

**Minutes of the Regular Meeting of the Board of Trustees
San Mateo County Community College District
May 16, 2018, San Mateo, CA**

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

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

ANNOUNCEMENT OF CLOSED SESSION ITEMS FOR DISCUSSION

President Holober said that during Closed Session, the Board will (1) consider a recommendation for expulsion of a student, (2) hold a conference with legal counsel regarding three cases of existing litigation and one case of potential litigation as listed on the printed agenda and (3) consider employee discipline, dismissal, release.

STATEMENTS FROM THE PUBLIC ON CLOSED SESSION ITEMS ONLY

None

RECESS TO CLOSED SESSION

The Board recessed to Closed Session at 5:03 p.m.

RECONVENE TO OPEN SESSION

The Board reconvened to Open Session at 6:16 p.m.

Board Members Present: President Richard Holober, Vice President Maurice Goodman, Trustee Dave Mandelkern, Trustee Thomas Mohr, Trustee Karen Schwarz, Student Trustee Alfredo Olguin Jr.

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 ALLEGIENCE

ANNOUNCEMENT OF ACTION DURING TAKEN DURING CLOSED SESSION

President Holober said that during the closed session, the Board voted unanimously to approve the expulsion of a student; the student's G Number is G01060780.

DISCUSSION OF THE ORDER OF THE AGENDA

None

MINUTES

It was moved by Trustee Schwarz and seconded by Trustee Mohr to approve the minutes of the meeting of April 11, 2018. The motion carried, all members voting Aye.

It was moved by Trustee Mohr and seconded by Trustee Schwarz to approve the minutes of the meeting of April 25, 2018. The motion carried, all members voting Aye.

STATEMENTS FROM EXECUTIVES AND STUDENT REPRESENTATIVES

Chancellor Galatolo recognized Aaron McVean, who has been selected as the new Vice Chancellor for Educational Services and Planning. He said Karrie Mitchell will join the team on May 29 as Interim Vice President for Planning, Research and Institutional Effectiveness. Chancellor Galatolo congratulated all District students who will be graduating later in May. He said it is gratifying to witness this proud moment for the students and their families.

Executive Vice Chancellor Blackwood said the Governor released his May Revise. She said it will likely not impact the District to a significant degree. She said she will send more information to the Board in an email.

District Academic Senate President Shaw said the Senate completed its end-of-year annual report and copies have been provided to the Board. She said the Senate held elections; she will continue to serve as President for another year and Jeremy Wallace, current President of the College of San Mateo Academic Senate, will serve as President-Elect.

Colby Riley, President of the Associated Students of College of San Mateo (ASCSM) displayed the list of ASCSM Officers and Senators, along with the membership of the Advocacy Board, Cultural Awareness Board and Programming Board. He said ASCSM goals for this academic year have been to increase and encourage participation in Senate and Board events; improve communication between the Boards; and plan more creative and inclusive programming. Mr. Riley said the ASCSM invested in new microwaves and mobile device charging stations for College Center and a new ID card system. Students attended the Chicago Pride Conference, a Women's Leadership Conference and an Honors Conference for the Labyrinth Newsletter. The ASCSM provided funds for disaster relief fundraisers for Hurricanes Irma and Jose and the North Bay fires.

Mr. Riley said spring activities included Reboot Week, Rally Against Gun Violence, Feminism Week, Spring Fling, and World Gala. In addition, ASCSM funded many club events. He said students appreciated the student fee increase that allowed the clubs to do more.

Mr. Riley said he is graduating this month and will be transferring to UC Santa Cruz. He said the ASCSM held elections for 2018-19. The new President will be Mondana Bathai and the Vice President will be Georgia Giari.

President Holober thanked Mr. Riley for his report and offered best wishes for his future.

STATEMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

Isin al-Otat, a former Cañada College student and Middle College graduate, said she was one of the organizers of the "SMCCCD Rise Up" group which drafted a list of demands for the District. She said the demands still exist and need to be addressed, including issues related to DACA, communication about resources and opportunities across the campuses, multicultural centers on the campuses, and having Public Safety operate in a community-centered manner.

José Nuñez, Vice Chancellor of Facilities Planning, Maintenance and Operations, announced that the District, along with Skyline College, won six California Higher Education Sustainability Conference (CHESC) 2018 Energy Efficiency and Sustainability Best Practice Awards. The awards are:

- District: Water Efficiency and Site Water Quality, Energy Efficiency at the Campus Level, Waste Reduction
- Skyline College: Student Sustainability Leadership, Sustainability in Academics, Multi-campus Partnerships

NEW BUSINESS

APPROVAL OF PERSONNEL ITEMS: CHANGES IN ASSIGNMENT, COMPENSATION, PLACEMENT, LEAVES, STAFF ALLOCATIONS AND CLASSIFICATION OF ACADEMIC AND CLASSIFIED PERSONNEL (18-5-1A)

It was moved by Trustee Schwarz and seconded by Trustee Mohr to approve the items in board report 18-5-1A. The motion carried, all members voting Aye.

APPROVAL OF REVISION TO MISCELLANEOUS PAY RATES SALARY SCHEDULE (18-5-2A)

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

APPROVAL OF CONSENT AGENDA

President Holober said the consent agenda consists of board reports 18-5-1CA through 18-5-7CA as listed on the printed agenda. It was moved by Vice President Goodman and seconded by Trustee Mohr to approve the items on the consent agenda. The motion carried, all members voting Aye.

Other Recommendations

APPROVAL OF SERVICE AWARD FOR 2017-18 STUDENT TRUSTEE (18-5-100B)

It was moved by Trustee Mohr and seconded by Trustee Schwarz to approve the service award as detailed in the report. The motion carried, all members voting Aye. President Holober presented an award to Student Trustee Olguin in appreciation for his outstanding service.

Trustee Mohr said Student Trustee Olguin's performance has been extraordinary. He said Student Trustee Olguin is courageous in his thinking. He said he lives and acts honorably according to his convictions and not by any political motivation. He said Student Trustee Olguin has used his passion and sensitivity to bring forward with skill and grace

what he believes is right for students. Trustee Mohr said Student Trustee Olguin has been truly student-centered and has been an articulate advocate for all matters having to do with the well-being of students. He said it has been a pleasure to know and work with Student Trustee Olguin.

Vice President Goodman said he served previously with Student Trustee Olguin on the South San Francisco Unified School District Board. He said it has been an honor to watch Student Trustee Olguin develop and grow from a high school student to the young man he is today. He said Student Trustee Olguin has a tremendous future ahead of him and will be able to face any challenges that come before him. Vice President Goodman said Student Trustee Olguin should know that he can always ask for help and guidance from the Board.

Trustee Schwarz said Student Trustee Olguin has served students very well. She said he speaks the truth and is a very caring person. She said it has been a privilege to serve with him and said she has learned from him. Trustee Schwarz said Student Trustee Olguin deserves the service award and much more. She thanked him for his service and requested that he keep in touch with the Board.

Trustee Mandelkern said it has been an honor and privilege to serve with Student Trustee Olguin. He said Student Trustee Olguin did an exemplary job of representing the interests of students. He said he added much to the discussions throughout a challenging year. Trustee Mandelkern thanked Student Trustee Olguin for always putting students first. He congratulated him on his transfer to UC Davis and wished him the best of luck.

President Holober said he concurs with the comments of other Board members. He congratulated Student Trustee Olguin on attending UC Davis. He said it has been a pleasure serving with and learning from him. He said Student Trustee Olguin has served with passion and spoke skillfully on behalf of students and the community. President Holober said Student Trustee Olguin is a “class act” and has made important contributions to the District.

Student Trustee Olguin introduced and thanked his parents, who both emigrated from Mexico. He said his father opened the path for education to him and others in his family. He said he learned much from his mother because of her hard work and who she is as a person. He also thanked his sister who helped make it possible for him to be where he is today, along with ancestors who live within him. He said that through his work and success, he hopes to open roads to others in his family. He said he loves the District and the Colleges and has made them his community. He thanked the College Presidents and all of his colleagues throughout the District.

APPROVAL OF NON-SUBSIDIZED TUITION FEES FOR CHILD DEVELOPMENT CENTERS AT COLLEGE OF SAN MATEO AND SKYLINE COLLEGE (18-5-101B)

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

APPROVAL OF CONTRACT AWARD FOR CAÑADA COLLEGE BUILDING 9 ENVELOPE REPAIR PROJECT (18-5-102B)

It was moved by Vice President Goodman and seconded by Trustee Schwarz to approve the contract award as detailed in the report. Chris Strugar-Fritsch, Director of Capital Projects, said this and the Cañada Vista Envelope Repairs Project (item 18-5-103B) are being handled as two separate projects because one deals with housing and the other with a commercial project. In response to a question from Trustee Mandelkern, Vice Chancellor Nuñez said the District is working to recover costs on both projects. After this discussion, the motion carried, all members voting Aye.

APPROVAL TO REJECT ALL BIDS AND REBID CAÑADA VISTA ENVELOPE REPAIRS PROJECT (18-5-103B)

It was moved by Trustee Mohr and seconded by Trustee Schwarz to approve the rejection of bids and rebidding of the project as detailed in the report. The motion carried, all members voting Aye.

APPROVAL OF CONTRACT AWARD FOR DISTRICTWIDE CLASSROOM HARDWARE PHASE 4 – LOCKDOWN BUTTON INSTALLATION PROJECT (18-5-104B)

It was moved by Trustee Mandelkern and seconded by Vice President Goodman to approve the contract award as detailed in the report. Trustee Mandelkern asked if completion of this project will bring the installation of locks to 100 percent completion. Vice Chancellor Nuñez said it will. The motion carried, all members voting Aye.

APPROVAL OF PUBLIC SAFETY STUDY RECOMMENDATIONS FOR IMPLEMENTATION AND ALLOCATION OF FUNDS TO ENHANCE PUBLIC SAFETY OPERATIONS (18-5-105B)

It was moved by Trustee Schwarz and seconded by Trustee Mohr to approve the recommendations as detailed in the report. Vice Chancellor Nuñez recognized Chief of Staff Mitchell Bailey, Director of Public Safety Bill Woods, and Vice Chancellor for Educational Services and Planning Aaron McVean who were instrumental in gathering data, conducting research, etc. Vice Chancellor Nuñez said staff has engaged the Board multiple times regarding the 71 recommendations contained in the Margolis Healy study. To assist the Board in further processing this report and its associated recommendations, staff also held stakeholder briefings to garner feedback about the recommended implementation approach, gathered additional data and information requested by the Board, and outlined possible alternatives for the Board's consideration, including a School Resource Officer (SRO) model. Vice Chancellor Nuñez said San Mateo County Sheriff Carlos Bolanos and members of his team, City of San Mateo Police Chief Susan Manheimer and members of her team, and City of San Bruno Police Chief Ed Barberini and members of his team are present to discuss the SRO model later during the meeting.

Vice Chancellor Nuñez said the District believes that regardless of the implementation of any alternative operating scenario, the Department of Public Safety (DPS) should take appropriate steps to become fully staffed, update needed technologies, engage and invest in training around community engagement practices, de-escalation, crime prevention, and unconscious bias. This approach maintains the status-quo operating model of the Department, but will increase the Department's expenses by \$1.5 million annually.

Vice Chancellor Nuñez said the Board has been provided with a full list of the Margolis Healy recommendations, along with a summary of changes and upgrades to DPS since 2016. He said that based upon feedback received by the Board, staff offers the following recommendations, which align with the preliminary recommendations offered in November 2017, for final consideration:

1. Publically reject the Margolis Healy recommendation to create a sworn police department and reject the recommendation to arm officers. Staff recommends that no changes be made at this time to the Department of Public Safety's status and it should remain as an unsworn, unarmed safety organization. With this, DPS would continue to adhere to a strict "Observe and Report" position and rely on local law enforcement agencies to timely respond to unlawful incidents on the District's campuses.
2. Clarify the mission and role of the Department of Public Safety. Staff believe that a new operating model is in order, with a more community-focused approach to safety that engages the campus communities in creating and maintaining safe environments.
3. Implement, where agreeable and financially and practically feasible, the remaining recommendations of the Margolis Healy study. The District agrees with nearly all of the recommendations outlined in the study and is interested in pursuing implementation strategies for those areas of agreement.
 - a. Develop a Written Directive System
The District agrees with this priority area recommendation and is working to standardize operations and codify policies and procedures in a formal manual. This work will begin in earnest after the role, mission and strategy of the department is solidified.
 - b. Develop a Strategy for Engaging with the Campus Community
The DPS will be engaging the campus community through trainings, workshops and forums on safety-related issues, including de-escalation and unconscious bias training for DPS officers, faculty, staff and students. Further, all members of the campus community would benefit from opportunities to be better informed about how to respond to emergency situations and better prepared to identify potential issues if they had more routine, focused and deliberate training and engagement. Lastly, the student voice is important to this process and in addition to the standing public safety committees, there will be a new student advisory committee on each campus to provide feedback and perspective to the respective campus public safety captains.
 - c. Develop a Comprehensive Physical Security Program
The District agrees with this priority area recommendation and has undertaken several key measures to strengthen the physical security of the campuses. Other improvements are under review.

- i. The District invested in a new radio communication system which allows DPS officers to communicate directly with local law enforcement officers in the event of an emergency, bypassing dispatching systems and registering calls for assistance directly with those officers in the field. This will streamline communication and will also increase the time of response to calls for assistance.
 - ii. The District has undertaken a districtwide program to install locks on all interior doors in all buildings, allowing for lock-downs during emergency situations. To date, nearly 80 percent of all doors have been fitted with locks and the Board approved the proposal for the remaining doors at this meeting.
 - iii. The District is currently assessing the effectiveness of the Emergency Alert System (EAS loud speakers). Certain areas of campuses have been identified as dead zones where no EAS can be heard. A review of the system and its range is ongoing.
- d. Enhance Emergency Management Planning
The District agrees with this priority area recommendation. DPS has substantial emergency plans in place and is in the process of hiring a full-time emergency preparedness manager. But, more outreach, engagement and dedicated attention is needed to train faculty and staff and to exercise plans for emergency management.

The District has adopted “The Big Five” emergency response protocol currently used by all K-12 districts in San Mateo County and the awareness by students, employees and campus visitors of these protocols will be a great asset in responding to emergency situations. In addition, the District currently utilizes CARES (College Assessment, Response and Evaluation of Students) Teams and will be working to enhance these bodies to allow them to serve as Threat Assessment Teams. With additional training and the addition of a local law enforcement partner member to the team, these groups will be better prepared to identify student behavior issues earlier and with more context and information, which will allow for the implementation of needed student services and coordination with campus and local law enforcement entities.

4. Continue to work with local law enforcement partners to strengthen relationships, communication and coordination and explore alternatives to enhance safety for our campuses.

This would include determining if alternative safety service models would be appropriate, including SROs, etc. The Department of Public Safety continues to partner with and engage local law enforcement in San Bruno, San Mateo and the County Sherriff. In addition to the enhanced communication capacities outlined in Staff Recommendation 3, the Department is also exploring opportunities for joint training, campus awareness and physical layout, dedicated partner spaces, etc. to allow for a more collaborative and cooperative relationship.

Vice Chancellor Nuñez discussed the funding recommendation. He said staff is requesting \$1.5 million to maintain an appropriate level of service; while the Department’s observe and report profile would remain status-quo, the Department’s service would be enhanced through additional staffing at later hours, more training and equipment to make operations more efficient.

Vice Chancellor Nuñez said staff believes that implementation of these recommendations will help achieve the goal of keeping the campuses safe and planning for the unexpected and extraordinary by engaging, educating and preparing faculty, staff and students in personal and campus safety, as well as continuing to engage with local law enforcement partners.

Vice Chancellor Nuñez said that at the last Board meeting, the Board had a robust discussion on alternatives presented by staff, including the SRO model. He said the Board asked to hear from local law enforcement partners on this model to learn about their experience. They also asked to hear from the College Presidents.

San Mateo County Sheriff Bolanos introduced Undersheriff Mark Robbins, Sergeant Todd Finato, Sergeant Hector Acosta and Captain Christina Corpus. Sheriff Bolanos said the SRO model has worked well for many years in all of the communities served by the Sheriff’s Office. He said it has allowed for a learning environment in which children feel safe and which supports building relationships with law enforcement officers. He said it has allowed the Sheriff’s Office to know and interact with educators to ensure that the environment is safe for all students and faculty.

Sergeant Finato, who is the Supervisor of the SRO Program, said there are currently six SROs in charge of 58 schools throughout the County. He said the SRO Program accomplishes its goals by creating and maintaining safe and secure learning environments for students, faculty and staff. The SROs establish a trusting channel of communication between students, parents and teachers. They serve as positive role models to instill in students good moral standards, good judgment, discretion, respect for other students and sincere concern for the school community. SROs promote citizen awareness of the law to enable students to become better-informed and effective citizens. Sergeant Finato said some goals of the SRO Program are to reduce incidents of school violence, reduce criminal offences committed by juveniles and young adults, establish rapport with students, parents, faculty, staff and administrators, and create and expand programs to increase student participation in providing safety for all members of the community.

San Bruno Police Chief Barberini said his Police Department values and appreciates its relationship with Skyline College and with President Stanback Stroud. He said Skyline College has chosen to become part of the City. He said he is present to provide information on the San Bruno SRO Program but not to advocate for anything. Chief Barberini said the SRO Program currently serves Grades K-12. The job of an SRO is not to be a security guard. The SRO becomes part of the school staff and works to build relationships with administrators, staff and students. Chief Barberini said the Police Department is very responsive to the Skyline College campus; however, it can be difficult to get to the campus in a timely manner in an emergency and having an SRO on campus could help in this regard.

San Mateo Chief Manheimer said she understands the complex and nuanced decision the Board must make. She said that if the Board decides to participate in the San Mateo Police Department SRO Program at College of San Mateo, the District would participate in the selection process and would work with the selected SRO to determine the role of the SRO and the level of services desired. The Police Department would provide robust training on de-escalation, unconscious bias, Constitutional policing, crisis intervention and community engagement. In addition, the SRO would be the emergency management responder, bringing a vital service at a time when there is an increase in armed intruders and other situations on campuses. The SRO becomes part of the school community and is basically a District employee, while the Police Department assumes liability, Human Resources responsibilities and back office issues. Chief Manheimer said College of San Mateo is in a safe area but far from areas that the police patrol on a daily basis. The response time is seven to eight minutes and an officer responding to an emergency would likely not know the campus environment, blueprints, etc.

Lt. Ryan Monaghan, who is in charge of the San Mateo Police Department SRO Program, said there are three SROs in San Mateo dedicated to six schools. He said the least of what the SROs do is enforcement. They act as conduits between the Police Department and the schools and are the direct link with students. They participate in restorative justice, meet regularly with the schools to discuss safety and security and other concerns of the school community, and collaborate on messaging between the districts and appropriate agencies. The SROs are well trained and also provide training to school staff and students on safety and security.

President Stanback Stroud said many things are going on the world and the Board wants to be responsive. She encouraged the Board to think about the addition of SROs through different frames:

- Political – jurisdictional matters that would have to be worked out collaboratively.
- Programmatic – what effect an SRO would have on Public Safety at the campuses. The Colleges have a certain approach; an SRO would add a different type of employee and this would have to be navigated. Increased exposure and risk for communities of color because it is a fact that disparities exist.
- Language – a “get tough on crime” mentality introduces young adults to the criminal justice system and they are impacted for life.

President Stanback Stroud said school shooting incidents are decreasing, with four times more occurring in the 1990s than currently. Rather than looking at having an SRO in isolation, she suggested other possibilities to consider, including threat assessment teams and retired police officers who are legally permitted to carry concealed weapons.

President Claire said the students are great and the issue is not about keeping peace on the campus. He said he has participated in numerous threat assessment trainings. He said there have been three false reports of active shooters during his tenure and those situations were extremely stressful. He said he has had balanced and valuable conversations with a small group of faculty and staff, along with a student representative, and the official position of College of San Mateo is to have no armed officers on campus. He said he is looking for a solution that would create a closer relationship between the College and the Police Department without the heavy presence of an armed SRO on campus.

President Moore said it is important to take the time to be thoughtful and look into every option that is available. She said a pilot program with an SRO and expanding the CARES Teams are possibilities. She said combining resources should be examined, whether with SROs or other groups that are already on the campuses. She said it is very important that the student voice not be overlooked and there should be either a Districtwide student advisory group or an advisory group at each campus.

Chancellor Galatolo said he has had multiple conversations with Sheriff Bolanos, Chief Manheimer and Chief Barberini. He said they recognize the potential impact of going to a fully armed police force and have explained that this would not be economically viable. However, they report that the SRO model has worked successfully. Chancellor Galatolo said his objective is to provide a safe environment for faculty, staff, students and visitors. He said the focus is not on the day-to-day but on the extraordinary event. He said the Board should be presented with enough information to make an informed decision based on the best interest of the campus communities. He said there are various options or combinations of options, including doing nothing, having SROs on campus, and using retired law officers in good standing who might not actually carry weapons but could have them in close proximity. Chancellor Galatolo said there is differing data on the SRO model and he believes the impact depends on the person selected to be the SRO. He said the District's expertise is educating students and he would rely on the expertise of professionals in the area of safety. He said he believes the recommendation from Margolis Healy is too strong, but the District must do the best it can to ensure a safe environment for its faculty, staff, students and visitors.

College of San Mateo student Colby Riley said that as a Black student, he has become frustrated recently as this conversation has resurfaced. He said that after the Margolis Healy recommendations were discussed, he was under the impression that College of San Mateo was going to contract out to local law enforcement and would have an officer assigned to the area but that the officer would not be on campus. He said to reintroduce the possibility of an SRO on campus seems disingenuous. He said adding an SRO would complicate the dynamic on campus because many students are people of color and have experienced tough interactions with Public Safety. He said that having a uniformed person with a gun on campus is not what students want. He said he supports crisis training and preparing faculty, staff and students for emergency situations.

Vice President Goodman thanked Sheriff Bolanos, Chief Manheimer and Chief Barberini and said he knows the law enforcement agencies do good work in their communities. He said the Board has heard the definitions of SROs and how they work within K-12 systems but said the District might not have the same issues. He said the question should be what problem the District is trying to fix. If it is a question of response time, having an armed officer might help; however, if it is a once in a lifetime incident, a more prudent response might be to have increased patrols around campus or unscheduled drive-throughs. Vice President Goodman said that if the question is whether to have guns on campus, that is a different issue.

Vice President Goodman said there are tremendously diverse populations on the campuses – LGBT students, students with mental illness, minorities and undocumented students – and these populations are larger on the campuses than in the community at large. He said he does not see diversity reflected in the law enforcement representatives present at the meeting and he did not hear a reference about working with diverse groups in their comments.

Vice President Goodman asked Sheriff Bolanos, Chief Manheimer and Chief Barberini if they believe it is more probable than not that an SRO would reduce the chance of a mass shooting on any of the campuses. Chief Manheimer said there is no documented data; however, it is known that in several instances in which officers intervened, a tremendous number of lives were saved. She said that when there was a bombing incident at Hillsdale High School, the first three people who intervened were an officer, security guard and assistant principal. Chief Barberini said there is no data to suggest that having an armed officer on campus is or is not a deterrent; however, it does close the window of time in which someone can do harm. Sheriff Bolanos said he believes having an SRO on campus would serve as a deterrent; however, agencies staff for ordinary events rather than extraordinary events. He questioned why the District would go to the SRO model if the campuses are already safe and if they are already getting excellent service from local enforcement. He said that when the Sheriff's Office is called to Cañada College, they go with all the resources that are necessary to address the situation.

Sheriff Bolanos said that with regard to diversity, District students live in the communities served by the local law enforcement agencies and have relationships with them. He said that building relationships with all of the diverse populations in the community has been going on for many years. Chief Manheimer said that of the five San Mateo Police Department SROs appointed in the last eight years, two are Polynesian, one is Hispanic, one is Asian and one is

Caucasian. She said the Department is relentless in representing the communities it serves and has tremendous rapport with the principals and students on the school campuses.

Trustee Mandelkern thanked Sheriff Bolanos, Chief Barberini and Chief Manheimer. He said San Mateo County is fortunate to have law enforcement that is sensitive to the issues that have been addressed. He also thanked the three College Presidents and Chancellor Galatolo for their input. Trustee Mandelkern said the Board is concerned about safety and wants to make sure they do everything that is reasonable to protect the community. He said the Board has heard feedback from members of the community, particularly from students, regarding their concerns. He said the District has a complicated environment, with students who worry about their immigration status, about being targeted because of the color of their skin, and other fears. He said these fears are reasonable and valid and the District must be aware and thoughtful in addressing them. Trustee Mandelkern said he would be curious to hear more from Sheriff Bolanos, Chief Barberini and Chief Manheimer about why they believe there seems to be an increase in issues between police forces and communities of color and other diverse communities. He said he believes much work needs to be done to make the relationships better.

Trustee Mandelkern said the data is inconclusive about whether having an officer on campus is a deterrent; however, he said it is clear that the response time would be shorter and could prevent or minimize harm. He said the College campuses are different from high school campuses in that they cover a larger space. He said that if there was one officer at each campus, there is no guarantee that the officer would be in the right place at the right time. He questioned whether there might be other ways to reduce response times, such as more regular patrols. Trustee Mandelkern noted that the campuses are already safe and the District's Public Safety officers are working to better integrate with the community. He said that trying one pilot program with an SRO, working on threat assessment, addressing mental health issues and working to reduce response times might be a better use of resources than bringing SROs to the three campuses.

Regarding response times, Chief Barberini said that all law enforcement agencies have existing beat structures and would have to add personnel to increase patrols. Regarding interaction with the public and how law enforcement officers are perceived, Chief Barberini said we live in an area that provides highly trained officers who are always looking for creative ways to make themselves better. Chief Manheimer said the discussion has focused on the national narrative about tensions with police, but she does not see that in this County.

Trustee Schwarz said she is not comfortable with having retired armed officers on the campuses. She said she would like to improve things that are already on the campuses, e.g. Public Safety officers' relationships with students, CARES Teams, improved training, etc. She said that if SROs are to be added, she believes it should start as a pilot project on one of the campuses.

Trustee Mohr said the SROs he has known were like members of the faculty and were loved and trusted by students. He said they were chosen very carefully and there was a clear understanding of their role as ambassadors. Trustee Mohr said he understands that the College campuses are different from the high schools, but the overarching issue is addressing the imperative to have someone present who can react immediately to the occasion of an intruder with a weapon and whether this can be done through special training of current staff. He said he is impressed with the insight of the College Presidents, who know their campuses better than anyone.

Student Trustee Olguin said the discussion has centered on SROs but not on the current Public Safety Department, which is an important component of the District. He said he believes there is a need to expand and solidify Public Safety, including a clear mission statement and clarification of the role of Public Safety officers, before doing anything else. Student Trustee Olguin said there is inadequate training for students about what to do in case of emergencies.

Trustee Mandelkern said he is not in favor of retired officers carrying weapons on the campuses. He said there are several things to work on, including making sure communication systems work across all campuses, being able to communicate directly with local law enforcement agencies without going through dispatch centers, making sure the local agencies have access to campus blueprints and maps, improving threat assessment training and expanding CARES Teams. He said he understands that there is a cost issue associated with increased patrols and said the District could consider underwriting the cost of an extra officer. Trustee Mandelkern asked Sheriff Bolanos, Chief Barberini and Chief Manheimer if they have placed SROs where there is also a Public Safety staff. Sheriff Bolanos and Chief Barberini said they have not. Chief Manheimer said there is security at the high schools along with a non-sworn community services entity. She said their work includes prevention of human trafficking, avoiding fraud and schemes, de-escalation and crisis intervention training, and ensuring that schools are crisis ready.

President Holober said most community college districts in California have some form of police presence, whether with their own officers or SROs. He said he attended a presentation at the recent Community College League of California Annual Trustees Conference during which a majority of trustees indicated that their districts have a police presence. He said it is frustrating not to know anything about the impact, positive or negative, about that experience. He said he has not heard reports that it has harmed the campus environments. Vice Chancellor Nuñez said that Aaron McVean, Vice Chancellor for Educational Services and Planning, reached out to districts and found that none has done a survey or study to assess the campus climate after placing a police presence on their campuses. At the request of President Holober, Chancellor Galatolo agreed that staff will contact administrators from other districts to discuss how the police presence is perceived in their respective districts.

President Holober said there is a motion to approve four implementation recommendations, including the rejection of the Margolis Healy recommendation to create a sworn police department and to arm officers, along with a recommendation to allocate an additional \$1.5 million to enhance the current public safety operations of the District. He said the possible use of SROs is tied in but is separate. He said the question that haunts him and several others is whether the District is doing everything it can in regard to a possible nightmare scenario. He said he hopes to continue the discussion of an SRO pilot project on one campus on a limited time basis.

Vice President Goodman moved and Trustee Schwarz seconded to amend the motion on the floor from the approval of four recommendations to the approval of Recommendations 1, 2 and 3. The motion to approve the amendment carried, all members voting Aye. The Board voted unanimously to approve Recommendations 1, 2 and 3 as listed in the board report.

It was moved by Trustee Mandelkern and seconded by Trustee Mohr to approve Recommendation 4: “Continue to work with local law enforcement partners to strengthen relationships, communication and coordination and explore alternatives to enhance safety for our campuses.” Vice President Goodman questioned whether this means moving forward with discussions with local law enforcement agencies about the possibility of the District using SROs. Trustee Mohr said he believes this would be the right thing to do. He said he believes the Board needs a clearer understanding of SROs. Trustee Mandelkern agreed with the need to clarify what is being discussed in Recommendation 4. He said he would add to the recommendation the intention to explore some of the alternatives suggested by the College Presidents around threat assessment, CARES Teams, mental health outreach to students, improving communication, enhanced training, and access to blueprints and maps. He said it does not call for moving ahead with SROs or a pilot project and this issue could come back for discussion at a later time. Mr. Bailey said the language in Recommendation 4 allows for that flexibility. Vice President Goodman said that if the issue of SROs is brought back to the Board, he would ask that staff work with the College Presidents to see who would be willing to house a pilot project.

Trustee Mohr suggested that the Board form a subcommittee to work with local law enforcement agencies to get clarity on the SRO model. Vice President Goodman said the Board can appoint ad hoc committees for an array of purposes and he believes it would be appropriate in this case. Student Trustee Olguin asked that students be part of an ad hoc committee if one is formed. The Board clarified that since it would be an ad hoc committee of the Board, the incoming Student Trustee would be the student member. It was agreed that staff will confirm that appointing two Board members along with the Student Trustee would not be in violation of the Brown Act. The Board agreed to form the ad hoc committee and President Holober appointed Trustee Schwarz and Vice President Goodman to be members, along with the incoming Student Trustee, assuming there is no Brown Act issue. After this discussion, the motion to approve Recommendation 4 carried, all members voting Aye.

It was moved by Trustee Mandelkern and seconded by Vice President Goodman to approve \$1.5 million to maintain appropriate Public Safety services. The motion carried, all members voting Aye.

INFORMATION REPORTS

DISCUSSION OF USE OF DISTRICT PARKING LOT FOR HOMELESS STUDENTS AND EMPLOYEES (18-5-1C)

Chief Barberini said San Bruno has a city ordinance that prohibits individuals from living in vehicles, whether on public property on any off-street parking facility that is accessible to the public, including Skyline College. However, he said that the ordinance is very rarely enforced and the first and primary efforts are to provide housing resources and services.

Chief Manheimer said San Mateo also has an ordinance prohibiting habitation in vehicles. She said the Homeless Outreach Team program pairs police officers with safety net services. This program has been successful in encouraging individuals to avail themselves of shelter and support services. Chief Manheimer said the City of San Mateo does not allow for lodging of vehicles; however, the City's primary role is to try to secure shelter and services for homeless individuals.

Trustee Mandelkern asked if it would be easier to have people gathered in one spot where they could then connect with services. He said there are different philosophies on how to encourage people to avail themselves of services. He said the idea of gathering in one spot is one alternative but is not popular with everyone. Chief Barberini said the issue of homelessness will be discussed at an upcoming City Council meeting.

Chief Manheimer said that living in cars is not a humane condition and it is necessary to provide incentives for people to accept services. She said the Homeless Outreach Teams have been very successful in partnering with County and City services that homeless individuals need. She said her experience is that it is not helpful to allow for or to help facilitate those who are sheltering in vehicles. Trustee Mandelkern said he believes the District's homeless student and employee populations might be different from the homeless population in downtown San Mateo. He said he appreciates the efforts of the cities and County, but said there are clearly hundreds of people who are falling through the cracks and are living in RVs, pickup trucks and cars. He said there are 100+ District students in this situation and he is proposing something to help them.

President Holoher said he was surprised to learn that a friend who travels frequently has on numerous occasions spent the night in a Walmart parking lot because Walmart has a broad policy allowing people to do so. He asked the law enforcement officers if they know how this can occur if virtually every jurisdiction in California has strict laws prohibiting sleeping overnight in vehicles. Chief Barberini said a similar situation occurred in the Kmart parking lot in Redwood City. He said he does not have a specific answer and is not sure if the Walmart policy is intended for homeless people or for travelers. He said that in the law enforcement realm, they would rather work on solving the problem and would probably not enforce an ordinance if the situation was not creating a public health hazard and was not encouraging a large encampment with people staying for extended periods of time.

President Holoher confirmed with Chief Barberini and Chief Manheimer that the city ordinances are adopted at the City Council level and that it would be conceivable to have a dialogue with the City Councils regarding making minor modifications for the District's campuses.

Vice President Goodman said it is his belief that while we do care greatly about our students, there is no dignity or humanity in people sleeping in their cars. He said there are things the District can do and the focus should be on those things rather than on saying it is acceptable to continue sleeping in cars. He said that when people are living in their cars, every single thing that is important to them is in those cars and they can become a magnet for crime and the situation can become a liability for the District. Vice President Goodman said there are many other issues associated with people sleeping in their cars, including cleanliness, keeping warm in the winter, and having people posing as students and creating a greater risk for our students. He discussed things that can be done to help homeless students, including providing information on the District and College websites listing resources for students who are experiencing homelessness; working with city councils and the County Board of Supervisors to be a conduit between services and students; working with organizations such as HIP Housing to find out what programs are available for students to take advantage of; and pursuing student housing which has been discussed in the past. Vice President Goodman said some homeless students have mental health issues and he does not believe the answer is to have them stay in their cars.

Trustee Mohr said he agrees with Vice President Goodman's comments. He said he has great respect for the concept that Trustee Mandelkern has brought forward, but does not believe the District has made an effort to connect with services through the coordinated management system of the County, which has made great strides in finding places for people to live in a dignified, respectable way. He said that until that is done, he does not believe the District has explored all of the options at its disposal. Trustee Mohr said there is no question that a homelessness issue exists but he believes we need to go about addressing it by connecting with services and agencies that have a vast amount of experience that we do not have. He said he believes the District should also be careful not to create a new, additional burden for the campuses.

Trustee Schwarz said that some years ago, she was connected with Shelter Network in Daly City. She said there are programs throughout the County that can help homeless individuals and she believes it would be of service to students and employees to connect them with these existing services rather than trying to do something with which the District

has no experience. Trustee Schwarz said we are educators and while we are sympathetic to our students and employees, she believes the most impactful thing we can do is to connect them to services that are already available. She said the District also has services such as the SparkPoint Centers and shower access during school hours. She said she is in favor of working to make things better while not jeopardizing safety on the campuses.

Student Trustee Olguin agreed that sleeping in cars is not a dignified way to live and said sleeping on someone's couch is also not dignified. He asked if the District has taken a stand to support ballot measures on housing. He said he believes the least the District can do is to let people use the showers on weekends. Student Trustee Olguin said this is a difficult topic and he commends the Board for continuing the discussion.

Trustee Mandelkern said the number of students who consider themselves homeless (110 to 120) was provided by the administration based on registration data. He said his intent is to have students, staff and faculty treated with dignity and humanity. He said one can say it is not dignified or humane to sleep in cars, but it is not dignified or humane when individuals feel forced to live in unsafe parking environments. He said the Santa Barbara model and other models provide safe and sanitary alternatives and could be applied in the District. Trustee Mandelkern said organizations such as HIP Housing and Shelter Network are excellent; however, what is being done in the County is not enough because there is a huge housing imbalance in the County. He said that while we are educators and are not housing experts, these are our students and employees and we should care about them. He said they can be referred to programs but there are clearly many people falling through the cracks of the safety net. Trustee Mandelkern said he can see where the majority of his colleagues on the Board are with regard to his proposal and he is disappointed. He said he is disappointed in the administration because he asked that a proposal be brought that would consider some of these issues and this was not done. He said it is easy to talk the talk about social justice and equity but perhaps not as easy to walk the walk. Chancellor Galatolo said this was brought up during Board member comments at the last meeting and Trustee Mandelkern asked that it be placed on the agenda for this meeting. He said he believed it might be presumptuous for staff to do a lot of work prior to the Board discussion. He said staff was looking for direction from the Board after Trustee Mandelkern's proposal had been shared and discussed.

Vice President Goodman said all Board members care about students. He said it is difficult to talk about keeping the campuses safe, as the board did earlier, while at the same time inviting a situation that could put the health and safety of a campus in jeopardy. He said he does not believe that Trustee Mandelkern should be disappointed because this is the beginning of the conversation and it does not have to stop just because the Board might not choose not to adopt his proposal. He said this is not the only solution; others include:

- Work with city and county programs to identify locations for safe and dignified housing
- Work with partners such as HIP Housing to take advantage of housing solutions for students
- Add a link on each College's website to guide students to housing services
- Accelerate student housing plans; if the process had started two years ago when first proposed by the administration, housing might be available now for those students who are homeless
- Work with county and state legislators to address the problem

Trustee Mohr said homelessness among students is a serious problem and the Board is not suggesting doing nothing. He said there are people who deal with the issue every day and the District need to talk with them and partner with them. He said the services that are on the campuses should also be taken to a higher level.

Student Trustee Olguin said he hopes that people will not continue to criminalize houseless people. He said many have lost jobs and homes and are simply trying to get a better life. He said sometimes bad people may come but he has personally never felt threatened by a houseless person. Vice President Goodman clarified that his comments were referring to the victimization of homeless individuals, who are the most vulnerable to being exploited.

Trustee Mandelkern said he had proposed that the District try something as a pilot for six months. He said he will mark his calendar for next January to come back and see what progress has been made on other ideas that have been proposed.

President Holober said that during the Annual Trustees Conference, he attended a workshop on students who are in desperate straits. He said that textbooks, food insecurity and transportation were topics of discussion and he was proud of the work the District has done on these issues. However, he said all of the trustees reported that homelessness is an issue for districts across the state and is an issue that has not been addressed. President Holober said he supports working with county and local governments and non-profit organizations aggressively, but while we do this we are facing an urgent, immediate crisis. He said he believes Trustee Mandelkern's proposal is a worthwhile one that can be pursued at the same

time. He said he would like to move forward with exploring this proposal, which is not the first of its kind. However, he said it appears there would not be three trustees who would be in favor of moving forward with the proposal.

Vice President Goodman requested that the Board provide direction to the administration to work on temporary to permanent solutions that have been suggested. Trustee Mohr asked the administration to have serious discussions with city and county agencies and to report back to the Board on short-range and long-range solutions such as student housing.

Chancellor Galatolo reinforced the fact that he talked with the Board twice before about solutions for student housing. He said he shared an idea for building housing that would solve the international student housing problem and at the same time generate resources to help foster youth and incarcerated youth. He said he proposed this idea two years ago and it could have been completed by now, resulting in 80 beds plus wraparound services so that these students could live in dignity while pursuing their academic dreams.

DISCUSSION WITH AFT REGARDING INTERESTS IN FUTURE NEGOTIATIONS (18-5-2C)

The following AFT Local 1493 leaders introduced themselves: Joaquin Rivera, Chief Negotiator; Monica Malamud, Immediate Past President and member of the negotiating team; and Paul Rueckhaus, new President. President Holober said the purpose of this item is to have a general discussion about issues of interest prior to the beginning of formal bargaining. Trustee Mohr said the idea was raised because the Board feels it is important for them to know what faculty believe are priorities that the Board can think about before negotiations begin.

Professor Rivera said one item of interest concerns the way the District conducts investigations, including putting faculty members on leave without them knowing why and the union not being given proper information needed to defend its members. He said there is a case that is over one year old that is still not resolved. Professor Rivera said AFT wants investigations to be part of the contract. He said the problem is getting worse and it is important to address it in the next round of negotiations.

Professor Malamud said investigations are often launched based on oral complaints and the union is not given written documentation needed in order to represent its members. She said the Board policies and procedures are not detailed enough and the law addressing investigations applies only after a dismissal occurs. She said faculty who are under investigation have been told they may bring witnesses, but to her knowledge witnesses have been brought only from the complainant's side. Professor Malamud referenced one case in which the District promised to provide a recording of an investigatory interview but the promise was not kept. She said there is no standard process for investigations and AFT believes that one is needed in the contract. She said CSEA and AFSCME do have some procedures for discipline in their contracts. Trustee Mandelkern said he believes in fairness across all units and would be interested in knowing if CSEA and AFSCME are happy with what they have in their contracts.

Professor Rueckhaus said AFT has a procedure in the contract for grievances, outlining a very specific process for when a faculty member files a grievance against the District for an unfair practice; however, there is no procedure outlined in the contract for when a complaint is launched against a faculty member.

Vice President Goodman said one investigation in particular has been important to him. He said that no real leadership was shown by AFT with regard to what happened at Skyline College more than a year ago and this was insulting to him as an African American and as a trustee. He said his concern is how they as a leadership group allowed an attorney who represents them and others to write a response that did not take into account African American faculty and other faculty who were offended by the words of that response which tried to justify blackface. He said this represents an argument that does not support these faculty members and flies in the face of what they represent in protecting their students. Vice President Goodman said he hopes AFT leaders will keep in mind that they represent all faculty who are paying their dues. He said that when faculty presented to the Board on this issue, AFT leadership was not present. Professor Malamud said she teaches on Wednesday nights when Board meetings are held. She said AFT does represent all faculty.

President Holober said the Board's goals and values around the issues of social justice and equity are aligned with AFT's values and history. He said there is a need for discussion, attention and thought and he hopes the Board and AFT can have these discussions and do better as they move forward.

Trustee Mohr said the issue of investigations is of deep concern and there is need to step back and examine the procedures and protocols, along with what is in the contract. He said he is hearing from AFT that there is a need to have a process spelled out and defined as finitely as possible so that there will be no misunderstanding.

President Holoher asked if investigations of disciplinary matters has been an issue in past bargaining. Professor Rivera said it was raised in the last round of negotiations. Professor Malamud said a proposal with concrete language was presented.

Professor Rivera discussed other items of interest to AFT:

- Binding arbitration – a majority of the Board has publicly supported this and Professor Rivera hopes it can be completed during this round of negotiations.
- Workload – AFT hopes to receive the recommendations of the Workload Committee and deal with this issue in the next round of negotiations. Professor Malamud said the Workload Committee has restricted the scope to address mostly full-time faculty but this was not the intention of AFT and not how the MOU was worded. She said AFT is disappointed in the direction it has taken.
- Definition of parity for part-time faculty – try to find what corresponds to a full-time load. Also make sure that any categorical money the District receives to pay for part-time faculty goes to part-timers based on the formula that has been set.
- Devise a formula that is fair to faculty and does not charge them for expenses that should be absorbed by the District – this was followed by a discussion about the cost of and payment of regulated benefits.

Regarding binding arbitration, Trustee Mandelkern said he recalls that some years back, Katharine Harer presented a proposal for a trial pilot but he believes it was dropped by AFT at a certain point in the negotiations. Professor Rivera said AFT has been flexible regarding the number of cases that would go to binding arbitration and that it would not be all or nothing. Professor Malamud said the District's response was that it would be nothing. Trustee Mohr said the concern is that Board members represent the public and when binding arbitration comes into play, the issue is taken out of the Board's control and handed over to a third party. He asked if there is a way to identify the kinds of issues that would go to binding arbitration versus those that would not. Professor Rivera said AFT has been willing to explore this in the past. President Holoher said binding arbitration is the norm in the private sector and he believes it is the predominant system used by California community colleges. He said there are processes that make managers manage better and he believes binding arbitration does this, with an even approach and consistency. Vice President Goodman suggested, and the Board agreed, that seeing the former proposal by Katharine Harer would be beneficial.

Trustee Mohr asked if every issue that will be negotiated is talked about at the beginning of negotiations, or if issues are added along the way. Professor River said the union usually comes in with a comprehensive list of all issues they would like to negotiate. He said items may fall off the list but new issues are not usually added.

Chancellor Galatolo listed other items he believes are of mutual interest:

- Sabbaticals and professional development
- Integrating equity into collective bargaining
- Streamlining while enhancing the tenure review process
- Timely settlement of the contract – Chancellor Galatolo said he has heard from faculty members who are frustrated when the contract is not settled in a timely manner. He said that not providing retroactive pay beyond the contract extension might serve as motivation for a timely resolution. Professor Rivera said AFT is also interested in a timely settlement but it must be in the best interest of faculty.

Trustee Mandelkern said the Board heard an effective presentation several years ago about medical benefits for part-time faculty. He said the Board listened and was very close to creating a proposal with Kaiser that would provide part-time faculty parity with others in the Bay 10 and would integrate with other districts so that if a faculty member worked in more than one district, benefits would be combined. He asked if AFT was interested in reexamining an integrated system. Professor Rivera said that when this proposal was discussed, the issue was that the District did not want to fund it. He said funding would continue to be an issue but AFT would be willing to look at it again.

Regarding workload, Trustee Mohr said there is no question that the workload for faculty has increased over time for a number of reasons. He asked if AFT is studying this issue in a way that they can discriminate among various tasks, realizing that some are more demanding and require more time than others. Trustee Mohr said that being a great teacher in a modern classroom requires a great deal of professional discipline and hard work. He said he believes faculty are

saying that taking on additional tasks beyond their challenging teaching assignments is difficult. He said being able to discriminate among tasks would be helpful. Professor Malamud said AFT's initial proposal had a way to discriminate among tasks and duties, based on data obtained through a faculty survey. She said the Workload Committee has sent out a new survey but AFT has not yet seen the results.

Chancellor Galatolo said the discussion on workload originally addressed additional work assigned beyond the normal course of duties, such as serving on tenure review and hiring committees. He said he has recently been hearing that faculty's primary focus is on more papers to grade, more emails to respond to, etc. Professor Malamud said the issue is not limited to committee memberships or about the number of papers to grade. She said other required duties include curriculum revisions and program review, which can take varying amounts of time. Professor Rivera said the proposal on workload last year dealt with committee work rather than grading papers or responding to emails. Trustee Schwarz said the Board had a good conversation with faculty some months ago regarding how things have changed over the years and the items that were mentioned constantly by faculty were online postings, email and text messaging, and the expectation by students for immediate replies.

President Holoher asked for an update on the status of the Workload Committee. Executive Vice Chancellor Blackwood said the Committee has met numerous times last spring and throughout this year. She said the Committee crafted an extensive survey that included questions about time spent doing many tasks. She said the survey did not ask about time spent on standing committee meetings because that information was already available and will be counted. Executive Vice Chancellor Blackwood said the Committee received a large number of responses to the survey and accumulated a great deal of data. The Committee will meet next week to talk about how to parse the data and to give direction to the research team. She said she can send both the survey and a link to the data if the Board is interested.

Chancellor Galatolo asked about the timing of potential sunshining. He said the District would be ready to sunshine subsequent to this meeting. Professor Rivera said AFT needs to survey faculty to determine if there are other issues they wish to bring. Chancellor Galatolo asked if it is the intention to conduct the survey next fall. Professor Rivera said this is the intention and it would be completed in a November/December timeframe. Chancellor Galatolo said this allows a short window of time until the contract is up and could defeat the purpose of what this dialogue is trying to accomplish. President Holoher said he is aware of the summer downtime problem but it would be helpful if there were a way to move on the survey sooner.

Professor Malamud asked if AFT will receive direct feedback on whether the Board or District is interested in negotiating items that have been raised at this meeting. President Holoher said a response to this might segue into the development of bargaining proposals and counterproposals. He said the Board will think about what has been said. Trustee Schwarz said the purpose of this item was to listen to AFT about their interests and the Board has heard their ideas and concerns.

DISCUSSION OF 50 PERCENT LAW (18-5-3C)

Professor Malamud read excerpts from a letter written to the Board by AFT's legal counsel:

"On behalf of the AFT we reiterate our request that the District take prompt action to assure that for fiscal year 2017-2018, the District (1) expends 50% of the Current Expense of Education for salaries of classroom instructors, and in addition (2) remedies the District's failure to meet the Fifty Percent Law during 2015-2016, by paying during 2017-2018 to classroom teachers, an *additional* amount equal to the District's Fifty Percent Law deficit for 2015-2016. That deficit was \$1,983,950.

"As the Board presumably knows, for the current fiscal year it must expend 50% of the current expense of education plus an additional \$1,983,950. This figure comes directly from the CCFS-311 forms completed by the District, and submitted to the State.

"The Fifty Percent Law recognizes limited grounds for districts to fail to meet the law's requirements. Those limited exceptions require compliance with a statutory formula, and a timely application to the Board of Governors of the California Community Colleges. The District did not come within the grounds for exceptions and made no application, so its duty to comply with the law is clear. The District has, through its Chancellor, attacked the Fifty Percent Law as an anachronism. The Law is no anachronism.

“If the District fails to expend the amounts required by the Law, AFT 1493 intends to initiate legal proceedings to recover these monies for the District's academic employees, plus pre-judgment interest at the legal rate of 7% per year, and post-judgment interest at 10%, per employee, until such sums owed are paid, plus attorneys fees and expenses under California's Private Attorney General Doctrine, Cal. Code of Civ. Proc. § 102 I.5.

“As in Marin, it will be appropriate to institute special judicially-enforced internal procedures, the appointment of a referee to oversee future District compliance, and other measures to assure future compliance.”

Professor Malamud read the following statement:

Our District has been spending decreasing percentages of their budget on the salaries of classroom instructors each year. What's more troubling is that, after violating the law in 2015-2016, instead of taking any measures to rectify this, our District continued to divert funding from instruction and violated the law by an even greater margin in 2016-2017. The District's own most recent audit report, produced by Crowe Horwath LLP and based on the fiscal year ending on June 30, 2017, reads: **“2017-001 STATE COMPLIANCE – SIGNIFICANT DEFICIENCY – SALARIES OF CLASSROOM INSTRUCTORS (50 PERCENT LAW.)”**

At the Board of Trustees meeting of January 24, 2018, after a representative from the auditing firm gave a summary of the audit findings, highlighting the violation of the 50% Law, Board President Richard Holober asked if there were any questions or comments. Since there were none, Board President Holober himself asked: “What is the gap that would exist to be in compliance with the 50% Law?” The representative referred the Board to pages 78-79 of the audit report for his response. In 2016-2017 the total expenses of our District were \$134,541,331. So 50% of CEE would be \$67,270,666. However, the District spent only \$61,397,825 on the salaries of classroom instructors, or only 45.63% of the CEE budget—this is a difference of approximately six million dollars. The Board of Trustees proceeded to vote to accept the audit report without further discussion.

The audit report gives the following recommendation: “The District should come into compliance with the 50 Percent Law by expending a higher amount of the District's CEE for salaries of classroom instructors, or by reducing non-instructional costs.”

The District fell below the 50% goal in 2015-2016, and this was noted in the corresponding audit. The District is now running out of time to remedy this situation.

According to the most recent audit report, in 2016-2017 “the District has chosen to not be in compliance with the 50 Percent Law” (see page 192 of the 1-24-18 Board Packet). In other words, our District knowingly violates the law. Is this the kind of example that an educational institution should be giving to our students and our community?

President Holober said the Board has numerous responsibilities. He said he has taken an oath of office to uphold the law. He said we often find ourselves in disagreement with current law and when that happens, we contact our lawmakers and ask them to introduce bills or things of that nature to change the law. He said we also take positions on laws as they make their way through the legislative process. He said the Board has not discussed the matter of the 50 Percent Law and he believes it is important to determine the Board's view and policy given the audit finding that the District is not in compliance with the law. He said the Board should discuss whether this is a law they would like to see changed and, if so, what the reasons are and what to do in the meantime. President Holober said this discussion should take place as soon as possible because the District budget is the way the Board addresses spending and the Board will be asked to adopt a budget soon. He said he believes the District should comply with the law because it is required to do so. He said the Board has made decisions to defy some laws made by the Trump administration and to face the consequences, but these have been conscious decisions after being thoroughly discussed.

Trustee Mandelkern said President Holober made a compelling argument about being sworn to uphold the law. He said he hears the arguments on both sides – that we spend a lot of money trying to improve the quality of education for students, some of which may or may not be counted toward the 50 Percent Law. He said it would be helpful to get more information on what is and is not included and on how close the District is to being in compliance with the law. Trustee Mandelkern asked if there might be a way to come into compliance by reclassifying some buckets of money.

Vice President Goodman asked how long the 50 Percent Law has been in effect. Chancellor Galatolo said it was enacted approximately 60 years ago. Professor Malamud said the original law called for districts to expend 60 percent of their current expense of education for salaries of classroom instructors but was adjusted to account for community colleges having different functions and different types of expenses. Vice President Goodman asked how long the District has been out of compliance with the law. Professor Malamud said the first year in which the District was out of compliance was Fiscal Year 2015-16, when the deficit was \$2 million. In Fiscal Year 2016-17, the deficit was \$6 million. Vice President Goodman asked what the penalties are for violating the law. Professor Malamud said AFT Local 1493 will bring a lawsuit to enforce compliance. She said there is case law regarding enforcement, citing a case involving the College of Marin. Chancellor Galatolo said there are no economic consequences in the law for noncompliance by community supported districts.

Vice President Goodman asked Chancellor Galatolo to explain some options that could be used to come into compliance. Chancellor Galatolo said there is a numerator and denominator and things can be moved from the denominator and put into the numerator. For instance, there is \$2 million for release time for faculty to work on programs such as The Promise and Guided Pathways, and \$3.5 million for release time for Faculty Coordinators. He said this combined \$5.5 million could be moved and put back into the classroom, but he does not believe this would be in the best interest of students.

Vice President Goodman suggested there might be a way to work collaboratively on options to resolve this issue. Trustee Mandelkern agreed with the need to discuss ideas such as those outlined by Chancellor Galatolo in a collaborative manner. He asked that more information on the lawsuit involving the College of Marin be provided.

Trustee Mohr said this item presents a dilemma. He said he reviewed the law and noted that it refers only to instructors and instructional aides in the classroom and does not include items such as union duties and programmatic work. He said he is not sure how to solve the problem, but said there is a price to pay if money is taken out of one pocket and put into another. Trustee Mohr said the educational process is much more complex than it was 60 years ago and this is a very serious issue in terms of the mission of the organization.

Trustee Schwarz said the District has made a commitment to certain programs and the option to make changes to them is very concerning and must be taken into consideration.

President Holober said the discussion of the law has moved between two items that have become blended: (1) whether the law is a good one or whether the Board believes it should be modified, and (2) what to do about it now, given that the District is in violation of the law. He said that if the Board decides not to address the issue, it should be a conscious, purposeful decision. The Board agreed to continue the discussion on this matter at a later meeting.

INFORMATION ON COLLEGE AND CAREER ACCESS PATHWAYS PARTNERSHIP AGREEMENT BETWEEN SAN MATEO COUNTY COMMUNITY COLLEGE DISTRICT AND JEFFERSON UNION HIGH SCHOOL DISTRICT (18-5-4C)

The Board accepted the report.

INFORMATION ON COLLEGE AND CAREER ACCESS PATHWAYS PARTNERSHIP AGREEMENT BETWEEN SAN MATEO COUNTY COMMUNITY COLLEGE DISTRICT AND SAN MATEO UNION HIGH SCHOOL DISTRICT (18-5-5C)

The Board accepted the report.

DISCUSSION OF BOARD OF TRUSTEES SELF-EVALUATION (18-5-6C)

President Holober asked if the Board wished to postpone this item because of the time of night (11:25 p.m.). Vice President Goodman said he assumed there was a sense of urgency to discuss the self-evaluation when he saw it on the agenda because it flew in the face of what the Board said it wanted to do, i.e. hold a session discussing how to proceed on self-evaluations. He said that if it is acceptable to postpone the item, it means there is no sense of urgency and presidential privilege was used to place it on the agenda rather than waiting until after a Board discussion on how to proceed. President Holober said it was placed on the agenda because the Board is required by law to complete and discuss an annual self-evaluation. He said the Board discussed this at a previous meeting and agreed to wait until after it could be discussed at the April 7th Board retreat. He said that at the retreat, the Board discussed various mechanisms to get feedback from a select group of people who attend Board meetings. He said the intent is to fulfill the legal obligation to get the self-evaluation done while moving toward enacting changes that were discussed. Vice President Goodman

asked why the item could not be addressed two meetings from now after the Board would have had an opportunity to discuss the potential changes. He said that based on comments made on the completed self-evaluation forms, there was obviously a misunderstanding by a few members of the Board who thought a new mechanism was going to be used.

President Holober said three separate items were discussed at the April 11th Board meeting: completing the self-evaluation, a new approach which would solicit feedback, and devising a new form for the feedback. He quoted from the minutes of that meeting:

“President Holober said the Board will conduct its annual self-evaluation at an upcoming meeting. He said that at the Board Retreat held on April 7, the Board discussed developing a questionnaire to get feedback from people who attend Board meetings. Board members agreed to submit a list of questions they believe should be included in the questionnaire. The Board will then review the items and develop a survey. President Holober said the Board also discussed soliciting voluntary feedback from members of the public who speak at Board meetings to gauge their satisfaction with the experience. The Board will submit suggestions for questions, e.g. were the speakers treated politely, etc.”

Trustee Mandelkern said he submitted a list of questions that he believes should be included in the questionnaire. Trustee Schwarz said she thought the new format would be developed before completing the self-evaluation. She added that Trustee Mandelkern did the right thing by submitting his list of questions. Trustee Mohr said he believes the Board should make an effort to reach out to people other than Board members. He said that doing the same thing year after year lacks meaning and the Board should strive to learn more about how it governs in order to get better.

Trustee Mandelkern said there was clearly a misunderstanding and he said there is no need to engage in personal attacks, which he felt was done in some comments that were made on the self-evaluation form. Vice President Goodman said he is talking about a position rather than a person. He said that if the Board president has presidential privilege with regard to setting the agenda and deciding how to bring something forward, it is the role of Board members to keep this in check. He said that if roles, responsibilities and decorum are to be addressed, the discussion can include integrity, transparency and a recent public article referencing a Board member’s move to a new location. President Holober called Vice President Goodman out of order. He said the conversation was beginning to address the substance of Board member comments made on the self-evaluation form. Vice President Goodman said he will conclude his comments during Statements from Board Members. Trustee Mandelkern asked Vice President Goodman to use the good judgment he knows he possesses and to think carefully about the comments he makes.

President Holober asked whether Board members wished to go through the self-evaluation at this time or postpone it. After discussion, it was agreed that the item would be postponed to a future meeting at which all Board members will be present. Trustee Mandelkern said he will be unable to attend the June 13th study session and President Holober said he will not be able to attend the June 27th regular meeting. The Board agreed to tentatively move the regular meeting to June 21 and staff will confirm this date.

COMMUNICATIONS

None

STATEMENTS FROM BOARD MEMBERS

Trustee Mohr congratulated Dan Kaplan, AFT Local 1493 Executive Secretary, on his upcoming retirement.

Vice President Goodman said that speaking in the spirit of transparency, it is difficult for him to interpret the words of a fellow trustee who he does not believe is being forthright and open with his colleagues on the Board. He said he read in an article that President Holober has moved and is running for election. He said there is nothing wrong with running for election in a different district and nothing wrong with moving. He said, however, that his colleagues learned about it a month or so after it happened and during that time, President Holober was asking to push down the road the idea of holding forums and informing the community about district elections. Vice President Goodman asked how he could not think this was done intentionally, knowing in retrospect that it may have been of benefit to President Holober to push down the road holding forums and informing the public about district elections. He said that using presidential privilege to put certain items on the agenda is, taken by itself, nothing more than using a privilege that every president has. He said, however, that when coupled with telling everyone except his colleagues about his move, he fails to see any transparency and decorum.

Student Trustee Olguin said that whoever sits in the Student Trustee seat has the most important seat because the institution should be about students and the community. He said he has enjoyed serving and appreciates that everyone was welcoming to him.

Trustee Mandelkern said decorum is a two-way street. He said he is troubled by how Board members are interacting with one another. He said that since he has been serving, the Board has been generally cohesive and able to work together well; he said he would like this to continue. He said it does not serve anyone well when trustees start taking shots at each other in the press.

Trustee Mandelkern congratulated Student Trustee Olguin. He said it has been a pleasure serving with him and he wishes him well.

Trustee Schwarz said she will miss hearing Student Trustee Olguin telling everyone to “get home safely.” Trustee Schwarz said she lives by the “no surprise rule.” She said that when surprises come up, people get into situations that become very tense and mistrustful. She said she is sorry that the Board has reached this point and said she has not felt this before in all the time she has served on the Board. Trustee Schwarz said that if there are no surprises and if things are kept transparent, the Board will get along much better. She said she believes it is time to take a breath and come back another time.

President Holober said it has been a pleasure to work with Student Trustee Olguin and extended best wishes to him.

President Holober made the following statement:

It is not my custom to discuss my personal life at College Board meetings. This is an occasion when I am compelled to share personal information, in order to confront a whispering campaign that is being waged against me.

May 8 marked the fifth anniversary of the death of Nadia, my wife and partner for 30 years. I stood by Nadia's side during her 16 month battle with lung cancer. She was always courageous and optimistic and a source of inspiration to me and to our children.

After Nadia died, it was a very difficult time for my family. My two children gave me a purpose to keep going, as did my work for justice and my service for our students in the College District.

It took me a full two years before I began to find my footing. Then I had the great fortune to meet someone very special with whom I plan to share my life. As Sarah and I discussed our future as life partners, we agreed that a new life together meant a new start in a new home. A home which was ours, which did not carry her past family and marriage history and which did not carry 30 years of my family and marriage history. Then about one year ago, our timeline for buying a new home took on an immediate urgency. I received notice from my city's planning department that the owner of the house next door to me had submitted plans to tear down the house and build a monster McMansion. The plan included extensive excavation right up to my property line. We did not want to face the prospect of putting my house on the market at a time when it would be directly adjacent to a noisy, dirty construction site. By September, 2017, we were in high gear, lining up realtors for the sale and contractors for improvements that were needed to make my house very desirable to potential buyers. Sarah and I began looking at new neighborhoods for an imminent move.

While this was happening, the College Board was taking a second run at drawing maps for district elections. We had tried and failed once, in 2012 and 2013. At that time, a demographer hired by the Board had drawn up maps that followed the requirements of law, and that were also drawn to place each incumbent in a separate district. Considering incumbency as one of several factors is not only perfectly legal, it is a course that almost every local jurisdiction, including the San Mateo County Board of Supervisors followed, since it avoids potentially divisive head to head competition, and it avoids making use of the mapping process, instead of the will of the voters, to eliminate an elected official from a Board. I was one of two Trustees, along with Dave Mandelkern, who voted on March 21, 2013 to adopt maps and switch to district elections that year. Three Trustees outvoted us and the district election process ended.

The issue came back to the Board in 2016. We engaged the services of a new demographer in June 2016. The demographer presented at least nine different maps to the Board. We held public hearings in October 2016, and March 2017.

We reduced the potential map options down to three, and then we postponed the final decision until last fall. In September 2017 we resumed the process. We saw yet another new map, drawn without any consideration of incumbent residency. The new map that emerged at the end of the process was the only map among the final options for a five-member board that also failed to create a district that had a majority of residents that were members of an ethnic minority group. Creating a district that contained a majority of residents who were members of an ethnic minority was one of my objectives in moving to district elections. The only place in the county where a majority-minority district can be drawn in a five member Board is an Asian majority population district centered in Daly City.

This new map went through one cursory public hearing. The Board adopted it on a three to two vote, with Dave Mandelkern and me voting No.

My term and Tom Mohr's term end in December 2018. For Tom and me to continue to serve, assuming we were to win re-election, would have required each of us being placed in separate districts that were scheduled to have an election this November. The approved map placed me in District 3, which is not up for election until 2020. The approved map was the only map out of at least nine maps that we reviewed during the year long process that placed me in a district that was not scheduled to have an election until 2020. It is the only map that was designed to end my service on the College Board by making it impossible for me to run for re-election this year. The adopted map did not give equal treatment to the two Trustees with terms ending this year.

The board majority that adopted the map could have re-numbered the districts, reversing the numbering of District 2 and 3. Renumbering these districts would have placed me in a district where I could have run for re-election in 2018. Or it could have treated Tom Mohr and me equally, by placing each of us in a District that was not scheduled to have an election until 2020, ending both of our tenures on the Board. Instead the Board majority picked a winner. While it eliminated me from the Board at the November 2018 election, it placed Tom Mohr into a new District 4, scheduled for election this November 2018, smoothing the way for his continuous uninterrupted service.

According to public real estate records, and examining as closely as I can the adopted map on the College District's website, it appears that both Tom Mohr and I resided in District 3 at the beginning of 2017. Tom Mohr moved into a new residence in the new District 4 around April 2017, a few months before the demographer drew the new map and the Board adopted this map on a three-two vote. It was a happy coincidence that my life was changing in a wonderful direction and I was already moving when the vote to adopt the final map occurred. I moved into a great neighborhood in new District 4 in December 2017.

Again, I was on the losing side of a three-two vote of the Board. Dave Mandelkern and I urged our College Board colleagues to approve a different map, labeled "Scenario 2." This map would have established a majority Asian total population district in the north of the County. The map that I wanted to vote in favor of would have placed each incumbent Trustee in a separate district. The map I would have voted in favor of would not have eliminated any incumbent from the Board by placing an incumbent in a district that had an election scheduled two years after his or her current term ends. And it would not have created electoral competition between two or more Trustees.

I believe the Board majority did not take time to reflect on the potential for conflict that it created when it adopted a map that ousted an incumbent from the Board, gave another incumbent an easy road to continuous service, and pitted Trustee against Trustee. The Board majority cannot have it both ways. If incumbency doesn't matter in the selection of the final district map, no one should be surprised by the outcome of a decision to choose winners and losers among Trustees who were duly elected by the voters. Tom Mohr and I both moved from District 3 to District 4 in 2017. Yet only I am being chastised for moving into a new home in a new district.

I regret the decision of the Board majority to not honor the goal of establishing a majority Asian population district in Northern San Mateo County. I also note that while members of the Board have had our differences, we have tried in the past to work them out in a respectful and diplomatic manner. As individual elected Trustees, we have certainly chosen to support different candidates when a seat became open because an incumbent did not run for re-election. But in the past, we have never attempted to unseat an incumbent. It is unfortunate that the district election mapping process was utilized towards this end.

The facts are these. Tom Mohr and I resided in District 3 a little more than a year ago. Tom Mohr and I moved into District 4 in 2017. I won my last election with over 51,000 votes. I will not allow three voters to decide that my service on the Board should end. All the eligible voters will decide whether I should serve another term.

It was proposed recently that we expend District resources to conduct a public information campaign on the upcoming election that would publicize the names of incumbents who may be running for re-election. I have been charged with interfering with the legally questionable use of District resources to publicize which incumbents may or may not be candidates for re-election. This is because I pointed out my understanding of the law, which is that College District resources and official District staff time should not be utilized beyond the dissemination of generic, neutral information regarding election dates, filing dates, District boundaries, and the like. During our Board discussion on this topic, I encouraged the Chancellor to obtain expert legal guidance before disseminating public information regarding potential candidates in the upcoming election. After the meeting I provided our Chancellor the names of three prominent law firms that specialize in California election law. I am waiting for a report from our Chancellor. However, since my request to ensure that our District comply with the requirements of law appears to not satisfy another Trustee, I shall ask the Fair Political Practices Commission for their legal opinion on permissible use of College District resources for official District communications regarding upcoming elections.

I love serving on the College Board. I believe that I have made a positive difference for our students and our entire San Mateo County community. I would like to continue making a positive contribution. In November the voters will decide whether I will continue to serve.

Trustee Mohr said that when he suggested looking at district boundary lines without regard to incumbency, no one asked him to do so and no one influenced him. He said he believed it was correct to look at the spirit of the law without any self-interest. He said he does not care if someone thinks there was some sort of conspiracy and he can assure everyone that there was no conspiracy. He said other districts also decided to move to by-trustee area elections without considering incumbency; for example, Redwood City has four people running against each other because they made that decision. Trustee Mohr said that he moved before the change in the District's election method transpired. He said he moved approximately three-fourths of a mile away from his previous residence and is still within the same district.

Trustee Mohr said that when he gets a call from a reporter, he tries to answer questions as honestly as he can without disrespecting anyone. He said he has learned from experience that if a person does not talk to a reporter honestly, there will be a price to pay. He said he is sensitive about respecting other Board members and their opinions and initiatives, without doing anything to make them look bad in the eyes of the public.

ADJOURNMENT

The meeting was adjourned by consensus at 11:59 p.m.

Submitted by

Ron Galatolo, Secretary

Approved and entered into the proceedings of the July 11, 2018 meeting.

Maurice Goodman
Vice President-Clerk