

**Minutes of the Study Session of the Board of Trustees
San Mateo County Community College District
September 25, 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 two cases of anticipated litigation as listed on the printed agenda, (2) hold a conference with legal counsel regarding one case of existing litigation as listed on the printed agenda, (3) consider employee discipline, dismissal, release, (4) hold a conference with the labor negotiator as listed on the printed agenda, and (5) hear a student grievance appeal.

STATEMENTS FROM THE PUBLIC ON CLOSED SESSION ITEMS ONLY: None

RECESS TO CLOSED SESSION

The Board recessed to closed session at 5:00 p.m.

RECONVENE TO OPEN SESSION

The Board reconvened to open session at 6:43p.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: Interim 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 ALLEGIANCE

ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION

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

President Goodman said there was a request to adjourn this meeting in memory of Pat Tyler who passed away on September 11. Pat was a District employee for 27 years, working at both Cañada College and Skyline College during her career. She retired in 2014. She is survived by her husband, Mike, who is a part-time faculty member at Cañada College and a retired member of the classified staff. A celebration of Pat's life is scheduled for Sunday, September 29 at noon in the Grove dining area at Cañada College. President Moore said Phil Egan, an art instructor at Cañada College for 32 years, passed away on September 18. She requested that the Board adjourn the meeting in his memory as well.

DISCUSSION OF THE ORDER OF THE AGENDA: None

MINUTES

APPROVAL OF THE MINUTES OF THE JULY 24, 2019 REGULAR MEETING (19-9)

It was moved by Trustee Nuris and seconded by Vice President Schwarz to approve the minutes as presented. The motion carried, all members voting Aye.

APPROVAL OF THE MINUTES OF THE AUGUST 7, 2019 SEPCIAL CLOSED SESSION MEETING (19-10)

It was moved by Vice President Schwarz and seconded by Trustee Nuris to approve the minutes as presented. The motion carried, all members voting Aye.

APPROVAL OF THE MINUTES OF THE AUGUST 9, 2019 SEPCIAL CLOSED SESSION MEETING (19-11)

It was moved by Trustee Mandelkern and seconded by Trustee Nuris to approve the minutes as presented. The motion carried, all members voting Aye.

APPROVAL OF THE MINUTES OF THE AUGUST 21, 2019 REGULAR MEETING (19-12)

It was moved by Trustee Nuris and seconded by Trustee Mandelkern to approve the minutes as presented. The motion carried, all members voting Aye.

APPROVAL OF THE MINUTES OF THE AUGUST 26, 2019 SEPCIAL CLOSED SESSION MEETING (19-13)

It was moved by Vice President Schwarz and seconded by Trustee Nuris to approve the minutes as presented. The motion carried, all members voting Aye.

APPROVAL OF THE MINUTES OF THE SEPTEMBER 9, 2019 SEPCIAL CLOSED SESSION MEETING (19-14)

It was moved by Trustee Mandelkern and seconded by Trustee Nuris to approve the minutes as presented. The motion carried, all members voting Aye.

STATEMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

Diana Tedone-Goldstone, Librarian at Cañada College, read the following resolution which was adopted by the Cañada College Academic Senate on September 17:

“Resolution in Support of Kinesiology, Athletics, and Dance

“Whereas, KAD has not had a Dean for two years, which has affected their curriculum approval process, program development, and representation on college committees,

“Whereas, KAD has a need for an administrator who is knowledgeable of college-level sport-specific compliance and will be able to represent faculty and program needs directly,

“Whereas, the Director of Wellness and Planning was tied for last in the 2018-2019 position proposals personnel ballot results, and the position did not originate from the KAD faculty and staff,

“Whereas, unlike the College of San Mateo’s KAD Division which also has a private-public partnership shared building, Cañada’s KAD Division does not have an additional academic building to house their program needs and Building One will be their only space,

“Whereas, KAD has not been adequately consulted on the Building One plans for at least the last two years, and there have been multiple changes to the proposed sharing of space in Building One,

“Whereas, the current plans for Building One do not provide adequate space for KAD programs and Cañada students as a whole, and the proposed facilities (including, basketball and volleyball court, swimming pool, square footage of rooms for certain types of classes) do not meet CCCAA guidelines and classroom requirements,

“Whereas, the current project program for Building One includes an open floor plan for the central court and this may lead to a very high level of noise and thereby disrupt the functioning of the space,

“Whereas, the lack of facilities for college athletics are likely to affect options for our local community athletes, team enrollment, college enrollment, and lead to issues with Title IX compliance,

“Whereas, the program reviews within KAD have included plans for growth that are not supported by the current Building One project program,

“Resolved, that District or Cañada PRIE provides data covering impact of the San Mateo Athletic Club on things such as student access, number of students who are private members, student employment, enrollments, class offerings (types and sections), changes in curriculum, revenue for academic programs, and allocation of revenue from the private enterprise,

“Resolved, that the Academic Senate requests an explanation for why the private enterprise will have access to Building One six months before academic programs have access,

“Resolved, that the Academic Senate requests the private enterprise’s proposed plan for staffing and operation (including instruction, clerical services, and building maintenance),

“Resolved, that the Academic Senate of Cañada College supports the desire, as has been included in their program review for many years, of the Kinesiology, Athletics, and Dance Division to have an Athletic Director/Dean,

“Resolved, that the Academic Senate of Cañada College strongly urges the Cañada College President to begin the hiring process for the Athletics Program Services Coordinator,

“Resolved, that the Academic Senate of Cañada College requests that a certain amount of space in Building One be under the exclusive purview of the KAD division,

“Resolved, the Academic Senate of Cañada College requests that the President, the Chancellor, the Board, and other entities involved in decision making for design and use of space in Building One collegially consult with KAD faculty and staff in decision-making regarding Building One plans so that the building use is student centered.”

President Moore made the following statement in response to the Cañada College Academic Senate resolution:

“I know we can’t get into a discussion about an item that isn’t on the agenda, but I did want to take a moment to provide a brief response and update to let the Board know that we continue to be fully engaged with this issue.

“We appreciate the concerns outlined by the Academic Senate in their resolution.

“We continue to work with the faculty and staff to discuss our new Building 1 (Kinesiology and Wellness Center) and to develop programming for this new, state-of-the-art teaching and learning space. The planning for this project has been five years in the making, with a dozen planning meetings with faculty and nearly a dozen additional campus-wide forums and updates. We discovered recently that there appears to be some misunderstanding or unclear items as it relates to programming and space in the new facility and we are working to better communicate and collaborate on those matters.

“The entirety of the Academic Senate’s resolution packs a lot of information and assertions into their statement and I am not going to go line-by-line to address everything that has been listed. I will say, however, that we agree with several of those statements, disagree with other statements and understand how some of the issues may have been confusing or unclear.

“Over the last few weeks, we have held several meetings with faculty about their concerns, and we also hosted a campus-wide forum last Thursday to again address all aspects – planning, design and

programming – of the new facility. We will continue to work with the faculty of the Kinesiology, Athletics and Dance department to understand and address their concerns and we are committed to continuing to collegially consult faculty in this process.

“We will be meeting with the faculty of the Kinesiology, Athletics and Dance department on Monday, September 30th to cover all of the items they have surfaced and provide additional clarity on certain issues and to agree to disagree on other issues. I will send the Board the response we share with the Senate after we have had an opportunity to meet and discuss these issues with them.”

Trustee Mandelkern asked that the item be agendaized as an information item at a future Board meeting so that it can be discussed by both groups. President Goodman said it will be agendaized at a meeting subsequent to the September 30th meeting at Cañada College.

NEW BUSINESS

APPROVAL OF PERSONNEL ITEMS: CHANGES IN ASSIGNMENT, COMPENSATION, PLACEMENT, LEAVES, STAFF ALLOCATIONS AND CLASSIFICATION OF ACADEMIC AND CLASSIFIED PERSONNEL (19-9-2A)

It was moved by Vice President Schwarz and seconded by Trustee Mandelkern to approve the items in the report. President Goodman said he has requested at least three times that an assessment of all outstanding reclassifications that have been pending for some time be brought to the Board, but this has not occurred. He said that, additionally, there has been discussion about individuals playing politics with District employees, impacting their well-being and quality of life. President Goodman said this is unacceptable. He said that as Board president, he is asking all those involved to do their jobs or reevaluate whether they want to be in the District and support the mission of the Board to support faculty and staff. He said he is requesting that the Board receive a full and complete listing of all outstanding reclassifications with a description of what it would take to get them resolved.

Trustee Holober said he agrees with President Goodman’s comments. He said he would like to think this is a time at which the District can have a fresh beginning and break out of some patterns that have been allowed in the past. He said he tries to look at this from an optimistic point of view and see it as a time to take stock, reevaluate and make some course corrections. He said part of the examination is to look at the bigger picture and do a thorough review of reclassifications in administrative and executive positions going forward, as well as some legacy reclassifications.

After this discussion, the motion carried, all members voting Aye.

STUDY SESSION

DISCUSSION OF STUDENT HOUSING (19-9-3C)

Vice Chancellor/Chief of Staff Mitchell Bailey said the Board has held a series of conversations on student housing. He said the region is facing a housing issue which is significantly impacting a number of the District’s students. He said the District has been successful with faculty and staff housing and is trying to capitalize on this expertise to provide some element of relief to students who are homeless or housing insecure, impacting their ability to focus on their studies. Vice Chancellor Bailey said a number of other entities have addressed student housing recently, including Santa Rosa Junior College through a public/private partnership, University of California, Davis, also through a public/private partnership, University of California, Merced and Lake Tahoe Community College. He said the Board and staff have discussed various models but there are still things that are not known. He said staff has recommendations about how to proceed, with the Board’s approval and direction, to get to the next step.

Vice Chancellor Bailey said the two most well-versed individuals in San Mateo County on the issue of affordable housing are present to provide advice and counsel: Evelyn Stivers, Executive Director of the Housing Leadership Council and Armando Sanchez, Executive Directors of the Housing Endowment and Regional Trust (HEART).

Ms. Stivers said the Housing Leadership Council works with communities and leaders to create and preserve quality and affordable housing. She said affordable housing is income restricted, is managed by a non-profit or an organization that wants to manage affordable homes, is decent housing that meets all minimum and modern requirements, and is subsidized with public money. She said it is a challenge for the non-profit housing community to be a partner on a student housing project because (1) they cannot develop dormitory style housing because they are required to have apartments with full kitchens, and (2) they cannot rent to full-time students, with some exceptions such as former foster youth, formerly homeless individuals, single parents and veterans. She said there might be an opportunity to make part of a student housing development market rate housing and another part affordable housing dedicated to specific populations. She said most affordable housing developers want to keep possession of the land in order to make sure they fulfill their mission of providing permanent affordable housing. She said there are some instances of one hundred year leases. Ms. Stivers said that in spite of the challenges presented by different sets of rules, the Housing Leadership Council wants to provide help and resources to the District to the extent that they can.

Mr. Sanchez said HEART is essentially a financial institution. He said the District has become the standard in the region on how to build housing for employees and the financial implications and realities are no different for student housing. He said it comes down to where the money will come from to develop the housing and where the cash will flow in from to pay the debt. He said that if the District is trying to serve students who are homeless or at risk of being homeless, as well as very low income students, a substantial subsidy of some sort will be required and this makes the project more challenging and risky. Mr. Sanchez said he is a proponent of mixed income housing, in which general students who can afford to pay are mixed with students who do not have the same resources. He said many colleges and universities are using a public/private partnership model which lessens the risk because the developer brings in the funds and sets up and runs the housing. He said he would not discount considering this model. He said that while less control accompanies the loss of risk, it is important to note that the District would dictate its needs and terms to the developer and would look at other options or other partners if the developer could not meet those terms. Mr. Sanchez said a small subsidy from the District might be required; however, he said it is sad to think about what might happen to homeless students in the future if help is not provided to them. He recommended looking at others who have developed student housing to learn from their experience. For instance, at Santa Rosa Junior College, the cost to build the housing was \$54,000 per bed and the average rent is \$800 per month.

Trustee Holober asked if there is a general formula for the cost to build housing and the average rent in order to run a housing development and not go broke. Mr. Sanchez said this is variable; the bigger the project, the better the economies of scale.

Trustee Mandelkern said student housing is clearly different than workforce housing for employees. He said one of the issues the Board struggled with in past conversations was a lack of understanding of various options, e.g. a dormitory style project, single rooms with a central dining hall, an apartment cluster with kitchens included, etc., as well as different types of students who would be eligible. He noted that the District has a significant advantage because it owns the land on which the housing would be constructed.

Trustee Mandelkern said there are a number of developers who specialize in student housing and he would like to receive a list of them. He cautioned, however, that there are risks involved. For example, a student at the University of Canterbury in New Zealand died in his dormitory room and was not discovered for two months. The dormitory is managed by the global student accommodation provider Campus Living Villages, which also operates in the United States. Trustee Mandelkern questioned who would have the oversight to make sure District student housing is run properly. He said the District does not have resident advisers or faculty fellows and does not have a resident housing infrastructure that four-year institutions may have. He said the cost of the administrative infrastructure would have to be considered in addition to the cost of building the housing project. He said there are a number of policy issues that he believes need to be addressed before permitting a developer to put a shovel in the ground.

Vice President Schwarz said the District has all of the types of students who would qualify for affordable housing, such as former foster youth, homeless students and veterans. She said she is very interested in working with the

Housing Leadership Council to enhance the affordable housing model for students, perhaps with a mix of market rate housing. Ms. Stivers said the Housing Leadership Council would be thrilled to develop a partnership; however, they are interested in keeping people always housed and housed year-round. For instance, she said they would want to continue to house a single parent or former foster youth after graduation, until the individual earns enough to afford a place to live.

Trustee Nuris said it might not be possible to address the needs of everyone and he believes it is important to identify the population that the District can best serve and can serve successfully. He said he would like to research developers and would also like see firsthand some models that are already in place, such as Santa Rosa, so that the Board can start visualizing what is possible and then narrow it down to what the District can do.

Trustee Holober said the Board has heard about certain categories of people for whom affordable housing funding is available, such as veterans and former foster youth. He asked what makes it work financially for developers who develop housing for these particular categories. Ms. Stivers said that under the tax credit code, certain people do not qualify for affordable housing and this includes full-time students, except those specific categories that are exempted. She said there are a number of funding mechanisms for the exempted categories, including a statewide bond measure for veterans, a pot of money for former foster youth, and a special initiative for formerly homeless students. She said District students who fall into one of the exempted categories would be eligible for affordable housing. Trustee Holober asked who receives the funding if it is available. Ms. Stivers said it depends on the source. For veterans housing, funding goes to the developer and there are also HUD-Veterans Affairs Supportive Housing (HUD-VASH) vouchers that can go to individuals to make their housing more affordable. Ms. Stivers said every funding source comes with its own set of rules and piling them together can be difficult; however, there are people who specialize in this area and would be able to provide assistance.

Maxine Turner, a member of the public, said her understanding and support for the District has always been that it is a two-year commuter school serving primarily people who live in San Mateo County. She said that when she hears about a homeless student, she believes there is also a homeless family. She said she believes the student survey should be redone. She said her recollection is that the results showed that students had only occasional need for housing. She suggested that the District consider building affordable housing for Peninsula families with a requirement that they must make a room available to rent to a college student, thereby serving the relatively few homeless students. Ms. Turner said that building dormitories would mean a change from being a commuter college to a residential college and this would require a broad community discussion.

President Goodman said he believes a strategic needs assessment should be done to understand what the need is and to make sure that everything the District does is supported by data. He said the District does have students who are homeless, with some living on the streets and some living in cars, as well as students who are couch surfing but have nowhere to keep food. He said these students are members of the community who are trying to better the lives of their families as well as themselves. He said the District's goal is to educate students and all of their insecurities – food, transportation and housing – must be addressed. President Goodman said that developing student housing is a long-term goal and the District can have conversations with developers and follow-up with Santa Rosa Junior College, along with conducting the needs assessment. He said, however, that there must be short-term solutions as well.

Trustee Mandelkern said he agrees with the suggestion to conduct a needs assessment. He said he does not believe there is only a small number of students who are suffering from housing insecurity. He said the District colleges are still commuter colleges but the problem students are having is where they are commuting from, sometimes making it impractical for them to go to college and causing them to leave the educational system or to leave San Mateo County. He said the District is trying to determine the groups of students that it can help and this can become complicated. He said the intent is not to change the fundamental structure of the community colleges into a residential college environment, but it is important to be open-minded about various solutions. Trustee Mandelkern suggested that a representative from the Santa Rosa Junior College be asked to come and speak to the Board about their process and experiences.

Student Trustee Chavez said he believes there is a need for housing for students throughout the District. He said there are many unknowns but he supports the concept of student housing and wants to work together with the District.

Vice President Schwarz said there have been many conversations about the housing crisis for students and she would like to now see something done now. She said she believes any reported number of students experiencing housing insecurity is understated because some students do not want to admit that they are experiencing a housing crisis. Vice President Schwarz said she would like to visit Santa Rosa versus having someone come to talk with the Board. She said there are also other community colleges that offer some type of housing, such as Santa Barbara, and students often attend these colleges because they want to transfer to nearby UCs or CSUs. Trustee Holober said community colleges in Santa Barbara and Santa Monica draw a subset of students from around the state who can afford to pay for housing with the hope of transferring. He said students in the District have the same hopes and dreams about transferring but their economic needs are different. He said he is glad to see that the focus of the discussion at this meeting is not on international students but on the neediest domestic students. Vice President Schwarz said some international students do not have places to stay and she does not want to discount their needs.

Dr. Michael Reiner asked if would be possible to build facilities for families with the condition that they set aside a room for a student. Mr. Sanchez said this would be difficult because of income requirements and other complications.

Vice Chancellor Bailey said that through the Chancellor, staff has the following recommendations:

- Conduct a market study to assess the need and what people willing to pay. Trustee Mandelkern suggested also including the question of how students would like to live, e.g. dormitories, apartments that might be family or single parent friendly, etc.
- Hire a consultant to help identify what we do not know and to tap into the expertise of people in the business.
- Establish two groups:
 - a. An internal working group to help with the process of student housing.
 - b. An advisory group to help tap into existing resources, such as the Housing Leadership Council and HEART, cities and the county, and non-profit partners such as Samaritan House and HIP Housing, so that students can be more easily informed about the resources that are available. Ms. Stivers and Mr. Sanchez would be invited to be members of this advisory group.
- Have a conversation with the Educational Housing Board to see if there is a role they can play and, if not, determine whether to establish a companion board.
- Work with the Foundation to provide an emergency fund.
- With guidance from the Board, establish guiding principles, sustainability being at the forefront.

President Goodman said an immediate step should be to have a visible housing portal on all three campus websites. He said it is also important to ensure that the question about housing is asked of students as early as possible so that a connection can be made with SparkPoint and other services in the community. He said the District could partner with HIP Housing's home share program and also consider funding scholarships through HIP Housing's self-sufficiency program.

Trustee Holober said there is a model in the Netherlands through which senior housing developers provide some room for college students in exchange for community service which benefits both the seniors and students. He suggested talking with people who are developing senior housing, such as the Peninsula Health Care District, to see if they are interested in exploring this model.

President Goodman said the District must go beyond talking and must take action. He said that if this means creating a position, this should be discussed. He said that at the very least, the housing portal should be established immediately. Student Trustee Chavez said he also would also like to see word get out to students about housing resources.

Trustee Mandelkern said the Board has discussed housing insecurity for students for at least 18 months and the fact that nothing has been done bothers him. He said students still do not have places to stay and may be in unsafe situations. He said UC Berkeley has a safe parking zone for their students who are living in cars. He said the possibility of turning gyms into temporary housing situations has been discussed but there has not been follow-up. He said he would like to challenge the administration to develop a list of three or four concrete things to do with a timeline by which they will be done.

Skyline College Interim President Jackson said students at Skyline College have been providing short-term opportunities since 2018 to address housing insecurity. Out of their budget, they allocated \$30,000 to help students who are in crisis. She recommended that student leadership be included in the advisory group. College of San Mateo Acting President Lopez said the college has a housing assistance webpage that lists resources. She said it could be more robust but is a start. Cañada College President Moore said the college also has information on its website under housing assistance and the Associated Students are in discussion about setting aside funds to help students in crisis. She said that through the SparkPoint programs, the colleges are working in collaboration with United Way, Samaritan House and HIP Housing. President Moore said she is pleased that discussions are taking place about more long-term solutions.

Trustee Nuris suggested that staff from the three colleges get together to compare the information on their websites, gather the best from all of them, and create a dynamic webpage for the District that can help the colleges as well.

Trustee Holober asked for more information about the two groups that have been recommended to help with the issue of student housing. Vice Chancellor Bailey said the advisory group would be made up of both internal and external individuals who would connect and coordinate all of the resources that are available. The working group would help the Board process the issue in a larger context of moving forward with student housing development. The makeup would likely be more internal, with some outside input as well. President Claire said he believes the District also needs to hire a consultant as it moves forward on the development of student housing. He said he would also like to bring back the idea of establishing a position because there is not sufficient staff to focus on the issue.

Trustee Nuris said much information has been provided and discussed at this meeting. He said he would like the Board to be provided with a written report with recommendations and then have the Board take the issue up again and prioritize, add and enhance goals. Trustee Mandelkern asked when this report could be provided and if it will include timelines for each recommendation. Vice Chancellor Bailey said it could be provided within the next 30 days.

DISCUSSION OF CALPERS VESTING REQUIREMENTS AND ACTIONS TAKEN BY THE BOARD IN JUNE 2015 (19-9-4C)

David Feune, Director of Human Resources, said that at recent Board meetings, there were references to prior District actions regarding retiree benefits. As a result, the Board has requested staff to provide information on the CalPERS vesting schedules that were approved by the Board in June 2015 and implemented with CalPERS effective January 1, 2016. Mr. Feune said that under the agreement with the CalPERS Health Plan System at that time (2015), the District was required to pay a monthly contribution toward the medical premiums of all PERS and STRS retirees regardless of the negotiated benefit tiers that are in the collective bargaining agreements. He said the resolutions that the Board approved aligned the language in the collective bargaining agreements with the CalPERS system.

President Goodman said this issue was raised at two separate meetings and the Board wants to provide an appropriate time for anyone who has concerns to engage in conversation.

Trustee Holober said one driving issue was equal treatment of rank and file employees and executives. He said he believes the Board needs to discuss as a policy matter whether new executives should be given special dispensation and treated as if they were hired 25 or 30 years ago when they are being hired today. He said he believes the Board should make a policy decision rather than dealing with negotiating one executive contract at a

time. Trustee Holober said the Board does not get involved in negotiating contracts beyond knowing the salary schedules and Board members were not in the habit of reading the contracts line by line. He said that since the issue has come to the Board's attention, he believes it is appropriate to determine whether it is a policy the Board wants to change.

Trustee Mandelkern said he believes that if there is a recommendation to grant benefits to which a retiree on the surface would not be entitled, it would be preferable to have a discussion prior to the person's retirement rather than finding out about it when it is noted on the personnel report. He said he always comes down on the side of treating people fairly and equally across all categories in the District. He said the collective bargaining agreements provide for certain retirement benefits and he believes that people in those units who have earned the benefits are entitled to them and those who have not earned the benefits are not entitled to them. He said this is why the Board adopted the resolutions. Trustee Mandelkern said he does not understand why executives who have not worked to the extent they should in order to earn retirement benefits are treated as if they were hired earlier and are receiving benefits to which ordinary employees are not entitled. President Goodman agreed, saying the issue is the existence two systems. In one system, administrators are being paid at a higher rate and are being given the ability to negotiate additional benefits. In the other system, classified staff are paid at a lower rate and do not have the opportunity to negotiate additional benefits.

President Goodman asked how many classified employees were adversely affected by the action taken by the Board in 2015. Mr. Feune said those affected were a mix of faculty, classified staff and administrators and he would have to review the data to determine how many were classified staff. President Goodman asked to receive information on the makeup of the group, how close they were to being eligible for retirement benefit in terms of years of service, and whether they had years of service in another district. He said the Board should then discuss whether it is appropriate to revisit the decision.

Trustee Holober provided the history of the 2015 decision. He said that lifetime health benefits were granted to all employees before any of the current Board members were serving on the Board. Because the costs were escalating, benefits were capped in the late 1980s or early 1990s and later in the 1990s a third tier was created that capped benefits even further. However, the Board did not pass the necessary resolutions to send to the PERS system. After about a decade, it was brought to the Board's attention that they adopted a policy but did not adopt the resolutions. Therefore, the Board adopted the resolutions in 2015. This created a great deal of turmoil because people had expectations based on practice but not on policy.

Vice President Schwarz said the Board's action in 2015 was very painful because it affected 79 employees. She said the Board postponed it a few times but finally had to make the correct decision to clean it up. Trustee Mandelkern agreed that it was a very difficult discussion but he believes it was the correct decision because it was honoring the terms of the contracts.

Vice President Schwarz said contracts with executives are a separate issue. She said the Board did hear about some of the contracts. She said she believes that negotiating the contracts was done with the good intention of trying to hire the best people, but she agrees the policy needs to be corrected going forward. Trustee Mandelkern said he also will not question the intentions. He said that the Board learns from its mistakes and learns to do better going forward. He said he would like to be informed about how many executives' starting dates have been modified for the purpose of benefits.

Trustee Nuris said it appears that the Board agrees the practice should not continue and that a policy is needed. However, he questioned the need to go back and get a list of executives who have received benefits that on the surface were not earned. He said that if the contracts were negotiated in good faith and nothing can be done about them at this time, he believes the Board should simply move forward with a new policy. Trustee Mandelkern said he would like to know the extent of the issue. He said that if it has been pervasive across one category of employees, the Board might want to consider extending it to other groups of employees to make it more equitable. Trustee Nuris said he is hearing from the Board that this is not a good practice and he said he does not believe the Board would want to perpetuate the practice among other groups.

President Goodman said that getting more information would help the Board decide whether to consider any remedy for any of the 79 employees affected by the 2015 Board action. Trustee Mandelkern agreed, noting, for example, the issue that employees are not given credit for years of service at another district. Trustee Holober said the District is not required to provide any level of benefits. He said that in the past, employees were given lifetime benefits and that was modified due to costs. He said the Board may choose to revisit the issue but he is not interested in revisiting it. Juanita Celaya, CSEA 1st Vice President, said there were actually 46 employees who were affected. Of those, 43 were classified, five were administrators, eight were survivors of employees, 19 were certificated, and 1 was unknown. President Claire said staff can provide information on the 76 employees and how many years of service they had if that is of interest to the Board. He said the one thing the Board did agree on is that they would like information on how many executives' contracts were modified. Vice President Schwarz said the information should address current employees. Mr. Feune said he will gather the information on administrator contracts. Annette Perot, CSEA President, said the issue was brought up as a matter of equity.

DISCUSSION OF MODIFICATIONS TO CHANCELLOR SALARY SCHEDULE (19-9-5C)

Mr. Feune said the Board requested that staff compile chancellor salary information from the Bay 10 districts to assist the Board in its reevaluation of the chancellor salary schedule. He said the first page of the attachment to the board report shows all of the Bay 10 districts and the second page shows only multi-college districts. Included are minimum annual salary, salary steps if there are any, maximum annual salary, additional compensation, and maximum total compensation. Mr. Feune said he believes the focus should be on the Foothill-DeAnza District because it is the District's neighboring multi-college district. He said the San Jose-Evergreen and West Valley-Mission Districts recently completed chancellor searches and individuals seeking a chancellor position in the area will be looking at those salaries. Mr. Feune said it is important to have a gap between the presidents' salaries and the chancellor's salary so that there is a natural progression. He said the top salary for a college president in the District is currently \$297,000.

Trustee Holober said he sees this as a moment in time, with a new CEO, to look at a number of practices. He said he believes it is a good idea to conduct a more comprehensive survey of administrator and executive salaries in the District by an independent, Board selected expert to see where the District fits in comparison with other districts in the area. He said he believes that over a number of years, there has been a dramatic escalation in executive salaries overall compared to wage increases for the rank and file, not through increases in percentages but through reclassifications. He said there have been many reclassifications. He said this is a way of taking someone from one salary and changing their title, with some rationale in change in duties, to ratchet them into a different echelon. He said he believes this is a good time to examine this entire practice and examine the history behind it. He said there is great disparity between what has occurred at the top versus what has occurred for the 99 percent. He said there might be some legacy deals that the Board may not want to undo, but the Board may not want to continue the escalation. He said he would like to see the District get back into the same orbit as other districts.

Trustee Holober said the information provided on the Bay 10 districts is helpful, but does not include the size of the districts. He said he would like to see these data included. He noted that the Peralta Community College District has also gone through a chancellor search recently.

Dr. Michael Reiner, a resident and registered voter of San Mateo County, said he attended the public meeting during which the Board interviewed consultants from three search firms to assist in the chancellor search. He said he is pleased that the Board took the advice of the consultants to examine salaries of other chancellors in the Bay Area to determine what would be appropriate. He said that when asked about starting salary, one of the consultants replied that the District will need to pay what it paid the former chancellor, \$467,700. He said one trustee said the chancellor must be paid well because it is very expensive to live in the Bay Area. He said Dr. Tim White, Chancellor of the California State University System, has a base salary of \$449,529 and according to Transparent California, the salary of the chancellor of San Francisco State University is \$432,830. Dr. Reiner said the District's former chancellor's salary in 2013 was \$291,876 and increased by 60 percent over five years to \$465,700. He said that as a resident who believes in accountability and oversight, he would encourage the Board to not negotiate a new chancellor's contract themselves, but to hire an employment attorney to do so. He said it is important to make sure comparisons are based on total salary which includes base salary, other compensation and benefits.

Trustee Mandelkern asked when the Board is scheduled to select a search firm. President Goodman said this will be on the agenda at the next meeting. Trustee Mandelkern said he disagrees with the comment by one of the consultants that the former chancellor's salary should be the starting point for a new chancellor. He said he believes that 20 years of accrued increases is not what an organization should start with when a new employee is being hired. Rather, the organization should look at market competitive rates. Trustee Mandelkern said he agrees that the data comparing other districts should include the size of the districts. Trustee Nuris agreed. He said that working with the consultant, he believes the Board can determine reasonable numbers.

STATEMENTS FROM BOARD MEMBERS

Student Trustee Chavez said he had the opportunity to join a committee at College of San Mateo geared toward LGBTQ Safe Zone training. He said that being part of the committee, as well as recalling the equity plans presented at a recent Board meeting, showed him that the District is doing the right things.

Trustee Holoher, addressing comments made during Statements from the Public on Non-Agenda Items regarding Cañada College Building 1, said his concern is that as the building gets further along in being built, it controls what may possibly be done regarding reconfiguration of the building. He said he is very concerned, having met with some employees of Cañada College, that while taking much time to deliberate, it could get to a point where the building is already built and cannot be changed. He said he considers this an urgent issue and if there are changes that might result from hearing input, it is essential to move quickly.

Trustee Mandelkern said he is pleased that the Board is continuing to discuss housing for students and is considering both short-term and long-term solutions. Trustee Mandelkern said he attended the ribbon cutting ceremony for the Environmental Sciences building at Skyline College. He said it provides a fabulous learning space for students.

Vice President Schwarz said she attended the forum on Building 1 at Cañada College. She said there were disgruntled employees who are concerned about the building, but she believes the presentation was well done and she is encouraged to hear that the dialogue will continue. She said could feel that the situation with interim positions and many changes in personnel and have taken a toll.

Vice President Schwarz said she attended the ribbon cutting ceremony for Building 12 at Skyline College. She said it is a wonderful space for students and employees. She said that among the many accolades expressed at the opening, there was one person who was not acknowledged. She said the vision of Chancellor Ron Galatolo is the reason the building is there. She said she wants to go on record that she appreciates what he had to do with the building, which has shone brightly. Vice President Schwarz said she believes it was disrespectful not to acknowledge Chancellor Galatolo.

Trustee Nuris said he attended the ribbon cutting ceremony for Skyline College Building 12 and it is a building that will serve students well. He said he also appreciates the fact that it will be shared by the community. He said the education component is the primary focus but it will also be something of which the community can be proud. He said it will provide a link between the greater North County and Skyline College. Trustee Nuris said the building balances education and use by community residents who have also paid for it with their taxes. He said he sees this as an advantage to the District as more people will see what the college is doing. He said he believes this is something the District should keep in mind when constructing new buildings.

President Goodman said he attended the ribbon cutting ceremony for Skyline College Building 12. He said the building provides great opportunities for students. He said he hopes the Board will continue to consider looking at how the District is charging clubs and programs within school sites to use spaces and to make sure the District is not taking program fees, which are probably restricted dollars, putting them in as a fee, and then using them again as unrestricted dollars. He said he does not want to lose sight of the "why" for Building 12; he said the why is not to be a money maker for the District but is to provide a state-of-the-art facility for students and, in addition, to provide space for taxpayers as a community benefit. President Goodman said he believes students and programs should have the right of first refusal to use the space and it should not be at an escalated cost as it is currently. He

said he hopes that at some point, the Board can revisit some type of uniform pricing schedule and make sure that non-profits and other entities have access to the space at a discounted rate.

RETURN TO CLOSED SESSION

The Board returned to closed session at 9:25 p.m. to continue consideration of the items listed on the printed agenda.

RECONVENE TO OPEN SESSION/ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION

The Board reconvened to open session at 10:40 p.m. President Goodman said the Board took no action during closed session.

ADJOURNMENT

The meeting was adjourned by consensus at 10:43 p.m. in memory of Pat Tyler and Phil Egan.

Submitted by

Michael Claire, Secretary

Approved and entered into the proceedings of the October 23, 2019 meeting.

Karen Schwarz, Vice President-Clerk