

**SAN MATEO COUNTY COMMUNITY COLLEGE DISTRICT BOARD AGENDA
REGULAR MEETING**

May 9, 2007

**Skyline College, Building 6, Room 6204
3300 College Drive, San Bruno, CA 94066**

NOTICE ABOUT PUBLIC PARTICIPATION AT BOARD MEETINGS

The Board welcomes public discussion.

- * *The public's comments on agenda items will be taken at the time the item is discussed by the Board.*
 - * *To comment on items not on the agenda, a member of the public may address the Board under "Statements from the Public on Non-Agenda Items"; at this time, there can be discussion on any matter related to the Colleges or the District, except for personnel items. No more than 20 minutes will be allocated for this section of the agenda. No Board response will be made nor is Board action permitted on matters presented under this agenda topic.*
 - * *If a member of the public wishes to present a proposal to be included on a future Board agenda, arrangements need to be made through the Chancellor's Office at least seven days in advance of the meeting. These matters will be heard under the agenda item "Presentations to the Board by Persons or Delegations." A member of the public may also write to the Board regarding District business; letters can be addressed to 3401 CSM Drive, San Mateo CA 94402.*
 - * *Persons with disabilities who require auxiliary aids or services will be provided such aids with a three-day notice. For further information, contact the Executive Assistant to the Board at (650) 358-6753.*
 - * *Regular Board meetings are taped; tapes are kept for one month.*
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6:00 p.m. ROLL CALL

Pledge of Allegiance

DISCUSSION OF THE ORDER OF THE AGENDA

MINUTES

07-5-1 [Minutes of the Regular Meeting of the Board of Trustees of April 25, 2007](#)

PRESENTATIONS TO THE BOARD BY PERSONS OR DELEGATIONS

07-5-1C [Presentation of Award to Brian Horwitz](#)

07-5-2C [Information Report on the Connection Between Changing Property Values and School Finance](#)

07-5-3C [Teaching and Learning Series: First Year Experience](#)

STATEMENTS FROM EXECUTIVES AND STUDENT REPRESENTATIVES

STATEMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

NEW BUSINESS

07-5-1A [Approval of personnel actions: changes in assignment, compensation, placement, leaves, staff allocations and classification of academic and classified personnel](#)

- 07-5-2A [Re-Employment of Contract and Regular Faculty for the 2007-08 Academic Year](#)
- 07-5-3A [Approval of Memorandum of Understanding Between the District and the American Federation of State, County and Municipal Employees, Local 829, Council 57 \(AFSCME\)](#)

Approval of Consent Agenda

All items on the consent agenda may, by unanimous vote of the Board members present, be approved by one motion after allowing for Board member questions about a particular item. Prior to a motion for approval of the consent agenda, any Board member, interested student or citizen or member of the staff may request that an item be removed to be discussed in the order listed, after approval of remaining items on the consent agenda.

- 07-5-1CA [Approval of Trustees Fund for Program Improvement Projects for Cañada College](#)
- 07-5-2CA [Approval of Community Education Basketball League, Summer 2007](#)
- 07-5-3CA [Approval of Community Education Senior Fitness Program, Summer 2007](#)
- 07-5-4CA [Approval to Amend Agreement with SPURR for Purchase of Non-Core Gas](#)

Other recommendations

- 07-5-1B [Information and Possible Action on AB 1525 and SB 823 – Private Postsecondary and Vocational Education](#)
- 07-5-100B [Contract Award for Beverage Pouring Rights](#)
- 07-5-101B [Adoption of Resolution Numbers 07-3 and 07-4, California Uniform Public Construction Cost Accounting Act](#)
- 07-5-102B [Consideration of Service Award for 2006-2007 Student Trustee](#)
- 07-5-103B [Contract Award for Building 3 Bleacher Replacement, Skyline College](#)
- 07-5-104B [Contract Award for Building 2 Telecommunications Classroom Renovation at Skyline College](#)

INFORMATION REPORTS

- 07-5-4C [Draft of Amended Agreement Between the District and the Foundation](#)

STATEMENTS FROM BOARD MEMBERS

COMMUNICATIONS

RECESS TO CLOSED SESSION

1. Closed Session Personnel Items
 - A. Public Employment
 1. Employment: **College of San Mateo** – Instructional Aide II, Language Arts; Math Instructor, Math/Science; **Skyline College** – Cosmetology Aide; Business; **District** – Payroll Clerk II, Administrative Services; Swing Shift Custodian, Facilities Planning & Operations
 2. Reemployment: **College of San Mateo** – Nursing Instructor, Math/Science

B. Public Employee Discipline, Dismissal, Release

CLOSED SESSION ACTIONS TAKEN

ADJOURNMENT

Unadopted Minutes of the Meeting of the Board of Trustees
San Mateo County Community College District
April 25, 2007
San Mateo, California

The meeting was called to order at 6:10 p.m.

Board Members Present: President Hausman, Vice President-Clerk Holober (arrived at 6:40 p.m.), Trustees Mandelkern, Miljanich and Schwarz, and Student Trustee Young

Others Present: Chancellor Galatolo, Executive Vice Chancellor Keller, Skyline Vice President Adrian, CSM Vice President Sonner, Cañada Interim President Mohr, and Districtwide Academic Senate President Kapp

Pledge of Allegiance

DISCUSSION OF THE ORDER OF THE AGENDA

None

MINUTES

It was moved by Trustee Miljanich and seconded by Trustee Mandelkern to approve the minutes of the Study Session of the Board of April 11, 2007. The motion carried, all members voting "Aye."

PRESENTATIONS TO THE BOARD BY PERSONS OR DELEGATIONS

Teaching and Learning Series – Writing Across the Curriculum (07-4-3C)

Vice Chancellor Jing Luan introduced Susan Estes, Dean of Language Arts at College of San Mateo, who led the discussion on Integrative Learning at CSM. Dean Estes introduced Professors Jean Mach, Language Arts; Jeremy Ball, Philosophy; and Mike Burke, Math. These professors are part of a Leadership Team sponsored by the Carnegie Foundation and have given presentations on integrative learning at national conferences. They shared in presenting the report.

The Integrative Learning Initiatives at CSM are: Learning Communities; Writing Across the Curriculum (WAC); Electronic Portfolios and the Digital Teaching and Learning Consortium; the Integrative Learning Center; and the Center for the Scholarship of Teaching and Learning (SoTL Center) and CSM Scholar Program. There are three main pedagogical goals: student retention; deep, integrative learning; and professional development.

The first Integrative Learning Initiative was the establishment of Learning Communities with hard-linked courses and confluence models. Hard-linked courses allow a group of students to stay together for a series of courses, providing continuity. The confluence model has a large group of students meeting four or five times per semester with the entire group focusing on one issue. Guest speakers are sometimes invited to these meetings.

Professor Mach said that in classes which did not have writing requirements, some students were writing below transfer level. In response, a Writing Across the Curriculum (WAC) pilot program was launched. In 2006, a proposal for this program, with a focus on developmental writers enrolled in transfer-level courses, was submitted to the Carnegie CASTL Campus Leadership Program. The WAC initiative is seen as a key to student retention.

Professor Ball said that electronic portfolios show students how classes are intended to fit together in an integrative way. They are useful in the transfer process and College of San Mateo has partnered with some four-year institutions in this regard. Professor Burke added that e-portfolios could also be useful when students are applying for jobs.

Professor Burke said that an Integrative Learning Center is needed so that students can receive coordinated help in one place. The Center will house skill labs as well as Student Services.

Dean Estes said that because teaching often takes place in an isolated environment, the SoTL Center will provide the opportunity for faculty to communicate with colleagues and build on the work of others in a structured, coherent way. Current faculty attendance at WAC and Learning Communities meetings is high. The CSM Scholar Program, modeled on the Carnegie Scholar Program, began last fall. Faculty will submit proposals for teaching research projects that will serve the needs of students.

Trustee Miljanich asked if the research has an application to high schools. Professor Mach said there are ongoing meetings with high schools. The e-portfolio model opens up discussions with high schools regarding curriculum. Professor Ball added that e-portfolios from the high school could transfer to CSM with the students and may be a better indicator than transcripts of how a student is performing.

Trustee Miljanich raised the issue of motivating students. Professor Ball said that while professors expect students enrolled in transfer-level classes to be able to write at transfer level, many students are not able to do so. Some students in this situation feel inadequate and drop out. These students need to be supported in ways other than office hours. When teams of faculty members go into the classrooms, students feel engaged and respond.

Trustee Schwarz said that Learning Communities are a unique and positive idea, and asked what the other Colleges are doing in this regard. President Morrow said that pieces of the CSM program are in place at Skyline, but not in conjunction with the Carnegie Foundation. President Mohr talked about the First Experience program at Cañada College and said the students in this group have a higher retention rate and better performance. Professor Ball noted that Vice Chancellor Luan has initiated conversations at the District level.

Student Trustee Young asked if there has been student input on choosing classes to link, and if there has been feedback from students who have been involved in Integrative Learning. Professor Mach said there have been a number of assessment tools, including student surveys. She added that student suggestions on linking classes would be welcome.

STATEMENTS FROM EXECUTIVES AND STUDENT REPRESENTATIVES

Chancellor Galatolo addressed the issue of emergency procedures in light of the tragic event at Virginia Tech University. He said the District and the Colleges have conducted mock emergency situations and have coordinated procedures with local agencies. To communicate with students during an emergency, options are:

- Students' personal email – addresses of 88% of students are available
- Calling system – limited because there are not enough telephone lines
- Cell phones – staff are exploring the possibility of using text messaging
- Carillon system – for mass communication

To communicate with faculty and staff, methods include email, voice mail and web sites. The District is also studying surveillance systems and lockdown procedures.

Chancellor Galatolo announced that College Vista has been named a Merit Award winner in the annual Pacific Coast Builders Conference representing builders in the 14 western states. It is now in competition with four other projects for the Merit Award grand prize. He commended the work done by Director of Community and Government Relations Barbara Christensen.

Adding to her written report, Skyline President Morrow informed the Board that the Balanced Scorecard will be the topic at a future Study Session.

Adding to his written report, College of San Mateo President Claire provided photos taken at the Earth Day Beach Cleanup in Half Moon Bay. President Claire also said that he has learned about many students who have benefited from concurrent enrollment and who now attend College of San Mateo because of their experience.

Expanding on his written report, Cañada President Mohr said that there are plans to extend the Kinder Camiñata program; something similar will be done for middle school students next year. President Mohr also noted that the Middle College will expand by 30 students next year and 30 more the year after. The additional cost for textbooks will be absorbed by the high school district. There is outreach to charter schools to expand awareness of the Middle College.

Executive Vice Chancellor Keller reported on the status of the Planetarium at College of San Mateo. Work is proceeding to replace the Star projector and to find out what caused the activation of the deluge system. The building cannot be reoccupied for classes until the cause is known and a new fire suppression system is installed. The investigation is in progress to determine the cause.

Districtwide Academic Senate President Kapp said he appreciated the presentation on Writing Across the Curriculum and commented that it helped show some of the things in which faculty are involved. President Kapp said that at the State Academic Senate Plenary Session, there was discussion about basic skills and how faculty interact with one another.

Harry Simms, President of Associated Students of College of San Mateo (ASCSM), reported that ASCSM has been involved in District and College governance, accreditation studies, the selection committee for the Vice President of Instruction, and development of a statewide student senate. Events and activities sponsored or co-sponsored by ASCSM include production of student body cards; an information booth at the beginning of spring semester; the Service and Leadership Conference; Welcome Day and Club Day; the Christian Fellowship barbeque; the Walk Your Way to Health event; the Get Linked Volunteer and Career Fair; the attendance of three ASCSM representatives at the Association of Community Colleges conference in Washington, D.C.; and the annual CSM Health Fair. Trustee Schwarz asked about students' role in the debate on smoking on campus. Mr. Simms said that the College Council, with student input, unanimously recommended the creation of smoking zones.

STATEMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

None

NEW BUSINESS

APPROVAL OF PERSONNEL ACTIONS: CHANGES IN ASSIGNMENT, COMPENSATION, PLACEMENT, LEAVES, STAFF ALLOCATIONS AND CLASSIFICATION OF ACADEMIC AND CLASSIFIED PERSONNEL (07-4-2A)

It was moved by Trustee Mandelkern and seconded by Trustee Miljanich to approve the actions in Board Report No. 07-4-2A. The motion carried, all members voting "Aye."

APPROVAL OF CONSENT AGENDA

The Consent Agenda consists of the following Board Reports:

- 07-4-2CA Approval of Community Education Youth Program, Summer 2007
- 07-4-3CA Approval of Community Education College of San Mateo Baseball Camp, Summer 2007
- 07-4-4CA Approval of Community Education Soccer Camps, Summer 2007
- 07-4-5CA Declaration of Surplus Property
- 07-4-6CA Ratification of Third Quarter District Warrants, 2006-2007
- 07-4-7CA Approval of Voluntary International Student Insurance Program, 2007-08
- 07-4-8CA Renewal of Agreements with American Institute for Foreign Study (AIFS), 2007-08
- 07-4-9CA Approval to Amend Cell Site Use Permit with Verizon Wireless at College of San Mateo

Trustee Mandelkern asked if the insurance coverage described in Board Report 07-4-7A was available to domestic students as well as international students. Executive Vice Chancellor indicated that the insurance offered to domestic students is a different policy. Staff will research the differences and report back to the Board. After this discussion, it was moved by Trustee Schwarz and seconded by Trustee Mandelkern to approve the Consent Agenda. The motion carried, all members voting "Aye."

Other recommendations

AUTHORIZATION TO AMEND PROGRAM STABILIZATION AGREEMENT FOR CIP II (07-4-100B)

It was moved by Trustee Schwarz and seconded by Vice President Holober to approve the amendment to the Program Stabilization Agreement for CIP II. Vice Chancellor José Nuñez acknowledged the following local union representatives who were in attendance: Frank Aguerre, International Electrical Workers; Timothy O'Connell, Sheet Metal Workers; James Ruigomez and Tony Tofani, District Council No. 16. Vice Chancellor Nuñez said that over the last three years, approximately \$300 million worth of work was completed for CIP I under the Project Labor Agreement (PLA). The Agreement has guaranteed efficient, high quality construction and timely completion. Vice Chancellor Nuñez invited Bill Nack of the Building and Construction Trades Council of San Mateo County, AFL-CIO, to address the Board. Mr. Nack said that with the District's PLA, a partnership was developed and labor harmony ensued. He thanked the Board for their support. He said that the Council supports the amendment and that the District will enjoy projects of the highest caliber for the additional construction under CIP II. Vice President Holober expressed his support for the amendment and noted that the District is spending funds in ways that honor working within the community and ensuring workers a living wage. He added that the District's PLA is widely known to be a model for other districts. Trustee Mandelkern added his support, commenting that the quality of work done on projects under the PLA would compare favorably with any in the state or country at two- or four-year institutions. After this discussion, the motion to approve carried, all members voting "Aye."

CONTRACT REJECTION FOR CONSTRUCTION BID PACKAGES FOR CAÑADA COLLEGE BUILDINGS 16 AND 18 MODERNIZATION (07-4-101B)

It was moved by Trustee Miljanich and seconded by Vice President Holoher to approve rejection of the bid packages as described in the Report. Vice Chancellor Nuñez told the Board that this was a three phase project and it was anticipated that it would be completed in 18 months. However, it was not attractive to the construction community and not enough bids were received; therefore, it will not be brought to the Board for approval at this time. The project will be put out for bid again as a one hard-bid project which should make it more attractive to contractors. Swinerton Construction Manager Leigh Sata said the project can still be finished at the same time as scheduled because the buildings will be vacated. Chancellor Galatolo said that in planning a phased construction, the District was attempting to remodel laboratories and science classrooms at the same time as conducting classes in the buildings. The lesson learned is that the buildings need to be vacated during construction. President Mohr said that Vice Chancellor Nunez called for a meeting immediately upon finding problems with the bids. They met with Science faculty and staff as well as Swinerton Management representatives. The faculty and staff have been extremely cooperative, indicating a willingness to vacate the buildings. The faculty has been assured that the project will go forward and not be mitigated in any way. Trustee Mandelkern asked about the cost impact of the unplanned swing space that will be required. Vice Chancellor Nuñez said it is unknown at this time. Faculty have suggested ways to minimize the need, including sharing labs, modifying experiments and using virtual labs.

Trustee Mandelkern asked why there was such a wide spread between bids, as shown on the Report. Vice Chancellor Nuñez said that when bids have missing documents, they become non-responsive. It is illegal to ask non-responsive bidders to provide missing documentation.

After discussion, the motion to reject the bid packages as described in the Report carried, all members voting “Aye.”

INFORMATION REPORTS

None

STATEMENTS FROM BOARD MEMBERS

Vice President Holoher attended Professor Janatpour’s art lecture at College of San Mateo. Vice Holoher asked the Board if they would be interested in placing an action item on the agenda for the next meeting regarding private postsecondary and vocational education. He said there are currently two bills moving through the legislative on this issue. The Board agreed and Vice President Holoher will prepare the information.

Trustee Mandelkern said there are additional software solutions available to assist in emergency procedures, such as the ability to use pop-ups on any network in order to get people’s attention. Trustee Mandelkern reported on his attendance at the Progress Seminar. He said that he was given positive reaction to the proposed faculty and staff housing and that members of the Redwood City Council would like to have a joint meeting with the District. Chancellor Galatolo said that negotiation is proceeding with the Town of Woodside to get the proposed property site annexed to Redwood City.

Trustee Schwarz noted that last week was designated “Week of the Child” and children at the College of San Mateo Child Development Center led a parade around campus, followed by a speech by President Claire.

COMMUNICATIONS

None

RECESS TO CLOSED SESSION

The Board recessed to Closed Session at 8:30 p.m.

The Board reconvened to Open Session at 9:25 p.m.

CLOSED SESSION ACTIONS TAKEN

President Hausman reported that, at the Closed Session just concluded, the Board considered the personnel items listed on the printed agenda and voted 5-0 to approve the actions in Board Report No. 1-A and 1-B.

ADJOURNMENT

It was moved by Trustee Schwarz and seconded by Trustee Mandelkern to adjourn the meeting. The motion carried, all members voting "Aye." The meeting was adjourned at 9:26 p.m.

The next meeting of the Board will be a Study Session on May 9, 2007 in the District Board Room.

Submitted by

Ron Galatolo
Secretary

Approved and entered into the proceedings of the May 9, 2007 meeting.

Richard Holober
Vice President-Clerk

PRESENTATION OF AWARD TO BRIAN HORWITZ

There is no printed report for this agenda item.

San Mateo County Community College District

May 9, 2007

BOARD REPORT NO. 07-5-2C

TO: Members of the Board of Trustees

FROM: Ron Galatolo, Chancellor-Superintendent

PREPARED BY: Barbara Christensen, Director of Community/Government Relations,
574-6510

**INFORMATION REPORT ON THE CONNECTION BETWEEN CHANGING PROPERTY
VALUES AND SCHOOL FINANCE**

The office of Warren Slocum, San Mateo County Assessor-County Clerk-Recorder, has developed a presentation entitled, "*Keeping the Promise for the Next Generation: Making the Connection Between Changing Property Values and School Finance.*" The presentation will address how the assessment process works, how (and when) current economic trends will affect a district's budget and how to understand the "threats" that exist to the financial stability of the property tax revenue of a district.

TEACHING AND LEARNING SERIES:

FIRST YEAR EXPERIENCE

There is no printed report for this agenda item.

BOARD REPORT 07-5-1A

TO: Members of the Board of Trustees
FROM: Ron Galatolo, Chancellor-Superintendent
PREPARED BY: Harry W. Joel, Vice Chancellor, Human Resources and Employee Relations
(650) 358-6767

APPROVAL OF PERSONNEL ITEMS

A. Reassignment

Skyline College

1. **Barbara Lamson** Financial Analyst Business Services

Promoted from Program Services Coordinator, effective April 12, 2007, replacing Rachelle Minong who was reassigned.

B. Changes in Staff Allocation

Cañada College

1. Recommend an increase in staff allocation to add one 87% (6.5 hours per day), 11-month per year Senior Library/Media Technician position (Grade 21 of the Classified Salary Schedule 60), effective May 10, 2007.

Districtwide

1. Recommend creation of a new administrative classification, "Executive Director, Foundation," at Grade AV of the Management Salary Schedule 20, effective May 10, 2007.

Also recommend an increase in staff allocation to add one full-time, 12-month per year Executive Director, Foundation position in the Foundation Office, effective May 10, 2007.

2. Recommend creation of a new administrative classification, "Director of Development," at Grade CC of the Management Salary Schedule 20, effective May 10, 2007.

Also recommend an increase in staff allocation to add one full-time, 12-month per year Director of Development position in the Foundation Office, effective May 10, 2007.

3. Recommend creation of a new classified supervisory classification, "Foundation Business Manager," at Grade 195S of the Classified Professional/Supervisory Salary Schedule 40, effective May 10, 2007.

Also recommend an increase in staff allocation to add one full-time, 12-month per year Foundation Business Manager position in the Foundation Office, effective May 10, 2007.

4. Recommend an increase in staff allocation to add one full-time, 12-month per year Staff Assistant position in the Foundation Office (Grade 21 of the Classified Salary Schedule 60), effective May 10, 2007.

C. Short-Term, Non-Continuing Positions

<i>Location</i>	<i>Division/Department</i>	<i>No. of Pos.</i>	<i>Start and End Date</i>		<i>Services to be performed</i>
CSM	President's Office/Institutional Advancement Office	1	05/10/07	06/30/07	Program Services Coordinator: Conduct focus groups in connection with enrollment management
CSM	Technology/ Community Education	1	07/01/07	06/30/08	Office Assistant I: Clerical support for Community Education Department

BOARD REPORT NO. 07-5-2A

TO: Members of the Board of Trustees

FROM: Ron Galatolo, Chancellor-Superintendent

PREPARED BY: Harry W. Joel, Vice Chancellor, Human Resources and Employee Relations
(650) 358-6767

**RE-EMPLOYMENT OF CONTRACT AND REGULAR FACULTY
FOR THE 2007-08 ACADEMIC YEAR**

The academic employees listed below were evaluated during the 2006-07 academic year in accordance with District policy and collective bargaining agreement and are recommended for re-employment pursuant to the Board of Trustee's authority by the California Education Code.

RECOMMENDATIONS

- A. It is recommended that the following Contract I employees be re-employed in Contract II status for the 2007-08 academic year:

Steven Aurilio	Melissa Komadina
Martin Bednarek	Lucia Lachmayr
Nicole Borg	Jennifer Lisses
Michelle Brown	Teresa Morris
Salameh Eslamieh	Nathaniel Nevado
David Gibbs	Harutiun Nishanian
Margaret Harris-Ryan	Kevin Sinarle
Joyce Heyman	Michael Stanford
Jonathan Kitamura	

- B. It is recommended that the following Contract II employees be re-employed in the first year of Contract III/IV status for the 2007-08 academic year:

Kevin Corsiglia	Michael Moynihan
Norman del Prado	Carol Rhodes
Liza Erpelo	Kristiane Ridgway
Michael Galisatus	James Robertson
Andria Haynes	Leigh Anne Sippel
Arturo Hernandez	Brandon Smith
Pamela Jones	Huy Tran
Yin Mei Lawrence	Kathryn Williams-Browne
Robert Lee	George Wright
David Meckler	

BOARD REPORT NO. 07-5-2A

- C. It is recommended that the following employees be advanced to their second year of Contract III/IV status for the 2007-08 academic year:

Brian Daniel
Lynn Morita
David Patterson
Anthony Perez

Justin Piergrossi
Nathan Staples
Elizabeth Terzakis

- D. It is recommended that the following second-year Contract III/IV employees be advanced to Regular (Tenure) status beginning with the 2007-08 academic year:

Linda Haley
Lezlee Ware

BOARD REPORT 07-5-3A

TO: Members of the Board of Trustees

FROM: Ron Galatolo, Chancellor-Superintendent

PREPARED BY: Harry W. Joel, Vice Chancellor, Human Resources and Employee Relations
(650) 358-6767

**APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN THE DISTRICT AND
THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES,
LOCAL 829, COUNCIL 57 (AFSCME)**

On October 25, 2006, the Board of Trustees approved the creation of a new “Project Engineer” classification at Grade FF of the Facilities Planning & Operations Salary Schedule 70 reporting to the Construction Planning Department. Since that time, the District and AFSCME have evaluated the position description and recommend the revised salary placement as follows:

Project Engineer, Grade GG (newly created salary range):

<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>
\$53,208	\$55,602	\$58,068	\$60,732	\$63,478

It is further recommended that the current salary range for Senior Maintenance Engineer, which is currently labeled GG, be relabeled HH. The salary range for Senior Maintenance Engineer will remain the same.

RECOMMENDATION

It is recommended that the Board of Trustees approve the Memorandum of Understanding between the District and the American Federation of State, County and Municipal Employees, Local 829, Council 57 (AFSCME), effective January 24, 2007.

BOARD REPORT NO. 07-5-1CA

TO: Members of the Board of Trustees
 FROM: Ron Galatolo, Chancellor-Superintendent
 PREPARED BY: James W. Keller, Executive Vice Chancellor, 358-6790

**APPROVAL OF TRUSTEES' FUND FOR PROGRAM IMPROVEMENT PROJECTS
 FOR CAÑADA COLLEGE**

On September 11, 2006, the Board of Trustees approved a special appropriation for the Trustees' Fund for Program Improvement, set at the same level as in prior years, or \$50,000 (Board Report No. 06-9-101B). Additionally, \$53,370.95 was carried over to continue programs committed in prior years but not completed by June 30, 2006. The total 2006-07 allocation and 2005-06 carryover has been allocated as follows:

	06-07 Allocation	05-06 Carryover	Total Funds Available
Cañada College	\$10,227.77	\$11,670.47	\$21,898.24
College of San Mateo	22,846.23	16,718.45	39,564.68
Skyline College	<u>16,926.00</u>	<u>24,982.03</u>	<u>41,908.03</u>
Total	\$50,000.00	\$53,370.95	\$103,370.95

The total funding available for ongoing and new proposals in 2006-07 is \$103,370.95.

Attached as Exhibit A are descriptions of new proposals submitted for 2006-07 by Cañada College for \$4,868.90.

RECOMMENDATION

It is recommended that the Board of Trustees approve the projects submitted by Cañada College in the amount of \$4,868.90, as described in the attached exhibit, for Trustees' Fund for Program Improvement support.

Cañada College
Trustees' Fund for Program Improvement

Project Title: Electronic Portfolio for ECE 366 Students

Project Director: Patricia Dilko

Project Amount: \$3,500

This project will support the development and implementation of an electronic portfolio with Early Childhood 366 students. Early Childhood 366 Practicum in Early Childhood Education is the required student teaching experience for all students who complete certificates and degrees.

Project Title: CACEE (Combined Americanization and Civics Education in English) Training for ESL Faculty

Project Director: Jennifer Castello

Project Amount: \$1368.90

The ESL Department is requesting funds for an ESL faculty training workshop. The title of the training workshop is "CACEE Training for ESL Faculty." CACEE means Combined Americanization and Civics Education in English, and this curriculum has been part of the ESL curriculum at Cañada College since 1995, as the result of a grant from the State of California, which expired in 2000. In the Fall 2007 semester, 9 of the 10 ESL classes which include CACEE curriculum will be taught by adjunct ESL faculty who have never received any training in CACEE content. The ESL Department is committed to honoring our commitment to the State of California to continue to teach this very valuable and beneficial curriculum in our ESL courses; however, ESL faculty need to be trained in order to have the necessary background knowledge to teach this content effectively to the ESL students, most of whom are very interested in and grateful for this curriculum.

BOARD REPORT NO. 07-5-2CA

TO: Members of the Board of Trustees

FROM: Ron Galatolo, Chancellor-Superintendent

PREPARED BY: Lily C. Lau, Director
Community Education, 574-6179

**APPROVAL OF COMMUNITY EDUCATION BASKETBALL LEAGUE
SUMMER 2007**

The Division of Community Education requests the approval of a women's basketball league to be offered in the Summer 2007. The women's basketball league will run in partnership with the College of San Mateo's Physical Education Department and the CSM women's basketball coach, Michelle Warner.

Community Education plans to offer the summer league from June 19 through July 26. High school varsity league play will be offered on Tuesday evenings and high school junior varsity league play will be offered on Friday evenings for six weeks in the College of San Mateo gym. Basketball coaches will register players as a team, and liability forms for each player will be required. The registration fee for each team is \$350, which will pay for referees, player insurance, and a league coordinator. This program will be self-supporting.

RECOMMENDATION

It is recommended that the Board approve the Community Education Women's Basketball League as detailed in the report.

BOARD REPORT NO. 07-5-3CA

TO: Members of the Board of Trustees
FROM: Ron Galatolo, Chancellor-Superintendent
PREPARED BY: Lily C. Lau, Director
Community Education, 574-6179

**APPROVAL OF COMMUNITY EDUCATION SENIOR FITNESS PROGRAM
SUMMER 2007**

The Division of Community Education requests the approval of a Summer Senior Fitness program to be offered at Cañada College in partnership with Cañada P.E. instructor Barbara McCarthy.

The classes will be offered for two 3-week sessions: First session will run from June 11 – June 29; second session from July 9 – July 27. For each session, one senior fitness class will be offered on Monday, Wednesday and Friday mornings from 9:00 a.m. to 11:00 a.m. The registration fee is \$63. Two classes will meet on Tuesday and Thursday mornings from 8:30 – 10:15 a.m., and from 10:15 a.m. to 12:00 noon. The registration fee is \$42. This program will be self-supporting.

RECOMMENDATION

It is recommended that the Board approve the Community Education Summer Senior Fitness Program as detailed in the report.

BOARD REPORT NO. 07-5-4CA

TO: Members of the Board of Trustees

FROM: Ron Galatolo, Chancellor-Superintendent

PREPARED BY: Jose D. Nuñez, Vice-Chancellor, Facilities Planning, Maintenance & Operations, 358-6836

APPROVAL TO AMEND AGREEMENT WITH SPURR FOR PURCHASE OF NON-CORE GAS

In July 1990 (Board Report No. 90-7-109B), the Board approved Adoption of Resolution No. 90-15 approving membership in SPURR, a public entity comprised of public education agencies, which was created to provide its members with reduced electricity and natural gas rates. The District has procured non-core gas with SPURR at market rate per therm through June 2003. In June 2003 (Board Report No. 03-6-16CA), the Board authorized the Chancellor to execute an amendment to the Agreement for the provision of non-core gas at a fixed price per therm. The most recent Board authorizations were in June 2004 (Board Report No. 04-6-6CA), May 2005 (Board Report No. 05-5-4CA), and May 2006 (Board Report No. 06-5-6CA). The fixed price was \$0.844 per therm during this latest period July 1, 2006 through June 30, 2007.

Historically over the past few years, monthly market prices have ranged from a high of \$1.50 per therm (in January 2001 during the height of the "energy crisis") to a low of 20 cents per therm (during October 2001, in the wake of the 9/11 terrorist attacks). In 2005/06, the District had the added benefit of lower prices after Hurricanes Rita and Katrina caused everyone else to pay a lot more for gas. California market prices over the past year have been in the range of \$0.45 to \$1.00 per therm. Natural gas prices are expected to continue to be volatile due to a strengthening U.S. economy, flat production, high petroleum prices, increasing reliance on natural gas as a cleaner alternative to petroleum and coal, environmental roadblocks to new wells and pipelines and decreased production from aging wells.

The Agreement can be amended for FY07-08 to lock in fixed rates once again. By locking in rates for another year, the District can continue to reduce the budgetary risk of a volatile market rate. Accounts covered by the SPURR Agreement include non-core gas usage for the CSM and Skyline College cogeneration units (projected for FY0708 to be 300,000 and 200,000 therms, respectively) and the CSM main account for the central heating plant (projected FY0708 to be 400,000 therms).

The contract amendment with SPURR would be effective for another 12-month term, from July 1, 2007 through June 30, 2008. The exact price per therm is not known at this time; however the "indicative price" is \$0.90 per therm. An indicative price is the only price available at this time because wholesalers will only hold fixed prices open for a few minutes. In the next few weeks, when market conditions are favorable, a formalized amendment to the Agreement will be made and a rate will be locked in. PG&E's distribution charge for the CSM non-core account will be \$0.10 – \$0.12 per therm; it will be \$0.015 – \$0.020 per therm for the CSM and Skyline College co-generation unit accounts.

RECOMMENDATION

It is recommended that the Board authorize the Executive Vice Chancellor to execute an amendment to the Agreement with SPURR, for provision of non-core gas at a fixed price, during the period of July 1, 2007 through June 30, 2008.

San Mateo County Community College District

May 9, 2007

BOARD REPORT NO. 07-5-1B

TO: Members of the Board of Trustees
FROM: Ron Galatolo, Chancellor-Superintendent
PREPARED BY: Richard Holober, Vice President-Clerk, Board of Trustees

**INFORMATION AND POSSIBLE ACTION ON AB 1525 AND SB 823 – PRIVATE
POSTSECONDARY AND VOCATIONAL EDUCATION**

At the Board meeting of April 25, 2007, Vice President Holober requested that California Assembly Bill 1525 and California Senate Bill 823, regarding Private Postsecondary and Vocational Education, be placed on the agenda for the meeting of May 9 for discussion and possible action.

RECOMMENDATION

It is recommended that the Board support passage of the legislation as described in the report.

CALIFORNIA ASSEMBLY BILL 1525

Assembly Bill 1525 was authored by Assembly Member Paul Cook.

The Private Postsecondary and Vocational Education Reform Act of 1989 (Reform Act) will become inoperative on July 1, 2007, and be repealed on January 1, 2008, by operation of law. The Reform Act generally sets minimum standards of instructional quality, ethical and business practice, health and safety, and fiscal responsibility for private postsecondary and vocational educational institutions and establishes the Bureau for Private Postsecondary and Vocational Education (Bureau) to administer this set of laws.

When existing law sunsets on July 1, there will be no Reform Act and no Bureau to regulate private postsecondary educational institutions in California.

This bill is part of a two-bill package, along with SB 823 (Perata), to restructure the Reform Act to create strong and efficient consumer protection and provide a reasonable workload for the Bureau by creating a regulatory scheme that is concise, straightforward, and not subject to interpretation. This bill is intended to enact temporary transition provisions to be in effect from when the Reform Act becomes inoperative on July 1, 2007, until January 1, 2008, while SB 823 will serve as the vehicle for the substantive changes to the Reform Act.

This bill is necessary to help ensure continuity in educational services to students at Bureau-approved private postsecondary institutions after the Reform Act becomes inoperative on July 1, 2007.

CALIFORNIA SENATE BILL 823

Senate Bill 823 was authored by Senator Don Perata.

This bill is contingent upon the enactment of Assembly Bill 1525, which is currently awaiting action in the Assembly Higher Education Committee.

This bill establishes the California Private Postsecondary Education Act of 2007, to replace the Private Postsecondary Education and Educational Reform Act and the Maxine Waters Protection Act, scheduled to become inoperative on July 1, 2007. It establishes a Board for Private Postsecondary Education in the Department of Consumer Affairs to succeed the Bureau for Private Postsecondary and Vocational Education (BPPVE), and transfers their functions and responsibilities effective January 1, 2008. The bill outlines the Board's responsibilities, provides for the appointment of Board members and makes provision for the regulation, enforcement, approval, and agency fee structure for private postsecondary educational institutions, as well as establishing student protection provisions.

Specifically, among its provisions, the bill:

1. Modifies current exemptions from the Act to: (a) exclude nonprofit regionally accredited colleges and universities from its provisions, but clarifies that a nonprofit college or university that offers non-degree certificate programs to a majority of its students is not exempt, and (b) eliminate the exemption previously given to all regionally accredited institutions, including exemptions which have historically been afforded to private schools accredited by the Western Association of Schools and Colleges.
2. Establishes a new governance structure for the regulating body. Specifically it: (a) establishes a seven member Board for Private Postsecondary Education, comprised of five members appointed by the Governor, one member appointed by the Senate Rules Committee, and one member appointed by the Assembly Speaker, (b) requires the Board appoint an executive director subject to approval by the Department of Consumer Affairs and Senate confirmation, and (c) requires the Board appoint an advisory committee consisting of institutional representatives, student advocates, students and employers, among other parties.
3. Establishes a number of authorities and responsibilities of the Board related to fees. In addition, it specifically: (a) establishes a fee schedule of prescribed amounts, currently unspecified, but to include actual and projected enforcement costs, (b) provides for annual adjustments based upon changes in the consumer price index, and (c) requires implementation of an updated fee schedule at least biennially.
4. Establishes, as part of its student consumer protection provisions, a number of financial conditions and reporting requirements, prohibits the offering of correspondence or on-line courses by any institution that has not been approved by the Board, and requires specified reporting on educational programs including completion rates and placement data and numerous other requirements.

BOARD REPORT NO. 07-5-1B

5. Establishes a three-tiered structure to review and monitor private and postsecondary institutions with each tier signifying different levels of compliance with approval standards, varying time periods of approval to operate, and varying degrees and types of ongoing monitoring activity.
6. Establishes a schedule of fines, citations and enforcement actions to include maximum fines and citations of amounts currently unspecified and misdemeanor or felony criminal prosecution and authorizes the Attorney General or any district or city attorney to make investigations as necessary to enforce the Act. The bill also requires the Attorney General to represent the Board in a number of specified judicial and administrative proceedings and to charge the Board for those services.

According to information provided by the Business and Professions Committee in 2006, as of mid-July 2005, there were over 1,500 Bureau-approved institutions operating in California. The Bureau reports that the institutions it regulates serve over 400,000 (consisting of about 300,000 students at non-degree-granting institutions and about 100,000 students at degree-granting institutions). It is generally believed that Bureau-approved institutions tend to serve segments of the population that are underserved by traditional public and private postsecondary education institutions.

In a letter sent to schools in February 2007, the BPPVE advises that as of July 1, 2007, institutions will no longer need to seek or maintain approval or registration from the Bureau to operate a private postsecondary educational institution legally in California. However, the BPPVE also advises that failure to comply with the provisions of the Act until that time is grounds for discipline under existing law and could affect licensure under future law as well. The BPPVE has also advised schools that the United States Department of Education has confirmed that Title IV financial aid will not be adversely impacted should the Act become inoperative.

BOARD REPORT NO. 07-5-100B

TO: Members of the Board of Trustees

FROM: Ron Galatolo, Chancellor

PREPARED BY: Tom Bauer, Director of Auxiliary Services, 358-6782
Jan Roecks, Director of General Services, 358-6879

CONTRACT AWARD FOR BEVERAGE POURING RIGHTS

On January 1, 2001, Pepsi was awarded a five year contract for exclusive beverage pouring rights across the District. That contract expired on December 31, 2006.

Since it has been over five years since the last RFP, the Departments of General Services and Auxiliary Services obtained several RFP's from other community colleges in California and nationwide. After a thorough review process and in consultation with the District Auxiliary Services Advisory Committee (DASAC), RFP 86549 was written and released on March 12, 2007. Both Pepsi and Coca-Cola responded to the proposal. Both bids were well presented. Pepsi offered a stronger financial package in both commissions and rebates paid to the District for the benefit of student organizations and in product and materials cost savings to the auxiliary operators. Additionally, Pepsi has agreed to begin replacing older machines with new energy efficient machines starting in summer 2007. The total value of the contract exceeds \$470,000.00 and includes partnership payments, commission and rebates as well as product donations, equipment investment, a growth incentive and marketing dollars at each campus. Pepsi has been a partner with the District for six years and we enthusiastically recommend the renewal of their contract for a five year period.

RECOMMENDATION

It is recommended that the Board of Trustees award the beverage pouring rights contract with Pepsi effective July 1, 2007 for a five year period ending June 30, 2012.

TO: Members of the Board of Trustees

FROM: Ron Galatolo, Chancellor-Superintendent

PREPARED BY: Rick Bennett, Executive Director Construction Planning, 358-6752

**ADOPTION OF RESOLUTION NUMBERS 07-3 AND 07-4
CALIFORNIA UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT**

In response to the February 24, 2007 Board Retreat and specifically to 2007 Board Goal number 19, the Construction Planning Department is recommending that the Board of Trustees adopt a resolution to become subject to the California Uniform Public Construction Cost Accounting Act. The adoption of this Act effectively enables the District to raise the minimum required bid for small public works projects from \$15,000 to \$125,000. Further, the Act allows the District the flexibility to negotiate with contractors for projects under \$30,000 and to use informal bidding on projects less than \$125,000, but greater than \$30,000. Aside from the economic benefits, the program provides added conveniences, such as greater freedom in expediting public works projects yet within the spirit of open accountability.

Under Public Contract Code (Section 22003) the District may elect to adopt the uniform construction cost accounting procedures. Adoption of this Act is commonplace in California. Currently more than 128 cities, 9 community college districts, 111 school districts, 32 counties and more than 256 special districts have adopted the Act. Created in 1983 and revised by the California State Controller in April 2005, the Uniform Public Construction Cost Accounting Act is a voluntary program available to all state departments and agencies.

Currently, when contracting for public works construction, the District is subject to Public Contract Code 20651. PCC 20651 states that "The Governing Board shall let any contract for a public project, as defined in subdivision (c) of Section 22002, involving an expenditure of fifteen thousand dollars (\$15,000) or more to the lowest responsible bidder who shall give security as the Board requires, or else reject all bids." The State of California has not updated the bid limit of \$15,000 since the code went into effect, nor has the state adjusted the limit over time for inflation. Accordingly, an abnormally low ceiling for public works construction exists. This low ceiling presents problems for District Planning and Construction.

- Providing a detailed list of specifications for formal bids on small projects disproportionately adds significant cost and time – up to twelve weeks – without increased benefit to the District.
- The formal bidding process limits the flexibility of the District to contract with local firms on smaller projects because a public bid is open to all contractors regardless of where they are domiciled.
- Small projects are often program driven and facilities needs to react quickly to the campuses' requests. Adoption of the CPUCCAA will allow Planning and Construction to be more responsive to our campuses' needs.
- On smaller jobs, many of local and emerging contractors do not have the time, the desire, the background, or the workforce in place to migrate through the District's formal bid documents. They are used to providing quotes on projects and going to work. The change of the bid threshold to the limits allowed under the CUPCCAA will make it easier for these contractors to do business with the district.

Adopting the CUPCCAA will allow the District to manage small projects efficiently and effectively. Further, it will benefit local and emerging contractors who are deemed “qualified” bidders for Projects let by the informal bidding procedures. Many of these local contractors are strong supporters of the District; the additional contracting opportunities afforded through the informal bidding process should serve to strengthen the ties between the local contracting community and the District.

The District would be required to update its current ABC prequalification process, following the processes outlined under the Act. The District will maintain a list of qualified contractors according to the categories of work that they perform. During November of each year, the District would solicit contractors through construction trade journals, inviting all licensed contractors to submit their names and qualifications of their firms to the District for consideration and inclusion in the District’s list of qualified bidders for the following calendar year. The District will have the flexibility to add additional Contractors to the list as requested during the course of the following year. The cost accounting requirements follow those common to the construction industry and are already in practice at the District, so there is no anticipated change in our accounting required.

If approved, the District will process small projects as follows:

- **\$0-\$30,000 - No Bid.** CUPCCAA exempts this size of project from bidding requirements; the District will negotiate a contract or procure the job by purchase order.
- **\$30,000-\$125,000 - Informal Bid.** Would be let to the qualified contractor submitting the lowest quote through an informal bidding process. The District would still reserve the right to bid a project in this range formally, if desired. Bid bonds, performance bonds, and payment bonds would continue to be required of all contractors doing work under these provisions.
- **Over \$125,000 - Formal Bid.** Requires one advertisement in a local paper with 14-day advance notice. Trade Journals are notified 30 days in advance. Requires Board approval.
- If the District receives **no bids** through the informal or formal bidding procedures, the Act authorizes the District by Section 22038(c) to have the Project completed by negotiated contract, which complies with bidding procedures.

Currently, there are no membership requirements or dues associated with the adoption of the Act. The Board of Trustees must adopt two resolutions for this process.

RECOMMENDATION

The District recommends that the Board of Trustees elect by resolution to become subject to the uniform construction cost accounting procedures promulgated by the Controller pursuant to Public Contract Code Section 22000.

RESOLUTION NO. 07-3

RESOLUTION OF THE GOVERNING BOARD OF SAN MATEO COUNTY COMMUNITY COLLEGE DISTRICT REGARDING THE ELECTION TO BECOME SUBJECT TO THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING PROCEDURES.

WHEREAS, prior to the passage of Assembly Bill No. 1666, Chapter 1054 Stats. 1983, which added Chapter 2 commencing with Section 22000 to Part 3 of Division 2 of the Public Contract Code, existing law did not provide a uniform cost accounting standard for construction work performed or contracted by local public agencies; and

WHEREAS, Public Contract Code Section 22000 et seq., the Uniform Public Construction Cost Accounting Act, ("the Act") establishes such a uniform cost accounting standard; and

WHEREAS, the Commission established under the Act has developed uniform public construction cost accounting procedures for implementation by local public agencies in the performance of or in the contracting for construction of public projects;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of San Mateo County Community College District hereby elects under Public Contract Code Section 22030 to become subject to the uniform public construction cost accounting procedures set forth in the Act and to the Commission's policies and procedures manual and cost accounting review procedures, as they may each from time to time be amended, and directs that the President or the President's designee notify the State Controller forthwith of this election.

PASSED AND ADOPTED by the Governing Board of the San Mateo County Community College District in San Mateo, California, this 9th day of May, 2007, by the following vote:

Ayes:

Nays:

Absent:

Abstentions:

Attest: _____

Richard Holober
Vice President-Clerk, Board of Trustees

RESOLUTION NO. 07-4

**RESOLUTION OF THE BOARD OF TRUSTEES OF SAN MATEO COUNTY
COMMUNITY COLLEGE DISTRICT REGARDING THE ENACTING OF
INFORMAL BIDDING PROCEDURES UNDER THE UNIFORM PUBLIC
CONSTRUCTION COST ACCOUNTING ACT**

WHEREAS, the District has adopted the uniform public construction cost accounting procedures set forth in the Uniform Public Construction Cost Accounting Act (the "Act") set forth at California Public Contract Code Section 22000 et seq.; and

WHEREAS, pursuant to the Act, if a public entity adopts the uniform public construction cost accounting procedures, such public agency may, in its discretion, adopt and implement the alternative bidding procedures and certain informal bidding procedures set forth in the Act commencing at California Public Contract Code Section 22030 et seq.;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of San Mateo County Community College District hereby elects to become subject to the alternative bidding procedures set forth in the Act and hereby adopts the following informal bidding procedures:

INFORMAL BID PROCEDURES

Public projects, as defined in the Act, of One Hundred Twenty-Five Thousand Dollars (\$125,000) or less may be let to contract by informal procedures as set forth in Sections 22032 et seq., of the California Public Contract Code.

LIST OF CONTRACTORS

A list of contractors shall be developed and maintained in accordance with the provisions of Section 22034 of the California Public Contract Code and criteria promulgated from time to time by the California Uniform Cost Accounting Commission. The list shall set forth the different categories of trade work that each listed contractor is qualified to perform on behalf of the District.

NOTICE INVITING INFORMAL BIDS

Where a public project is to be performed which is subject to the provisions of this policy, a notice inviting formal bids (which shall describe the project in general terms and how to obtain more detailed information about the project, including the time and place for submissions of bids) shall be mailed to: (1) all contractors for the category of work to be bid as shown in the list of contractors developed pursuant to this Resolution above, or (2) all trade journals specified in the California Uniform Cost Accounting Commission for San Mateo County in accordance with section 22036 of the California Public Contract Code, or (3) both such contractors with such trade journals. All mailing of notices to the contractors and/or trade journals described above shall be completed not less than ten (10) calendar days prior to the date that the bids are due. Additional contractors and/or construction trade journals may be notified at the discretion of the Executive Vice Chancellor of Facilities, the Executive Directors of Construction Planning and/or the Director, General Services; provided that:

- (1) If there is no list of qualified contractors maintained by the District for the particular category of work to be performed, the notice inviting bids shall be sent to the construction trade journals specified by the Commission and such other contractors and trade journals as the Executive Vice Chancellor of Facilities, the Executive Directors of Construction Planning and/or the Director, General Services may determine; and

- (2) If the product or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, the notice inviting informal bids may be sent exclusively to such contractor or contractors.

AWARD OF CONTRACTS

The Board of Trustees will award informal contracts pursuant to this policy. If the lowest bid submitted by a responsible bidder exceeds \$125,000, but does not exceed \$137,500, the Board may nevertheless award the contract to such lowest responsible bidder if it determines, by 4/5th vote, that the cost estimate of the public agency was reasonable.

The Executive Vice Chancellor of Facilities, the Executive Directors of Construction Planning and/or the Director, General Services are each authorized, without further action or authorization of the Board of Trustees, to award contracts bid pursuant to the informal bidding procedures adopted by these resolutions (Public Contract Code Section 22034(e) allows the governing body of the public agency to delegate the authority to award informal contracts).

EFFECTIVE DATE

This resolution shall take effect and be in force as of the date of enactment.

PASSED AND ADOPTED by the Board of Trustees of the San Mateo County Community College District in San Mateo, California, this 9th day of May, 2007, by the following vote:

Ayes:

Nays:

Absent:

Abstentions:

Attest: _____

Richard Holober
Vice President-Clerk, Board of Trustees

BOARD REPORT NO. 07-5-102B

TO: Members of the Board of Trustees

FROM: Ron Galatolo, Chancellor-Superintendent

PREPARED BY: Barbara Christensen, Director of Community/Government Relations
574-6560

CONSIDERATION OF SERVICE AWARD FOR 2006-2007 STUDENT TRUSTEE

Currently, the Student Trustee earns a maximum of \$255.00 per month for serving as Trustee and is eligible, at the Board's discretion, for an additional \$2,914.85 service award if s/he has fulfilled the duties of the position for a 12-month period. This amount is calculated at the rate of \$231.50 to \$255 per month (the rate changed due to Board approved compensation increases in October 2006 and January 2007) for the period June 2006 through May 2007. Payment for service of fewer than 12 months may be made at the discretion of the Board.

Student Trustee Richael Young has served as Student Trustee for the past 12 months and has fulfilled all requirements of the office specified in the Education Code and District Rules and Regulations.

RECOMMENDATION

It is recommended that the Board authorize payment of a \$2,914.85 service award to Student Trustee Richael Young, in accordance with the District Rules and Regulations Section 1.05.

BOARD REPORT NO. 07-05-103B

TO: Members of the Board of Trustees

FROM: Ron Galatolo, Chancellor-Superintendent

PREPARED BY: José D. Nunez, Vice Chancellor of Facilities Planning, Maintenance & Operations,
358-6836

CONTRACT AWARD FOR BUILDING 3 BLEACHER REPLACEMENT, SKYLINE COLLEGE

Building 3 at Skyline College was recently modernized. During construction, half of the existing 40 year old bleacher system was damaged and deemed unsafe and unusable. After estimating the cost of repairs to the system, it was determined that it would be practical to replace the 40 year old bleachers with a new set to meet current standards for comfort, durability and operation.

The new bleacher specification calls for motorized operation of the telescoping function, with new plastic seats to match the school colors. The new system will include one additional row of seating, will meet current ADA requirements, and will increase the seating capacity to 1,484 persons. Award of this contract will allow the bleachers to be fabricated and installed prior to the start of fall semester, 2007. After spending this past year at half capacity, the college looks forward to again having a fully functional and newly refurbished gym.

On April 18, 2007, General Services published legal Notice inviting qualified suppliers to bid on this project. Three suppliers expressed interest; they were Erwin Telescoping Seating, Intercal, and Southwest Interiors. On April 26, 2007, one firm submitted a bid. It is as follows:

General Contractor	Bid
Southwest Interiors	\$ 174,890.00

Although outreach was performed during the bid period, the lack of follow up by two bidders confirms our assertion that we remain in a tight labor market. In fact, in follow up conversations with the three potential bidders, we learned that the reason that the two firms did not submit was the inability to conform to the academic schedule, a tight bid market and the highly specialized nature of this project and vendor.

District administration, along with Swinerton Management and Consulting, has conducted a due diligence investigation of the bid result to ascertain the lowest responsive, responsible bid that meets all the requirements of the project. The bid as submitted is within 10% of the original budget and although there was only one bid, it was submitted in a competitive environment.

This project will be funded out of Measure “A” general obligation bond funds.

RECOMMENDATION

It is recommended that the Board of Trustees award the contract for providing and installing new bleachers in Building 3, Skyline College, to Southwest Interiors in an amount of \$174,890.00

BOARD REPORT NO. 07-05-104B

TO: Members of the Board of Trustees

FROM: Ron Galatolo, Chancellor-Superintendent

PREPARED BY: José D. Nunez, Vice-Chancellor of Facilities Planning, Maintenance & Operations,
358-6836

**CONTRACT AWARD FOR BUILDING 2 TELECOMMUNICATIONS
CLASSROOM RENOVATION AT SKYLINE COLLEGE**

The Telecommunication Technology Classroom at Skyline College will be permanently relocated to the ground level of Building 2 due to the to Building 7 modernization project, which is slated to start construction in the late summer. The scope of this swing project includes the reprogramming of two existing classrooms in Building 2 and the construction of new walls and case work, upgraded mechanical and electrical systems, and the installation of telecommunications equipment racks and wire management systems to accommodate new program requirements as specified by the user.

On March 28 and April 4, 2007, the District published a legal Notice inviting Pre-qualified General Contractors to bid on this project. Ten pre-qualified firms attended the mandatory pre-bid conference on April 10, and on April 26, 2007, four firms submitted the following bids:

General Contractor	Bid
Hensel Phelps Construction Co.	\$514,700.00
John Plane Construction, Inc.	\$525,722.00
Rodan Construction	\$545,942.00
Coulter Construction	\$672,323.00

District administration, along with Swinerton Management and Consulting, conducted a due diligence investigation of the bids, and ascertained that Hensel Phelps Construction Company’s bid is the lowest responsive, responsible bid that meets all the requirements of the project. Though the low bid exceeds the anticipated budget by approximately 4%, the spread between the top three bids is approximately 6%, confirming that the marketplace considers this a fair and reasonable number given the tight bid market at this time.

This project will be funded out of Measure “A” general obligation bond funds.

RECOMMENDATION

It is recommended that the Board of Trustees award the contract for Telecommunications Technology Classroom renovation in Building 2, Skyline College, to Hensel Phelps Construction Company in an amount not to exceed \$514,700.00.

San Mateo County Community College District

May 9, 2007

BOARD REPORT NO. 07-5-4C

TO: Members of the Board of Trustees
FROM: Ron Galatolo, Chancellor-Superintendent
PREPARED BY: Ron Galatolo, Chancellor-Superintendent, 358-6828

**DRAFT OF AMENMENDED AGREEMENT BETWEEN THE
DISTRICT AND THE FOUNDATION**

This report is an information item only. Its purpose is to provide an opportunity for the Board to review the attached draft of the Amended Master Agreement between the District and the Foundation and to recommend changes, if any, to staff.

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FIRST AMENDED MASTER AGREEMENT

This Agreement is made and entered into as of July 1, 2007, by and between the **San Mateo County Community Colleges Foundation** (“**Foundation**”) and the **San Mateo County Community College District** (“**District**”) and amends the Master Agreement entered into as of July 1, 2002 between the Foundation and the District.

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RECITALS

- A. Foundation was incorporated on March 25, 1966, under the General Nonprofit Corporation Law of the State of California and has tax exempt status under Section 501 (c)(3) of the Internal Revenue Code.
- B. Foundation’s Articles of Incorporation describe Foundation’s purposes as being, among other things, “to accept donations, solicit and raise money for the purpose of awarding scholarships and loans to assist students residing in the San Mateo County Community College District, California, to obtain education beyond the secondary or high school level.” A further purpose is to support educational projects that enhance student learning, and otherwise provide aids to education supplementary to state and local tax means for the support and benefit of the San Mateo County Community College District.
- C. Foundation has **not** been designated an “auxiliary” foundation; it has always been and remains an “independent” foundation.
- D. District is a community college district of the State of California.
- E. Foundation and District wish to set down the particulars of the arrangement between them concerning the services provided by each to the other and the compensation paid for such services.

NOW, THEREFORE, the parties hereto agree as follows:

AGREEMENT

1) Staffing

- a) The Foundation's Staff shall consist of an Executive Director, ~~Foundation an Director of Development, a Foundation Business, Manager and a Staff Assistant.~~
- b) The Foundation's Staff will be employed as District employees and will have the same rights and privileges of classified employees as specified in the California Education Code. The District Board of Trustees shall have the authority to hire and terminate Foundation Staff.
- c) The Foundation and the District shall mutually agree on the position descriptions for the Foundation Staff, and any amendments or modifications thereto.

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2) Services Provided by Foundation to District

Foundation shall provide the following services to District:

- a) Scholarships for students.
- b) Educational projects that enhance student learning.
- c) Special events fundraising.
- d) Loans to students, as needed and as the parties shall then agree.
- e) The Foundation shall ~~fund~~ reimburse the District for the salaries and benefits of the Foundation Business Office Manager and Staff Assistant with Foundation unrestricted funds.
- f) Such other support for District as needed and as the parties shall then agree, consistent with Foundation's legal obligations and restrictions.

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3) Services Provided by District to Foundation

District shall provide the following services to Foundation:

- a) Administrative and accounting support and the equipment and supplies necessary for such support (not including computer hardware, software, or computer-related equipment such as printers).
- b) Workers compensation insurance and unemployment insurance for District employees providing services to Foundation.
- c) Subsidized office space (i.e., the Foundation pays reduced rent).
- d) Liability and property insurance for Foundation's office.
- e) Directors and officers liability insurance (D&O insurance) covering Foundation's directors and officers. General liability insurance (or, if applicable, errors and omissions insurance (E&O) insurance)) covering Foundation and its directors and officers.
- f) The District shall fund the salaries and benefits of the ~~Foundation Executive Director, Foundation and the Associate Director of Development and the benefits of the Foundation Business Manager and Staff Assistant.~~
- g) The Foundation and District shall review the staffing and funding three years from the date the positions are filled and shall mutually agree to any continuation, augmentation or amendment to the staffing arrangements at that time.

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h) Such other support for Foundation as needed and as the parties shall then agree, consistent with District's legal obligations and restrictions.

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4) Services Not Provided by District to Foundation

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Foundation shall obtain and pay:

- a) Compensation for its ~~Foundation Business Officer Manager, Staff Assistant~~ and any other clerical staff ~~Foundation determines is necessary for its operations~~, and related payroll expenses including payroll processing fees and payroll taxes.
- b) Office supplies, stationery, printing, and postage.
- c) Auditing costs.
- d) Bonding premium for a crime policy.
- e) Portfolio management fees and portfolio custodial fees.
- f) Computer hardware, software, computer-related equipment such as printers, and software maintenance and support.
- g) Dues, memberships, books, and periodicals.
- h) Any other program expenses or other miscellaneous expenses.

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5) Communications and Duties of the Executive Director

a) ~~The Foundation Board shall be responsible for setting Foundation policy, and the Executive Director of the Foundation shall look to the Foundation Board with respect to any policy decisions regarding the Foundation.~~

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b) ~~The District Chancellor shall be responsible for the operations of the Foundation, and the Executive Director shall look to the Chancellor with respect to any operational issues of the Foundation.~~

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c) ~~In the event of a conflict between Foundation Board and the District as to the Executive Director's duties, activities or responsibilities, the Chancellor and the Foundation President shall meet and resolve the conflict and mutually agree on how to direct the Executive Director as to the matter in conflict.~~

d) ~~If the Chancellor and the Foundation President are unable to mutually agree to a resolution of the conflict, the District Board of Trustees shall resolve the conflict.~~

e) ~~The Foundation Executive Director shall attend the regular meetings of the Chancellor's Council. At his or her discretion, the Executive Director may also attend the Chancellor's weekly staff meetings, and the regularly scheduled College Presidents' Cabinet meetings. The Chancellor may request, but shall not require, that the Executive Director attend any of the above mentioned meetings.~~

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f) ~~The Chancellor and the College Presidents shall have the discretion to attend any of the regularly scheduled meetings of the Foundation's Executive Committee.~~

6) Consideration

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The services provided by the Foundation to the District as set forth in paragraph 2 constitute the consideration for the services provided to the Foundation by the District as set forth in paragraph 3.

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7) Coordination of Services

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Foundation’s Executive Director and District’s Executive Vice Chancellor shall work together cooperatively to determine specifically how the services set forth in paragraphs 1 and 2 shall be provided to best serve the needs of the parties and the intent of this Agreement.

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8) Term of Agreement

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This Agreement shall take effect as of the date first written above and shall remain in effect until terminated by either party by written notice given to the other party at least six (6) months in advance of the termination date specified in the notice.

9) Periodic Review

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Every five (5) years, the parties shall review the terms of this Agreement and amend it, if necessary and as they shall then agree, to accommodate the needs of the parties at that time.

10) Notice

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Any notice given pursuant to the terms of this Agreement shall be delivered personally or by first class mail, postage prepaid, return receipt requested, to the parties at the following addresses:

To District: Executive Vice Chancellor
San Mateo County Community College District
3401 CSM Drive
San Mateo, CA 94402-3699

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To Foundation: Executive Director, Foundation
San Mateo County Community Colleges Foundation
3401 CSM Drive
San Mateo, CA 94402-3699

11) Audit and Financial Information

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District and Foundation shall exchange audit and financial information and reports as either party shall then request.

12) Record of Services Provided and Compensation Received

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Foundation shall keep an inventory of the resources provided by District to Foundation and of the compensation (in the form of the services set forth in paragraph 1 and any other non-monetary benefits provided by Foundation to District)

that Foundation pays to District in return for District's services to Foundation. District and Foundation shall work together to insure the accuracy of such inventory and shall jointly produce an annual report thereof.

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13) Miscellaneous

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- a) This Agreement may be modified or amended only by a writing signed by both parties.
- b) This Agreement shall inure to the benefit of and be binding upon the parties, their legal representatives, successors, and assigns.
- c) This Agreement shall be subject to and be governed by the law of the State of California.
- d) In the event that any of the provisions, or portions thereof, of this Agreement are held to be unenforceable or invalid by any court of competent jurisdiction, the validity and enforceability of the remaining provisions or portions thereof shall not be affected thereby.
- e) This Agreement contains the entire understanding between the parties concerning the subject matter contained herein. There are no representations, agreements, arrangements, or understandings, oral or written, between the parties relating to the subject matter of this Agreement which are not fully expressed herein.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

San Mateo County Community Colleges Foundation

By _____
Penelope C. Greenberg, President of the Board

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“Foundation”

San Mateo County Community College District

By _____
~~Richard Holober~~ Helen Hausman, President of the Board of Trustees

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“District”

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