

**WEST VALLEY-MISSION  
COMMUNITY COLLEGE DISTRICT  
BOARD OF TRUSTEES MEETING**

**Tuesday, November 13, 2012**

Mission College  
3000 Mission College Blvd., Santa Clara, CA 95054

6:00 p.m.	Public Session	Campus Center Room 219
6:01 p.m.	Closed Session	Campus Center Room 219
7:00 p.m.	Reception in recognition of outgoing Trustee Chris Stampolis and Mission College Student Trustee Daniel Likins	TAV-130
7:15 p.m.	Public Session	TAV-130

**1.0 CALL TO ORDER - PUBLIC SESSION**

- 1.1 Roll Call Oral
- 1.2 Oral Communication from the Public on Closed Session Agenda

Members of the audience may address the Board on any item listed on the Closed Session agenda. Comments will be limited to three (3) minutes per agenda item, with a total of fifteen (15) minutes of public comment on an item unless waived by the Board.

Oral

**2.0 ADJOURN TO CLOSED SESSION**

Provide direction to Kevin Dale, Esq., Acting Director of Human Resources Operations Albert Moore, and Chancellor Patrick Schmitt, District designated representatives, regarding negotiations with ACE, WVMCEA, Teamsters, and POA (Government Code 54957.6); and to Chancellor Patrick Schmitt regarding unrepresented groups.

DISCRIMINATION COMPLAINT APPEAL – Appeal to administrative determination regarding discrimination complaint under 5 CCR 59300 et seq.

**3.0 RECONVENE PUBLIC SESSION**

- 3.1 Pledge of Allegiance Oral
- 3.2 Report of Closed Session Action Oral
- 3.3 Approval of the Order of the Agenda (A) Oral
- 3.4 Approval of the Minutes (A) 8  
[Approval of the Minutes of the October 16, 2012, Meeting](#)
- 3.5 Presentations/Recognitions Oral  
Educational and Student Services Presentation:  
Student Success Task Force Initiatives  
Presenters: Penny Johnson and Rebecca Tran

**(A) = Action    (I) = Information**

**\*In compliance with the Americans with Disabilities Act, individuals needing special accommodations should contact the Chancellor's Office at 408-741-2011 one week prior to the meeting date.**

an opportunity to express itself regarding the proposals in the form of public comments.

[6.6 INITIAL PROPOSALS IN RE-OPENER NEGOTIATIONS FOR SUPERVISORS ASSOCIATION \(TEAMSTERS, LOCAL 856\)](#)

**7.0 BUSINESS AND FINANCE**

- 7.4 FINANCIAL STATEMENTS AND BUDGET ADJUSTMENTS (A) 59  
Recommendation: That the Board of Trustees approve the accompanying financial statements and budget adjustments as specified below for the period of July 1, 2012, through September 30, 2012 (First Quarter).

[7.4 1st Qtr. Budget adjustments and financials](#)

[Attach. 7.4 - 1st Qtr. Budget adjustments and financials](#)

- 7.5 2012-13 CCFS 311 FIRST QUARTER FINANCIAL REPORT (A) 75  
Recommendation: That the Board of Trustees accept the 2012-13 First Quarter Financial Report and authorize Fiscal Services to forward the CCFS-311Q Report to the California Community Colleges Chancellor’s Office (CCCCO).

[7.5 1st Qtr. 311 Report](#)

[Attach. 7.5 1st Qtr. 311 Report](#)

- 7.6 PROJECT LABOR AGREEMENTS (A) 79**

Recommendation: That the Board of Trustees provide direction for Project Labor Agreements to increase local contractor utilization for the District’s capital outlay program.

[7.6 PROJECT LABOR AGREEMENTS](#)

**8.0 BOARD**

- 8.1 APPROVAL OF A NONDISTURBANCE, RECOGNITION AND ATTORNMENT AGREEMENT BY AND BETWEEN THE WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT, A CALIFORNIA COMMUNITY COLLEGE DISTRICT, LAKHA PROPERTIES – SANTA CLARA, LLC, A WASHINGTON LIMITED LIABILITY COMPANY, AND WAL-MART STORES, INC., A DELAWARE CORPORATION (A) 81

Recommendation: That the Board of Trustees approve the agreement substantially as presented and authorize the Chancellor to execute same on behalf of the District.

[8.1 APPROVAL OF A NONDISTURBANCE, RECOGNITION AND ATTORNMENT AGREEMENT](#)

[8.1 NDRA](#)

- 8.2 BOARD OF TRUSTEES 2011-12 SELF-EVALUATION AND 2012-13 SELF-EVALUATION GOALS (A) 97

Recommendation: That the Board of Trustees concludes its 2011-12 self-evaluation by finalizing and approving its 2012-13 self-evaluation goals.

[8.2 BOARD OF TRUSTEES 2012-13 SELF-EVALUATION GOALS](#)

**9.0 INFORMATION REPORTS AND ITEMS FOR FUTURE BOARD CONSIDERATION**

PREPARED BY: ED MADULI

REVIEWED AND APPROVED BY: PATRICK SCHMITT

**SUBJECT: PROJECT LABOR AGREEMENTS**

**CHANCELLOR'S RECOMMENDATION:**

That the Board of Trustees provide direction for Project Labor Agreements to increase local contractor utilization for the District's capital outlay program.

Funding Source/Fiscal Impact

Project funding for the District's capital outlay program is through both Measure H and Measure C. The fiscal impact of Project Labor Agreements is unknown.

Reference(s)

At the May 8, 2012, Board of Trustees meeting, Neil Struthers, CEO, Santa Clara & San Benito Counties Building & Construction Trades Council, outlined the benefits of Project Labor Agreements. The Vice Chancellor, Administrative Services was directed to provide a study of Project Labor Agreements to the Board of Trustees before the end of calendar year 2012.

Background/Alternatives

The Vice Chancellor, Administrative Services is conducting a study of Project Labor Agreements for the Board of Trustees. The study will draw from recent research showing its benefits as well as its drawbacks. It will also include data from other community colleges that have entered into Project Labor Agreements or Project Stabilization Agreements. Project Labor Agreements may also be called Project Stabilization Agreements. The study will be presented to the Board on December 11, 2012.

The District is also using other strategies to increase local contractor participation in its construction projects. On March 16, 2006, The Board of Trustees passed a resolution to enact the bidding procedures under the Uniform Public Construction Cost Accounting Act. This allows the District to prequalify contractors for work up to \$187,500 for public works projects. Annually, the District solicits new contractors as well as recertifying contractors that are currently on the approved list. Through the years, this program has grown in size. The District currently has 102 contractors on the approved list. Ninety

are local contractors. For projects less than \$45,000, the District can negotiate work with any of the approved contractors who hold the appropriate California Contractor's License for the work being performed. For projects greater than \$45,000 and less than \$187,500, the District uses the informal bid process. This method is relatively fast as the District can advertise and open bids within 10 days. For the current fiscal year, the District has awarded \$565,195 to 54 local contractors within Santa Clara County.

Other strategies to increase local participation in the District's construction projects include alternative project delivery methods. These include multi-prime and lease/leaseback. In the multi-prime option, the District contracts directly with the trade contractors. The typical trade contractors include general trades, mechanical, plumbing, electrical, site work, and occasional specialties. The construction of the Information Technology Building at Mission College utilized the multi-prime option. More than 90% of the construction work was performed by local contractors. The total construction cost of this building was \$2.3 million.

Lease/lease back is another option. With this option, the District leases property (site) to the contractor for a nominal sum. The contractor agrees to construct the building on the site and lease it back to the District. After construction is complete, the facilities lease is terminated and the title to the building reverts back to the District. Under this option, the District can direct the contractor to a certain percentage of the contractor work going to local subcontractors. The District has not used this option.

#### Coordination

N/A

#### Follow-up/Outcome

The Vice Chancellor, Administrative Services will incorporate the Board's comments in the study of Project Labor Agreements, which will be presented to the Board at the December 11, 2012, Board of Trustees meeting.