

**SAN MATEO COUNTY COMMUNITY COLLEGE DISTRICT BOARD AGENDA
REGULAR MEETING
September 23, 2009
District Office Board Room
3401 CSM Drive, San Mateo, CA 94402**

NOTICE ABOUT PUBLIC PARTICIPATION AT BOARD MEETINGS

The Board welcomes public discussion.

- *The public's comments on agenda items will be taken at the time the item is discussed by the Board.*
- *To comment on items not on the agenda, a member of the public may address the Board under "Statements from the Public on Non-Agenda Items;" at this time, there can be discussion on any matter related to the Colleges or the District, except for personnel items. No more than 20 minutes will be allocated for this section of the agenda. No Board response will be made nor is Board action permitted on matters presented under this agenda topic.*
- *If a member of the public wishes to present a proposal to be included on a future Board agenda, arrangements should be made through the Chancellor's Office at least seven days in advance of the meeting. These matters will be heard under the agenda item "Presentations to the Board by Persons or Delegations." A member of the public may also write to the Board regarding District business; letters can be addressed to 3401 CSM Drive, San Mateo, CA 94402.*
- *Persons with disabilities who require auxiliary aids or services will be provided such aids with a three day notice. For further information, contact the Executive Assistant to the Board at (650) 358-6753.*
- *Regular Board meetings are tape recorded; tapes are kept for one month.*

Government Code §54957.5 states that public records relating to any item on the open session agenda for a regular board meeting should be made available for public inspection. Those records that are distributed less than 72 hours prior to the meeting are available for public inspection at the same time they are distributed to the members of the Board. The Board has designated the Chancellor's Office at 3401 CSM Drive for the purpose of making those public records available for later inspection; members of the public should call 650-358-6753 to arrange a time for such inspection.

6:00 p.m. ROLL CALL

Pledge of Allegiance

DISCUSSION OF THE ORDER OF THE AGENDA

MINUTES

09-9-2 [Minutes of the Study Session of the Board of Trustees of September 9, 2009](#)

SWEARING IN OF STUDENT TRUSTEE

STATEMENTS FROM EXECUTIVES AND STUDENT REPRESENTATIVES

STATEMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

NEW BUSINESS

09-9-2A [Approval of Personnel Actions: Changes in Assignment, Compensation, Placement, Leaves, Staff Allocations and Classification of Academic and Classified Personnel](#)

Other Recommendations

09-9-100B [Contract Award for Skyline College Theater Audio and Visual Equipment Upgrades](#)

- 09-9-101B [Approval of Contract with Casey Printing, Inc. to Print and Deliver 2010 Class Schedules](#)
- 09-9-102B [Multiple Contract Awards for Administrative Furniture](#)
- 09-9-103B [Establishment of San Mateo Athletic Club and Aquatics Center at College of San Mateo](#)
- 09-9-104B [Authorization to Augment the Design Build Contract for the College of San Mateo Buildings 12/15/17/34 Modernization Project, and Expand the Contract to Include Renovation of Building 9](#)

INFORMATION REPORTS

- 09-9-3C [Discussion of District Rules and Regulations Section 8.38, Gifts and Donations](#)

STATEMENTS FROM BOARD MEMBERS

COMMUNICATIONS

RECESS TO CLOSED SESSION

1. Closed Session Personnel Items
 - A. Public Employment – None
 - B. Public Employee Discipline, Dismissal, Release

CLOSED SESSION ACTIONS TAKEN

ADJOURNMENT

**Minutes of the Study Session of the Board of Trustees
San Mateo County Community College District
September 9, 2009
San Mateo, CA**

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

Board Members Present: President Karen Schwarz, Trustees Helen Hausman and Dave Mandelkern, and Student Trustee Virginia Medrano Rosales

Others Present: Chancellor Ron Galatolo, Executive Vice Chancellor Jim Keller, College of San Mateo President Michael Claire, and Cañada College President Tom Mohr

The Board toured Building 5N at College of San Mateo, which will house the Dental Assisting, Nursing and Cosmetology programs, as well as the new Fitness and Aquatics Centers. The tour was led by President Claire, along with members of the team from McCarthy Builders and Swinerton Management.

Board members then returned to the District Board Room and were joined by Trustee Patricia Miljanich. Also present were Skyline College President Victoria Morrow and District Academic Senate President Patty Dilko. Trustee Richard Holober arrived at 7:00 p.m.

Pledge of Allegiance

DISCUSSION OF THE ORDER OF THE AGENDA

President Schwarz said there is a request to hear item 09-9-1C, Update and Discussion on the Brown Act, after "Statements from the Public on Non-Agenda Items." There were no objections.

President Schwarz said there is a request to adjourn this meeting in memory of Danny Tanaka, who passed away in July. Mr. Tanaka was project manager for the renovation of Buildings 2, 4, 14 and 16 at College of San Mateo. The Board agreed to the request.

MINUTES

It was moved by Vice President Miljanich and seconded by Trustee Hausman to approve the minutes of the August 19, 2009 meeting of the Board. The motion carried, all members voting "Aye."

STATEMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

Chancellor Galatolo said the quick actions of faculty, staff and the San Bruno Police Department prevented the Wednesday, September 2 shooting incident at Skyline College from being more tragic. The outcome is reflective of the time and effort the District has put into emergency preparedness, including the installation of surveillance cameras. Under the leadership of President Morrow and Director of Public Safety Mike Celeste, much went well; the District will learn from those things that did not go as smoothly.

President Morrow presented a recap of the incident. At 1:25 p.m., a group of students was met by another group in Lot 7 and shots were exchanged. Members of one group left the campus while members from the other group ran onto campus. Members of the President's Cabinet formed an instant crisis action team and the San Bruno Police Department became the incident commanders. At 2:00, a lockdown situation was declared and was communicated through emails, text messages and the public address system. All buildings were cleared, police escorted people off campus and a perimeter was set up. The police, including a SWAT team, continued to look for those involved in the incident as well as a weapon, which was located with the assistance of the video surveillance cameras. The decision was made to keep the campus closed the following day to allow a cooling off period and to deal with any possible subsequent interaction between the two groups involved in the incident. Communication continued throughout the day through use of email, text messaging and Skyline's website. San

Bruno Police Chief Neil Telford, Mr. Celeste and Skyline Chief Public Safety Officer Brian Tupper were present on campus during the day. The campus reopened on Friday, September 4, with extra police and public safety officers present and with expanded counseling services for students. Counselors from the Jefferson Unified School District volunteered as well. A campus-wide debriefing was scheduled for Tuesday, September 8.

At the debriefing, people agreed that in general the incident was handled well. Some expressed appreciation for the extra counseling and for the presence of security cameras. There was interest in additional emergency preparedness training. There was concern that communication about the lockdown did not occur as quickly as it should have; text messages were received late; and the public address system does not reach all buildings. However, by using multiple means of communication with staff and students, most on campus were quickly informed about the incident.

Mr. Celeste said that immediately after the incident, the Public Safety Department and the San Bruno Police Department received numerous calls. College of San Mateo and Cañada College immediately sent public safety officers to the scene. Campus public safety officers were taken into buildings with the SWAT team because they know the buildings. Mr. Celeste asked Devitt Hartney, Systems Engineer in the Facilities Planning and Operations Department, to review the video from the security cameras which was then used by the Police Department. The video showed that the shooting victim ran into Building 5 with three others who then scattered. After 40 seconds, two of the suspects ran out of the building, one without the backpack he had upon entering, triggering a search of the building during which the weapon was found. Mr. Celeste said the security cameras were crucial and the Access Control and Alarm Monitoring System (ACAMS) was also helpful in that it allowed automatic lockdown of buildings. At 9:00 p.m., the San Bruno Police Department started releasing their officers. District public safety officers provided extra patrols which enabled students to feel safer.

Vice President Miljanich asked if faculty and staff inside the classrooms and offices understood what was happening. President Morrow said that once they received the information, they knew how to respond. Student Trustee Medrano Rosales said she was in a classroom in Building 1 and that Vice President Regina Stroud alerted those present; the instructor locked the doors and was very calm. Mr. Celeste said officers went into all buildings not equipped with ACAMS and verbally announced the lockdown. Chancellor Galatolo noted that all new buildings have ACAMS and renovated buildings will have them.

President Schwarz asked if the backpack was recovered along with the weapon. Mr. Celeste said it was; the weapon was in a trash can and the backpack was in another location.

Trustee Mandelkern commended President Morrow, faculty, staff and students on the professional and calm manner in which the incident was handled, as well as on the follow-up activities. President Morrow said that Vice Presidents Regina Stroud and Lori Adrian performed extraordinarily throughout and were responsible for the follow-up activities.

Trustee Hausman commended all involved. She said there is only one way to know if planning works, and in this case it did. Student Trustee Medrano Rosales said students also appreciated the extra counseling services and the opportunity to be heard at the debriefing forum.

ITS Director Eric Raznick said the District had been evaluating the use of a different text messaging system because of the delay in some users receiving messages; the District is currently in contact with AlertU Emergency Message System. Mr. Raznick said the District will follow up on improvements to the public address system as well.

President Schwarz said she heard there had been a bomb threat on the Skyline campus. President Morrow said a call came into the main information line and the caller said "there's a bomb on campus." The Police Department conducted a search and found nothing and the decision was made to not evacuate.

UPDATE AND DISCUSSION ON THE BROWN ACT (09-9-1C)

Former County Counsel Tom Casey presented a brief background on the Brown Act, the purpose of which is to insure that citizens are given notice of items to be considered by a public agency, that the discussions take place in public and that the public has input.

A change to the Brown Act was triggered when a citizen sued the City of Fremont, alleging that the City Manager consulted with each City Council member to determine where each stood on an issue before bringing the issue before the Council. The Court of Appeals ruled that talking to the Council members was not a violation of the Brown Act but if the City Manager conveyed where other Council members stood on the issue, or conveyed what he heard from other Council members, there would be a violation. Some wording in the decision alarmed legislators who believed it could provide a loophole, and new legislation was passed. The first part of the legislation is not new; it reaffirms that members of a legislative body shall not, outside of a meeting authorized under the Brown Act, use a series of communication of any kind, directly or through intermediaries, to discuss, deliberate or take action on any business item within the subject matter jurisdiction of the agency. New language in the legislation said that this shall not be construed as preventing an employee or official of a local agency from engaging in separate conversations or communications with members of a legislative body in order to answer questions or provide information regarding a matter which is within the jurisdiction of the agency if that person does not communicate to the members of the legislative body the comments or positions of any other member of the body. Mr. Casey noted that the focus of the Brown Act is on communication among Board members and that Board members are still allowed to discuss issues with staff or constituents.

Regarding electronic communication, Mr. Casey said it is clear that members of a public agency cannot create an email thread to seek opinions. It is important to note that emails are public records and Board members should be reflective of their content and message. Mr. Casey noted that public records may also be subpoenaed during litigation. Trustee Mandelkern asked if there are specific things Board members should be aware of concerning email. Mr. Casey said it is wise to limit the number of people copied on an email to those who need to see it, especially on issues in which colleagues are involved. Board members should also avoid asking for responses, i.e. "I'd be interested in hearing what you think."

Trustee Mandelkern asked if it is permissible to present materials in advance on issues that are to be discussed at a public meeting. Mr. Casey said this is permitted. However, collecting and collating group responses into a document and providing it prior to a meeting could be a violation because it might lead to the Board crafting a proposal without according the public the right to hear or participate in the development of a policy. Trustee Mandelkern asked if the rules apply to setting meeting agendas. Mr. Casey said they do. Vice President Miljanich said a staff member might still ask for comments regarding agenda items to come directly to him/her without being shared among all Board members. Mr. Casey agreed.

Vice President Miljanich asked if Board members are allowed to communicate with one another regarding the scheduling of meetings. Mr. Casey said that since scheduling may be crucial in some events, Board members should not reply to each other, but only to a staff member who will then determine the meeting schedule. The staff member should specify that Board members should reply only to him/her.

Trustee Holober noted that many Board members have personal email accounts and asked how to determine what is subject to the Public Records Act. Mr. Casey said if an email account or telephone is provided or paid for by a public entity, then the documents would be considered public documents. If no support is received from the public entity, the documents are not public; however, anything sent to a public officer, such as the Chancellor, is a public document. Records in personal accounts also could be subject to subpoena in litigation.

Trustee Holober asked if email communications regarding matters which are exceptions to open meeting discussion are subject to the same rules. Mr. Casey said they are; exceptions to open meeting items still provide for meetings to discuss the matters and they still must be agendized. For instance, an attorney drafting a brief in a

case of litigation may distribute the draft to all Board members but Board members can only respond individually.

Vice President Miljanich asked if sending updates to Board members regarding the Skyline shooting incident was acceptable. Mr. Casey said it was permissible as long as the Board did not then discuss it with each other, even if the comments were positive.

President Schwarz asked if, when the entire Board is aware that one or two Board members have met with an outside group and will bring back a report, the report should be presented in open session. Mr. Casey said it would unless it is a topic for closed session, such as collective bargaining. President Schwarz asked if such a report needs to be agendaized. Mr. Casey said it does not and can be presented under Board member comments.

Trustee Mandelkern asked if the student trustee is subject to the Brown Act. Mr. Casey said he/she is not.

Mr. Casey encouraged Board members to feel free to ask questions of him or County Counsel at any time.

NEW BUSINESS

APPROVAL OF PERSONNEL ACTIONS: CHANGES IN ASSIGNMENT, COMPENSATION, PLACEMENT, LEAVES, STAFF ALLOCATIONS AND CLASSIFICATION OF ACADEMIC AND CLASSIFIED PERSONNEL (09-9-1A)

It was moved by Trustee Mandelkern and seconded by Trustee Hausman to approve the actions in Board Report No. 09-9-1A. The motion carried, all members voting "Aye."

APPROVAL OF CONSENT AGENDA

The Consent Agenda consists of the following Board Reports:

09-9-1CA Acceptance of Gifts by the District

09-9-2CA Renewal of Agreements with American Institute for Foreign Study (AIFS), 2009-10

It was moved by Vice President Miljanich and seconded by Trustee Hausman to approve the items on the Consent Agenda. The motion carried, all members voting "Aye."

Other Recommendations

ADOPTION OF THE 2009-10 FINAL BUDGET (09-9-100B)

It was moved by Trustee Holoher and seconded by Vice President Miljanich to adopt the budget as presented. The motion carried, all members voting "Aye."

INFORMATION REPORTS

STUDY SESSION

REPORT ON FINANCIAL AID (09-9-2C)

Vice Chancellor Jing Luan introduced the presenters: Vice President of Student Services Lori Adrian and Director of Financial Aid Maria Escobar from Skyline College; Vice President of Student Services Jennifer Hughes and Financial Aid Technician Claudia Menjivar from College of San Mateo; and Vice President of Student Services Peter Barbatis and Director of Financial Aid Services Margie Carrington from Cañada College. Carrie Ridge, Development Director and Roxanne Brewer, Development Associate, represented the Foundation.

Copies of the presenters' PowerPoint presentation were distributed and a copy is attached to the official minutes of record. Documents describing common financial aid terms and acronyms and major federal and California financial aid programs were also distributed and are attached. Vice President Barbatis reviewed some of the definitions and programs described in the documents.

Trustee Mandelkern asked for information on veterans' programs. Vice President Barbatis said the programs are increasing as more veterans returning from the Middle East are entering the Colleges. Ms. Escobar said that students who are part of the post-9/11 GI Bill, Chapter 33 are eligible for tuition, housing allowance, books and transportation assistance. Each Financial Aid office works in conjunction with an expert who certifies a student's eligibility, after which the student will receive any additional services required. Any student who is a veteran and who qualifies under any chapter of the GI Bill will receive the same services. Ms. Carrington said there has been a change in the law so that educational benefits are no longer counted as a resource and, therefore, do not offset the ability to receive financial aid.

Vice President Miljanich asked if there is a limit on funding coming into an institution from federal, state or other sources. Vice President Barbatis said some programs use a first-come, first-served basis while others, such as Pell grants, have no limit. Ms. Carrington said there is a maximum allocation for an institution which is based on a fair share formula.

Trustee Mandelkern, noting the complexity of the application and the number of programs, asked if students would be able to determine the proper course of action or if they would need one-on-one assistance mapping out their financial package. Vice President Barbatis said work is being done in the outreach programs in order to affect change; this will be discussed later in the presentation. He also said that the federal government is considering changes to the financial aid application to make it more user-friendly. He added that there is a definite need for one-on-one sessions with students and that staff works very hard to provide this service.

Vice President Adrian said financial aid staffing levels have remained the same from 2005-06 to the present, but the number of students served has increased. She said student ambassadors play a critical role in helping students. College of San Mateo and Skyline College also employ adjunct counselors using State funding.

Vice Chancellor Luan reviewed financial aid data, including rates of applying for and receiving federal and state financial aid, along with the number of recipients and aid amount; the total recipients and amount of all financial aid; and Pell, BOG and loans recipients distribution by gender, age and race. Vice Chancellor Luan recognized Edgar Coronel and Suneetha Pasumarthi of ITS for their help in preparing the data.

Trustee Mandelkern noted that the data shows a 14% application rate for aid rate in the District vs. a 34% State rate and 45% national rate. Vice Chancellor Luan said part of the difference is due to how students are counted; the District counts only students who actually enrolled while other reports use all who applied regardless of whether they subsequently enrolled. Other factors might include pockets of wealth within the District, lessening the need for financial aid; undocumented students who are hampered by disclosure requirements on financial aid applications; and the need to connect with more current and potential students through outreach programs. Trustee Mandelkern said it would be interesting to determine the percentage of students enrolled in the District who would qualify for financial aid and in which categories (federal, state, private, etc.). He said that without knowing what the potential is, it would be hard to know how to attack the problem. Ms. Carrington said there is a lack of awareness of financial aid availability for community college students, but that the only difference in the cost of living between students at community colleges and other institutions is tuition. President Schwarz asked if data is available on neighboring districts. Vice Chancellor Luan said it is, but it is not as detailed as the District's data in terms of demographics.

Trustee Mandelkern asked if State budget cuts have had an impact on financial aid awards. Vice President Adrian said there is no quantitative analysis, but there has been an increase in the number of students applying for financial aid. Vice President Adrian will forward to the Board a report submitted to the legislature which

discusses the impact of the Statewide increase in financial aid participation. Ms. Escobar said there is a possibility that Cal Grants could be cut and categorical programs are being impacted. Trustee Mandelkern asked how disbursement of limited funds is determined, e.g. between a student already receiving aid but needing extra money for books because of a loss of EOPS dollars vs. a student who is receiving no aid. Ms. Carrington said that under the current program with the Foundation, the Colleges fund all of their scholarships in spring for use in the fall and there is no money left for any students who enroll at the semester. Trustee Mandelkern asked if a structural change might be considered to put some funds aside to fill gaps. Vice President Adrian said some other colleges' foundations set up separate funds, such as book funds, that have more flexibility. Ms. Brewer said that scholarship donors often have specific criteria and the Foundation must abide by their wishes.

Vice President Adrian reviewed financial aid outreach programs throughout the District. Trustee Mandelkern asked if data is gathered by activity and by campus, e.g. how many students or potential students attend a particular presentation and how many of those students file financial aid applications. Vice President Adrian said they do collect data. Trustee Mandelkern asked if the Colleges share information with each other about which programs work best. Vice President Adrian said the Colleges work very collaboratively. Trustee Mandelkern asked if students are asked, when meeting with a financial aid counselor, how they heard about the financial aid program. Ms. Carrington said this is not done consistently; Vice President Adrian said the suggestion will be noted. Trustee Mandelkern said it might also be helpful to have the question on the website.

Vice President Adrian reviewed data showing an increase in financial aid participation as a result of the outreach programs. Trustee Mandelkern asked how it is possible to know that the increase is a result of the programs. Vice Chancellor Luan explained the methodologies used to produce the inreach and outreach data and stated that a financial aid recipient is viewed either as someone who is inreached or outreached. Trustee Mandelkern commented that the change in outreach numbers clearly indicated something done at the Colleges proved to be effective. Vice President Hughes said that Trustee Mandelkern's suggestion about trying to ascertain how students heard about financial aid would be helpful in this regard. Chancellor Galatolo said another important factor is how to measure the number of potential students in the community who have not been reached and who might not come to the Colleges because of aid-based determinants. Trustee Mandelkern said his sense is that a large number of people feel college is financially unattainable and he thinks programs advertised in newspapers and on radio, such as Cash for College and Financial Aid Awareness Days, are effective ways to target this audience. He would like to see these and other programs quantified so that spending can be targeted on programs that work. Vice President Adrian said the suggestions presented have been heard and that there will be a concentration on data collection.

Vice President Miljanich said she has seen situations in which youth are enticed to institutions that are not working carefully with them and they end up dropping out and having large loans to repay. Trustee Mandelkern asked if there are students coming to the District with large loans from private vocational colleges, some of which are predatory. Ms. Carrington said there are such students and they require extra counseling about incurring more debt. She said there are maximum amounts of indebtedness that students can have at various levels of their education cycle. Trustee Mandelkern asked if students are deterred from coming to the Colleges because they fear it is expensive and will cause indebtedness. Ms. Escobar said the Colleges dissuade indebtedness and do not automatically package student loans. Vice President Hughes said students may be drawn to private vocational institutions because they can get through the programs faster but might not think about the major debt they will incur. Trustee Holober said there is no comparison between how community colleges and private vocational institutions operate and he said the Obama administration is working to end some of the worst practices.

Vice President Hughes reviewed information on the District's financial aid effective programs and practices, noting that standard processes and procedures are used at all three Colleges. She also noted that the best practices are based on a student-centered philosophy.

Ms. Carrington, Ms. Escobar and Ms. Menjivar summarized data on District and State rates of students receiving BOG and Pell grants; the change in recipients and amount of financial aid for Pell, BOG and loans between 2005-06 and 2008-09; demographic changes in gender, age and race for Pell and BOG from 2005-06 to 2008-09; and degree and certificate completers by aid status in the 2005-06 cohort.

Vice President Hughes said discussions are taking place with financial aid staff on ways to address budget cuts, and she discussed strategies which are under consideration to create improved efficiencies.

Vice President Barbatis discussed areas for improvement, including the need to institutionalize best practices across the three Colleges, adhere to a data-driven decision making model and develop an automated process to provide student financial aid accounts with the Bookstore. Trustee Holoher asked if financial aid awards for costs of enrollment go directly to the student or the institution. Ms. Carrington said the Colleges receive the award and deduct fees before the students receive their checks. Students are given one-half of the award at the beginning of the semester and the rest shortly after census.

Trustee Mandelkern thanked the presenters, particularly those who deal with financial aid every day, enabling students to stay in school. Trustee Mandelkern said he often hears from the public that they think they would not qualify for financial aid. He suggested that estimates of family income levels in relation to eligibility be publicized, e.g. if the family income is \$50,000, a student could qualify for particular programs. Trustee Hausman noted that there is a book listing many scholarships, some of which go unused. Vice President Barbatis said this is now available online.

Trustee Holoher said that in his work as a consumer advocate, he has lately been focused on problems with proprietary, postsecondary education institutions in the State, which have been unregulated for the past two years. California has been out of compliance with Title IV regulations which require a state regulator. The Bush administration had written a letter stating that although there was a technical violation, aid would continue to flow. The Obama administration has announced that there will be new regulations as early as next month. The Bush letter will likely be rescinded and federal aid funds withheld. Trustee Holoher has been involved in the current round of legislation and has opposed a bill by State Assemblyman Warren Furutani because it would establish a regulatory agency but provide no regulation. To help address the problem of institutions falsely promising to place graduates in jobs in their field, the bill was amended on Friday to define "in the field" as at least having to be connected to the student's course of study. Negotiations on the bill are ongoing.

Trustee Mandelkern said he would be interested in understanding what the District does in the field of career planning and job placement. Chancellor Galatolo said this will be a topic for a future study session.

President Schwarz said she was struck by Ms. Carrington's earlier comment that community college students have the same expenses as students attending any other institution except for tuition. She urged the Foundation to emphasize to donors that many students need particular help with purchasing books.

Student Trustee Medrano Rosales thanked the financial aid staff and the Foundation and said that students understand and appreciate all they do.

Vice Chancellor Luan thanked the Board for their concern and their thought-provoking questions. Vice President Adrian also thanked the Board for advancing funds to students when Cal Grants are delayed.

RECESS TO CLOSED SESSION

President Schwarz said that during Closed Session, the Board will consider the personnel items listed on the printed agenda as item 1B. The Board will also conduct public employee performance evaluations for the Chancellor and Presidents of the three Colleges.

The Board recessed to Closed Session at 9:40 p.m.
The Board reconvened to Open Session at 11:10 p.m.

CLOSED SESSION ACTIONS TAKEN

President Schwarz reported that at the Closed Session just concluded, the Board approved the personnel items listed on the printed agenda as 1B and conducted performance evaluations for the Chancellor and College Presidents.

ADJOURNMENT

It was moved by Trustee Hausman and seconded by Trustee Mandelkern to adjourn the meeting in memory of Danny Tanaka. The motion carried, all members voting "Aye."

Submitted by

Ron Galatolo
Secretary

Approved and entered into the proceedings of the September 23, 2009 meeting.

Patricia Miljanich
Vice President-Clerk

BOARD REPORT 09-9-2A

TO: Members of the Board of Trustees

FROM: Ron Galatolo, Chancellor

PREPARED BY: Harry W. Joel, Vice Chancellor, Human Resources and Employee Relations
(650) 358-6767

APPROVAL OF PERSONNEL ITEMS

A. REASSIGNMENT

Cañada College

Susie Veres Office Assistant II Operations

Reassigned through the managed hiring process from an Office Assistant II position (Grade 18) at College of San Mateo into this full-time temporary position at the same level, effective September 14, 2009.

College of San Mateo

Julene Rhoan Staff Assistant Admissions & Records

Reassigned through the managed hiring process from a Staff Assistant position (Grade 21) at Skyline College into this full-time temporary position at the same level, effective August 18, 2009.

Skyline College

Kay Rabb Admissions & Records Assistant II Enrollment Services

Reassigned through the managed hiring process from an Admissions & Records Assistant II position (Grade 20) at College of San Mateo into this full-time temporary position at the same level, effective July 1, 2009.

B. SHORT-TERM, NON-CONTINUING POSITIONS

The following is a list of requested classified short-term, non-continuing services that require Board approval prior to the employment of temporary individuals to perform these services, pursuant to Assembly Bill 500 and its revisions to Education Code 88003:

<i>Location</i>	<i>Division/Department</i>	<i>No. of Pos.</i>	<i>Start and End Date</i>		<i>Services to be performed</i>
Cañada	Business, Workforce & Athletics/Upward Bound	2	9/24/2009	12/31/2009	Instructional Aide I: Provides individual/group tutoring to Upward Bound students; assists with development of study skills and time management; facilitates workshops; serves as mentors. <i>Funded by Federal TRIO grant.</i>

Skyline	Counseling	1	9/24/2009	12/31/2009	Program Services Coordinator: Coordinates and develops the program plan, procedures, and materials for the Hermanos/Hermanas Program. <i>Funded by the President's Innovation Fund.</i>
Skyline	Operations/Central Duplicating	1	10/1/2009	12/31/2009	Lead Duplicating Equipment Operator: Processes duplicating work requests and prepares billing. <i>Extension of a previously approved position.</i>

BOARD REPORT NO. 09-9-100B

TO: Members of the Board of Trustees

FROM: Ron Galatolo, Chancellor

PREPARED BY: José D. Nuñez, Vice-Chancellor of Facilities Planning, Maintenance and Operations
358-6836

**CONTRACT AWARD FOR SKYLINE COLLEGE THEATER
AUDIO AND VISUAL EQUIPMENT UPGRADES**

The Skyline College Theater is a teaching center for students studying theatrical operations and performance. It has been the venue for Skyline theatrical productions, District events, and community performances. The audio and visual equipment is antiquated and in poor condition. The age of the components have surpassed their intended lifetime and require a great deal of maintenance. This project focuses on replacing the old systems, offering minimal operational ability, with dynamic and updated equipment. The scope of this project includes new soundboards, speakers, stage monitors, theatrical lighting, dimmers and instrument controls. Current conditions include, but are not limited to, hazardous electrical panels, decomposing, asbestos wrapped spot light wires, and worn out safety clamps. The project enhances a student’s learning experience, operations and provides improvements for a safer environment.

Timing for the project is slated for construction and replacement in January 2020 due to the intense scheduling of the theater. The District facilitated a public bid in August 2009. Bidders were given the option to bid audio, lighting system and instrument package or all categories. Applicants were evaluated using the District’s standard qualification criteria, including:

- Theatrical Experience and Work History
- Contractor’s Licensing
- Litigation and Arbitration History
- Compliance with Statutory Requirements
- Prevailing Wage Requirements
- Benefits and Retirement Programs
- Insurance and Bonding Requirements
- Project Personnel and Financial Information

The District received six applications and five of the six theatrical firms met the qualification criteria and were qualified to bid on this project. The five contractors submitted the following bids on August 12, 2009.

Contractor	Audio	Lighting & Instruments	Total Bid
Pacific West Sound Professional Audio & Design, Inc.	\$129,640	\$155,949	\$285,589
MBGS	\$156,168	n/a	\$156,168 (audio only)
Musson Theatrical, Inc.	n/a	\$146,816	\$146,816 (lighting only)
West Coast Sound & Light	\$168,577	\$150,141	\$318,718
Riverview Systems Group, Inc.	\$227,198	\$162,364	\$389,562

Pacific West Sound Professional Audio & Design, Inc. was the apparent low bidder. Following bid submission, Staff conducted due diligence on the proposed bid and found that Pacific West conducts business throughout California with a positive reputation for the craft of appropriate theatrical work. Their extensive work includes clients in both the private and public sectors, with significant work on college campuses and with municipalities. Staff believes that Pacific West Sound Professional Audio & Design, Inc.'s low bid reflects aggressive pricing current in the bidding marketplace and that they have the expertise and resources to accomplish successfully the desired outcome of the project. Furthermore, they have exhibited a safety record that exceeds the District's insurance standards.

This project will be funded out of Measure "A" general obligation bond funds.

RECOMMENDATION

The District recommends that the Board of Trustees award a contract for the Skyline College Theater Audio and Visual Equipment Upgrades Project to Pacific West Sound Professional Audio & Design, Inc. in the amount not to exceed \$285,589.

BOARD REPORT NO. 09-9-101B

TO: Members of the Board of Trustees
FROM: Ron Galatolo, Chancellor
PREPARED BY: Jan Roecks, Director of General Services, 358-6879

**APPROVAL OF CONTRACT WITH CASEY PRINTING, INC.
TO PRINT AND DELIVER 2010 CLASS SCHEDULES**

The Department of General Services put out a Request for Bid for printing and delivering the 2010 class schedules for the three Colleges in August, 2009. The District has had a contract with Casey Printing for the last five years which included a contract for the first two years with three one-year renewals. This contract expired in August, 2009.

The Bid requested responses from companies that were “green committed,” which at a minimum means the company would be using soy inks and offering recycled paper in production of the schedules. In requesting pricing, the District had specific forecasted quantities of schedules for each College, noting that the quantity of schedules ordered may change significantly given the various economic factors the District is facing.

The bid was delivered to nineteen printing companies and nine companies responded. One of the respondents was deemed noncompliant by submitting an incomplete bid package. The bid results and quantities for the successfully responding eight companies are attached as Exhibit A. The general conditions of the bid provide for award of the contract for one year with two one-year renewals upon mutual agreement of the District and the successful bidder.

The winner of the competitive bidding was the low bidder, Casey Printing of King City, California, with a proposal of \$206,670 per year for all three Colleges. Casey Printing is a certified “Green” business in the Monterey Bay Area Green Business Program which means that they not only meet stringent environmentally friendly business practices, but also demonstrate their commitment to the environment in that more than 78% of paper run through Casey’s presses qualifies as recycled per the State of California standards. Having worked with Casey Printing for the last five years, the District has been very pleased with the schedules they have produced and has found their customer service to be extremely responsive.

RECOMMENDATION

It is recommended that the Board of Trustees approve the two-year contract with Casey Printing, Inc. to print and deliver the 2010 class schedules in the amount of \$206,670 plus applicable sales tax.

**Class Schedule Printing Bid Dollar Comparison
 Bid 86606, August 2009
 Price is inclusive, except for taxes**

Vendor		Westco	Barlow	Folgers	Pacific Press	Liberty Press	Casey Printing	Delta	Consolidated Printers
Semester	College								
Spring 2010	Cañada	\$22,323	\$23,903	\$29,875	\$34,786	\$23,809	\$21,562	\$25,827	\$34,775
Summer/Fall 2010	Cañada	\$25,970	\$53,890	\$34,925	\$42,093	\$26,965	\$24,725	\$27,936	\$42,241
Total Cañada		\$48,293	\$77,793	\$64,800	\$76,879	\$50,774	\$46,287	\$53,763	\$77,016
Spring 2010	CSM	\$34,830	\$35,878	\$39,850	\$47,716	\$33,895	\$31,073	\$39,401	\$42,570
Summer 2010	CSM	\$19,540	\$21,282	\$27,800	\$27,494	\$24,346	\$17,932	\$24,665	\$26,274
Fall 2010	CSM	\$34,830	\$35,878	\$39,850	\$47,716	\$33,895	\$31,073	\$39,401	\$42,570
Total CSM		\$89,199	\$93,038	\$107,500	\$122,926	\$92,136	\$80,078	\$103,467	\$111,414
Spring 2010	Skyline	\$31,597	\$36,807	\$34,700	\$48,260	\$33,091	\$29,616	\$32,615	\$45,014
Summer 2010	Skyline	\$21,393	\$24,566	\$25,350	\$33,662	\$23,229	\$21,073	\$24,284	\$30,264
Fall 2010	Skyline	\$31,597	\$36,807	\$34,700	\$48,260	\$33,091	\$29,616	\$32,615	\$45,014
Total Skyline		\$84,587	\$98,180	\$94,750	\$130,182	\$89,411	\$80,305	\$89,514	\$120,292
Grand Total all 3 Colleges		\$222,079	\$269,011	\$267,050	\$329,987	\$232,321	\$206,670	\$246,744	\$308,722

BOARD REPORT NO. 09-9-102B

TO: Members of the Board of Trustees
FROM: Ron Galatolo, Chancellor
PREPARED BY: Jan Roecks, Director of General Services, 358-6879

MULTIPLE CONTRACT AWARDS FOR ACADEMIC FURNITURE

The San Mateo County Community College District (SMCCCD) successfully partnered with the Foundation for California Community Colleges (FCCC) in 2003 and 2008 to develop competitively solicited contracts for the procurement of Academic Application Furniture and in 2005 to develop competitively solicited contracts for the procurement of Administrative Furniture.

The awarded contracts for Administrative Furniture are set to expire in March of 2010. Several Community College Districts that are utilizing the Administrative Furniture contract, including SMCCCD, have identified some areas where additional products are necessary. The FCCC, in partnership with the District, issued a new Request for Proposal (RFP) for competitive pricing for Office Areas, Conference Rooms, Executive Offices, and Other Specialty Application Furniture. The specifications for this RFP were developed from the prior furniture contract standards established by SMCCCD. This approach maximizes the economic strength by the FCCC in the purchase of furniture by representing colleges system-wide to prospective vendors.

This was a public, competitive bid process completed by the Lead Public Agency (in this case, the FCCC) which will subsequently be “piggybacked” upon by other college districts pursuant to Public Contract Code §20652. The FCCC will be the prime contractor, monitoring quality of services and contract compliance from the vendors. The District will piggyback on the contract and, as a partner working through the RFP process, will receive a 2% rebate which normally would be paid to the FCCC as part of the purchasing contract. There are no guaranteed purchases required of the Lead Public Agency or any other participating college or district.

The RFP process followed a process similar to the one used for procuring the Academic Application Furniture contract in 2008. A committee comprised of the FCCC Director of Purchasing, an FCCC purchasing consultant, the District’s Director of General Services and a District Buyer, as well as the President of Dovetail Consultants, worked in partnership to complete the RFP and review the bids.

Bids were due on June 24, 2009. Eight proposals were received and five of those proposals were evaluated by the committee. (At the bid opening, three of the proposals were determined to be non-compliant and were not reviewed further.) The RFP stipulated that multiple contracts may be awarded to each of the eight classifications of furniture: Office Area Items, Executive Office Items, Open Office Items, Lounge Seating, Meeting and Conference Room Items, Technology Tools, Tack, White, and Display Boards, and Children’s Furniture. Based upon the results of the detailed scoring mechanism and the outstanding references from other community colleges, the FCCC awarded contracts to the following companies:

Office Area Items	Haworth	Krueger International	SIS-USA
Executive Office Items	Haworth	Krueger International	
Open Office Items	Haworth	Krueger International	
Lounge Seating	Haworth	Krueger International	Arcadia
Meeting and Conference Room Items	Haworth	Krueger International	
Technology Tools	Haworth	Krueger International	SIS-USA
Tack, White, and Display Boards	Haworth		
Children's Furniture	Haworth	Community Playthings	

RECOMMENDATION

It is recommended that the Board of Trustees approve use of the piggyback clause in the contracts established by the Foundation for the California Community Colleges for Arcadia, Community Playthings, Haworth, Krueger International (KI), and SIS-USA for Administrative Furniture. The contract terms are for three (3) years with two one (1) year renewals effective September, 2009.

BOARD REPORT NO. 09-9-103B

TO: Members of the Board of Trustees

FROM: Ron Galatolo, Chancellor

PREPARED BY: Tom Bauer, Director of Auxiliary Services, 358-6782
Harry W. Joel, Vice Chancellor-Human Resources & Employee Relations, 358-6767

**ESTABLISHMENT OF SAN MATEO ATHLETIC CLUB AND AQUATICS CENTER
AT COLLEGE OF SAN MATEO**

On July 22, 2009 an information report was presented to the Board of Trustees providing the background of the proposed fitness center to be located in Building 5 at College of San Mateo. Given the unstable financial situation with the State budget and future economic unknowns, the creation of an Athletic Club and Aquatics Center in the near future presents major challenges to the College and the District. In the District there is very little expertise or knowledge of the administration of a fitness center or an aquatics center. In order for the new Athletic Club and Aquatics Center to be successful, there must be an aggressive marketing campaign and membership drive well before the opening of the club and center, which is scheduled to occur in February 2010.

At a time when we are reducing programs and eliminating positions within the District, it is not prudent to be recruiting and hiring our own staff to oversee a marketing campaign and membership drive. Again, given our lack of expertise in fitness centers, it is our contention that to be successful in operating a fitness center that is profitable, we need to hire that expertise through a company that is expert in all aspects operating a fitness center. At this time, we are seeking to hire a consultant in a professional services contract to assist the District with pre-opening marketing and membership recruitment.

RECOMMENDATION

It is recommended that the Board of Trustees approve contracting with Club One for consulting services to assist the District in pre-opening marketing of the Athletic Club; recommendations for staffing of the Athletic Club and Aquatics Center; and guidance in budget assumptions and fees and member services policies and procedures, in an amount not to exceed \$65,000 during the period beginning October 1, 2009 and ending January 31, 2010.

BOARD REPORT NO. 09-9-104B

TO: Members of the Board of Trustees

FROM: Ron Galatolo, Chancellor

PREPARED BY: Linda da Silva, Executive Director of Construction Planning (358-6726)

**AUTHORIZATION TO AUGMENT THE DESIGN BUILD CONTRACT FOR THE
COLLEGE OF SAN MATEO BUILDINGS 12/15/17/34 MODERNIZATION PROJECT, AND
EXPAND THE CONTRACT TO INCLUDE RENOVATION OF BUILDING 9**

On January 28, 2009 the Board approved award of a design build contract for the renovation of College of San Mateo Buildings 12, 15, 17 and 34 to Pankow Special Projects, L.P. (Board Report No. 09-01-105B), in an amount not to exceed \$5,500,000. During the course of completing the design development and construction document phases of the work, and with the construction of Buildings 15 and 17 under way, Pankow, the College and District have worked well together in the collaborative process the design build delivery method is intended to foster.

In light of the differing nature of the design build delivery method, the legislature enacted legislation specifying a proposal and award process that differs markedly from those governing the traditional design-bid-build delivery method. This legislation was incorporated into Education Code §81700, and subsequently expanded in Education Code §17250. After conferring with County Counsel on the nature of the design build process and the intent of the code, District staff issued a Request for Proposal (RFP) to the three design-builders currently under contract on District projects (Hensel Phelps Construction Company, McCarthy Building Companies, Pankow Special Projects L.P.) for the renovation of the restrooms and lobby of College of San Mateo Building 9.

College of San Mateo's Building 9 was originally constructed in 1963. It has undergone seismic upgrades and tenant improvements over the past 15 years, but the restrooms have never been renovated. The second floor lobby entrance reconfiguration undertaken as part of the 1994 seismic upgrade of the building has resulted in western wind-driven rain entering the lobby and damaging the floor covering, in addition to creating a slip hazard. In addition, the second floor deck leaks into occupied space on the first floor. District staff anticipated that by engaging mobilized design builders, this relatively minor renovation work could be undertaken as a contract change order using the design builders' existing management staff and subcontractors to perform the work, thereby minimizing the cost to the District.

District staff issued the RFP on July 22, 2009. On September 2nd, proposals were submitted by Pankow and McCarthy; Hensel Phelps declined to propose because their estimating team was focused on bidding significantly larger projects at the time, and they felt they could not be as competitive as Pankow and McCarthy due to their siting at Skyline College. Staff evaluated Pankow's and McCarthy's proposals in accordance with the following stated criteria:

Evaluation Criteria	Maximum Possible Points	Pankow	McCarthy
Price	40	40	38
Price Certainty	30	30	30
Project Management Plan	30	28	28
Total Score	100	98	96

Each of the teams' proposals demonstrated that they could clearly perform the work satisfactorily and within the District's allocated budget. Incorporating these changes into Pankow's contract takes advantage of their onsite presence and provides efficiency of construction trade sequencing with identical work in Building 12. If the changes were to be made at a later date, or bought out through a separate construction contract using the design-bid-build delivery method, the construction cost would increase 20% - 30%, have additional administrative burden, cause additional disruption to College operations and delay the benefit of improved facilities for students.

In addition to expanding Pankow's contract to include the Building 9 restrooms and lobby, there is an opportunity to expand the scope contracted for Building 34 to realize operational efficiencies. Pankow's scope in Building 34 includes preparing approximately 6,500 square feet for use by the Facilities Department for grounds maintenance equipment and material storage, and approximately 2,300 square feet of space to house apparatus and equipment used by the Fire Sciences program. College and District staff are exploring the possibility of housing College Receiving and the main mail room in Building 34 (from Buildings 7 and 1), to create staffing and supervisory efficiencies and adjacencies with the loading the mail activities in the new College Center Building 10. This would free up space in the Facilities Maintenance Center Building 7 for grounds maintenance and material storage, and allow the Facilities Department to realize much greater efficiencies and supervision in its operations.

Finally, there is a need to increase scope in Building 17. Upon testing for hazardous materials in Building 17 prior to construction, it was revealed that the percentage of asbestos in the existing walls was greater than originally anticipated. The asbestos-containing material (ACM), when left undisturbed in the walls, is safe; however, the extraordinary measures required during disruption of the ACM (during reconstruction activities by Pankow, or any time in the future when walls are being drilled into or otherwise modified) is of enough concern and cost that the District is best served by removing all the interior walls that were slated to remain and to completely rebuild them.

Pankow's proposals for each of the scope changes noted above has been reviewed by the District's internal staff resources of architects, engineers and contractors who work in the Construction Planning Department, comparing cost assumptions and data from the District's construction cost management consultant (Cumming Corporation), construction management consultant (Swinerton Management & Consulting), and compared to comparable work at the District's other construction projects to ensure that Pankow's pricing is fair, reasonable, within the project budget, and would bring value to the project.

The funding source for this work is Measure A general obligation bond funds.

RECOMMENDATION

It is recommended that the Board authorize the Executive Vice Chancellor to execute a change order to augment the existing design build contract with Pankow Special Projects, L.P. in an amount not to exceed \$1,900,000 for the College of San Mateo Building 9 restroom and lobby renovation, and additional scope in Buildings 17 and 34.

8.38 Gifts and Donations

1. A gift or donation is defined as a contribution of money, securities, real or other property, goods, or, in some cases, services to the District/Colleges or any organization officially sponsored by the District/Colleges (e.g., student club) in exchange for which no return is given. Such a donation may not be designated to benefit a specific person; donors will only be allowed to establish broad criteria over the disposition of a donation and all IRS requirements shall be observed.
2. For gifts and donations which have a value of \$250 or more, the College or District Chief Executive Officer shall accept or decline the contribution on behalf of the Board and report all such contributions in summary form to the Board semi-annually, with the date of receipt of the contribution shown.
 - a. Gifts with a value of less than \$250 will be accepted or declined by the receiving unit's manager.
 - b. The value of a contribution will be reported on the aggregate value of all items contributed at one time by a single donor and not the individual value of each item separately.
3. Only those gifts and donations which are deemed by the receiving unit's manager to be useful to the educational program, to support services, or for fund-raising will be accepted. All gifts and donations shall be used for the purpose specified by the donors. Unrestricted gifts or donations shall be used in accordance with District/College plans.
4. For contributions valued at \$250 or more, the appropriate College or District Chief Executive Officer shall provide the donor with an official acknowledgment of the contribution. The receiving unit's manager will provide appropriate acknowledgment for contributions with a value of less than \$250. Except for the case of a monetary contribution, it is the responsibility of the donor to provide an estimate of the value of the contribution.
5. In most cases, naming opportunities for District facilities will be reserved for major donors, whose financial contributions significantly enhance the District's ability to build, renovate or rehabilitate facilities. The term "facilities" includes but is not limited to buildings, rooms, plazas, gardens, walkways, streets, and other spatial areas or structures on District property. The funding does not necessarily need to involve the named facility. Proposals for such naming may come from any source, including The San Mateo County Community Colleges Foundation. Upon a proposal, the president of the Board of Trustees, the chancellor of the District, and the president of any involved college (in consultation with the campus community) shall constitute a committee to make a recommendation to the Board, which shall have the final authority.
6. On occasion, in recognition of an extraordinary and enduring accomplishment or contribution to the College District or the Colleges, a facility may be named for a person who has not made a financial contribution to the District. Upon a proposal, the president of the Board of Trustees, the chancellor of the District, and the president of any involved college (in consultation with the campus community) shall constitute a committee to make a recommendation to the Board, which shall have the final authority.
7. Employees are encouraged to refer prospective donors to The San Mateo County Community Colleges Foundation.