

Minutes of the Regular Meeting of the Board of Trustees
San Mateo County Community College District
August 19, 2009
San Mateo, CA

The meeting was called to order at 6:04 p.m.

Board Members Present: President Karen Schwarz, Vice President-Clerk Patricia Miljanich, Trustees Helen Hausman, Richard Holober and Dave Mandelkern, and Student Trustee Virginia Medrano Rosales

Others Present: Chancellor Ron Galatolo, Executive Vice Chancellor Jim Keller, Skyline College President Victoria Morrow, College of San Mateo President Michael Claire, Cañada College President Tom Mohr, and District Academic Senate President Patty Dilko

Pledge of Allegiance

DISCUSSION OF THE ORDER OF THE AGENDA

None

MINUTES

It was moved by Vice President Miljanich and seconded by Trustee Mandelkern to approve the minutes of the July 22, 2009 meeting. The motion carried, all members voting "Aye."

PRESENTATIONS TO THE BOARD BY PERSONS OR DELEGATIONS (09-8-1C)

On behalf of the Board, President Schwarz presented awards to the following Facilities Department staff for donating their time and talents to design, weld and install the sculpture of the District logo which is located outside the District Office: Samuel Brambila, Tim Granillo, Rome Langi, Diane Martinez and Carol Reed. Juan Lopez, Adrian Otis and Steve Zoboli were not present but will also receive the award. President Schwarz thanked the group for their impressive work and said it was good to see a facilities improvement at the District Office as well as at the Colleges.

UPDATE AND RECOMMENDATIONS ON CAÑADA VISTA CONSTRUCTION AND SUBCONTRACTORS (09-8-104B)

It was moved by Trustee Mandelkern and seconded by Trustee Hausman to award the bids as detailed in the report. Barbara Christensen, Director of Community/Government Relations, apologized for the late submission of the report, explaining that bids were received as late as yesterday afternoon. Ms. Christensen said union contracts now account for 91.4% of the work on the Cañada Vista project. She outlined the bid results of the four remaining jobs for which prevailing wage contractors are recommended:

1. Finish carpentry. Three union bids and four prevailing wage bids were received. Ms. Christensen noted the wide variation among the three lowest bidders in terms of the estimate of hours to complete the job. The low bid was by Western Building Materials, a prevailing wage subcontractor, and was almost \$93,000 less than the low union bid. Western Building recently completed a project for Segue Construction and received very favorable reviews. Ms. Christensen said she is confident that Western Building can do the job with no change orders.
2. Painting. The nonunion bid of \$179,600 was submitted by ADM of San Jose. The three union bids received were 26%, 36% and 75.5% higher.
3. Flooring. Ms. Christensen said there was a large discrepancy among the estimated hours. Peninsula Flooring, based in San Mateo, submitted a bid of \$135,822. The three union bids were 66%, 143% and 225% higher. Segue has worked with Peninsula Flooring on several jobs and vouches for their high quality work.
4. Stucco. Details on the lowest union bid, which is \$96,000 higher than the prevailing wage bid, were received yesterday and union representatives requested a one week delay in awarding the bid so that they can clarify and verify certain items within the bid. Segue Construction will also clarify details of the prevailing wage

bid. After that time, District staff recommends that the Chancellor be delegated the authority to award the bid to the lowest priced subcontractor.

In conclusion, Ms. Christensen said that awarding every job to a union contractor would add nearly \$400,000 to the cost of the project and would result in higher rents for the employees who will live in the apartments. Ms. Christensen said the District has agreed to the unions' request to have prevailing wage workers sign in and out on the job sites and to give copies of pay stubs or pay checks to union representatives. Ms. Christensen said that Jim Feeley, the contract manager from Segue Construction, is in the audience to answer questions about the subcontractors.

Trustee Mandelkern said the wide difference in the estimates of hours to complete jobs is a concern. Ms. Christensen said she cannot explain the discrepancy but noted it exists even among the union bidders. Trustee Mandelkern asked if there are no change order clauses in the contracts. Ms. Christensen said no change orders are allowed for anything that is included in the plans and specifications. Mr. Feeley said there are guaranteed maximum prices. Vice President Miljanich asked if the difference in estimated hours could affect the quality of the work. Ms. Christensen said that all of the subcontractors listed have worked recently for Segue and have satisfactorily completed work on similar projects.

Trustee Holoher recalled that when the subcontractor awards were discussed in April, the difference between bids from union and prevailing wage entities was approximately \$1 million. Ms. Christensen said the difference was \$1.1 million then, and now it is about \$400,000 for the four jobs listed above. Trustee Holoher asked if the bidders in both union and prevailing wage companies are the same as they were in April. Ms. Christensen said there are new union bidders who were suggested by union representatives. She said not much was done on the side of prevailing wage companies because there were already several bids.

President Schwarz asked how the \$400,000 difference would translate in terms of rents. Ms. Christensen said it would raise rents by \$40 per month for the life of the project. President Schwarz asked how much below market rates the rents would be. Ms. Christensen said that, based on the prices recommended tonight, they would be similar to College Vista, which is at least 40% below market rates.

William Nack, representing the Building and Construction Trades Council, said they were told this morning that the difference between the union and nonunion bids was \$340,633 and that the difference in rents would be about \$35 per month. Mr. Nack said the Council believes the Board should have concerns over the large difference between the hours union bidders and prevailing wage bidders say it will take to do the jobs. He said they are baffled over how the prevailing wage contractor for stucco can do the job with 1,100 more man hours and yet come in \$96,000 below the union bid. He said they do not believe the union bids are inflated and they recommend that the Board award the contracts to the lowest union bidders who pay prevailing wages on every job and hire apprentices every day.

Trustee Mandelkern asked if Mr. Nack could explain the difference in hours even among union bidders. Regarding the bid with the largest difference, between Devcon and Allied, Mr. Nack said he has not spoken with Devcon so he cannot explain the difference. Trustee Mandelkern asked if such discrepancies are common. Mr. Nack said there seems to be more discrepancy in these bids than is normal. President Schwarz asked if any bidders were asked to double check the hours they estimated. Mr. Nack said the unions did double check with the contractors with whom they were in contact.

Trustee Holoher asked if the District's current unit price contract with Bayview Painting could be applied for this project. Ms. Christensen said she will pull the recommendation for the painting contract award to check into this question. Trustee Mandelkern amended his motion to reflect the removal of the painting contractor recommendation. Trustee Holoher asked if there might be other existing District unit price contracts that should be considered. Ms. Christensen said BT Mancini, with whom the District has a flooring contract, submitted a bid based on their unit price and it was \$105,000 higher than the lowest union bid.

Trustee Hausman asked if more study might be needed because of the discrepancies in the bids. Ms. Christensen said she is comfortable with the research and reference checking that has been done. She added that even jobs with union contractors do not always run smoothly, as evidenced by the problems with Devcon on the College Vista project. Ms. Christensen added that 92% of the subcontractors for Cañada Vista were able to meet or beat the prevailing wage

prices; she commented that she believes the management is benefitting from the higher union pricing rather than the workers.

Trustee Hausman said it is important to remember the purpose of the housing project and that \$35 or \$40 in these difficult economic times can make a significant difference to employees who are trying to save for a down payment on a home.

Trustee Holober thanked Ms. Christensen for her work since the inception of the project. He said a significant savings has been achieved in that the \$1.1 difference between union and nonunion bids was brought down to \$350,000 or \$400,000. Trustee Holober said that there is a point at which it becomes a question of Board philosophy and policy. Trustee Holober said he will vote against the recommendation and would support substituting the low union bidders in place of the recommended nonunion bidders. He said that in a design-build type of process, qualitative factors may be considered. He wants to support the local economy and contractors who have long-established records of monitoring the wage and benefit system that has been built over many years. He said that in this case, the low bidders may very well go with the legal requirement for prevailing wages, but it is likely that on future, non-public works jobs, some contractors will tell workers that they cannot afford to pay prevailing wages on an ongoing basis.

Trustee Mandelkern agreed that it is a question of philosophy and ideology. He also thanked Ms. Christensen for working to get the lowest prices possible. Trustee Mandelkern asked if any bargaining unit representatives would like to comment on whether future residents might believe the \$35 or \$40 difference in rents would be acceptable in order to hire union workers. President Schwarz said bargaining unit representatives might have different opinions and could be put on the spot by addressing the issue.

Vice President Miljanich said that the Board is making this decision on behalf of the entire community and costs must be considered. She said the Board would have preferred 100% union workers and she appreciates the effort to make that happen. President Schwarz agreed, noting that at the Board's request, more bids were sought and obtained.

President Schwarz thanked Ms. Christensen, Mr. Nack and all of the union representatives for their involvement. She said this is a very difficult decision and she wishes the recommendation could have been for 100% union subcontractors. She said she will be voting for the recommendation. Her priority is District employees and she believes it is in their best interest that they be provided a quality place to live at the lowest price. President Schwarz said the fact that there will be prevailing wages is the District's guarantee that there will be quality work. She also said it is a good idea that there will be a monitoring system through the use of pay stubs and sign-in sheets.

After this discussion, the motion to approve the motion, as amended to delete the painting subcontractor, carried by a vote of three to two, with President Schwarz, Vice President Miljanich and Trustee Hausman voting "Aye" and Trustees Holober and Mandelkern voting "No." Student Trustee Medrano Rosales cast an advisory "Aye" vote. The approved motion includes the award of bids for landscaping, finish carpentry, masonry and flooring. It also delegates authority to the Chancellor to award the stucco bid to the lowest priced subcontractor after a one-week review of the bids. A new recommendation for the painting contract award will be brought to the Board for approval.

STATEMENTS FROM EXECUTIVES AND STUDENT REPRESENTATIVES

Executive Reports were presented by Chancellor Galatolo, President Morrow, President Claire, President Mohr and President Dilko. Copies of the Presidents' Executive Reports were available for distribution at the meeting and are attached to the official minutes of record.

Chancellor Galatolo said there is a large increase in the number of students attending the Colleges. He added that this is a time when students need the District most but when the District has the least. He said staff will keep the Board informed on the budget and how it impacts the District's academic program.

President Morrow distributed a packet of information which was given to students on Opening Day. Included is a calendar of events for 2009-10. Also included is a bookmark outlining the new smoking policy. President Morrow thanked Vice Chancellor José Nuñez and his staff for the excellent signage regarding this policy. President Morrow said students are enjoying the central area of campus.

President Claire displayed renderings of the construction at College of San Mateo and recognized the Facilities and Construction Planning teams and McCarthy Builders. President Claire said that on Opening Day and during Operation Welcome Mat week, he and dozens of other faculty and staff wear blue CSM t-shirts to identify themselves as people who can help students find their way around campus and answer questions. President Claire said the College's website was recognized as outstanding by a group of California community college public information officers. President Claire introduced Dave McLain of the Public Relations & Marketing Department, one of the chief architects of the website. President Claire said the College is working hard on its social networking sites, including Facebook, LinkedIn and Twitter. President Claire has also started a blog to keep the campus community informed.

President Mohr distributed copies of a CD designed by Vice President of Instruction Sarah Perkins which shows recent achievements of Cañada faculty. Vice President Perkins met with faculty yesterday, focusing on Cañada as a learning college that fosters innovation and inquiry. Vice President Perkins used the book "College Learning for the New Global Century" as the basis for her discussion and President Mohr provided each Board member with a copy of the book. President Mohr said that Dr. Peter Barbatis, Vice President of Student Services, is working with counseling staff on new models of counseling, given the growing number of students and cutbacks from the State. President Mohr recognized the accomplishments of Chemistry Professor Jeannette Medina, Art History Professor Denise Erickson, and the Cañada Robotics Team.

President Dilko said faculty returned to their campuses after the Districtwide Opening Day event for all-campus, all-faculty, and division and discipline level planning meetings where they considered the future of the departments and the work they do to support student learning. President Dilko said faculty look forward to continued conversations on the budget, planning and college structure. They particularly look forward to conversations about enhancing teaching and learning. Faculty are committed to ongoing professional development and collaborative shared governance. President Dilko presented Board members with t-shirts honoring Cañada College's 40th anniversary and said the shirts were purchased by the Cañada Academic Senate.

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 (09-8-1A)

It was moved by Vice President Miljanich and seconded by Trustee Hausman to approve the actions in Board Report No. 09-8-1A. The motion carried, all members voting "Aye."

PUBLIC HEARING OF AMERICAN FEDERATION OF TEACHERS (AFT), LOCAL 1493, AFL-CIO INITIAL CONTRACT PROPOSAL TO THE DISTRICT AND DISTRICT'S INITIAL PROPOSAL TO AFT; ADOPTION OF DISTRICT'S INITIAL PROPOSAL (09-8-2A)

It was moved by Trustee Holoher and seconded by Vice President Miljanich to conduct the public hearing. The motion carried, all members voting "Aye." During the public hearing, President Schwarz invited questions and comments. Hearing none, President Schwarz declared the public hearing closed.

It was moved by Vice President Miljanich and seconded by Trustee Hausman to adopt the District's initial proposal. The motion carried, all members voting "Aye."

APPROVAL OF CONSENT AGENDA

The Consent Agenda consists of the following Board Reports:

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| 09-8-1CA | Approval of Community College League of California (CCLC) Membership Dues, 2009-10 |
| 09-8-2CA | Ratification of Fourth Quarter District Warrants, 2008-2009 |
| 09-8-3CA | Approval of Off-Campus Facilities, 2009-10 |

President Schwarz asked that item 09-8-1CA be removed from the agenda for discussion.

It was moved by Trustee Hausman and seconded by Trustee Holober to approve items 09-8-2CA and 09-8-3CA. The motion carried, all members voting "Aye."

APPROVAL OF COMMUNITY COLLEGE LEAGUE OF CALIFORNIA (CCLC) MEMBERSHIP DUES, 2009-10 (09-8-1CA)

It was moved by Trustee Holober and seconded by Vice President Miljanich to approve payment of the membership dues. President Schwarz said the dues are high and she would like reassurance that the District is getting its money's worth. Executive Vice Chancellor Keller said there were many legislative issues the District was concerned about this year, such as property taxes, and the League provided substantial assistance. He said the League also assists with the consortium the District belongs to which saves on energy costs and on this issue alone, the District gets its money's worth.

Trustee Holober asked if the Commission on Athletics carries out a separate function within the League. President Claire said community colleges must operate within the rules and regulations of the intercollegiate athletic programs of California community colleges, and he assumes the funds help toward expenses for establishing and overseeing the enforcement of those rules and regulations.

Trustee Holober said he believes the League is making positive steps in terms of advocacy. He believes the District should support the League even if there are differences at times. Vice President Miljanich agreed, saying the District achieves greater value for its dollar by being involved with the League. Trustee Hausman asked how the amount of the dues compares with last year; Executive Vice Chancellor Keller said they are about the same.

After this discussion, the motion to approve payment carried, all members voting "Aye."

Other Recommendations

PUBLIC HEARING OF THE 2009-10 FINAL BUDGET (09-8-100B)

It was moved by Trustee Holober and seconded by Vice President Miljanich to conduct the public hearing. The motion carried, all members voting "Aye." During the public hearing, President Schwarz invited questions and comments. Hearing none, President Schwarz declared the public hearing closed.

Chief Financial Officer Kathy Blackwood distributed copies of her presentation and discussed its contents; a copy of the presentation is attached to the official minutes of record. Trustee Holober said that in the past, the District has taken advantage of unused State growth funds and asked if that is a possibility currently. CFO Blackwood said no unused funds are available now. President Schwarz asked if CFO Blackwood believes the deficit situation will continue into 2011-12. CFO Blackwood said it will because of (1) the general economy and (2) the fact that the State budget is not balanced. Chancellor Galatolo said it will continue until structural changes are made at the State level.

Trustee Holober said reductions must be made in areas that are tangential to the District's mission of serving students. Trustee Holober added that by not having to fund a Board election, \$200,000 was saved.

President Schwarz announced that the Board will be asked to approve the final budget at the September 9, 2009 Study Session.

PUBLIC HEARING FOR CATEGORICAL FUNDING FLEXIBILITY AND APPROVAL TO TRANSFER FUNDS BETWEEN SPECIFIED CATEGORICAL FUNDS (09-8-101B)

It was moved by Trustee Hausman and seconded by Vice President Miljanich to conduct the public hearing. The motion carried, all members voting "Aye." During the open hearing, President Schwarz invited questions and comments. Hearing none, President Schwarz declared the public hearing closed.

It was moved by Vice President Miljanich and seconded by Trustee Holober to approve transferring funds between the specified categories as detailed in the report. The motion carried, all members voting "Aye."

CONTRACT AWARD FOR THE CAÑADA COLLEGE TREE TRIMMING PROJECT (09-8-102B)

It was moved by Trustee Hausman and seconded by Trustee Holober to approve the award as detailed in the report. The motion carried, all members voting "Aye."

APPROVAL FOR DISTRICT TO ADVANCE CAL GRANT AWARDS TO STUDENTS (09-8-103B)

It was moved by Trustee Holober and seconded by Vice President Miljanich to approve the advance as detailed in the report. The motion carried, all members voting "Aye."

INFORMATION REPORTS

FOLLOW-UP REPORT ON KCSM (09-8-2C)

KCSM General Manager Marilyn Lawrence said that since the last presentation to the Board on June 24, she has researched options that would make KCSM-TV financially sound. KCSM-FM will continue to be tweaked for process and financial stability, but no further options have been investigated.

For the 2009-10 year, KCSM has made staff reductions in the amount of \$500,000 and has saved \$250,000 more through expenditure controls. In addition, there has been staff training, creation of a new business model, and branding and programming discussions for KCSM-TV. Benefits to the District from KCSM include net revenue from telecourses of \$795,000, promotions for the Colleges and District with a value of \$240,000, support of the new digital media program, and the high school outreach and promotion program.

Ms. Lawrence reviewed the two options for KCSM-TV presented at the June 24 meeting:

Lease bandwidth: Positives are that the District would keep control of the station and provide programming that meets local community needs; be able to react to new uses with possible additional revenue; find partners that make the right sense; maintain staff positions; and continue services to the District (telecourses, promotion, digital media program support). The negative to this option is that it might take a longer time to close the deals than is practicable.

Of those who have expressed interest in a lease option, Ms. Lawrence said the Sierra Club and NASA are interested in deals which would bring in more than just Bay Area stations; the Beta Group of stations which Ms. Lawrence co-chairs might be helpful in this regard. All of the medical groups which have expressed interest want to wait to see what happens with a potential national health insurance plan. The remainder of those who have expressed interest would not bring in enough revenue to make a lease worthwhile. Trustee Holober asked how many streams would be available for a lease option. Ms. Lawrence it would be four or five and that they could be leased only to non-commercial organizations.

Station Sale: This would provide the highest one-time cash infusion to the District and remove all financial concerns. There would, however, be no District services; no chance of acquiring a TV station in this market again; a public outcry; and loss of any possible future revenue. The three entities which have expressed interest in buying the station are Northern California Public Broadcasting, Daystar (religious broadcaster) and Public Radio Capital.

Ms. Lawrence said there is a third option which has been developed since the June 24 meeting:

Operations Agreement: This would allow the District to keep the license and have limited control for the use of the station. There would be no net costs to the District. The District could retain the ability to change operators via contract. Negatives to an operations agreement are that since the District would still own the license, it would be responsible for meeting FCC requirements; the length of the contract could be an issue; the operator will determine community needs; CSEA may lose positions; and there would be limited District services. Ms. Lawrence said Public Radio Capital is very interested in this option.

Ms. Lawrence said she would like guidance and direction from the Board regarding KCSM-TV. She would like permission to go on-air and ask for money. She also recommends preparation of a public bid document to cast a larger net to help find possible leasers. Finally, she would like to work with Executive Vice Chancellor Keller to further investigate the operations agreement option.

President Schwarz asked if there will also be discussion about KCSM-FM. Ms. Lawrence said it was her belief that since radio was close to being in the black, with movement forward to control costs even more, the Board was not as concerned about radio. Therefore, the report tonight concentrates on KCSM-TV.

Vice President Miljanich asked for information on Public Radio Capital. Ms. Lawrence said this entity acquires or makes agreements with non-commercial public media in order to keep it noncommercial and public. They have done this many times with radio stations but never with television. In an agreement with the District, they would take over operations of the station for three to five years and then the District could make a decision about letting Public Radio Capital buy the station, selling it outright, or taking it back.

Trustee Mandelkern asked if it would be possible to get a more refined interest, such as a letter of intent, before going further. Ms. Lawrence said she has not been successful in her attempt to get such a letter. She said this is one reason she would like to go out to public bid for leasing. Trustee Mandelkern asked if there might be other entities interested in operations agreements. Ms. Lawrence said the Corporation for Public Broadcasting informed her that Public Radio Capital is the only one they know of.

Trustee Holober asked how an agreement with Public Radio Capital would affect station control. Ms. Lawrence said much depends on what is written into a contract. The District could structure it so that staff and telecourses must be retained but this would make it less attractive to the operator. Trustee Hausman asked how important telecourses are to students. Ms. Lawrence said they are critical to some students who cannot get to campus. Chancellor Galatolo said while the retention of telecourses could be included in a contract, the growing market is in more contemporary means of education, such as online courses.

Trustee Hausman asked which option would benefit the District most financially. Ms. Lawrence said that because the economy is soft, the District would get only \$5 million to \$8 million for a television license, which is the lowest she has ever seen. An operations agreement would allow an opportunity to delay a sale until the economy improves. Trustee Holober asked if, aside from the current recession, the value of public television licenses is getting worse. Ms. Lawrence said she sees value in the future, particularly with mobile TV.

Vice President Miljanich asked what message Ms. Lawrence has in mind to take to the public on-air. Ms. Lawrence said it would be that California budget cuts no longer allow the District to support the station financially and the public's help is needed now. Trustee Holober said it could be perceived as dishonest if the District enters into an operations agreement within a few months after asking the public for money. Chancellor Galatolo said it would not be disingenuous because money is needed now to operate for the next six to eight months. President Schwarz suggested letting the public know that a specific amount of money is needed to keep the station running for a specific number of months. Ms. Lawrence agreed with this approach and the Board approved the on-air appeal.

Trustee Mandelkern asked what the feedback has been regarding KCSM-TV dropping its membership from PBS. Ms. Lawrence said there have been 60 contacts, which is minimal considering that KCSM has 800,000 viewers per week.

President Schwarz said the Board appreciates the efforts by Ms. Lawrence and understands that time is needed before a final decision is made, but said there must be a timeframe. Ms. Lawrence said she fully understands this. With the help of Executive Vice Chancellor Keller, she will continue to work to find more lease opportunities and to further pursue an operations agreement. She will present another report in October and will make earlier reports if progress warrants. President Claire commended Ms. Lawrence and her staff for success on a very difficult restructuring.

UPDATE ON TUITION ASSISTANCE PROGRAM (09-8-3C)

Eric Raznick, Director of Information Technology Services, said this program was originally suggested by Trustee Mandelkern. The program allows students to make a donation of \$5.00, \$10.00 or \$20.00 during the registration process for the benefit of other students. The funds are given to the Foundation for distribution. The program was started in the spring of 2004 and the total collected so far (not including fall 2009) is \$60,208, with 7,822 total participants. Mr. Raznick displayed the text which students see on WebSMART which includes the statement that tuition fees are \$20.00 per unit; Mr. Raznick said Trustee Mandelkern has proposed changing the text to reflect the increase to \$26.00 per unit. Trustee Mandelkern also proposed that new donation amounts be created by suggesting that students round the \$26.00 fee up to \$30.00 per unit. Vice President Miljanich asked what kind of effort it would

take to make these changes. Mr. Raznick said it would be quite simple and could be done in time for the spring semester registration cycle.

President Schwarz commended Trustee Mandelkern, noting the substantial amount of money that has come in over the years. Trustee Mandelkern asked what percentage of students who make pledges do not follow through. Mr. Raznick said it is not possible to tell because it is not broken down in fee payment records. Mr. Raznick said that if a pledge is not paid at the end of a term, it is removed so that it will not negatively affect the student. Trustee Mandelkern asked if anything has been done to follow up with donors to get them in the habit of regular giving. Mr. Raznick said the Foundation is given a list of student donors' names but he does not know if it is used for follow up. Chancellor Galatolo said staff will investigate this question and report back to the Board.

2010 CONTRACTOR PREQUALIFICATION (09-8-4C)

Trustee Mandelkern said the wording in questions 68 and 69, asking contractors if the employees they provide who are covered by prevailing wage law are offered health and welfare benefits, is awkward and redundant because provision of these benefits is already included in the prevailing wage law. Linda da Silva, Executive Director of Construction Planning, said that while the provision of benefits is included, not everyone reading the questionnaire will know that. Rick Bennett, Executive Director of Construction Planning, added that the wording for the questions comes directly from the Department of Industrial Relations.

Mr. Bennett paid tribute to the Construction Planning staff who works extremely hard on the prequalification every year. Trustee Holober said he appreciates this work which is a very important part of what the District needs in order to deliver high quality work. President Schwarz said she also appreciates staff's response to the Board's earlier concern about its role in approving the prequalification process and questionnaire.

INFORMATION ON TOWN OF WOODSIDE REGARDING CAÑADA CAMPUS (09-8-5C)

Barbara Christensen discussed the Town of Woodside staff request presented in the report. Ms. Christensen said there is a new regulation which requires each city to offer the opportunity for multifamily housing within their jurisdiction. Woodside staff had the idea to amend the municipal code to allow for the development of multifamily housing on the Cañada campus through a use permit or overlay zoning. There is a provision in the language that the District retains complete control over its property and that multifamily housing would be considered only if the District ever wanted to lease or sell a portion of the campus. Ms. Christensen emphasized that the proposal is in the beginning stages and has not been reviewed by the Town Council or by the State Department of Housing. The Board briefly discussed a similar request in the past and how use of overlay zoning might affect property values. Ms. Christensen said she will keep the Board informed on this issue.

DISCUSSION OF BOARD OF TRUSTEES SELF-EVALUATION, 2009 (09-8-6C)

The Board discussed statements on the self-evaluation questionnaire which received at least one "does not meet expectations and/or objectives" response. One such issue concerned the statement that the "The Board sets priorities in the implementation of mission, goals and policy." Trustee Holober prefaced his remarks by stating that the Board works well together to understand each point of view. He said there are policies which are the purview of the Board and the implementation of those policies is the jurisdiction of administrators and staff. He said there are occasions where it seems to him that the Board is approving priorities set by staff and implementing directives from administrators and staff which are policy areas rather than day-to-day management. Trustee Hausman said that since staff are doing research and are intimately involved in details, it would be expected that they will bring issues to the Board; she noted that the Board still has input and provides approval. Trustee Mandelkern said it is his observation that, while Board members agree more than they disagree, the two points of view expressed on this issue are a recurring theme and provide a dynamic tension regarding the role of the Board vs. that of staff. Vice President Miljanich said this is healthy because it provides the Board different ways of looking at issues. President Schwarz said the Board appreciates and respects differences of opinion. She said Board members all have the same goal but can go about achieving it differently.

Regarding Board-Chancellor Relations, Vice President Miljanich said it is important that the Board listen respectfully to the Chancellor or anyone else who has expertise on an issue and can provide information. Trustee Mandelkern agreed, stating that the Board has a responsibility to listen to anyone who wishes to contribute. President Schwarz said she would like the Board to have an opportunity for more communication with the College Presidents, for whom the Board has great respect.

Regarding faculty-student relations, Trustee Holober said it would be nice to have more communication with students. President Schwarz suggested that Board members be invited to attend student meetings. Student Trustee Medrano Rosales said she will present this idea to the student government groups.

Regarding the role of the Board in employee evaluation, Trustee Holober said he believes the Board must make sure there is a process for evaluation of all employees. He said there is some controversy about probationary evaluations.

In conclusion, President Schwarz said that overall, the Board works together well.

STATEMENTS FROM BOARD MEMBERS

Trustee Mandelkern said he would like to share an idea with his colleagues regarding a way to establish some financial independence during this time of budget crisis. Trustee Mandelkern said the Foundation provides scholarships and the public has been supportive in terms of passing bond measures. However, funding for faculty and staff and for programs is entirely dependent on State funding. Trustee Mandelkern addressed the question of how to make sure the District has world-class programs to go with the world-class facilities and great students. His idea is to work with the Foundation to create an endowment program. Endowments could target specific programs and positions, such as athletics. For example, alumni might endow a chair in the name of Tom Martinez. There are also high cost programs such as nursing that could benefit; financial support that currently comes from health care districts could be put into endowments that would create a long-term source of funding. Areas in which there might be particular alumni interest, such as biotechnology, could be targeted. It also might be possible to go to the public for a bond measure to endow specific programs or faculty positions. Trustee Mandelkern said there are models for endowment programs at private colleges and at public institutions such as the UCs and CSUs that could be studied.

Trustee Hausman said the ideas presented are good. She said it is important to work with the Foundation to make sure there is no conflict with their programs or with the people who serve on their Board as volunteers. Trustee Hausman said the Foundation is investigating the idea of legacies and other programs. She said it is also important to consider requirements for the naming of buildings.

Vice President Miljanich said she is open to Trustee Mandelkern's ideas as a way to fund high cost programs and said there should be further discussions about working with the Foundation. Trustee Mandelkern said the Foundation is currently focused largely on scholarships and this might present a different focus. He said that if an endowment program has success, it would involve larger sums of money over a longer period of time and might require some changes in the management of money.

Chancellor Galatolo said Trustee Mandelkern's ideas have merit and he encouraged Trustee Mandelkern to work with the Foundation and the two Board of Trustees members who serve on the Foundation Board.

President Schwarz said her impression is that the Foundation is very open to suggestions. She encouraged Trustee Mandelkern to pursue his ideas with the Foundation and report back to the Board. Trustee Mandelkern said he will follow up with Foundation Executive Director Stephani Scott and his colleagues who serve on the Foundation Board.

Trustee Mandelkern congratulated Trustees Hausman and Holober on running unopposed and thus being reelected for another term on the Board. Vice President Miljanich added her congratulations.

Trustee Hausman thanked President Morrow for hosting Opening Day. She said the presentations by the guest speaker and Chancellor Galatolo were very well done.

Student Trustee Medrano Rosales agreed that Chancellor Galatolo's Opening Day speech was well done. She said it was a good idea to save money by not serving lunch. She also enjoyed Skyline College's Opening Day. Student Trustee Medrano Rosales said Denisse Gonzalez is the president of Skyline's Associated Students and the Board will enjoy working with her. Student Trustee Medrano Rosales attended the Student Trustee Workshop in August. She was invited to attend the Leadership Institute at the Hotel Sofitel and was interviewed by the Spanish language television network Univision.

Trustee Holober said Opening Day was outstanding and saluted Chancellor Galatolo for a thorough presentation.

President Schwarz asked if the Board will have an opportunity to tour new buildings at College of San Mateo. President Claire said he will work on coordinating a tour of Building 5 for the Study Session on September 9. Chancellor Galatolo said there will also be a tour of the planetarium and observation platform during this academic year. President Schwarz asked if it is true that the Dental Hygiene room will not be used. President Claire said it will not be used for a period of time. Because it was built as a joint use lab, there are stub outs which could make it unsafe to use as a regular classroom.

COMMUNICATIONS

President Schwarz received an invitation from San Mateo County Supervisor Carole Groom to participate in the "Creating & Using Active Public Spaces" event on October 16, 2009. A copy of the invitation will be sent to each Board member.

RECESS TO CLOSED SESSION

President Schwarz announced that during Closed Session, the Board will discuss the personnel items listed as 1-B on the printed agenda.

The Board recessed to Closed Session at 9:25 p.m.

The Board reconvened to Open Session at 10:50 p.m.

CLOSED SESSION ACTIONS TAKEN

President Schwarz 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-B.

ADJOURNMENT

It was moved by Trustee Mandelkern and seconded by Trustee Holober to adjourn the meeting. The motion carried, all members voting "Aye." The meeting was adjourned at 10:55 p.m.

Submitted by



Ron Galatolo
Secretary

Approved and entered into the proceedings of the September 9, 2009 meeting.



Patricia Miljanich
Vice President-Clerk