

**Governing Board Minutes of August 27, 2008**

On motion of Dr. Gordon, seconded by Mrs. Cookman, by unanimous vote, (Student Trustee Advisory Vote—aye), the Governing Board gave approval in advance of receipt of a firm price to award a contract to:

DMSI for manufacture and installation of the police services modular facility at DVC for approximately \$532,800. If a firm price is received that exceeds 10% of this estimate, the contract will be brought back to the Board for approval.

Approval was given in advance due to the urgent need to reconstruct spaces for police services.

At this point in the meeting, President Van de Brooke asked that a brief recess be held and adjourned the meeting at 7:35 p.m. Ms. Van de Brooke reconvened the public session at 7:45 p.m.

**PROJECT LABOR AGREEMENT (PLA)**

John T. Nejedly summarized work done by himself and Dr. Gordon as members of the PLA subcommittee. He said the subcommittee has worked on this project for quite a while with the passing of the resolution by the Board in October of 2006. The subcommittee has been attempting to come up with a PLA that is favorable for both the District and the unions. Mr. Nejedly said a proposed agreement was put forth to address such items as administrative costs, dual benefits, core workers, and work stoppages and strikes. Mr. Nejedly said many issues remain to be addressed and he understands that Board members are being contacted directly by the unions concerning this item. Mr. Nejedly emphasized that all of the District's issues need to be addressed before an agreement can be presented to the Board for approval.

Dr. Gordon asked Gene Huff, Associate Vice Chancellor/Chief Human Resources Officer to give the chronology of the PLA to date. Mr. Huff said the Board adopted the PLA resolution in October 2006. In June 2007, Jake Sloan was hired as the District's chief negotiator for the PLA. In March 2008, the Contra Costa Building and Construction Trades Council met with Dr. Benjamin and Mr. Huff to review progress up to that time. Several meetings were held in June 2008 in which a number of issues were resolved, but other key issues remained to be resolved. Mr. Huff said the last meeting with the Contra Costa Building and Construction Trades Council was held on July 3, 2008, and no new meetings are currently scheduled. Dr. Gordon said it was recommended that the PLA would be offered for five projects from the Measure A 2006 bond. He stated that the Contra Costa Building and Trades Council has not reached agreement on this point. Dr. Gordon added that this amount of projects was a reasonable number given that the District is trying to be as inclusive as possible. Dr. Gordon further stated he hoped the constituents of Contra Costa County would be satisfied with what the District is trying to accomplish.

Since the word "exclusively" appeared in the Measure A 2006 bond language, Mrs. Cookman asked if a project funded by the Measure A 2006 bond with an estimated cost of several million dollars could be supplemented with a minimal amount of state funds or other funds in a strategy to keep the project from falling under the proposed PLA. Ray Pyle, Chief Facilities Planner answered that this would not be done, and that none of the projects submitted to the state for funding supplemental to bond funds were submitted for this reason. He stated that all projects submitted for state funding were put forward to leverage bond funding with state funding, and that the amount of state funding requested was always substantial, and in most cases was proposed for 20-50% state funding. Mr. Pyle further stated that a multi-million dollar bond project would have a \$1M or more

**Governing Board Minutes of August 27, 2008**

state request if the District thought state funds would be available. Mr. Pyle said none of the bond projects would be supplemented with non-bond funding in order to keep them from falling under the PLA.

Ms. Van de Brooke said she does not agree that special consideration be given to organizations that helped to pass the bond; the PLA should be considered on its own merits. She added that she did not think ahead to how the word, "exclusively" would be applied when the PLA resolution was approved. Ms. Van de Brooke thanked Mr. Nejedly and Dr. Gordon for all the work they have done on the PLA. Mr. Nejedly reiterated that Board members are being contacted directly about the PLA, and he said the subcommittee as well as District staff members are working hard to reach agreement.

Jack Weir, president of the Pleasant Hill Taxpayers' Association and member of the Measure A Bond Oversight Committee, said the Pleasant Hill Taxpayers' Association would not have endorsed the 2006 bond measure if it had known that it would have involved a future PLA. Mr. Weir said a college bond measure would not be supported in the future if it included a PLA. Mr. Weir encouraged the Board to retain the criteria for a PLA previously established in the October 2006 resolution.

Jeff Olsen, owner, Helix Electric said a PLA will impact 200 of his workers. Mr. Olsen said the Board should not exclude 86% of the workers who would be eligible to work on projects if no PLA was involved. Mr. Olsen said companies with PLAs and those without PLAs have the same opportunities to bid on projects and put competitive numbers together. Mr. Olsen said every company deserves the same opportunity for bidding on projects.

Mike McCrary, owner, McCrary Construction, said he is a non-union low bidder and he would like to continue to build for the District and save it money. Mr. McCrary stated the Board should not make agreements that discriminate against others. He further stated he does not want to be told how and where he can hire the people that work for him.

Ken Hambrick, spoke on behalf of himself and Contra Costa County taxpayers. Mr. Hambrick said he appreciated Ms. Van de Brooke's comment regarding rewarding people for their election support. Mr. Hambrick said the PLA was unethical because it was not put forward at the time the bond measure went before the voters. Mr. Hambrick said historically PLA projects come in 20% to 30% higher than those bid without a PLA. Mr. Hambrick requested that the Board rescind the PLA and added if the District proposed a new bond measure that it should state a PLA will be included. Ms. Van de Brooke responded to Mr. Hambrick's comment about the PLA being unethical. She said the PLA was not premeditated and that it was brought up after the bond passed.

Kasmir Zaratkiewitz, Local 1 Business Agent said unions are the reason why employees enjoy many of the benefits they have, and everyone should take this fact into consideration when decisions are made. Kris Hunt, Executive Associate Director, Contra Costa County Taxpayers' Association said the Board's duty is to use bond money effectively. John Corry, contractor from Redding, California said the District's fiduciary responsibility is to get the biggest bang for the buck and not limit competition. Mr. Corry said building project prices go up when PLAs are involved.

Dr. Michels, UF president said the UF does not have a position on the PLA, but he appreciates the Governing Board's efforts to use union labor when it can. Mr. Nejedly said several issues remain regarding the PLA and all the comments the Board has heard will be taken into

Governing Board Minutes of August 27, 2008

consideration. Dr. Gordon added that he hoped the process would move expeditiously and the issue would be resolved in the not too distant future.

#### WORKFORCE DEVELOPMENT STATUS REPORT

A summary of the Workforce Development Scan Results Report, prepared in January 2008 and delivered to the District in April 2008 by CLARUS Corporation, and the attached workforce development overviews from each of the colleges were presented to the Board for general discussion. Dr. Deborah G. Blue, Vice Chancellor, Districtwide Planning and Educational Services introduced Priscilla Leadon, CCC; Kim Schenk, DVC; and Kiran Kamath, LMC. Ms. Leadon, Ms. Schenk and Ms. Kamath presented their respective reports. Mr. Nejedly asked how fees at DVC were being handled if there was no contract education. Ms. Schenk said six contract education classes currently exist at DVC and they are being paid by the companies contracting with DVC to offer courses for their employees. Ms. Van de Brooke asked how CLARUS recommendations were being tracked in relation to workforce development. Dr. Blue said CLARUS provided a master template to the District for this purpose and added that Tim Leong, Director of Marketing and Communications was working on this template to present to Chancellor's Cabinet for implementation.

Ms. Van de Brooke said the colleges are engaged in different degrees of workforce development in the community. She added that the District has to determine what is to be achieved through workforce development versus contract education. Ms. Van de Brooke stated the District has to be specific about what it will pick to do and then it needs to do that well. Ms. Van de Brooke added the District needs to capture high school graduates and non-high school graduates for its colleges because they represent the untapped market of students for the District.

Dr. Blue closed by saying that the next steps would be to continue review of CLARUS' college and Districtwide workforce development recommendations; continue support of the colleges' implementation of their workforce development efforts; and include workforce and economic development as a strategic direction in the District strategic plan for 2009-2012.

The complete Workforce Development Scan Results Report prepared by CLARUS was also provided to the Board as back-up information.