

**Minutes of the Regular Meeting of the Board of Trustees  
San Mateo County Community College District  
July 25, 2012, San Mateo, CA**

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

**Board Members Present:** President Dave Mandelkern, Vice President-Clerk Helen Hausman, Trustee Karen Schwarz, Student Trustee Bailey Girard  
Trustees Richard Holober and Patricia Miljanich were not present

**Others Present:** Chancellor Ron Galatolo, Executive Vice Chancellor Kathy Blackwood, Skyline College Vice President of Instruction Sarah Perkins, College of San Mateo President Michael Claire, Cañada College President Jim Keller, District Academic Senate President Fermin Irigoyen

**Pledge of Allegiance**

**DISCUSSION OF THE ORDER OF THE AGENDA**

President Mandelkern said that in order to accommodate presenter Bryan Godbe, it was requested that item 12-7-4C be placed on the agenda immediately after approval of the minutes. There were no objections from the Board.

**MINUTES**

It was moved by Vice President Hausman and seconded by Trustee Schwarz to approve the minutes of the meeting of July 11, 2012. The motion carried, all members voting "Aye."

**REPORT ON THE RESULTS OF A SURVEY ON THE DISTRICT'S FUNDING NEEDS (12-7-4C)**

Bryan Godbe of Godbe Research reported on the results of the survey conducted to assess potential voter support for both a bond measure and parcel tax measure in the District. Mr. Godbe said the total sample size was 1,205 and was split so that one-half of respondents were surveyed on the bond and one-half on the parcel tax. Both were equal random samples of the entire county. The surveys looked at tax amounts for the bond measure, projects and programs for both the bond and parcel tax, and positive and negative arguments for both. The entire survey was put in the context of the November election, asking about Governor Brown's tax initiative and the Munger tax initiative. The survey also identified a variety of demographic information.

The surveys were conducted through telephone interviews. The interviews were conducted between July 11 and July 18, 2012 and the average interview length was 24 minutes. The universe for the entire survey was the 286,822 likely November 2012 voters in San Mateo County, with sub-samples of those likely to vote in the November 2013 and 2013 mail ballot elections. The sample sizes and margins of error were:

- 1,205 likely November 2012 voters;  $\pm 2.8\%$  margin of error
- 804 likely November 2013 voters;  $\pm 3.4\%$  margin of error
- 1,004 likely 2013 Mail Ballot voters;  $\pm 3.1\%$  margin of error

In addition, the universe for the bond portion of the survey was split again to look at two different bond amounts, and the margin of error for these was  $\pm 6\%$ .

Mr. Godbe discussed the results of each of the survey questions. The results are included in Mr. Godbe's report which is attached to the official minutes of record. He summarized the results as follows:

**Bond Measure**

While support for the bond measure at either \$438 million or \$388 million exceeds the 55% majority required, neither cover the margin of error in either the 2012 or 2013 election environments. With a campaign that has the resources to break through the noise of the November 2012 election, a bond might be successful, but this would require more than independent campaigns have been able to bring together in the past and has a significant risk.

**Parcel Tax**

The survey revealed a strong initial base of support for a parcel tax renewal; however, support in November 2012 declined on the re-test. Specifically, support for the parcel tax measure renewal was 77% on the uninformed test, but

declined to 73% on the informed test. November 2012 provides the best opportunity of those tested but, given the noise of the 2012 election, an independent campaign would have to have substantial resources to break through.

The final question in the survey asked about support for future measures, as follows:

1. The respondents given the bond portion of the survey were asked if they would support extending the \$34 per year parcel tax in two years; 61% of respondents would strongly or somewhat support the parcel tax or had mixed opinions.
2. The respondents given the parcel tax portion of the survey were asked if they would support a \$438 million bond measure in two years; 54% of respondents would strongly or somewhat support the bond or had mixed opinions.

President Mandelkern asked if this data suggests that voters would support either a bond measure or a parcel tax measure but not both in close succession, or whether they do not seem to care if there are several measures on the ballot in close succession. Mr. Godbe said that previous experience in the County shows that measures with two-year gaps were successful for K-12 and elementary districts. He said it is difficult for people to project how they will feel in two years; for example, people tend to answer in the context of what they can afford now and this can change if the economy improves.

Mr. Godbe said the results of the survey indicate that the District has two alternatives:

1. Move forward with the parcel tax in the short term, assuming the risks of a crowded ballot.
2. Wait for the outcome of the Statewide and local revenue measures and then begin a public information effort to explain the needs of the District's students, aiming at a future election.

Trustee Schwarz said her goal in supporting the survey was to find out how the public feels and she believes this was a good survey that accomplished that goal.

Vice President Hausman said it is difficult in the current economy to pass tax measures. She said the District was fortunate to have had voters approve two large bond measures. She said it appears that asking voters to extend the parcel tax measure would be safer at this time but the Board needs to think further about considering any tax measure.

Chancellor Galatolo noted that 17% of respondents asked what the current tax levy is but were not provided the answer. He asked if those respondents would be probable supporters whose support could be lost because of the refusal to have their question answered. Mr. Godbe said he does not have the answer at this time but it is included in the full report which will be provided.

Chancellor Galatolo said support for the parcel tax slipped from 77% to 73% between the first and second ballot tests, whereas support typically increases. Mr. Godbe said this is still within the error rate. He said the fact that the economy is not improving, along with the large number of other measures on the ballot, are hard to combat.

President Mandelkern thanked Mr. Godbe for his presentation.

### **STATEMENTS FROM EXECUTIVES**

Skyline College Vice President Perkins distributed copies of the President's Report, the SparkPoint Annual Report, and a booklet on the presentation of the Dr. John W. Rice Diversity and Equity Award which was presented to the SparkPoint Center at a ceremony in Sacramento on July 10. Vice President Perkins said it was a great honor to receive this award. Named in honor of Dr. Rice, a former California Community Colleges Board of Governors, it exemplifies his mission to level the playing field and remove economic and social barriers for community college students. Vice President Perkins said Skyline College hosted a successful San Bruno Chamber of Commerce Mixer on July 12 which provided a chance to build closer relationships with the Chamber and thank members for their support of Measure G. Each attendee was asked to complete a short survey to help inform the Educational Master Plan. The mixer helped pave the way for the Success Summit at Skyline College on October 13 which will focus on the needs of the north part of the County and how Skyline can work with County partners to meet educational workforce training needs. Vice President Perkins said the high school students in the Jump Start summer program will graduate tomorrow night.

College of San Mateo President Claire said the College has completed the third round of a comprehensive student survey. The survey had a sample size of 1,100 and was representative of the student body. A key question was whether the

respondent would recommend College of San Mateo to friends or family, and 97% of respondents answered that they would. President Claire said College of San Mateo continues to conduct community outreach and had a successful run at the San Mateo County Fair. He said that comments about the College from members of the public were favorable. President Claire referenced the Student Success Story in his written report about a re-entry student who took advantage of her general education, combining what she learned in various areas and opening a successful small business. In reference to California Senate Bill 1440, President Claire said College of San Mateo far exceeds the state average in terms of having approved Transfer Model Curricula, with eleven approved programs. He thanked faculty, the Academic Senate, Curriculum Committee and Vice President of Instruction Susan Estes for their leadership in this area.

Cañada College President Keller said the College is looking forward to the opening of The Grove which will include the dining court, Career Center, Student Lounge and large open areas. The Grove will be ready for the College's opening day activities. The area will be important to the College as it focuses on improving student engagement. The Student Activities Office will be adjacent to the Grove and should lead to more students, faculty and staff becoming aware of campus activities. With the assistance of Victoria Worch, Student Activities Coordinator, the number of students who are engaged in activities and the number of clubs have already increased. The Grove project was a group effort and included input from students in interior design classes. President Keller thanked Vice Chancellor of Facilities Planning, Maintenance and Operations José Nuñez and his staff and expressed special appreciation to Project Coordinator Jennifer James. President Keller said there were two successful Math Jam sessions at Cañada College this summer, with 150 participants. After completing the two-week intensive preparation for the math placement test, almost 100% of the students scored higher than they did before entering the program and 61% moved up a level after completing the program.

Executive Vice Chancellor Blackwood said the Accounting Department is very busy closing the books. At the same time, staff at the Colleges and District are working on getting students enrolled for the fall. The first drops for nonpayment of fees were made last week; 7% of the headcount was dropped, which is the same percentage as last semester. However, the balances owed dropped dramatically from this time last year. The drops were preceded by numerous emails, automated telephone calls and personal calls from Counseling, Admissions and Records, and Cashiering staff at the Colleges.

Academic Senate President Irigoyen said that at the August 15 Board meeting, Diana Bennett will be assuming the position of District Academic Senate President. He said it has been an honor to serve in this capacity and to work with so many great people at the District. President Mandelkern said the Board appreciates President Irigoyen's contributions. President Mandelkern presented an award to President Irigoyen in appreciation of his service as Academic Senate President over the last academic year. Vice President Hausman noted that President Irigoyen is a graduate of the District and said she is not surprised to see the success he has attained.

#### **STATEMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS**

President Mandelkern said the Board received a letter via facsimile from Mr. David Doon, U.S. Tennis Association captain for several men's tennis teams that pay rent for use of the Cañada College tennis courts. Mr. Doon outlined problems with the arrangement, including some conflicts between players/teams that have reservations and those who use the courts for open play. President Mandelkern said he understands that the letter will be forwarded to the Facilities Department and to staff at Cañada College. He suggested that the letter also be forwarded to Tom Bauer, Vice Chancellor of Auxiliary Services and Enterprise Operations, and that the issue of the use of District athletic facilities be revisited. Chancellor Galatolo said appropriate staff will respond to the letter and staff will also bring recommendations to a future Board meeting in response to President Mandelkern's comments.

#### **NEW BUSINESS**

#### **APPROVAL OF PERSONNEL ACTIONS: CHANGES IN ASSIGNMENT, COMPENSATION, PLACEMENT, LEAVES, STAFF ALLOCATIONS AND CLASSIFICATION OF ACADEMIC AND CLASSIFIED PERSONNEL (12-7-3A)**

It was moved by Vice President Hausman and seconded by Trustee Schwarz to approve the actions in Board Report No. 12-7-3A. The motion carried, all members voting "Aye."

#### **APPROVAL OF CONSENT AGENDA**

President Mandelkern said the Consent consists of the following reports:

- 12-7-1CA Approval of Budgetary Transfers for the Period Ending May 31, 2012 and Adoption of Resolution No. 12-8 Authorizing Budget Transfers for 2011-12
- 12-7-2CA Acceptance of Gifts by the District

It was moved by Vice President Hausman and seconded by Trustee Schwarz to approve the items on the consent agenda. The motion carried, all members voting "Aye."

### **Other Recommendations**

#### **ADOPTION OF RESOLUTION NO. 12-9 REGARDING BOARD ABSENCES (12-7-101B)**

It was moved by Vice President Hausman and seconded by Student Trustee Girard to approve the adoption of Resolution No. 12-9. The motion carried, with President Mandelkern abstaining and the remainder of those present voting "Aye."

#### **ACCEPTANCE OF A GRANT FROM THE DEVELOPING HISPANIC-SERVING INSTITUTIONS PROGRAM AT THE U.S. DEPARTMENT OF EDUCATION FOR CAÑADA COLLEGE (12-7-102B)**

It was moved by Trustee Schwarz and seconded by Vice President Hausman to approve acceptance of the grant. The motion carried, all members voting "Aye." President Mandelkern commended Cañada College staff for successfully pursuing the grant. President Keller recognized Vice President Perkins and Lucy Carter, Director of the Center for International and University Studies, for being instrumental in obtaining the grant.

#### **APPROVAL OF CONTRACT AWARD FOR DISTRICTWIDE POURING RIGHTS (12-7-103B)**

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

#### **APPROVAL OF CONTRACT AWARD FOR DISTRICTWIDE SNACK VENDING MACHINES (12-7-104B)**

It was moved by Trustee Schwarz and seconded by Vice President Hausman to approve the contract as detailed in the report. President Mandelkern said there is discussion in many school districts about the content of vending machines in terms of "junk food" vs. healthy snacks. He asked if there are guidelines in terms of what is stocked in the machines in the District. Vice Chancellor Bauer said the District follows the guidelines of Healthy Silicon Valley, requiring that 40% of the content be declared healthy and meet certain standards. President Mandelkern said it is his understanding that the revenue generated from the sale of healthy snacks is lower than that from other snacks. Vice Chancellor Bauer said this is true. However, the best performing drink machines are those that contain water only. President Mandelkern asked if these machines dispense plastic bottles of water or if they are refill machines. Vice Chancellor Bauer said they dispense plastic bottles. Student Trustee Girard said a measure by the Student Senate to ban the sale of plastic bottles failed at the State level. Chancellor Galatolo noted that there are two water refill stations at the San Mateo Athletic Club and the water is free of charge. After this discussion, the motion carried, all members voting "Aye."

#### **REQUEST FOR APPROVAL OF INTERNAL BORROWING (12-7-105B)**

It was moved by Vice President Hausman and seconded by Student Trustee Girard to grant approval of internal borrowing as detailed in the report. Trustee Schwarz asked if a repayment plan has been established and if the money will be paid back in a lump sum. Executive Vice Chancellor Blackwood said there is a plan and the repayment will be in a lump sum. She said that by law, internal borrowing cannot be for a period longer than six months. President Mandelkern asked if internal interest is paid on the borrowing. Executive Vice Chancellor Blackwood said there is imputed interest. After this discussion, the motion carried, all members voting "Aye."

#### **CONTRACT AWARD FOR COLLEGE OF SAN MATEO NORTH GATEWAY PART II PROJECT (12-7-106B)**

It was moved by Vice President Hausman and seconded by Trustee Schwarz to approve the contract award. Chancellor Galatolo said two letters were received from Susan Brandt-Hawley, the attorney representing Citizens for a Green San Mateo and Friends of the College of San Mateo Gardens in their lawsuits against the District. Ms. Brandt-Hawley's letters urge the District to disapprove or defer consideration of the recommended contract. Copies of the letters were provided to the Board and will become part of the official minutes of record. Chancellor Galatolo said Sabrina Teller, the District's attorney in the two cases, does not concur with the objections expressed in Ms. Brandt-Hawley's letters. He said this project was part of the District's Master Plan and was studied and evaluated in the 2007 Negative Declaration.

Vice Chancellor Nuñez said this project was bid last year and the lowest responsive bidder came in at \$6.9 million. The current lowest responsive bid is \$7.5 million, costing the District an additional \$600,000. The increase is due to the

magnitude of construction on the Peninsula, specifically the expansion of the Google, Apple and Facebook campuses. Vice Chancellor Nuñez said that if the Board authorizes issuance of a contract, he would then forward documents to the State Department of Finance, which would have to grant approval before a contract could actually be awarded.

Shawn Kann, speaking on behalf of the Friends of the San Mateo Gardens, asked that the construction contract for the North Gateway Part II project not be approved. He said the San Mateo County Superior Court has already ruled that the Building 20 and garden demolition violate State environmental laws and he said this approval would do so as well. Mr. Kann said the vague mention of an amphitheater and plaza in the Master Plan is not equivalent to an approval. He said actual approval of the Part II project, including the Amphitheater, has not yet happened. He said that this project, directly adjacent to the Building 20 complex, has potentially significant physical impacts on the gardens, as well as aesthetic, traffic, drainage and parking impacts. Mr. Kann said the Friends of the College of San Mateo Gardens respectfully asks that the District disapprove the contract or defer its consideration.

Vice Chancellor Nuñez said the North Gateway project and the Edison project, which includes the gardens, are clearly two separate projects. He said the District is not moving forward with the Edison project.

President Mandelkern noted some confusion between the recommendation asking the Board to approve a contract with Interstate Grading & Paving, Inc. and the previous discussion indicating that a contract cannot yet be awarded. Vice Chancellor Nuñez said the Board is being asked to authorize the contract award but the District cannot enter into the contract until it is notified by the Department of Finance that the State has released the funds. Chancellor Galatolo said this is largely a State-funded project and the proceeds could be put at risk if a contract is not executed in a timely manner. President Mandelkern asked if there is a deadline by which the District must enter into a contract in order to avoid putting the proceeds at risk. Vice Chancellor Nuñez said the funds have been reappropriated and the District now has until June of 2013 to enter into a contract. Chancellor Galatolo said this deadline is not entirely clear and he believes the timing is more critical than this.

President Mandelkern asked if the North Gateway Part II project was included in the Environmental Impact Report (EIR) and the Negative Declaration. Barbara Christensen, Director of Community/Government Relations, said it most definitely was included. She said the 2006 Master Plan clearly outlined what is now called North Gateway, showing a rendering of eight buildings that exist now but were not in existence then. It showed how the roadway and parking lots were being reconfigured, new parking, new landscaping, an expanded plaza and an overlook overlooking the Bay. It also described the concept of lighting. Ms. Christensen said these same items were included in the Initial Study as well.

President Mandelkern referenced Ms. Brandt-Hawley's statement that the court has rejected the District's primary arguments during demurrer proceedings in the *Citizens for a Green San Mateo* case and her contention that this item is subject to the same argument. Chancellor Galatolo said the trial on the merits of the case is scheduled for August 17. Chancellor Galatolo said Ms. Teller's opinion is that both projects were studied to the same extensive level and were included in the Initial Study and comprehensive Facilities Master Plan. Ms. Teller also believes that since the North Gateway Part II project was vetted in 2007, the statute of limitation for challenging the project has expired.

Regarding the Edison project, President Mandelkern said it is his understanding that the District re-did portions of the EIR. Ms. Christensen said the District did an Addendum to the 2006 EIR which was followed by protests by students and staff who identified a number of things they believed were not covered adequately. The District then re-did the Addendum, addressing all of the objections raised. The District was sued again and lost the case in court; it is currently on appeal. President Mandelkern asked if the revised Addendum covered any of the North Gateway Part II project. Ms. Christensen said it did not; they are completely separate projects.

Trustee Schwarz said it is her understanding that everything that is included in the North Gateway Part II project was referred to in the Initial Study but the project itself and specific parts of the project were not named as they are now. Ms. Christensen said this is correct; the project was described as a new north entrance to the campus. Vice Chancellor Nuñez said it is common for naming to occur over time as planning documents are refined.

Chancellor Galatolo said he wanted to reinforce the fact that timing is of the essence. He said it is vague at best what the outer limit might be. The initial timeline was missed and the District is coming up against the second. Chancellor Galatolo said it is not clear to him that it is safe to rely on the June 2013 deadline.

President Mandelkern said that, while he appreciates that time is of the essence, the legislature is not currently in session and he would like to call for tabling this item until a future Board meeting (perhaps the August 15 meeting). At that meeting, the Board would be able to:

1. receive a more detailed presentation of the EIR in order to review how the North Gateway Part II project was included.
2. gain a better understanding of strategy vis-à-vis all of the issues and how the pieces interconnect among the Edison project, the trees/lighting issues, and the North Gateway project.
3. allow the two Board members who are not present tonight to participate in the discussion and approval process

Trustee Schwarz asked how long the bid is valid. Vice Chancellor Nuñez said it is valid for 60 days from when the bid came in. Executive Vice Chancellor Blackwood said that while postponing a decision until the August meeting would not be a problem financially, she is concerned that the State is holding off issuing bonds and the District needs to be ready as soon as the money is available, especially prior to the election. Vice Chancellor Nuñez added that the State has never before asked for a cash flow analysis for the expenditure of State resources but requested such an analysis for this project last week.

Trustee Schwarz questioned whether a postponement would enable the Board to become more knowledgeable and cause them to arrive at a different decision. She said she is concerned about the possibility of losing State funding. Chancellor Galatolo said this project has been studied multiple times before. He emphasized that this is a State-funded public works project and it is difficult to predict what could happen with State funding.

Trustee Schwarz said she appreciates the fact the Ms. Teller has been consulted and has expressed the opinion that the District is on solid legal ground. She said she would like to move forward on the recommendation.

President Mandelkern said the Board has not had a chance to engage with Ms. Teller as yet. He said it is not clear to him how waiting another two weeks would increase the risk to the District. He said it concerns him that the District continues to encounter opposition and could end up embroiled in further lawsuits. He said the District has been given a clear message that a lawsuit will follow a vote to approve the recommendation. President Mandelkern said it also concerns him that the District would continue to be at odds with what at least some members of the community would like to do.

Trustee Schwarz said she understands the issues raised by President Mandelkern. She said she is also concerned about the State's financial situation and that State funding could be rescinded. She said she does not believe that receiving more information would change the situation. She said she relies on staff for information on these projects and is listening to their recommendation.

Vice President Hausman said she agrees that the thought of losing State funds is frightening and she is concerned that the State has asked for a cash flow analysis for the first time.

President Mandelkern questioned Board members and determined that he was in favor of tabling the item and that Vice President Hausman and Trustee Schwarz were not in favor of doing so. Therefore, he called for a vote on approving the contract award as outlined in the board report. The motion carried, with Vice President Hausman and Trustee Schwarz voting "Aye" and President Mandelkern voting "No." There was a brief discussion about whether the vote to approve was valid with only two "Aye" votes. It was determined that Robert's Rules of Order requires only that a quorum be present and that a majority of that quorum vote to approve an item.

## **INFORMATION REPORTS**

### **REPORT ON DONATIONS TO KCSM-FM AND TV FOR FISCAL YEAR 2011-12 (12-7-3C)**

The Board accepted the report without questions or comments.

## **COMMUNICATIONS**

President Mandelkern said that since the last meeting, the Board received three emails regarding classes in Half Moon Bay, one email regarding the Wednesday Farmers Market, and one email regarding articulation agreements with K-12 schools.

### **STATEMENTS FROM BOARD MEMBERS**

Trustee Schwarz said she appreciated receiving the “*This I believe . . .*” booklet provided to the Board by Professor Kate Motoyama. The booklet contains a collection of essays by students in College of San Mateo’s Intercultural Communications course. Trustee Schwarz said the essays are heartwarming and provide an opportunity to hear first hand about students’ challenges and how they feel. Vice President Hausman said she also enjoyed reading the essays and found them moving.

President Mandelkern said he represented the District at the Silicon Valley Leadership Group 35<sup>th</sup> Anniversary Luncheon last week. He also attended a new citizens’ swearing-in ceremony in Oakland at which 1,200 new citizens were sworn in. He said this was an emotional and moving event. President Mandelkern congratulated the SparkPoint Center on the Diversity and Equity Award. He made note of upcoming events: the Pacific Masters Long Course Championships on August 10-12 at the Aquatic Center at College of San Mateo; District and College opening day events; and the new full-time faculty orientation luncheon at College of San Mateo.

### **RECESS TO CLOSED SESSION**

President Mandelkern announced that during Closed Session, the Board will (1) consider the personnel items listed as 1A and 1B, (2) hold a conference with agency labor negotiator Harry Joel; the employee organizations are AFSCME, AFT and CSEA, and (3) conduct public employee performance evaluations as listed on the printed agenda.

President Mandelkern said the next meeting of the Board will be a regular meeting on August 15 at 6:00 p.m. in the District Board Room. There will be only one meeting in August.

The Board recessed to Closed Session at 8:15 p.m. and reconvened to Open Session at 9:40 p.m.

### **CLOSED SESSION ACTIONS TAKEN**

President Mandelkern reported that at the Closed Session just concluded, the Board considered the personnel items listed on the printed agenda and voted 3-0 to approve the items listed as 1A and 1B.

### **ADJOURNMENT**

It was moved by Vice President Hausman and seconded by Trustee Schwarz to adjourn the meeting. The motion carried, all members voting “Aye.” The meeting was adjourned at 9:45 p.m.

Submitted by

Ron Galatolo, Secretary

Approved and entered into the proceedings of the August 15, 2012 meeting.

Helen Hausman, Vice President-Clerk