Marin Community College District
Board of Trustees Regular Meeting

MINUTES

January 15, 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 the Cafeteria of the Student Services Building on the College of Marin Kentfield Campus, all members having received notice as required by law. Board President Namnath called the meeting to order at 4:44 p.m. Trustees Namnath, Conti, Dolan and Kranenburg were present. Trustees O’Brien, Long, and Treanor were not present. Also present were Superintendent/President Coon, Vice Presidents Eldridge and Harrison, and Director McCarty. M/s (Kranenburg/Conti) to adopt the Closed Session Agenda. Motion carried 4-0-3.

2. Public Comment – There was no public comment.

3. Meeting adjourned at 4:45 p.m. to tour Science, Math, Nursing Building.

4. Recess to Closed Session – The Board reconvened at 5:25 p.m. M/s (Conti/O’Brien) to recess to closed session. Recessed to Closed Session at 5:26 p.m.

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

1. CONFERENCE WITH LEGAL COUNSEL – Anticipated Litigation (Govt. Code Sec. 54956.9 (b)).
   Number of Potential Cases: 1
   Glen Gould, Dannis, Woliver and Kelley

2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Government Code §54956.9(a))
   Name of Case: Kesecker vs. MCCD

C. Open Session - Cafeteria, Student Services Building, Kentfield Campus
1. **Call to Order, Roll Call and Adoption of Agenda** – Board President Namnath called the regular meeting to order at 6:30 p.m. and asked the Clerk to call roll. All members of the Board were present. Student Trustee Blood, Superintendent/President Coon and Vice Presidents Eldridge and Harrison were also present. **M/s (Long/O’Brien) to adopt the agenda. Motion carried 7-0.**

2. **Report from Closed Session** – There was no report from closed session.

3. **Public Comment**
   
   A. **Comments regarding items not on the Agenda (3 minutes per speaker)**
      
      Jon Gudmundsson commented on how impressive the Math, Science, Nursing Building turned out and thanked Ms. McCarty for a successful project.
      
      Granton Park neighbors Richard and Elizabeth Gumbiner and Sonja Morris shared their concerns with the upcoming construction, staging and impact to traffic the NAC project will potentially have on their neighborhood. Copies of their comments are attached to the minutes. Brian O’Conner, representing Friends of Kentfield, noted that his organization met with the Granton Park neighbors and understood their frustration. He remarked that College staff and the modernization team is receptive to ideas and working toward solutions and that he hoped the College would consider using College property for staging purposes rather than Laurel Avenue.
      
   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**
   
   Dr. Coon introduced and welcomed Mr. Jonathan Eldridge the new Vice President of Student Services.
   
   A. **Accreditation** - Dr. Coon reported that the Accrediting Commission met last week to consider the College’s report and visit. The results of that meeting will be available the beginning of February.
   
   B. **IVC Ohlone Cluster** - Dr. Coon reminded the Board of the list of projects in the 2012 Facilities Plan approved by the Board of Trustees, noting that this discussion was about three of those projects. He introduced Vice President Al Harrison and Director of Maintenance and Operations, Bob Thompson. Mr. Harrison noted that the three projects in question represent roof replacement for the three buildings of the Ohlone Cluster (currently not in use) at a cost of approximately $910,000 vs. $500,000 to remove them. The roofs are not repairable as there are deteriorated shingles and underlayment. The Board will have to make a decision about whether it is reasonable to replace the roofs or to consider other options, including demolition; the condition of these buildings has been known for at least ten years. Mr. Thompson shared a [presentation](#) (available on the College of Marin Website, under Board of Trustees, Meeting Schedule for 2013, for this meeting) which showed the deteriorated condition of the roofs, water damage to building exteriors, water damage and mold in building
interiors (which makes use for storage an issue), deteriorated decking, railings, and outdated HVAC systems. All other facilities at IVC are in use and have the same issues. Limited resources must be considered when making a decision. Trustees thanked staff for their presentation and requested further information on the needs and priorities for IVC, comprehensive assessments of the buildings and lease opportunities. Staff noted that we have building assessments and that lease options have proven unsuccessful due to the condition of the buildings. A plan will be presented to the Board in the near future tying everything together and taking into consideration all facilities at IVC.

C. **Advancement Activity** - Dr. Coon reminded the Board that last August we created our own advancement office and fund development activities. He introduced Cathy Summa-Wolfe and acknowledged her assistance in this endeavor. Ms. Summa-Wolfe reported accomplishments that have occurred since August, noting that our goal is to help advance and build relationships in support of the College of Marin. Dr. Coon noted that President’s Circle will be a level of giving moving forward. Ms. Summa-Wolfe noted that we are building the infrastructure now, developing procedures and determining how we bring in and allocate funds. She reminded the Board of the upcoming Performing Arts Gala, which includes a reception, pre-show talk with James Dunn, and an after-show celebration and birthday party. She announced that the Grand Opening of the new Science, Math and Nursing Building, will include Adam Steltzner, Chief Engineer for the Mars Rover Project, as the key note speaker. She shared a video on the Veteran’s Center at the College. Trustees were appreciative of the presentation and encouraged by what has occurred so far. There were suggestions by Trustees to explore partnerships and grants and to look at ways the Board could help, including setting a retreat and the creating of a committee on fund-raising. There was a request for a “Command Performance” by the Board to attend the Gala and also a request to receive specific e-mail invitations for such events.

D. **Community Education** - Dr. Coon introduced Dr. Lau who briefed the Board on the history of the Community Education program that started in 1974, noting enrollment figures, types of courses and associated fee information. He introduced Marian Mermel, representing ESCOM, who spoke to the benefits of taking courses at the College of Marin for all students and the success of new Community Education programs such as the speaker series, preview days and the proposed Gold Card program. Dr. Lau reported that it is challenging to provide high quality programs while controlling spending and reducing deficits. He also noted the high cancellation rates over the past few years. He proposed the introduction of a Gold Card program, which will encourage enrollment of Marin’s older population with incentives to join at various levels. It is hoped that this program will encourage people to come to the college, participate in College activities and become part of the College community. It will also provide up front funding to the program. A fall implementation is planned. A copy of Dr. Lau’s presentation is available on the College of Marin Website, under Board of Trustees, Meeting Schedule for 2013, for this meeting. Trustees commented on Dr. Lau’s vision and creative ideas and
thanked the presenters and participants for a thorough presentation. This represents a
good business model, an opportunity for donors, fund raising and partnerships. Karen
Hemmeter, a member of the public, commented that she takes classes at both
campuses and volunteers as the office manager for Emeritus. She noted they have
enrolled over 200 members in the last year, 35 this month. Trustees noted this shows
what can happen when you work together and acknowledged retired instructor Kathryn
Freschi who was instrumental in setting up this program, which has had a major
influence on other campuses as well as ours.

E. Fine Arts Weatherization - Laura McCarty provided an update on the Fine Arts
Weatherization bid noting that all bids came in seriously over budget. The low bidder,
which dropped out, was $1.5 million, 100% over the engineer’s budget of $765,000.
Some reasons for this overage include a challenging schedule for smaller contractors and
fabricators, increasing materials costs and escalation. Another factor is the size of the
project - too big for small contractors and too small for large contractors. The drawings
were good quality and extensive value engineering was done. Staff recommend
combining this work with the Academic Center bid as an add-alternate and including
project phasing, which will make the project more attractive to larger contractors and
allow us to install some of the components during the school year. This will cause delays
in project completions as previously scheduled. Dr. Coon and Laura McCarty answered
Trustee questions about how this will be handled moving forward and that more
information will be provided once we have re-evaluated the situation. Bid alternates
and phasing will allow us to look at the components and address the most important
and cost effective items.

5. Academic Senate Report (5 minutes) – Sara McKinnon welcomed Jonathan Eldridge and
congratulated Cathy Summa-Wolfe and Jason Lau on their work.

6. Classified Senate Report (5 minutes) – Alice Dieli also welcomed Jonathan Eldridge and
passed on a comment she heard today about how pretty the new Math/Science/Nursing
building was. A copy of Ms. Dieli’s report is attached.

7. Student Association Report (5 minutes) – Scott Blood also welcomed Vice President
Eldridge. He reported no complaints relating to the new building with the exception of no
clocks in the classroom. Students seem to be navigating the new building well.

8. Board Study Session - None

9. Consent Calendar Items (Roll Call Vote)
Barbara Dolan requested a brief summary of the Personnel Recommendations and an
explanation of why the modernization items do not come under action as she has been
requesting. Dr. Coon summarized the Personnel items as requested. Trustee Conti noted
that the Board previously adopted a policy of a certain range of modernization items that
would go on the consent calendar and a range that would go on the regular calendar, in
accordance with guidelines established by the Board. M/s (O’Brien/Conti) to approve
Consent Calendar Items. Motion carried by a roll call vote of 6-1, with Trustee Dolan voting no. Student Trustee Blood cast an advisory aye vote.

A. Calendar of Upcoming Meetings
   - February 19, 2013, Regular Meeting, 6:30 p.m.
     Cafeteria, Student Services Building, Kentfield Campus

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

C. Approve Classified Management Personnel Recommendations
   1. Appointment of Classified Management Personnel

D. Approve Classified Position Recommendation

E. Approve Short-Term Hourly Positions

F. Approve Educational Management Personnel Recommendations
   1. Appointment of Educational Management Personnel – Revised Page
   2. Change in Appointment of Educational Management Personnel

G. Approve Budget Transfers – Month of December 2012

H. Approve Warrants - Month of December 2012

I. Approve Sabbatical Leave Recommendations

J. Modernization (Measure C)
   1. Approve/Ratify Modernization Contracts, Changes and Amendments ($1,288,887.29)
   2. Approve Declaration of Surplus Disposal, Austin Science Center Relocation (850E)

10. Other Action Items

A. M/s (O’Brien/Treanor) to waive the reading of Resolution #2013/1 for Agreement and Election of Marin Community College District to Pre-Fund Other Post-Employment Benefits through CalPERS. Motion carried 7-0, plus an advisory aye vote by Student Trustee Blood. M/s (Treanor/Conti) to approve Resolution #2013/1. Motion carried by roll call vote of 6-1, with Trustee Dolan voting no. Student Trustee Blood cast an advisory aye vote.

B. M/s (O’Brien/Long) to waive the reading of Resolution #2013/2 – Delegation of Authority to Request Disbursements from the Other Post Employment Prefunding Plan. Motion carried 7-0. M/s (Treanor/Long) to approve Resolution #2013/2. Motion carried by a roll call vote of 6-1 with Trustee Dolan voting no. Student Trustee Blood cast an advisory aye vote.

C. M/s (O’Brien/Treanor) to Approve Non-Resident Tuition Fees 2013/14. Motion carried 7-0 plus an advisory aye vote by Student Trustee Blood.
D. M/s (Treanor/O’Brien) to approve Citizen Oversight Committee Member – Taxpayer Organization. Motion carried 7-0, plus an advisory aye vote by Student Trustee Blood.

E. M/s (Treanor/O’Brien) to Authorization to Serve Alcohol – Gala Reception March 1, 2013. Trustees commented on the importance of following Board policy, not serving alcohol to minors and assuring that non-alcoholic beverages would also be provided at the event. Motion carried 6-1, with Trustee Dolan voting no. Student Trustee Blood cast an advisory aye vote.

F. Modernization (Measure C)

1. M/s (O’Brien/Conti) to waive the reading of Resolution #2013/3. Motion carried 7-0, plus an advisory aye vote by Student Trustee Blood. M/s (O’Brien/Conti) to Approve Change Order #18 and Resolution #2013/3 Attesting No Benefit to Bidding out Change Order Work ($63,034.00), Midstate Construction Corporation, Inc. Performing Arts Building Modernization Project (306A). Trustee Treanor disclosed that her sister works at Midstate, but has no ownership interest. She also expressed her concern with the number of change orders. Motion carried by roll call vote 7-0, plus and advisory aye vote by Student Trustee Blood.

M/s (Conti/O’Brien) to merge items F.2 – F. 6. Motion carried 7-0.

M/s (Kranenburg/O’Brien) to approve items F.2 through F.6. Motion carried 7-0, plus an advisory aye vote by Student Trustee Blood.

2. Approve Notice of Completion, Fine Arts Kiln and Foundry Awning Project (306C)

3. Approve Professional Services Amendment 2 Visions Management – Move Planning Services ($12,600.00) Austin Science Center Relocation (850E)

4. Approve Professional Services Amendment 8 ED2 International – Additional Design Services ($66,968.00) SMCP Increments 2 & 3, Site Development & Building Project (305A)

5. Approve Authorization to Bid and Pre-Authorization to Award Construction Contract, NAC Tree Program Project (303B)


11. Board Policy Review (1st Reading)

Board President Namnath referred Trustees to their packets for review of the Board Policies. EL 3410/3430 make sure language includes racial discrimination. Statement about training in these areas.

- BP 3410 Nondiscrimination
- BP 3430 Prohibition of Harassment
- BP 5130 Financial Aid
12. Future Agenda Items
   A. Mid-Year Budget Update
   B. Repeatability
   C. Pension Reform
   D. Approve Financial Audit

Trustees requested the following items be added as future agenda items: Bond Spending Plan Update; update on impact of Governor’s budget on the College; discussion about deadline for EIR comments and the effect of delaying a decision. The Governance Calendar will be provided to Trustees in their packets moving forward.

President Namnath noted that next month’s agenda will include an item to elect the office of the Vice President of the Board and that this would be discussed further under item 14.

Trustee Conti announced that she, as Chair, made an error in the previous meeting in conducting that election. At the meeting she asked for a show of hands and saw 4-3, but it was brought to her attention by staff the next day that it was actually, 3-3-1, which meant she was in error in calling the results of the election for herself for Vice President. When she realized the error, she informed all Trustees that she was resigning as Vice President as of December 13, 2012. Ms. Conti read a statement which she requested be a part of tonight’s minutes. A copy of the statement is attached to these minutes.

Trustee Treanor passed out a memo requesting that a revised policy regarding agenda development returning to the prior policy language and practice be added to next month’s agenda. A copy of the memo is attached to these minutes.

13. Board Reports and/or Requests (15 minutes)
   A. Committee Chair Reports
      Board President Namnath reported that all of the committees are being repopulated, and that the Board Policy Committee has been formed and will be meeting shortly.

   B. Legislative Report – Trustee O’Brien reported that she had spoken with Kerry Mazzoni and reported on some key items, including that Marc Levine was appointed to Higher Education committee; that there will be some funding for adult education, that there will be a $1900 per student contribution, a 3.6% increase; and that Prop 39 Energy funds will be available based on plan submittals. She will forward a summary of the bills to Trustees and had forwarded a link of the Governor’s presentation from CCLC to the Board earlier.

   C. Individual Reports/or Requests – Barbara Dolan commented on the recent presentation of the Vespers noting it was outstanding and commended Boyd Jarrell and the individuals that participated in and presented this program. Eva Long noted that she received a copy of a letter sent to the consultant for the District regarding the NAC EIR, which enumerates many of the comments that have been made this evening. She asked that this be made part of the minutes of the meeting and that it be forwarded to all Trustees. A copy of the letter is attached.

14. Approval of Meeting Minutes (2 minutes)
Approve Minutes of December 11, 2012 Board Meeting – Dr. Coon referred Trustees to Page 2, Item 3. Election of Officers, b. Vice President of the Board of the December 11, 2012 minutes offering the following correction to the minutes: that the first sentence remain, Vice President of the Board Trustee Namnath nominated Trustee Conti and Trustee Treanor nominated Trustee O’Brien, that the rest of the paragraph be struck, and the following language added, The chair called for a show of hands and stated that there were four votes for Conti and three votes for O’Brien. Subsequently it was announced that Trustee Conti was elected as Vice President. He further noted a correction to item 3.c. Clerk of the Board, that Trustee Conti nominated Trustee O’Brien for Clerk of the Board. After discussion by Trustees it was determined that Dr. Coon would ensure the minutes were revised as stated, with a reference made that the minutes were corrected at the January 15, 2013 meeting. M/s {Treanor/Conti} to approve the meeting minutes of December 11, 2012 with changes noted by the Secretary to the Board, David Wain Coon, at the January 15, 2013 Board meeting, with the provision that the minutes reference the correction made at today’s meeting as additional corrective actions on this item. Trustee Long clarified her abstention vote as a matter of record. She explained the reasons behind that action, including her desire to work and support a productive and non-contentious Board. She noted there were two good candidates, both bringing a different set of experiences, skills and backgrounds to the job. She also stated it is healthy for an organization to have fresh and new blood in terms of leadership roles. Motion to adopt the minutes as modified with directives to the President passed by a vote of 7 - 0, plus an advisory aye vote by Student Trustee Blood. Board President Namnath noted that there will be an election held at the next meeting for replacing that position.

15. Information Items - Board President Namnath referred Trustees to the written reports. There was a question about the Clapper Rail and CDC project and whether it was on schedule. Staff reported the project is on schedule for the Clapper Rail constraints.

A. Contracts and Agreements for Services – December 2012
B. 12/31/2012 YTD Financial Report
C. Modernization Update
   1. Director’s Report
   2. Contract Milestones Report through December 2012
   3. Program Schedule
   4. Subcontractor Substitution Request – Future Action
      Child Study Center Increment Two (Building) Project (303C)
      Jeff Luchetti Modular, Inc. ($0) (roofing)
D. Administrative Procedures
   ▪ AP 3410 Nondiscrimination
   ▪ AP 3430 Prohibition of Harassment
   ▪ AP 3435 Discrimination and Harassment Investigations
• AP 5020 Non-Resident Tuition
• AP 5031 Instructional Material Fees
• AP 5040 Student Records and Directory Information
• AP 7270 Student Employees

E. Calendar of Special Events
• CCLC Annual Legislative Conference, January 27 – 28, 2013
  Sheraton Grand, Sacramento – Trustee O’Brien noted that she would be attending
  the Effective Trustee Conference

16. Correspondence

17. Board Meeting Evaluation – Trustee O’Brien thanked the Board for dealing with what could
have been a very challenging position with the meeting minutes, noting it makes her very
proud to be a part of this group. Trustee Long echoed Trustee O’Brien’s comments and
congratulated Board President Namnath on moving the meeting along.

18. M/s (Dolan/O’Brien) to adjourn the meeting. Motion carried 7-0, plus and advisory aye
vote by Student Trustee Blood. Meeting adjourned at 9:12 p.m.