

**Minutes of the Regular Meeting of the Board of Trustees
San Mateo County Community College District
August 18, 2010, San Mateo, CA**

The meeting was called to order at 6:05 p.m.

Board Members Present: President Patricia Miljanich, Vice President-Clerk Dave Mandelkern, Trustees Helen Hausman, Richard Holober and Karen Schwarz, and Student Trustee Indar (Father Jay) Maharaj

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 Ray Hernandez

Pledge of Allegiance

DISCUSSION OF THE ORDER OF THE AGENDA

None

MINUTES

It was moved by Trustee Holober and seconded by Trustee Schwarz to approve the minutes of the regular meeting of July 28, 2010. The motion carried, with one abstention and all other members voting "Aye."

PRESENTATIONS TO THE BOARD BY PERSONS OR DELEGATIONS

**PRESENTATION OF ABOVE AND BEYOND AWARD TO RAY CHOW, DISTRICT CONTROLLER
(10-8-1C)**

President Miljanich called on Chief Financial Officer Kathy Blackwood to speak about the ways in which Mr. Chow goes above and beyond the duties of his position. CFO Blackwood said that Mr. Chow is a role model for everyone in the District. In addition to creating the internship program for accounting students and successfully soliciting scholarship funds for these students, Mr. Chow voluntarily mentors every student employee and other employees as well. Mr. Chow thanked the Board, Chancellor Galatolo, Executive Vice Chancellor Keller and CFO Blackwood for giving him the opportunity and support to create the internship program. He said he started the program so that students could learn and also gain work experience which would help them to find jobs upon completion of their studies. President Miljanich presented a certificate to Mr. Chow and said the Board has heard about Mr. Chow's work many times and knows that he consistently goes above and beyond the duties of his position.

STATEMENTS FROM EXECUTIVES AND STUDENT REPRESENTATIVES

Executive Reports were presented by Chancellor Galatolo, Skyline College President Morrow, College of San Mateo President Claire, Cañada College President Mohr and District Academic Senate President Hernandez. 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 he cannot think of a more deserving person to receive the Above and Beyond Award than Mr. Chow. He added that Mr. Chow also volunteers in the community, including completing tax returns for elderly citizens.

President Morrow provided the Board with copies of Skyline's opening day packet which was distributed to all faculty and staff. Included in her opening day speech was a review of the recommendations in the Educational Master Plan and the progress that has been made, along with an update on Collegewide initiatives. Opening day events included introduction of new faculty and staff, recognition of newly tenured faculty, and presentation of the Skyline Shines Awards to English Professor Karen Wong and the SparkPoint team.

President Claire said Welcome Day for new students was held last Friday, and outreach to new and continuing students took place on opening day. Students and their families are pleased with the transformation of the campus. The Spirit of CSM Award was presented to the faculty team that spearheaded the Writing in the End Zone learning community. President Claire distributed an article about Ray Hisatake, a former student and football player, who was discovered by former Coach Larry Owens and who is now a rookie offensive guard with the Carolina Panthers.

President Mohr said faculty and staff enjoyed the privilege of hosting the opening day events and found it uplifting to share the transformation of the campus. Faculty and staff of Cañada enjoyed dessert in the Cañada Vista Club House and an all-College meeting at which faculty leaders worked with faculty and staff on development opportunities being created at the Center for Innovation and Excellence in Teaching. President Mohr noted three new members of the Cañada faculty and staff: Bob Tricca in Chemistry, Paul Naas in Multimedia, and Dave Vigo in the Business Office.

Executive Vice Chancellor Keller said there is no progress to report on the State budget. He said it is uplifting to see the new buildings at all three of the Colleges.

President Hernandez said he is honored to represent faculty and the College Senates. He recognized Professor Patty Dilko for her work as past District Academic Senate President. President Hernandez distributed a list of District and College Academic Senate officers and a schedule of meetings and events for 2010-2011. He also distributed a letter he sent to all District faculty which focuses on his professional and personal background and his commitment to the District and to shared governance; he also commended the Board for their commitment to the shared governance process. President Hernandez said he looks forward to working with the Board, Chancellor Galatolo and Vice Chancellor Jing Luan.

BOARD SERIES PRESENTATION – INNOVATIONS IN TEACHING, LEARNING AND SUPPORT SERVICES: STUDENT LIFE AND LEADERSHIP PROGRAM AT COLLEGE OF SAN MATEO (10-8-2C)

Vice Chancellor Luan said tonight's presentation was prepared jointly by Aaron Schaefer, Coordinator of Student Activities at College of San Mateo, and Fauzi Hamadeh, Accounting Technician. Mr. Schaefer has a Master's Degree in Counseling and has been in the student development field for 10 years. Mr. Hamadeh is a former CSM student leader and has been at CSM for eight years.

Vice Chancellor Luan said a full and comprehensive study of student activities at the Colleges will be the topic of the October study session.

Mr. Schaefer said studies have shown that students who have connections with faculty outside the classroom setting have better grades, higher graduation/transfer rates and higher retention. Positive peer connections also lead to higher retention rates. At CSM, students are afforded these opportunities through clubs, co-curricular activities and an inviting campus climate. CSM utilizes student development theories, including Sanford's Challenge and Support theory which is based on a balance of challenge and support.

Student Life at CSM is connected with the College's core mission, values and vision; diversity, leadership and learning are promoted in all activities. The most important goal is to provide students with leadership experience which they can take with them to become leaders in their fields. The Social Change Model is the primary theory used; it proposes that good leadership provides positive social change. CSM Student Life supports student leadership opportunities through academic and social interaction, volunteer activities, student government and many annual activities, such as Social Justice Week and Diversity Week, which it sponsors or co-sponsors with other departments. Student Life provides direct services such as advising student government, organizations and clubs; providing student ID cards; helping students oversee all of the Associated Students financial accounts; and serving as the community contact for Time, Place and Manner procedures. There are several goals for the current academic year, including the creation of a Service-Learning Program on campus. Future plans include tracking the GPAs of student government members to insure that involvement is increasing grades; tracking transfer/graduation rates of students involved in clubs and student organizations; and surveying the general student body regarding awareness and services of Student Life. There are currently approximately 25 students per year involved in student government.

Trustee Schwarz asked who developed the Student Life goals. Mr. Schaefer said he and Mr. Hamadeh developed them with the help of Vice President of Student Services Jennifer Hughes. Trustee Schwarz asked if the goals are similar at each of the Colleges. Mr. Schaefer said they are similar but not exactly the same. Vice President Mandelkern said he would like to hear about Student Life on the other campuses and it would be helpful if they all presented at the same time in the future. Chancellor Galatolo noted that student activities will be the topic of the study session on October 13.

Trustee Holoher asked what the makeup is of the 25 students involved in student government. Mr. Schaefer said they are the executive officers and senators of the Associated Students, along with other students who want to be involved and are associate senators.

Student Trustee Maharaj said he formerly was a CSM Senator. He said Student Life stresses teaching and learning.

President Miljanich thanked Mr. Schaefer for his presentation and said the Board looks forward to hearing more from all of the Colleges in October.

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 (10-8-1A)

It was moved by Trustee Holober and seconded by Trustee Hausman to approve the actions in Board Report No. 10-8-1A. The motion carried, all members voting "Aye."

APPROVAL OF CONSENT AGENDA

President Miljanich said the Consent Agenda consists of Board Report 10-8-1CA, Ratification of Fourth Quarter District Warrants, 2009-2010. It was moved by Trustee Schwarz and seconded by Trustee Holober to approve the consent agenda. The motion carried, all members voting "Aye."

Unfinished Business

CONTRACT AWARD FOR DISTRICTWIDE INTERIOR AND EXTERIOR UNIT PRICE PAINTING (10-8-100B)

It was moved by Trustee Hausman and seconded by Trustee Holober to approve the contract award as detailed in the report. Trustee Holober said there is a question about Board policy regarding what is appropriate to place within the scope of a Project Labor Agreement (PLA) and what falls outside of the PLA. He believes the Board's original intent was to support use of PLAs and to provide some leeway to also award certain bids outside the scope of the PLA. He does not believe there was an understanding that PLAs should apply only to large projects. He said his preference regarding this recommendation is to reject all bids and reconfigure it as a PLA project. Rick Bennett, Executive Director of Construction Planning, said County Counsel advised that there could be a risk that the lowest responsive, responsible bidder would take legal action if the Board rejects all bids.

Trustee Schwarz said she raised the issue at the last meeting because economic times are different and she was happy to see that a union contractor had placed a bid. She said she is not clear on what the risk would be if the Board decided to amend its policy and put painting under the PLA. She also questioned why painting would be considered a small job vs. carpentry or electrician work. She asked if things could be packaged and a painting contractor be brought in for several jobs. Mr. Bennett said the District does package things, even under the unit price contracts. He said one way in which the painting contracts are different is that the painters are generally subcontractors rather than prime contractors. However, County Counsel advises that there is nothing legally barring the Board from amending the PLA.

Vice President Mandelkern said it is his understanding that the unit price contract is for work on an as-needed basis and there is no commitment to ever use the services. Mr. Bennett said this is correct. Vice President Mandelkern suggested that, given that the recommended contract does not include a commitment to any volume of work and is non-exclusive, the Board award the contract as recommended and, at the same time, move forward with qualifying a unit price painter under the PLA. This would allow the latitude to award painting projects under either the PLA or a separate unit price contract.

President Miljanich said her understanding was that the Board did consider price as having some bearing on whether a project fell within the scope of the PLA. She said she has concerns that it would be perceived as overreaching if the Board were to reject the particular subcontractor recommended for approval. She believes it would be better to consider making changes with regard to what to include in the PLA. Mr. Bennett suggested that the Board could approve the recommendation for a two-year contract without the optional annual extensions, allowing time to attach the PLA to the unit price contract. This would remove any risk of legal action and/or negative publicity.

Chancellor Galatolo said that there will be a CIP update at the study session on September 1 and he suggested augmenting that presentation to include discussion of the District's PLA so that staff can get the Board's direction on utilization of the PLA.

Vice President Mandelkern said he understood the source of funding to be one of the criteria used to determine whether a project fell within or outside the scope of the PLA. President Miljanich said this is not her understanding. Vice President Mandelkern said he also believed that another distinction is the purpose of the project, e.g. unit price contracts are used for things that come up quickly and need a fast response and for projects that are not well-defined in terms of size and scope. Mr. Bennett said this is an accurate interpretation.

Trustee Holober said he and President Miljanich have a similar understanding regarding what is within and outside the scope of the PLA. He said he does not agree that "including the myriad of small painting projects in the PLA contradicts the spirit and intent of the PLA," as stated in the white paper prepared by Mr. Bennett. He said that, in his view, bringing a project within the scope of the PLA does not violate its spirit and intent. Referring to the list of projects in the white paper, Trustee Holober asked if there is other work being done on these buildings that would be within the scope of the PLA, or if there are side jobs that do not have an impact on the other work being done. Mr. Bennett said that for the most part, the other work consists of side jobs that do not have an impact. Chancellor Galatolo said it is important to note that unit price bidding is done on hypothetical needs, for projects that have not been identified.

President Miljanich said she is concerned about plucking out a particular contractor or subcontractor after the bidding process has been completed. Trustee Schwarz agreed, but said she is unhappy with the process as she feels the recommendation was brought to the Board with no options. She said that in these economic times, placing the project within the PLA would attract more union contractors and that this might be the time to make reasonable changes.

Trustee Holober noted that the District's PLA does not shut the door on non-union contractors as long as they agree to abide by the terms of the PLA. Vice President Mandelkern added that the District has been well-served by its PLA and it is a model others have followed.

After discussion by the Board and staff, it was agreed that under public works bidding, no changes in the terms of the contract can be made. However, Chancellor Galatolo said the Board could require staff to get explicit Board approval before renewing the contract after the initial two-year term. Trustee Hausman agreed to amend her motion to include this requirement. Trustee Holober clarified that the recommended contract is non-exclusive and that no specific projects are covered in the contract. After this discussion, the motion to approve the recommendation, with the added requirement that any renewal be brought to the Board for prior approval, carried, all members voting "Aye."

Other Recommendations

APPROVAL OF 2012-2016 FIVE-YEAR CAPITAL CONSTRUCTION PLAN (10-8-101B)

It was moved by Trustee Schwarz and seconded by Trustee Hausman to approve the five-year plan as detailed in the report. Trustee Holober said there are references to a 2010 Statewide bond and it is clear that this will not be on the ballot. Chancellor Galatolo said it was included in anticipation of a bond and it does not change the dynamic of the five-year plan. After this discussion, the motion carried, all members voting "Aye."

ADOPTION OF RESOLUTION NO. 10-12 DECLARING AN EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR PROJECTS AT CAÑADA COLLEGE, COLLEGE OF SAN MATEO AND SKYLINE COLLEGE (10-8-102B)

It was moved by Trustee Hausman and seconded by Trustee Holober to approve the adoption of Resolution No. 10-12. The motion carried, all members voting "Aye."

ADOPTION OF RESOLUTION NO. 10-13 IN SUPPORT OF PROPOSITION 21, THE STATE PARKS AND WILDLIFE CONSERVATION TRUST FUND ACT OF 2010 (10-8-103B)

It was moved by Trustee Holober and seconded by Trustee Hausman to approve the adoption of Resolution No. 10-13. The motion carried, all members voting "Aye."

ADOPTION OF RESOLUTION NO. 10-14 IN SUPPORT OF PROPOSITION 24, THE REPEAL CORPORATE TAX LOOPHOLES ACT (10-8-104B)

It was moved by Trustee Holober and seconded by Vice President Mandelkern to approve the adoption of Resolution No. 10-14. Trustee Holober noted that the labels on the propositions are not the official titles. He said that if Proposition 24 is not approved, or if another method does not result in changing the three corporate tax breaks, the immediate impact on the State general fund will be \$1.7 billion, according to the Legislative Analyst's Office. One-half of the general fund monies supports education. After this discussion, the motion carried, all members voting "Aye."

ADOPTION OF RESOLUTION NO. 10-15 IN SUPPORT OF PROPOSITION 25, THE ON-TIME BUDGET ACT OF 2010 (10-8-105B)

It was moved by Trustee Hausman and seconded by Vice President Mandelkern to approve the adoption of Resolution No. 10-15. The motion carried, all members voting "Aye."

ADOPTION OF RESOLUTION NO. 10-16 IN OPPOSITION TO PROPOSITION 26, THE SUPERMAJORITY VOTE TO PASS NEW TAXES AND FEES ACT (10-8-106B)

It was moved by Trustee Holober and seconded by Trustee Schwarz to approve the adoption of Resolution No. 10-16. The motion carried, all members voting "Aye."

AUTHORITY TO EXECUTE AN AGREEMENT WITH SUNGARD HIGHER EDUCATION FOR A DEGREE AUDIT SYSTEM (10-8-107B)

It was moved by Trustee Hausman and seconded by Trustee Holober to approve execution of the agreement as detailed in the report. Trustee Schwarz asked if the system will allow students to determine which courses are compatible for transfer to the UCs and CSUs. Chancellor Galatolo said it will allow students to determine whether courses they have taken elsewhere are acceptable at the District Colleges as well as at the UCs and CSUs. Vice President Mandelkern noted that the report states that SunGard's products are tightly integrated with Banner; he asked if the system automatically uses student course data from the transcripts in Banner and to what degree there is a student interactive component. Chancellor Galatolo said it is very interactive, allowing students to see what courses they need to complete degrees, suggesting courses for other degrees, etc. Vice President Mandelkern asked if students will use the system on a self-service basis, as a tool for counselors to use on a one-on-one basis, or both. Chancellor Galatolo said it will be used in both ways. Vice President Mandelkern asked if SunGard will provide the content on transfer requirements and other information or if the District will provide the data. Vice President Hughes said the District will build the database. Chancellor Galatolo added that the District will continually monitor the content to make sure it is kept up-to-date. Chancellor Galatolo said a demonstration will be provided for the Board when the system is up and running. After this discussion, the motion carried, all members voting "Aye."

APPROVAL OF COMMUNITY COLLEGE LEAGUE OF CALIFORNIA (CCLC) MEMBERSHIP DUES, 2010-11 (10-8-108B)

It was moved by Trustee Hausman and seconded by Trustee Schwarz to approve payment of the membership dues as detailed in the report. Vice President Mandelkern asked if, in tight budget times, the membership provides full value. Chancellor Galatolo said the League is an effective advocate for community colleges. He said there is a supplemental amount for lobbying, for which the District is not asking approval at this time. Trustee Holober said the League employs good, hard-working people and he believes the District should continue its membership. He added that he would also be willing support the special assessment which is designed to help districts in different regions connect with their lawmakers; he said that even though the District does not need this connectivity as much as some other regions, it ultimately affects the funding that the District receives. Executive Vice Chancellor Keller said the District is in communication with the League on a weekly basis on various topics. After this discussion, the motion carried, all members voting "Aye."

APPROVAL OF DISTRICT RESPONSE TO THE GRAND JURY REPORT ON "SCHOOL BOND CITIZENS' OVERSIGHT COMMITTEES" (10-8-109B)

It was moved by Trustee Schwarz and seconded by Trustee Hausman to approve the District's response as detailed in the report. The motion carried, all members voting "Aye."

APPROVAL OF REVISION TO DISTRICT CONFLICT OF INTEREST CODE (10-8-110B)

It was moved by Trustee Holober and seconded by Trustee Schwarz to approve the revision as detailed in the report. In response to a question from Vice President Mandelkern, Chancellor Galatolo said the "Senior Bookstore Buyer" title was deleted because the position no longer exists. He added that the District provides updates as required when

positions which require reporting are added or deleted. After this discussion, the motion carried, all members voting “Aye.”

STATEMENTS FROM BOARD MEMBERS

Student Trustee Maharaj attended the CCLC Student Trustees Workshop and learned about the role of the student trustee and the authority of the Board. He said that with the beginning of the fall semester, the three Student Senates will convene meetings and will discuss student membership on Districtwide committees.

Vice President Mandelkern thanked President Claire for sharing the article about Ray Hisatake, noting that Mr. Hisatake was the first in his family to attend college and that the District provided the pathway for him. He also thanked President Hernandez for sharing his letter to the faculty. Vice President Mandelkern attended the ribbon cutting at Cañada Vista and congratulated Director of Community/Government Relations Barbara Christensen on a job well done. He also attended the opening day events. He noted recent newspaper articles concerning the District – one in *The Almanac* about Cañada College; one in *The Daily Journal* about Cañada Vista; and another in *The Daily Journal* about the District’s lawsuit against the Brisbane Redevelopment Agency.

Trustee Hausman attended the Cañada Vista ribbon cutting and said it was inspirational. She also enjoyed the opening day events and said the speaker was interesting. Trustee Hausman said she was deeply moved to see that Professor Fermin Irigoyen is the current president of the Skyline Academic Senate as she remembers when he was the student trustee on the District Board.

At this time, Student Trustee Maharaj left the meeting to attend a class.

Trustee Schwarz attended the Cañada Vista ribbon cutting and the opening day events and said it was a pleasure to be at these positive events. She welcomed President Hernandez and said his presentation at opening day was moving. She also thanked CSEA President Annette Perot and AFT President Monica Malamud for their comments. She said that Chancellor Galatolo presented a clear message and that the standing ovation for President Morrow was well-deserved.

Trustee Holober said there are local school bond and parcel tax measures which will be on the November 2 ballot and the Board might want to consider supporting them. Staff will investigate which districts are proposing the measures and prepare a report for the Board.

President Miljanich welcomed President Hernandez. She thanked Trustee Schwarz for her remarks at the Cañada Vista ribbon cutting and thanked Vice President Mandelkern for stepping in and speaking at the opening day ceremony.

COMMUNICATIONS

None

RECESS TO CLOSED SESSION

President Miljanich said that during Closed Session, the Board will:

1. Consider the personnel items listed as 1A and 1B on the printed agenda
2. Hold a conference with agency labor negotiator Harry Joel; the employee organizations are AFT, AFSCME and CSEA
3. Hold a conference with legal counsel regarding one case of potential litigation

The Board recessed to Closed Session at 8:15 p.m.

The Board reconvened to Open Session at 9:28 p.m.

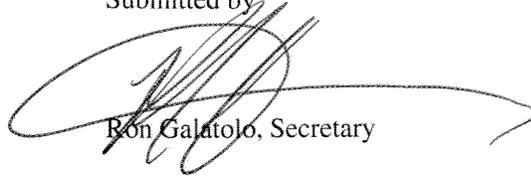
CLOSED SESSION ACTIONS TAKEN

President Miljanich reported that at the Closed Session just concluded, the Board voted 5-0 to approve the items listed as 1A and 1B on the printed agenda.

ADJOURNMENT

It was moved by Trustee Schwarz and seconded by Vice President Mandelkern to adjourn the meeting. The motion carried, all members voting “Aye.” The meeting was adjourned at 9:30 p.m.

Submitted by

A handwritten signature in black ink, appearing to be 'Ron Galatolo', written over a horizontal line.

Ron Galatolo, Secretary

Approved and entered into the proceedings of the September 1, 2010 meeting.

A handwritten signature in black ink, appearing to be 'Dave Mandelkern', written over a horizontal line.

Dave Mandelkern, Vice President-Clerk