

**Minutes of the Study Session of the Board of Trustees
San Mateo County Community College District
April 10, 2013, San Mateo, CA**

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

Board Members Present: President Helen Hausman, Vice President Karen Schwarz, Trustees Richard Holober and Patricia Miljanich, Student Trustee Bailey Girard
Trustee Mandelkern was out of town and not present at the meeting

Others Present: Chancellor Ron Galatolo, Executive Vice Chancellor Jim Keller, Skyline College Vice President of Instruction Sarah Perkins, College of San Mateo President Michael Claire, Cañada College President Larry Buckley, and District Academic Senate President Diana Bennett

Pledge of Allegiance

DISCUSSION OF THE ORDER OF THE AGENDA

None

MINUTES

It was moved by Trustee Holober and seconded by Student Trustee Girard to approve the minutes of the March 21, 2013 meeting. Student Trustee Girard asked that his statement indicating that the results of the student trustee election would be known by the next Board meeting be modified to state that the results will be known by the next regular Board meeting. With this amendment, the motion carried, all members present 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 (13-4-1A)

It was moved by Trustee Holober and seconded by Student Trustee Girard to approve the actions in Board Report No. 13-4-1A. The motion carried, all members present voting "Aye."

INFORMATION REPORTS

UPDATE ON KCSM-TV (13-4-1C)

Jan Roecks, Interim Dean of Business, Workforce and Athletics at Cañada College, said that a brief history of the process to sell KCSM-TV is included in the board report. Last fall, the Board was asked to reject all bids received in response to the RFP released in December 2011. A revised RFP was released in December 2012 and, along with the option to purchase assets and assign the station license, included an option to partner with the District to subsidize station operations and cooperatively participate in an FCC spectrum auction.

Ms. Roecks said bids were received from KMTP RV 32; Oriental Culture and Media Center of Southern California; Locus Point Networks; and Public TV Financing. The team working on the sale (Ms. Roecks, KCSM General Manager Marilyn Lawrence, Attorney Larry Miller and County Counsel Eugene Whitlock) is in negotiation with a bidder that the team believes is extremely qualified. They hope to finalize negotiations and bring a proposal for review and approval at the April 24 Board meeting.

Chancellor Galatolo said Trustee Mandelkern has requested that as much time as reasonably possible be allowed for public comment on any recommendation. Chancellor Galatolo said the District is still in negotiation and a proposed contract will probably not be completed until April 18 or 19. Ms. Roecks said she believes negotiations would be compromised if details of a proposed contract were made public before having the contract in hand.

Trustee Holober asked for clarification about whether the contract will be made public before Board approval of the contract. Ms. Roecks said the board report, which will be included in the board packet released on the Friday prior to the meeting, will include comprehensive details of the bids. At the same time, the public records request will be fulfilled. Ms. Roecks said the public records request is a request to see the four bids. She will consult with County Counsel to determine if the actual proposed contract should be released as well. Chancellor Galatolo noted that members of the public will have five days to review the bids and will be invited to comment before the Board votes on the contract.

Trustee Holober asked if the proposed contract will be binding. Chancellor Galatolo said it will not be binding until the Board approves it. However, staff feel confident that they understand the Board's direction and the contract will contain terms that are solid and agreeable to the Board.

Trustee Miljanich said she is not willing to chance jeopardizing the contract by releasing details while negotiations are ongoing. Trustee Holober said he agreed, as long as the District is getting sound legal advice. Vice President Schwarz also agreed, stating that she believes the process is as fair as possible.

REPORT ON PUBLIC SAFETY AND RELATED CLERY ACT REPORTING (13-4-2C)

José Nuñez, Vice Chancellor of Facilities Planning, Maintenance and Operations, introduced: Director of Public Safety Mike Celeste; College of San Mateo Chief Public Safety Officer Brian Tupper; Cañada College Chief Public Safety Officer Gary Hoss; Skyline College Chief Public Safety Officer Rob Dean; Skyline College Public Safety Officers Paul Barbosa and Ludivico Viray; and College of San Mateo Public Safety Officer Ulysses Guadamuz.

Vice Chancellor Nuñez discussed the 2009 consolidation of all security services into the newly named Public Safety Department and he displayed the Department's organizational chart. Vice Chancellor Nuñez said that tonight's report will include information on Clery Act reporting, as well as an update on what has occurred in the area of public safety in the last three years.

Director of Public Safety Celeste said the Clery Act is a federal statute which requires all colleges and universities to keep and disclose information about crime on and near their respective campuses. Institutions must publish an annual report disclosing campus security policies and three years of selected crime statistics. They must make timely warnings to the campus community about crimes that pose an ongoing threat to students and employees. Each institution with a security department must have a public crime log.

Skyline College Chief Public Safety Officer Dean said the College's Department of Public Safety is part of the team that serves students and the community. He said the public safety officers act as a resource and as campus ambassadors. They are approachable and interact with members of the College community and members of the community at large who come to the campus. Chief Dean described some of the activities of public safety officers, including assisting people with vehicle problems, providing escorts to and from parking lots, lost and found, traffic accidents, threats or arguments, petty theft, and public information. Chief Dean discussed Public Safety Department staffing and coverage. He also discussed training of officers, including CERT, UHF radios, drills, and Flex Day training. Chief Dean discussed the crime statistics at Skyline College from 2009, 2010 and 2011, as required by the Clery Act. He showed videos of an incident in which a suspicious suitcase was left unattended and of a theft on campus.

Cañada College Chief Public Safety Officer Hoss said the most notable statistic from the Clery Act reporting was a case of arson in 2011. There was no property damage and no prosecution but the Clery Act required reporting of the incident. Chief Hoss said there are occasional drug-related incidents on campus, including a case of Middle College students smoking marijuana. The most prevalent calls for service involve theft, medical situations, lost and found, graffiti, smoking complaints, traffic accidents, and escorts to and from parking lots. Chief Hoss said the College has excellent working relationships with the County Sheriff's Office and with the Woodside Fire Protection District. He said Cañada College conducts emergency exercises on campus every semester, either a lockdown drill or an evacuation scenario. Additional training has been provided to faculty and staff on evacuations, UHF radios, and Incident Command System (ICS). A class also was offered on dealing with emotionally disturbed persons. In-classroom presentations are provided at the request of faculty members. Chief

Hoss said the College purchased 24 parking meters last October at a cost of \$99.00 each. To date, the parking meters have generated just under \$6,000. Chief Hoss showed videos concerning a missing mentally disabled student and a theft from the Bookstore.

College of San Mateo Chief Public Safety Officer Tupper said public safety officers deal with a culturally diverse community and take on the role of ambassadors. They must make people understand that there are rules and regulations and, at the same time, be approachable. Officers' tasks include building unlocks, parking enforcement, high-visibility foot and traffic patrols, lost and found, and day-to-day involvement with all departments on campus. Calls for services include suspicious packages, persons and circumstances; burglaries; District policy violations; Student Code of Conduct violations; missing persons; vehicle accidents; vandalism; counterfeiting; rape; fraud; drug violations; stalking; bullying; and weapons violations. Training is provided to faculty and staff on recognizing at-risk students and how to approach mental health issues. There are drills on lockdowns and evacuations and a Great Shakeout Drill every year. Regarding Clery Act reporting, Chief Tupper said crime rates are low because of the presence of security cameras and officer visibility. The sexual offense listed on the report involved a case of two minors in a restroom. Chief Tupper showed videos of thefts from a donation box in the Astronomy Lab and of a theft in the Bookstore.

Director Celeste concluded the report by reviewing the duties and responsibilities of the Department of Public Safety, the various reasons the Department is called for service, and the emergency preparedness trainings and drills conducted on the campuses and District Office. Vice Chancellor Nuñez noted that some faculty have elected to not participate in the drills. Director Celeste also discussed the campus alert systems, which include the Emergency Announcement System, Alert U, UHF Radios, the GWAMAIL "Blast" email, the Public Safety website homepage/Facebook page, and the County Alert system. He described Public Safety technology, including video cameras, Access Control and Alarm Monitoring System (ACAMS), Automated External Defibrillators (AEDs), 911 system, duress buttons and electronic handheld citation devices. Director Celeste described the number of incident reports on the campuses for 2010-12 and the number of citations issued during Fiscal Year 2011-12, which totaled 9,384 Districtwide.

Trustee Miljanich asked Director Celeste what the area of most concern is for the Public Safety Department. Director Celeste said his area of greatest concern is that incidents seen on news reports could happen here. He said it is not possible to stop a determined shooter but it is possible to minimize damage by being prepared. Trustee Miljanich asked if the escort service is used regularly. Chief Dean said it is used often in the evening hours. Chief Tupper said that when it is used in the daytime, it is typically because of stalking or cyberbullying.

Vice President Schwarz complimented the presenters and said the District seems well-prepared. She said she sees a strong presence of Public Safety officers on the campuses when she visits. Vice President Schwarz said she is very concerned about non-participation in drills. Director Celeste agreed and said this is a problem Public Safety will continue to address.

President Hausman said the report was excellent and said many people have no idea of everything the Public Safety Department does for the campus communities and for the community at large.

FOLLOW-UP ON INTERNAL CONTROL REPORT (13-4-3C)

Executive Vice Chancellor Blackwood outlined what the District does currently in terms of internal controls:

- Regularly review policies and procedures
- Regularly review effectiveness of existing procedures and risk vs. reward
- Training for accounting staff
- Business Process Analyses; currently done in Financial Aid and Admissions & Records
- College Internal Audit Group (CIAG)-Finance; the group reviews procedures to assure consistent procedures across the District and issues reports

Executive Vice Chancellor Blackwood discussed what the District will be doing in addition to the items listed above:

- CIAG-Student Services

- CIAG-Instruction
- Additional training
- More Business Process Analyses
- Issue an RFP for new auditors in 2015

Trustee Holober asked if the District still tracks equipment only if it has a value of more than \$5,000. Executive Vice Chancellor Blackwood said that equipment worth more than \$5,000 goes on the books as a fixed asset and depreciation is tracked. She said the District does record all computers and is now keeping track by serial number. Trustee Holober asked if items that are entered as fixed assets are re-inventoried to make sure they are where they are supposed to be. Executive Vice Chancellor Blackwood said an inventory is conducted every other year.

Vice President Schwarz said she is encouraged to see that there will be an RFP for auditors as she believes this is good financial practice. Executive Vice Chancellor Blackwood said an RFP was issued for the last audit but the response was minimal. Executive Vice Chancellor Keller noted that, even within the same firm, the individuals who have conducted the District audit have changed.

ANNOUNCEMENT OF TRUSTEE HELEN HAUSMAN'S RETIREMENT AND RELATED DISCUSSION (13-4-4C)

President Hausman said she is sorry to have to announce that she will retire effective May 1 and her letter will go to the County Superintendent of Schools on May 1. She said April 24 will be the last meeting she attends.

Vice President Schwarz said the Board has received information on the process to follow when there is a retirement or resignation. She said a more in-depth discussion about the Board's options for filling the vacancy and timelines will be placed on the agenda for the April 24 Board meeting. Vice President Schwarz said she had a telephone call from Trustee Mandelkern asking whether the Board is allowed to hold such a discussion before President Hausman's retirement becomes official. Barbara Christensen, Director of Community/ Government Relations, said the law specifies that the vacancy becomes official on the date that the letter goes to the County Superintendent. She said there is nothing in the law that prohibits discussion of options and timelines when a board knows a vacancy will occur in the future.

Trustee Holober said he is unsure about whether the Board is permitted to discuss a process to fill the vacancy before the retirement is official. He said the Board will be deciding whether to make an appointment or hold an election and, as he suggested at the last meeting, he believes the Board would be well-served with seeking legal advice from outside counsel who specializes in this area. Trustee Miljanich said she does not believe that outside counsel is needed. She said filling board vacancies is not uncommon and is not beyond the ability of District staff and County Counsel. President Hausman said she was appointed to the Sequoia Union High School Board of Trustees when there was a vacancy and the process did not take much time and did not seem complicated. She suggested that boards that have filled vacancies be consulted about their processes. Vice President Schwarz said she did talk with a trustee from the San Carlos School District, which made an appointment to fill a vacancy within the last year. The trustee reported that the board did not use outside counsel, believing that County Counsel would have more information because they routinely are involved in this area. The trustee said the process went smoothly.

Trustee Holober said he wants to make sure there is an opportunity for public input on the options before the Board and said he would not be ready to voice his opinion until public input is heard. He questioned whether it is acceptable to put the item on an agenda, which would allow for public input, prior to May 1 when President Hausman's retirement will become official. Trustee Holober said that if the Board opts to fill the vacancy by appointment, he would want to be sure there is adequate time to publicize and seek applications. He said these are issues on which he would appreciate receiving legal advice, preferably from outside counsel.

Trustee Miljanich suggested it might be appropriate to have Vice President Schwarz work with County Counsel and Ms. Christensen to get questions answered, with the understanding that outside counsel could be retained if the Board believes it is needed. Trustee Holober said this is not his preference, but it would be better than not having any legal advice. Vice President Schwarz said she is willing to work with County Counsel and Ms. Christensen and will report back to the Board at the meeting on April 24. She asked Board members to submit

their questions to her. Ms. Christensen said that within 60 days of the date of the vacancy (May 1), the Board must either (1) decide to call an election or (2) make a provisional appointment. If the Board does not act within 60 days, the County Superintendent will order an election. Ms. Christensen said that if the Board opts to make an appointment, the 60 day period does not allow much time for publicizing the vacancy, inviting public comment, and reviewing and interviewing candidates.

Chancellor Galatolo said Student Trustee Girard had expressed interest in changing the date of the May 22 Board meeting because finals are scheduled during that week. He said a change to May 15 would help students and might also provide better timing for the Board to pursue the issue of filling the vacancy. Trustee Holober said that if the Board opts to make an appointment and, assuming the questions outlined above are answered, changing to a May 15 meeting could allow the Board to provide reasonable notice to the public. He said the timeline would be tight but not undoable. All Board members present agreed that they would be able to meet on May 15 and would be willing to schedule one or more additional meetings as needed.

President Hausman said that if the Board waits for an election, she believes it would be difficult to operate without a full Board when issues come up. Trustee Miljanich said that a decision about Board leadership must be made at some point as well.

Trustee Miljanich said that, because of the way the discussion regarding redistricting ended at the last meeting, she would like to ask that further discussion and possible action on next steps be placed on the agenda for the next Board meeting.

RECESS TO CLOSED SESSION

Vice President Schwarz said that during Closed Session, the Board will consider the personnel items listed as 1A and 1B on the printed agenda. The Board will also hold a conference with District Labor Negotiator Harry Joel; the employee organizations are AFSCME, AFT and CSEA.

The Board recessed to Closed Session at 8:40 p.m.
The Board reconvened to Open Session at 9:20 p.m.

CLOSED SESSION ACTIONS TAKEN

Vice President Schwarz announced that at the Closed Session just concluded, the Board voted 4-0 to approve the personnel items listed as 1A and 1B on the printed agenda.

ADJOURNMENT

It was moved by President Hausman and seconded by Trustee Miljanich to adjourn the meeting. The motion carried, all members voting "Aye." The meeting was adjourned at 9:25 p.m.

Submitted by

Ron Galatolo, Secretary

Approved and entered into the proceedings of the April 24, 2013 meeting.

Karen Schwarz, Vice President-Clerk