

SOLANO COMMUNITY COLLEGE DISTRICT
GOVERNING BOARD

UNADOPTED MINUTES
December 4, 2013

1. CALL TO ORDER

A regular meeting of the Solano Community College District Governing Board was called to order at 7:00 p.m., on Wednesday, December 4, 2013, in the 1400 Building, located at 4000 Suisun Valley Road, (Back-Half of Cafeteria 1405A), Fairfield, California 94534 by Board President Sarah Chapman.

2. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

At the request of Board President Chapman, Vice President Yulian Ligioso, Finance and Administration, led those present in the pledge of allegiance to the flag of the United States of America.

3. ROLL CALL

Members Present

Sarah E. Chapman, Ph.D., President
Pam Keith, Vice President
Monica Brown
Denis Honeychurch, J.D.
Michael A. Martin
Rosemary Thurston
A. Marie Young
Latifah Alexander, Student Trustee
Jowel C. Laguerre, Ph.D., Secretary

Members Absent:

None

Others Present:

Nona Cohen-Bowman, Consultant, Human Resources
Dr. Shirley Lewis, Dean, Student Services
Yulian Ligioso, Vice President, Finance and Administration
Bruce Petersen, Associate Vice President, Human Resources
Leigh Sata, Executive Bonds Manager
Diane M. White, I/Vice President, Academic Affairs
Judy Spencer, Chief of Staff

4. APPROVAL OF AGENDA

Moved by Trustee Brown and seconded by Trustee Young approve the agenda as presented. The motion carried unanimously.

5. COMMENTS FROM MEMBERS OF THE PUBLIC

Board President Chapman recognized Ms. Stevetia Lewis, SCC Communications Student, who requested to comment on going green on campus. Ms. Lewis stated that she recently did a persuasive speech on “going green on campus,” specifically highlighting the fact that there are “slim to none” recycle bins around campus and encouraged the Board to put recycle bins in the classrooms.

Comments from members of the Public requesting to speak on Item 9.(b.), Project Labor Agreement, for and against, were deferred to later on the agenda.

6. REPORTS (NO ACTION REQUIRED):

(a) Measure Q Bond Update

1. Preliminary Project List and Preliminary Schedule
2. Program and Project Milestones
3. Delegation of Authority – Change Orders and Professional Service Agreements
4. Contract Management

Facilitated by Leigh Sata, Executive Bonds Manager

Mr. Sata gave a PowerPoint presentation on the Measure Q Bond Update. The PowerPoint addressed the outline above, including next steps. A summary of activity from July 2013 to December 2013 was identified. Ongoing activities for the first quarter 2014 were identified

A full and complete copy of the PowerPoint presentation is available for review in the Office of the Superintendent-President and the Office of the Executive Bonds Coordinator.

Dr. Jowel Laguerre, Superintendent-President, stated he wants the public to understand the District is very cognizant of its responsibilities in reference to the Measure Q Bond and takes very seriously its commitment to the public and the trust they have given us with this Bond money. Measure G went through several audits. We changed auditors during that time, which means we have had two auditing firms looking at how we spent the money with very little concerns. The most significant issues we ever had were something we were able to correct immediately. That is one of the reasons why we were able to run the successful campaign for Measure Q knowing we were responsible with the taxpayers’ monies. We were able to stand up and say we did what the voters wanted, if not more.

Measure Q is a larger Bond and there may be considerations that need to be addressed. Dr. Laguerre promised that Board we will do things the way we did for Measure G; however, if it becomes overwhelming, we can adjust for change. There will be many projects going on at one time, and if it becomes a heavy burden to approve things in a timely fashion, the Board may want

to consider meeting more frequently. We won't rush into things and will take the necessary time needed to do the work right.

Board President Chapman was interested in reviewing the suggested template alluded to by Mr. Sata that could benefit the Board in avoiding time-consuming work and keeping the work transparent and moving along in a timely manner.

- Academic Senate

There was no report from the Academic Senate.

7. CONSENT AGENDA – ACTION ITEMS

Academic and Student Affairs

- (a) Eleventh Addendum to Master Services and License Agreement between Solano Community College and eCollege.com

Moved by Vice President Keith and seconded by Trustee Thurston to approve the Consent Agenda as presented. The motion carried unanimously.

8. ITEMS REMOVED FROM CONSENT AGENDA

There were no items removed from the Consent Agenda.

9. NON-CONSENT AGENDA ITEMS – ACTION ITEMS

Superintendent-President

- (a) Set Date, Time, and Place for Annual Organizational Meeting

In accordance with Educational Code Section 72000(c)(2)(A), the Governing Board of the Solano Community College District designates the Board meeting of December 18, 2013, as the annual organizational meeting of the Governing Board. The organizational meeting will be held at 6:30 p.m., in the Solano Community College Administration Building, 360 Campus Lane, Suite 201, (First Floor-West Lobby), Fairfield, CA 94534-3197. At the annual organizational meeting, the Governing Board will:

1. Elect a President, Vice President, and appoint a Secretary for 2013-2014.
2. Establish the dates, times, and locations of the Governing Board meetings.
3. Select a representative to the Solano County School Boards Association.

Moved by Trustee Thurston and seconded by Trustee Young to set the date, time and place for the Annual Organizational Meeting as December 18, 2013, 6:30 p.m., at 360 Campus Lane, Fairfield, California.

Finance and Administration

(b) Measure Q Project Labor Agreement (PLA)

Board President Chapman recognized the following members of the public who requested to comment in favor of the Project Labor Agreement:

Mr. Kevin Coleman, Business Agent, IBEW, Local Union 180, commented that the PLA was achieved through collective bargaining with both parties enjoying expeditious outcome. Mr. Coleman stated he deeply respects the Board's mission to focus on student learning to achieve educational goals and hopes the knowledge and skill set the union brings will help bring forth that end result. A PLA seems a prudent way to achieve these goals.

Ms. Janet Staples, Carpenters, Local Union 46, commented that she was a single parent and on welfare at the age of 32, working as a part-time employee at a post office. She saw an opportunity to go to a pre-apprenticeship program, and after nine weeks began working as an apprentice carpenter, still with no idea of what she was getting into. This opportunity afforded her the ability to no longer be on subsistence and to make a living wage with benefits and dental. Twenty-four years later, Ms. Staples works as a journey-level person, owns her home, and lives with respect and dignity. Ms. Staples stated she would be remiss if she failed to mention that it was the result of a PLA that afforded her a better life to live and work in her own community.

Mr. Fidel Chavez, Carpenters Union, stated he is in favor of the PLA because it allows him and others to make a fair and honest wage. When you work locally, you spend locally, and the money stays in the community. PLA jobs get done on time and within budget and save taxpayer dollars.

Mr. John Belperio, Carpenters Union, resident and former SCC student, stated he went through the carpenters' apprenticeship program, and took welding at SCC, his best class in the apprenticeship program; therefore, is vested personally with the College. Mr. Belperio has been local in Solano County all of his working life and feels it is important to hire local people who care more about the community.

Mr. Javier Banuelus, Carpenters' Union, commented he is a product of the "helmets to hardhats" program, which helps veterans move out of service into a career allowing them to move on with their lives. Belonging to the carpenters' union has allowed him to build something great for his family. Mr. Banuelus wants to keep on learning and growing and to spend time in Solano County affording him quality time with his family.

Mr. Thom Bogue, Dixon City Councilmember, stated as a member on the city council he has found these agreements are necessary. By approving PLAs, you are using skilled laborers trained in skills by qualified instructors. If problems occur, you are able to contact the local providers. This saves money. PLAs are an important part of the cycle as they provide jobs that give the benefit of having the job done right the first time. Mr. Bogue encouraged the Board to approve the PLA before them tonight.

Mr. David Harrison, Operating Engineers, Local 3, stated he is a resident in Suisun City, a graduate of SCC, and supports the PLA for Measure Q. The PLA was bargained in good faith

with the Building Trades and brings local hires and apprentices that train and participate in bona fide programs that keep money in Solano County where it belongs.

Mr. Bert Risley, Business Representative for the Napa/Solano Sheet Metal Workers, stated he was joined by twenty sheet metal workers, seven apprentices, and three who attended SCC. Mr. Risley stated the sheet metal workers ask for support of the PLA.

Mr. Samuel Haines, IBEW, Local Union 180, commented that he spent twelve and a half years in the U.S. Marine Corps, enrolled in the SCC Green program, completed his apprenticeship, and has been applying all his knowledge to his trade for the last ten years. Mr. Haines asked the Board to support the PLA, as it ensures values of excellent construction and helps veterans transfer into civilian life and the trades.

Mr. Skip Lucier, Napa-Solano Electrical Industry Apprenticeship Program, stated he has been a union electrical contractor for 28 years and Local 180 Apprenticeship Training Director for six years. His wife is a union electrician. His daughter earned her A.A. from SCC and now attends U.C. Davis. On behalf of the Napa-Solano apprentices and future jobs, Mr. Lucier gave background on the IBEW/NECA program before it became a state-approved program for electricians. Locally and nationally, it instituted a learning management system that allows apprentices to interact with instructors in the field and labs and is the finest in the industry.

Mr. Dan Broadwater, Business Manager, IBEW, Local 180, commented that he represents 700 electricians. His daughter graduated from SCC and went to U.C. Davis, and is now an educator. Dr. Laguerre worked very hard to get Measure Q passed and offered everyone in the community to partner with the College to get the job done to benefit Solano County and Winters. The Board is now in charge of that money. You did a good job with Measure G. Considering this success, and the relationships built over the past ten years between business and craftsmanship, you have the opportunity to continue to build on this trust by continuing to work together. You have a great team in place.

Mr. Jerry Castañón, Councilmember from the city of Dixon, stated he is in favor of the PLA. It gives apprentices an opportunity to learn new skills by working with qualified journeymen. It embraces men and women who have served this country and allows them direct entry into the helmets to hardhats program. The cities of Dixon and Davis have approved PLAs that work well. This opportunity for local apprentices is enormous.

Board President Chapman recognized the following members of the public who requested to comment against the Project Labor Agreement:

Mr. John Takeuchi, Central Solano Citizens Taxpayers Group, commented that the Board needs to be careful to make sure taxpayer dollars are spent wisely and efficiently. The taxpayers' group doesn't make comparisons between the union and non-union; people are qualified to do what they do or they wouldn't be working. Mr. Takeuchi stated two facts: (1) Studies show that PLAs increase costs from 11-20% across the board; and, (2) In California 84% of construction workers do not belong to unions. This means if a PLA is imposed that five out of six workers are "cut out." Mr. Takeuchi stated he doesn't think PLAs are in the best interest of the county.

Mr. George Guynn, President, Central Solano Citizen Taxpayers Group, is against the PLA. He stated that he has seen the Fairfield-Suisun USD have the same situation come to them and they turned down the PLAs which worked for them and saved them money. They had people show up that claimed to be local but came from faraway places, which Mr. Guynn stated the Board might want to think about. Mr. Guynn commented that he didn't recall reading in the contract that local people had to be hired and cited paragraph seven on page 1 of the SCCD PLA.

District staff and union leadership have held a series of meetings over the past several months to negotiate the terms of the Measure Q PLA. These meetings have resulted in an agreement with the following features: (1) Will apply to all projects within Measure Q that exceed \$4.5M in construction value and does not apply to maintenance and operations projects; (2) Prevents work stoppage and includes a dispute resolution process as well as a labor coordinator to manage disputes; (3) Includes "apprentice" and "helmets to hardhats" programs; (4) Includes a "local hire" clause that encourages the hiring of local labor that reflects the ethnic diversity of Solano County and the city of Winters; and, (5) Provides a "core employee" feature that allows General Contractors to utilize their own supervisory staff and their own qualified labor up to five employees per trade.

Moved by Trustee Honeychurch and seconded by Trustee Thurston to approve the Measure Q Project labor Agreement (PLA) as presented. The motion carried.

Trustee Brown gave her reasons for voting yes on the PLA, stating she proudly wears a "No on Prop 32" shirt, is a union member, and does not cross picket lines. Nothing makes her more proud than to be able to see people have work on our three campuses.

Trustee Martin stated that tonight's decision was one of the toughest he will make as an elected official and that he does not take it lightly, having agonized over this issue for months. He has always represented the people who put him in office and the interest of the taxpayers. The issue for Trustee Martin was not union versus non-union, but rather making sure the taxpayers will have representation; guaranteeing he will keep everyone on task. He said his vote tonight is based on trust, doing what the public wants, and stated he will be voting against the PLA.

Trustee Keith stated she too has been struggling with this vote and began by giving some background on herself, which entailed a union background, organizing library workers under the umbrella of the IBEW in the early 70's; as well as engaging the services of the President of the UFCW as her campaign treasurer when running for the SCCD Board. Trustee Keith was clear her issues are not with the union workers themselves, but rather with the union bosses and would not be voting to support the PLA.

Trustee Honeychurch stated he is in favor of the PLA because it is in the best interest of the College and makes good business sense. It worked for Measure G and appreciates the local hire, helmets to hardhats, and no strike clause in the agreement.

Trustee Thurston stated this is an opportunity for people to be trained and become skilled laborers and supports the PLA.

Trustee Young stated she was once a die-hard union member and definitely will be supporting the PLA.

Board President Chapman reported that she was a journey-level machinist that went through the apprenticeship program and got her A.A. in Shipbuilding. She served as a union steward; thus, being a blue collar worker is not new to her. Trustee Chapman served on the Board of Education in Vacaville for 18 years and while she didn't solicit the support of the unions, they always did. Trustee Chapman supports unions and knows the quality of their work and value of their apprenticeship training. She believes that through this measure the majority of the money will remain in Solano County and Winters; people will be able to get their work done while staying close to home.

Dr. Jowel Laguerre, Superintendent-President, advised the Board that the agreement brought to them was not something that happened over night. The Bond passed over a year ago. We took our time in talking to the unions, providing opportunities for both sides to share what is good and bad relative to a PLA. As a result, we now have a better relationship with the Associated Builders and Contractors of Northern California. We got input from the ABC, and while it is not everything they wanted, we congratulate the unions for incorporating what was needed, and at the end of the day we feel we have something good for the entire community and not just a select group or entity.

At this time, Ms. Nicole Goehring requested to speak before the Board in opposition to the PLA. As a point of order, the vote was taken and then Ms. Goehring's comments were heard later on the agenda.

Moved by Trustee Young and seconded by Trustee Honeychurch to approve the Measure Q Project Labor Agreement (PLA) as presented with the following roll call vote.

STUDENT ADVISORY VOTE: Latifah Alexander Concurred.

AYES: Trustee Thurston, Trustee Honeychurch, Trustee Brown, Trustee Young, and Board President Chapman

NOES: Trustee Keith and Trustee Martin

ABSENT: None

Academic and Student Affairs

(c) Resolution Supporting the Community College Pathways to Law School Initiative, Resolution No. 13/14-07

Solano Community College educates a diverse student population and has a strong record of student success; and recognizes this initiative as an opportunity to provide students interested in law, with a clear avenue and support system, including mentoring and pre-law advising, that will ensure their future success.

The Governing Board expresses its full support of Solano Community College's submission of a Letter of Interest for consideration to be among the 20 California Community Colleges to participate in the of the *Community College Pathway to Law School* initiative.

Moved by Trustee Brown and seconded by Vice President Young to approve Resolution No. 13/14-07 supporting the Community College Pathways to Law School Initiative as presented with the following roll call vote.

STUDENT TRUSTEE ADVISORY VOTE: Latifah Alexander Concurred.

AYES: Trustee Thurston, Trustee Honeychurch, Trustee Martin, Trustee Brown, Trustee Young, Trustee Keith, and Board President Chapman

NOES: None

ABSENT: None

Board President recognized Ms. Nicole Goehring, Government Affairs Director for ABC Northern California, representing 490 members and 22,000 workers who perform commercial, industrial, and public workers construction.

Ms. Goehring thanked the Board for taking the time to educate themselves about the truth about PLAs over the past year. ABC Northern California is opposed to the Project Labor Agreement that was passed this evening.

Mr. Sata stated earlier there are currently \$143M in construction needs and only \$120M in bonds to spend. According to Measuring the Cost of PLAs on School Construction in California, the most comprehensive study to date shows that costs are increased 13-15% in schools where PLAs are used. Just recently at the West Contra Costa Community College District, there was a 37% increase in bids over the allocated budgeted amounts for three projects due to the PLA, and the Trustees had to come up with an additional \$26M to cover the costs. This money could have gone for another building.

Ms. Goehring asked the Board what accountability measures the Board is putting place for Measure Q. She asked when you have three bidders or less, are you going to rebid the project without a PLA? If the project comes in over the engineer's estimate, are you going to rebid the project without a PLA? If there are strikes or work stoppages, will a fine be assessed and the PLA deemed void? I suggest you do one project with a PLA and the next one without a PLA, both of similar costs, so you can compare actual local hire numbers, costs, and number of bidders. Please refer to the City of Berkeley Staff Report where only 12% of Alameda County residents worked under PLA projects. With a limited workforce to work on your multiple projects going at once due to the PLA, how do you plan to address the workforce shortage should you encounter one?

We disagree with the policy justifications for PLAs and this point today refers to Section 14.1-Apprentices (Page 15 of 21 SCCD PLA).

We believe the specific reference to "joint apprenticeship program" by the exclusion of merit shop apprentices is discrimination, and is harmful as it excludes students that are enrolled in state-approved apprenticeship programs. This is against California public policy as set forth in Public Contract Code Section 2500. The Legislature has determined that if a PLA is to be used, it is permissible only if it prohibits discrimination based on a number of characteristics, including

race, sex, religion, or membership in a labor organization and dispatching workers for the project.

The exclusion of merit shop apprentices runs directly contrary to California’s stated public policy barring such discrimination. As the Supreme Court reiterated in *Hi-Voltage Wire Works, Inc., v. City of San Jose*, 24 Cal. 4th 537 (2000), the natural and ordinary meaning of the word “discriminate” is “to make distinctions in treatment, and show partiality in favor of or prejudice against.” By definition, the proposed PLA’s exclusion of non-union apprentices enrolled in state- approved apprenticeship programs constitutes impermissible discrimination.

10. ANNOUNCEMENTS

Board President Chapman stated that the current Board Adhoc Subcommittee membership list was made available to the trustees and to please be prepared to discuss membership for each subcommittee in 2014 at the December 18, 2013, meeting.

Dr. Jowel Laguerre introduced Mr. Bruce Peterson, the District’s new Associate Vice President for Human Resources.

11. ITEMS FROM THE BOARD

Trustee Martin announced it was his privilege to take 16 high school biology students to tour the Genentech facility to show young minds of the future what is available. After the tour, the students went to visit SCC’s Biotech Lab with Professor DeKloe and other members of the faculty. Hopefully there can be more tours with students in other programs.

12. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 9:14 p.m.

JCL:js

BOARD MINUTES.12.04.13.FINAL

SARAH E. CHAPMAN, Ph.D.
BOARD PRESIDENT

APPROVED

JOWEL C. LAGUERRE, Ph.D.
SECRETARY

SCCD Board minutes are summarized per SCCD Board Policy 1045 and 1046. To listen to the full deliberation of the Board, please contact the Office of the Superintendent-President within thirty (30) days.