

**Minutes of the Regular Meeting of the Board of Trustees
San Mateo County Community College District
March 16, 2016, San Mateo, CA**

The meeting was called to order at 6:03 p.m.

Board Members Present: President Dave Mandelkern, Trustees Maurice Goodman, Richard Holober and Karen Schwarz, Student Trustee Rupinder Bajwa

Others Present: Chancellor Ron Galatolo, Executive Vice Chancellor Kathy Blackwood, Skyline College President Regina Stanback Stroud, College of San Mateo President Michael Claire, Cañada College Interim President Jennifer Hughes, 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 Trustee Schwarz to approve the minutes of the Regular Meeting of February 17, 2016. The motion carried, all members present voting Aye.

It was moved by Trustee Holober and seconded by Trustee Schwarz to approve the minutes of the Board Retreat of March 5, 2016. The motion carried, all members present voting Aye.

STATEMENTS FROM EXECUTIVES AND STUDENT REPRESENTATIVES

Chancellor Galatolo reported that Vice President Tom Mohr is recovering well from surgery and received a positive pathology report. He asked that everyone keep Trustee Mohr in their thoughts. Chancellor Galatolo said he attended the annual Community College League of California CEO Symposium. Accreditation was a key agenda item and, after a lengthy discussion, the CEOs agreed to form two working groups. The first will work immediately with the Accrediting Commission for Community and Junior Colleges (ACCJC) to address issues and improve the overall operations of the ACCJC in the near term. The second will be a long-term working group which will examine alternate methods of seeking accreditation. Chancellor Galatolo said he will keep the Board informed on this issue.

Skyline College President Stanback Stroud said there was lively discussion at the CEO Symposium about the Trailer Bill language on workforce development. The 2016-17 State budget allocates \$200 million in ongoing funds to support career/technical education. The Trailer Bill language creates a regional structure that would distribute funds to colleges. The new program moves to performance based funding in future years. President Stanback Stroud said the CEOs participating in the discussion took the position that the funds should go directly to the colleges. The group also agreed that while the colleges intend to meet performance standards, the process should not be bogged down by using a performance accountability model for funding.

Executive Vice Chancellor Blackwood said the District won its appeal on the collective bargaining mandated costs claim for the period July 1999 – June 2002 and the State has reinstated all costs claimed, totaling just over \$1 million. The State has already paid \$350,000 and the remainder will likely be counted against the \$10 million grant allocated to the District this year.

District Academic Senate President Bennett said the Senate will hold an all-day retreat in April. Discussion topics will include (1) a review of the bylaws and constitutions of the District and College Senates and (2) collegial consultation regarding Board Policy 6.13, Curriculum Development, Program Review, and Program Viability.

BOARD SERIES PRESENTATION – INNOVATIONS IN TEACHING, LEARNING AND SUPPORT SERVICES: SUPPORTING VETERANS AT SKYLINE COLLEGE (16-3-8C)

Sarah Perkins, Vice President of Instruction, said Skyline College is honored to serve its veterans. She said the Veterans Resource Center opened in its current location in 2012 and now has a full-time Program Services Coordinator. Skyline College works with veterans to make sure they do not have to face the challenges of returning to college on

their own. The College is committed to helping students make the best possible choices by providing maximum assistance, guidance and support. Skyline College is a participant in the Principles of Excellence program of the U.S. Department of Veterans Affairs.

Will Minnich, Dean of Enrollment Services, said that more than 30,000 veterans reside in San Mateo and San Francisco Counties. Approximately 300 self-identified veterans and 180 self-identified dependents of veterans are enrolled at Skyline College. Males comprise 75% of the veteran student population. Part-time students comprise 77% of this population. Only 44% of the part-time students retain from term to term while nearly 100% of the full-time students retain. In terms of student equity, veterans have been identified as a target audience. Veterans represent 2% of the Skyline College population and 5% of the population in the community at large.

Gina Ciardella, Program Services Coordinator, said the Veterans Resource Center provides a community and network of support. It offers a dedicated space for students to gather and an increasing amount of technology. The College works with the VA Work-Study Program to enable students to work in the Center. Over the last year, Skyline College has grown its services and programs for veterans by hosting community partners on campus, such as a monthly speakers series. Campus and community wide events are also held. There is collaboration with local veterans organizations including the American Legion and Veterans of Foreign Wars. Dean Minnich noted that resources are available to veterans in the community who are not Skyline College students. During the last year, the Associated Students of Skyline College and the Veterans Club sponsored the Vietnam War Memorial “Wall that Heals” at the Golden Gate National Cemetery. Future plans include additional programs and services on and off campus, continued collaboration among all three District Colleges, and continued outreach activities.

Dean Minnich said there is a need for well-integrated technology to enable staff and faculty to know students well. He said current students have to repeat their stories over and over again, e.g. to Student Services, Academic Counseling, EOPS, etc.

President Mandelkern thanked the presenters. He said he attended the opening of the Veterans Resource Center in its current location in 2012 and noted that it has come a long way. He said it is very much appreciated in the veteran community.

Trustee Schwarz said she agrees with the need for technology that will help with the issue of students having to repeat their stories in various departments and programs. She said she is pleased that the three Colleges are collaborating with each other to serve veterans.

STATEMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

None

NEW BUSINESS

APPROVAL OF PERSONNEL ITEMS: CHANGES IN ASSIGNMENT, COMPENSATION, PLACEMENT, LEAVES, STAFF ALLOCATIONS AND CLASSIFICATION OF ACADEMIC AND CLASSIFIED PERSONNEL (16-3-1A)

It was moved by Trustee Holober and seconded by Trustee Schwarz to approve the items in board report 16-3-1A. The motion carried, all members present voting Aye.

ADOPTION OF RESOLUTION NO. 16-6 AND RESOLUTION NO. 16-7 APPROVING RETIRED ANNUITANT AGREEMENTS (16-3-2A)

It was moved by Trustee Schwarz and seconded by Trustee Goodman to adopt Resolutions 16-6 and 16-7. Trustee Holober pointed out a typographical error with regard to the amount of hourly compensation for an annuitant. With the understanding that this will be corrected, the motion carried, all members present voting Aye.

APPROVAL OF CONSENT AGENDA

President Mandelkern said the consent agenda consists of board reports 16-3-1CA through 16-3-3CA as listed on the printed agenda. It was moved by Trustee Holober and seconded by Trustee Schwarz to approve the items on the consent agenda. The motion carried, all members present voting Aye.

Other Recommendations

VOTE TO ELECT MEMBERS TO THE CALIFORNIA COMMUNITY COLLEGE TRUSTEES (CCCT) BOARD, 2016 (16-3-1B)

It was moved by Trustee Holober and seconded by Trustee Goodman to discuss the list of candidates and vote on a roster of candidates. Trustee Holober suggested that this item be tabled until the study session of April 5 to allow an opportunity for Trustee Mohr to provide feedback. The Board agreed with this suggestion. Any feedback provided by Trustee Mohr will be provided at the open meeting on April 5.

ACCEPTANCE OF 2015-16 MID-YEAR BUDGET REPORT AND APPROVAL OF BUDGETARY TRANSFERS AND INCOME ADJUSTMENTS FOR THE PERIOD ENDING DECEMBER 31, 2015 (16-3-100B)

It was moved by Trustee Holober and seconded by Trustee Goodman to accept the budget report and approve the budgetary transfers and income adjustments. The motion carried, all members present voting Aye.

APPROVAL OF SOLE SOURCE PURCHASE OF WEB CONTENT MANAGEMENT SOFTWARE (OUCAMPUS) FROM OMNIUPDATE (16-3-101B)

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

APPROVAL OF REVISIONS TO BOARD POLICIES: 1.10, DUTIES AND RESPONSIBILITIES OF THE BOARD; 1.20, DUTIES OF OFFICERS; AND 8.27, RECORDS RETENTION AND DESTRUCTION (16-3-102B)

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

AUTHORIZATION TO AMEND PROGRAM STABILIZATION AGREEMENT (16-3-103B)

It was moved by Trustee Holober and seconded by Trustee Schwarz to authorize the amended agreement as detailed in the report. Karen Powell, Executive Director of Facilities Planning and Operations, said staff collaborated with the San Mateo County Building and Construction Trades Council and believes a good agreement has been reached.

James Ruigomez, Business Manager/Executive Director of the San Mateo County Building and Construction Trades Council, said the Board is setting a precedent for good policy. He said PLAs have proven to get jobs completed on time and on budget. He said the District has had a PLA in place since 2003 and it has worked well. He thanked the Board for their continued commitment to the working class families of San Mateo County.

Trustee Holober said the Board received an email this afternoon from Eric Christen, Executive Director of the Coalition for Fair Employment in Construction. Mr. Christen said the Board is taking up the most controversial issue in the construction industry without having had any discussion. He asked that the Board hold off on approving the amended PLA. Trustee Holober said this is not a new or unexplored topic. He said the Board studied this at length prior to adopting the original PLA thirteen years ago. The PLA was also discussed during a July 2015 meeting, at which time scholarly research on both sides of the issue was presented. Trustee Holober said this would have been an excellent time for individuals to address the Board. He said it is important to note that the District has had a long and successful track record with the PLA. He said he was happy to have proposed a PLA at the time the District began major construction and he is pleased that it is being brought to the Board for renewal.

Trustee Schwarz said she appreciates the cooperation between the District and the Building and Construction Trades Council. She said she also appreciates that the amended PLA takes graduates of the Trades Introduction Program (TIP) into consideration.

President Mandelkern said he disagrees with Mr. Christen's assertion that the Board is considering making a hasty decision without due consideration. He said that in addition to exploring all sides of the issue when presented with scholarly research, the Board also received a presentation from a cost estimating consultant from Leland Saylor Associates who addressed incremental costs, if any, due to a PLA. President Mandelkern said very high quality work has been delivered on time and on budget with the previous PLAs. He said he is proud that the District has utilized local labor who, along with their families, can enjoy with pride the work they have completed on the campuses. He said he is enthusiastic about approving the amended PLA. After this discussion, the motion carried, all members present voting Aye.

ADOPTION OF RESOLUTION NO. 16-8 IN SUPPORT OF PROPOSITION 30 EXTENSION (16-3-104B)

It was moved by Trustee Holober and seconded by Trustee Goodman to adopt Resolution No. 16-8. The motion carried, all members present voting Aye.

INFORMATION REPORTS

REVISION OF BOARD PROCEDURES 2.12.1, WHISTLEBLOWER PROTECTION AND 8.55.1, DOMESTIC CONFERENCE AND TRAVEL EXPENSES (16-3-9C)

President Mandelkern said the Board does not vote to approve administrative procedures. He said these revised procedures are being presented for discussion and Board input. Maxine Turner, a member of the public, asked for clarification on the meaning of per diem expenses; when the purchase of alcohol may be included; and which employees are permitted to charge the purchase of alcoholic beverages to the District. She said the paragraph on "Lavish or Extravagant Spending" is very general and she believes it should be defined more clearly. She said she does not believe the community supports using taxpayer dollars to purchase alcoholic beverages. Executive Vice Chancellor Blackwood explained that a per diem is a maximum daily amount allowed for meals which may be claimed in lieu of submitting receipts. She said purchase of alcoholic beverages may be appropriate when employees dine with business partners, vendors, donors or potential donors. It is anticipated that only senior administrators (Vice Presidents, Vice Chancellors, Presidents and Chancellor) will have this sort of business meal and any others must be preapproved by the appropriate senior administrator.

The Board held an extensive discussion on the Domestic Conference and Travel Expenses procedure; discussion points included:

- The Board and the District try to be very good guardians of the public trust and public funds. The guidelines in the procedure are the same as those set by governmental agencies, including the IRS.
- Pros and cons of using per diem for meal reimbursement. It was noted that the majority of employees use procurement cards which requires that receipts be provided.
- Expense reimbursement should allow employees to live at the same standard as when at home.
- Whether purchase of alcoholic beverages should be allowed in any situation. If so, should be for limited occasions as noted above. Suggestion to clarify the concept of a business meal and to set the level of those permitted to purchase alcoholic beverages to senior administrators. Also suggestion to consider a not-to-exceed amount for alcohol.
- Statements by Trustees Holober and Goodman expressing their belief that it is inappropriate for the District to pay for alcoholic beverages.
- Important to note that the occasions on which alcohol are purchased are rare and should not be blown out of proportion.
- In the section on lodging which states that an overnight stay is not allowed if the destination is within a 100 mile radius from the traveler's work address, add "or home address" since employees sometimes leave from their homes. Also consider whether 100 mile radius is the appropriate distance.

Executive Vice Chancellor Blackwood said she will incorporate the Board's comments into the procedure.

Trustee Holober asked for clarification of "improper conduct" as used in the Whistleblower Protection procedure. He said people's interpretations of what is improper may vary. President Mandelkern said an example might be abuse of the purchase of alcoholic beverages outside of the appropriate occasions outlined above, which would not be illegal but would be improper. He said he believes the intention is to expand the definition of reportable activities, which previously included only unlawful activities, in order to encourage reporting. Chancellor Galatolo agreed; he said an individual may report conduct he/she believes is improper and the ensuing investigation will determine whether the conduct was in fact improper. President Mandelkern asked if a whistleblower will be protected even if the conduct is deemed to have not been improper. Chancellor Galatolo said he believes a whistleblower will be protected from retaliation in any case.

DISCUSSION OF DISTRICT ELECTIONS (16-3-10C)

President Mandelkern said the Board discussed district elections at the recent Board retreat as well as several meetings in the past. The Board invited William Tunick of the Dannis Woliver Kelley law firm to present an update on the California Voting Rights Act (CVRA) as it pertains to elections for the District Board of Trustees.

Mr. Tunick said the CVRA was enacted in 2002 in response to difficulties using the Federal Voting Rights Act to challenge voting systems. He said the CVRA does not prohibit all at-large elections. It states that “an at-large method of election may not be imposed or applied in a manner that impairs the ability of a protected class to elect candidates of its choice or its ability to influence the outcome of an election, as a result of the dilution or the abridgment of the rights of voters who are members of a protected class. . .” There are three requirements which must be met to find a violation of the CVRA: (1) an at-large election system, (2) racially polarized voting, and (3) a protected class which is not able to elect candidates or influence elections. Multiple cases around the State have been settled, including the County of San Mateo which settled in 2012 and now elects supervisors by district. Most cases have not gone to trial and there has been no successful defense of a CVRA challenge.

Mr. Tunick said six community college districts have voluntarily transitioned to by-trustee area elections since 2013. He said he believes approximately half of California community college districts currently hold by-trustee area elections.

Mr. Tunick said the CVRA applies to the District since it uses at-large elections. The County of San Mateo lawsuit suggests a basis for a potential challenge. If a challenge is successful, the District could be liable for substantial attorneys’ fees and a court could draw trustee areas. Transition to by-trustee area elections could immunize the District. The District’s options are to: (1) continue to use the current at-large election system, (2) work with a demographer to conduct a comprehensive study to evaluate racially polarized voting and election history, and (3) transition to by-trustee area elections and adopt trustee area boundaries.

Mr. Tunick outlined the procedure to transition to by-trustee area elections:

- Hold two public hearings
- Conduct the AB 684 approval process: District Board adopts transition and draws boundaries; Board of Governors approves transition
- Option to have between five and nine seats and/or “top two” primary (no community college district uses a “top two” primary)
- No election requirement to ratify changes

Mr. Tunick said the District has approximately 715,000 residents and districts would range from 136,000 to 150,000. Line drawing would follow traditional redistricting criteria (population equality, contiguous, compact) to preserve communities of interest and follow the Federal Voting Rights Act to protect minorities. A new election system would take effect at the next election in November 2017, beginning with those facing re-election. There would be no impact on current Board members who would continue to serve their remaining terms. Incumbent Board members would need to reside within a trustee area to be re-elected. Board stability could be a factor considered when drawing boundaries.

Mr. Tunick said potential next steps would be to engage a demographer to conduct the area-drawing process; hold public hearings; adopt a resolution and proposed trustee areas; and submit the transition to the Board of Governors for approval in time for the November 2017 election.

President Mandelkern said his recollection is that when district elections were discussed previously, a comprehensive study on racially polarized voting was not done; however, the data presented showed that Daly City was the only area of the County which had a protected class (Asian) that held a majority/minority position. Trustee Holober said that the Board started with the premise that, for various public policy reasons not limited to the CVRA, a move to district elections was potentially the right thing to do; therefore, a lengthy racially polarized voting analysis was not done.

Trustee Holober said he knows of one southern California community college district that uses hybrid elections, with some single and some multi trustee areas. Mr. Tunick said he does not believe this approach eliminates the risk of a CVRA challenge.

President Mandelkern said the Board held at least four public hearings in various locations when considering a move to district elections previously. The Board engaged a demographer, was presented with a series of drawn and revised maps, considered the makeup of the Board at the time, and weighed options. A resolution “establishing trustee areas from which District Governing Board members will be elected and approving the election of such Board Members in a By-Trustee area election process” was defeated by a 3-2 vote in March 2013. President Mandelkern said that if the

Board chooses to move forward at this time, it must coordinate timing with the local elections office and the Board of Governors. He said a transition would have to be submitted to the Board of Governors by March 2017.

Trustee Schwarz said she was not comfortable with the demographer engaged previously and would like to consider other options. Mr. Tunick said he will forward the names of demographers who engage in this work regularly.

Trustee Holober said that before moving forward, it might be worthwhile to get a sense of whether Board members believe a move to district elections is the right thing to do. He said he believes it is good public policy and would also make it easier for people to run for office in terms of campaign costs.

Trustee Schwarz said she is open to discussion on the issue. She said she believes there are some pitfalls associated with by-trustee area elections, such as the potential for Board members to focus only on their area and not consider the entire District. She said, however, that there are other reasons to move forward. President Mandelkern said he believes Trustee Schwarz's concern is reasonable, but he believes the Board has demonstrated the ability to look at the interests of the entire County.

Trustee Goodman said he believes a move to by-trustee area elections is good public policy. He said he appreciates the Board honoring his request to reconsider doing so.

President Mandelkern said he also believes moving to by-trustee area elections is the right thing to do. He said the Board may want to explore the possibility of expanding the number of Board members to seven or nine in consideration of issues such as Coastside representation. He said it would be better to revisit the issue with all five Board members and he is hopeful that Trustee Mohr will be back in the not-too-distant future.

The Board agreed to move forward without forming a subcommittee. The Board will consider engaging a demographer from the list that Mr. Tunick will provide and will schedule future discussions on district elections.

COMMUNICATIONS

President Mandelkern said the Board received several emails and letters from candidates seeking election to the CCCT Board, seeking the Board's support. The Board also received an email referenced earlier regarding the proposal to approve the amended Program Stabilization Agreement.

STATEMENTS FROM BOARD MEMBERS

Trustee Goodman said he sends his best wishes and prayers to Trustee Mohr and his family as they go through this challenging time.

Trustee Schwarz referred to an article in the *Part-Timer* magazine stating that many part-timers are unable to attend safety and emergency preparedness trainings offered on their campuses. She said she would be interested in knowing how the District accommodates part-timers in this regard. Trustee Schwarz said she was invited by the League of Women Voters to participate in a panel discussion on what the UCs, CSUs and community colleges are doing in terms of higher education. College of San Mateo Professor Jon Kitamura and a middle college student were also on the panel. She said the value of middle college was reinforced and Professor Kitamura spoke eloquently, representing College of San Mateo well. Trustee Schwarz said the San Mateo County School Boards Association (SMCSBA) will hold a dinner meeting on March 21 on "Human Trafficking in Our Own Backyard, What this Means for our Public Schools." Chancellor Galatolo introduced Bill Woods, the District's new Director of Public Safety, who is an expert on human trafficking. Trustee Schwarz said the SMCSBA will also hold a conference on March 29 on "Success in School: Making the Connection Between Mental Health and Academic Learning." Trustee Schwarz complimented Skyline College on its 4th Annual Middle School Outreach Project. She said it is important to expose students to college and careers at a young age.

Trustee Holober said a ballot measure that will be on the November ballot could have an impact on the District's medical costs and potentially result in significant cost savings. The measure would require agencies such as CalPERS to pay no more for drugs than the Veterans Administration pays. The VA has privately negotiated discounts but the discounts are secret, so there are issues regarding how that information would be accessed. Trustee Holober said the Community College League of California will likely weigh in on the measure and the Board might want to consider taking a position as well.

Student Trustee Bajwa said he, along with other College of San Mateo students, will attend a United States Student Association conference in Washington, D.C. Meetings are planned with Senators Barbara Boxer and Diane Feinstein and Congresswomen Jackie Speier and Anna Eshoo. Student Trustee Bajwa wished Trustee Mohr a speedy recovery.

President Mandelkern said Trustee Mohr is greatly missed. He said he and his family wish Trustee Mohr a speedy recovery. President Mandelkern said he looks forward to the Skyline College President's Breakfast to be held tomorrow morning. He said record attendance is expected.

RECESS TO CLOSED SESSION

President Mandelkern said that during closed session, the Board will hold a conference with the District Labor Negotiator; the employee organizations are AFT, AFSCME and CSEA.

The Board recessed to Closed Session at 8:35 p.m. and reconvened to Open Session at 9:14 p.m.

ADJOURNMENT

The meeting was adjourned by consensus at 9:15 p.m.

Submitted by

Ron Galatolo
Secretary

Approved and entered into the proceedings of the April 5, 2016 meeting.

Dave Mandelkern
President