

**Minutes of the Regular Meeting of the Board of Trustees  
San Mateo County Community College District  
August 21, 2019, San Mateo, CA**

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

**Board Members Present:** President Maurice Goodman, Vice President Karen Schwarz, Trustee Richard Holober, Trustee Dave Mandelkern, Trustee Thomas A. Nuris,

**ANNOUNCEMENT OF CLOSED SESSION ITEMS FOR DISCUSSION**

President Goodman said that during Closed Session, the Board will (1) hold a conference with legal counsel regarding one case of anticipated litigation as listed on the printed agenda, (2) consider public employee discipline, dismissal, release, and (3) hold a conference with the agency labor negotiator as listed on the printed agenda, and (4) consider ratification of confidential district warrants.

**PUBLIC COMMENTS ON CLOSED SESSION ITEMS ONLY**

None

**RECESS TO CLOSED SESSION**

The Board recessed to Closed Session at 5:02 p.m.

**RECONVENE TO OPEN SESSION**

The Board reconvened to Open Session at 6:15 p.m.

**Board Members Present:** President Maurice Goodman, Vice President Karen Schwarz, Trustee Richard Holober, Trustee Dave Mandelkern, Trustee Thomas A. Nuris, Student Trustee Jordan Chavez

**Others Present:** Acting Chancellor Michael Claire, Chief Financial Officer Bernata Slater, Skyline College Interim President Jannett Jackson, College of San Mateo Acting President Kim Lopez, Cañada College President Jamillah Moore, District Academic Senate President Jeramy Wallace

**PLEDGE OF ALLEGIENCE**

**ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION**

President Goodman said the Board took no reportable action during closed session. He said the Board will return to closed at the conclusion of the open session to continue consideration of the items listed on the printed agenda.

**DISCUSSION OF THE ORDER OF THE AGENDA**

None

**STATEMENTS FROM EXECUTIVES**

Acting Chancellor Claire welcomed College of San Mateo Acting President Kim Lopez and District Academic Senate President Jeramy Wallace. He said that beginning with the next meeting, there will be an opportunity for the bargaining units to speak to the Board on general union business.

Skyline College Interim President Jackson distributed a list of upcoming events as the college begins to celebrate its 50<sup>th</sup> anniversary.

College of San Mateo Acting President Lopez announced that ESL Professor Anniqua Rana completed her first book, "Wild Boar in the Cane Field: A Novel," which will be published in September.

Cañada College President Moore said the opening day event held at the college was successful, along with the ribbon cutting for Building 23. She said students are enjoying the classrooms and views and she thanked Vice Chancellor José Nuñez and his team for a very smooth transition process.

District Academic Senate President Wallace said he is honored to represent faculty and is looking forward to working with administrators across the District.

### **STATEMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS**

José Nuñez, Vice Chancellor of Facilities Planning, Maintenance and Operations, said the District recently received two Energy and Sustainability Best Practice Awards at the 2019 California Higher Education Sustainability Conference: (1) “Charged Up for Electric Vehicles” and (2) “Strategic Energy Innovations Climate Corps Fellowships.”

### **NEW BUSINESS**

#### **APPROVAL OF PERSONNEL ITEMS: CHANGES IN ASSIGNMENT, COMPENSATION, PLACEMENT, LEAVES, STAFF ALLOCATIONS AND CLASSIFICATION OF ACADEMIC AND CLASSIFIED PERSONNEL (19-8-1A)**

It was moved by Trustee Holober and seconded by Trustee Nuris to approve the actions in the report. The motion carried, all members voting Aye.

#### **APPROVAL OF AMENDED EMPLOYMENT AGREEMENT AND AMENDED EXECUTIVE SALARY SCHEDULE (19-8-2A)**

It was moved by Vice President Schwarz and seconded by Trustee Nuris to approve the recommendations as detailed in the report. Trustee Holober requested that the second part of the item, approval of the executive salary schedule, be held until the next meeting. He said there is a technical error in Grade CN of the salary schedule which includes the current position of chancellor and the new position of chancellor emeritus at the same grade. He said he believes these positions should be separate. He said he would also like it clarified that there are no steps in the chancellor emeritus schedule as this is a unique circumstance. Trustee Holober said the District is going through leadership changes and there will be discussions regarding the search for a new chancellor on a permanent basis. He said he believes it would also make sense to revisit the salary schedule that has been in place for the position of chancellor and not to reinforce the current schedule at this time. Vice President Schwarz asked how the salary schedule was created for the new position of chancellor emeritus. David Feune, Director of Human Resources, said the position was added to the existing salary schedule at Grade CN. He said there has always been only one step at this grade. The Board agreed that the portion of the recommendation to approve the amended executive salary schedule should receive further review and clarification and, therefore, should be removed from consideration at this meeting.

Karen Oto, a member of the public, said she is confused about the role of the chancellor emeritus position, how it came to be and whether there was public input. President Goodman said the position is the result of an agreement made mutually between the former chancellor and the Board. He said the Board voted on the agreement at a meeting last week and reported out the agreement. He said that by law, the Board must ratify the agreement at a public meeting. Ms. Oto said it appeared that the chancellor left his position under questionable circumstances. President Goodman said this is not true. Ms. Oto said she has been a long-time supporter of the community colleges but believes the sum of money being paid for the new position is outrageous. She asked if taxpayers will be paying for the added position of chancellor emeritus as well as that of chancellor. President Goodman said this is the case. Ms. Oto said it does not appear that there is anyone to oversee what the chancellor emeritus does. President Goodman said the agreement specifies that the chancellor emeritus will report to the current chancellor. Ms. Oto said she is concerned about the process that was used in creating the position of chancellor emeritus. President Goodman said he understands her concern; however, he said the Board acted well within the law and under the strict guidance of legal counsel.

Another member of the public said the County budget is already strained. She said she believes that allowing a person to consult on a feasibility study for a Cal State University is an egregious use of funds because it could have been done under a public contract. She said it is her observation that the County is paying a large number of people to come back and consult in jobs that already exist and she would like to see more transparency in the process. She encouraged people to contact Senator Jerry Hills’ office regarding the feasibility study to put a new Cal State University on the Peninsula when there are already several within forty-five minutes.

A third member of the public said College of San Mateo offers fewer classes than in the past and employs many part-time teachers who drive from school to school to teach. She said she believes the money being paid for the position of chancellor emeritus could be used more appropriately to hire more qualified, permanent teachers and offer more classes to students. She asked if the process used for the creation of the chancellor emeritus position is typical or if it was an

exception. President Goodman said it was an exception and was the result of a mutual agreement. He said the Board understands the speaker's concerns and appreciates her coming forward and showing support for students.

Juanita Celaya, First Vice President of CSEA, speaking on behalf of herself and CSEA President Annette Perot, said that approximately five years ago, the Board removed medical benefits from 79 people who did not qualify for the benefits but had been receiving them. She said that since that time, four executives who did not qualify for medical benefits have been given the benefits. She said the new chancellor emeritus did qualify for medical benefits, but not at the level that has been given. She said she believes this is an issue of equity and hopes things will change in the future. President Goodman said this issue was raised at a previous meeting. He said the Board will be addressing the issue of equity in relation to medical benefits.

Vice President Schwarz amended her original motion, removing consideration of the amended executive salary schedule until a future date. The amended motion was to approve the amended employment agreement with Ron Galatolo. Trustee Nuris seconded the revised motion. Mr. Feune provided an oral summary of the agreement, which is detailed in the board report included in the board packet.

The motion to approve the amended employment agreement carried, all members voting Aye. President Goodman said the matter will be brought back as needed to ensure strict adherence to the agreement by both parties, to make sure that any sign of a breach of the contract is addressed immediately, and to make sure that the public trust and confidence is not eroded.

**RATIFICATION OF RENEWED COLLECTIVE BARGAINING AGREEMENT BETWEEN THE DISTRICT AND THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME), AFL-CIO, LOCAL 829, COUNCIL 57 (19-8-3A)**

It was moved by Trustee Holober and seconded by Trustee Mandelkern to ratify the agreement as detailed in the report. Vice Chancellor/Chief of Staff Mitchell Bailey said that within the agreement, ratified on August 16, the collective bargaining unit allocated their total compensation formula allocation for the year, with 2.20 percent going toward salaries and the remaining 1.67 percent going toward benefits and adjustments to LSI. He said that with the Board's ratification at this meeting, the allocation goes into effect, as does the update of the salary schedules associated with the collective bargaining unit. Vice Chancellor Bailey thanked the negotiating team from AFSCME for their collegial and thoughtful consideration of items that were on the table. In particular, he thanked AFSCME President John Cuevas, Joseph Puckett, Nick Chavez, Tony Burrola and AFSCME Business Agent Tina Acree. He also thanked Director of Human Resources David Feune and College of San Mateo Facilities Manager Michele Rudovsky who served on the District team with him.

Vice President Schwarz said she will vote no on this item. She said her vote has nothing to do with her support of AFSCME employees and all District employees; however, she is adamantly opposed to binding arbitration and will vote no because it is included in the contract. After this discussion, the motion carried, with Vice President Schwarz voting No and all other members voting Aye.

**APPROVAL OF CONSENT AGENDA**

President Goodman said the consent agenda consists of Board Reports 19-8-1CA through 19-8-7CA. Trustee Mandelkern asked item 19-8-6CA be removed from the consent agenda for further discussion. It was moved by Trustee Holober and seconded by Trustee Mandelkern to approve all other items on the consent agenda. The motion carried, all members voting Aye.

**APPROVAL OF SOLE SOURCE AGREEMENT WITH STATE CHANCELLOR'S OFFICE IDENTIFIED KEY TALENT TO DIRECT GLOBAL TRADE AS A DEPUTY SECTOR NAVIGATOR AT CAÑADA COLLEGE (19-8-6CA)**

It was moved by Trustee Mandelkern and seconded by Trustee Nuris to approve the agreement as detailed in the report. Trustee Mandelkern said his understanding is that the recommendation is to approve \$150,000 for a consultant from the State Chancellor's Office. He asked how much money was received in total as part of the grant. Tammy Robinson, Vice President of Instruction at Cañada College, said the grant provides \$200,000 per year for a five-year period. Of the \$200,000, \$150,000 will be spent for the deputy sector navigator. Trustee Mandelkern asked if the navigator is provided benefits. Vice President Robinson said the navigator will be hired as an independent contractor and will not receive benefits. After this discussion, the motion carried, all members voting Aye.

## **Other Recommendations**

### **ADOPTION OF RESOLUTION NO. 19-13 AUTHORIZING USE OF DESIGN-BUILD PROJECT DELIVERY METHOD FOR COLLEGE OF SAN MATEO CORPORATION YARD AND DISTRICTWIDE BATTING CAGES PROJECT (19-8-100B)**

It was moved by Vice President Schwarz and seconded by Trustee Nuris to adopt Resolution No. 19-13. Trustee Holober asked if there is an estimated cost of the project and if the project is covered by the Project Labor Agreement. Vice Chancellor Nuñez said the cost is approximately \$3 million and is covered by the PLA. Trustee Mandelkern noted that the threshold for design-build projects is \$2.5 million. He said he does not see an immediate connection between the corporation yard and the batting cages and asked if projects are being packaged together in order to exceed the threshold, which would go against the spirit of the law. Vice Chancellor Nuñez said the projects were not packaged incorrectly and the project was reviewed by County Counsel. After this discussion, the motion carried, all members voting Aye.

## **INFORMATION REPORTS**

### **REPORT ON THE USE OF PUBLIC AGENCY CONTRACTS FOR THE PURCHASE OF MATERIALS, EQUIPMENT, SUPPLIES AND SERVICES (19-8-1C)**

The Board accepted the report.

### **INFORMATION ON SAN MATEO COUNTY SCHOOL BOARDS ASSOCIATION EQUITY NETWORK (19-8-2C)**

President Goodman said he received a request from Kalimah Salahudden, President of the San Mateo County School Boards Association, which reads:

“The San Mateo County School Boards Association is excited to offer a new training series to help form a network of school board members committed to improved outcomes for current and historically underserved students. This new, focused network will work collaboratively with each other and their governance teams to help build capacity for thoughtful, equity-driven decisions. School board members play a key role in setting local education policy, and as such, have an important part in creating conditions in schools to support student success.

“The sessions will be facilitated by Nicole Anderson of Nicole Anderson Consulting. Nicole has served in varying roles in education for more than 20 years nationwide. She is a highly qualified developer and facilitator of professional learning services as well as a dedicated advocate for educational equity work. I am pleased to be able to bring her years of experience and talent to San Mateo County.”

President Goodman said the program dates are September 16, November 4, February 7, February 8 and April 6 or April 20. He said they are all half-day sessions. The cost is \$900 for two trustees. In order to participate, a minimum of two board members from a district must commit to the program. President Goodman said the District has its own equity training series and Equity Institute and he is interested in discussing whether this program would be an overlap or whether it would provide a valuable opportunity for Board members. Trustee Mandelkern said he would like to have more information on the content of the San Mateo County School Boards Association’s equity network program to determine how it overlaps with the District’s programs. He said he would be interested in the program if it provided additional information. President Goodman said he will seek more information and make sure it is shared with the Board. Student Trustee Chavez said that if the Board decides to participate in the program, he would like to put his name forward. President Jackson asked that information on Skyline College’s Equity Institute be included with the information provided to the Board so they can more easily compare the content. President Goodman asked that President Jackson also provide information to the Board on how they can participate in Equity Institute events, along with a calendar of events.

## **COMMUNICATIONS**

President Goodman said he received a letter from Congresswoman Anna Eshoo, with copies being sent to all Board members. The letter reads:

“Dear Mr. Goodman,

“It was a pleasure meeting with you in my Washington, D.C. office in February. Because we discussed the problem of food insecurity on community college campuses, I thought you'd be interested in the following.

“I'm an original cosponsor of the *Food For Thought Act*, legislation introduced this week to create a pilot program for community colleges to provide meals to hungry students. The bill establishes a grant program at the U.S. Department of Agriculture Food and Nutrition Service (*FNS*) for community college campuses to establish free meal programs for eligible students, conduct outreach to students on campus, prepare and/or purchase meals from vendors, and provide information to participating students about their eligibility for other federal food assistance programs.

“A recent study found nearly 45 percent of community college students experience some degree of food insecurity during their time on campus. This is unacceptable. A full and healthy diet is critical for academic success, and the federal government should do everything it can to help these students focus on their studies and achieve their academic goals.

“The *Food For Thought Act* has been referred to the House Committee on Agriculture where it is awaiting further action, and I will continue to do everything I can to see that this important bill becomes law.

“I hope this information is helpful to you and if you have any questions or comments, let me hear from you.”

President Goodman said the Board received an email from Gaila Moore expressing concern about the emeritus chancellor position and salary and the related feasibility study for a local Cal State University campus.

#### **STATEMENTS FROM BOARD MEMBERS**

Student Trustee Chavez said he attended the Student Trustee Workshop in San Diego. He said he heard about issues in other districts and learned more about his role. He said the workshop was insightful and he was grateful for being able to attend.

Trustee Mandelkern said he was sorry to have missed the opening day event due to being out of town. He welcomed Acting Chancellor Claire, Acting President Lopez and District Academic Senate President Wallace to their new roles. Trustee Mandelkern said the *San Francisco Chronicle* reported on a ranking of the top 100 community colleges in America by the publication, *The Stacker*. He said College of San Mateo was ranked as number 99 and Cañada College was ranked as number 85. Trustee Mandelkern congratulated Vice Chancellor Nuñez on completing Cañada College Building 23 ahead of schedule. He also congratulated Vice Chancellor Nuñez on the two sustainability awards recently received by the District.

Trustee Nuris thanked Cañada College for hosting the opening day event. He congratulated the college on the beautiful new building (Building 23) that was opened on the same day.

President Goodman thanked Cañada College for hosting the opening day event. He said he was also welcomed by Interim President Jackson at Skyline College's opening day event and had an enjoyable time. President Goodman said the District has been through a lot over the years. He said that what the District is experiencing now will pass because faculty and staff understand why we do what we do and will continue to do for current students, for students who are yet to come, and for students who continue to look to the District and say with pride that they attended one of the colleges. President Goodman acknowledged that this is a time in which there are community members who are looking for someone to be responsible, whether it be for salaries or actions that they do not know anything about. He reassured those in attendance that the Board expects to be held accountable. He asked that everyone continue to look forward and to be sure that what the District is experiencing now does not deter them from doing the job they do every day for students. He asked that they look to the Board for guidance and leadership and that they hold the Board responsible for doing their jobs.

**RETURN TO CLOSED SESSION**

The Board returned to closed session at 7:10 p.m. to continue consideration of the closed session items listed on the printed agenda.

**RECONVENE TO OPEN SESSION**

The Board reconvened to open session at 10:15 p.m.

**ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION**

President Goodman said that during closed session, the Board ratified the confidential District warrants as presented.

Submitted by

Michael Claire, Secretary

Approved and entered into the proceedings of the September 25, 2019 meeting.

Karen Schwarz  
Vice President-Clerk