A. **Open Session**

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

   The Board of Trustees of the Marin Community College District met for regularly scheduled meeting in the Cafeteria of the Student Services Building on the College of Marin, Kentfield Campus, all members having received notice as required by law. Board President Conti called the meeting to order at 5:26 p.m. Trustees Conti, Long, O’Brien, Kranenburg and Treanor were present. Trustees Namnath was not present and Trustee Dolan was absent. Also present were Superintendent/President Coon, Vice Presidents Harrison and Kenney, Executive Director Morris and Mr. Bruce Heid. **M/s (O’Brien/Treanor) to adopt the closed session agenda. Motion carried 5-0-2.**

2. **Public Comment** – There was no public comment.

3. **Recess to Closed Session** – Meeting adjourned to closed session at 5:30 p.m.

B. **Closed Session**

   Trustee Namnath arrived at 5:40 p.m.

   1. **CONFERENCE WITH LABOR NEGOTIATOR (Government Code §54957.6)**

      Labor Negotiator: Bruce Heid

      **Employee Organizations: United Professors of Marin (UPM/AFT), Service Employees International Union (SEIU), Classified Service Employees Union (CSEA)**

   2. **PUBLIC EMPLOYEE DISCIPLINE/DISCIPLINE/DISMISSAL/RELEASE (Government Code §54957)**

C. **Open Session**

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

      Board President Conti called the meeting to order at 6:30 p.m. Trustees Kranenburg, O’Brien, Long, Treanor, Conti, Namnath and Student Trustee Blood were present. Trustee Dolan was absent. Superintendent/President Coon and Vice Presidents Harrison and Kenney were also present. **M/s (Treanor/Coon) to approve the agenda with the request to adjourn the meeting in memory of retired math instructor Anthony Monteith.**

      President Coon pulled item C.10.F. Land Use Agreement and Resolution of Weather Station
at IVC because it requires a unanimous vote of the Board. **Motion carried 6-0-1, plus an advisory aye vote by Student Trustee Blood.**

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)**
   B. **Comments regarding items on the Agenda - to be heard immediately before the Board of Trustees’ consideration of the item** – Lori Ordin will comment under item C.10.B.

4. **Chief Executive Officer’s Report**
   A. **Governmental Relations Staff Report**
      President Coon introduced Kerry Mazzoni who updated the Board on legislative activities related to community colleges, including SB 1456, SB 1052 and 1053, and Propositions 30 and 38. She encouraged Board members to review the legislative updates and to communicate to her or Trustee O’Brien about items they want to support, be pro-active on or have questions about. There was a request to inform the Board of about the bill regarding competitive bidding and best value, which will be provided at a later date. (A summary of SB 1280 Best Value Alternative to Competitive Bidding, is attached to these minutes)
   
   B. **Accreditation**
      President Coon informed the Board that the Follow-Up report was delivered to WASC office on Friday morning and again thanked the Board for their unanimous support of the document. The visiting team will arrive on November 6 and be on campus November 7 and 8 for meetings and close-out.
   
   C. **Student Success Act of 2012 (SB 1456)**
      President Coon reported that we are preparing a study session to explain the act and how it will impact the College and hopes to bring this to the Board in November.
   
   D. **New State Chancellor**
      President Coon reported that the California Community Colleges Board of Governors announced the unanimous selection of Dr. Brice W. Harris as the fifteenth Chancellor of the California Community Colleges.
   
   E. **Bond Sale and Resale**
      Vice President Harrison reported that College staff and the bond consultants, bond attorney and financial advisor met last Friday with two bond agencies, Moody’s and Standard and Poor’s. Both firms were interested in the impact on the College of Marin if Proposition 30 or 38 did not pass and were pleased that the College had implemented multiple-year budget planning to address the deficit. They were also pleased that the College had a policy on reserve levels. We expect to receive ratings on October 23 and plan to sell on October 31, closing on November 14. The refunding will save the taxpayers in excess of 1.7 million dollars.

5. **Academic Senate Report (5 minutes)**
   Sara McKinnon provided the Board with an update on the required reporting of Student
Learning Outcome on our progress based on the seven statements from the ACCJC rubrics on proficiency. A copy of the response report is attached.

6. Classified Senate Report (5 minutes)
   A copy of the Classified Senate report is attached.

7. Student Association Report (5 minutes)
   Student Trustee Blood reported that two student members have been appointed to all governance committees so there is good representation by students. He also shared that the annual Harvest Fest will be held on November 14th at IVC for employees and students and the Annual Night of Giving will be held on December 14th to give back to the student community around the holiday season.

8. Board Study Session
   Measure C
   Ms. McCarty gave a brief of what will be covered during the study session. A copy of the presentation is attached.

A. New Academic Center (NAC) Environmental Impact Report
   Laura McCarty introduced Mark Kelley, of Dannis, Wolliver & Kelley, Amy Skewes-Cox of Environmental Science Associates, and Debra Mathau of Swinerton Management and Consulting. Ms. Skewes-Cox explained the process for the EIR, including the issues to be addressed and the timelines. She also outlined the content of the four comment letters received. Mr. Kelley made the Board aware of issues that were changed or new from the original Campus EIR and design of the NAC, noting that the original EIR plan included using Austin Science as swing space and then demolishing it. He also spoke to concerns expressed by the Board of the need to hear about alternatives earlier in the process. Ms. Skewes-Cox went over the current tree plan and noted that a more detailed study session will be forthcoming.

B. Austin Center Project Update
   Ms. McCarty reviewed the previous activity on this project and then introduced Meredith Marschak, of Noll and Tam Architects and Planners. Ms. Marschak described the scope of the swing space project, including some details about the contents of the assessment report and the proposed repairs and waterproofing that will occur to make the building usable as swing space. She noted that some space will be taken off-line and used as storage due to the high cost to make it usable space. Holly Razzano of Degenkolb Engineers explained that voluntary seismic improvements show recognition of risk and the intent to do something to improve performance of the building. The Austin Science building does not trigger required seismic upgrades, so voluntary work is appropriate. She noted that the assessment report refined information that was contained in the original analysis done in 2006. The design of the building has been coordinated to get the most out of the project, while meeting the budget and minimizing the retrofits needed, with a goal of life-safety that includes safe egress out of the building during a seismic event. It was emphasized that Phase I Swing Space is on the action agenda for approval tonight for construction and is necessary to stay on track on
the NAC project. Decisions on Phase II of the project are not as critical at this time and can be made within the next year.

C. **Science Math Nursing Project Update**
Ms. McCarty reported that this project is on target for occupation in January 2013. She shared some of the project challenges, the success of the pre-move program and hard work of the move champs, as well as the phased move-in schedule. Further details may be found in the Director’s report.

Jon Gudmundsson commented on his disappointment on hearing about the loss of four of the six oak trees and his concern that the design was supposed to save the oaks. Ms. McCarty and President Coon noted that a full report on the trees for this project will come back to the Board at a later date.

Trustees asked questions about protection of equipment during phased-in moves and damage that may occur, contingency plans if the move-in date is delayed, change order costs, and color choice samples, which were answered by Anne Daley and Laura McCarty. Requests were made for a presentation on the specific details, cost factors, and risks associated with moving forward with Phase II of the Science Center; a comparison of the current landscape design against the original landscape design plans; review of previous decisions made related to the Science Center; and request for Tree Presentation to occur as soon as possible. There was also a request for a walk-through of the Science Center in December prior to occupancy.

9. **Consent Calendar Items (Roll Call Vote)**
M/s (O’Brien/Long) to move approval of Consent calendar items. Motion carried by a roll call vote of 6-0-1, with Trustee Dolan absent. Student Trustee Blood cast an advisory aye vote.

A. **Calendar of Upcoming Meetings**
- November 6, 2012, Board Policy Committee Meeting, 4:00 p.m.
  Admin. Center, Room 108
- November 13, 2012, Regular Meeting, 6:30 p.m., Cafeteria, Student Services Building

B. **Approve Educational Management Personnel Recommendations**
1. Change in Title and Salary of Educational Management Position
2. Appointment of Educational Management Personnel

C. **Approve Classified Personnel Recommendations**
1. Appointment of Classified Personnel
2. Temporary Increase/Decrease in Assignment for Classified Personnel
3. Permanent Increase/Decrease in the Classified Assignment/Staff Plan
4. Resignation/Termination of Classified Personnel

D. **Approve Classified Position Recommendation**

E. **Approve Classified Supervisory Personnel Recommendation**
1. Approving New Supervisory Position – Instructional Technology Supervisor

F. Approve Short-Term Hourly Positions

G. Approve Academic Personnel Recommendations
   1. Appointment of Part-Time Temporary Credit Instructors Fall 2012
   2. Appointment of Temporary Non-Credit ESL and Community Education and Services Instructors for Fall Quarters 1 and 2, 2012

H. Approve Budget Transfers – Month of September 2012

I. Approve Warrants - Month of September 2012

J. Approve Declaration of Surplus Property – Miscellaneous Equipment

K. Second Reading and Approval of Revised Board Policies - None

L. Modernization (Measure C)
   1. Approve/Ratify Modernization Contracts, Changes and Amendments ($1,407,529)
   2. Approve Re-Authorization for Staff Approval of Measure C Contract Changes and Amendments

10. Other Action Items

   A. M/s (Treanor/O’Brien) to approve Tentative Agreement between Marin Community College District and Service Employees International Union, Local 1021 (SEIU) on Contract Reopener 7/1/2012-6/30/2013. Motion carried 6-0-1, plus an advisory aye vote by Student Trustee Blood.

   B. Approve Tentative Agreement between Marin Community College District and United Professors of Marin, AFT Local 1610 (UPM/AFT) on Contract Reopener 7/1/2012-6/30/2013. Lori Ordin from UPM acknowledged and thanked everyone for their hard work to bring the tentative agreement together in such a timely manner. She shared that it was approved unanimously and that if approved tonight, they would be encouraging their members to review it closely. M/s (Treanor/O’Brien) to approve Tentative Agreement between Marin Community College District and United Professors of Marin, AFT Local 1610 (UPM/AFT) on Contract Reopener 7/1/2012-6/30/2013. Motion carried 6-0-1, plus an advisory aye vote by Student Trustee Blood.

   M/S (Namnath/O’Brien) to merge items C, D & E into one vote for approval and waive the readings of the Resolutions. Motion carried 6-0-1, plus an advisory aye vote by Student Trustee Blood.

   C. Adopt Resolution #10-16-2012 – C.10.C. for CalPERS Employer Paid Member Contributions for SEIU Local 1021 (Roll Call Vote)

   D. Adopt Resolution #10-16-2012 - C.10.D. for a Supplemental Employee Retirement Plan (SERP) for UPM/AFT Local 1610 (Roll Call Vote)

   E. Approve Resolution #10-16-2012 C.10.E. Designation of Authorized Signature 2012-2013 (Roll Call Vote)

   F. Approve Resolution #10-16-2012 C.10.F. Authorizing Use of Property and Land Use Agreement for Operation of Weather Station (Roll Call Vote) – This Item was pulled
G. M/s (Treanor/Long) to approve Revisions to A.A. Degree. Motion carried 6-0-1, plus an advisory aye vote by Student Trustee Blood.

H. M/s (Treanor/Long) to approve Out of Country Travel – Katrina Wagoner. Motion carried 6-0-1, plus an advisory aye vote by Student Trustee Blood.

I. M/s (Treanor/Long) to approve Out of Country Travel – Walter Turner. Motion carried 6-0-1 plus an advisory aye vote by Student Trustee Blood.

There was a request to receive follow-up reports for approved sabbatical and travel requests at future board meetings.

J. M/s (O'Brien/Long) to approve Scheduled Maintenance Five Year Plan 2013/14–2017/18. There was a comment to make sure we spend time reviewing the funds spent on the IVC buildings. Motion carried 6-0-1 plus an advisory aye vote by Student Trustee Blood.

K. M/s (Long/O'Brien) to accept Paint Donation for Automotive Technology Program. There was a request that the College thank this donor on behalf of the Board or issue a Press Release. Motion carried 6-0-1 plus an advisory aye vote by Student Trustee Blood.

L. Modernization (Measure C)
   1. M/s (Long/O'Brien) to approve Change Order #15 and Resolution #10-16-2012 - C.10.L.1, Midstate Construction Corporation, $80,542 Performing Arts Building Modernization Project (306A) (Roll Call Vote). There was concern raised about the cost of change orders on this project and to try to get a handle on these costs. Trustee Treanor stated that her sister works for Midstate, but has no ownership interests. Motion carried by roll call vote 6-0-1, plus an advisory aye vote by Student Trustee Blood.
   2. M/s (O'Brien/Long) to approve Authorization to Bid and Pre-Authorize Award Construction Contract, Austin Science Center Roof Repair and Relocation (850E). Motion carried 6-0-1, plus an advisory aye vote by Student Trustee Blood.
   3. M/s (Treanor/O'Brien) to approve Authorization to Bid and Pre-Authorize Award Construction Contract, KTD Utilities Project Phase 1 (305A). Motion carried 6-0-1, plus an advisory aye vote by Student Trustee Blood.
   4. M/s (Kranenburg/O'Brien) to approve Authorization to Bid and Pre-Authorize Award Construction Contract, NAC Hazmat Project (303B). Motion carried 6-0-1, plus an advisory aye vote by Student Trustee Blood.

Trustee Long on behalf of the Board offered congratulations on the leadership of Dr. Coon, the negotiating teams and UPM/AFT and SEIU in successfully completing negotiations in such a timely and amicable manner.

11. Board Policy Review (1st Reading) - None

12. Future Agenda Items
   A. Pension Reform
   B. Actuarial Study for Retiree Health Liabilities

13. Board Reports and/or Requests (15 minutes)
A. **Committee Chair Reports**

Trustee Treanor commented on the importance of a road map and calendar of the things the Board needs to do. She handed out the comments taken from the meeting minutes on September 8 and 15 to use a guideline for what the Board needs to follow-up on.

Trustee Long reviewed some articles from the Trustee Quarterly Magazine related to sponsoring courses that have been cut, free tuition for high school students who graduated in to 20% of their class, and collaborations where community colleges pool their funds.

B. **Legislative Report**

C. **Individual Reports/or Requests**

14. M/s (O’Brien/Long) to approve Meeting Minutes of Special Meeting on October 9, 2012. Motion carried 6-0-1, plus an advisory aye vote by Student Trustee Blood.

15. **Information Items (see written reports)**

   Board President Conti referred the Board to their packets for information items. President Coon noted that it was important that we have presented the Strategic Plan to the Board prior to the team visit and that the Board will have the opportunity to accept the plan in November.

A. **Contracts and Agreements for Services – September 2012**

B. **9/30/2012 YTD Financial Report**

C. **Draft Strategic Plan 2012-2015**

D. **Modernization Update**

   1. Director’s Report
   3. Program Schedule

E. **Administrative Procedures - None**

F. **Calendar of Special Events**

   ▪ Great American Shake Out, October 18, 2012
   ▪ Macbeth - College of Marin Drama Department Directed by William Taylor
     October 19, 20 & 21
   ▪ Hooked On Marin Series: The Mountain Bike Revolution
     Wednesday, October 24, 7 p.m.
     Sir Francis Drake High School, Little Theater
     1327 Sir Francis Drake Boulevard, San Anselmo
   ▪ College of Marin Transfer Day, November 5, 10:00 – 1:00
     Cafeteria Building, Student Services
   ▪ IVC Harvest Lunch, November 14, Building 17, 12:00 noon
     (Bring Canned Goods or cash donations for Marin Food Bank)

16. **Correspondence**
17. **Board Meeting Evaluation**  
Quick, efficient meeting

18. **M/s (O’Brien/Treanor) to adjourn the meeting in memory of math instructor Anthony Monteith.**

    Meeting adjourned at 7:48 p.m.
Summary of SB 1280

Provided by:
Deidree Y.M.K. Sakai, Attorney at Law, Dannis Woliver Kelley

Best Value Alternative to Competitive Bidding

Senate Bill No. 1280 (Pavley) allows community college districts, until January 1, 2018, to award contracts for equipment, supplies, materials, and non-construction services over the threshold in Public Contract Code section 20651(a) [$81,000 as of January 1, 2012] on the basis of best value where the district expects long-term savings, uses more sustainable goods and materials, or reduces administrative costs. If the governing board adopts policies and procedures pursuant to Public Contract Code section 20651.7, the lowest responsible bidder would be determined on the basis of best value to the district based solely on the criteria set forth in the request for proposal. (Stats. 2012, ch. 708, effective January 1, 2013.)

This alternative applies to the same contracts covered under Public Contract Code section 20651(a). The legislative digest for SB1280 says that the alternative applies to contracts over $50,000 but actual language in Public Contract Code section 20651.7 (a new statute added by SB 1280) refers to Public Contract Code section 20651(a) instead of a specific amount. I believe the confusion stems from the bid threshold in section 20651(a) originally being $50,000 when it was first passed but it has been adjusted every year since. As of January 1, 2012, the bid threshold is $81,000.

Instead of competitively bidding the contracts (where the district expects long-term savings, uses more sustainable good, or reduces administrative costs) that exceed the bid threshold, community college districts have the opportunity to establish policies to determine "best value," with limited guidance from the new Public Contract Code section 20651.7. It appears that this procurement process would include a Request for Proposals.

SB1280 is based on a pilot program that used for municipalities and University of California.

Attachment to October 16, 2012 Board Minutes
COLLEGE OF MARIN

Board Retreat

September 8, 2012

Technology Plan (Discussion)

- Assessment of priorities and funding requirements will take place during the Fall Semester.
- There was a request for a break down on how the $10,000,000 set aside for technology from the Bond has been used by category (i.e. infrastructure, IT staff, telephone, audio visual, labs).
- There was also a request for the College’s internal vendor selection process.
- A workshop on the Integrated Planning process would be helpful to understand the process and how the plans work together.

Mission (Discussion)

- Trustees were in agreement that the mission statement will be approved with the intent that it will be reviewed in the future. Dr. Coon will look for other mission statement for comparison purposes and propose a review timeline.

Board Retreat

September 15, 2012

Facilities Plan Assessment and Analysis

- Development of a robust Maintenance and Operations Plan to maintain our new and old buildings.
- An external consultant will be used to assist the College in creating a plan.
- A Study session would be helpful to inform the Board how the plan will be created and what we will get out of it.
- The report from Conversion Management Associates was referenced as a good source for review.
• A summary of the history of options considered at IVC and noted that they will need to have a discussion about the option of tearing down buildings that are no longer sustainable or rentable.

**Educational Master Plan Assessment and Analysis**

• Trustees noted that reviewing the Integrated Planning Manual was important in helping them to understand how the plans work together and suggested that a study session or retreat would be very helpful to inform all Board members on how the process works.
• There was further discussion and suggestions about structure in meetings and agendas to focus on the big picture, tightening up discussion and using a results-oriented strategy for making decisions and taking action.
• Structured discussions that define why they are meeting, allow time to ask questions early in the process will allow the Board to make well-informed recommendations and keep them involved throughout the year.
• Board Goals/Priorities will be reviewed earlier (February) to see how priorities tie with the strategic plan.

**2012-2015 Strategic Plan**

• It will be important to receive quarterly status reports to assure that we are moving forward appropriately and following process.

**Ethics Policy**

• There were comments that our current policy should be revised to be more clear and concise and include an accountability piece. Trustees should act in a professional, cooperative and respectful way.
• The Trustees determined that a future discussion on Ethics was important and a meeting will be scheduled in March 2013 to review this item.