers shall vacuum up excess water to avoid runoff-related impacts on water quality; pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas; water all active construction areas at least twice daily and more often during windy periods – active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives; limit traffic speed on unpaved roads to 15 miles per hour; install sandbags and other erosion control measures and compliance with the Erosion Control Plan and SWPPP; apply non-toxic soil stabilizers to inactive construction areas; and wash tires or tracks of all trucks or equipment leaving the site.

• Impact pile driving shall be avoided where possible. The Construction Vibration Monitoring Plan must be adhered to for impact pile driving within 50 feet of a building.

• Completion of a Construction Debris Recycling Plan must be completed by the Contractor and submitted with building permit applications. This plan shall describe the material diversion method and company, recycling or disposal facility, and estimated quantity of materials as required by the Marin County C&R Recycling and Reuse Plan Form. Upon completion of project construction, contractor shall submit all disposal and recycling receipts for release of the Hold on Final Inspection.

• Compliance with Demolition and Disposal Plan.
5. Cultural Artifacts Discovery:
   - Compliance with and adherence to the Treatment Plan, which provides specific treatments and courses of action for areas where ground disturbances are to occur, including procedures and treatments for Native American cultural resources, skeletal, and cremated remains, historic-period deposits, and other archaeological deposits.
   - Prohibit the movement or collection of archaeological materials by construction personnel.

6. Cost Control:
   - Construction of the NAC Project is one of the final projects under the Measure C Bond Program and is subject to strict budget constraints.
   - The estimated “Bid Day” Cost of Construction for the NAC Project is $24,000,000.

7. Effective Coordination and Supervision of Subcontractors:
   - The successful bidder will need to utilize proactive, effective coordination and supervision skills to match Project phase and environment.
Exhibit “B”

Prequalification Rating System

MARIN COMMUNITY COLLEGE DISTRICT
PREQUALIFICATION EVALUATION PROCEDURE
FOR
NEW CONSTRUCTION OF THE NEW ACADEMIC CENTER (“NAC”) PROJECT

May 16, 2013

Name of Contractor: ________________________________

I. RESPONSIVENESS CRITERIA

Confirm Prequalification Statement Submitted is Responsive – if the answer to any of the questions is “no,” then the Prequalification Statement is nonresponsive. (See Section III.E of Prequalification Information)

A. Timeliness
   Has the Contractor submitted its Prequalification Statement on time?
   Yes ☐ No ☐

B. Completeness
   Did the Contractor provide all requested information in its submitted Prequalification Statement?
   Yes ☐ No ☐

C. Signed Under Penalty of Perjury
   Is the Prequalification Questionnaire signed under penalty of perjury by individuals who have the authority to bind the contractor on whose behalf they are signing?
   Yes ☐ No ☐

D. Misleading/Inaccurate Information
   Is the information provided by the contractor misleading or inaccurate in any material manner (e.g., financial resources are overstated; previous violations of law are not accurately reported)?
   Yes ☐ No ☐

E. Acknowledgement of Receipt of Addenda
   Did the Contractor acknowledge receipt of all addenda issued by the District?
   Yes ☐ No ☐
II. GENERAL INFORMATION
Confirm Contractor has completed/provided the following information— if the answer to any of the questions is “no,” then the answer to I.B. is also “no”:

A. Contractor’s Information (See Section II.A. of Questionnaire)
   Is the information provided by the contractor responsive?
   Yes ☐ No ☐

B. Current Organization/Structure (See Section II.B. of Questionnaire)
   Is the information provided by the contractor responsive?
   Yes ☐ No ☐

C. Associated Firms (See Section II.C. of Questionnaire)
   Is the information provided by the contractor responsive?
   Yes ☐ No ☐

D. History and Performance (See Section II.D. of Questionnaire)
   Is the information provided by the contractor responsive?
   Yes ☐ No ☐

E. Licenses (See Section II.E. of Questionnaire)
   Is the information provided by the contractor responsive?
   Yes ☐ No ☐

F. Contractor’s Project Personnel (See Section II.F. of Questionnaire)
   Is the information provided by the contractor responsive?
   Yes ☐ No ☐

G. Contractor’s Insurance (See Section II.G. of Questionnaire)
   Is the information provided by the contractor responsive?
   Yes ☐ No ☐
III. ESSENTIAL CRITERIA

Confirm Essential Criteria (See Section III of Questionnaire and Section IV.A of Prequalification Information)

A. Similar Projects

Has the Contractor contracted for and completed a minimum of three (3) similar complex new construction projects for a community college/university in the State of California with a minimum initial price of $24,000,000.00 within the past five (5) years?

Yes ☐ No ☐

(If no, then Contractor is not qualified)

B. Default or Bankruptcy

Has the Contractor, either performing work under its current license or under licenses through other entities, including a joint venture, defaulted on a contract, declared bankruptcy, or been placed in receivership within the past five (5) years?

Yes ☐ No ☐

(If yes, then Contractor is not qualified)

C. Licensure

To prequalify for the Project, the Contractor is required to possess one or more of the following State of California Contractor Licenses: A or B. Has the Contractor held all current, active contractor’s license(s) necessary to perform its work at all times (i.e. license has not been suspended or revoked) for at least five (5) years?

Yes ☐ No ☐

(If no, then Contractor is not qualified)

D. Disqualification, Prohibition

Has the Contractor been disqualified, debarred, found non-responsible or otherwise prohibited, from performing work and/or bidding on work on any community college district, university, school district, or other public agency within the State of California within the past five (5) years?

Yes ☐ No ☐

(If yes, then Contractor is not qualified)
E. **Termination**
Has the Contractor been terminated on any project by any owner, including any community college district, university, school district, or other public agency, on any project within the State of California within the past five (5) years?

Yes □ No □

(If yes, then Contractor is not qualified)

F. **Liquidated Damages**
Were liquidated damages assessed against the Contractor for any of the projects identified by the Contractor on Exhibit A to the Prequalification Questionnaire?

Yes □ No □

(If yes, then Contractor is not qualified)

G. **Bonding Capacity**
Has Contractor provided a notarized statement that states Contractor’s total bonding capacity (from an admitted surety insurer that is authorized to issue bonds in the State of California) meets or exceeds the estimated “Bid Day” Cost of Construction of the NAC Project of $24,000,000?

Yes □ No □

(If no, then Contractor is not qualified)

IV. **PROJECT EXPERIENCE AND REFERENCES**

A. **ATTACHMENT “A”, Completed New Construction Projects**

To be completed on Evaluation Worksheet.

B. **Site Specific Criteria**

1. **Scheduling Criteria:**
   a. **Fixed Occupancy Date, Limited Extensions Schedule:** Does Contractor have experience with complex new construction projects with similar schedule constraints, and if so, was Contractor able to meet the schedule?

   Yes □ No □
b. **Scheduling Qualifications:** Has Contractor demonstrated internal proactive scheduling expertise, including staff and subcontractor expertise, and evidence of project delivery?

Yes ☐ No ☐

Numerical Rating: ________ points (out of 20 possible points)

2. **High Traffic, Limited Site Access:** Does Contractor have experience with new construction projects located near a high traffic intersection with limited site access?

Yes ☐ No ☐

Numerical Rating: ________ points (out of 10 possible points)

3. **Tree Preservation:** Does Contractor have experience with construction projects requiring preservation of heritage and other trees?

Yes ☐ No ☐

Numerical Rating: ________ points (out of 5 possible points)

4. **Neighborhood Noise and Disruption Mitigation:** Does Contractor have experience with new construction projects where noise and neighborhood disruption were concerns and mitigation measures were required?

Yes ☐ No ☐

Numerical Rating: ________ points (out of 10 possible points)

5. **Cultural Artifacts Discovery:** Does Contractor have experience with procedures for handling discovery of cultural artifacts in connection with new construction projects?

Yes ☐ No ☐

Numerical Rating: ________ points (out of 5 possible points)

6. **Cost Control:** Has contractor demonstrated adequate and effective cost control measures?

Yes ☐ No ☐

Numerical Rating: ________ points (out of 20 possible points)
7. **Coordination**: Has contractor demonstrated adequate and effective measures are in place for coordination and supervision of subcontractors that are conducive to the demands of the specific Project phase and environment?

   Yes [ ] No [ ]

   Numerical Rating: ________ points (out of 20 possible points)

C. **Contact Project References**

   The District must contact each of Contractor’s references for a minimum of three (3) of Contractor’s most recent similar complex new construction projects for a community college/university, including the two (2) largest complex new construction projects. (Use attached Prequalification Evaluation Reference Form).

V. **BUSINESS LONGEVITY, FINANCIAL STRENGTH AND PERFORMANCE**

   To be completed on Evaluation Worksheet.

   **Complete Evaluation Worksheet**

   Insert total score from Evaluation Worksheet: ________

   Contractor must have 140 points TOTAL POINTS or higher to qualify.
The District should fill out the information in Section I and then telephone the contact person(s). The District should then ask the questions in Section II, obtaining the information as to whether the Contractor’s performance in that area was unsatisfactory, below average, average or above average. The District should then complete section III with that information and enter the average of the Total Numerical Rating of all the Evaluation Reference Forms for that Contractor at the corresponding place on the Evaluation Worksheet.

Section I - General Project Information

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<th>Name of Contractor:</th>
<th>Total Contract Costs:</th>
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<td>Contract Start/End Dates:</td>
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<th>Scope of Work:</th>
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<tr>
<th>Name of Public Agency/School District:</th>
<th>Telephone Number of Contact Person:</th>
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<th>Name of Contact Person:</th>
<th>Date and Time of Interview of Contact Person:</th>
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<tr>
<th>Architect Firm:</th>
<th>Principal Architect in Charge of Project:</th>
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Section II – Telephone Interview Questions

1. Planning and Coordination of Work
Did the Contractor pursue and develop a thorough understanding of the scope of work? Did the Contractor proactively anticipate and coordinate agencies and jurisdictions' requirements and procedures? Was the Contractor able to plan and execute complex critical path tasks for successful completion? Please rate the Contractor with respect to planning and coordination of work as either unsatisfactory, below average, average, or above average.

___________________________________________________________________
___________________________________________________________________
___________________________________________________________________
___________________________________________________________________

2. Quality of Work
Were there quality-related problems on the project? Were these problems attributable to the Contractor? Was the Contractor cooperative in trying to resolve problems? If not, provide specific examples. Please rate the Contractor with respect to quality of work as either unsatisfactory, below average, average, or above average.

___________________________________________________________________
___________________________________________________________________
___________________________________________________________________
___________________________________________________________________

3. Performance and Accountability
a. Scheduling - Rate the Contractor's performance with regard to adhering to project schedules. Did the Contractor proactively manage and meet the project schedule? If not, was the delay attributable to the Contractor? Please rate the Contractor with respect to scheduling as either unsatisfactory, below average, average, or above average.

___________________________________________________________________
___________________________________________________________________
___________________________________________________________________
___________________________________________________________________
b. Supervision - Subcontractor and Project Management - Rate the Contractor's ability to manage and coordinate subcontractors (if no subcontractors, rate the Contractor's overall supervision and project management). Was the Contractor able to effectively resolve problems? If not, provide specific examples. Please rate the Contractor with respect to project management as either unsatisfactory, below average, average, or above average.

___________________________________________________________________
___________________________________________________________________
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c. Staging – Rate the Contractor’s performance with regard to staging requirements. Did the Contractor keep staging areas clean and free from debris? Did the Contractor comply with set staging requirements, if any, and if so, what were the requirements? Please rate the Contractor with respect to staging as either unsatisfactory, below average, average, or above average.

___________________________________________________________________
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___________________________________________________________________
___________________________________________________________________

d. Safety and Additional hazardous material abatement - Was Contractor able to coordinate timely abatement of additional hazardous material uncovered during demolition? Did Contractor have effective safety measures in place? Please rate the Contractor with respect to coordination of additional abatement and safety as unsatisfactory, below average, average, or above average.

___________________________________________________________________
___________________________________________________________________
___________________________________________________________________
___________________________________________________________________
e. Change Orders - Rate the Contractor's performance with regard to change orders and extras. Did the Contractor unreasonably claim change orders or extras? Were the Contractor’s prices on change orders and extras reasonable? If not, provide specific examples. Please rate the Contractor with respect to change orders as either unsatisfactory, below average, average, or above average.

___________________________________________________________________
___________________________________________________________________
___________________________________________________________________
___________________________________________________________________

f. Working Relationships - Rate the Contractor's working relationships with other parties (i.e. owner, designer, subcontractors, etc.). Did the Contractor relate to other parties in a professional manner? If not, provide specific examples. If not, provide specific examples. Please rate the Contractor with respect to working relationships as either unsatisfactory, below average, average, or above average.

___________________________________________________________________
___________________________________________________________________
___________________________________________________________________
___________________________________________________________________

g. Paperwork Processing - Rate the Contractor's performance in completing and submitting required project paperwork (i.e. submittals, drawings, requisitions, payrolls, etc.). Did the Contractor submit the required paperwork promptly and in proper form? If not, provide specific examples. Please rate the Contractor with respect to paperwork processing as either unsatisfactory, below average, average, or above average.

___________________________________________________________________
___________________________________________________________________
___________________________________________________________________
___________________________________________________________________
h. Litigation - Rate the Contractor's performance with regard to litigation. Were there claims in an amount exceeding $50,000 against the Contractor or filed by the Contractor? (i.e. above average is less than $50,000 total in claims; average below average and unsatisfactory is based on the particular circumstances) Please rate the Contractor with respect to litigation as either unsatisfactory, below average, average, or above average.
### Section III - Numerical Rating

If the contact person rates the Contractor unsatisfactory in any area, please attempt to provide written comments in Section II to explain the rating(s) assigned.

Contractor's Name: _______________________________________

<table>
<thead>
<tr>
<th></th>
<th>Unsatisfactory</th>
<th>Below Average</th>
<th>Average</th>
<th>Above Average</th>
<th>RATING</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Planning and Coordination of Work</td>
<td>0</td>
<td>5</td>
<td>10</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>2. Quality of Work</td>
<td>0</td>
<td>1</td>
<td>3</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>3. Performance and Accountability</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>a. Scheduling</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>b. Supervision; Subcontractor and Project Management</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>c. Staging</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>d. Safety and Additional Hazardous Material Abatement</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>e. Change Orders</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>f. Working Relationships</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>g. Paperwork Processing</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>h. Litigation</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>0</strong></td>
<td><strong>10</strong></td>
<td><strong>25</strong></td>
<td><strong>40</strong></td>
<td></td>
</tr>
</tbody>
</table>

**Maximum Possible**

<table>
<thead>
<tr>
<th>Unsatisfactory</th>
<th>Below Average</th>
<th>Average</th>
<th>Above Average</th>
<th>RATING</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>10</td>
<td>25</td>
<td>40</td>
<td></td>
</tr>
</tbody>
</table>
PREQUALIFICATION EVALUATION WORKSHEET

Name of Contractor: ________________________________

NAME OF EVALUATOR: ___________________________ DATE: ____________

I. Responsive Criteria
(If any one of the responsive criteria is not met, there is no need to complete the remainder of the evaluation).

I.A Timeliness of Prequalification Statement? Yes No
I.B Completeness? Yes No
I.C Signed Under Penalty of Perjury? Yes No (See Questionnaire Section VII)
I.D Information is Accurate/Not Misleading? Yes No

II. General Information
(If Contractor has failed to complete any one of the general information questions, the Prequalification Statement is not complete [see Responsive Criteria, I.B. above])

II.A Contractor’s information Yes No
II.B Current organization/structure Yes No
II.C Associated firms Yes No
II.D History and performance Yes No
II.E Licenses Yes No
II.F Project Personnel Yes No
II.G Contractor’s Insurance Yes No

III. Essential Criteria
(If any one of the essential criteria is not met, there is no need to complete the remainder of the evaluation).
Contractor meets Criteria described?

III.A Similar projects Yes No (If no, then Contractor is not qualified)
III.B Bankruptcy Yes No (If yes, then Contractor is not qualified)
III.C Licensure Yes No (If no, then Contractor is not qualified)
III.D Barred Yes No (If yes, then Contractor is not qualified)
III.E Termination Yes No (If yes, then Contractor is not qualified)
III.F Liquidated Damages Yes No (If yes, then Contractor is not qualified)
III.G Bonding Capacity Yes No (If no, then Contractor is not qualified)

IV. Project Experience and References

A. Size of Completed Similar Projects (30 possible points = 15% of score) (See Section III.A of Questionnaire and Attachment A)
Choose the one with the highest point value that contractor meets.

<table>
<thead>
<tr>
<th>Projects Size</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>$60 million</td>
<td>30</td>
</tr>
<tr>
<td>$40 million</td>
<td>25</td>
</tr>
<tr>
<td>$30 million</td>
<td>22</td>
</tr>
<tr>
<td>$24 million</td>
<td>20</td>
</tr>
</tbody>
</table>

Note: Exhibit A must contain at least three complex new construction projects for a community college/university with a minimum initial price of $24,000,000.00 or contractor cannot prequalify.
B. Site Specific Criteria (90 possible points = 45% of score; rate Contractor in each category)
These criteria are particularly important to the District as predictors of success, and Contractor responses will be scored. (See Section IV.B. of Questionnaire)

<table>
<thead>
<tr>
<th>Experience</th>
<th>Max points</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Experience with fixed occupancy date,</td>
<td>= 20 Points</td>
<td></td>
</tr>
<tr>
<td>limited extensions schedule (demonstrated in-house scheduling expertise)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Experience with high traffic, limited site access</td>
<td>= 10 Points</td>
<td></td>
</tr>
<tr>
<td>Experience with tree preservation</td>
<td>= 5 Points</td>
<td></td>
</tr>
<tr>
<td>Experience with neighborhood noise and disruption mitigation</td>
<td>= 10 Points</td>
<td></td>
</tr>
<tr>
<td>Experience with cultural artifacts discovery</td>
<td>= 5 Points</td>
<td></td>
</tr>
<tr>
<td>Experience with cost control measures</td>
<td>= 20 Points</td>
<td></td>
</tr>
<tr>
<td>Experience with Effective Subcontractor Coordination and Supervision Measures</td>
<td>= 20 Points</td>
<td></td>
</tr>
</tbody>
</table>

C. References (40 possible points = 20% of score)
Use the attached Evaluation Reference Form for each reference contacted for each contractor. Insert the average of all the scores from all references for each contractor.

<table>
<thead>
<tr>
<th>Average Numeric Rating from Evaluation Reference Forms</th>
<th>= 40 Points</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

V. Business Longevity, Financial Strength, Performance (40 possible points = 20% of score)

A. Years in Business under Current License (See Section V.A. of Questionnaire – 7 possible points)

<table>
<thead>
<tr>
<th>Years in Business</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 or more years</td>
<td>7 Points</td>
</tr>
<tr>
<td>5 to 9 years</td>
<td>5 Points</td>
</tr>
<tr>
<td>2 to 4 years</td>
<td>3 Points</td>
</tr>
<tr>
<td>0 to 2 years</td>
<td>0 Points</td>
</tr>
</tbody>
</table>

B. Financial Strength – (assets minus liabilities, excluding line of credit) (See Section V.B. of Questionnaire – 8 possible points)

<table>
<thead>
<tr>
<th>Financial Strength</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Working Capital; current assets minus current liabilities; 10% or more of $___ million</td>
<td>4 Points</td>
</tr>
<tr>
<td>Net Worth: Current assets minus current liabilities; equal to $___ million</td>
<td>4 Points</td>
</tr>
</tbody>
</table>

C. Surety Payment on behalf of Contractor (See Section V.C. of Questionnaire – 5 possible points)

<table>
<thead>
<tr>
<th>Surety Payment</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 Incidents</td>
<td>5 Points</td>
</tr>
<tr>
<td>1 or more Incidents</td>
<td>0 Points</td>
</tr>
</tbody>
</table>

D. Non-Compliance with Applicable Laws (See Section V.D. of Questionnaire – 5 possible points)

<table>
<thead>
<tr>
<th>Non-Compliance</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 Projects</td>
<td>5 Points</td>
</tr>
<tr>
<td>1 Project</td>
<td>3 Points</td>
</tr>
<tr>
<td>2 or more Projects</td>
<td>0 Points</td>
</tr>
</tbody>
</table>

E. Environmental Citations (See Section V.E. of Questionnaire – 5 possible points)

<table>
<thead>
<tr>
<th>Environmental Citations</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 Incidents</td>
<td>5 Points</td>
</tr>
<tr>
<td>1 or more Incidents</td>
<td>0 Points</td>
</tr>
</tbody>
</table>

F. Workers Compensation Modifier (See Section V.F. of Questionnaire – 5 possible points)

<table>
<thead>
<tr>
<th>Workers Compensation Modifier</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than or equal to 1.0</td>
<td>5 Points</td>
</tr>
<tr>
<td>More than .75 and less than 1.0</td>
<td>3 Points</td>
</tr>
<tr>
<td>More than 1.0</td>
<td>0 Points</td>
</tr>
</tbody>
</table>

G. Labor Agreements (See Section V.G. of Questionnaire – 5 possible points)

<table>
<thead>
<tr>
<th>Labor Agreements</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 Projects</td>
<td>5 Points</td>
</tr>
<tr>
<td>5 Projects</td>
<td>3 Points</td>
</tr>
<tr>
<td>0 Projects</td>
<td>0 Points</td>
</tr>
</tbody>
</table>
H. **CEQA** (See Section V.H. of Questionnaire – 5 possible points)

<table>
<thead>
<tr>
<th>Projects</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 Projects</td>
<td>0</td>
</tr>
<tr>
<td>1 Project</td>
<td>3</td>
</tr>
<tr>
<td>2 or more Projects</td>
<td>5</td>
</tr>
</tbody>
</table>

VI. **Safety and Experience Subcontracting Additional Hazardous Material Abatement**

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

**Maximum Points:** = 200

**TOTAL POINTS**
**Exhibit “C”**

**Appeal Process**

A contractor may appeal the District’s decision. If a contractor decides to appeal the District’s qualification decision, it shall follow this procedure:

- **A.** Contractor shall submit, in writing, within three (3) working days from notification, a request for a written response from the District to explain any aspect of the District’s determination.

- **B.** Within three (3) working days from receipt of the District’s written response to the contractor’s request, contractor may submit, in writing, a request for a meeting with the District’s staff. Contractor may submit with the request any information that it believes supports a finding that District’s determination should be changed.

Contractor’s failure to comply with any of the above time periods shall be deemed acceptance of the District’s determination of the contractor’s prequalification status. Unless a contractor files a timely appeal, the contractor waives any and all rights to challenge the qualification decision of the District, whether by administrative process, judicial process, or any other legal process or proceeding.

There is no appeal of the determination that a contractor does not prequalify where said contractor has failed to submit required information.

The date for submission and opening of bids for a specific project will not be delayed or postponed to allow for completion of an appeal process.
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>April 16, 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>From:</td>
<td>Superintendent/President</td>
<td>Item &amp; File No.</td>
<td>9.E.4.</td>
</tr>
<tr>
<td>Subject:</td>
<td>Approve Purchase of Portables</td>
<td>Reason for Board Consideration:</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>ACTION APPROVAL</td>
<td>Analysis</td>
</tr>
</tbody>
</table>

**BACKGROUND:**

The College has been leasing nine modular buildings to house classrooms and Measure C Bond Program Management consultants. These buildings, located south of the PE complex and adjacent to the new track field, include a restroom unit and are accessibility compliant.

Staff has studied the leasing costs, purchase costs and resale value of the buildings and determined that purchase of the buildings yields a favorable return on investment. Purchasing the buildings soon will cost less than leasing the buildings for thirty two months. The Bond Program will conclude in approximately thirty nine to forty eight months. Additionally, a market exists for used modular buildings, and the resale value of the buildings at the end of the Bond Program would further reduce the payback period. Backup data and analysis are summarized on the attached page.

Bond counsel has been consulted, and advises that purchase of the portables is consistent with Measure C ballot language and is a permissible use of bond funds. Project 850A, Relocation Costs, is the fund source for leasing the buildings, and currently has sufficient budget to purchase the buildings.

Staff recommends that nine portables at the 'Portable Village' location be purchased for approximately $328,126, using current funds in the Relocation Costs (850A) budget line. The precise purchase cost will vary according to minor procedural fees, and is not expected to vary significantly.

**FISCAL IMPACT:**

Purchase of the modular buildings at 'Portable Village' requires no budget change. Purchase of the buildings will eliminate the need to augment the lease budget after approximately thirty one months. Should future board action authorize the sale of some or all of the buildings, a future positive return would be realized.

**RECOMMENDATION:**

The Superintendent/President recommends that the Board of Trustees approve the purchase of modular buildings for approximately $328,126, using Relocation Costs (850A) funds.

<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>
Recommendation: Purchase portables soon

Analysis period 39 months
Cost to Lease, over analysis period $411,411 cost
Present Cost to Purchase $328,166 cost
Payback Time 31.1 months

Estimated Asset Value, end of analysis period $147,675 benefit
Net Present Cost: if purchase, then sell at end $180,491 cost
Payback Time, Months 17.1 months

ASSUMPTIONS AND CALCULATIONS

Months to end of program 39

<table>
<thead>
<tr>
<th>LEASE NO.</th>
<th>BLDG NO</th>
<th>PURCHASE COST</th>
<th>LEASE COST PER MONTH</th>
<th>LEASE COST 12 MONTHS</th>
<th>LEASE COST TO END OF PROG</th>
</tr>
</thead>
<tbody>
<tr>
<td>582519</td>
<td>PV1 or PV4</td>
<td>52,945</td>
<td>1,052</td>
<td>12,624</td>
<td>41,028</td>
</tr>
<tr>
<td>582520</td>
<td>RESTROOM PV2</td>
<td>41,038</td>
<td>920</td>
<td>11,040</td>
<td>35,880</td>
</tr>
<tr>
<td>582521</td>
<td>PV1 or PV4</td>
<td>53,998</td>
<td>1,608</td>
<td>19,296</td>
<td>62,712</td>
</tr>
<tr>
<td>582522</td>
<td>PV 5A and 5B</td>
<td>39,689</td>
<td>1,764</td>
<td>21,168</td>
<td>68,796</td>
</tr>
<tr>
<td>210000912.1</td>
<td>MS3 RESTROOM</td>
<td>17,775</td>
<td>710</td>
<td>8,520</td>
<td>27,690</td>
</tr>
<tr>
<td>210000956.1</td>
<td>PE8 AND PE9</td>
<td>23,198</td>
<td>1,010</td>
<td>12,120</td>
<td>39,390</td>
</tr>
<tr>
<td>210000667.1</td>
<td>PV10 AND PV11</td>
<td>23,198</td>
<td>975</td>
<td>11,700</td>
<td>38,025</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>328,166</td>
<td>10,549</td>
<td>126,588</td>
<td>411,411</td>
</tr>
</tbody>
</table>

Asset Value End of Analysis Period 45% of Purchase Price
Sale Price End of Analysis Period 147,675

Breakeven; Purchase 31.1 months; when purchase costs = lease costs
Breakeven; Purchase, then Sell 17.1 months; when purchase costs minus resale value = lease costs

PV (Present Value) Decision Analysis
Lease (411,411)
Purchase (328,166)
Purchase, Sell (180,491)

Summary
Considering economics only, recommend purchasing as soon as practicable.
Bond Counsel advises the purchase is within Measure C ballot language, and is a permissible use of bond funds.

Notes
This analysis is decision support, not a cash flow projection.
This analysis considers economics only, not other intangible factors which may be important.
Operation costs are ignored. The College currently absorbs those costs and the costs will not change as a result of the decision to purchase or lease.
# BOARD AGENDA ITEM

**To:** Board of Trustees  
**From:** Superintendent/President  
**Date:** April 16, 2013  
**Subject:** Approve New Professional Services Agreement for Design Services  
Structural Engineer Project (805A)  

<table>
<thead>
<tr>
<th>Reason for Board Consideration:</th>
<th>Enclosure(s):</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACTION APPROVAL</td>
<td>None</td>
</tr>
</tbody>
</table>

## BACKGROUND:

In 2005 the District commissioned detailed building assessments of all existing buildings located both at IVC and Kentfield campuses. These assessments addressed architectural (including access compliance), fire life safety and structural systems.

The District now seeks Board approval to issue a new Professional Services Short Form agreement in the amount $30,000.00 for structural design services to further assess the structural systems and submit Tier 3 structural reports for both the Learning Resources and the Austin Science Buildings.

## FISCAL IMPACT:

The total amount of the short from agreement will be $30,000.00.

This new agreement for design services will be paid from Measure C Bond funds from the project specific budget. The short from contract agreement for services will be brought to the Board for ratification at the first scheduled meeting following execution of the agreement.

## RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve a new long form professional services agreement for structural design services with the selected firm for the Structural Engineer Project (805A) in the amount of $30,000.00.

Administrator Initiating Item  
Laura McCarty  
Director of Modernization  

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

In December, 2012, the Board of Trustees approved a contract with Schoening Group Inc. for assistance with Bond Program transition. The contract was ratified by the Board of Trustees on January 15, 2013. To provide adequate and robust support for program direction, strategy, analysis and planning, the District desires to continue to supplement program planning and internal staff for a fixed term, effective April 17, 2013 through September 30, 2013.

In Fall 2012, the District identified and interviewed Sarah Schoening, Schoening Group Inc, who has a particularly appropriate and applicable set of qualifications to assist with planning for the completion phase of the Bond Program. The initial transition assistance is now largely completed, and the District has found the added experience and capacity to be of significant value and benefit.

The District proposes extension of the contract with Schoening Group Inc. to September 30, 2013 to support, augment and assist the Director of Modernization. These services will be scheduled and tailored to meet the needs of the capital program goals and timeline.

FISCAL IMPACT:

This extension of the professional services agreement for capital program transition assistance services will extend the contract period to September 30, 2013 and will be paid from Measure C Bond funds from the District Salaries Project No. (832A) in the not-to-exceed amount of $99,000.

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve an extension to the professional services agreement for Program Transition Assistance Services with Schoening Group Inc. to September 30, 2013, in the not-to-exceed amount of $99,000 to be paid from the District Salaries Project (832A) line item.
**BACKGROUND:**

The Measure C Bond language and California Building code stipulates that the Bond projects shall address the needs of the American with Disabilities Act (ADA) to the fullest extent required. The Board of Trustees and the Division of the State Architect (DSA) has approved all bond projects to date.

The ADA Upgrades KTD project is intended to identify and address small projects to bring the overall campus into compliance with the ADA. The Board has previously approved the Pathway Project which addresses the accessible route from parking lot 6 to upper campus via a new accessible ramp. This project is currently in the final stages of DSA review and is scheduled for construction completion summer 2013.

The District now seeks Board approval to issue an RFP and a new Professional Services Short Form agreement for design services to the selected firm in the amount of $50,000 for the ADA Upgrades KTD Project to address ADA compliance issues in Fusselman Hall.

**FISCAL IMPACT:**

The total amount of the short form agreement will be **$50,000.00**.

This new agreement for design services will be paid from Measure C Bond funds from the project specific budget. The short form contract agreement for services will be brought to the Board for ratification at the first scheduled meeting following execution of the agreement.

**RECOMMENDATION:**

The Superintendent/President recommends that the Board of Trustees approve a new long form professional services agreement for design services with the selected firm for the ADA Upgrades KTD Project (309A)- Fusselman Hall in the amount of **$50,000.00**.
BACKGROUND:

The board is asked to approve a transfer of funds for Program Management (825C). Following the Board Retreat and feedback to a Bond Spending Plan Presentation on March 29th 2013, a strategy has been established that will enable the program and construction management for the bond program to continue through December 2013 and also allow the staff to further assess, analyze, develop and present the complex and interrelated issues that require the Board’s consideration prior to approval of a comprehensive Bond Spending Plan. This is a targeted bond spending plan adjustment that will fund Jacobs through the end of the 2013 calendar year only. The sources to cover this expense will be from savings on the Science Math and Nursing project, Bond Financing savings and Bond Council unspent fees.

In this action we also propose the revision of the FA weatherization project (306D) to include the FA mechanical scope items. Staff will work with the Dean and user groups to prioritize and, with the available funds, implement the most urgent items. This change in scope does not change the budget of 306D.

FISCAL IMPACT:

Measure C bond funds in the amount of $1,059,655 will be transferred from projects listed below which are ready for close-out: The net impact of the reallocation is $0.

<table>
<thead>
<tr>
<th>Project</th>
<th>Funds to Be Transferred</th>
</tr>
</thead>
<tbody>
<tr>
<td>Science Math and Nursing 305A</td>
<td>$784,655</td>
</tr>
<tr>
<td>Bond Issuance costs 831C</td>
<td>$250,000</td>
</tr>
<tr>
<td>Bond Counsel 831B</td>
<td>$25,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,059,655</strong></td>
</tr>
</tbody>
</table>

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve $1,059,655 transfer of funds from the above projects into Program Management (825C) and to approve the revision of the FA Weatherization Project (306D) to include the FA mechanical scope.
To: Board of Trustees  
Date: April 16, 2013  
From: Superintendent/President  
Subject: Measure C Program and Construction Management (Program 825C and Project Management, Construction Management 301B, 303B, 309A)  
Approve Contract Amendment 2 - Jacobs Project Management Co.  
Reason for Board Consideration: ACTION APPROVAL  
Enclosure(s): None

**BACKGROUND:**

On January 15th, 2013, the Board of Trustees approved a long form contract for Jacobs Project Management Co. (Jacobs) in the amount of $450,000 for January, February and March of 2013. This initial amount was to enable Jacobs to provide bond program and construction management services for the Measure C bond program in anticipation of an update to the program’s Bond Spending Plan at the February, 2013 Board meeting. Subsequently, the decision was made to schedule a Board Retreat in late March to enable a full briefing and discussion of scope and spending options for the remaining Measure C work. At the Board’s regular meeting on March 19, Amendment 1 to the Jacobs’ contract was approved thereby enabling the continuation of program/ construction management services through April. At the end of the Board Retreat, the Board requested staff to engage in further comprehensive analysis and generation of both scope and funding alternatives for future presentation and discussion. This Amendment 2 to the Jacobs’ contract will enable program, project and construction management of the bond program to continue through December 31, 2013 while at the same time enabling staff to further assess, analyze, develop and present the complex and interrelated issues that require Board consideration prior to approval of the Bond Spending Plan. This amendment allocates the Jacobs fee into project 825C. Allocation of the contract amount to a single project is a common accounting approach chosen to facilitate tracking and assignment of fixed asset costs while the projects and budgets develop for the remainder of the bond program.

The District seeks Board approval of Amendment 2 to the contract with Jacobs Project Management Co. for services in 2013 related to projects 825C (Program and Project Management, Construction Management), 301B (Austin Science), 303B (Academic Center), 309A (ADA upgrades), in the amount of $1,215,000, time and materials not-to-exceed. The terms, conditions and scope of the services documented in the previously ratified long form contract are not changed. Budgeted fees for Program and Construction Management in 2014 and 2015 will be brought forward with the next Bond Spending Plan update.

**FISCAL IMPACT:**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Original Contract Amount</td>
<td>$450,000</td>
</tr>
<tr>
<td>Amendment 1</td>
<td>$140,000</td>
</tr>
<tr>
<td>Amendment 2</td>
<td>$1,215,000</td>
</tr>
<tr>
<td>Total Contract Amount</td>
<td>$1,805,000</td>
</tr>
</tbody>
</table>

**RECOMMENDATION:**

The Superintendent/President recommends that the Board approve Amendment 2 with Jacobs Project Management Co. in the amount of **$1,215,000** time and materials, not-to-exceed, for program and construction management services from May 1, 2013 to December 31, 2013, for the Measure C Bond Program.
To: Board of Trustees
From: Superintendent/President
Subject: Approve Contract Amendment to the Professional Services Agreement for Gayner Engineers
       New Fine Arts Building (306C)

Reason for Board Consideration: ACTION APPROVAL

BACKGROUND:

On February 22, 2012 the Notice of Completion for the New Fine Arts Building project (306C) was filed with the county recorder. Since that time the District has been using the facility and assessing the functionality of the mechanical, electrical and plumbing systems in the building.

In September 2012 the Board approved a Short Form Professional Service Agreement for Gayner Engineers to assess the mechanical, electrical and plumbing issues in the facility and provide conceptual solutions, options and preliminary rough order of magnitude costs associated with the various options. Gayner has also assisted the District to prioritize the various solutions presented to resolve the identified mechanical deficiencies at the Fine Arts building.

At this time the District seeks Board approval to move forward with a contract amendment for Gayner Engineers to provide construction documents and support through bid and construction phases of the proposed mechanical remediation work in the amount of $55,550.00.

FISCAL IMPACT:

The total amount of contract amendment 1 to the Professional Services Agreement will be $55,550.00.

| Original Short Form Professional Services Agreement | $10,000.00 |
| Amendment 1                                          | $55,500.00 |
| **Total Contract Amount**                            | **$65,550.00** |

This new agreement for design services will be paid from Measure C Bond funds from the New Fine Arts Building (306C) project budget. The short from contract agreement for services will be brought to the Board for ratification at the first scheduled meeting following execution of the agreement.

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees approve Amendment 1 to the existing professional services agreement for Gayner Engineers for mechanical design services for the New Fine Arts Project (306C) in the amount of $55,550.00.
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>April 16, 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>From:</td>
<td>Superintendent/President</td>
<td>Item &amp; File No.</td>
<td>9.E.11.</td>
</tr>
<tr>
<td>Subject:</td>
<td>Approve Inclusion of New Academic Center Project in Existing Project Stabilization Agreement</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reason for Board Consideration:</td>
<td>APPROVAL</td>
<td>Enclosure(s):</td>
<td></td>
</tr>
</tbody>
</table>

**BACKGROUND:**

On June 12, 2007, the Board of Trustees authorized the Marin Community College District to negotiate with the Marin County Building and Construction Trades Council and the Local Unions for a Project Stabilization Agreement (“PSA”) to cover the Science/Math/Central Plant project at the Kentfield Campus, and the Main Building project at the Indian Valley Campus. On June 24, 2008, the Board approved and ratified the negotiated PSA. Exhibit “B” to the PSA identifies the construction projects subject to the PSA. The PSA was executed by all craft unions involved with the covered projects.

The Board has approved the New Academic Center (“NAC”) project. The NAC, as planned, is a 44,257 square foot, three level facility located along College Avenue at the District’s Kentfield campus. The NAC will house classrooms, a large 120-seat capacity lecture room, computer labs, ESL facilities, and faculty offices, including the Dean’s office. The NAC will replace five existing older buildings on the site: Harlan Center, Business Management Center, Olney Hall, the Administrative Center, and the Taqueria restaurant building.

In order to provide equal opportunity for union and non-union contractors to participate in the NAC construction project and the successful completion of the Measure C Bond Program, the District proposes adding the NAC construction project to the list of projects subject to the existing PSA, which are set forth at Exhibit “B” to the PSA.

**FISCAL IMPACT:**

The fiscal impact, if any, is unknown.

**RECOMMENDATION:**

In order for the New Academic Center construction project to be subject to the terms of the existing PSA, the Superintendent/President recommends that the Board approve an amendment to the PSA that would add the NAC construction project to the list of projects at Exhibit “B”.

**Administrator Initiating Item**
Laura McCarty  
Director of Modernization

**Administrator Approving Item**
Albert J. Harrison  
Vice President, College Operations

633750-1
BACKGROUND:

On December 31, 2012, Aaneson Wildcat, Inc. dba Wildcat Engineering was selected to provide general contracting services for the KTD Utilities Project – Ph 1 (305A).

The work on this project is complete, and at this time the District gives notice and certifies that:

- The project has been inspected and complies with the plans and specifications;
- The contractor has completed the work;
- The contract for the project is accepted and complete; and
- A Notice of Completion (attached) is ready to be filed for the project.

Continued work on warranty items is routine and ongoing.

FISCAL IMPACT:

None.

RECOMMENDATION

The Superintendent/President recommends that the Board of Trustees is asked to approve the Notice of Completion for the KTD Utilities Project – Ph 1 (305A).
Notice of Completion

State / local governmental entity recording fee when document is for the benefit of the government entity - GC 27383 (no fee)

Must be recorded within 10 days after completion

In execution of this Notice, notice is hereby given that:

1. The undersigned is an owner or agent of an owner of the estate or interest stated below.
2. The name of the owner is Marin Community College District.
3. The address of the owner is 835 College Ave, Kentfield CA 94904.
4. The nature of the estate or interest is: Marin Community College District in fee.
5. The name and addresses of all co-owners, if any, who hold any title or interest with the above-named owner in the property are:

<table>
<thead>
<tr>
<th>NAMES</th>
<th>ADDRESSES</th>
</tr>
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<tbody>
<tr>
<td></td>
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</table>

6. Work of modernization on the property was completed on: March 21, 2013.
7. The Project Name & Number are KTD Utilities project-Ph1 (305A)
8. DSA Number (if applicable) not applicable
9. The contractor for such work of modernization is Aaneson Wildcat, Inc. dba Wildcat Engineering.
10. The name of the contractor’s Surety Co is Financial Pacific Insurance Company.
11. The date of contract between the contractor and the above owner is December 31, 2012.
12. The street address of said property is 835 College Ave, Kentfield CA. 94904.
13. The property on which said work of modernization was completed is in the Town of Kentfield/City of Larkspur, County of Marin, State of California, and is described as follows: KTD Utilities project-Ph1 (305A)

Date

Signature of Owner
Marin Community College District

Verification

I, undersigned, say:
I am ____________________________________________
("President," "Owner," "Manager," etc.)

Of the declarant of the foregoing completion; I have read said Notice of Completion and know the contents thereof; the same is true of my own knowledge.
I declare under penalty of perjury that the foregoing is correct and true.

Executed on ___________________________ at ___________________________, California.
(City or Town where signed)

Revised 2011 0105

(Personal signature of the individual swearing that the contents of the notice are true)
**BACKGROUND:**

On November 26, 2012, A E Nelson Construction was selected to provide general contracting services for the Austin Swing Space project (850E).

The work on this project is complete, and at this time the District gives notice and certifies that:
- The project has been inspected and complies with the plans and specifications;
- The contractor has completed the work;
- The contract for the project is accepted and complete; and
- A Notice of Completion (attached) is ready to be filed for the project.

Continued work on warranty items is routine and ongoing.

**FISCAL IMPACT:**

None.

**RECOMMENDATION**

The Superintendent/President recommends that the Board of Trustees is asked to approve the Notice of Completion for the Austin Science Swing Space (850E).
RECORDING REQUESTED BY:

When recorded mail to:
Director of Modernization
Marin Community College District
P.O. Box 144003
Kentfield, CA 94904

Notice of Completion

State / local governmental entity recording fee when document is for the benefit of the government entity - GC 27383
(no fee)

Must be recorded within 10 days after completion

In execution of this Notice, notice is hereby given that:

1. The undersigned is an owner or agent of an owner of the estate or interest stated below.
2. The name of the owner is Marin Community College District.
3. The address of the owner is 835 College Ave, Kentfield CA 94904.
4. The nature of the estate or interest is: Marin Community College District in fee.
5. The name and addresses of all co-owners, if any, who hold any title or interest with the above-named owner in the property are:

<table>
<thead>
<tr>
<th>NAMES</th>
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</thead>
<tbody>
<tr>
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</tbody>
</table>

6. Work of modernization on the property was completed on: April 5, 2013.
7. The Project Name & Number are Austin Swing Space project (850E).
8. DSA Number (if applicable) not applicable
9. The contractor for such work of modernization is A.E. Nelson Construction
10. The name of the contractor’s Surety Co is Travelers Casualty and Surety Company of America.
11. The date of contract between the contractor and the above owner is November 12, 2012.
12. The street address of said property is 835 College Ave, Kentfield CA 94904.
13. The property on which said work of modernization was completed is in the Town of Kentfield/City of Larkspur, County of Marin, State of California, and is described as follows: Austin Swing Space project (850E).

______________________________       ________________________________
Date                                  Signature of Owner
Marin Community College District

Verification

I, undersigned, say:
I am ________________________________
(“President,” “Owner,” “Manager,” etc.)

Of the declarant of the foregoing completion; I have read said Notice of Completion and know the contents thereof; the same is true of my own knowledge.
I declare under penalty of perjury that the foregoing is correct and true.

Executed on _______________________, at _____________________, California.
(City or Town where signed)

Revised 2011 0105
(Personal signature of the individual swearing that the contents of the notice are true)
BACKGROUND:

As required by Assembly Bill 1417 (AB 1417), all community colleges must share the Student Success Scorecard 2013 Report (formerly known as the “ARCC Report”) with their local board of trustees and college administrations. Each college’s local governing board and local community is urged to use the information for data-based policy discussions to address local priorities.

To satisfy the request of the Student Success Task Force, the ARCC Advisory Workgroup reviewed the existing framework and designed the new Student Success Scorecard 2013 Report.

The indicators of the scorecard measure both intermediate progress and completion. Of the six scorecard metrics, three (Student Progress and Attainment, Persistence, and At Least 30 Units) were carried over from the original ARCC framework, with modifications. Two new indicators were added to this framework: Remedial Progress Rate and Career Technical Education rate (CTE).

In sum, the Student Success Scorecard 2013 Report provides: (1) completion rate: student progress and achievement; (2) Momentum/Milestone Rates: persistence and 30 or more units; (3) remedial: English, math, and ESL; and (4) career technical education.

As required by AB 1417, the report findings are to be presented to the Board of Trustees, followed by the Board’s interaction about the report recorded in the meeting minutes to be sent to the California Community Colleges Chancellor’s Office.

RECOMMENDATION:

The Superintendent/President recommends that the Board of Trustees accept the Student Success Scorecard 2013 Report and use the information for data-based policy discussions to address local priorities.

Administrator Initiating Item:
Dr. Chialin Hsieh, Director of Planning, Research & Institutional Effectiveness
The Marin Community College District has updated and aligned 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). Board Policies must be updated as both laws and the needs of the District change and will be revised based on Legal Updates provided by the Policy and Procedure Subscription Service coordinated by the CCLC.

ANALYSIS:

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. As the law changes, current Board Policies will be reviewed and revised to align with revisions recommended by the Policy and Procedure Subscription Service.

Board Policies and Administrative Procedures for Chapters 1 and 2 will undergo administrative review by Dr. David Wain Coon. After this review, the new draft will be evaluated by the Policy Review Committee 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. David Wain Coon and appropriate staff. 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 Policy 5500 is 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 Policy 5500 for first reading and discussion.

Administrator Initiating Item   Dr. David Wain Coon, Superintendent/President
BP 5500 STUDENT SERVICES

BP 5500  STANDARDS OF CONDUCT

References:
ACCJC Accreditation Standard II.A.7.b;
Education Code Sections 48900(q), 66300, 66301, 66450, 67361, 67362, 76033, 76120, 78907, 81600, and 87708;
Government Code Sections 995 et seq.;
Business and Professions Code Section 4240;
Health and Safety Code Sections 11014.5 and 11053;
Penal Code Sections 415, 502, and 626.2

The Standards of Conduct governing students shall be implemented in accordance with the requirements for due process of the federal and state law and regulations.

The Standards of Conduct shall identify potential disciplinary actions that may be taken for violations of the standards of conduct described in this policy, including but not limited to the removal, suspension or expulsion of a student.

The Board of Trustees shall consider any recommendation from the Superintendent/President for expulsion. The Board shall consider an expulsion recommendation in closed session unless the student requests that the matter be considered in a public meeting. Final action by the Board on the expulsion shall be taken at a public meeting.

Information on inappropriate student conduct and disciplinary actions shall be made widely available to students through the District catalog and other relevant District publications.

When a student is suspended or expelled for disrupting the orderly operations of a District campus or facility, or both, the student shall be denied access to the campus or facility, or both, for a period of one year or the term of the suspension, whichever is shorter. Sanctions imposed as a result of violations of the student standards of conduct are intended to maintain order within the District.

The Administrative Dean who authorized the sanctions shall give written notice to the student’s instructor(s) of the sanctions within 15 days of imposing the sanctions.

The following conduct shall constitute good cause for discipline, including but not limited to removal, suspension, or expulsion of a student when the conduct relates to college activity or college attendance.

1. Assault, battery, or attempted assault or battery, or any threat of force or violence upon a student or District personnel.
2. Possession, sale or otherwise furnishing any firearm, dirk, dagger, ice pick, knife, explosive or other dangerous object, including but not limited to any facsimile of the foregoing objects, unless, in the case of possession of any object of this type, the student has obtained written permission to possess the item from the Chief of Police who has the concurrence of the Superintendent/President. Possession of a knife does not violate this provision if possession is at the direction of an academic employee for use in a District-sponsored activity or class, for a lawful purpose within the scope of the student’s employment with the District, or for lawful use in food preparation or consumption. Also see BP/AP 3530 titled Weapons on Campus

3. Unlawful possession, use, sale, offering to sell, or furnishing, or being under the influence of, any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind; or any poison defined in Business and Professions Code Section 4240, or unlawful possession of, or offering, arranging or negotiating the sale of any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.

4. Committing, attempting, or being an accomplice to robbery or extortion.

5. Causing or attempting to cause damage to District property or to private property on campus.

6. Stealing or attempting to steal District property or private property on campus, or knowingly receiving stolen District property, or knowingly receiving stolen private property on campus.

7. Willful or persistent smoking in any area where smoking has been prohibited by law or regulation of the District.

8. Committing sexual harassment as defined by law or by District policies and procedures.

9. Engaging in harassing or discriminatory behavior based on ethnic group identification, national origin, religion, age, sex or gender, gender identity, gender expression, race, color, medical condition, ancestry, sexual orientation, marital status, physical or mental disability, genetic information, or on the basis of one or more of these perceived characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

10. Engaging in intimidating conduct or bullying against another student through words or actions, including direct physical contact; verbal assaults, such as teasing or name-calling; social isolation or manipulation; and cyberbullying

11. Willful misconduct which results or has the potential to result in injury or death to a student or to District personnel or which results in cutting, defacing, or other damage to any real or personal property owned by the District or on campus. The District may require students who cause damage to replace property or pay the cost of damages.

12. Continued disruptive behavior, continued willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent interruption or abuse of, District personnel.
13. Cheating, plagiarism (including plagiarism in a student publication), or knowingly engaging in other forms of academic dishonesty, including, but not limited to:
   a. Copying, in part or whole, from someone else’s quiz, examination, or work. For purpose of this item, “examination” includes quizzes, tests, and other graded or evaluated exercise.
   b. Submitting work presented previously in another course, if contrary to the rules of either course.
   c. Altering or interfering with grading.
   d. Using or consulting any sources or materials, including electronic devices, not authorized by the professor during an examination.
   e. Committing other acts which defraud or misrepresent one’s own academic work.
   f. Incorporating sentences, paragraphs, or parts of another person’s writing, without giving appropriate credit, and representing the product as one’s own work.
   g. Representing another’s artistic/scholarly works (such as musical compositions, computer programs, photographs, paintings, drawings, or sculptures) as one’s own.
   h. Submitting an academic assignment purchased from a research/term paper service, or written by another individual; or work obtained electronically (e.g. via the internet) and representing it as one’s own work.
   i. Purposefully allowing another student to copy from your paper during an examination.
   j. Giving your homework, term paper, or other academic work to another student to plagiarize.
   k. Having another person fraudulently submit any work in your name.
   l. Lying to an instructor or District official to improve your grade.
   m. Allowing other persons to misrepresent themselves as the student for any purpose, including interacting with any District employees, submission of work, attendance, or taking examinations.
   n. Misrepresenting circumstances in an effort to improve a grade.
   o. Altering graded work after it has been returned and then submitting the work for regrading without the instructor’s permission.
   p. Removing tests or examinations from the classroom or other area without the approval of the instructor.
   q. Stealing or being an accomplice to stealing tests or examinations.
   r. Forging signatures on drop/add slips or altering other District documents.

14. Dishonesty; forgery; alteration or misuse of District documents, records or identification; or knowingly furnishing false information to the District.

15. Unauthorized possession, duplication, or use of keys to any District premises or unauthorized entry upon or use of District facilities.

16. Engaging in expression which is libelous or slanderous; or which so incites others as to create a clear and present danger of the commission of unlawful acts on District premises or at District-sponsored or supervised functions, or the violation of lawful District administrative procedures, or the substantial disruption of the orderly operation of the District.

17. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
18. Unauthorized preparation, giving, selling, transferring, distributing, or publishing for any commercial purpose, of any contemporaneous recording of an academic presentation in a classroom or equivalent site of instruction, including but not limited to handwritten or typewritten class notes, except as permitted by any District Policy or Administrative Procedure.

19. The use by a student of any electronic listening or recording device in any classroom without the prior consent of the instructor, except as necessary to provide reasonable auxiliary aids and academic adjustments or accommodations to a student with a disability.

20. Violation of BP/AP 3720 titled Information Technology Use or any conduct that constitutes a computer-related crime pursuant to Penal Code Section 502.

21. The offering of any inducement or item of value to influence the awarding of any grade or to alter any official District record.

22. Solicitation or acceptance of money or other item of value as an inducement, encouragement, or reward for intercollegiate participation in violation of Education Code Section 67361 or false declarations regarding eligibility for participation in intercollegiate athletics under Education Code Section 67362.

23. Accessing and/or disclosing confidential District information, including student records, without authorization. Also see BP/AP 3300 titled Public Records, BP/AP 4231 titled Grade Changes, and BP/AP 5040 titled Student Records.

24. Failure to obey federal, state, and local laws in connection with District attendance or activity.

25. Tampering with the election of any student organization recognized by the District.

26. Hazing defined as a “method of initiation or pre-initiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this subdivision, ‘hazing’ does not include athletic events or school-sanctioned events.” (Education Code Section 48900(q))

27. Abuse of the Student Conduct System, including but not limited to:

   a. Failure to obey the summons of the Student Conduct Hearing Committee or District official.

   b. Falsification, distortion, or misrepresentation of information.

   c. Disruption or interference with the orderly conduct of a judicial proceeding or Student Conduct Hearing Committee.

   d. Attempting to discourage an individual’s proper participation in, or use of, the District judicial system.
e. Attempting to influence the impartiality of a member of a judicial body prior to, and/or
during the course of, the judicial proceeding or Student Conduct Hearing Committee.

f. Failure to comply with the sanctions imposed under the Standards of Conduct and/or
Education Code.

g. Influencing or attempting to influence another person to commit an abuse of the judicial
system.

27. Operating bicycles or motorized bicycles, skateboards, roller skates, roller blades, scooters,
and other similar devices on any property owned, maintained, or controlled by the District in
violation of AP 6850 titled Bicycles, Skateboards, Roller Skates, Roller Blades, Scooters and Other
Similar Devices on Campus.

Students who engage in any of the above conduct are subject to the procedures outlined in AP 5520
titled Student Discipline Procedures.

Also see BP/AP 6850 titled Bicycles, Skateboards, Roller Skates, Roller Blades, Scooters and Other
Similar Devices on Campus, AP 6520 titled Security for District Property, BP/AP 3410 titled Nondiscrimination,
and BP/AP 3900 titled Speech: Time, Place, and Manner

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NOTE: The underlined regular text language is from legal Update 20. Reviewed by Jon Eldridge 2/12/13 and
approved to move forward. The language struck through is recommended for deletion.  Approved by Academic
Senate 2/28/13.

Date Adopted: May 17, 2011
(Replaces College of Marin Policies 4.0020, 4.0022, and 4.0025)
Legal Citations for BP 5500 Standards of Conduct

Accreditation Standard IIA.7.b: Student Learning Programs and Services

7. In order to assure the academic integrity of the teaching-learning process, the institution uses and makes public governing board adopted policies on academic freedom and responsibility, student academic honesty, and specific institutional beliefs or worldviews. These policies make clear the institution's commitment to the free pursuit and dissemination of knowledge.

b. The institution establishes and publishes clear expectations concerning student academic honesty and the consequences for dishonesty.

EDUCATION CODE SECTIONS 66300, 66301, 67362, 76033, 76120, and 81600

66300. The Regents of the University of California, the Trustees of the California State University, and the governing board of every community college district, shall adopt or provide for the adoption of specific rules and regulations governing student behavior along with applicable penalties for violation of the rules and regulations. The institutions shall adopt procedures by which all students are informed of such rules and regulations, with applicable penalties, and any revisions thereof.

66301. (a) Neither the Regents of the University of California, the Trustees of the California State University, the governing board of any community college district, nor any administrator of any campus of those institutions, shall make or enforce any rule subjecting any student to disciplinary sanction solely on the basis of conduct that is speech or other communication that, when engaged in outside a campus of those institutions, is protected from governmental restriction by the First Amendment to the United States Constitution or Section 2 of Article 1 of the California Constitution.

(b) Any student enrolled in an institution, as specified in subdivision (a), that has made or enforced any rule in violation of subdivision (a) may commence a civil action to obtain appropriate injunctive and declaratory relief as determined by the court. Upon a motion, a court may award attorney's fees to a prevailing plaintiff in a civil action pursuant to this section.

(c) Nothing in this section shall be construed to authorize any prior restraint of student speech or the student press.

(d) Nothing in this section prohibits the imposition of discipline for harassment, threats, or intimidation, unless constitutionally protected.

(e) Nothing in this section prohibits an institution from adopting rules and regulations that are designed to prevent hate violence, as defined in subdivision (a) of Section 4 of Chapter 1363 of the Statutes of 1992, from being directed at students in a manner that denies them their full participation in the educational process, if the rules and regulations conform to standards established by the
First Amendment to the United States Constitution and Section 2 of Article 1 of the California Constitution for citizens generally.

67361. (a) Except as provided in subdivision (b), no student athlete or member of his or her immediate family, as defined by subdivision (c) of Section 67360, shall solicit or accept any money or other thing of value as an inducement, encouragement, or reward, the giving of which is in violation of subdivision (a) of Section 67360.

No person shall aid and abet any act described in this subdivision.

(b) This section does not apply to any student athlete who receives any money or other thing of value from a public or private institution or officers or employees of that institution, offered in accordance with an official written policy of that institution, which is in compliance with the bylaws of the National Collegiate Athletic Association; or from any other student of that institution; or from any member of the immediate family of the student athlete; nor shall this section apply to any student athlete who receives any intercollegiate athletic award approved or administered by that institution.

(c) Except as provided in subdivision (b), any person who engages in conduct knowing or having reason to know that such conduct is in violation of subdivision (a) shall be subject to a civil penalty not to exceed one thousand dollars ($1,000) or an amount equal to the amount accepted by the student athlete or immediate family member, whichever is greater. The district attorney of any county in which a violation occurs shall enforce this chapter.

67362. (a) Notwithstanding Section 78223 or any other provision of law, no student athlete enrolled at any campus of the University of California, the California State University, or the California Community Colleges may participate as a member of any intercollegiate athletic team, or as a participant in any intercollegiate athletic event, except in a manner available to the general public, if he or she, at any time after his or her enrollment as a college or university student, is prosecuted as an adult and is convicted of a violation of Section 187, 209, 210, 211, 220, 243.8, 245, 261, 262, 264.1, 286, 288, 288a, 288.5, 289, or 459 of, or is convicted of attempted murder pursuant to subdivision (a) of Section 664 of, the Penal Code.

(b) An institution to which this section applies may rely upon the declaration of a student athlete to determine his or her eligibility for participation in intercollegiate athletics with respect to the requirements of this section. Any declaration obtained from a student athlete pursuant to this subdivision shall contain a notice advising the student that he or she may be subject to disciplinary action, including, but not limited to, suspension, dismissal, or expulsion,
if the student knowingly provides false information in the declaration. An institution to which this section applies may, at the discretion of its appropriate administrators, seek independent confirmation of the truth of any and all of the statements of a student athlete taken pursuant to this subdivision.

(c) A student convicted of a violation of any of the Penal Code sections listed in subdivision (a) is eligible to participate as a member of an intercollegiate athletic team after he or she successfully completes the entire term of his or her probation or successfully completes his or her assigned prison term and parole period, if any.

(d) A student who knowingly provides a false declaration pursuant to subdivision (b) may be subject to disciplinary action under Section 66017 of the Education Code.

76033. As used in this article, "good cause" includes, but is not limited to, the following offenses:

(a) Continued disruptive behavior, continued willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, college personnel.

(b) Assault, battery, or any threat of force or violence upon a student or college personnel.

(c) Willful misconduct which results in injury or death to a student or college personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the district.

(d) The use, sale, or possession on campus of, or presence on campus under the influence of, any controlled substance, or any poison classified as such by Schedule D in Section 4160 of the Business and Professions Code.

(e) Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the governing board.

(f) Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.

76120. The governing board of a community college district shall adopt rules and regulations relating to the exercise of free expression by students upon the premises of each community college maintained by the district, which shall include reasonable provisions for the time, place, and manner of conducting such activities.

Such rules and regulations shall not prohibit the right of students to exercise free expression including, but not limited to, the use of bulletin boards, the distribution of printed materials or petitions, and the wearing of buttons, badges, or other insignia, except that expression which is obscene, libelous or slanderous according to current legal standards, or which so incites students as to create a clear and present danger of the commission of unlawful acts on community college premises, or the violation of lawful community college regulations, or the substantial disruption of the orderly operation of the community college, shall be prohibited.

78907. The use by any person, including a student, of any electronic listening or recording device in any classroom without the prior consent of the instructor is prohibited, except as necessary to provide
reasonable auxiliary aids and academic adjustments to disabled students. Any person, other than a student, who willfully violates this section shall be guilty of a misdemeanor.

Any student violating this section shall be subject to appropriate disciplinary action.

This section shall not be construed as affecting the powers, rights, and liabilities arising from the use of electronic listening or recording devices as provided for by any other provision of law.

81600. The governing board of a community college district shall manage and control school property within its district.

87708. (a) Every parent, guardian, or other person who assaults or abuses any academic employee in the presence or hearing of a community college student is guilty of a misdemeanor.

(b) Any parent, guardian, or other person who assaults or abuses any academic employee in the presence of other community college personnel or students and at a place which is on community college premises or public sidewalks, streets, or other public ways adjacent to school premises, or at some other place where the employee is required to be in connection with assigned college activities is guilty of a misdemeanor.

GOVERNMENT CODE SECTIONS 995-996.6

995. Except as otherwise provided in Sections 995.2 and 995.4, upon request of an employee or former employee, a public entity shall provide for the defense of any civil action or proceeding brought against him, in his official or individual capacity or both, on account of an act or omission in the scope of his employment as an employee of the public entity.

For the purposes of this part, a cross-action, counterclaim or cross-complaint against an employee or former employee shall be deemed to be a civil action or proceeding brought against him.

995.2. (a) A public entity may refuse to provide for the defense of a civil action or proceeding brought against an employee or former employee if the public entity determines any of the following:

(1) The act or omission was not within the scope of his or her employment.

(2) He or she acted or failed to act because of actual fraud, corruption, or actual malice.

(3) The defense of the action or proceeding by the public entity would create a specific conflict of interest between the public entity and the employee or former employee. For the purposes of this section, "specific conflict of interest" means a conflict of interest or an adverse or pecuniary interest, as specified by statute or by a rule or regulation of the public entity.

(b) If an employee or former employee requests in writing that the public entity, through its designated legal counsel, provide for a defense, the public entity shall, within 20 days, inform the employee
or former employee whether it will or will not provide a defense, and the reason for the refusal to provide a defense.

(c) If an actual and specific conflict of interest becomes apparent subsequent to the 20-day period following the employee's written request for defense, nothing herein shall prevent the public entity from refusing to provide further defense to the employee. The public entity shall inform the employee of the reason for the refusal to provide further defense.

995.3. (a) If a state employee provides his or her own defense against an action brought for an alleged violation of Section 8547.3, and if it is established that no violation of Section 8547.3 occurred, the public entity shall reimburse the employee for any costs incurred in the defense.

(b) A public entity which does provide for the defense of a state employee charged with a violation of Section 8547.3 shall reserve all rights to be reimbursed for any costs incurred in that defense. If a state employee is found to have violated Section 8547.3, he or she is liable for all defense costs and shall reimburse the public entity for those costs.

995.4. A public entity may, but is not required to, provide for the defense of:

(a) An action or proceeding brought by the public entity to remove, suspend or otherwise penalize its own employee or former employee, or an appeal to a court from an administrative proceeding by the public entity to remove, suspend or otherwise penalize its own employee or former employee.

(b) An action or proceeding brought by the public entity against its own employee or former employee as an individual and not in his official capacity, or an appeal therefrom.

995.6. A public entity is not required to provide for the defense of an administrative proceeding brought against an employee or former employee, but a public entity may provide for the defense of an administrative proceeding brought against an employee or former employee if:

(a) The administrative proceeding is brought on account of an act or omission in the scope of his employment as an employee of the public entity; and

(b) The public entity determines that such defense would be in the best interests of the public entity and that the employee or former employee acted, or failed to act, in good faith, without actual malice and in the apparent interests of the public entity.

995.8. A public entity is not required to provide for the defense of a criminal action or proceeding (including a proceeding to remove an officer under Sections 3060 to 3073, inclusive, of the Government Code) brought against an employee or former employee, but a public entity may provide for the defense of a criminal action or proceeding (including a proceeding to remove an officer under Sections 3060 to 3073, inclusive, of the Government Code) brought against an employee or former employee if:

(a) The criminal action or proceeding is brought on account of an
act or omission in the scope of his employment as an employee of the public entity; and

(b) The public entity determines that such defense would be in the best interests of the public entity and that the employee or former employee acted, or failed to act, in good faith, without actual malice and in the apparent interests of the public entity.

995.9. Notwithstanding any other provision of law, upon a request made in writing to a public entity, the public entity may defend or indemnify or defend and indemnify any witness who has testified on behalf of the public entity in any criminal, civil, or administrative action. The decision of the public entity to defend or indemnify or defend and indemnify such a witness shall rest within the sound discretion of the public entity and may be based on any relevant factors, including, but not limited to, whether the provision of defense or indemnity would serve the public interest. The public entity may defend or indemnify or defend and indemnify the witness only if it is determined by the public entity that the action being brought against the witness is based directly upon the conduct which the public entity requested of the witness related to the witness' testimony or provision of evidence. The public entity has the discretion to provide a defense alone apart from indemnity, and the public entity may offer to defend or indemnify or defend and indemnify while reserving all rights to subsequently withdraw these offers upon reasonable notice.

Neither defense nor indemnification shall be provided if the testimony giving rise to the action against the witness was false in any material respect, or was otherwise not given by the witness with a good faith belief in its truth; nor shall representation or indemnification under this section be offered or promised unless the action has been commenced and the witness has requested the public entity to act for the witness' benefit under this section. The public entity shall not be liable for indemnification of a defendant witness for punitive damages awarded to the plaintiff in such an action. If the plaintiff prevails in a claim for punitive damages in an action defended at the expense of the public entity, the defendant shall be liable to the public entity for the full costs incurred by the public entity in providing representation to the defendant witness.

996. A public entity may provide for a defense pursuant to this part by its own attorney or by employing other counsel for this purpose or by purchasing insurance which requires that the insurer provide the defense. All of the expenses of providing a defense pursuant to this part are proper charges against a public entity. A public entity has no right to recover such expenses from the employee or former employee defended.

996.4. If after request a public entity fails or refuses to provide an employee or former employee with a defense against a civil action or proceeding brought against him and the employee retains his own
counsel to defend the action or proceeding, he is entitled to recover from the public entity such reasonable attorney's fees, costs and expenses as are necessarily incurred by him in defending the action or proceeding if the action or proceeding arose out of an act or omission in the scope of his employment as an employee of the public entity, but he is not entitled to such reimbursement if the public entity establishes (a) that he acted or failed to act because of actual fraud, corruption or actual malice, or (b) that the action or proceeding is one described in Section 995.4.

Nothing in this section shall be construed to deprive an employee or former employee of the right to petition for a writ of mandate to compel the public entity or the governing body or an employee thereof to perform the duties imposed by this part.

996.6. The rights of an employee or former employee under this part are in addition to and not in lieu of any rights he may have under any contract or under any other enactment providing for his defense.

Health and Safety Code Sections 11014.5 and 11053

11014.5. (a) "Drug paraphernalia" means all equipment, products and materials of any kind which are designed for use or marketed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this division. It includes, but is not limited to:

(1) Kits designed for use or marketed for use in planting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.

(2) Kits designed for use or marketed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.

(3) Isomerization devices designed for use or marketed for use in increasing the potency of any species of plant which is a controlled substance.

(4) Testing equipment designed for use or marketed for use in identifying, or in analyzing the strength, effectiveness, or purity of controlled substances.

(5) Scales and balances designed for use or marketed for use in weighing or measuring controlled substances.

(6) Containers and other objects designed for use or marketed for use in storing or concealing controlled substances.

(7) Hypodermic syringes, needles, and other objects designed for use or marketed for use in parenterally injecting controlled substances into the human body.
Objects designed for use or marketed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

(A) Carburetion tubes and devices.
(B) Smoking and carburetion masks.
(C) Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand.
(D) Miniature cocaine spoons, and cocaine vials.
(E) Chamber pipes.
(F) Carburetor pipes.
(G) Electric pipes.
(H) Air-driven pipes.
(I) Chillums.
(J) Bongs.
(K) Ice pipes or chillers.

(b) For the purposes of this section, the phrase "marketed for use" means advertising, distributing, offering for sale, displaying for sale, or selling in a manner which promotes the use of equipment, products, or materials with controlled substances.

(c) In determining whether an object is drug paraphernalia, a court or other authority may consider, in addition to all other logically relevant factors, the following:

(1) Statements by an owner or by anyone in control of the object concerning its use.
(2) Instructions, oral or written, provided with the object concerning its use for ingesting, inhaling, or otherwise introducing a controlled substance into the human body.
(3) Descriptive materials accompanying the object which explain or depict its use.
(4) National and local advertising concerning its use.
(5) The manner in which the object is displayed for sale.
(6) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.
(7) Expert testimony concerning its use.

(d) If any provision of this section or the application thereof to any person or circumstance is held invalid, it is the intent of the Legislature that the invalidity shall not affect other provisions or applications of the section which can be given effect without the invalid provision or application and to this end the provisions of this section are severable.

11053. The controlled substances listed or to be listed in the schedules in this chapter are included by whatever official, common, usual, chemical, or trade name designated.

Penal Code Section 415 and 502
415. Any of the following persons shall be punished by imprisonment in the county jail for a period of not more than 90 days, a fine of not more than four hundred dollars ($400), or both such imprisonment and fine:
   (1) Any person who unlawfully fights in a public place or challenges another person in a public place to fight.
   (2) Any person who maliciously and willfully disturbs another person by loud and unreasonable noise.
   (3) Any person who uses offensive words in a public place which are inherently likely to provoke an immediate violent reaction.

502. (a) It is the intent of the Legislature in enacting this section to expand the degree of protection afforded to individuals, businesses, and governmental agencies from tampering, interference, damage, and unauthorized access to lawfully created computer data and computer systems. The Legislature finds and declares that the proliferation of computer technology has resulted in a concomitant proliferation of computer crime and other forms of unauthorized access to computers, computer systems, and computer data.
   The Legislature further finds and declares that protection of the integrity of all types and forms of lawfully created computers, computer systems, and computer data is vital to the protection of the privacy of individuals as well as to the well-being of financial institutions, business concerns, governmental agencies, and others within this state that lawfully utilize those computers, computer systems, and data.
   (b) For the purposes of this section, the following terms have the following meanings:
   (1) "Access" means to gain entry to, instruct, or communicate with the logical, arithmetical, or memory function resources of a computer, computer system, or computer network.
   (2) "Computer network" means any system that provides communications between one or more computer systems and input/output devices including, but not limited to, display terminals and printers connected by telecommunication facilities.
   (3) "Computer program or software" means a set of instructions or statements, and related data, that when executed in actual or modified form, cause a computer, computer system, or computer network to perform specified functions.
   (4) "Computer services" includes, but is not limited to, computer time, data processing, or storage functions, or other uses of a computer, computer system, or computer network.
   (5) "Computer system" means a device or collection of devices, including support devices and excluding calculators that are not programmable and capable of being used in conjunction with external files, one or more of which contain computer programs, electronic
instructions, input data, and output data, that performs functions
including, but not limited to, logic, arithmetic, data storage and
retrieval, communication, and control.

(6) "Data" means a representation of information, knowledge,
facts, concepts, computer software, computer programs or
instructions. Data may be in any form, in storage media, or as stored
in the memory of the computer or in transit or presented on a
display device.

(7) "Supporting documentation" includes, but is not limited to,
all information, in any form, pertaining to the design, construction,
classification, implementation, use, or modification of a computer,
computer system, computer network, computer program, or computer
software, which information is not generally available to the public
and is necessary for the operation of a computer, computer system,
computer network, computer program, or computer software.

(8) "Injury" means any alteration, deletion, damage, or
destruction of a computer system, computer network, computer program,
or data caused by the access, or the denial of access to legitimate
users of a computer system, network, or program.

(9) "Victim expenditure" means any expenditure reasonably and
necessarily incurred by the owner or lessee to verify that a computer
system, computer network, computer program, or data was or was not
altered, deleted, damaged, or destroyed by the access.

(10) "Computer contaminant" means any set of computer instructions
that are designed to modify, damage, destroy, record, or transmit
information within a computer, computer system, or computer network
without the intent or permission of the owner of the information.
They include, but are not limited to, a group of computer
instructions commonly called viruses or worms, that are
self-replicating or self-propagating and are designed to contaminate
other computer programs or computer data, consume computer resources,
modify, destroy, record, or transmit data, or in some other fashion
usurp the normal operation of the computer, computer system, or
computer network.

(11) "Internet domain name" means a globally unique, hierarchical
reference to an Internet host or service, assigned through
centralized Internet naming authorities, comprising a series of
character strings separated by periods, with the rightmost character
string specifying the top of the hierarchy.

(c) Except as provided in subdivision (h), any person who commits
any of the following acts is guilty of a public offense:

(1) Knowingly accesses and without permission alters, damages,
deletes, destroys, or otherwise uses any data, computer, computer
system, or computer network in order to either (A) devise or execute
any scheme or artifice to defraud, deceive, or extort, or (B)
wrongfully control or obtain money, property, or data.

(2) Knowingly accesses and without permission takes, copies, or
makes use of any data from a computer, computer system, or computer


network, or takes or copies any supporting documentation, whether existing or residing internal or external to a computer, computer system, or computer network.

(3) Knowingly and without permission uses or causes to be used computer services.

(4) Knowingly accesses and without permission adds, alters, damages, deletes, or destroys any data, computer software, or computer programs which reside or exist internal or external to a computer, computer system, or computer network.

(5) Knowingly and without permission disrupts or causes the disruption of computer services or denies or causes the denial of computer services to an authorized user of a computer, computer system, or computer network.

(6) Knowingly and without permission provides or assists in providing a means of accessing a computer, computer system, or computer network in violation of this section.

(7) Knowingly and without permission accesses or causes to be accessed any computer, computer system, or computer network.

(8) Knowingly introduces any computer contaminant into any computer, computer system, or computer network.

(9) Knowingly and without permission uses the Internet domain name of another individual, corporation, or entity in connection with the sending of one or more electronic mail messages, and thereby damages or causes damage to a computer, computer system, or computer network.

(d) (1) Any person who violates any of the provisions of paragraph (1), (2), (4), or (5) of subdivision (c) is punishable by a fine not exceeding ten thousand dollars ($10,000), or by imprisonment in the state prison for 16 months, or two or three years, or by both that fine and imprisonment, or by a fine not exceeding five thousand dollars ($5,000), or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment.

(2) Any person who violates paragraph (3) of subdivision (c) is punishable as follows:

(A) For the first violation that does not result in injury, and where the value of the computer services used does not exceed nine hundred fifty dollars ($950), by a fine not exceeding five thousand dollars ($5,000), or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment.

(B) For any violation that results in a victim expenditure in an amount greater than five thousand dollars ($5,000) or in an injury, or if the value of the computer services used exceeds nine hundred fifty dollars ($950), or for any second or subsequent violation, by a fine not exceeding ten thousand dollars ($10,000), or by imprisonment in the state prison for 16 months, or two or three years, or by both that fine and imprisonment, or by a fine not exceeding five thousand dollars ($5,000), or by imprisonment in a county jail not exceeding one year, or by both that fine and
(3) Any person who violates paragraph (6) or (7) of subdivision (c) is punishable as follows:
   (A) For a first violation that does not result in injury, an infraction punishable by a fine not exceeding one thousand dollars ($1,000).
   (B) For any violation that results in a victim expenditure in an amount not greater than five thousand dollars ($5,000), or for a second or subsequent violation, by a fine not exceeding five thousand dollars ($5,000), or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment.
   (C) For any violation that results in a victim expenditure in an amount greater than five thousand dollars ($5,000), by a fine not exceeding ten thousand dollars ($10,000), or by imprisonment in the state prison for 16 months, or two or three years, or by both that fine and imprisonment, or by a fine not exceeding five thousand dollars ($5,000), or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment.

(4) Any person who violates paragraph (8) of subdivision (c) is punishable as follows:
   (A) For a first violation that does not result in injury, a misdemeanor punishable by a fine not exceeding five thousand dollars ($5,000), or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment.
   (B) For any violation that results in injury, or for a second or subsequent violation, by a fine not exceeding ten thousand dollars ($10,000), or by imprisonment in a county jail, or in the state prison, or by both that fine and imprisonment.

(5) Any person who violates paragraph (9) of subdivision (c) is punishable as follows:
   (A) For a first violation that does not result in injury, an infraction punishable by a fine not one thousand dollars.
   (B) For any violation that results in injury, or for a second or subsequent violation, by a fine not exceeding five thousand dollars ($5,000), or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment.

(e) (1) In addition to any other civil remedy available, the owner or lessee of the computer, computer system, computer network, computer program, or data who suffers damage or loss by reason of a violation of any of the provisions of subdivision (c) may bring a civil action against the violator for compensatory damages and injunctive relief or other equitable relief. Compensatory damages shall include any expenditure reasonably and necessarily incurred by the owner or lessee to verify that a computer system, computer network, computer program, or data was or was not altered, damaged, or deleted by the access. For the purposes of actions authorized by this subdivision, the conduct of an unemancipated minor shall be imputed to the parent or legal guardian having control or custody of
the minor, pursuant to the provisions of Section 1714.1 of the Civil
Code.

(2) In any action brought pursuant to this subdivision the court
may award reasonable attorney's fees.

(3) A community college, state university, or academic institution
accredited in this state is required to include computer-related
crimes as a specific violation of college or university student
conduct policies and regulations that may subject a student to
disciplinary sanctions up to and including dismissal from the
academic institution. This paragraph shall not apply to the
University of California unless the Board of Regents adopts a
resolution to that effect.

(4) In any action brought pursuant to this subdivision for a
willful violation of the provisions of subdivision (c), where it is
proved by clear and convincing evidence that a defendant has been
guilty of oppression, fraud, or malice as defined in subdivision (c)
of Section 3294 of the Civil Code, the court may additionally award
punitive or exemplary damages.

(5) No action may be brought pursuant to this subdivision unless
it is initiated within three years of the date of the act complained
of, or the date of the discovery of the damage, whichever is later.

(f) This section shall not be construed to preclude the
applicability of any other provision of the criminal law of this
state which applies or may apply to any transaction, nor shall it
make illegal any employee labor relations activities that are within
the scope and protection of state or federal labor laws.

(g) Any computer, computer system, computer network, or any
software or data, owned by the defendant, that is used during the
commission of any public offense described in subdivision (c) or any
computer, owned by the defendant, which is used as a repository for
the storage of software or data illegally obtained in violation of
subdivision (c) shall be subject to forfeiture, as specified in
Section 502.01.

(h) (1) Subdivision (c) does not apply to punish any acts which
are committed by a person within the scope of his or her lawful
employment. For purposes of this section, a person acts within the
scope of his or her employment when he or she performs acts which are
reasonably necessary to the performance of his or her work
assignment.

(2) Paragraph (3) of subdivision (c) does not apply to penalize
any acts committed by a person acting outside of his or her lawful
employment, provided that the employee's activities do not cause an
injury, as defined in paragraph (8) of subdivision (b), to the
employer or another, or provided that the value of supplies or
computer services, as defined in paragraph (4) of subdivision (b),
which are used does not exceed an accumulated total of two hundred
fifty dollars ($250).

(i) No activity exempted from prosecution under paragraph (2) of
subdivision (h) which incidentally violates paragraph (2), (4), or (7) of subdivision (c) shall be prosecuted under those paragraphs.

(j) For purposes of bringing a civil or a criminal action under this section, a person who causes, by any means, the access of a computer, computer system, or computer network in one jurisdiction from another jurisdiction is deemed to have personally accessed the computer, computer system, or computer network in each jurisdiction.

(k) In determining the terms and conditions applicable to a person convicted of a violation of this section the court shall consider the following:

(1) The court shall consider prohibitions on access to and use of computers.

(2) Except as otherwise required by law, the court shall consider alternate sentencing, including community service, if the defendant shows remorse and recognition of the wrongdoing, and an inclination not to repeat the offense.
Marin Community College District
Board of Trustees Regular Meeting

Minutes
March 19, 2013

A. Open Session

1. Call to Order, Roll Call, Adoption of Closed Session Agenda

   The Board of Trustees of the Marin Community College District met for a regularly scheduled Board meeting in Room 100 of Building 17 on the Indian Valley Campus, all members having received notice as required by law. Board President Namnath called the meeting to order at 5:41 p.m. Trustees Namnath, O’Brien, Long and Treanor were present. Trustees Conti, Dolan and Kranenburg were not present. Also present were Superintendent/President Coon, Vice Presidents Eldridge and Harrison, and Executive Director Combs.

   M/s (O’Brien/Long) to adopt the Closed Session Agenda. Motion carried 4-0-3.

2. Public Comment – There was no public comment.

3. Recess to Closed Session – Trustees recessed to Closed Session at 5:42 p.m.

B. Closed Session

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Government Code §54956.9 (b))

   Number of Potential Cases – 2

   Attorney: Glen Gould, Dannis Woliver Kelley

C. Open Session

1. Call to Order, Roll Call and Adoption of Agenda

   Board President Namnath called the regular meeting to order at 6:35 p.m. and asked the Clerk to call roll. Trustees Long, Treanor, Namnath, O’Brien were present. Trustees Conti, Dolan, Kranenburg and Student Trustee Blood were not present. M/s (O’Brien/Long) to approve the regular meeting agenda. President Coon noted revisions to items C.10.B., C.10.C. and C.11.I.1. He also noted that he was pulling item C.11.G., which will be heard at
the Board Retreat on March 29, 2013. **Motion to adopt the agenda as amended carried 4-0-3.**

2. **Report from Closed Session** – There was no action taken in closed session.

3. **Public Comment**
   A. **Comments regarding items not on the Agenda (3 minutes per speaker)**
      John Gudmundsson spoke about the tree that will now be saved and the historic negotiations related to the equity study.
   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**
   A. **Accreditation** – Dr. Coon referred Trustees to the handout of a Draft Midterm Report Schedule (3/18/2013) noting that we are required to review and report on the original 9 recommendations from 2010 and to respond to the 26 areas in our action plan of that time. He noted that teams are beginning to meet and that a Board Retreat will be scheduled during the summer to keep us on track for an appropriate response in October.

   Trustee Kranenburg arrived at 6:45 p.m.

   B. **Citizen’s Oversight Committee** – Laura McCarty briefed the Board on the Citizens’ Oversight Committee Annual Report that was included in the Board packet.
   C. **Strategic Plan** – Dr. Coon referred Trustees to a handout of our Strategic Plan Progress Summary and noted that we are making good progress on 57 action steps. Trustees discussed the review schedule of the various plans, the need for presentations on plan updates, and the need to be proactive and stay ahead of the schedule to allow enough time for review and Trustee involvement. The Educational Master and Facilities Plans will be reviewed at a future retreat or meeting. There was a request to add review of the Strategic Plan to the Governance calendar on a quarterly basis.
   D. **Legislative Advocacy** – Trustee O’Brien spoke about information that was recently provided to the Board from Strategic Education Services. She noted that she has worked with Kerry Mazzoni to review a series of newly presented bills that relate to the College of Marin relative to Prop 39, facilities or bonds, funding, fees, education in general and Trustees/District leadership. She will provide more concise reports as information becomes available. Dr. Coon informed Trustees that the contract with Strategic Education Services for legislative services ended in February and asked the Board for their input about whether to continue this agreement or to look at other options. The cost was $36,000 for the year. Trustees discussed consolidation options, including using CCLC assessments and sharing resources with other basic aid districts. There were comments that the services should have focused on legislation that affects our specific
needs, demographics and budget restraints, that we consider using those funds to educate the Board directly, that we should find out the results of the lobbying efforts and whether SES was able to enlist the democratic districts. There was also a request for a year-end report from SES.

**Additional Public Comment:**
Gloria Kopshever spoke representing the swimmers at IVC to ask when they can expect to have hot water in the showers at the IVC Locker/Shower Building.

5. **Academic Senate Report (5 minutes)** - Sara McKinnon reported that the Senate is working on normal business and setting up for the next round of elections.

6. **Classified Senate Report (5 minutes)** – There was no Classified Senate Report

7. **Student Association Report (5 minutes)** – There was no Student Association Report

8. **Board Study Session** – None

9. **Trustee Request (O’Brien)**
   **Board Benefits/Total Compensation**
   Trustee O’Brien requested that this item be brought back to the full Board to allow the entire board to have a detailed conversation about the Trustee compensation packet. Trustee Treanor handed out a copy of an investigative report (attached) relative to community colleges and noted that it spoke to benefits for Trustees and was important to review. There was a recommendation that this be discussed at an upcoming retreat. If Trustees want specific information they are to notify President Coon in advance so he can have the material available for review. *(Trustee O’Brien’s e-mail request of March 4th (1:46 p.m.) is attached to these minutes.)*

10. **Consent Calendar Items (Roll Call Vote)**
    President Namnath requested that items C.10.O. Board Policy 2340 and 2210 be pulled from consent for separate consideration. M/s (Treanor/O’Brien) to approve the Consent Calendar items as amended. **Motion carried by roll call vote 5-0-2. Trustees Conti and Dolan were not present.**

    **A. Calendar of Upcoming Meetings**
    - March 29, 2013, Board Retreat, 9:00 – 3:00 p.m., Staff Lounge, Student Services Building, Kentfield Campus
    - April 16, 2013, Cafeteria, Student Services Building, Kentfield Campus
    - April 20, 2013, Board Retreat, Location TBA

    **B. Approve Classified Personnel Recommendations**
    1. Appointment of Classified Personnel
    2. Appointment of Hourly Personnel
    3. Resignation/Retirement of Classified Personnel

    **C. Approve Academic Personnel Recommendations**
1. Approval of Continued Employment of Contract Faculty
2. Approval of Phased-In Early Retirement

D. Approve Administrative Appointments

E. Approve Short-Term Hourly Positions

F. Approve Budget Transfers – Month of February 2013

G. Approve Warrants - Month of February 2013

H. Approve Declaration of Surplus Property – Miscellaneous Equipment

I. Approve New AS-T Degree, Early Childhood Education

J. Approve Revisions to AA Degree, Dance

K. Approve Revisions to AS Degrees and Certificates of Achievement

L. Approve Credit Course Deletions

M. Approve Credit and Non-Credit Course Additions

N. Approve Credit Course Revisions

O. Second Reading and Approval of Board Policies
   ▪ BP 2015 Student Trustee
   ▪ BP 2100 Board Elections
   ▪ BP 2105 Election of Student Trustee
   ▪ BP 2365 Recordings
   ▪ BP 2716 Political Activity
   ▪ BP 2750 Board Member Absence from State
   ▪ BP 2340 Agendas (Trustee Treanor) – Pulled for separate discussion
   ▪ BP 2210 Officers (Trustee Treanor) – Pulled for separate discussion

P. Modernization (Measure C)
   1. Ratify/Approve Modernization Contracts, Changes, Amendments ($126,987.83)
   2. Declaration of Surplus Disposal, New Academic Center Relocation (850J)

M/s (Long/O’Brien) to approve BP 2340 Agendas and BP 2210 Officers. After Trustee discussion, M/s (Treonar/O’Brien) to table this item until the next meeting. Motion to table the item did not carry by a vote of 3-2-2, with Trustees Treanor, O’Brien and Kranenburg voting yes and Trustees Namnath and Long voting no. Trustees Conti and Dolan were not present. President Namnath clarified that a vote of 4 was required to carry the motion per Board Policy 2330. Motion to approve BP 2340 Agendas and BP 2210 Officers failed by a roll call vote of 3-2-2, with Trustees Kranenburg, O’Brien and Treanor voting yes and Trustees Namnath and Long voting no. Trustees Conti and Dolan were not present.

11. Other Action Items
   A. M/s (Treonar/Long) to Approve Resolution in Support of Women’s History Month. (Roll Call Vote)
Student Trustee Blood arrived at 7:22 p.m.

M/s (Treonor/Long) to revise the resolution by adding the following language “and celebrates local, state, national women and aspiring women of College of Marin students and staff to actualize their dreams and hopes for the future.” to the paragraph that starts with Now, therefore, be it resolved. Motion to approve the motion as revised passed by a roll call vote of 5-0-2. Trustees Conti and Dolan were not present. Student Trustee Blood abstained. Clerk O’Brien read the Resolution in Support of Women’s History Month.

M/s (O’Brien/Long) to incorporate C.11.B. – C.11.F. into one vote for approval those items. Motion carried with a vote of 5-0-2, with Trustees Conti and Dolan not present. Student Trustees Blood cast an advisory aye vote.

B. Approve/Ratify Clinical Agreement with Marin Specialty Surgery Center

C. Approve/Ratify Clinical Agreement with The Tamalpais

D. Approve Addendum #3 to License Agreement with Community Action Marin for Marin Head Start - IVC Toddler’s Center

E. Approve Transfer of ASCOM Funds for Scholarships

F. Approved Revised California School Employees Association Salary Schedule

G. Approve Memorandum of Understanding between Marin Community College District and California School Employees Association, Chapter 196 – This item was pulled.

H. Election of Board Vice President

Trustee Treanor nominated Trustee Kranenburg for the position of Vice President. There were three aye votes by Trustees Treanor, O’Brien and Kranenburg, plus an advisory aye vote by Student Trustee Blood. Motion did not carry as 4 votes are required. There were no other nominations and the item will be carried over to the next meeting.

I. Modernization (Measure C)

M/s (Treonor/O’Brien) to merge and approve Items C.11.I 1 & 2. Motion carried 5-0-2, plus an advisory aye vote by Student Trustee Blood.

1. Approve Amendment #5 to Professional Services Agreement
   Noll & Tam Architects ($14,550), New Academic Center Relocation (850J)

2. Approve Contract Amendment #1
   Jacobs Project Management Co. ($140,000)
   Measure C Construction Management (Program 825C and Project & Construction Management 301B, 303B, 309A)

12. Board Policy Review (1st Reading) – Trustees referred to packet for review. President Coon answered a question about the fiscal impact of this policy and the effect on students.
   - BP 5030 Fees

13. Future Agenda Items
A. California Community College Trustees (CCCT) Election – 2013 (April). Trustees Treanor and O’Brien volunteered to review the information and bring back a recommendation for nominees.

B. COM Foundation Update

C. Bond Spending Plan

14. Board Reports and/or Requests (15 minutes)
   A. Committee Chair Reports
   B. Legislative Report
   C. Individual Reports/or Requests – Trustee O’Brien provided a summary report (attached) on the Effective Trustee Workshop she attended in January. She also has copies of the power point presentations which she is happy to provide upon request. Trustee Treanor reminded Trustees about the CCCT Conference in May noting that it will be very informative, particularly in the area of accreditation, with important and well-organized information and presentations. Trustee Kranenburg encouraged Trustees to improve and work on level of expertise and knowledge of governing processes. Trustee Long requested a report on the use of funds to date, to determine if there are funds to accommodate attendance at the conference. She also thanked Trustee O’Brien for her workshop report, noting this was an important tool for Trustees. Trustee Long shared a copy of a photo (attached) showing Joe Martin helping Mr. Austin saw the “Junior” out of the Marin Junior College sign. Trustee Treanor referred to the letter from Jim Dunn regarding the Big River Gala event noting that it was a fabulous event and thanked staff.

15. Approval of Meeting Minutes (2 minutes)
   - February 26, 2013 Minutes will be presented for approval at the 3/29/13 Board Retreat

16. Information Items (see written reports)
   A. Contracts and Agreements for Services – February 2013
   B. Modernization Update
      1. Director’s Report
      2. Contract Milestones Report
      3. Program Schedule
   C. Administrative Procedures
      - AP 3420 Equal Opportunity Employment
      - AP 5030 Fees
      - AP 5530 Student Grievances
      - AP 7280 Unrepresented Employee Complaints
      - AP 7380 Retiree Health Benefits
   D. Calendar of Special Events
      - CCLC Trustees Conference, May 3 – 5, 2013, Lake Tahoe
      - Grand Opening Math Science Nursing Building, May 10, 2013
17. Correspondence

18. Board Meeting Evaluation – Hard when not all trustees here.

19. Adjournment
   M/s (O’Brien/Treanor) to adjourn the meeting. Meeting adjourned at 7:40 p.m.
Community college boards lose power, stature as system changes

Trustees shape districts’ goals and review policies, but don’t have control over revenues
by Erica Perez and Kendall Taggart — March 18, 2013, 12:00 a.m

The local community college district structure is in some ways a vestige of a different California.

The Little Hoover Commission, an independent state oversight agency, noted in a February 2012 report that the passage of Proposition 13 in 1978 transferred control over revenues from local elected community college boards of trustees to the state, stripping governing boards of what some say was their essential power.

Local districts don’t set student fees; the Legislature does.

And while students used to need a permit to attend a community college in another district, since 1988, they’ve been free to attend any college in the state they choose, raising questions about the need for district boundaries at all.

A quarter of community college students attended colleges outside of their district in fall 2010, and more than 100,000 — about 7 percent — attended classes in multiple districts at the same time, according to state data.

Community college trustees are entrusted with making sure the districts meet the needs of the community. They help shape the district’s goals, and they review policies, sometimes updating or changing them — all in consultation with stakeholders such as faculty, staff and students.

Perhaps the most significant power local trustees hold is to hire — or fire — the district chancellor, who in turn is entrusted with recommending district policies. Trustees have the authority to approve or reject these proposed policies.

Most districts hold elections every two years for contested trustee positions. They also ask local voters to approve bond measures for construction or parcel taxes for additional services or classes. The districts must reimburse counties for the cost of these races. From 2006 to 2011, districts paid more than $30 million to reimburse counties for the cost of trustee elections alone.

Election results show voters care less about community college board races than they do about other contests. In November 2010, the Contra Costa Community College District’s Governing Board had two contested seats. But in both races, more than a quarter of eligible voters — nearly 35,000 — who cast ballots in the election chose not to vote at all on a trustee.

In September, the Field Poll surveyed 1,183 registered voters at the request of California Watch and found that 78 percent had little or no knowledge about district board elections. And while 46 percent of respondents said they think there is some value in having locally elected boards overseeing college districts, 63 percent said the districts should be consolidated if it saves money.

Pomona resident Dane Griffith, 48, one of the respondents to the Field Poll, said the number of districts should be reduced. He wondered what power boards have to help someone like his 18-year-old daughter, who couldn’t get into a single class this fall at Mt. San Antonio College.

“If you (have) more boards, is it going to be more effective, or is it going to add more gridlock or more expense?” Griffith said.
In all but a handful of districts, governing board members receive a small stipend for their service, ranging from $100 per month at the Mendocino-Lake Community College District to $2,000 per month at the Los Angeles Community College District.

The better perks are the district-paid health and welfare benefits offered to trustees. In some cases, just the trustees are covered; in other cases, they get coverage for dependents.

All but two of the state’s 72 community college districts – Cabrillo and Feather River – offer such benefits, and 84 percent of eligible trustees accept them. And it adds up. In 2011, districts paid more than $7 million in stipends and benefits for trustees.

In some cases, trustees opt in to the district-paid benefits even though they have jobs in the private sector. California Watch reviewed 16 community college districts and found that 41 of the 88 trustees receiving district-paid benefits in 2011 had jobs elsewhere.

The Mt. San Antonio Community College District paid $30,000 for board member Fred Chyr’s benefits in 2011, even though he has a full-time job as an associate vice president and chief marketing officer at the University of La Verne, a private four-year university. Chyr declined to comment for this story.

In Gary L. Woods’ case, the professor at Pasadena City College doubles as a board member for the Citrus Community College District. Woods gets health benefits from both districts. Pasadena paid about $16,000 last year, and Citrus paid about $17,000.

People with two health benefits policies can coordinate them so they pay less for their co-pays, deductibles and other out-of-pocket expenses. Both college districts pay 100 percent of premiums, so the extra coverage does not cost Woods anything.

Woods, who earned $148,000 at Pasadena City College last year, could have turned down one of the policies to save one of the districts money, but he didn’t consider that.

“Why would I?” he said. “We put a lot of time in. I don’t see what’s wrong with the practice.”

An orientation guide for new trustees published by the Community College League of California estimates that trustees spend between two and 10 hours per week on trustee duties, such as reading materials and attending meetings. The league is a nonprofit advocacy organization whose members include district trustees and CEOs.

At Pasadena City College, board members and employees who opt out of the district-paid benefits can receive cash instead. Trustees Linda Wah and Anthony Fellow received $3,500 and $5,500 in cash, respectively, on top of their stipends in 2011 instead of certain health insurance benefits.

The district’s general counsel, Gail S. Cooper, said the district has to offer the same benefits to all participants. And all district employees have the option to receive cash instead of benefits if they show proof of insurance elsewhere.

She said district officials do not believe, however, that they have to offer health benefits to attract qualified trustees.

“Our trustees serve because they are dedicated to public higher education and student success,” she said in an email. “The dedication of the members of our Board of Trustees is not motivated by receipt of this modest benefit.”
Until the 1990s, community college board members could receive lifetime district-paid benefits after they left the board. California law now prohibits this for board members elected after January 1995, but some districts still are paying benefits to a few retired board members who were grandfathered in.

In its February 2012 report, the Little Hoover Commission said it ultimately saw great value in the role of local boards to advocate for their communities, despite the erosion of local control over the years.

The commission advocated keeping local boards while creating a stronger, more independent California Community Colleges Chancellor's Office to set priorities for the system. However, the commission also said college districts — especially small ones — could be more efficient if they combined administrative functions and coordinated more class offerings.

Advocates of local governing boards say the amount spent on trustee elections and salaries represents a tiny line item in the system’s $10 billion budget. They also question whether a district could cater to its local communities as aptly without a board of trustees in that area.

Bill Elliott, president of the board of trustees for the Feather River Community College District in Quincy, wondered whether a Sacramento-based board of trustees would have seen the value in establishing the college’s equine studies program.

"It's easier for us, I think, for us to do it and say this program makes sense for the mountain area. We have the right person, let's do it," Elliott said.

But Assemblyman Das Williams, D-Santa Barbara, chairman of the Assembly Higher Education Committee, said it's possible to have local decision-making even in a large area with diverse communities. He cited his local district, the Ventura County Community College District, as an example.

That district serves the majority of Ventura County — roughly 1,900 square miles — and includes very different communities, from Oxnard to Moorpark.

"Even though that's a very populous district, with three campuses and a couple satellite campuses, it is still very local decision-making," Williams said.

Jack Scott, former chancellor of the California Community Colleges, said it's unlikely the Legislature would ever eliminate locally elected boards. People would believe they were losing their right to elect local officials.

"Politically, if you were starting from scratch, how you would organize the governance of community colleges might be an open question," Scott said. "But to completely uproot the present system seems unlikely."

This story was edited by Mark Katches. It was copy edited by Nikki Frick and Christine Lee.
Thank you, David. This figure is large but as a portion of our overall budget it seems reasonable. However, with the cost of overall benefits impacting the District so profoundly over the next few years, it might be prudent to explore all viable options at the board level sooner than later.

Jim, please add this topic to the next Board agenda so that we can discuss what strategies we may wish to employ in the future should the need arise.

Thank you.

Stephanie O’Brien
m. 415.699.7041 f. 415.485.1192
THINKDOVETAIL.COM

Thinking That Moves Business Forward

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Dear Trustees,

The attached is provided for your information per the February 26th request for information pertaining to health benefits. Let me know if additional information or clarification is desired.

Thank you.

David

Sent to B. Dolan
CCLC 2013 Effective Trustee Workshop

January 25-27, 2013

Sacramento, CA

TRUSTEE REPORT

This annual event is an excellent environment in which to strengthen a person’s understanding of the complexities and importance of being a Community College Trustee. When I attended this conference last year, there was an enormous amount of information being provided, with little opportunity for digesting or putting in context. A year later, I came away from the conference with a renewed sense of purpose, deeper understanding of the various responsibilities, and ideas that may very well benefit our College.

The event began with an Introduction to Roles and Responsibilities session, specifically intended for new Trustees. Given this is my second year as a COM Trustee, I felt that I could benefit from attending this portion of the conference. However, with over fifty new Trustees participating in a rather small room, those of us who had already attended this segment of the training were asked to leave so the new Trustees could literally have a seat at the table.

The next morning was a session title Effective Trustee Workshop intended for all attendees (over 200 trustees, many Districts with their entire board present!) was a joint presentation by three teams of administrators, trustees and ACCJC staff. The key learning points were about what the Board is there to do for their District: define the WHAT, through effective board policy development, but not to DO. They reviewed the distinction of the “what”, through broad goals and expected outcomes, and the “how”, as developed by College staff and approved by the CEO. And the discussion regarding attention to the mission of the college, and making certain that the policies are moving the institution toward achieving the desired effectiveness to both achieve the mission and retain accreditation was pivotal to the presentation. By regularly asking ourselves “How effectively is our institution achieving its stated mission”, we will be able to consider plans for change in educational programs as we set institutional plans and goals, as well as annual and multiple year resources allocation plans (budgets).

I found it beneficial to review the importance of accreditation for our students and for the institution as a whole. The advice of making certain that the Trustees of a District focus on Mission-driven leadership, and set high expectations for performance of the Board and the institution was resonated with me. A Barbara Beno stated in her segment of the presentation, “Setting standards of excellent and measuring performance linked to the District’s goals will help meet both challenges. To perform well Trustees must be accountable as well as hold other accountable”.

Another key point was on Board Evaluation. This opportunity to establish goals and take corrective action is critical to the effectiveness of a Board. They reminded us that only the Board can regulate its members, and the critical nature of a code of ethics, with tangible policy to deal with dealing with
behaviors that violates the code. By recognizing and dealing with issues in a straightforward and ethical manner, the board can continually improve its ability to perform at the level that is expected by the community as a whole.

They also highlighted the importance of Trustee skill development on an on-going basis, which is a component of accreditation. Ongoing exposure to best practices within similar institutions can only help to improve our ability to serve. Accountability for effective stewardship in the areas of Educational Quality and Fiscal Stability resounded through the session.

The last presentation that I found to be of most value was the Role of Trustees and CEOs in Foundation Success. Fascinating statistics were presented on how to build a high performance organization, either within a College Advancement Program, or a separate Foundation, or (ideally) within a combination of the two. The most valuable take-away from the presentation was a comment by a CEO from a very high performing Foundation that noted “exciting programs begin with a strong and compelling vision laid out for the future, articulated in a way that engages the entire institution”.

I have copies of the session presentations for anyone who would like to receive them, along with some notes that I took during each session.
"Old" Joe Martin has other responsibilities besides his duties as president of the spring '48 student body. Yes, that's Joe helping Mr. Austin saw the "JUNIOR" out of our sign.

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At our Rotary Club meeting I mentioned our sawing out the word "Junior" from our Marin College sign in 1947. Here's a copy of that occasion.

Don Collier
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.
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<td>Light designing services for the Performing Art’s performance of Big River.</td>
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## Contracts and Agreement for Services
### OVER $1,000.00
#### MONTHLY REVIEW

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<td>Total Compensation Systems, Inc.</td>
<td>College Operations</td>
<td>$3,900.00</td>
</tr>
<tr>
<td></td>
<td>Retiree benefits actuarial study services for the College.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Restricted</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0216842</td>
<td>Fresh &amp; Natural Food Service Group</td>
<td>Care Program</td>
<td>$2,500.00</td>
</tr>
<tr>
<td></td>
<td>Food services for CARE vouchers for students.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0216878</td>
<td>Hilton Hotel, Costa Mesa</td>
<td>Learning Resources</td>
<td>$5,633.30</td>
</tr>
<tr>
<td></td>
<td>Room rentals for 10 employees for conference.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0216942</td>
<td>On Course</td>
<td>Learning Resources</td>
<td>$4,590.00</td>
</tr>
<tr>
<td></td>
<td>On Course professional development services for the College.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>MEASURE C BOND FUND</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>P0216851</td>
<td>Mcgraw-Hill Construction Regional Publications</td>
<td>Measure C</td>
<td>$1,092.80</td>
</tr>
<tr>
<td></td>
<td>Legal advertising services for the New Academic Center.</td>
<td></td>
<td></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>
</tr>
</thead>
<tbody>
<tr>
<td>From:</td>
<td>Superintendent/President</td>
</tr>
<tr>
<td>Date:</td>
<td>April 16, 2013</td>
</tr>
<tr>
<td>Item &amp; File No.:</td>
<td>14.B.</td>
</tr>
<tr>
<td>Subject:</td>
<td>Third Quarter Financial Status Report CCFS-311 Q</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 Third Quarter Financial Status Report CCFS-311Q for 2012/13 is attached for review. Staff is available to answer any questions.

Administrator Initiating Item  
A. J. Harrison II, Vice President – College Operations
### California Community Colleges Chancellor's Office

**Quarterly Financial Status Report, CCFS-311Q**

**VIEW QUARTERLY DATA**

**District:** (330) MARIN

<table>
<thead>
<tr>
<th>Line</th>
<th>Description</th>
<th>Actual 2009-10</th>
<th>Actual 2010-11</th>
<th>Actual 2011-12</th>
<th>Actual 2012-2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td><strong>Unrestricted General Fund Revenue, Expenditure and Fund Balance:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A.1</td>
<td>Unrestricted General Fund Revenues (Objects 8100, 8600, 8800)</td>
<td>45,402,489</td>
<td>45,310,644</td>
<td>45,562,262</td>
<td>45,865,409</td>
</tr>
<tr>
<td>A.2</td>
<td>Other Financing Sources (Object 8900)</td>
<td>0</td>
<td>235</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>A.3</td>
<td>Total Unrestricted Revenue (A.1 + A.2)</td>
<td>45,402,489</td>
<td>45,310,879</td>
<td>45,562,262</td>
<td>45,865,409</td>
</tr>
<tr>
<td>B.</td>
<td><strong>Expenditures:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B.1</td>
<td>Unrestricted General Fund Expenditures (Objects 1000-6000)</td>
<td>43,876,510</td>
<td>43,701,404</td>
<td>45,822,577</td>
<td>47,473,395</td>
</tr>
<tr>
<td>B.2</td>
<td>Other Outgo (Objects 7100, 7200, 7300, 7400, 7500, 7600)</td>
<td>1,280,672</td>
<td>560,652</td>
<td>807,979</td>
<td>549,875</td>
</tr>
<tr>
<td>B.3</td>
<td>Total Unrestricted Expenditures (B.1 + B.2)</td>
<td>45,157,182</td>
<td>44,262,056</td>
<td>46,630,556</td>
<td>46,023,270</td>
</tr>
<tr>
<td>C.</td>
<td>Revenues Over(Under) Expenditures (A.3 - B.3)</td>
<td>245,307</td>
<td>1,048,823</td>
<td>-1,068,294</td>
<td>-2,157,861</td>
</tr>
<tr>
<td>D.</td>
<td>Fund Balance, Beginning</td>
<td>4,915,939</td>
<td>5,161,246</td>
<td>6,210,069</td>
<td>5,141,775</td>
</tr>
<tr>
<td>D.1</td>
<td>Prior Year Adjustments + (-)</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>D.2</td>
<td>Adjusted Fund Balance, Beginning (D + D.1)</td>
<td>4,915,939</td>
<td>5,161,246</td>
<td>6,210,069</td>
<td>5,141,775</td>
</tr>
<tr>
<td>E.</td>
<td>Fund Balance, Ending (C. + D.2)</td>
<td>5,161,246</td>
<td>6,210,069</td>
<td>5,141,775</td>
<td>2,983,914</td>
</tr>
<tr>
<td>F.1</td>
<td>Percentage of GF Fund Balance to GF Expenditures (E. / B.3)</td>
<td>11.4%</td>
<td>14%</td>
<td>11%</td>
<td>6.2%</td>
</tr>
</tbody>
</table>
II. Annualized Attendance FTES:

| G.1 | Annualized FTES (excluding apprentice and non-resident) | 5,415 | 5,390 | 5,240 | 4,734 |

III. Total General Fund Cash Balance (Unrestricted and Restricted)

| H.1 | Cash, excluding borrowed funds | 2,354,880 | 3,458,543 | 1,461,599 |
| H.2 | Cash, borrowed funds only | 9,200,000 | 0 | 0 |
| H.3 | Total Cash (H.1 + H.2) | 11,543,958 | 11,554,888 | 3,458,543 | 1,461,599 |

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 (Objects 8100, 8600, 8800)</td>
<td>45,865,409</td>
<td>45,865,409</td>
<td>27,483,566</td>
<td>59.9%</td>
</tr>
<tr>
<td>I.2</td>
<td>Other Financing Sources (Object 8900)</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>I.3</td>
<td>Total Unrestricted Revenue (I.1 + I.2)</td>
<td>45,865,409</td>
<td>45,865,409</td>
<td>27,483,566</td>
<td>59.9%</td>
</tr>
<tr>
<td></td>
<td>Expenditures:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>J.1</td>
<td>Unrestricted General Fund Expenditures (Objects 1000-6000)</td>
<td>47,473,395</td>
<td>47,473,395</td>
<td>35,019,701</td>
<td>73.8%</td>
</tr>
<tr>
<td>J.2</td>
<td>Other Outgo (Objects 7100, 7200, 7300, 7400, 7500, 7600)</td>
<td>549,875</td>
<td>549,875</td>
<td>356,540</td>
<td>64.8%</td>
</tr>
<tr>
<td>J.3</td>
<td>Total Unrestricted Expenditures (J.1 + J.2)</td>
<td>48,023,270</td>
<td>48,023,270</td>
<td>35,376,241</td>
<td>73.7%</td>
</tr>
<tr>
<td>K.</td>
<td>Revenues Over(Under) Expenditures (I.3 - J.3)</td>
<td>-2,157,861</td>
<td>-2,157,861</td>
<td>-7,892,675</td>
<td>73.7%</td>
</tr>
<tr>
<td>L.</td>
<td>Adjusted Fund Balance, Beginning</td>
<td>5,141,775</td>
<td>5,141,775</td>
<td>5,141,775</td>
<td>5,141,775</td>
</tr>
<tr>
<td>L.1</td>
<td>Fund Balance, Ending (C. + L.2)</td>
<td>2,983,914</td>
<td>2,983,914</td>
<td>-2,750,900</td>
<td>-2,750,900</td>
</tr>
<tr>
<td>M</td>
<td>Percentage of GF Fund Balance to GF Expenditures (L.1 / J.3)</td>
<td>6.2%</td>
<td>6.2%</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 (Specify) YYYY-YY</th>
<th>Management</th>
<th>Permanent</th>
<th>Academic</th>
<th>Temporary</th>
<th>Classified</th>
</tr>
</thead>
<tbody>
<tr>
<td></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>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Year 1:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Year 2:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Year 3:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. BENEFITS:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Year 1:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Year 2:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Year 3:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</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.)
Overview

- 3/31 YTD Year over Year
  - Financial Highlights
  - Cash Position
  - Cash Flow

- Revenues:
  - Budget vs. 3/31/13 YTD Actual Comparison
  - 3/31 Revenue Comparison
  - 3/31 YTD Year over Year Revenue Breakdown Comparison

- Expenditures:
  - Budget vs. 3/31/13 YTD Actual Comparison
  - 3/31 YTD Expenditure Comparison
  - 3/31 YTD Year over Year Expenditure Breakdown Comparisons

Supplemental Information
3/31 YTD Yr/Yr Comparison

- **3/31/12**
  - $26.6M Revenues
  - $33.2M Expenditures
  - ($6.6M) Net

- **3/31/13**
  - $26.5M Revenues
  - $34.5M Expenditures
  - ($8.0M) Net

- Primary source of revenue is property tax which is received in December and April
### 3/31 YTD Cash Position

<table>
<thead>
<tr>
<th></th>
<th>3/31/12</th>
<th>3/31/13</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash Balance</td>
<td>$ 3.5M</td>
<td>$ 1.5M</td>
</tr>
<tr>
<td>Borrowing</td>
<td>n/a</td>
<td>n/a</td>
</tr>
</tbody>
</table>

- Cash inflow is revenues – our major source, property taxes, received primarily in December and April.
- Cash outflow is expenses – about $3.8M per month
- Borrowing provides operating cash until mid-December when property taxes are received.
Yr/Yr Cash Flow

Graph showing the cash flow for two years, 2011/12 and 2012/13, with months from June to June.

- The blue line represents the cash flow for 2011/12.
- The red line represents the cash flow for 2012/13.

The graph includes a y-axis ranging from $-10,000,000 to $20,000,000, and a x-axis with months from June to June.

[Graph details not transcribed]
Overview

3/31 YTD Year over Year
- Financial Highlights
- Cash Position
- Cash Flow

Revenues:
- Budget vs. 3/31/13 YTD Actual Comparison
- 3/31 Revenue Comparison
- 3/31 YTD Year over Year Revenue Breakdown Comparison

Expenditures:
- Budget vs. 3/31/13 YTD Actual Comparison
- 3/31 YTD Expenditure Comparison
- 3/31 YTD Year over Year Expenditure Breakdown Comparisons

Supplemental Information
Revenues:
- $44.8M budgeted
- $26.5M actual YTD
- 59.2% of budget

Actual as % of Budget:
- Property tax 56.2%
- Enrollment fees 105.5%
- State revenues 48.6%
- Local, other 81.5%

It is difficult to project revenues with accuracy because a significant amount of property tax isn’t received until April with final receipts in July
3/31 YTD Revenue Comparison

- **2011/12**
  - $45.3M budgeted
  - $26.6M actual YTD
  - 58.7% of budget
  - 84.4% of YTD revenue from property taxes

- **2012/13**
  - $44.8M budgeted
  - $26.5M actual YTD
  - 59.2% of budget
  - 85.6% of YTD revenue from property taxes
Property tax increase not as high as anticipated

Enrollment fee increase due to $10/unit increase offset by increase in BOG waivers

Decrease in state revenue due to complete loss of PFE funds in 2012/13
Overview

- 3/31 YTD Year over Year
  - Financial Highlights
  - Cash Position
  - Cash Flow

- Revenues:
  - Budget vs. 3/31/13 YTD Actual Comparison
  - 3/31 Revenue Comparison
  - 3/31 YTD Year over Year Revenue Breakdown Comparison

- Expenditures:
  - Budget vs. 3/31/13 YTD Actual Comparison
  - 3/31 YTD Expenditure Comparison
  - 3/31 YTD Year over Year Expenditure Breakdown Comparisons

Supplemental Information
Budget vs. 3/31/13 Expenditures

- Expenditures:
  - $46.9M budgeted
  - $34.5M actual YTD
  - 73.6% of budget

- Actual as a % of budget:
  - Faculty salaries 79.8%
  - Classified salaries 71.3%
  - Admin. salaries 74.3%
  - Benefits 71.1%
  - Fixed costs 63.5%
  - Other operating 64.4%
  - Capital/other outgo 78.1%

- PT faculty salaries are our vulnerable expense and requires close monitoring
3/31 YTD Expenditure Comparison

- **2011/12**
  - $45.8M budgeted
  - $33.2M actual YTD
  - 72.5% of budget
  - 88.4% of YTD for salaries and benefits

- **2012/13**
  - $46.9M budgeted
  - $34.5M actual YTD
  - 73.6% of budget
  - 88.0% of YTD for salaries and benefits
Salaries and benefits increases are due to step/column and medical premium increases.

Timing differences and earlier transfers for other outgo are causing Other Expenditures to be higher than this time last year.

With 73.6% of budget spent to date, it is reasonable to expect we are on a path to meet budget.

3/31 YTD Expenditure Comparison
Overview

- 3/31 YTD Year over Year
  - Financial Highlights
  - Cash Position
  - Cash Flow

- Revenues:
  - Budget vs. 3/31/13 YTD Actual Comparison
  - 3/31 Revenue Comparison
  - 3/31 YTD Year over Year Revenue Breakdown Comparison

- Expenditures:
  - Budget vs. 3/31/13 YTD Actual Comparison
  - 3/31 YTD Expenditure Comparison
  - 3/31 YTD Year over Year Expenditure Breakdown Comparisons

- Supplemental Information
# Sources and Uses of Funds

<table>
<thead>
<tr>
<th></th>
<th>3/31/12 YTD</th>
<th>3/31/12 %</th>
<th>3/31/12</th>
<th>3/31 YTD</th>
<th>3/31 %</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>REVENUES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PROGRAM-BASED</td>
<td>42,478,548</td>
<td>24,417,098</td>
<td>57.5%</td>
<td>42,659,428</td>
<td>58.8%</td>
</tr>
<tr>
<td>FEDERAL</td>
<td>250</td>
<td>574</td>
<td>229.6%</td>
<td>250</td>
<td>161</td>
</tr>
<tr>
<td>OTHER STATE</td>
<td>1,403,926</td>
<td>1,042,556</td>
<td>74.3%</td>
<td>868,731</td>
<td>48.6%</td>
</tr>
<tr>
<td>OTHER LOCAL</td>
<td>1,399,810</td>
<td>1,104,538</td>
<td>78.9%</td>
<td>1,230,000</td>
<td>81.5%</td>
</tr>
<tr>
<td>TOTAL REVENUES</td>
<td>45,282,534</td>
<td>26,564,766</td>
<td>58.7%</td>
<td>44,758,409</td>
<td>59.2%</td>
</tr>
<tr>
<td><strong>TOTAL SOURCES</strong></td>
<td>51,492,603</td>
<td>32,774,835</td>
<td>61.5%</td>
<td>49,899,776</td>
<td>74.8%</td>
</tr>
<tr>
<td><strong>USE OF FUNDS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SALARIES</td>
<td>28,573,349</td>
<td>21,362,163</td>
<td>74.8%</td>
<td>28,294,473</td>
<td>76.4%</td>
</tr>
<tr>
<td>BENEFITS</td>
<td>10,995,839</td>
<td>8,029,840</td>
<td>73.0%</td>
<td>12,349,656</td>
<td>71.1%</td>
</tr>
<tr>
<td>TOTAL SALARIES &amp; BENEFITS</td>
<td>39,569,188</td>
<td>29,392,003</td>
<td>74.3%</td>
<td>40,644,129</td>
<td>74.8%</td>
</tr>
<tr>
<td>FIXED EXPENSES</td>
<td>2,276,355</td>
<td>1,590,346</td>
<td>69.9%</td>
<td>2,342,000</td>
<td>1,488,252</td>
</tr>
<tr>
<td>OTHER OPERATING</td>
<td>3,418,450</td>
<td>1,859,055</td>
<td>54.4%</td>
<td>3,153,979</td>
<td>2,031,914</td>
</tr>
<tr>
<td>CAPITAL OUTLAY</td>
<td>176,287</td>
<td>135,979</td>
<td>77.1%</td>
<td>226,287</td>
<td>249,999</td>
</tr>
<tr>
<td>OTHER OUTGO</td>
<td>392,896</td>
<td>265,750</td>
<td>67.6%</td>
<td>549,875</td>
<td>356,540</td>
</tr>
<tr>
<td>TOTAL OTHER EXPENSES</td>
<td>6,263,988</td>
<td>3,851,130</td>
<td>61.5%</td>
<td>6,272,141</td>
<td>4,126,705</td>
</tr>
<tr>
<td><strong>TOTAL USES</strong></td>
<td>45,833,176</td>
<td>33,243,133</td>
<td>72.5%</td>
<td>46,916,270</td>
<td>73.6%</td>
</tr>
<tr>
<td><strong>ENDING FUND BALANCE</strong></td>
<td>$ 5,659,427</td>
<td>$ (468,298)</td>
<td>$ 2,983,506</td>
<td>$ (2,879,967)</td>
<td></td>
</tr>
</tbody>
</table>
## Sources of Funds

<table>
<thead>
<tr>
<th></th>
<th>3/31/12 BUDGET</th>
<th>3/31/12 ACTUAL</th>
<th>3/31/12 %</th>
<th>ADOPTION 3/31/13 BUDGET</th>
<th>ADOPTION 3/31/13 ACTUAL</th>
<th>ADOPTION 3/31/13 %</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PROGRAM-BASED FUNDING</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Subventions</td>
<td>$273,494</td>
<td>$138,207</td>
<td>50.5%</td>
<td>$268,463</td>
<td>$136,016</td>
<td>50.7%</td>
</tr>
<tr>
<td>Total</td>
<td>$273,494</td>
<td>$138,207</td>
<td>50.5%</td>
<td>$268,463</td>
<td>$136,016</td>
<td>50.7%</td>
</tr>
<tr>
<td><strong>PROPERTY TAXES</strong></td>
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<tr>
<td>Secured</td>
<td>38,501,323</td>
<td>21,149,077</td>
<td>54.9%</td>
<td>38,771,425</td>
<td>21,373,237</td>
<td>55.1%</td>
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<tr>
<td>Supplemental</td>
<td>415,000</td>
<td>208,647</td>
<td>50.3%</td>
<td>415,000</td>
<td>265,445</td>
<td>64.0%</td>
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<tr>
<td>Unsecured</td>
<td>905,965</td>
<td>901,585</td>
<td>99.5%</td>
<td>904,540</td>
<td>845,095</td>
<td>93.4%</td>
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<tr>
<td>Prior-Year</td>
<td>105,000</td>
<td>35,569</td>
<td>33.9%</td>
<td>40,000</td>
<td>61,419</td>
<td>153.5%</td>
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<tr>
<td>Total</td>
<td>39,927,288</td>
<td>22,294,878</td>
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<td>40,130,965</td>
<td>22,545,196</td>
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<tr>
<td><strong>ENROLLMENT FEES</strong></td>
<td>2,277,766</td>
<td>1,984,013</td>
<td>87.1%</td>
<td>2,260,000</td>
<td>2,383,195</td>
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<tr>
<td>Total</td>
<td>42,478,548</td>
<td>24,417,098</td>
<td>57.5%</td>
<td>42,659,428</td>
<td>25,064,407</td>
<td>58.8%</td>
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<tr>
<td><strong>FEDERAL REVENUE</strong></td>
<td>250</td>
<td>574</td>
<td>229.6%</td>
<td>250</td>
<td>161</td>
<td>64.4%</td>
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<td><strong>STATE REVENUE</strong></td>
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<td>Partnership for Excell</td>
<td>576,520</td>
<td>438,155</td>
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<td>-</td>
<td>-</td>
<td>n/a</td>
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<tr>
<td>Other State</td>
<td>827,406</td>
<td>604,401</td>
<td>73.0%</td>
<td>868,731</td>
<td>422,574</td>
<td>48.6%</td>
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<tr>
<td>Total State</td>
<td>1,403,926</td>
<td>1,042,556</td>
<td>74.3%</td>
<td>868,731</td>
<td>422,574</td>
<td>48.6%</td>
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<td><strong>LOCAL REVENUE</strong></td>
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<td>Interest</td>
<td>60,000</td>
<td>8,822</td>
<td>14.7%</td>
<td>10,000</td>
<td>2,301</td>
<td>23.0%</td>
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<tr>
<td>Non-Residence Fees</td>
<td>780,000</td>
<td>824,743</td>
<td>105.7%</td>
<td>850,000</td>
<td>724,283</td>
<td>85.2%</td>
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<td>Other Student Charges</td>
<td>88,000</td>
<td>61,505</td>
<td>69.9%</td>
<td>75,000</td>
<td>42,913</td>
<td>57.2%</td>
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<tr>
<td>Non-Residence Insurance</td>
<td>45,000</td>
<td>52,505</td>
<td>116.7%</td>
<td>55,000</td>
<td>56,454</td>
<td>102.6%</td>
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<tr>
<td>Miscellaneous</td>
<td>426,810</td>
<td>156,963</td>
<td>36.8%</td>
<td>240,000</td>
<td>176,903</td>
<td>73.7%</td>
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<tr>
<td>Total</td>
<td>1,399,810</td>
<td>1,104,538</td>
<td>78.9%</td>
<td>1,230,000</td>
<td>1,002,854</td>
<td>81.5%</td>
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<tr>
<td><strong>TOTAL REVENUE</strong></td>
<td>$45,282,534</td>
<td>$26,564,766</td>
<td>58.7%</td>
<td>$44,758,409</td>
<td>$26,489,996</td>
<td>59.2%</td>
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### Uses of Funds

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</thead>
<tbody>
<tr>
<td><strong>USE OF FUNDS</strong></td>
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<tr>
<td>SALARIES</td>
<td>$ 28,573,349</td>
<td>$ 21,362,163</td>
<td>74.8%</td>
<td>$ 28,294,473</td>
<td>$ 21,605,859</td>
<td>76.4%</td>
</tr>
<tr>
<td>BENEFITS</td>
<td>10,995,839</td>
<td>8,029,840</td>
<td>73.0%</td>
<td>12,349,656</td>
<td>8,778,766</td>
<td>71.1%</td>
</tr>
<tr>
<td>TOTAL SALARIES &amp; BENEFITS</td>
<td>39,569,188</td>
<td>29,392,003</td>
<td>74.3%</td>
<td>40,644,129</td>
<td>30,384,625</td>
<td>74.8%</td>
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<tr>
<td>FIXED EXPENSES</td>
<td>2,276,355</td>
<td>$ 1,590,346</td>
<td>69.9%</td>
<td>2,342,000</td>
<td>$ 1,488,252</td>
<td>63.5%</td>
</tr>
<tr>
<td>OTHER OPERATING</td>
<td>3,418,450</td>
<td>1,859,055</td>
<td>54.4%</td>
<td>3,153,979</td>
<td>2,031,914</td>
<td>64.4%</td>
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<tr>
<td>CAPITAL OUTLAY</td>
<td>176,287</td>
<td>135,979</td>
<td>77.1%</td>
<td>226,287</td>
<td>249,999</td>
<td>110.5%</td>
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<tr>
<td>OTHER OUTGO</td>
<td>392,896</td>
<td>265,750</td>
<td>67.6%</td>
<td>549,875</td>
<td>356,540</td>
<td>64.8%</td>
</tr>
<tr>
<td>TOTAL OTHER EXPENSES</td>
<td>6,263,988</td>
<td>3,851,130</td>
<td>61.5%</td>
<td>6,272,141</td>
<td>4,126,705</td>
<td>65.8%</td>
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<tr>
<td><strong>TOTAL USES</strong></td>
<td>$ 45,833,176</td>
<td>$ 33,243,133</td>
<td>72.5%</td>
<td>$ 46,916,270</td>
<td>$ 34,511,330</td>
<td>73.6%</td>
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</table>
## Salaries

<table>
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<tbody>
<tr>
<td><strong>SALARIES</strong></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>FACULTY</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>INSTRUCTORS-REGULAR</td>
<td>$ 8,119,180</td>
<td>$ 5,419,697</td>
<td>66.8%</td>
<td>$ 9,141,654</td>
<td>$ 5,769,744</td>
<td>63.1%</td>
</tr>
<tr>
<td>INSTRUCTORS-HOURLY</td>
<td>6,724,187</td>
<td>5,999,365</td>
<td>89.2%</td>
<td>5,076,713</td>
<td>5,483,112</td>
<td>108.0%</td>
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<tr>
<td>NON-INSTRUCTORS-REGULAR</td>
<td>1,317,125</td>
<td>898,795</td>
<td>68.2%</td>
<td>1,294,731</td>
<td>940,511</td>
<td>72.6%</td>
</tr>
<tr>
<td>NON-INSTRUCTORS-HOURLY</td>
<td>540,200</td>
<td>546,497</td>
<td>101.2%</td>
<td>412,594</td>
<td>519,759</td>
<td>126.0%</td>
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<tr>
<td><strong>FACULTY</strong></td>
<td>16,700,692</td>
<td>12,864,354</td>
<td>77.0%</td>
<td>15,925,692</td>
<td>12,713,126</td>
<td>79.8%</td>
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<tr>
<td><strong>CLASSIFIED</strong></td>
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</tr>
<tr>
<td>STAFF - REGULAR</td>
<td>7,936,668</td>
<td>5,502,941</td>
<td>69.3%</td>
<td>8,236,620</td>
<td>5,696,894</td>
<td>69.2%</td>
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<tr>
<td>INSTRUCTIONAL - REGULAR</td>
<td>953,372</td>
<td>727,024</td>
<td>76.3%</td>
<td>1,056,162</td>
<td>724,635</td>
<td>68.6%</td>
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<tr>
<td>HOURLY INST./NON INST.</td>
<td>451,406</td>
<td>357,099</td>
<td>79.1%</td>
<td>496,900</td>
<td>542,182</td>
<td>109.1%</td>
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<td>OVERTIME</td>
<td>83,460</td>
<td>82,084</td>
<td>98.4%</td>
<td>113,460</td>
<td>96,512</td>
<td>85.1%</td>
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<tr>
<td><strong>CLASSIFIED</strong></td>
<td>9,424,906</td>
<td>6,669,148</td>
<td>70.8%</td>
<td>9,903,142</td>
<td>7,060,223</td>
<td>71.3%</td>
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<tr>
<td><strong>ADMINISTRATORS</strong></td>
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<tr>
<td>ACADEMIC</td>
<td>2,015,924</td>
<td>1,431,311</td>
<td>71.0%</td>
<td>1,931,966</td>
<td>1,360,503</td>
<td>70.4%</td>
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<tr>
<td>CLASSIFIED</td>
<td>431,827</td>
<td>397,350</td>
<td>92.0%</td>
<td>533,673</td>
<td>472,007</td>
<td>88.4%</td>
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<tr>
<td><strong>ADMINISTRATORS</strong></td>
<td>2,447,751</td>
<td>1,828,661</td>
<td>74.7%</td>
<td>2,465,639</td>
<td>1,832,510</td>
<td>74.3%</td>
</tr>
<tr>
<td><strong>TOTAL SALARIES</strong></td>
<td>$ 28,573,349</td>
<td>$ 21,362,163</td>
<td>74.8%</td>
<td>$ 28,294,473</td>
<td>$ 21,605,859</td>
<td>76.4%</td>
</tr>
</tbody>
</table>
## Benefits

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td><strong>PUBLIC RETIREMENT</strong></td>
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<tr>
<td>STRS</td>
<td>$1,304,435</td>
<td>$1,012,813</td>
<td>77.6%</td>
<td>$1,317,706</td>
<td>$1,063,787</td>
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<tr>
<td>PERS</td>
<td>1,773,291</td>
<td>1,281,116</td>
<td>72.2%</td>
<td>1,922,148</td>
<td>1,352,514</td>
<td>70.4%</td>
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<tr>
<td>FICA</td>
<td>674,784</td>
<td>507,839</td>
<td>75.3%</td>
<td>736,515</td>
<td>513,158</td>
<td>69.7%</td>
</tr>
<tr>
<td>MEDICARE</td>
<td>371,740</td>
<td>286,072</td>
<td>77.0%</td>
<td>379,146</td>
<td>294,782</td>
<td>77.7%</td>
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<tr>
<td>UNEMPLOYMENT</td>
<td>543,313</td>
<td>362,386</td>
<td>66.7%</td>
<td>452,324</td>
<td>250,858</td>
<td>55.5%</td>
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<tr>
<td>WORKERS COMP. INS.</td>
<td>368,595</td>
<td>275,126</td>
<td>74.6%</td>
<td>350,851</td>
<td>270,393</td>
<td>77.1%</td>
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<tr>
<td>COST OF FACULTY SERP</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>145,814</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td>5,036,158</td>
<td>3,725,352</td>
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<td>5,158,690</td>
<td>3,891,306</td>
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<td><strong>HEALTH PROTECTION</strong></td>
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<tr>
<td>MEDICAL</td>
<td>5,959,681</td>
<td>4,304,488</td>
<td>72.2%</td>
<td>7,190,966</td>
<td>4,887,460</td>
<td>68.0%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>5,959,681</td>
<td>4,304,488</td>
<td>72.2%</td>
<td>7,190,966</td>
<td>4,887,460</td>
<td>68.0%</td>
</tr>
<tr>
<td><strong>TOTAL BENEFITS</strong></td>
<td>$10,995,839</td>
<td>$8,029,840</td>
<td>73.0%</td>
<td>$12,349,656</td>
<td>$8,778,766</td>
<td>71.1%</td>
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</tbody>
</table>
# Fixed Costs

<table>
<thead>
<tr>
<th>Utilities</th>
<th>2011-12 BUDGET</th>
<th>2011-12 ACTUAL</th>
<th>2011-12 %</th>
<th>2012-13 BUDGET</th>
<th>2012-13 ACTUAL</th>
<th>2012-13 %</th>
</tr>
</thead>
<tbody>
<tr>
<td>SEWER SERVICE</td>
<td>$66,155</td>
<td>$73,998</td>
<td>111.9%</td>
<td>$80,000</td>
<td>$89,300</td>
<td>111.6%</td>
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<tr>
<td>TELEPHONE</td>
<td>$113,429</td>
<td>$74,473</td>
<td>65.7%</td>
<td>$120,000</td>
<td>$77,020</td>
<td>64.2%</td>
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<tr>
<td>WATER</td>
<td>$122,807</td>
<td>$83,727</td>
<td>68.2%</td>
<td>$126,000</td>
<td>$99,540</td>
<td>79.0%</td>
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</table>

<table>
<thead>
<tr>
<th>Utilities</th>
<th>2011-12 BUDGET</th>
<th>2011-12 ACTUAL</th>
<th>2011-12 %</th>
<th>2012-13 BUDGET</th>
<th>2012-13 ACTUAL</th>
<th>2012-13 %</th>
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</thead>
<tbody>
<tr>
<td>GAS &amp; ELECTRICITY</td>
<td>$1,515,964</td>
<td>$937,696</td>
<td>61.9%</td>
<td>$1,516,000</td>
<td>$779,616</td>
<td>51.4%</td>
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<tr>
<td>PEST CONTROL</td>
<td>$63,000</td>
<td>$52,141</td>
<td>82.8%</td>
<td>$80,000</td>
<td>$45,088</td>
<td>56.4%</td>
</tr>
</tbody>
</table>

| TOTAL            | $2,276,355     | $1,590,346     | 69.9%     | $2,342,000     | $1,488,252     | 63.5%     |
### OTHER OPERATING EXPENSES

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</thead>
<tbody>
<tr>
<td>SUPPLIES &amp; MATERIALS</td>
<td>$575,818</td>
<td>$389,668</td>
<td>67.7%</td>
<td>$579,318</td>
<td>$386,889</td>
<td>66.8%</td>
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<tr>
<td>PERSONAL SVCE, LECTURE</td>
<td>84,166</td>
<td>54,639</td>
<td>64.9%</td>
<td>84,166</td>
<td>56,547</td>
<td>67.2%</td>
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<tr>
<td>TRAVEL &amp; CONFERENCE</td>
<td>134,749</td>
<td>57,919</td>
<td>43.0%</td>
<td>125,475</td>
<td>94,130</td>
<td>75.0%</td>
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<tr>
<td>DUES &amp; MEMBERSHIP</td>
<td>100,807</td>
<td>73,128</td>
<td>72.5%</td>
<td>104,525</td>
<td>61,976</td>
<td>59.3%</td>
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<tr>
<td>LEGAL</td>
<td>200,000</td>
<td>119,061</td>
<td>59.5%</td>
<td>150,000</td>
<td>140,308</td>
<td>93.5%</td>
</tr>
<tr>
<td>AUDITS &amp; ELECTION</td>
<td>364,700</td>
<td>191,415</td>
<td>52.5%</td>
<td>82,000</td>
<td>8,200</td>
<td>88.6%</td>
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<tr>
<td>CONTRACTED SERVICES</td>
<td>1,378,233</td>
<td>619,583</td>
<td>45.0%</td>
<td>1,504,860</td>
<td>734,723</td>
<td>48.8%</td>
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<tr>
<td>POSTAGE</td>
<td>97,875</td>
<td>41,986</td>
<td>42.9%</td>
<td>75,413</td>
<td>47,702</td>
<td>63.3%</td>
</tr>
<tr>
<td>PRINTING &amp; PUBLICATION</td>
<td>119,435</td>
<td>53,842</td>
<td>45.1%</td>
<td>95,055</td>
<td>48,362</td>
<td>50.9%</td>
</tr>
<tr>
<td>RENTAL &amp; LEASES</td>
<td>41,378</td>
<td>25,732</td>
<td>62.2%</td>
<td>41,378</td>
<td>24,779</td>
<td>59.9%</td>
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<tr>
<td>RECRUITMENT</td>
<td>174,110</td>
<td>150,399</td>
<td>86.4%</td>
<td>154,110</td>
<td>125,870</td>
<td>81.7%</td>
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<tr>
<td>OTHER DISTRICT-WIDE EXP.</td>
<td>142,666</td>
<td>78,531</td>
<td>55.0%</td>
<td>142,666</td>
<td>225,020</td>
<td>157.7%</td>
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<tr>
<td>MISCELLANEOUS</td>
<td>4,513</td>
<td>3,152</td>
<td>69.8%</td>
<td>4,513</td>
<td>3,608</td>
<td>79.9%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$3,418,450</strong></td>
<td><strong>$1,859,055</strong></td>
<td><strong>54.4%</strong></td>
<td><strong>$3,153,979</strong></td>
<td><strong>$2,031,914</strong></td>
<td><strong>64.4%</strong></td>
</tr>
</tbody>
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# Capital Outlay and Other Outgo

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<tbody>
<tr>
<td><strong>CAPITAL OUTLAY</strong></td>
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<td>Library Books/Periodicals</td>
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<td>$ 52,521</td>
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<td>$ 51,712</td>
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<td>Equipment New &amp; Leased</td>
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<td>174,575</td>
<td>191,100</td>
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<td><strong>TOTAL</strong></td>
<td>$ 176,287</td>
<td>$ 135,979</td>
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<td>$ 226,287</td>
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<td><strong>OTHER OUTGO</strong></td>
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<td>Interfund/Intrafund Transfers:</td>
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<td>Child Care Fund</td>
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<td>Risk Margin Fund</td>
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<td>Puente</td>
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<tr>
<td>Matriculation-Noncredit</td>
<td>22,936</td>
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<td>61,804</td>
<td>30,902</td>
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<td>Matriculation-Credit</td>
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<td>Miscellaneous</td>
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<td><strong>TOTAL</strong></td>
<td>$ 392,896</td>
<td>$ 265,750</td>
<td>67.6%</td>
<td>$ 549,875</td>
<td>$ 356,540</td>
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4/16/13
Modernization Director's Report to Board of Trustees
April 16, 2013

BUDGET UPDATE

Bond spending plan: $260.5 million ($249.5 m bond, $11 m interest)
Reserves: $4,554,336, of which $2,300,000 is allocated to IVC
Expended to date: $204.7 million (78.6% of bond spending plan)
  • Assessment $ 5.5 million
  • Planning/design $ 68.0 million
  • Construction $131.2 million

Summary of modernization items in this agenda:

Consent (all routine items not requiring resolution or discussion): ($209,905.50)

Ratify / Approve Modernization Contracts, Changes and Amendments
  • Ten (10) new construction contracts for ratification ($170,812.50)
  • Five (5) professional service amendments for ratification ($173,100)
  • Two (2) Professional services agreement - Approval ($11,986)

Action (items requiring resolution or discussion): ($2,028,175.00)

  • Approve Change Order #19 to Construction Contract ($223,288.00)
    Performing Arts Modernization (306A) Midstate Construction

  • Approve Change Order #2 to Construction Contract ($27,211.14) Austin
    Swing Space (850E) AE Nelson

  • Approve Pre-Qualification Process; Approve Authorization to Bid; Pre-
    Authorization to Award a Construction Contract New Academic Center
    (303B)

  • Approve purchase of Modular Units: PE-8, PE-9 and PV-10
    ($328,126.00) Relocation Costs (805A)

  • Approve Amendment #2 to Professional Services Agreement
    ($1,215,000.00) Project Management, Construction Management (301B),
    (303B), (309A) Program (825C) Jacobs Project Management Co.

  • Approve New Professional Services Agreement for Design Services
    ($30,000.00) Structural Engineer Project (805A)
Marin Community College District
Measure C Bond Modernization Program

- Approve Amendment # 1 to Professional Services Agreement ($99,000.00) Capital Program Transition Assistance (825C) Schoening Group Inc.
- Approve RFP and New Professional Services Agreement for Design Services ($50,000.00) ADA Upgrades KTD Project (309A)
- Approve transfer of funds for Program Management (825C) (Net Zero) Transfer from Project close-out: Science Math and Nursing (305A); Bond Issuance costs (831C); Bond Counsel (831B)
- Approve Contract Amendment to the Professional Services Agreement ($55,550.00) New Fine Arts Building (306C) Gayner Engineers
- Inclusion of New Academic Center Project in Existing Project Stabilization Agreement
- Approve Notice of Completion KTD Utilities Project – Phase 1 Wildcat Engineering
- Approve Notice of Completion Austin Science Swing Project (850E) AE Nelson Construction

Net value of new contracts / changes / amendments in this agenda:  ($2,238,080.50)

CURRENT DESIGN

Fine Arts Weatherization:

Alternatives for executing this project are still under evaluation. In either case, our goal is to execute as much of the work as possible prior to the next rainy season or implement some temporary measures. In this month’s bond spending plan action item, we propose a modification of the scope of this project. The proposal is to combine this project with the Fine Arts Mechanical items. This will allow us to move forward with the most urgent health and safety items this summer with funding that is already in place. This does have the tradeoff of deferring the weatherization items however; we will continue analyzing ways to keep that work moving forward.

CURRENT CONSTRUCTION

Performing Arts:

This project is complete. We are working on punch list and minor user requests. Our last change order for this project is presented this meeting.
We have begun user meetings to complete the FF&E process.

**Science, Math & Nursing:**

We are working on punch list and have assembled a list of user requests for items they feel are required to complete the project. We continue to work with the office of the academic VP and deans to prioritize the list and execute them as budget allows.

**Child Study Center:**

The project is substantially complete. Procurement of FF&E continues.

**Academic Center:**

We completed another phase of moves with Harlan Center and the Administrative building. The HR department and Child Study Center will move in May. The tree program is now underway.

Pre-qualification for the demo phase was completed. Two highly regarded firms submitted and qualified. This month we present the prequalification of the building for approval.

**Austin Science Center Swing Space:**

Moves into the Austin swing space are underway.

**COMPLETED PROJECTS**

This section is being updated to reflect the current Bond Spending Plan.
### A. Alfa Tech Consulting Enterprise  
**Geothermal / PV @ PE / Sitework**

<table>
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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>Design services for changes to PE Complex Portables</td>
<td>12/24/2007</td>
<td>Amendment 14</td>
<td>Completed</td>
</tr>
<tr>
<td>Construction Admin 850C</td>
<td>12/31/2008</td>
<td>Amendment 16</td>
<td>Completed</td>
</tr>
<tr>
<td>Credit from Amend #13 for DSPS relocation (850G)</td>
<td>N/A</td>
<td>Amendment 18</td>
<td>Completed</td>
</tr>
<tr>
<td>Provide a fix for damaged anchor bolts, PE Complex PV</td>
<td>N/A</td>
<td>Amendment 19</td>
<td>Completed</td>
</tr>
<tr>
<td>Caps for TB 1 transformer-Health Services Portable (850G)</td>
<td>n/a</td>
<td>Amendment 20</td>
<td>Completed</td>
</tr>
<tr>
<td>Electrical design for add alternate 8-ticket dispensing machine and future blue light telephones (413A)</td>
<td>11/15/2009</td>
<td>Amendment 21</td>
<td>Completed</td>
</tr>
<tr>
<td>No Cost Time Extension thru 12/31/10</td>
<td>12/31/2010</td>
<td>Amendment 22</td>
<td>Completed</td>
</tr>
<tr>
<td>Design services for install of new lights at IVC bus shelter (413A)</td>
<td>2/26/2010</td>
<td>Amendment 23</td>
<td>Completed</td>
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<tr>
<td>Construction Admin services for install of new lights at IVC bus shelter (413A)</td>
<td>9/16/2010</td>
<td>Amendment 23</td>
<td>Completed</td>
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<tr>
<td>Design PE Center Supplemental Cooling Project 308B</td>
<td>7/11/2010</td>
<td>Amendment 24</td>
<td>Completed</td>
</tr>
<tr>
<td>Construction Admin for PE Center Supplemental Cooling Project 308B</td>
<td>12/31/2010</td>
<td>Amendment 24</td>
<td>Completed</td>
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<tr>
<td>Credit for unused portion of design fee associated with design/build performance specifications for PE Supplemental Cooling Project under Amendment 23</td>
<td>3/13/2012</td>
<td>Amendment 27</td>
<td>Completed  (Credit)</td>
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### B. CSW Stuber-Stroeh  
**Bioswale / West Campus Bridge / Sitework**

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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>Create final Record Set documenting all Completed utility infrastructure project on Indian Valley Campus; District Civil Engineer Project (803A)</td>
<td>6/30/2011</td>
<td>Amendment 36</td>
<td>Completed</td>
</tr>
<tr>
<td>Site walk/engineering recommendations for pavement repair on Ignacio Blvd &amp; the loop through the parking area used by buses during construction-Main Bldg Complex (417A)</td>
<td>6/30/2011</td>
<td>Amendment 36</td>
<td>Completed</td>
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<tr>
<td>Civil Engineering Svcs as follows: Topo survey &amp; base map, pavement demo &amp; rehab plan, grading &amp; drainage plan, signing &amp; striping plan, SWPPP &amp; Erosion Control Plan, Specs, etc.. Main Bldg Complex (417A)</td>
<td>12/31/2011</td>
<td>Amendment 37</td>
<td>Completed</td>
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<tr>
<td>Civil Engineering services: Design and Construction Administration to bring utility conduits for IT and geothermal piping to upcoming projects (NAC &amp; CSC); Installation of three (3) survey monuments at the Kentfield Campus in the area north of Corte Madera Creek. The monuments will be brass discs permanently affixed to existing concrete foundations and low walls. Deliverables include: field survey; office calculations; installation of the brass discs; and CD with 3D control points references to existing public monuments.</td>
<td>6/30/2013</td>
<td>Amendment 39</td>
<td>In progress</td>
</tr>
<tr>
<td>Confirmation of existing and additional survey points for the design of fire truck access point at the new Fine Arts Building at Circle Drive (306D)</td>
<td>8/20/2013</td>
<td>Amendment 40</td>
<td>In progress</td>
</tr>
<tr>
<td>Also civil engineering services associated with the new ADA ramp and pathway adjacent to the Learning Resource Center and Student Services building on the Kentfield Campus (309A)</td>
<td>8/31/2016</td>
<td>Amendment 41</td>
<td>In progress</td>
</tr>
<tr>
<td>District Civil Engineer (803A) Civil engineering services: Underground utility mapping of Kentfield Campus.</td>
<td>6/30/2013</td>
<td>Amendment 42</td>
<td>In progress</td>
</tr>
<tr>
<td>New Academic Center Project (303B) - Prepare supplemental topographic survey for the area between the Fine Arts building and the New Academic Center building. Also provide peer review of the New Academic Center civil documents at the Design Development and Construction Documents level.</td>
<td>6/30/2013</td>
<td>Amendment 42</td>
<td>In progress</td>
</tr>
<tr>
<td>District CEQA Consultant (810A) - Provide civil engineering assistance and support for preparation and processing of the Child Study Center and New Academic Center EIR (Environmental Impact Report) and CEQA (California Environmental Quality Act) documentation, as requested.</td>
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<td>Science Math Nursing Project (305A) - Review flood issue at Laurel Avenue and prepare a written response for the County of Marin.</td>
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### C. ED2 International (Fine Arts Weatherization)

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<th>Activity</th>
<th>Milestone Date</th>
<th>Document</th>
<th>Completed</th>
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<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 - 12/31/2013</td>
<td>Contract</td>
<td>In progress</td>
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### D. ED2 International (Science / Math / Central Plant)

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<th>Activity</th>
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<tr>
<td>Construction Phase - 24 Months</td>
<td>8/7/2010-12/31/2012</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>Completed</td>
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<tr>
<td>Additional services for subconsultant (Davis Langdon) to prepare opinions of probable construction cost for revisions to existing design; Current South entrance breezeway &amp; adjacent Museum (Rm 105) 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 (305A)</td>
<td>N/A</td>
<td>Amendment 3</td>
<td>Completed</td>
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<tr>
<td>Feasibility Study for the Fine Arts Weatherization (Project 406A District Architect)</td>
<td>N/A</td>
<td>New Contract</td>
<td>Completed</td>
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<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 accessories revised to accommodate larger dispensers in all restrooms; Additional Services Request 05 – Electronic Lock Mechanisms at Entry Doors; Additional Services 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 (305A)</td>
<td>N/A</td>
<td>Amendment 4 (P0105400)</td>
<td>Completed</td>
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<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 (305A)</td>
<td>N/A</td>
<td>Amendment 5 (P0105400)</td>
<td>In progress</td>
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<tr>
<td>Additional Services Request for supplemental design services resulting from changed DSA procedures and DSA review by third party plan checker; approximately six (6) additional months for structural review for SMCP Inc. 2 &amp; 3 (305A)</td>
<td>N/A</td>
<td>Amendment 6 (P0105400)</td>
<td>In progress</td>
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<td>Additional Services Request for waterproofing consultant to review envelope waterproofing details for SMCP Inc. 2 &amp; 3 (305A)</td>
<td>N/A</td>
<td>Amendment 7</td>
<td>In progress</td>
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<tr>
<td>Additional Services Request for calculations to be submitted to DSA for additional overhead storage requested by users for SMCP Inc. 2 &amp; 3 (305A)</td>
<td>N/A</td>
<td>Amendment 8</td>
<td>In progress</td>
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<tr>
<td>Additional Services Request 8.2 for investigative services to survey and evaluate the existing building and adjoining building weather barrier separation issues at the exterior opening of the building. Additional Services Request 9 for additional architectural and civil engineering design services to verify existing utilities, placement of the SMN building, and redesign of exterior stairs with FA &amp; PA building site ramps. Provide engineered survey and redesign of the site elements to accommodate layout discrepancies. Additional Services Request 11 for various design revisions related to window relocation; casework; cabinet locks; audio visual equipment upgrades and camera relocations; hardware revisions; data and power outlet locations. Additional Services Request 12 for replacement of Lutron Lighting Controls with GE Lighting Controls at owner’s request. Additional Services Request 15 for additional architectural and civil engineering services to verify existing utilities and redesign of Parking Lot 4 to add IT department loading zone at owner’s request</td>
<td>N/A</td>
<td>Amendment 9</td>
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### E. Environmental Science Associates (ESA)

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<tr>
<td>Long Form Contract for Child Study Center Project and New Academic Center</td>
<td>12/31/2012</td>
<td>LF Contract</td>
<td>Completed</td>
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<tr>
<td>Project (District CEQA Consultant Project 810A); Scope includes providing</td>
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<tr>
<td>Focused Environmental Impact Reports</td>
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<tr>
<td>No cost time extension</td>
<td>6/30/2013</td>
<td>Amendment 1</td>
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### 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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</thead>
<tbody>
<tr>
<td>Operation/Project Close-out Phase - 12 months</td>
<td>9/1/2009-9/1/2010</td>
<td>Contract</td>
<td>Completed</td>
</tr>
<tr>
<td>Programming confirmation &amp; beginning schematic design; Child Study Center</td>
<td>12/31/2011</td>
<td>New SF Contract</td>
<td>Completed</td>
</tr>
<tr>
<td>at KTD Project 303C</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Construction Drawings &amp; Specifications - Bid Set Due for the MEP</td>
<td>6/17/2011</td>
<td>Amendment 21</td>
<td>Completed</td>
</tr>
<tr>
<td>Supplemental Project (308B/402A/417A/407B)</td>
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<tr>
<td>Construction Drawings &amp; Specifications - Bidding &amp; CA Services for the MEP</td>
<td>6/20/2011 to 10/30/2011</td>
<td>Amendment 21</td>
<td>Completed</td>
</tr>
<tr>
<td>Supplemental Project (308B/402A/417A/407B)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Continued programming confirmation, continued schematic design and</td>
<td>6/30/2011</td>
<td>SF Amendment 1</td>
<td>Completed</td>
</tr>
<tr>
<td>beginning of design development; Child Study Center Project 303C</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Design &amp; engineering services for DSA required ramp handrail extension;</td>
<td>6/30/2011</td>
<td>Amendment 22</td>
<td>Completed</td>
</tr>
<tr>
<td>DSA coordination and meetings - Transportation Tech Complex Project 402A</td>
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<td></td>
</tr>
<tr>
<td>Long Form Contract for Child Study Center Project 303C</td>
<td>10/1/2010-11/30/2013</td>
<td>New LF Contract</td>
<td>In progress</td>
</tr>
<tr>
<td>Design &amp; engineering services for the HVAC supplemental upgrade work</td>
<td>N/A</td>
<td>Amendment 23</td>
<td>Completed</td>
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<tr>
<td>(Main Bldg Complex Project 417A)</td>
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<tr>
<td>Foundation system redesign for Child Study Center Project 303C</td>
<td>N/A</td>
<td>Amendment 1</td>
<td>Completed</td>
</tr>
<tr>
<td>Additional design services: Revised planning, design, civil, landscape</td>
<td>N/A</td>
<td>Amendment 2</td>
<td>Completed</td>
</tr>
<tr>
<td>and rendering services as requested in response to Golden Gate Transit</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(GGT) and City of Larkspur comments. Scope includes the following:</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Materials Plan and Planting Plan revisions to new parking lot and</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>driveway alignment; Irrigation Plan coordination and revisions related</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>to new parking lot and driveway alignment; Revis fence and pedestrian</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>path alignments related to new parking lot and driveway alignment</td>
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<tr>
<td>No cost time extension</td>
<td>7/17/2012</td>
<td>Amendment 1</td>
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<td>Diamond PE Center Alterations Project (308B) Professional design</td>
<td>N/A</td>
<td>New SF Contract</td>
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<tr>
<td>services to investigate the isuues in the acid and chemical rooms and</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>provide guidance on how to mitigate the corrosion issues in the Diamond</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PE Center</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Child Study Center Project (303C) - Additional services for preparation</td>
<td>N/A</td>
<td>Amendment 3</td>
<td>Completed</td>
</tr>
<tr>
<td>of Notice of Intent (NOI) with the State Water Regional Control Board.</td>
<td></td>
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<tr>
<td>Child Study Center Project (303C) - MMWD issues and City of Larkspur</td>
<td>N/A</td>
<td>Amendment 4</td>
<td>Completed</td>
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<tr>
<td>required site and street improvements</td>
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### G. Kate Keating Associates, Inc. (District Signage Consultant)

<table>
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<th>Activity</th>
<th>Milestone Date</th>
<th>Document</th>
<th>Completed</th>
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<tbody>
<tr>
<td>Main Building Complex Signage (417A)</td>
<td>9/30/2010</td>
<td>Amendment 5</td>
<td>Completed</td>
</tr>
<tr>
<td>Addtl construction admin services related to signage for Science-Math-CP</td>
<td>N/A</td>
<td>Amendment 6</td>
<td>In progress</td>
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<tr>
<td>Complex Project 301A</td>
<td></td>
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<tr>
<td>Design services for Building Mounted Acknowledgement Plaques; Reference</td>
<td>4.2 - 12/31/12</td>
<td>Amendment 7</td>
<td>In progress</td>
</tr>
<tr>
<td>KKA proposal dated Feb 09, 2012 ($6,530.00); Revise and replace at</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Indian Valley Campus (IVC) changing any reference to &quot;Media Resource</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Center to &quot;Library.&quot; Revise Kentfield Campus Map showing</td>
<td></td>
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<tr>
<td>construction zones/areas for District publications ($3,050.00)</td>
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### H. Marcy Wong and Donn Logan (FA / PA Buildings)

<table>
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<th>Activity</th>
<th>Milestone Date</th>
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<th>Completed</th>
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<tr>
<td>Construction Phase</td>
<td>5/01/2011 to 12/12/2012</td>
<td>Contract</td>
<td>In progress</td>
</tr>
<tr>
<td>Operation/Project Close-out Phase - 12 months</td>
<td>8/1/2012 to 4/1/2013</td>
<td>Contract</td>
<td>Completed</td>
</tr>
<tr>
<td>Project Close-out with DSA</td>
<td>8/1/2012 to 4/1/2013</td>
<td>Contract</td>
<td>Completed</td>
</tr>
<tr>
<td>Extra programming &amp; conceptual design schemes</td>
<td>dates not changed</td>
<td>Amendment 1</td>
<td>Completed</td>
</tr>
<tr>
<td>Survey specs and prelim project scope guidelines</td>
<td>dates not changed</td>
<td>Amendment 1</td>
<td>Completed</td>
</tr>
<tr>
<td>----------</td>
<td>-----------------------------------</td>
<td>---------------------------------</td>
<td>---------------------------------</td>
</tr>
<tr>
<td>Fine Arts Kiln &amp; Foundry Awning Project (306C)</td>
<td>Provide additional design services for District</td>
<td>N/A</td>
<td>Amendment 11</td>
</tr>
<tr>
<td>Performing Arts Modernization Project (306A)</td>
<td>Additional services for new Fine Arts building to require contractor to supply and install Kiln and Foundry Yard equipment for new Fine Arts building to require contractor to supply and install Kiln and Foundry Yard equipment.</td>
<td>N/A</td>
<td>Amendment 12</td>
</tr>
<tr>
<td>New Fine Arts Building Project (306C)</td>
<td>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 division of the Gallery Work Area from the catering</td>
<td>N/A</td>
<td>Amendment 13</td>
</tr>
<tr>
<td>Performing Arts Modernization Project (306A)</td>
<td>Add new Restrooms 94, 95, 198, and 198. Services include architectural services to locate the units in code compliant fashion (including any necessary relocations of toilet accessories), and electrical engineering to provide circuiting for the units.</td>
<td>N/A</td>
<td>Amendment 14</td>
</tr>
<tr>
<td>New Fine Arts Building Project (306C)</td>
<td>Add new Restrooms 94, 95, 198, and 198. Services include architectural services to locate the units in code compliant fashion (including any necessary relocations of toilet accessories), and electrical engineering to provide circuiting for the units.</td>
<td>N/A</td>
<td>Amendment 15</td>
</tr>
</tbody>
</table>
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.

### I. Radixos

<table>
<thead>
<tr>
<th>Activity</th>
<th>Milestone Date</th>
<th>Document</th>
<th>Completed</th>
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</thead>
<tbody>
<tr>
<td>FF&amp;E Consultant for the SMCP Complex Project 305A</td>
<td>12/31/2012</td>
<td>New Contract</td>
<td>Completed</td>
</tr>
<tr>
<td>FF&amp;E Consultant for the PA Modernization Project 306A</td>
<td>12/31/2012</td>
<td>New Contract</td>
<td>Completed</td>
</tr>
<tr>
<td>FF&amp;E Consultant for the Child Study Center Project 303C</td>
<td>6/30/2013</td>
<td>New Contract</td>
<td>In progress</td>
</tr>
<tr>
<td>FF&amp;E Consultant for the PE Track Renovation Project 308G</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) &amp; (308G)</td>
<td>12/31/2012</td>
<td>Amendment 2</td>
<td>Completed</td>
</tr>
<tr>
<td>FF&amp;E Consultant for the Performing Arts Modernization Project (306A) &amp; the Child Study Center Project (303C)</td>
<td>N/A</td>
<td>Amendment 3</td>
<td>In progress</td>
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</table>

### J. Royston Hanamoto Alley & Abey (District Landscape Consultant)

<table>
<thead>
<tr>
<th>Activity</th>
<th>Milestone Date</th>
<th>Document</th>
<th>Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kentfield 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>Completed</td>
</tr>
<tr>
<td>Credit for work tasks related to tree species diversity 419A</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 (308B)</td>
<td>5/20/2009</td>
<td>Amendment 10</td>
<td>Completed</td>
</tr>
<tr>
<td>Construction Phasing Plan Docs (850D)</td>
<td>4/24/2009</td>
<td>Amendment 10</td>
<td>Completed</td>
</tr>
<tr>
<td>Additional landscape design services (401B)</td>
<td>9/30/2010</td>
<td>Amendment 11</td>
<td>Completed</td>
</tr>
<tr>
<td>Additional landscape design services (413A)</td>
<td>7/31/2009</td>
<td>Amendment 12</td>
<td>Completed</td>
</tr>
<tr>
<td>Addtional services to provide parking diagram in accordance w/USGBC standards for LEED Accreditation (305C)</td>
<td>7/31/2009</td>
<td>Amendment 12</td>
<td>Completed</td>
</tr>
<tr>
<td>Additional design services to prepare tree removal and tree relocation bid package drawings - SMCP-Increment No. 1, Site Development Utilities Proj (305C)</td>
<td>N/A</td>
<td>Amendment 13</td>
<td>Completed</td>
</tr>
<tr>
<td>Additional 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 context plan to indicate materials &amp; grades along accessible routes; Pathways IVC Project 413A</td>
<td>N/A</td>
<td>Amendment 15</td>
<td>Completed</td>
</tr>
<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 15</td>
<td>Completed</td>
</tr>
<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 (308B)</td>
<td>N/A</td>
<td>Amendment 17</td>
<td>Completed</td>
</tr>
<tr>
<td>Credit for unused portion of fee under Amendment 10; New Fine Arts Bldg (306C)</td>
<td>N/A</td>
<td>Amendment 17</td>
<td>Completed</td>
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</table>
### K. TLCD Architecture (New Academic Center)

<table>
<thead>
<tr>
<th>Activity</th>
<th>Milestone Date</th>
<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'l services for continued programming &amp; program validation activities, including user group mtgs, 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'l 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 “Great Lawn Proposal”; District Landscape Architect Project 807A</td>
<td>9/16/2011</td>
<td>LF Amendment 2</td>
<td>Completed</td>
</tr>
<tr>
<td>Additional design services for construction bid documents for the New Academic Center project demolition phase; Design and construction documents for the agency required EVA routes and associated design components. (New Academic Center Project 303B) Credit for unused portion of fee for design services not performed under contract as requested by the District for conceptual design related to New Academic Center Project (303B) “Great Lawn Proposal”.</td>
<td>N/A</td>
<td>LF Amendment 3</td>
<td>Completed</td>
</tr>
<tr>
<td>New Academic Center Project (303B) - Architectural and Landscape services to develop Great Lawn concepts presented to BOT and further refinement of design in preparation for core group meetings; Peer review costs for building waterproofing details.</td>
<td>N/A</td>
<td>LF Amendment 4</td>
<td>Completed</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>
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<tbody>
<tr>
<td>Structural engineering services for DSA Field Change Directive documents # 2 and # 4; Main Bldg Complex Project 417A</td>
<td>6/30/2011</td>
<td>Amendment 10</td>
<td>Completed</td>
</tr>
<tr>
<td>Facilities Master Plan Phase 1 (Project 808A District Architect)</td>
<td>N/A</td>
<td>New Contract</td>
<td>In progress</td>
</tr>
<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>New Contract</td>
<td>In progress</td>
</tr>
<tr>
<td>District Architect (800A) Facilities Master Planning - Task A: Review and document process, planning &amp; implementation related to Measure G Bond Program; previous Master Planning; Visioning/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, D. Physical Resources; Reference to C. and D. will be made, as appropriate. ARCHITECTURE/vbn 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</td>
<td>N/A</td>
<td>Amendment 1</td>
<td>In progress</td>
</tr>
<tr>
<td>Task 2A: Reorganize FMP documentation to simplify and improve facilities planning and implementation.</td>
<td>N/A</td>
<td>Amendment 12</td>
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## 2.1 Schedule

Marin Community College District - College of Marin

Includes BSP revisions approved on August 21, 2012.

<table>
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<th>Q2</th>
<th>Q3</th>
<th>Q4</th>
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<th>Q4</th>
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<th>Q2</th>
<th>Q3</th>
<th>Q4</th>
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</table>

### 305A - Science Math Central Plant Complex - see note 1

October 2006 Schedule/Budget: $4,187,802,  $38,246,478, $42,434,280

February 2007 Schedule/Budget: $6,617,000, $62,923,000, $69,540,000

March 2009 Schedule/Budget: $6,617,000, $62,923,000, $69,540,000

November 2009 Schedule/Budget: $305A - Science Math Central Plant Complex - see note 1

Current Schedule (% of current phase): 100%

Current expenditures (% of budget): 98%

Current Expenditures

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<tr>
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<td>2005</td>
<td>$4,187,802</td>
<td>$6,617,000</td>
<td>$6,617,000</td>
<td>$6,667,548</td>
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<tr>
<td>2006</td>
<td>$38,246,478</td>
<td>$62,923,000</td>
<td>$62,923,000</td>
<td>$54,696,050</td>
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<tr>
<td>2007</td>
<td>$42,434,280</td>
<td>$69,540,000</td>
<td>$69,540,000</td>
<td>$56,363,598</td>
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</table>

### 306C New Fine Arts Building - see note 2

October 2006 Schedule/Budget: $1,732,885, $15,977,033, $17,709,918

February 2007 Schedule/Budget: $1,849,800, $17,149,500, $18,999,300

March 2009 Schedule/Budget: $2,047,000, $16,953,000, $19,000,000

March 2011 Schedule/Budget: $2,151,959, $19,349,300

Current Schedule (% of current phase): 100%

Current expenditures (% of budget): 98%

Current Expenditures

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<td>$18,999,300</td>
<td>$17,200,000</td>
<td>$19,349,300</td>
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<td>2006</td>
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<td>$19,000,000</td>
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<tr>
<td>2007</td>
<td>$17,709,918</td>
<td>$19,000,000</td>
<td>$19,000,000</td>
<td>$19,349,300</td>
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### 306A Performing Arts Modernization - see note 3

October 2006 Schedule/Budget: $1,052,468, $9,720,632, $10,773,100

February 2007 Schedule/Budget: $1,578,000, $15,622,000, $17,200,000

March 2009 Schedule/Budget: $1,678,000, $15,522,000, $17,200,000

March 2011 Schedule/Budget: $1,901,978, $15,298,022, $17,200,000

Current Schedule (% of current phase): 100%

Current expenditures (% of budget): 97%

Current Expenditures

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<tr>
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<td>2005</td>
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<td>$15,522,000</td>
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<td>$15,298,022</td>
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<td>2006</td>
<td>$9,720,632</td>
<td>$17,200,000</td>
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<tr>
<td>2007</td>
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<td>$17,200,000</td>
<td>$17,200,000</td>
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### 306B Diamond PE Center Alterations - see note 4

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### 417A Main Building Complex - see note 6

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Includes BSP revisions approved on August 21, 2012.
### 2.1 Schedule

**Marin Community College District - College of Marin**

*Includes BSP revisions approved on August 21, 2012.*

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#### 303B New Academic Center - see note 7

- **Oct 2006 Schedule/Budget**: $4,964,461 / $45,632,628 / $50,597,089
- **Feb 2007 Schedule/Budget**: $1,823,000 / $15,677,000 / $17,500,000
- **Nov 2009 Schedule/Budget**: $1,823,000 / $15,617,000 / $17,500,000
- **Jan 2010 Schedule/Budget**: $3,295,492 / $28,379,869 / $33,632,000
- **Mar 2011 Schedule/Budget**: $2,553,800 / $27,578,200 / $30,132,000
- **Dec 2011 Schedule/Budget**: $2,588,800 / $30,396,364 / $32,985,154
- **Current Schedule (% of current phase)**: 90% / 0%
- **Current expenditures (% of budget)**: 90% / 0.3%

- **NTP Jun14; SC Nov14**

#### 301B Austin Science Alterations (structural) project - see note 10

- **Mar 2011 Schedule/Budget**: $679,900 / $5,465,961 / $6,145,861
- **Current Schedule (% of current phase) - Swing Phase**: 100% / 50%
- **Current Schedule (% of current phase) - Structural Phase**: 0% / 0%
- **Current expenditures (% of budget)**: 28% / 0.0%

- **$198,699 / $14,600**

- **NTP Jan15; SC Nov15**

#### 303C Child Services Center

- **Mar 2011 Schedule/Budget**: $426,500 / $3,103,500 / $3,530,000
- **Dec 2011 Schedule/Budget**: $492,500 / $3,470,075 / $3,962,575
- **Aug 2012 Schedule/Budget**: $474,703 / $3,887,872 / $4,362,575
- **Current Schedule (% of current phase)**: 100% / 70%
- **Current expenditures (% of budget)**: 91% / 71%

- **$434,005 / $2,741,021**

- **NTP**

#### 306D Fine Arts Weatherization

- **Dec 2011 Schedule/Budget**: $173,000 / $825,340 / $998,340
- **Aug 2012 Schedule/Budget**: $173,000 / $975,340 / $1,148,340
- **Current Schedule (% of current phase)**: 0.0% / 0.0%
- **Current expenditures (% of budget)**: 79% / 0.0%

- **$135,971 / $0**

- **NTP**
## 2.1 Schedule

Marin Community College District - College of Marin

Includes BSP revisions approved on August 21, 2012.

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### 309A ADA Upgrades KTD

Mar 2011 Schedule/Budget

<table>
<thead>
<tr>
<th>Current Schedule (% of current phase)</th>
<th>Current expenditures (% of budget)</th>
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Mar 2011 Schedule/Budget

- **$113,100**
- **$886,900**
- **$1,000,000**

Notes:

1) SMCP project (305A) duration evolved; originally based on a 50,000 SF bldg which was revised to 77,000. Budget then reduced in March 2011 after favorable low bid.

2) FA Project (306C) budget increased in June BSP to accommodate additional equipment requests and infrastructure adjustments.

3) PA project (306A); FFE list being prioritized by College.

4) PE project (308B) is complete.

5) TransTech (402A) is complete.

6) Main Bldg (417A) is complete.

7) NAC project (303B) in design.

8) LRC project (302B) 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; includes Phase 1 - Swing Space and Phase II - Structural (Voluntary Upgrade).
BACKGROUND:

The Marin Community College District has updated and aligned the District’s Administrative Procedures with the recommended procedures developed through the legal firm of Liebert Cassidy Whitmore in conjunction with the Community College League of California (CCLC). Administrative Procedures must be updated as both laws and the needs of the District change and will be revised based on Legal Updates provided by the Policy and Procedure Subscription Service coordinated by the CCLC.

ANALYSIS:

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. David Wain Coon. After this review, the new draft will be evaluated by the Policy Review Committee 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. David Wain Coon and appropriate staff. 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 4228, 5055, 5520, 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 4228 COURSE REPETITION – SIGNIFICANT Lapse OF TIME

Reference:
Title 5 Section 55043

Students may be permitted or required to repeat courses in which a “C” or better grade was earned where there was a significant lapse of time since the grade was earned under the following circumstances:

1. Three or more years have elapsed since successfully completing the course.
2. An institution of higher education to which a student seeks to transfer has established a recency requirement that the student cannot satisfy without repeating the course.
3. A recency prerequisite for a course or program has been established which the student cannot satisfy without repeating the course.

When a student needs to repeat an activity course due to a significant lapse of time, each repetition attempt will be counted toward the established repetition limits. However, if a student has already exhausted the number of permitted repetitions, then one additional repetition due to significant lapse of time may be permitted or required by the District.

Under these provisions:

- Students must wait one week after the start of new and returning student registration to register for the course.
- Students requesting to repeat for number 1 above, are only allowed one repeat for each course.
- Students petitioning to repeat for number 2 or 3 above, must submit verifiable documentation with the petition.
- When a course is repeated due to a significant lapse of time, the previous grade and units will be disregarded and the current grade will be used when computing a student’s cumulative grade point average (GPA).
- Students receiving a substandard grade (grades below “C,” “FW,” “NC,” and “NP”) in the repeated course may not petition to alleviate the substandard grade under Course Repetition - Non Repeatable Courses (AP 4225).

Annotating the permanent academic record shall be done in a manner that all work remains legible, insuring a true and complete academic history.

Office of Primary Responsibility: Office of Student Learning

Date Approved: June 28, 2011
Revised: June 19, 2012

Revised: December 11, 2012

NOTE: The information in underlined italics is recommended by ASC and Academic Senate. The language struck through is recommended for deletion. Approved by the Academic Senate 2-21-13.
AP 5055  ENROLLMENT PRIORITIES

References:
Education Code Sections 66025.8 and 66025.9;
Title 5 Section 55031, 55032, 55521, 56232, 58106, 58108 and AB 194

Enrollment in courses and programs may be limited to students meeting properly established prerequisites and co-requisites. (See BP and AP 4260 titled Prerequisites and Co-requisites)

Enrollment may be limited due to the following:
- health and safety considerations
- facility limitations
- faculty workload
- availability of qualified instructors
- funding limitations
- regional planning
- legal requirements
- contractual requirements

The District will provide priority registration for students who enroll in a community college for the purpose of degree or certificate attainment, transfer to a four-year college or university, or career advancement.

Students will have the following registration priority, in the order of priority listed below:

- **Students who have completed orientation, assessment, and developed student education plans and are eligible as a member of the armed forces or a veteran pursuant to Education Code section 66025.8 or as a foster youth or former foster youth pursuant to Education Code section 66025.9; and students who have completed orientation, assessment, and developed student education plans and are eligible and receiving services through Disabled Student Programs and Services or Extended Opportunity Programs and Services;**
- **Students who are continuing students, not on academic or progress probation for two consecutive terms as defined in these policies and procedures, and first time students who have completed orientation, assessment, and developed student education plans.**
- **All other student categories.**

**Specifically, registration priorities are as follows:**

<table>
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<tr>
<th>Priority</th>
<th>Description</th>
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<tr>
<td>1</td>
<td>Students (in good standing) who have completed the Matriculation Process and who are:</td>
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<td>• Eligible as a member of the armed forces or a veteran,</td>
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<td>• A Foster Youth or former Foster Youth,</td>
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- Receiving services through the Disabled Student Programs & Services,
- Receiving services through the Extended Opportunity Programs and Services.

2. **New students who have completed the Matriculation Process (but who do not fit special criteria in Priority 1 above).**
   - Calworks students
   - Student athletes

3. **Continuing students (in good standing) with 30-74.5 degree-applicable units.**

4. **Continuing students (in good standing) with 1 or more degree applicable units, but not more than 29.5 degree applicable units and concurrently enrolled high school students.**

5. **Continuing students (in good standing) with 75 to 99.5 degree applicable units.**

6. **All other categories, including (but not limited to):**
   - New Applicants who have applied but have not completed the Matriculation Process.
   - Readmitted students.
   - Students with 100+ units at COM
   - Students not in good standing

These registration priorities apply to courses offered during summer or intersessions.

Registration priority specified above shall be lost at the first registration opportunity after a student:
- Is placed on academic or progress probation or any combination thereof as defined in these Board Policy and Administrative Procedure 4250 for two consecutive terms; or
- Has earned one hundred (100) or more degree-applicable semester or quarter equivalent units at the district.

For purposes of this section a unit is earned when a student receives a grade of A, B, C, D or P as defined in Board Policy and Administrative Procedure 4230. This 100-unit limit does not include units for non-degree applicable English as a Second Language or basic skills courses as defined by the Chief Instructional Officer. Students enrolled in high unit majors or programs as designated by the Chief Instructional Officer.

Beginning in the spring 2013 the District shall notify students who are placed on academic or progress probation, of the potential for loss of enrollment priority. The district shall notify the student that a second consecutive term on academic or progress probation will result in the loss of priority registration as long as the student remains on probation. Beginning in spring 2013, the District shall notify students or who have earned 75 percent or more of the unit limit, that enrollment priority will be lost when the student reaches the unit limit.

**Appeal of Loss of Enrollment Priority**

Students may appeal the loss of enrollment priority when the loss is due to extenuating circumstances. Extenuating circumstances are verified cases of accidents, illnesses or other circumstances beyond the control of the student, or when a student with a disability applied for, but did not receive a reasonable accommodation in a timely manner. The Chief Student Services Officer or his/her designee will determine the appeal in his/her sole discretion.
These enrollment priorities will be effective fall, 2014. The District will ensure that these procedures are reflected in course catalogs and that all students have appropriate and timely notice of the requirements of this procedure.

When enrollment must be limited, priorities for determining who may enroll are:

- first come, first served or other non-evaluative selection techniques;
- in the case of intercollegiate completion, honors courses, or public performance courses, allocating available seats to those students judged most qualified;
- one or more sections to students enrolled as part of a cohort or in learning communities, provided that a reasonable percentage of all sections of the course do not have such restrictions;
- per a registration procedure authorized by Title 5 Section 58108;
- by using any selection procedure expressly authorized by statute;
- with respect to students on probation or subject to dismissal, the Board of Trustees may, consistent with the provisions of Title 5 Sections 55031 and 55032, limit enrollment to a total number of units or to selected courses, or require students to follow a prescribed educational plan;
- assessment test for nursing under Title 5 Section 55521(c)

Registration priorities include:

**Priority #1**
- Student participating in the Cal Works Program
- Students participating in the Disabled Student Programs and Services (DSPS)
- Students participating in the Educational Opportunity Programs and Services (EOPS)
- Students who are currently in foster care or any person who is an emancipated foster youth up to 24 years of age
- Students who are veterans of military service, SB 272 Military/recent veterans
- Student Athletes

**Priority #2**
- Continuing students with 3 semesters of academic enrollment
- Noncredit students

**Priority #3**
- Continuing student with 2 semesters of academic enrollment
- Recent high school graduates

**Priority #4**
- Continuing student with 1 semester of academic enrollment

**Priority #5**
- New and readmitted students

**Priority #6**
- Concurrently enrolled high school and younger students
Registration dates and times are posted on the MyCom/student portal.

**Maximum Unit Load**

- Students may enroll in a maximum of 18 units in the Fall or Spring semesters and 7 units in the Summer session. Students who wish more units must submit a Petition to Carry Extra Units not later than Friday of the second week of the semester.

- Students on academic and/or progress probation may enroll in a maximum of 13 units in the Fall or Spring semester and 4 units for the summer session.

Office of Primary Responsibility: Office of Admissions and Records

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**Date Approved:** June 22, 2010  
*(Replaces College of Marin Procedure 4.0003 DP.1)*

**Date Revised:** January 17, 2012

Note:

_All underlined regular text is language recommended by CCLC and the Law Firm of Liebert, Cassidy and Whitmore. Underlined italics is recommended by VPSS Jon Eldridge to comply with new enrollment priorities related to the Student Success Initiative and the Academic Senate. The language struck through is recommended for deletion. Approved by Academic Senate 3-14-13._
Legal Citations for AP 5055 Revisions Per Update 20:

66025.8. (a) The California State University and each community college district shall, and the University of California is requested to, with respect to each campus in their respective jurisdictions that administers a priority enrollment system, grant priority in that system for registration for enrollment to any member or former member of the Armed Forces of the United States, and who is a resident of California, who has received an honorable discharge, a general discharge, or an other than honorable discharge, and to any member or former member of the State Military Reserve, for any academic term attended at one of these institutions within four years of leaving state or federal active duty. A former member of the Armed Forces of the United States or the State Military Reserve who received a dishonorable discharge or a bad conduct discharge is not eligible for priority registration for enrollment pursuant to this section.

(b) (1) For the purposes of this section, "Armed Forces of the United States" means the Air Force, Army, Coast Guard, Marine Corps, National Guard, Naval Militia, Navy, and the reserve components of each of those forces, including the California National Guard.

(2) As used in this section, "member or former member of the Armed Forces of the United States" includes, but is not necessarily limited to, any student who is called to active military duty compelling that student to take an academic leave of absence.

66025.9. (a) The California State University and each community college district shall, and the University of California is requested to, with respect to each campus in their respective jurisdictions that administers a priority enrollment system, grant priority in that system for registration for enrollment to a foster youth or former foster youth.

(b) For purposes of this section, "foster youth" means a person who is currently in foster care, and "former foster youth" means a person who is an emancipated foster youth and who is up to 24 years of age.

(c) This section shall remain in effect only until January 1, 2017, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2017, deletes or extends that date.
AP 5520 STUDENT DISCIPLINE AND DUE PROCESS

References:
- Education Code Sections 66017, 66300, 66301, 72122, 76030-76037, 76120, and 87708;
- Penal Code Sections 415 and 626.4

The purpose of this procedure is to provide a prompt and equitable means to address violations of the Standards of Conduct (BP 5500 titled Standards of Conduct) in accordance with students’ rights to due process and free expression as protected by state and federal laws and regulations.

I. DEFINITIONS

**Activity** -- Any club, organization, or artistic/athletic event, show or performance that the student is not required to attend or participate in as a District class requirement.

**Day** -- Any day on which the District’s Administrative Office is open for business.

**Dean** -- Dean of Student Development and Special Services.

**Disciplinary Probation** means a period of conditional enrollment or re-enrollment as specified below:

1) A specified period of conditional enrollment by mutual written agreement signed by the Dean, Vice President, and the student allowing the student to attend classes and/or participate in Activities and during which the student is subject to disciplinary action on terms and conditions specified in the agreement upon any further violation(s) of the Standards of Conduct;

2) A specified period of conditional re-enrollment, permitting the student, with the Vice President’s authorization to attend classes, with or without permission to participate in Activities, with the Dean’s authorization prior to serving the entire period of a Long-Term Suspension and during which the student is subject to disciplinary action, on terms and conditions determined by the Dean, Vice President and up to and including reinstitution of the un-served portion of the Long-Term Suspension, upon any further violation(s) of the Standards of Conduct; or At his or her discretion, the Vice President may also authorize the student to participate in Activities during the conditional re-enrollment period.

3) A specified period of conditional re-enrollment after suspension or expulsion with the Board of Trustees’ authorization, permitting the student to attend classes, with or without permission to participate in Activities, with the Board of Trustees’ authorization, and during which the student is subject to reinstitution of the un-served portion of the suspension or the expulsion on terms and conditions determined by the Board of Trustees or the Dean upon any further violation(s) of
the Standards of Conduct. At its discretion the Board of Trustees may also authorize the student to participate in Activities during the conditional re-enrollment period.

District – Marin Community College District.

Expulsion – Permanent exclusion of the student by the Board of Trustees from all courses and Activities when other means of correction fail to bring about proper conduct or when the presence of the student causes a continuing danger to the student or others. (Education Code Section 76030) and denial of access to the District’s campuses and facilities. (Education Code 76030; PC 626.2)

Removal

Administrative Removal–Classes – Exclusion of the student by the Dean Vice President from some or all classes for no more than two (2) class meetings.

Administrative Removal–Activities – Exclusion of the student by the Dean Vice President from some or all Activities for no more than fifteen (15) days.

Removal From Class – Exclusion of the student by an instructor for the day of the removal and, if directed by the instructor, the next meeting of the instructor’s class. (Education Code Section 76032)

Removal From Class-Related Activities – Exclusion of the student by the Dean Vice President or by faculty assigned to supervise a library or learning resources center, instructional laboratory, or study facility for the day of the removal and, if directed by the Dean Vice President or faculty, next day of required attendance, or the next day the library, learning resource center, instructional laboratory, or study facility is open to students. no more than two (2) days of required attendance, or if attendance is not required, two (2) days.

Student – Any person who is currently enrolled as a student in a credit or noncredit class or in community services offerings of the District, or who was enrolled at the time of an alleged violation of the Standards of Conduct.

Superintendent/President – Superintendent/President of District.

Suspension

Activities Suspension – Exclusion of a student from some or all Activities for a period of sixteen (16) days to one or more terms.

Short-Term Suspension – Exclusion of a student for good cause from some or all classes for a period of no more than ten (10) days of instruction. (Education Code Section 76031(a)) A short-term suspension shall include exclusion from Activities and Class-Related Activities and denial of access to the District’s campuses and facilities (PC 626.2) for a concurrent period unless otherwise specified.
**Long-Term Suspension** – Exclusion of the student for good cause from some or all classes for more than ten (10) days to one or more complete terms. (Education Code Section 76031(a) and (b)) A Long-Term Suspension shall include exclusion from Activities and Class-Related Activities and denial of access to the District’s campuses and facilities (PC 626.2) for a concurrent period unless otherwise specified.

**Immediate Interim Suspension** – Immediate exclusion of a student from classes, Activities, and Class-Related Activities and denial of access to the District’s campuses and facilities. (PC 626.2). when determined necessary by the Dean Vice President to protect lives or property and to ensure the maintenance of order. (Education Code Section 66017)

**Vice President** – Vice President of Student Services or designee.

**Withdrawal of Consent to Remain on Campus** – Withdrawal of consent by the Superintendent/President, the Vice President for of Student Learning, the Vice President of Student Services or designee to remain on campus or at a District facility where reasonable cause exists to believe that such person has willfully disrupted the orderly operation of the campus or facility. (Penal Code Section 626.4) Withdrawal of consent shall not preclude disciplinary action for violation(s) of the Standards of Conduct set forth in BP 5500 titled Standards of Conduct based on the same underlying conduct.

**Written or Verbal Reprimand** – An admonition to the student to cease and desist conduct which violates the Standards of Conduct.

**II. VOLUNTARY/ALTERNATIVE RESOLUTION.**
When deemed appropriate, the Dean Vice President may discuss with a student options for voluntary resolution of discipline issues. Voluntary resolutions may include remedial action or community service; discipline without acknowledging the alleged misconduct; withdrawing from the District; Disciplinary Probation, or other mutually agreeable terms and conditions. (Education Code Section 76031).

The Superintendent/President or the Dean Vice President may at any time designate another District employee or contractor to perform the tasks assigned to the Dean Vice President under this procedure.

**III. REPRIMAND, PROBATION AND REMOVAL**

A. **Written or Verbal Reprimands** – Written or verbal reprimands may be issued by the Dean Vice President or any District academic employee. Written reprimands may become part of a student’s permanent record at the District’s Vice President’s discretion. A record that a verbal reprimand has been given may become part of a student’s record at the Dean’s discretion but will be removed after a period of one year upon the written request of the student. The student shall have no right to a hearing regarding a written or verbal reprimand. The issuance of any reprimand, verbal or written, shall be promptly reported to the Dean Vice President.
B. Disciplinary Probation – Disciplinary probation may be implemented by mutual agreement pursuant to Section II or with as authorized by the Dean’s Vice President or Board of Trustees’ authorization pursuant to Section II.

C. Removals

1. Class or Class-Related Activities Removals may be implemented if the removing authority determines good cause exists after (a) advising the student of the alleged violations of the Standards of Conduct and the facts upon which the alleged violation(s) are based, and (b) providing the student with an opportunity to respond. Any removal shall be promptly reported to the Dean Vice President. If a student who has been removed is a minor, the Dean Vice President shall ask the student’s parent/guardian to attend a parent conference regarding the removal as soon as possible. At the instructor’s or parent/guardian’s request, the Dean Vice President shall attend the conference. The student shall not be returned to the class or class-related activity during the period of the removal without the concurrence of the removing authority.

2. Administrative Removals from one or more classes and/or activities and/or class-related activities may be implemented by the Dean Vice President if the Dean Vice President determines good cause exists after (a) advising the student of the alleged violations of the Standards of Conduct, and the facts upon which the alleged violation(s) are based, and (b) providing the student with an opportunity to respond.

3. The student shall have no right to an administrative hearing regarding a removal.

4. After a removal, the Dean Vice President may determine it is appropriate to proceed with further disciplinary action, in accordance with these procedures, based on the conduct which led to a removal.

IV. SUSPENSION, WITHDRAWAL OF CONSENT, AND EXPULSION - ADMINISTRATIVE HEARING

A. Suspensions.
Before an Activities Suspension, Short-Term Suspension, Long-Term Suspension, or Expulsion may be imposed, the student shall be given an opportunity for an Administrative Hearing before the Dean Vice President.

B. Immediate Interim Suspension.
The Superintendent/President or Dean Vice President may impose an Immediate Interim Suspension if he or she concludes that immediate suspension is required to protect lives or property and to ensure the maintenance of order. In such event the student shall be afforded a reasonable opportunity for an Administrative Hearing before the Dean Vice President within ten (10) days. (EC 66017.)

C. Withdrawal of Consent to Remain on Campus (Penal Code Section 626.4):
When there is reasonable cause to believe that a student has willfully disrupted the orderly operation of the campus, the Superintendent/President, Vice President for Student Learning, Vice President or designee, may notify the student that consent to remain on campus or other District facility has been withdrawn. If the student is on campus at the time, he or she must promptly leave. In no case shall consent be withdrawn pursuant to Penal Code Section 626.4 for longer than fourteen (14) days. Any student who has been notified that consent to remain on campus or other District facility has been withdrawn shall be given an opportunity for
an Administrative Hearing with the Dean Vice President to determine whether consent shall be reinstated or further discipline should be imposed. A student who remains or reenters the campus for the sole purpose of attending an Administrative Hearing with the Dean Vice President shall not be in violation of Penal Code section 626.4 for the period of the hearing.

D. Administrative Hearing Procedures

1. Notice of Administrative Hearing – The Dean Vice President shall notify the student of the date, time and place of the Administrative Hearing which, at the Vice President’s discretion, may be conducted by telephone. In case of an Immediate Interim Suspension, the Administrative Hearing shall be scheduled within ten (10) days. Notice shall be given verbally, by telephone or in person, as soon as practicable and, unless the student has already met with the Dean Vice President for an administrative hearing, in writing within three (3) days after the Dean Vice President is advised of the student’s suspected misconduct. Written notice may be given by U.S. mail and/or by email at the student’s most recent address on file in the District’s Admissions and Records Office. At or before the Administrative Hearing the Dean Vice President shall provide the student with verbal and/or written notice of the Standard(s) of Conduct the student is alleged to have violated and the facts upon which the alleged violation(s) are based. The Dean Vice President shall provide the student an opportunity to respond orally and/or in writing at the Administrative Hearing. The Dean Vice President may conduct an investigation of the allegations as deemed appropriate including additional meeting(s) with the student which shall be considered part of the Administrative Hearing.

2. Waiver of Hearing – A student who fails to attend an Administrative Hearing without excusable reason shall be deemed to have waived his or her right to an Administrative Hearing. Excusable reason means inability to meet due to student’s hospitalization, incarceration, or other reason beyond the student’s control as determined by the Dean Vice President.

E. Activities Suspension/Short-term Suspension – After an Administrative Hearing or waiver of Administrative Hearing, based on reasonable and relevant evidence, the Dean Vice President may determine that good cause exists to impose an Activities Suspension, Short-Term Suspension, a lesser disciplinary action or an alternative to disciplinary action, or the Dean Vice President may decide to dismiss the matter. The Dean Vice President may consider the student’s discipline history when making a determination. The Dean Vice President shall issue and serve a written Notice of Decision specifying the length of any Activities Suspension, Short-term Suspension or lesser disciplinary or alternative action, the conduct on which the determination was based, and the Standard(s) of Conduct violated. The Dean’s Vice President’s decision shall be final. Alternatively, the Dean Vice President may issue and serve a Notice of Dismissal.

F. Immediate Interim Suspension/Withdrawal of Consent – After an Administrative Hearing or waiver of Administrative Hearing regarding an Immediate Interim Suspension or Withdrawal of Consent to Remain on Campus, based on reasonable and relevant evidence, if the Dean Vice President determines that good cause exists to impose other disciplinary action, the Dean Vice President shall proceed in accordance with these procedures except that it shall not be
necessary to conduct another Administrative Hearing. If the Dean Vice President determines that it is necessary to continue the Immediate Interim Suspension to protect lives or property and to ensure maintenance of order pending final determination on disciplinary action, the Dean Vice President shall issue a written notice to the student promptly after the Administrative Hearing or waiver of Administrative Hearing. Alternatively, the Dean Vice President may issue a Notice of Right to Return. Any notice shall be served as provided in Section IV.H.

G. Long-term Suspension and Expulsion – After an Administrative Hearing or waiver of Administrative Hearing, based on reasonable and relevant evidence, the Dean Vice President may determine that good cause exists to impose a Long-Term Suspension, Expulsion, or some lesser disciplinary action or alternative to disciplinary action, or the Dean Vice President may decide to dismiss the matter. The Dean Vice President may consider the student’s discipline history when making a determination. If the determination is to impose disciplinary action other than Long-Term Suspension or Expulsion, the Dean Vice President shall issue a written Notice of Decision or Notice of Dismissal as specified in Section IV. E., above, and the Dean’s Vice President’s decision shall be final.

If the Dean Vice President determines that good cause exists to impose a Long-Term Suspension or Expulsion, the Dean Vice President shall issue a Notice of Recommended Disciplinary Action specifying the length of the recommended Long-Term Suspension or his/her recommendation for Expulsion, as the case may be, and advising the student of the right to request an Appeal Hearing. The Notice of Recommended Disciplinary Action shall include a statement of the facts on which the determination was based, the Standard(s) of Conduct violated, and either include a copy of these procedures or inform the student where he/she may obtain a copy.

H. Service of Notices
Except as otherwise specified in these procedures, written notices shall be served by certified mail at the student’s most recent address on file in the District’s admissions and records office, or by personal delivery, and shall be deemed served two days after deposit in the mail with postage prepaid or upon personal delivery. Service by mail on the student shall be at the student’s most recent address on file in the District’s admissions and records office, or by personal delivery. Service by mail on the Superintendent/President or Vice President shall be at 835 College Avenue, Kentfield, CA 94904. With student’s consent, notice may be served by email at the address provided by student and shall be deemed served on the day of transmittal.

V. APPEAL HEARING – LONG-TERM SUSPENSION/EXPULSION

A. Request for Appeal Hearing
If the student desires to appeal a Long-Term Suspension or Expulsion Recommendation, the student shall serve on the Vice President a written Request for Appeal Hearing no later than seven (7) calendar days after student’s receipt service of the Notice of Recommended Disciplinary Action. Service of the notice shall be as specified in Section IV.H.

An appeal is limited to one or more of the following bases:

1. The administrative hearing was not conducted in conformity with these procedures.
2. Based on the evidence available to the Vice President at the time of the administrative hearing or the student’s waiver of the right to an administrative hearing, the decision set forth in the Notice of Recommended Disciplinary Action is not supported by substantial evidence.

3. The student’s conduct in violation of the Standards of Conduct does not warrant imposition of the recommended disciplinary action.

4. There is relevant, material evidence which the student, in the exercise of reasonable diligence, could not have been produced at or before the administrative hearing.

B. Waiver of Appeal Hearing

If a Request for Appeal Hearing is not received in the Dean’s Vice President’s office by 5:00 p.m. on or before the seventh day, the right to an Appeal Hearing shall be deemed waived, and the Dean Vice President shall prepare an Investigation Report and promptly forward it with a copy of the Notice Recommended Disciplinary Action to the Superintendent/President for review pursuant to Section VI, below.

C. Notice of Appeal Hearing – Statement of Charges

If the student serves a timely Request for Appeal Hearing, the Dean Vice President shall forward it to the Superintendent/President or designee, who shall notify the student of the date, time and place of the hearing by serving a Notice of Appeal Hearing at least seven (7) calendar days before the hearing date.

The Notice of Recommended Disciplinary Action shall serve as the Statement of Charges, unless it is amended and served on the student at least five (5) calendar days prior to the Appeal Hearing date.

The Notice of Appeal Hearing and any amendment(s) to the Statement of Charges shall be served as provided in Section IV.H.

D. Appeal Hearing Date

The Appeal Hearing shall be held within thirty (30) days after submittal of a timely Request for Appeal Hearing, unless for good cause the Superintendent/President or designee extends the Appeal Hearing date.

E. Hearing Officer

The Superintendent/President or designee shall assign the Appeal Hearing to a District administrator or other qualified, non-District employee who shall serve as the Hearing Officer. Prior to the assignment, the Superintendent/President or designee shall first determine to his/her satisfaction that the Hearing Officer does not have any personal knowledge of or involvement in the matter and that the Hearing Officer is able to provide an unbiased review and determination of the matter.

F. Conduct of Appeal Hearing

1. The Hearing Officer shall be provided with a copy of the Statement of Charges and any written response submitted by the student.
2. Formal rules of evidence shall not apply, but relevant evidence may be admitted and considered only if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. A Long-Term Suspension or Expulsion cannot be sustained solely upon hearsay evidence. The Hearing Officer may consider the student’s discipline history when making a determination. The student may submit at the Appeal Hearing a verbal or written statement regarding his/her discipline history but shall not be permitted to call witnesses, introduce documents or give testimony to refute the conduct on which the previous disciplinary action(s) was/were based or the appropriateness of the previous disciplinary action(s).

3. Unless the Hearing Officer determines to proceed otherwise, the District representative and the student shall each be permitted to make an opening statement. Thereafter, the District representative shall present evidence, followed by the student. The District representative may present rebuttal evidence after the student completes his/her defense. The District representative and the student may be permitted to make a closing statement. Opening and closing statements shall not be treated as evidence.

4. The District representative and the student may call and question witnesses and introduce oral and written evidence relevant to the matter. To avoid duplicative or irrelevant evidence, the Hearing Officer may require a party to state the nature of the proposed testimony or written document as a condition to introducing the testimony or document at the hearing. Witnesses may not be compelled to testify at the hearing.

5. The student may represent himself/herself at the appeal hearing and may be assisted by a person of his/her choice at the student’s sole expense.

6. The District may be represented by the Dean Vice President, or designee, either of whom may be assisted by a person of the Dean’s Vice President’s or designee’s choice at the District’s sole expense.

7. During the Appeal Hearing, an assistant to either party may be present and advise the party but shall not participate in the hearing by examining or cross-examining witnesses, submitting or objecting to documents, or otherwise directly addressing other witnesses or the Student Conduct Panel or the Hearing Officer, except to state his/her name for purposes of identification.

8. If either party elects to also be represented by an attorney at the Appeal Hearing, the party shall notify the other party in writing at least five (5) days prior to the date of the Appeal Hearing. Notice shall be directed to the student or the Superintendent/President and served personally or by certified mail as provided in Section IV.H.

For purposes of these procedures, the term “represented by an attorney” means any or all of the following will be conducted by a person currently or previously licensed to practice law: examination or cross-examination of witnesses, submitting or objecting to documents, stating objections, making opening or closing statements or otherwise directly addressing witnesses or the Hearing Officer other than to state his/her name for purposes of identification.
9. The Hearing Officer may have an attorney in attendance at the Appeal Hearing to sit in an advisory capacity and provide legal counsel.

10. The hearing shall be closed and confidential unless the student requests that it be open to the public. Any such request must be made in writing and received by the President/Superintendent at least five (5) days prior to the date of the Appeal Hearing. If the presentation of any evidence at a public hearing would conflict with the rights to confidentiality or privacy of any other person, the Appeal Hearing shall proceed in closed session to the extent necessary to preserve those rights.

11. All witnesses (except the student and the Dean **Vice President**, Dean's **Vice President's** designee, or other District representative) shall be excluded from the hearing room prior to testifying and, unless the hearing is public, shall leave the hearing room after completion of their testimony.

12. The District shall record the Appeal Hearing by tape, digital or stenographic recording. No other recording of the hearing shall be made without the express authorization of the Hearing Officer. No witness who refuses to be recorded will be permitted to testify. The recordings shall remain in the custody of the District at all times, unless released to a professional transcribing service. The student may request a copy of the recording.

G. **Appeal Hearing Decision**

Within ten (10) days following the conclusion of the Appeal Hearing, the Hearing Officer shall prepare and send to the Superintendent/President (1) a written advisory decision based upon substantial evidence adduced at the hearing, and (2) a complete copy of the record of the Appeal Hearing. The decision shall include factual findings, conclusions as to whether any specific section(s) of the Standards of Student Conduct was/were violated, and a recommendation for disciplinary action which shall not exceed the disciplinary action specified in the Statement of Charges or Amended Statement of Charges, as the case may be.

The decision shall be based only on the record of the Appeal Hearing, which shall include the Statement of Charges, original or amended, as the case may be, the student’s written response, if any, the oral and documentary evidence adduced at the hearing, the recording made pursuant to Section V.F.12., and District’s official records of the student’s discipline history, if any.

VI. **SUPERINTENDENT/PRESIDENT’S REVIEW - Long-Term Suspension and Expulsions**

A. Within ten (10) days following the receipt of the Hearing Officer’s advisory decision and record of Appeal Hearing, the Superintendent/President shall determine whether to accept, modify or reject the decision. The Superintendent/President’s decision shall be based solely on the record of the Appeal Hearing. If the Superintendent/President decides to modify or reject the decision, he/she shall prepare a written decision with specific factual findings and conclusions based upon the record of the Appeal Hearing.

B. If the **Dean Vice President** recommended Long-Term Suspension or Expulsion and the student waived his/her right to an Appeal Hearing, the Superintendent/President shall determine
whether to accept, modify, or reject the recommendation based on the Dean’s Vice President’s Investigation Report, the Notice of Recommended Disciplinary Action, and the Student’s written response, if any.

C. The decision of the Superintendent/President to impose a Long-Term Suspension or lesser disciplinary action, or to dismiss the matter, shall be final.

D. If deemed appropriate, the Superintendent/President may state in the Notice of Final Decision that the student is permitted to apply to the Dean Vice President for re-enrollment after service of a specified portion of the Long-Term Suspension; however, early re-enrollment shall be under Disciplinary Probation in accordance with terms and conditions determined by the Dean Vice President. The student shall meet with the Dean Vice President, and if the Dean Vice President permits the student to re-enroll early, the Dean Vice President shall notify the student in writing of the terms and conditions of the Disciplinary Probation, and the student shall be required to sign and return a copy to the Dean Vice President as a condition of re-enrollment. The Superintendent/President’s Notice of Final Decision and the Dean’s Vice President’s notice regarding Disciplinary Probation, if any, shall be served as specified in Section IV.H.

E. If the Superintendent/President determines that Expulsion is appropriate, the Superintendent/President’s recommendation shall be made in writing to the Board of Trustees and served on the student in accordance with Section IV.H.

VII. BOARD OF TRUSTEES’ REVIEW–Expulsions

A. The Board of Trustees shall consider any recommendation from the Superintendent/President for expulsion at the next regularly scheduled meeting of the Board occurring at least ten (10) days after receipt of the recommendation or, at the Board of Trustees’ option, at a special meeting convened within thirty (30) days after receipt of the recommendation. The student shall be given written notice of the date, time, and place of the meeting at least five (5) calendar days prior to the meeting. Service shall be in accordance with Section IV.H.

B. The Board of Trustees shall review an expulsion recommendation in closed session, unless the student requests that the matter be considered in a public meeting by submitting a written request for open meeting to the Superintendent/President’s office at least two (2) days prior to the meeting date. Notwithstanding a student’s request for a public meeting, the Board of Trustees shall conduct any discussion and/or review of records in closed session to the extent necessary to preserve the confidentiality or privacy rights of any other person.

C. The Board of Trustees may accept, modify or reject the findings, decisions, and/or recommendation of the Superintendent/President. If the Board of Trustees’ decision is to modify or reject the expulsion recommendation after review of the Appeal Hearing record, or Dean’s Vice President’s Investigation Report when the student has waived his/her right to an Appeal Hearing, the Board of Trustees shall prepare a written decision which includes the Board’s factual findings, the Standards of Conduct violated, conclusions and disciplinary action, if any. The decision of the Board of Trustees shall be based only on the record of the Appeal Hearing or Dean’s Vice President’s Investigative Report.
D. The final action of the Board of Trustees shall be taken at a public meeting, and the result of the action shall be a public record of the District. The Notice of Final Decision shall be served upon the student as specified in Section IV.H. The decision of the Board of Trustees shall be final.

E. If the Board of Trustees orders Long-Term Suspension, the Board of Trustees may state in the Notice of Final Decision that the student is permitted to apply to the Dean Vice President for re-enrollment under Disciplinary Probation after service of a specified portion of the suspension. The terms and conditions of the Disciplinary Probation shall be as specified by the Board of Trustees, or if not specified, as determined by the Dean Vice President. If the Dean Vice President permits the student to re-enroll early, the Dean Vice President shall notify the student of the terms and conditions of the Disciplinary Probation, and the student shall be required to sign and return a copy to the Dean Vice President as a condition of re-enrollment. The Dean’s Vice President’s notice regarding Disciplinary Probation, if any, shall be served as specified in Section IV.H.

F. Re-enrollment in the District after expulsion may be authorized only by the Board of Trustees and shall be subject to Disciplinary Probation on terms and conditions determined by the Board of Trustees or its designee.

VIII. RE-ENROLLMENT INTERVIEW

Any student who has been suspended or by action of the Board of Trustees been authorized to re-enroll after expulsion shall, prior to re-enrollment, meet with the Dean Vice President for a Re-enrollment Interview to review the Standards of Conduct (BP 5500 titled Standards of Conduct), behavioral expectations, and potential consequences of any further misconduct. At the Dean’s Vice President’s discretion, the Re-enrollment Interview may be scheduled to take place at the same time as the meeting regarding Disciplinary Probation pursuant to Sections VI.D. or VII.E.

IX. ACADEMIC DISHONESTY

In addition to disciplinary action in accordance with the procedures set forth above, academic sanctions may be imposed by an instructor in cases of academic dishonesty. Academic sanctions may include, but not be limited to, a written warning; a failing grade on the test, paper or examination; or a lowered course grade.

Incidents of academic dishonesty and sanctions should be promptly reported in writing to the Dean Vice President with a copy to the student. The Dean Vice President will determine whether to initiate disciplinary action.

The Dean Vice President shall maintain a confidential record of students who have been reported for academic dishonesty.

Office of Primary Responsibility: Student Services

Date Approved: January 17, 2012
(Replaces part of College of Marin Procedures 4.0003 DP.10 and 4.0022 DP.1)

Note: