Ministers

A. Open Session
1. Call to Order, Roll Call and Adoption of Agenda
   The Board of Trustees of the Marin Community College District met in the Cafeteria of the Student Services Building at the Kentfield Campus located in at 835 College Avenue in Kentfield, California, all members having received notice as prescribed by law. Board Vice President Long called the meeting to order at 5:15 p.m. Trustees Long, Kranenburg, O’Brien and Treanor were present. M/s (Treanor/O’Brien) to adopt the closed session agenda. Motion carried by unanimous vote 4-0.

2. Public Comment – Closed Session Agenda
   There was no public comment on the closed session agenda.

3. Recess to Closed Session
   The Board recessed to closed session at 5:17 p.m.

B. Closed Session
   The Board met in closed session in the Staff Lounge of the Student Services Building on the Kentfield Campus. Trustees Long, Kranenburg, O’Brien and Treanor were present. Trustee Dolan arrived at 5:17 p.m., Trustee Namnath arrived at 5:19 p.m. and Trustee Conti arrived at 5:23 p.m. Also present were Dr. David Wain Coon, Mr. Al Harrison; Dr. Rebecca Kenney, Mr. Bruce Heid and Ms. Nancy Klein.

C. Reconvene to Open Session
1. Call to Order, Roll Call and Adoption of Agenda
   Board President Conti called the open session of the meeting of the Board of Trustees of the Marin Community College District to order at 6:57 p.m. in the Student Services Building Cafeteria at the Kentfield Campus and asked the Clerk to call roll. All publicly elected officials were present. Student Trustee Scott Blood, Dr. David Wain Coon, Ms. Angelina Duarte, Mr. Al Harrison and Dr. Rebecca Kenney were also present. M/s (O’Brien/Treanor) to adopt the agenda. The motion passed 7-0 plus an advisory aye vote by Student Trustee Blood.
2. **Report from Closed Session**
   Clerk Namnath reported no action was taken during closed session.

3. **Public Comment**
   A. **Comments regarding items not on the Agenda:**
      Mr. Patrick Kelly commented that the Physical Sciences department has acted on several directives given by the Board, including offering more weekend and evening courses and arranging course scheduling so that transfer students are able to complete their courses in two years. Most students are on a five-semester track and this is possible because summer courses are available. He stated his concern about a 12-unit cut to the Physical Sciences Department and about cutting summer school. He requested that departments be given the opportunity to make decisions about necessary cuts that will have the least impact on students and not devastate programs.
   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. **2012/13 Adoption Budget**
      President Coon shared the Budget Power Point he had presented at Convocation earlier in the day (http://www.marin.edu/WORD-PPT/DWC-Convocation-budget-Final.pdf). Moving forward the College will use a multi-year plan that reduces the budget by $1.2 million the first year, $1.8 million the second year and $300,000 in years three and four. This will close the deficit over a period of years and allow us to rebuild the reserve. He noted that this plan addresses the guiding principles set by the Board in May and allows us to respond to changes, both good and bad as they occur. He further commented that we are looking at options that will increase revenues and reduce expenditures as noted in the presentation. Funding has been added to address accreditation initiatives and help maintain core classes and services. He is asking employees for recommendations that might help make the college more efficient and effective. Trustees commented that we have been more fortunate than other colleges and that it is important that we work together collectively to make decisions and come up with solutions. Having a large reserve helped us get through a rough time, but it is important to build it back up. There were comments that we must do something about the high percentage of the budget that goes to salaries and benefits. There were suggestions to review summer session again taking into consideration the classes that are critical for student transfer. The College must decide who we are, who we serve and what we need and build the budget based on that information. Trustees thanked President Coon and Mr. Harrison and encouraged everyone to work together through these financial difficulties and see them as a challenge and an opportunity for change.

5. **Public Hearing on 2012/13 Adoption Budget**
   President Conti opened the Public Hearing on the 2012/2013 Adoption Budget for comment.
at 7:46 p.m. There being no comment President Conti called for a motion to approve the 2012/13 Adoption Budget.

A. **M/s (O’Brien/Namnath) to approve the 2012/13 Adoption Budget.** Mr. Harrison and President Coon answered questions from Trustees about the Dental/Vision Self Insurance Fund, Child Development Fund, the Retiree Unfunded Benefits Irrevocable Trust, telephone and gas increases and increases in Contract Services, and Audits and Elections. Trustees requested future information clarifying the Child Development Program budget and a break out of the contract services costs for Technology, Advancement and International Students. **Motion carried 6-1 with Trustee Dolan voting no. Student Trustee Blood cast an advisory aye vote.**

6. **Academic Senate Report** – Sara McKinnon shared a binder of matrices with the Board for their information. A copy of the Academic Senate Report is attached.

7. **Classified Senate Report** – Alice Dieli presented the Classified Senate Report (attached).

8. **Student Association Report** - Student Trustee Scott Blood reported that the Associated Students met and unanimously approved the Health Fee Increase noting how important those services were to students. They requested that students be included in discussions related to proposed student fee increases. The students are also putting together a mini-grant program and looking for potential funding areas to support student success.

President Conti entertained a motion to revise the agenda to hear the Legislative Report prior to consent items. **M/s (O’Brien/Kranenburg) to revise the agenda as above stated. Motion carried 7-0 with Student Trustee Blood casting an advisory aye vote.**

13.B. **Legislative Report** – Trustee O’Brien noted that Trustees had received a legislative update report from Kerry Mazzoni (attached). She noted that Dr. Coon had prepared two letters of support for AB 2164 and SB 1509, however AB 2164 has been held in the Senate Appropriations Committee. The summary report tracks all of the bills we have requested be monitored. Ms. Mazzoni will attend the September meeting to update the Board on the bills that have been signed.

9. **Consent Calendar Items (Roll Call Vote)**

   **Chris Edmondson** addressed the Board on Item C.9.D (copy of comments attached).

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

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

C. **Approve Classified Supervisory Personnel Recommendation**

D. **Approve Classified Management Personnel Recommendation** – *Item C.9.D. was moved from Consent to Action*

E. **Approve Short Term Hourly Positions**

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

G. **Budget Transfers - Month of July FY 2012/13**

H. **Warrant Approval**

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

J. **Modernization (Measure C)** *Item C.9.J. was moved from Consent to Action*
   1. **Ratify/Approve Modernization Contracts, Changes and Amendments ($2,526,634.73)**
   2. **Declaration of Surplus Disposal**
      - PA & FA Relocation (850I) & Austin Science Center Relocation (850E)

**M/s (Treanor/O’Brien) to approve C.9.D. Classified Management Personnel Recommendation.** President Coon answered Trustees’ questions about the job description, advancement/fund development duties and legal review. He indicated that fund development duties generally reside in the area tasked with communications, outreach, marketing, and alumni and that this is an appropriate area for this function. He informed the Board that we are setting up the infrastructure, looking at donor tracking software and will create a business plan for outreach to the community to generate additional revenue to support the mission of the College. Additional staffing will be required as we move forward, and we are looking at ways to support with existing positions. **Motion carried 6-0-1 with Trustee Dolan abstaining. Student Trustee Blood did not vote as this was a personnel matter.**

**M/s (Treanor/O’Brien) to approve C.9.J. Modernization (Measure C) Items 1 & 2.** Trustee Dolan noted that she has requested that Measure C items be listed as action items so there
can be discussion. Ms. McCarty answered questions about contract changes listed in the item. **Motion carried 6-1 with Trustee Dolan voting no. Student Trustee Blood cast an advisory aye vote.**

10. Other Action Items
A. M/s (Treanor/O’Brien) to approve Marin County Office of Education Use Agreement. President Coon answered questions about the rent as well as the collaborative nature of the agreement. **Motion carried 7-0. Student Trustee Blood cast an advisory aye vote.**

Trustee O’Brien left the meeting at approximately 8:40 p.m.

B. Modernization (Measure C)
1. M/s (Treanor/Namnath) to Approve Change Order #13 and Resolution #08-21-2012 C.10.B.1. Attesting No Benefit to Bidding out Change Order Work ($165,516.00) 
Midstate Construction Corporation Inc. Performing Arts Modernization Project (306A). **Motion carried with a roll call vote 6-0-1. Trustee O’Brien was not present. Trustee Treanor noted that her sister works at Midstate Construction but she has no ownership interest or interest in this project. Student Trustee Blood cast an advisory aye vote.**

2. M/s (Treanor/Namnath) to approve Amendment #6 to Long Form Professional Services Agreement, SCMP Increments 2 & 3, Site Development & Building Project (305A) ED2 International – Supplemental Design Services ($243,250.00) 
Trustees noted that a change of this amount warranted a full discussion at some point, especially given they are just hearing about it. Director of Modernization McCarty answered questions about the waterproofing portion of the design and will bring a full report to the next meeting. **Motion carried 6-0-1. Trustee O’Brien was not present. Student Trustee Blood cast an advisory aye vote.**

3. M/s (Treanor/Kranenburg) to approve Project Funds Transfer, Child Student Center Project (303C) ($400,000.00). 
President Coon answered questions about the need for additional funds to complete the project as reported at the last Board meeting. There were questions and discussion about the total project cost and building square footage. Ms. McCarty will bring back total cost figures to the Board. It was noted that this item was important to pass tonight due to the tight construction schedule due to the Clapper Rail Season. President Coon will get the cost information to the Board. The changes in projected costs are partly due to lighting and new entrance to project, that were requirements of outside agencies that were not part of the original plan. Trustees shared concerns about the high overruns on the original estimates and cautioned staff they need to have tighter controls on final projections. **Motion carried 4-2-1, with Trustees Dolan and Namnath casting no votes. Trustee O’Brien was not present. Student Trustee Blood cast an advisory aye vote.**

4. M/s (Treanor/Kranenburg) to approve Project Funds Transfer, FA Building Weatherization Project (206D) ($150,000.00). Trustee Dolan expressed her concern with use of taxpayer dollars on a project that was not handled properly. **Motion carried 4-2-1**
with Trustees Dolan and Namnath casting no votes. Trustee O’Brien was not present. Student Trustee Blood cast an advisory aye vote.

5. M/s (Treanor/Conti) to approve Project Funds Transfer, District Legal Counsel (831A) ($550,000.00) Dannis Woliver Kelley. Ms. McCarty answered questions about details of the transfer and how the amount was estimated. Trustee Treanor amended her motion to authorize the Board approve a transfer of funds in the amount of $320,000. The revision to the motion was accepted by Trustee Conti. Motion carried 5-1-1 with Trustee Dolan voting no. Trustee O’Brien was not present. Student Trustee Blood cast an advisory aye vote.

Student Trustee Blood left the meeting at 9:00 p.m.

6. M/s (Treanor/Kranenburg) to approve Pre-Authorization to Award a Construction Contract, Child Study Center – Increment One Project (303C). Trustee Namnath noted that he would be casting a no vote due to the high cost over the original estimate. Trustee Dolan also noted she would also vote no due to excessive costs. Trustees commented that the Board had already authorized the project and approved the contract for construction. Motion did not carry with a tie vote; Trustees Dolan, Namnath and Long voting no and Trustees Conti, Kranenburg and Treanor voting yes. There was significant discussion about the process for reconsidering this item at the current meeting, tabling the item to be heard at the September 8 Retreat or a calling a special meeting. Ms. McCarty explained the significance of moving on this project within schedule due to the Clapper Rail season, and the risk of putting the project on hold for another year. Approving this item allows them to move to award the bid, if within the estimate, and start construction as close to September 1 as possible. Trustees supported moving forward as discussions have already taken place, the project has been approved and delaying will be costly. Others stated their concerns with the high costs and future funding for the program. Trustee Namnath stated as a point of order that it was not clear what the process was for a tie, however with a motion and second from Trustees who vote aye and no, it was agreed this was appropriate. M/s (Long/Treanor) to reconsider approval of Item 10.B.6. with strong concerns about additional costs and time delays on the project. Motion carried 4-1-1-1, with Trustee Dolan voting no and Trustee Namnath abstaining. Trustee O’Brien and Student Trustee Blood were not present.

7. M/s (Namnath/Long) to approve Amendment #2 for Additional Architectural Design Services, Austin Science Center Alterations (structural) Project (301B) Noll & Tam Architects and Planners ($111,160.00). There was concern expressed with authorizing additional structural design work pending written results of the investigation and assessment report. Ms. McCarty and Ms. Daley of Swinerton clarified what the costs in this item were for, stating that the report is ready and will be brought to the Board in September. There was a question that approving this item would not authorize additional
structural work, which was confirmed. Motion carried 5-1-1 with Trustee Dolan voting no. Trustee O’Brien and Student Trustee Blood were not present.

Trustee Namnath confirmed that if a tie vote occurs, it is considered a defeat and only the prevailing party can reconsider the vote. Trustee Long’s reconsideration of the motion was proper.

M/s (Treanor/Kranenburg) to merge Items C.10.C through C.10.G. to be considered and voted on as one item. Trustee Dolan requested that C.10.D. and C.10.G. be considered separately. M/s (Treanor/Kranenburg) amended the motion to merge items C.10.C, E. and F. to be considered and voted on as one item. Motion carried 6-0-1. Trustee O’Brien and Student Trustee Blood were not present.

M/s (Namnath/Treanor) to waive the reading of the Resolutions and waive the official signature page for these resolutions. Motion carried 6-0-1. Trustee O’Brien and Student Trustee Blood were not present.

C. Approve Resolution #08-21-2012 C.10.C. In Support of Constitution Day
E. Approve Gann Appropriations Limit for 2012/13 Resolution #08-21-2012 C.10.E.
F. Approve Resolution #08-21-2012 C.10.F. Authorizing Governing Board to Enter into Agreement Number 21-6538-00-2, California State Preschool Program CSPP-2274 and Signature Authorization
D. Approve Resolution #08-21-2012 C.10.D. Authorizing Issuance of Election of 2004 General Obligations Bond, Series D. M/s (Kranenburg/Treanor) to approve. Motion carried 5-1-1, with Trustee Dolan voting no. Trustee O’Brien and Student Trustee Blood were not present.
G. Approve Resolution #08-21-2012 C.10.G. Use of Property for Weather Station and Land Use Agreement. M/s (Treanor/Kranenburg). Motion carried 5.1.1 with Trustee Dolan voting no. Trustee O’Brien and Student Trustee Blood were not present.

Board President Conti referred Board members to their packets for Board Policy Review and Future Agenda Items.

11. Board Policy Review (1st Reading)
   BP 3420 Equal Employment Opportunity
   BP 3520 Local Law Enforcement
   BP 3715 Intellectual Property
   BP 3820 Gifts
   BP 4020 Program, Curriculum and Course Development
   BP 5800 Prevention of Identify Theft in Student Financial Transactions
   BP 7130 Compensation
   BP 7380 Retiree Health Benefits – Academic Employees
12. **Future Agenda Items**
   A. Review Mission Statement/Strategic Planning
   B. Pension Reform
   C. Distance Education
   D. WASC Interim Report
   E. Renewal of MOU for California Irrigation Management Information System

13. **Board Reports and/or Requests**
   A. **Committee Chair Reports** - None
   B. **Legislative Report** – This was presented earlier in the meeting.
   C. **Individual Reports/or Requests** – Trustee Long received a letter requesting the College study the uses of multiple locations on the Kentfield campus if they are no longer be used for educational purposes, including sites located in the flood plain and at higher elevations. President Coon noted that Trustee Long had forwarded this information to him and he is researching background information and checking with legal services on this matter.

   Trustee Treanor noted that there has been an amazing response by staff to respond to WASC and it was expressed that the Board would do their part to complete their response. She thanked her fellow Board members for working to come together on the 8th and the 15th to get that work done and provide that evidence for WASC. She also shared that positive information is getting out to the community about the college with radio and television ads and on buses and bus shelters.

   Trustee Long noted that after this meeting the Board’s Goals and Objectives will be ready for the retreat.

14. **Approval of Minutes**
   - **M/s (Treanor/Kranenburg) to approve the minutes of the July 17, 2012 Board Meeting.** Motion carried 6-0-1. Trustee O’Brien and Student Trustee Blood were not present.
   - **M/s (Treanor/Long) to approve the minutes of the July 27, 2012 Special Board Meeting Retreat.** Motion carried 5-0-1-1. Trustee Namnath abstained since he did not attend the meeting. Trustee O’Brien and Student Trustee Blood were not present.

   Board President Conti referred Board members to their packets to review the Information items.

15. **Information Items (see written reports)**
   A. **Contracts and Agreements for Services – July 2012**
   B. **Fourth Quarter Financial Status Report and CCFS-311Q for 2011/12**
   C. **Modernization Update**
      1. Director’s Report
      3. Program Schedule
   D. **Administrative Procedures**
AP 3250 Local Law Enforcement
AP 3715 Intellectual Property
AP 4020 Program, Curriculum and Course Development
AP 4023 Course Approval
AP 4260 Prerequisites, Co-requisites and Advisors
AP 5010 Admissions
AP 5011 Admissions of High School & Other Young Students
AP 5031 Instructional Materials Fees
AP 5800 Prevention of Identity Theft in Student Financial Transactions

E. Calendar of Special Events
   School Starts August 22, 2012
   Labor Day Holiday September 3, 2012 (Corrected from Agenda)
   Constitution Day September 17, 2012

16. Correspondence

17. Board Meeting Evaluation – No Comments

18. Adjournment
   M/s (Treuror/Long) to recess to Closed Session to discuss Item 3. Public Employee Performance Evaluation and Item 4. Conference with Legal Counsel Existing Litigation, Mize-Kurzman. Motion carried 6-0-1. Trustee O’Brien and Student Trustee Blood were not present.
   The Board recessed to closed session at 9:50:p.m. All trustees were present except Trustee O’Brien. Larry Frierson was also present.
   There was not action taken in closed session.
   M/s (Long/Kranenburg) to adjourn meeting. Meeting adjourned at 10:18 p.m.