Marin Community College District
Board of Trustees Regular Meeting

Minutes

April 16, 2013

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 a regularly scheduled Board meeting in Student Services Building Cafeteria at the Kentfield Campus, all members having received notice as required by law. Board President Namnath called the meeting to order at 6:32 p.m. and asked the Clerk to call roll. Trustees Conti, Kranenburg, Long, Namnath, O’Brien and Treanor were present. Trustee Dolan was not present. Student Trustee Blood was absent. Also present were Superintendent/President Coon and Vice Presidents Eldridge and Harrison.  M/s (Long/O’Brien) to adopt agenda.  Dr. Coon noted there were typographical revisions to items 8.N.I Measure C Contracts and the cover sheet for item 9.E.1. Change Order #19 and Resolution Midstate Construction.  He further noted that the amount listed on the agenda for Item 9.E.1. is incorrect and should be changed from $63,034 to $223,288 which coincides with the backup material in the packet.  Motion to adopt agenda as amended carried 6-0-1.

2. Public Comment

   A. Comments regarding items not on the Agenda (3 minutes per speaker) - None

   B. Comments regarding items on the Agenda - to be heard immediately before the Board of Trustees’ consideration of the item

3. Chief Executive Officer’s Report

   A. Accreditation – Dr. Coon reported the team has been reassembled and is working on the progress report. More information will be brought to the Board in the future.

   B. Student Success Scorecard Report 2013 (ARCC 2.0) (Hsieh, Eldridge, & McKinnon)

      Dr. Hsieh and Vice President Eldridge shared the 2013 Student Success Scorecard Report, reviewing the metric definitions and our ability to use the on-line information to compare ourselves with the state and with other community colleges. Dr. Hsieh presented the Board with a handout from Sara McKinnon (attached to the minutes)
which provided additional information and perspective about what was reported on ESL students. It was noted that putting this information in context is very important and further analysis specific to our institution is critical. It also provides us an opportunity to use the data and further analysis of the data to help us set goals that are more specific to us as we move forward. Trustees thanked staff for the informative presentation noting that it is important to WASC and the Chancellor’s Office that the Board understand and use the data to drive budget allocation decisions that will support and improve the ratios. There was also discussion about reaching out to local high schools, marketing, creating our own internal scorecard that shows our successes and challenges to augment this information, the need for the Board to review further analysis to assist in making budget decisions. There was a request that this information be shared using the number of students as well as percentages. It was noted that it is good news that our completion rate is higher than state average and that there should be careful tracking of ESL students.

C. Selection of Audit Firm (Harrison)
Vice President Harrison reviewed the process used in requesting proposals for auditing services for the next five years. The proposal was sent to nineteen firms and of those, five responded. Based on the RFQ criteria, staff evaluated the proposals and came up with a rating system to determine which firm should be recommended. As a result of the examination, staff recommend awarding a contract to Crowe Horwath LLP. Crowe-Horwath’s fees are $76,000 for years 2012/13 and 2013/14, $78,700 for 2014/15, $81,500 for 2015/16 and $84,300 for 2016/17. Crowe Horwath LLP merged with Perry Smith in November 2012. Perry Smith had been the College’s auditor for many years. Trustees asked questions about how often we are required to change auditors, fees, and whether we should go out for qualification more frequently. Mr. Harrison responded that we are not required to change auditors, but we are required to go through a process every five years, that there are no requirements to change auditors, that fee increases are business decisions, based on inflation and expected costs, and that five-year contracts offer better cost options than shorter contracts.

4. Academic Senate Report (5 minutes) – Sara McKinnon’s report on the Student Success Scorecard is the Senate report and is attached to the minutes.

5. Classified Senate Report (5 minutes) – Alice Dieli reported the Classified Senate is working on two projects and hopes to update the Board on the progress next month. The Senate is also accepting nominations for the end-of-year recognition awards.

6. Student Association Report (5 minutes) – No Report

7. Board Study Session
   A. Project Labor Agreement
      Dr. Coon noted that the Board spent a significant amount of time discussing the Bond
Program at the March Retreat focusing on the successful completion of the Bond, especially the construction of the New Academic Center. He suggested that Item 9.E.11 be moved for action after the Board Study Session to accommodate the members of the public who wished to speak on the item. **M/s (Conti/Treanor) to move item 9.E.11. to after the Board Study Session. Motion carried 7-0.**

Ms. McCarty introduced Mark Kelley (Dannis Woliver and Kelley) and Bruce Hart (Jacobs) to share information on project stabilization agreements and the history of the agreements at the College of Marin. A copy of the presentation is available on the College of Marin Website, Board of Trustees, Board Meeting page. Mr. Kelley explained that a Project Labor Agreement (PLA) or Project Stabilization Agreement (PSA) is a pre-hire collective bargaining agreement between the District and the Trades Council on behalf of all the unions in the construction trades in the County. It is included in the construction document so that anyone bidding knows they are required to participate in hiring and benefits through the union programs if awarded the project. He noted that regardless of a PLA or PSA, all employees on the construction contract are covered by prevailing wage. The request this evening is to add the Academic Center to the existing agreement which went through an extensive review process in 2005. Bruce Hart noted that Jacobs has done projects both with and without PSAs. He stated that in an accelerating economy, increased construction activity may lead to a condition of constrained labor availability in an area. He also noted that a PSA may provide access to a better trained workforce because of the requirements of the PSA and result in a higher quality project. Trustees expressed support and appreciation of the presentation noting that our PSA projects have been successful and positive experiences and have provided local hiring and student training.

**M/s (Long/Kranenburg) to approve item 9.E.11. - Approve Inclusion of New Academic Center Project in Existing Project Stabilization Agreement.** Several members of the public spoke on this item. Bill Scott commented that the College’s PSA projects came in under cost, that union and non-union contractors got the jobs, prevailing wage was paid, and labor and management apprenticeship programs to help Marin students have been very successful. He urged Trustees to vote yes. Matt Chase commented that he started at COM over four years ago and has successfully completed over 100 units with a 3.21 GPA. He is now a skilled laborer and ready to work. Brandon Sherron, field representative of Carpenters Local 35 in Marin County agreed with comments that had been made. He noted that PLAs are a great workforce investment tool to help train the future workforce in Marin County. He read a letter from Julian Stone (attached) who was unable to attend the meeting. Carl Sanchez, representing Sheet Metal Workers Local 104 in Marin and Sonoma Counties spoke to the labor force concerns noted earlier saying that will create their own labor pool and encouraged the Board to keep up the program. He stated they get calls every day from people who want to work in this area. Derrick Fisher was an apprentice with Sheet Metal Workers Local 104 and attended Bill
Scott’s Careers and Construction Class. The course was a pathway and great opportunity, taught him good skills, gave him the opportunity to work on the Science Math Nursing building and provided him with a job that has good medical benefits and pay - beneficial to him and to others. Paul Cohen, retired member of Carpenters Local 35, expressed his support of a program that he participated in, noting that he would like to pay it forward and give others the same opportunity that he had as an apprentice. He noted that he has several clients that use PLAs on very large projects and it is the norm in the Bay Area. There was a request for a roll call vote on this item and President Namnath asked the Clerk to call roll. Motion carried 6-1, with Trustee Dolan voting no.

Trustees took a 5 minute break and meeting resumed at 7:55 p.m.

8. M/s (Treanor/Conti) to approve Consent Calendar Items (Roll Call Vote). Trustee Dolan requested that item 8.N. Modernization (Measure C) be pulled from the Consent Calendar. Motion to approve Consent Calendar Items with the exception of item 8.N. carried by a roll call vote of 6-0-1. Trustee Kranenburg was not present.

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

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(Approved 5/21/2013)
L. Approve Sabbatical Leave Revision

M. Second Reading and Approval of Board Policies
   • BP 5030 Fees

N. M/s (Treanor/O’Brien) to approve
   Modernization (Measure C)
   1. Ratify/Approve Modernization Contracts, Changes, Amendments ($349,905.50)
      Trustees Dolan suggested that all Measure C items be listed under action along with
      a staff report to inform the public on how the money is being spent. Other Trustees
      commented that this topic has been discussed and researched and that the Board
      collectively decided on parameters that allowed contracts, changes and
      amendments up to a certain amount be put on the consent calendar. The purpose
      was to avoid project delays and empower staff to keep projects on track. Absent
      this process, projects would have to wait until the next Board meeting. The monthly
      modernization information reports were created to help keep the Board informed as
      a result of this decision. Motion carried 7-0.

9. Other Action Items

   A. M/s (Treanor/Conti) to approve Resolution 2013-10 to Authorize Temporary Transfer
      of Funds for 2013/2014. Motion carried by a roll call vote of 7-0.

   B. M/s (O’Brien/Conti) to Approve Selection of Auditing Firm Crowe-Horwath LLP.
      Motion carried 7-0.

   C. M/s (Conti/Treanor) to approve Revised CSEA Salary Schedule dated March 21, 2013.
      Motion carried 7-0.

   D. 2013 California Community College Trustees (CCCT) Board Election. Trustee O’Brien
      and Trustee Treanor reported that their research identified seven individuals, who they
      believe represent a good cross section of the diversity of California and who are solid
      candidates that will bring good skills and representation to the Board. The Board
      discussed the recommendations and the candidates. The Board supported the
      recommendation of the subcommittee by a vote of 7-0 to nominate the following
      seven candidates for the California Community College League Board
      Dianne B. McKay, Ventura County CCD
      Cy Gulassa, Peralta CCD (Incumbent)
      Louise Jaffe, Santa Monica CCD (Incumbent)
      Isabel Barreras, State Center CCD (Incumbent)
      Sally W. Biggin, Redwoods CCD
      Garrett Yee, Ohlone CCD
      Linda S. Wah, Pasadena Area CCD

      Motion carried 5-2.
M/s (O’Brien/Conti) to approve Items 9.E.1. – 9.E.3. Dr. Coon reminded the Board of the corrected amount on item 9.E.1. to $233,288. Trustee Treanor disclosed that her sister works at Midstate, though she has no ownership interest. Motion carried 6-1-0 by roll call vote, with Trustee Dolan voting no.

E. Modernization (Measure C)


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. M/s (Treanor/Kranenburg) to Approve Purchase of Portables ($328,126.00) Relocation Costs (805A). Motion carried 7-0.

5. M/s (Kranenburg/O’Brien) to Approve New Professional Services Agreement for Design Services ($30,000.00) Structural Engineer Project (805A)

   There was clarification that project 805A related to Austin Science Center and the Learning Resource Center. Motion carried 4-3 with Trustees O’Brien, Treanor, Dolan voting no.

6. M/s (Treanor/O’Brien) to Approve Extension to Professional Services Agreement ($99,000.00) Schoening Group Inc., District Salaries Assistance (832A)

   There was clarification that this agreement will be paid from Measure C Funds and that the amount is “up to” $99,000. Motion carried 6-1, with Trustee Dolan voting no.

7. M/s (Treanor/Kranenburg) to Approve RFP and New Professional Services Agreement for Design Services ($50,000.00) ADA Upgrades KTD Project (309A)

   There was confirmation that this item was focused on Fusselman Hall. Motion carried 7-0.

8. M/s (Treanor/Conti) to 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)

   There was clarification that there are funds set aside to address punch list items for the SMN project, plus an additional contingency for unforeseen problems. Working with staff and deans to prioritize the list. Good for the Board to see the list and an understanding of the issues. Motion carried 7-0.

9. M/s (Treanor/Kranenburg) to Approve Amendment #2 to Professional Services Agreement ($1,215,000.00) Jacobs Project Management Co., Project Construction Management (301B), (303B),
309A) Program (825C)
There were questions about program vs. project costs answered by staff. **Motion carried 7-0.**

10. **M/s Treanor/Conti** to Approve Contract Amendment to the Professional Services Agreement ($55,550.00) Gayner Engineers, New Fine Arts Building (306C)
**Motion carried 7-0.**

11. Approve Inclusion of New Academic Center Project in Existing Project Stabilization Agreement – **(Item moved for Action after Study Session)**

**M/s (Treanor/Conti) to merge items 9.E.12 and 9.E.13 into one item as a Roll Call Vote. Motion carried 7-0.**

**M/s (O’Brien/Treanor) to approve items 9.E.12 and 9.E.13. Motion carried 7-0 by a roll call vote.**

12. **M/s (Kranenburg/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**
Trustee Treanor requested that the minutes reflect the Board referred to the score card and compared the College of Marin to the Statewide numbers, that we made a commitment to use the scorecard for comparison and planning for budget purposes and data driven decision making and that every Board member made a comment on the scorecard and recognized our need to learn more about it and how best to use it.

**Student Success Report was accepted by a vote of 7-0.**

**G. Election of Board Vice President**
Trustee Treanor nominated Phil Kranenburg. Eva Long nominated Stephanie O’Brien. Board President Namnath asked that all Trustees in favor of Trustee Kranenburg as Vice President raise their hands. Trustees Kranenburg, Treanor and O’Brien raised their hands. Four votes are required. Board President Namnath asked that all Trustees in favor of Trustee O’Brien as Vice President raise their hands. Trustees Long, Dolan, Conti and Namnath raised their hands. **Stephanie O’Brien was elected as Vice President of the Board.** She will also serve as Clerk.

Trustee Kranenburg left the meeting at 8:48 p.m.


- **BP 5500 Standards of Conduct**
  There was discussion about the policy and the legal citations attached to the policy. Trustee Dolan motioned that policy 81600 be changed to add paid administration and staff of the governing board of a community college district, with oversight by the board,
shall manage and control school property, policy 81600. Other trustees noted that 81600 is not Board policy and cannot be changed. Motion died for lack of second.

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 – Trustee O’Brien will forward the legislative report to Kathy for distribution to the Trustees.
   C. Individual Reports/or Requests
      Trustee Dolan requested the support of the Board to submit application to present “Educators Combatting Poverty and Ensuring Success“ at the ACCT meeting in Seattle, Washington this Fall. Trustees discussed the limited budget for such travel and requested more details about the presentation. Trustees supported the request by a majority vote.
      Trustee Treanor requested an update on her travel budget balance at the retreat.

13. M/s (O’Brien/Conti) to Approval of Meeting Minutes of the March 19, 2013 Board Meeting. Motion carried 7-0.

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 – Good Meeting – Good Job
17. Adjournment

M/s (Conti/Long) to adjourn the meeting. Motion carried. 6-0-1. Trustee Kranenburg was not present. Meeting adjourned at 8:59 p.m.
Regarding the ESL Stats on Slide 12.

The college is required to share the AARC Report with you, the Board of Trustees, annually. What you see is a series of charts and numbers, which are culled from data the state pulls from our MIS data. While at some level, since all colleges are portrayed in a similar fashion, it is a useful comparison tool except that currently it is very difficult to see everything together. However, in many ways, it is misleading. What you see here are percentages, but percentages of what? How many students are they referring to?

Frankly, the first time I saw the ESL “degree completion” rate for this year, I was fairly incensed. First of all it said 50% of Filipinos did something. Initially I read it that 50% of the total were Filipino, which is completely wrong. Later I realized that it was 50% of the Filipino students. When Chialin found the numbers this was based on – it was 50% of TWO students.

Then the idea of 18.2% kind of irritated me. So I started clicking through all the other colleges. Turns out that we are not so bad! With a little work, I can play the % game too:

98 Colleges total have ESL scores.

30% or 29 colleges scored 25% and above.
- 18% or 18 colleges scored 30% and above.
- 9% or 9 colleges scored above 40%.
- The highest was 84%.

In fact, statewide, only 6% (6) of the colleges topped 50%.

23% or 23 colleges scored between 15% and 25%. **COM scored 18.2%.**

47% or 46 colleges scored 15% and below.
- 26% or 26 colleges scored below 10%.
- 10% or 10 colleges scored below 5%.
- The lowest score was 1.8%.

This all made me feel better, but it didn’t negate the issues noted above. Without the actual numbers, the percentages mean very little. 84% of how many? At what level do their students start? In fact, without the context of the students BEHIND these numbers, without knowing the whys and wherefores, it feels like a lot of sound and fury, signifying very little.

So, we have started looking at who the students actually are that make up this data. This is more instructive. We can see good enrollment patterns of the students who succeeded, demonstrating that they went step by step without jumping ahead of their skills. For those who have dropped or are still working on it: we can suspect lack of counseling, enrolling in content classes without the proper preparation leading to multiple failures, etc. This will better inform strategies in our student success initiative. On the other hand, there may be other more personal reasons for an ESL student to not get a degree. It may never have been his or her goal to begin with!
To whom it may concern,

Hello my name is Julian Stone and I am Union Carpenter from local 35 in San Rafael. I understand that there is a new project under vote in the next coming weeks to decide whether or not to have a PLA for it. I encourage everyone to Vote yes. The PLA that was a part of the new math and science building at college of marin changed my life in the best way possible. When I heard about it I was a student at College of marin, confused about what to do with my life at the time. My whole life I've wanted to be a carpenter, and after trying countless times to get my foot in the door I was quite discouraged. The PLA project gave me the opportunity I needed to get my life together and going in the right direction. Now I work for an outstanding general construction company doing what I do best. I would like to thank the College Board for putting in place the PLA. It opened that door for me to be I wanted most, to be a skilled carpenter. And I am getting there, though the Carpenter's apprentice program. Please vote yes and be a part of changing people's lives.

Thank you

Julian Stone
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