

**Minutes of the Study Session of the Board of Trustees
San Mateo County Community College District
October 10, 2012, San Mateo, CA**

The meeting was called to order at 7:03 p.m.

Board Members Present: President Dave Mandelkern, Vice President Helen Hausman, Trustees Richard Holoher, Patricia Miljanich, Karen Schwarz, and Student Trustee Bailey Girard

Others Present: Chancellor Ron Galatolo, Executive Vice Chancellor Kathy Blackwood

Pledge of Allegiance

DISCUSSION OF THE ORDER OF THE AGENDA

None

MINUTES

It was moved by Vice President Hausman and seconded by Trustee Schwarz to approve the minutes of the September 12, 2012 meeting of the Board. The motion carried, all members voting "Aye."

It was moved by Vice President Hausman and seconded by Trustee Schwarz to approve the minutes of the September 19, 2012 meeting of the Board. President Mandelkern said that on page 5, the person referred to as "a member of the public" was Cañada College student Faith Schug. The minutes will be amended to reflect this. With this change, the motion to approve the minutes carried, all members voting "Aye."

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 (12-10-1A)

It was moved by Trustee Miljanich and seconded by Trustee Schwarz to approve the actions in Board Report No. 12-10-1A. The motion carried, all members voting "Aye."

Other Recommendations

CONTRACT AWARD FOR COLLEGE OF SAN MATEO HEALTH AND WELLNESS BUILDING 5 FIRST FLOOR LOCKER ROOMS RENOVATIONS PROJECT (12-10-100B)

It was moved by Vice President Hausman and seconded by Trustee Schwarz to approve the contract as detailed in the report. Student Trustee Girard asked how long the project would take to complete. Chancellor Galatolo said it would take three to four weeks and the work would be done over the holiday period to minimize disruption. He said alternate space will be available in Building 8. Trustee Miljanich noted the unusually wide variance in bids. Chancellor Galatolo said the recommended contractor, Eternal Construction, was pre-qualified. The contractor was told that this is a PLA project and they would be required to conform with the conditions of such a project. They were also told that they should not expect to submit change orders. The contractor understood these conditions and did not want to withdraw the bid. Executive Vice Chancellor Blackwood said staff conducted extra due diligence because they were not familiar with Eternal Construction. She added that the references for this contractor were good. After this discussion, the motion carried, all members voting "Aye."

STUDY SESSION

CONTINUING DISCUSSION OF “AT LARGE” VS. “BY DISTRICT” COLLEGE BOARD ELECTIONS (12-10-1C)

President Mandelkern said the Board held two public meetings on this topic and also discussed the issue at several previous meetings. He said that at the end of the last meeting, the Board provided feedback to demographer Michael Wagaman to prepare more focused district maps for the Board's consideration. The Board and members of the audience were provided copies of a memo from Mr. Wagaman summarizing prior direction and the new scenarios drawn as a result. A copy of this memo is attached to the official minutes of record.

Mr. Wagaman said that after discussion at the last Board meeting, he was given direction to:

1. Focus on scenarios that would create a total of five districts;
2. Prioritize minimizing divisions of other jurisdictional boundaries even if that led to a division of the Coastal Community of Interest;
3. Place greater emphasis on not dividing school districts;
4. Specifically, draw an alternative scenario that prioritizes not dividing school districts over not dividing cities.

Mr. Wagaman noted that, although no specific direction was given, there was also discussion regarding the division of Redwood City and the configuration of the South County area.

Mr. Wagaman said there are three types of school districts in San Mateo County: elementary, unified, and secondary. Due to their large size, the three secondary districts are divided in all scenarios. Therefore, when divisions of school districts are discussed in his presentation, only elementary and unified school districts are included.

Mr. Wagaman said he created two scenarios in response to the above referenced direction from the Board. The first, labeled Scenario 1B, is a modified version of the scenario labeled 1A, which was presented at the last meeting. Like Scenario 1A, Scenario 1B prioritizes keeping cities whole over school districts, significantly divides Redwood City, and combines Atherton with the bulk of Redwood City and the South County Latino Community of Interest. However, some small areas were shifted to better conform potential boundaries to existing school district boundaries where they would not result in additional city splits.

The second scenario, labeled Scenario 4A, is similar to Scenario 1A in that it consists of five districts and prioritizes minimizing divisions of other jurisdictional boundaries over maintaining the Coast in a single district. However, it prioritizes keeping school districts whole over keeping cities whole. The emphasis on keeping school districts whole results in Brisbane being combined with Daly City rather than with the San Bruno/Millbrae area, as opposed to previously discussed Board preferences. While this scenario still splits Redwood City and the Redwood City Elementary School District, it does so less radically, as it wraps Atherton around to the Belmont/Foster City area.

Mr. Wagaman said his presentation shows two maps for each scenario, one highlighting potential boundaries relative to school districts and the other relative to cities. Information relating to various potential redistricting criteria is also provided, as follows:

| Criteria | Scenario 1B | Scenario 4A |
|---|-------------|-------------|
| Total Deviation | 2.69% | 9.40% |
| Number of Potential Section 2 Voting Rights Act Districts | 1 | 1 |
| Number of Divided Cities | 2 | 5 |
| Number of Divided School Districts | 8 | 4 |
| Coastal COI Divided | Yes | Yes |
| South County Latino COI Divided | No | No |
| Multiple Campuses in One District | No | No |
| Number of District with More than Two Incumbents | 1 | 1 |

Mr. Wagaman asked that the Board provide further direction on:

1. North County – should Brisbane be placed with San Bruno/Millbrae (Scenario 1B) or with Daly City (Scenario 4A)? This question is tied with the level of priority given to cities vs. school districts.
2. South County – is the general configuration of Scenario 1B or Scenario 4A preferable? This question is not as closely tied to the level of priority given to cities vs. school districts; there is a secondary question of whether, within the preferred general configuration, priority should be given to cities or school districts in any future scenario.

Mr. Wagaman said that city or school district boundaries, or a combination of both depending on the area, can be used. Vice President Hausman asked if there is an advantage of matching district boundaries to either city or school district boundaries. William Tunick of Dennis Wolliver Kelley, who is acting as counsel to the Board on this matter, said he sees no reason that using one or the other, or “mixing and matching,” would be problematic.

Trustee Holober asked how the 9.4% total deviation in Scenario 4A is broken down by population. Mr. Wagaman said the deviation in the largest of the five districts is 5.53% and in the smallest district is -3.90%. Trustee Holober said that it was suggested previously that a 10% or lower deviation could be acceptable and he asked for further clarification. Mr. Tunick said the courts have used 10% and there is a presumption that anything below that figure is probably safe; however, the courts are getting stricter and it is preferable to get as close to 0% deviation as possible. Mr. Wagaman said the deviation difference is due in large part to keeping the Cabrillo Unified School District whole, causing districts in the north to have more significant deviations. He said the deviation could be minimized by splitting Cabrillo. Trustee Miljanich asked if splitting the Cabrillo District would impact the Communities of Interest. Mr. Wagaman said it would impact the Coastal Community of Interest but not the Latino Community of Interest in the South County or the Asian Community of Interest in the North County.

President Mandelkern asked if there were questions and/or comments from the public. Hearing none, he called for Board discussion.

There was extensive Board discussion about the scenarios presented, including keeping the Coastsde, Latino and Asian Communities of Interest whole; using school district or city boundaries or a combination of both; deviations; and placement of the cities of Brisbane, Daly City and South San Francisco. Regarding deviation, President Mandelkern said he would be willing to accept greater deviation in order to keep the Coastsde whole and he believes this would be defensible. Trustees Hausman, Miljanich and Schwarz agreed. Trustee Holober said he would agree as long as the District would be on safe legal ground. Mr. Tunick said the focus on school district and city boundaries is concrete and would be possible to justify in court.

The Board agreed on a preference for Scenario 4A, which: keeps Daly City and Brisbane together, thereby not splitting the Brisbane Elementary School District; splits Redwood City less radically; and does not split the Cabrillo Unified School District. Mr. Wagaman said that within Scenario 4A, there are two items to consider:

1. The boundaries of Daly City and Pacifica are not identical to the boundaries of the Jefferson and Laguna Salada School Districts; using either is acceptable and the Board should choose which to use. Trustee Schwarz said her preference is to keep the school districts whole and the Board agreed.
2. How to split the boundaries of the Redwood City Elementary School District; currently Mr. Wagaman is using the boundaries of Woodside and Atherton and he would like to make sure this is an acceptable way to split the school district. President Mandelkern said that, since the Redwood City Elementary School District will be split in any scenario, it makes sense to use the boundaries of Woodside and Atherton rather than splitting the City of Redwood City further. The Board agreed that it is preferable to use the Woodside and Atherton boundaries.

Mr. Wagaman said he will provide the Board with a high-resolution zoom map with street boundaries for Scenario 4A, with the Board's stated preferences.

President Mandelkern said the Board has not made a formal decision to adopt by-district elections. If the decision is made to move to by-district elections, the Board would also move to adopt a map. President Mandelkern said he would like the Board to have some time to examine the high-resolution map that Mr. Wagaman will provide. He would also like to post the map on the District website and invite public comment before making a formal decision. If the Board then decides to adopt by-district elections and to adopt the district boundaries shown on the map, it would be forwarded to the California Community Colleges Board of Governors for review and approval. Mr. Tunick said this process could take three to four months. He said the registrar would also need time to set up a data base and this should be taken into account along with the candidate filing deadline for the 2013 election. President Mandelkern said he would prefer to take time to conduct the process well rather than quickly and if the Board adopts by-district elections, it might be better to have the new election method take effect after the 2013 election. Trustee Holober asked if the Board would be able to specify an effective date with its submission to the Board of Governors. Mr. Wagaman said the Board will make a decision not only about when the new election method will take effect, but also about which districts will be designated to come up for election first and second. He said he is not aware of any requirements regarding this timing and there tends to not be a firm logic as to which districts come up at which times. Mr. Tunick agreed but said the courts would take a pessimistic view of redistricting being used to purposely unseat an incumbent.

Trustee Holober said there seems to be interest in changing to by-district elections after 2013. He said that he and Vice President Hausman are up for reelection in 2013 and there would be no change, i.e. anyone in the County would be free to run against them in an at-large election. The other three trustees are up for reelection in 2015 and Trustee Holober said logic would suggest that, since the new boundaries would have been adopted and become effective, these three trustees would run in the new districts if they chose to run. Additionally, a trustee who wins election in 2013 would hold the seat for the entire four-year term regardless of who is elected in 2015; therefore, a candidate from the same district could run in by-trustee elections in 2015, resulting in two trustees holding office in that district for a period of two years. Mr. Tunick agreed that this could occur, stating that once the plan goes into effect, it takes a four-year cycle of elections before it would be necessary to have one trustee from each of the five districts. In the interim, if there is a district without a trustee in residence, the Board could appoint a Board member to represent that district until a trustee is elected through by-trustee elections.

President Mandelkern asked if there is a normal period of time for public comment, e.g. 30 or 60 days. Mr. Tunick said it would be better to have a longer period of time, particularly with the holidays approaching. He said that most community colleges take formal action on a shift to by-district elections and a proposed district map at the same time. Given that it would take time to allow for public comment prior to such Board action, Trustee Miljanich asked if the Board has gone far enough that it would not be at risk of litigation. Trustee Schwarz said her understanding is that the Board's discussions constitute evidence that they are attempting to do the right thing; President Mandelkern said this is his understanding as well. Mr. Tunick said that is generally correct and he believes the Board has come far enough down the road in the discussions they have been holding in compliance with the legal requirement to look at how elections are conducted after each census. Trustee Miljanich said she wants to continue to separate the Board's discussion from the Board of Supervisors issue and to emphasize that this Board is not motivated by lawsuits. President Mandelkern said that both he and Barbara Christensen, Director of Community/Government Relations, have clearly made this point in their interactions with the press. Trustee Holober said the discussions have been a Board initiative and the Board has not been reacting to any pressure. He said members of the public who have spoken at meetings have been motivated by theoretical beliefs about good government rather than by feelings that they are not being represented. President Mandelkern said the Board has tried to gather public input and will continue to do so through the website.

President Mandelkern said he would prefer that the shift to by-district elections and the map be considered for adoption at the same time. However, he suggested that the Board take formal action to put the map on the District website and invite public comment for a specified period of time prior to a potential formal vote to shift the election method and adopt the map. The Board agreed with this suggestion and agreed on a 90-day public comment period. The formal action to place the map on the District website will take place at a future Board meeting.

RECESS TO CLOSED SESSION

President Mandelkern said that during Closed Session, the Board will consider the personnel items listed as 1A and 1B on the printed agenda.

The Board recessed to Closed Session at 8:40 p.m.

The Board reconvened to Open Session at 9:55 p.m.

CLOSED SESSION ACTIONS TAKEN

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

ADJOURNMENT

It was moved by Trustee Miljanich and seconded by Vice President Hausman to adjourn the meeting. The motion carried, all members voting "Aye." The meeting was adjourned at 10:00 p.m.

Submitted by

Ron Galatolo, Secretary

Approved and entered into the proceedings of the October 24, 2012 meeting.

Helen Hausman, Vice President-Clerk