

**Minutes of the Regular Meeting of the Board of Trustees
San Mateo County Community College District
December 14, 2016, San Mateo, CA**

The meeting was called to order at 5:00 p.m.

Board Members Present: President Dave Mandelkern, Vice President Thomas Mohr, Trustees Maurice Goodman, Richard Holober and Karen Schwarz

ANNOUNCEMENT OF CLOSED SESSION ITEMS FOR DISCUSSION

President Mandelkern said that during closed session, the Board will (1) hold a conference with Agency Labor Negotiator Eugene Whitlock; the employee organizations are AFT and CSEA, (2) hold a conference with legal counsel regarding one case of existing litigation as listed on the printed agenda, (3) conduct a public employee performance evaluation as listed on the printed agenda, and (4) consider public employee discipline, dismissal, release.

PUBLIC COMMENTS ON CLOSED SESSION ITEMS ONLY

None

RECESS TO CLOSED SESSION

The Board recessed to closed session at 5:01 p.m.

RECONVENE TO OPEN SESSION

The Board reconvened to open session at 6:06 p.m.

Board Members Present: President Dave Mandelkern, Vice President Thomas Mohr, Trustees Maurice Goodman, Richard Holober and Karen Schwarz, Student Trustee Dennis Zheng

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 President Jamillah Moore, District Academic Senate President Leigh Anne Shaw

Pledge of Allegiance

Announcement:

President Mandelkern said College of San Mateo recently lost two students to tragic auto accidents, and another former College of San Mateo student was killed in the devastating Oakland fire. He asked that this meeting be adjourned in memory of Mikaila Lucido, Jennifer Morris and Agustin Sacchi. The Board unanimously agreed to do so.

DISCUSSION OF THE ORDER OF THE AGENDA

President Mandelkern said that in order to accommodate students who are studying for final exams, it was suggested that item 16-12-1C, Affirmation of the San Mateo County Community College District's Commitment to Educational Social Justice through Access, Affordability, Individuality, Diversity and Inclusion, be heard immediately after the Organization of the Board of Trustees. The Board agreed to do so.

ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION

President Mandelkern said that during closed session, the Board considered a case of "Employee Discipline, Dismissal, Release" and voted unanimously to uphold the decision of the hearing officer.

ORGANIZATION OF THE BOARD OF TRUSTEES

President Mandelkern announced that tonight is the annual organizational meeting of the Board to elect officers for the coming year, as required by the Education Code.

President Mandelkern called for nominations for President. It was moved by Trustee Holober and seconded by Trustee Schwarz to elect Vice President Mohr to serve as President. There were no other nominations. The motion carried, with Vice President Mohr abstaining and all other members voting Aye.

President Mohr called for nominations for Vice President-Clerk. It was moved by Trustee Mandelkern and seconded by Trustee Schwarz to elect Trustee Holober to serve as Vice President-Clerk. There were no other nominations. The motion carried, with Trustee Holober abstaining and all other members voting Aye.

President Mohr called for nominations for Secretary of the Board. It was moved by Vice President Holober and seconded by Trustee Goodman to re-elect Chancellor Galatolo to serve as Secretary. There were no other nominations. The motion carried, all members voting Aye.

President Mohr called for nominations for a Representative of the Board to serve on the County Committee on School District Organization. It was moved by Trustee Mandelkern and seconded by Trustee Schwarz to reappoint Vice President Holober to serve as Board Representative. There were no other nominations. The motion carried, all members voting Aye.

President Mandelkern called for nominations for two Representatives of the Board to serve on the San Mateo County Community Colleges Foundation Board of Directors for a two-year term. It was moved by Trustee Mandelkern and seconded by Vice President Holober to reappoint President Mohr and Trustee Schwarz to serve as Board Representatives. There were no other nominations. The motion carried, all members voting Aye.

President Mohr said Trustee Mandelkern set a high bar for the position of President. He said Trustee Mandelkern makes everyone feel welcome and appreciated at Board meetings. He said Trustee Mandelkern is very well-organized and is an exemplary role model on how to conduct meetings. President Mohr said Trustee Mandelkern managed the initial discussion on race, class and privilege and facilitated the second discussion expertly. On behalf of the Board, President Mohr presented a plaque to Trustee Mandelkern in appreciation of his outstanding service as President.

Vice President Holober said it has been a pleasure to serve on the Board with Trustee Mandelkern, including his terms as President. Vice President Holober said Trustee Mandelkern has done valuable work on the structure and efficiency of Board meetings. He said Trustee Mandelkern is hard working, reviewing the content of meetings carefully and improving the quality of meetings. Vice President Holober noted that Trustee Mandelkern attends many events at the campuses and in the community.

Trustee Goodman said he appreciates Trustee Mandelkern's guidance and leadership. He said Trustee Mandelkern has inspired him to take on issues of importance. He agreed that Trustee Mandelkern has improved the efficiency of meetings.

Trustee Schwarz thanked Trustee Mandelkern for giving of his time as President. She said she appreciated Trustee Mandelkern going over the agenda carefully and making sure the Board received meeting materials in a timely manner. Trustee Schwarz said the Board will support President Mohr during his term as President. She noted that President Mohr has been instrumental in helping the Foundation through its strategic planning process.

Student Trustee Zheng thanked Trustee Mandelkern for his service as President. He said he looks forward to working with President Mohr, citing his experience and good judgement.

Trustee Mandelkern thanked his colleagues as well as faculty, staff and students for their support. He said the Board always puts students first and wants to hear from students. He said that by working hard and working together, everyone's contributions have been tremendous. Trustee Mandelkern thanked President Mohr for his service as Vice President. He congratulated Trustee Goodman on his first anniversary as a Board member and said it has been a pleasure working with Vice President Holober and Trustee Schwarz through the years. Trustee Mandelkern said intends to stay active on projects and said a major focus will be on the establishment of Promise Programs for the Colleges. He said he welcomes input and support from others.

APPROVAL OF "AFFIRMATION OF THE SAN MATEO COUNTY COMMUNITY COLLEGE DISTRICT'S COMMITMENT TO EDUCATIONAL SOCIAL JUSTICE THROUGH ACCESS, AFFORDABILITY, INDIVIDUALITY, DIVERSITY AND INCLUSION" (16-12-1B)

It was moved by Trustee Schwarz and seconded by Student Trustee Zheng to approve the Affirmation statement as presented. District students Alfredo Olgún Jr., Iridian Martinez, Celeni Cano and Isabelle Valdes addressed the Board. Their comments included:

- Action and follow-through are more important than a statement. Students will hold the Board accountable for the Affirmation of the San Mateo County Community College District's Commitment to Educational Social Justice through Access, Affordability, Individuality, Diversity and Inclusion ("Affirmation").
- SMCCCD Rise Up (<https://www.facebook.com/smcccdriseup>) is a student-led organization and is for all students. It is also open to faculty and staff.
- The first demand in a list presented to the Board at a previous meeting calls for "positive and immediate action to ensure the safety of our undocumented students who are currently protected under DACA and those who aren't (make all three SMCCCD colleges sanctuary campuses)." A resolution "Affirming College of San Mateo a Sanctuary Campus" was signed by more than 300 College of San Mateo administrators, faculty, staff and students and the signatures were presented to the Board. Although this is a College of San Mateo-directed resolution, it can be used as a template for Districtwide sanctuary campuses. Students are fearful and having sanctuary campuses is a concrete step that would provide a sense of safety as they pursue their educational goals. The resolution was read aloud and is attached to the official minutes of record.
- Students appreciate the support of administrators, faculty and staff and believe all groups can continue to work together.
- There is a feeling that the campuses do not belong to students. It is not right to call the police on students.
- Faculty and staff need to be paid properly. Housing assistance programs are important; faculty need to live close to where they work.

Kristen Parks, a Cañada College faculty member, acknowledged the exceptional students who attend the District Colleges. She said the thoughtful, articulate and nonviolent organizing directed by students gives her hope. She encouraged the Board to address the student demands at a meeting in early 2017, providing a specific response to each demand and acknowledging what will and will not be done in response.

President Mohr said he believes the students are articulate, intelligent and thoughtful. He thanked them for giving so much thought to important issues.

Trustee Mandelkern said Board members are accessible and their email addresses can be found on the District's website. He said he is aware that students are afraid and he knows the situation is serious. He said he would like to learn more about sanctuary campuses and would like to bring this back for further Board discussion. Trustee Mandelkern said he believes that any action against one is an action against all. He said he wants to be informed of any action against students and he will be there to respond. He suggested looking into the possibility of charging AB 540 students in-state tuition and of getting F1 Student Visas for undocumented students.

Trustee Goodman said the Board, administrators, faculty, staff and students are in solidarity. He advised the students that it is important to know who their allies are and to know what the work is that needs to be done. He encouraged the students to work arm-in-arm with others and to not get distracted. Trustee Goodman said he believes the Affirmation is needed because it provides guidance.

Trustee Schwarz said the Board has been presented with two documents, the student demands and the resolution on sanctuary campuses. She said both are valuable but it is not clear who is submitting each document and who they represent. She said she believes there is a need to be more unified, to continue a dialogue, and to remain respectful. Trustee Schwarz said she hopes students have read the Board's Affirmation which represents the commitment to social justice.

Vice President Holober said students are facing a great deal of uncertainty. He said he has been active in social justice causes for many years and would be happy to share what he has learned. He said he would like to have the opportunity to get together with students and learn from each other.

Student Trustee Zheng said the Board is doing a great job to try to reach out to students. He encouraged Board members to visit the campuses and interact with students.

Chancellor Galatolo said he understands that students' fears are real and palpable. He said the drafting of the Affirmation began immediately after the presidential election. He said he attended an Immigration Summit with his colleagues within the Bay 10, at which some districts shared resolutions that have been provided to the Board for their review.

Chancellor Galatolo said that within the District, there is currently one DACA student, 639 AB540 students and 77 undocumented students. He said the District must protect the interests, safety and security of all 45,000 students who attend the Colleges. He said he has supported AB540; however, it does not provide federal support and he has been discussing this with local Congressional representatives. Chancellor Galatolo said a “sanctuary campus” designation does not offer legal protection. He said the Department of Homeland Security provides some protection in “sensitive locations” which include colleges and universities and he is looking into this further. Chancellor Galatolo encouraged students to read the Affirmation carefully and note that it captures elements in the student demands and is woven into common interests. He said the Board, administrators, faculty and staff are part of the solution and it is important to work as a unified front.

Lorena Gonzáles, College of San Mateo Puente Project Counselor, Instructor and Co-Coordinator, thanked everyone for what they are doing behind the scenes in support of students. She said everyone is learning from each other in terms of finding the best solutions. She said an area that has not been addressed is that of students who are in mixed-status families. Ms. Gonzáles said she recognizes that some things are legally out of the District’s control; however, she believes that items such as the Board’s Affirmation and the students’ resolution on sanctuary campuses are symbolically important.

Trustee Goodman said students feel a tremendous sense of urgency. He said he would like the Board to address the students’ list of concerns and explore next steps with the entire District community, followed by an action item.

Vice President Holober said he has examined the ways in which many other institutions are addressing these issues. He said he would not support the resolution affirming College of San Mateo as a sanctuary campus that was presented tonight because it would prohibit access to the District’s open campuses. He said the more common, and he believes more appropriate, language would state that the District does not agree to voluntarily release any personally identifiable student information, including any data related to immigration status, without a judicial warrant, subpoena or court order, unless authorized by the student or required by law. Chancellor Galatolo agreed, recommending that the Board not consider any action that would be unlawful. Executive Vice Chancellor Blackwood said unlawful action would put at risk \$27 million in federal funding, \$20 million of which goes directly to students.

After this discussion, the motion to approve the “Affirmation of the San Mateo County Community College District’s Commitment to Educational Social Justice through Access, Affordability, Individuality, Diversity and Inclusion” carried, all members voting Aye. The Board agreed to dedicate the January 11, 2017 study session to continue the discussion on social justice and address issues raised at this meeting. In preparation for the meeting, President Mohr and Trustee Schwarz said they will reach out to student leaders.

MINUTES

It was moved by Trustee Schwarz and seconded by Trustee Mandelkern to approve the minutes of the meeting of November 30, 2016. The motion carried, all members voting Aye.

STATEMENTS FROM EXECUTIVES AND STUDENT REPRESENTATIVES

Chancellor Galatolo thanked Trustee Mandelkern for serving as President for the past year. He said he has enjoyed working with Trustee Mandelkern and appreciates how well organized he has been. Chancellor Galatolo said he looks forward to working with President Mohr as the District continues to move forward in a positive way. He said he also looks forward to working with Vice President Holober and will seek his guidance and sage advice. Chancellor Galatolo said the District was informed by the County Elections Office that the Board of Supervisors approved the request to move Board of Trustees elections to even years.

District Academic Senate President Shaw said she has completed her first semester as president. She said she has found the Board meetings to be proactive and meaningful.

STATEMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

Eric Brenner, representing AFT Local 1493, said a large number of faculty and staff were present with signs stating that “we want a fair contract,” “we are waiting,” and “we deserve respect.” President Mohr said he appreciates the time faculty and staff have taken to make clear their concerns.

NEW BUSINESS**APPROVAL OF PERSONNEL ITEMS: CHANGES IN ASSIGNMENT, COMPENSATION, PLACEMENT, LEAVES, STAFF ALLOCATIONS AND CLASSIFICATION OF ACADEMIC AND CLASSIFIED PERSONNEL (16-12-1A)**

It was moved by Trustee Goodman and seconded by Trustee Mandelkern to approve the actions in the report. The motion carried, all members voting Aye. A typographical error in the report was noted and will be corrected.

APPROVAL OF CONSENT AGENDA

President Mohr said the consent agenda consists of board reports 16-12-1CA through 16-12-6CA as listed on the printed agenda. It was moved by Trustee Schwarz and seconded by Vice President Holoher to approve the items on the consent agenda. The motion carried, all members voting Aye.

Other Recommendations**ADOPTION OF RESOLUTION NO. 16-21 REGARDING BOARD ABSENCE (16-12-100B)**

It was moved by Vice President Holoher and seconded by Trustee Schwarz to adopt Resolution No. 16-21. The motion carried, with Trustee Mandelkern abstaining and all other members voting Aye.

ADOPTION OF RESOLUTION NO. 16-22 REGARDING BOARD ABSENCE (16-12-101B)

It was moved by Trustee Mandelkern and seconded by Trustee Schwarz to adopt Resolution No. 16-22. The motion carried, with Vice President Holoher abstaining and all other members voting Aye.

APPROVAL OF CORRECTION TO BOARD REPORT NO. 15-6-107B, ACCEPTANCE OF GRANT FROM THE CALIFORNIA ENERGY COMMISSION AND ALLOCATION OF FUNDS FOR THE COLLEGE OF SAN MATEO SOLAR PROJECT (16-12-102B)

It was moved by Vice President Holoher and seconded by Trustee Schwarz to approve the correction as detailed in the report. Chancellor Galatolo clarified that the total amount of the grant was not included in the recommendation portion of the original report. The motion carried, all members voting Aye.

APPROVAL OF CONSTRUCTION CONSULTANTS (16-12-103B)

President Mohr said the report was modified to correct the amount requested for Leland Saylor Associates and to correct the total amount requested. It was moved by Trustee Schwarz and seconded by Trustee Goodman to approve the construction consultants as shown on the amended report. The motion carried, all members voting Aye.

APPROVAL OF APPOINTMENTS TO BOND OVERSIGHT COMMITTEE (16-12-104B)

It was moved by Trustee Schwarz and seconded by Trustee Goodman to approve the appointments presented in the report. The motion carried, all members voting Aye.

INFORMATION REPORTS**DISTRICT FINANCIAL SUMMARY FOR THE QUARTER ENDING SEPTEMBER 30, 2016 (16-12-1C)**

The Board accepted the report.

REPORT ON ONGOING PURCHASE OF TESTING AND ASSESSMENT SOFTWARE (16-12-2C)

The Board accepted the report.

REPORT ON SELECTION PROCESS FOR CAÑADA COLLEGE BUILDING 23N, NEW MATH/SCIENCE/ TECHNOLOGY BUILDING, DESIGN-BUILD PROJECT (16-12-3C)

José Nuñez, Vice Chancellor of Facilities Planning, Maintenance and Operations, introduced Bill Nieman of McCarthy Builders and Kaveh Amirdelfan of HGA Architects. He cited the project team for the project as follows:

- District Representatives: Vice Chancellor José Nuñez, Director of Capital Projects Chris Strugar-Fritsch, Contracts Manager Yanely Pulido, Energy and Sustainability Manager Joe Fullerton
- Campus Representatives: President Jamillah Moore, Vice President of Administrative Services Michelle Marquez, Interim Facilities Manager Karen Pinkham
- Construction Management: Swinerton Management & Consulting, Campus Construction Manager Linda Rizzoli

Vice Chancellor Nuñez discussed the Request for Statement of Qualifications (RFSOQ) and Request for Proposal (RFP) processes, beginning with the issuance of the RFSOQ invitation in August 2016 and followed by a mandatory pre-qualification conference, acceptance of Statements of Qualifications, issuance of the RFP to three shortlisted firms, interviews with proposing firms, acceptance of best and final offers, and issuance of Intent to Award. Vice Chancellor Nuñez discussed the RFP master evaluation matrix which shows the total scores of the three shortlisted firms, Blach/Ratcliff, Level 10/LPA, and McCarthy/HGA. At the Board meeting of January 11, the Board will be asked to act on the request that the contract be awarded to the design-build team of McCarthy Builders/HGA Architects.

Trustee Mandelkern said he is pleased to see the project moving forward. He said the STEM programs at Cañada College are some of the flagship programs in the District and he hopes the design-build team understands the importance of this project which can be key to helping students achieve their dreams and goals.

President Mohr thanked Vice Chancellor Nuñez and his team for the professional, complete and thorough process as outlined in the report.

COMMUNICATIONS

None

STATEMENTS FROM BOARD MEMBERS

Student Trustee Zheng said the students who spoke at this meeting are sincere. He said he is thankful that the Board listens and will try to move forward quickly.

Vice President Holober said he would like to see people start to move from fear to anger in order to get results. He said positive mobilization is needed to defend people's rights. He said people must identify issues that unite them as Americans who care about what happens in their country.

Trustee Schwarz said Board members have a responsibility to continue a dialogue in the community because many people do not understand the fears faced by students.

Trustee Schwarz said she attended a meeting of the College of San Mateo Academic Senate. She said she was pleased to hear faculty discuss the importance of reducing the cost of textbooks. There was also a discussion about the impact of increased international student enrollment, particularly on the ESL program. A letter regarding this matter was sent to President Claire. President Claire said he has a very positive relationship with the Academic Senate. He said he has responded to the Academic Senate President informally and will follow up with a formal reply. Trustee Schwarz said she attended a "Writing in the End Zone" class taught by Professor Teeka James and said the students were very engaged. She also attended the "Dance Motion X" performance at Cañada College, in which students from each of the College participated.

Trustee Mandelkern asked Student Trustee Zheng if other Boards around the state have been engaging with students in the same way as the SMCCCD Board. Student Trustee Zheng said the responses depend on the demographics of the area.

Trustee Mandelkern said he attended a College of San Mateo Academic Senate meeting and was gratified to witness the amount of time spent addressing the student demands which were presented to each College as well as to the Board. He said some of the demands are out of the Board's purview but there are others that the Board can begin to address.

President Mohr said he attended an EOPS Advisory Committee meeting and a Latino Leadership Social and the serious concerns and urgency as a result of the presidential election were displayed at both. President Mohr said he attended a College of San Mateo Honors Presentation and was reminded of how exciting scholarly work can be. He also attended the Equity Summit at Skyline College which focused on the impact of race, class and privilege on teaching. He said instruction that is culturally sensitive and personalized for students is critical, especially for underrepresented students. He suggested that the Board explore how well the District is doing in this regard. President Mohr said he attended a Student Leadership Retreat and observed how deeply students care about one another. President Mohr said he will be visiting the campuses and will let the College Presidents know when he will be present. He encouraged other Board members to visit the campuses as they are able.

MEETING OF THE BOARD OF DIRECTORS OF THE SAN MATEO COUNTY COMMUNITY COLLEGE DISTRICT FINANCING CORPORATION

President Mandelkern called the meeting to order at 8:20 p.m.

Present: President Dave Mandelkern, Vice President Ron Galatolo, Secretary Thomas Mohr, Treasurer Kathy Blackwood, Directors Maurice Goodman, Richard Holober and Karen Schwarz

Approval of Minutes of the December 9, 2015 meeting

It was moved by Director Holober and seconded by Director Goodman to approve the minutes as presented. The motion carried, all members voting Aye.

Naming of Officers for 2017

President Mandelkern said that in accordance with the bylaws of the Financing Corporation, the officers for 2017 will be:

President – Board of Trustees President Thomas Mohr
 Vice President – District Chancellor Ron Galatolo
 Secretary – Board of Trustees Vice President-Clerk Richard Holober
 Treasurer – District Executive Vice Chancellor Kathy Blackwood

Board of Trustees members Maurice Goodman, Dave Mandelkern and Karen Schwarz will serve as Directors.

It was moved by Director Goodman and seconded by Director Schwarz to approve the new officers. The motion carried, all members voting Aye.

President Mandelkern announced that the next scheduled meeting of the Financing Corporation will be held on December 13, 2017.

It was moved by Director Schwarz and seconded by Director Holober to adjourn the meeting. The meeting was adjourned at 8:22 p.m.

RECESS TO CLOSED SESSION

President Mohr announced that the Board of Trustees will recess to closed session to conduct the public employee performance evaluation as listed on the printed agenda. The Board recessed to closed session at 8:25 p.m.

RECONVENE TO OPEN SESSION

The Board reconvened to open session at 10:45 p.m. President Mohr announced that the Board took no action during the closed session.

ADJOURNMENT

The Board adjourned by consensus at 10:46 p.m. in memory of Mikaila Lucido, Jennifer Morris and Agustin Sacchi.

Submitted by

Ron Galatolo, Secretary

Approved and entered into the proceedings of the January 11, 2017 meeting.

Richard Holober
 Vice President-Clerk