

AGENDA
SAN MATEO COUNTY COMMUNITY COLLEGE DISTRICT
BOARD OF TRUSTEES STUDY SESSION
October 10, 2012, 7:00 p.m.
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 and potential or existing litigation. 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 3401CSM Drive, San Mateo, CA 94402.*
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7:00 p.m. **ROLL CALL**

Pledge of Allegiance

DISCUSSION OF THE ORDER OF THE AGENDA

MINUTES

- 12-10-1 Approval of the Minutes of the Study Session of September 12, 2012
- 12-10-2 Approval of the Minutes of the Regular Meeting of September 19, 2012

STATEMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

NEW BUSINESS

- 12-10-1A Approval of Personnel Actions: Changes in Assignment, Compensation, Placement, Leaves, Staff Allocations and Classification of Academic and Classified Personnel

Other Recommendations

- 12-10-100B Contract Award for College of San Mateo Health and Wellness Building 5 First Floor Locker Rooms Renovations Project

STUDY SESSION

12-10-1C Continuing Discussion of “At Large” vs. “By District” College Board Elections

RECESS TO CLOSED SESSION

1. Closed Session Personnel Items

A. Public Employment:

1. Employment: **College of San Mateo** – Instructional Aide II, Language Arts;
District Office – Bookstore Operations Assistant, Auxiliary Services

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 12, 2012, San Mateo, CA**

The meeting was called to order at 7:35 p.m.

Board Members Present: President Dave Mandelkern, Vice President Helen Hausman, Trustees Richard Holober, Patricia Miljanich, Karen Schwarz, and Student Trustee Bailey Girard

Others Present: Chancellor Ron Galatolo, Executive Vice Chancellor Kathy Blackwood

Pledge of Allegiance

DISCUSSION OF THE ORDER OF THE AGENDA

None

MINUTES

It was moved by Trustee Schwarz and seconded by Vice President Hausman to approve the minutes of the August 15, 2012 meeting of the Board. The motion carried, all members voting "Aye."

STATEMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

None

NEW BUSINESS

APPROVAL OF PERSONNEL ACTIONS: CHANGES IN ASSIGNMENT, COMPENSATION, PLACEMENT, LEAVES, STAFF ALLOCATIONS AND CLASSIFICATION OF ACADEMIC AND CLASSIFIED PERSONNEL (12-9-1A)

It was moved by Trustee Schwarz and seconded by Vice President Hausman to approve the actions in Board Report No. 12-9-1A. The motion carried, all members voting "Aye."

APPROVAL OF CONTRACT FOR PRINTING AND DELIVERY OF CLASS SCHEDULES AND CATALOGS THROUGH 2015 (12-9-100B)

It was moved by Vice President Hausman and seconded by Student Trustee Girard to approve the contract as detailed in the report. The motion carried, all members voting "Aye."

PUBLIC HEARING TO RECEIVE INPUT ON "AT LARGE" VERSUS "BY DISTRICT" COLLEGE BOARD ELECTIONS (12-9-101B)

It was moved by Vice President Hausman and seconded by Trustee Holober to conduct the public hearing. The motion carried, all members voting "Aye." President Mandelkern opened the public hearing at 7:40 p.m.

President Mandelkern introduced Michael Wagaman, a demographer hired by the Board, and William Tunick of Dannis Wolliver Kelley who is acting as counsel to the Board on this matter.

Mr. Wagaman's presentation included the following information:

1. Types of Elections

A. Methods

- At Large – all eligible voters may vote for any candidates and candidates may live anywhere in the County. This is the method currently in place for SMCCCD elections.
- From District – all eligible voters may vote for any candidates but candidates must live within a particular district. This is the method currently in place for the San Mateo County Board of Supervisors.

- By District – both voters and candidates must live in a particular district. This is the method used for electing members of the U.S. House of Representatives.

B. The California Voting Rights Act (CVRA)

The CVRA states that “an at-large method of election may not be imposed or applied in a manner that impairs the ability of a protected class to elect candidates of its choice or its ability to influence the outcome of an election. . .” The CVRA looks at the method of election vs. specific district boundaries. It does not require the ability to draw a majority-minority district nor does it require demonstrating intent to discriminate.

C. Changing Method of Election

Chapter 14027 of the California Education Code states that “notwithstanding any other law, the governing board of a community college district may change election system. . .upon the adoption by the board of trustees of a resolution in support of electing the trustees in accordance with this section and upon the approval of the Board of Governors of the California Community Colleges.” There may be five, seven or nine districts with equal population.

2. Redistricting Criteria

A. Equal Population

Equal population is required by both federal and state law. No more than 10% total deviation had been the rule; however, federal courts have required increasing levels of justification for deviations and most advise aiming for less deviation. The total population of San Mateo County is 718,451. With five districts, the ideal district would have a population of 143,690.

B. Federal Voting Rights Act

Section II applies to all jurisdictions and looks at district boundaries vs. method of election. Under the so-called “Gingles” test, a claim under Section II requires the following three preconditions all be met:

- the minority group must be able to demonstrate that it is sufficiently large and geographically compact to constitute a majority in a single-member district;
- the minority group must be able to show that it is politically cohesive;
- the minority must be able to demonstrate that a white majority votes sufficiently as a bloc to enable it to defeat the minority’s preferred candidate.

A board may choose to draw a majority-minority district even if it does not meet all three Gingles tests and is, therefore, not required to do so.

C. Contiguity

A district is contiguous if all parts are connected to each other and one may travel from any location to any other location without crossing another district.

D. Community of Interest

A community of interest is a contiguous population which shares common social and economic interests that should be included within a single district for purposes of its representation. Examples of shared interests are those common to an urban area, a rural area, an industrial area or an agricultural area, and those common to areas in which the people share similar living standards, use the same transportation facilities, have similar work opportunities or have access to the same media of communication relevant to the election process.

E. Other Jurisdictions

The districts should minimize the division of other jurisdictions, i.e., Board of Supervisors, Board of Education, cities, school districts and official neighborhood boundaries, especially when those correspond to communities of interest. Other considerations are topography and geography, compactness, minimizing placing multiple campuses in the same district, and minimizing placing multiple incumbents in the same district.

3. Technical Details

A. Building Blocks – one county, 20 cities, 312 census tracts, 9,262 census blocks

B. Data:

- Census – population and voting age population (VAP) by race/ethnicity
- American Community Survey – citizen voting age population (CVAP) by race/ethnicity
- Electoral – Statement of registration and vote from 2002-2010

Mr. Wagaman demonstrated the software he uses to draw districts which allows him to look at many different factors.

President Mandelkern thanked Mr. Wagaman for his presentation and asked if there were comments or questions from the public.

Gregory Conlon, a candidate for the City Council of Atherton, said he supports by district elections. He said he previously was appointed to serve on the California Public Utilities Commission and the California Transportation Commission. He said he observed that when members of boards or commissions are not spread equally over a service area, the residents may not be represented fairly. He cited the example of the U.S. Congress, saying that if representatives were not elected through a by district method, they would have no single person to go to with concerns and would have to lobby everyone. Mr. Conlon said that financing can be a barrier to running for office and fewer or no people may run for Countywide office because of the cost.

David Cary said he is a board member of Californians for Electoral Reform which advocates for better representation for voters. He said this organization supports all members being elected proportionally, using ranked choice voting. He said this would expand choices for voters. He encouraged the Board to embrace two fundamental ideals: representation for all and universal voting rights that go beyond the CVRA.

Dave Pine, a member of the San Mateo County Board of Supervisors, said he has been advocating for by district elections for several years. He said this method promotes more democracy and more dialogue. He said the County has many voters to reach and dividing it into five districts would make it more manageable. Supervisor Pine said by district elections would increase the likelihood that boards would be more diverse and could make it possible for people to run who do not do so now because of cost. He said it would increase the connection between citizens and institutions. He said he feels strongly that by district elections are the way to go, even though drawing the lines would be a difficult task.

Virginia Chang Kiraly said she was speaking as a former Civil Grand Jury foreperson. She said the 2008-09 Civil Grand Jury made a report on election reform and issued a letter advocating by district elections for the Board of Supervisors, which she supports. She commended the Board for considering this issue. She said that if the Board moves forward, the redrawing of lines will be difficult and she asked that the Board carry their vision forward and consider fair representation for everyone when redrawing the lines.

President Mandelkern asked Mr. Tunick if districts are drawn on equal census population or equal voter population. Mr. Tunick said that when considering equal population, the data set that is looked at is voting age population.

President Mandelkern asked if ranked choice voting is an option. Mr. Tunick said a recently passed law regarding community colleges moving to trustee areas speaks specifically about single district trustee areas; he said ranked choice voting is probably out of the question. Other options might be larger boards or having a top two primary system.

Trustee Miljanich said her motivation in considering a change in the method of voting has nothing to do with potential lawsuits but is to improve representation for the population in San Mateo County. President Mandelkern agreed, noting that some press reports questioned the motives of the Board. He said the Board has an opportunity

and an obligation to periodically review the method by which Board members are elected, seeking to determine if there is adequate representation in the County in terms of geographic diversity, ethnic diversity and other factors.

Trustee Miljanich said there are many ways to view which criteria are important. She noted that the Board has had discussions in the past about the problems associated with campaign financing but she does not believe there will be change in this area in the foreseeable future. Trustee Miljanich said that in terms of culture and demography, the Board currently does not represent the County. She said the Board now has the opportunity to consider the possibility that changing the election method may increase the likelihood of increasing diversity. She said another important factor is the way in which elected leaders mentor and support prospective leaders in the County.

Vice President Hausman said she agrees with everything that has been said but questioned whether any California community colleges have conducted by district elections long enough to research how effective the method is and whether board members tend to care only about their own districts. President Mandelkern said community colleges have been conducting by district elections for quite some time and he asked Chancellor Galatolo if he had any data on this. Chancellor Galatolo said he did not but could research the question.

Trustee Holober said there are many colleges that have had by district elections for some time, with many variations. He said a better example is County Boards of Supervisors. San Mateo County is the only county that has at-large elections, with the added burden of having to live in one district but run Countywide and be the top vote-getter. In contrast, a candidate for the SMCCCD Board can come in third and still be successful. Trustee Holober said he has not heard an outcry from other counties that their supervisors care only about their own district; he does not believe there is evidence that the by district election system has created a narrow focus.

President Mandelkern said he believes it is easier for members of the public if they feel they have one representative to go to rather than having to lobby all representatives. He said this counterbalances to some degree the valid point regarding factionalism of a board when members are representing different districts.

Vice President Hausman said she observed factionalism when a school had to be closed while she was serving on the Sequoia Union High Board. She said she is not saying she is opposed to trustee districts but wants to make sure that all aspects are considered.

Trustee Schwarz said she previously served on the San Mateo County Board of Education and had to reside in a trustee area but be elected Countywide. She said she personally never had a problem representing the entire county, although she is aware that this has been an issue in some cities. Trustee Schwarz said campaign financing is a serious concern but one that which, unfortunately, the Board can do nothing about.

Student Trustee Girard said there are nine districts within the Los Angeles Unified District, each representing one school because the size of the district makes it difficult to commute from one school to another. He said the election method depends partially on the size of a district as well as its diversity and shared opinions.

Trustee Miljanich said the reality is that the County is a changing community and is now a “majority minority” county. She said that certain populations could easily feel that they are not represented. She said many people are very interested in their communities but having to run Countywide is a barrier. Trustee Miljanich said there is no guarantee that by district elections would yield more diversity in terms of who is elected but they would likely result in more candidates running for office.

President Mandelkern agreed that by district elections may not guarantee outcomes but said they would increase opportunity. He said the Board has the option to create more than five districts. He noted that the Coastsides does not fit the criteria to be a community of interest if there are five districts and questioned whether it would become a community of interest if there were nine districts. Mr. Wagaman said that with nine districts, the Coastsides would still not become a community of interest but would be close.

Trustee Holober said there are some unique sources of discontent for the unincorporated parts of the Coastsides in terms of services provided by the County that are specific to local government rather than to education. He said he has not heard discontent expressed regarding the colleges. Trustee Holober said that while the situation is not

black and white, he leans heavily toward believing that by district elections are, on balance, a better way to encourage participation.

Trustee Holoher asked what options are available to the Board, e.g. variations of at-large or by district elections or other methods. Mr. Tunick said options are limited due to the recently passed law. He said two options which would be allowed are different numbers of districts (five, seven or nine) and a top two primary race, in which there would be a primary followed by a runoff.

Trustee Miljanich said she has believed for some time that by district elections are the way to go and she believes the time has come to switch to by district elections. She said she sees no particular value in having more than five districts to cover the three colleges.

President Mandelkern said he believes the Board has worked well in focusing on the needs of all three campuses and has spent time and concern on the Coastsides. He said he believes the advantages of by district elections outweigh the potential disadvantages. He said this issue is not about how the Board works today, but about how future boards will be constituted to best represent the residents of the County.

President Mandelkern said there will be another public hearing on this issue during the next Board meeting, to be held at Skyline College at 7:00 p.m. on September 19. He said the Board received some public input tonight and also got a better sense of how Board members feel about switching to by district elections.

Trustee Holoher said that he appreciates the testimony from members of the public. He said that while the comments focused on the desirability of by district elections, he was hoping to hear more specific input on how any particular community of interest would like to see things changed. He said it might make sense to have a first draft so that people can respond to a real plan.

Trustee Schwarz said she would like to see examples that include incorporating expansion of the Board, particularly to seven members. Trustee Miljanich said she would like to see more than one option, such as seven districts and some variations of five districts. Mr. Wagaman said the Board should be aware that changing the number of districts may affect that way the CVRA applies. He noted that race cannot be a predominant factor in drawing lines. Mr. Wagaman said the Board should provide him information on items on which they wish to focus.

After discussion, the Board determined that they would like to see examples of redrawn districts with the following items being considered: geography, Latino and Asian/Pacific Islander density, incumbency, unincorporated areas, and keeping cities whole. Chancellor Galatolo suggested that in order to identify communities of interest, it would be desirable to look at nine districts as well as five and seven. The Board agreed to request two examples of five districts, one of seven districts and one of nine districts. Mr. Wagaman said he would be able to provide some maps for the next public hearing but probably not all because of the time constraint. Trustee Holoher said Mr. Wagaman should proceed in consultation with the subcommittee.

Trustee Holoher said the issue of campaign financing might be worth discussing at a future meeting; this will be added as a future topic for a study session.

Hearing no further questions or comments, President Mandelkern declared the public hearing closed at 9:35 p.m.

RECESS TO CLOSED SESSION

President Mandelkern said that during Closed Session, the Board will consider the personnel items listed as 1A, 1B and 1C on the printed agenda and will also hold a conference with legal counsel regarding one case of existing litigation as listed on the printed agenda.

The Board recessed to Closed Session at 9:40 p.m.

The Board reconvened to Open Session at 10:45 p.m.

CLOSED SESSION ACTIONS TAKEN

President Mandelkern announced that at the Closed Session just concluded, the Board voted 5-0 to approve the personnel items listed as 1A, 1B and 1C on the printed agenda.

ADJOURNMENT

It was moved by Trustee Miljanich and seconded by Trustee Schwarz to adjourn the meeting. The motion carried, all members voting "Aye." The meeting was adjourned at 10:47 p.m.

Submitted by

Ron Galatolo, Secretary

Approved and entered into the proceedings of the October 10, 2012 meeting.

Helen Hausman, Vice President-Clerk

**Minutes of the Regular Meeting of the Board of Trustees
San Mateo County Community College District
September 19, 2012, San Bruno, CA**

The meeting was called to order at 7:08 p.m.

Board Members Present: President Dave Mandelkern, Vice President-Clerk Helen Hausman, Trustees Richard Holober (arrived at 7:15), Patricia Miljanich (arrived at 7:18), Karen Schwarz, and Student Trustee Bailey Girard

Others Present: Chancellor Ron Galatolo, Executive Vice Chancellor Kathy Blackwood, Skyline College Vice President of Student Services Joi Blake, College of San Mateo Vice President of Student Services Jennifer Hughes, Cañada College President Jim Keller, District Academic Senate President Diana Bennett

Pledge of Allegiance

DISCUSSION OF THE ORDER OF THE AGENDA

President Mandelkern requested that the public hearing on Board elections (Item 12-9-105B) be heard after “Statements from Executives and Student Representatives.” There were no objections from the Board.

STATEMENTS FROM EXECUTIVES AND STUDENT REPRESENTATIVES

Skyline College Vice President Blake welcomed the Board and others to Skyline. She thanked Skyline faculty and staff, including Facilities employees, for helping with arrangements for the meeting. Vice President Blake announced that the Center for International Trade Development (CITD) received the Skyline Shines Employee Group Award. The Career Ladders project received the Skyline Shines Community Award; this project provided grant writing services free of charge that brought more than \$4 million to Skyline. The CITD has been promoting the internationalization of the Skyline campus and curriculum and recently hosted the President of the largest community college in Liberia. Skyline held a successful two-day retreat to identify key areas to grow in terms of diversity and equity. Skyline is holding its fifth annual Asian Culture Week which will culminate on September 22 with a performance by the China Dance School/Theater of San Francisco.

College of San Mateo Vice President Hughes said the College of San Mateo Learning Center has been very busy since officially opening this fall, with students coming in at all times of the day and night to study and receive support. The Academic-Peer Tutoring Program was launched recently. Twenty College of San Mateo students have been hired to offer both individual and group tutoring to students in a variety of subject areas. The program is currently under review for certification through the College Reading Learning Association’s International Tutor Training Program. Jennifer Mendoza, Learning Center Director, and Pepper Powell are working in the Learning Center to provide services to students and to integrate those services with other labs and centers on campus. Vice President Hughes said the Associated Students of College of San Mateo sponsored a successful Welcome Week. She commended student leaders at all three Colleges for organizing these events which make a difference in students’ initial experience at the Colleges. Vice President Hughes said College of San Mateo’s Institutional Planning Committee has been reviewing institutional data and has scheduled a planning day for September 22. The goal is to come away with one or two initiatives to focus on this year that are in line with institutional priorities.

Cañada College President Keller said Assemblyman Rich Gordon will speak to a Cañada political science class on September 25. Robert Reich, former Secretary of Labor, will speak at Cañada on October 17; there will be a charge for tickets for this event and proceeds will go to scholarship funds. The annual Artistry in Fashion event will take place on September 29. The Arts & Olive Festival will be held on October 7 and will include a VIP reception in the new Grove. The first annual Convocation was well attended by students, faculty, staff and members of the community. The Convocation is a way to introduce students to academic life at Cañada College.

Executive Vice Chancellor Blackwood deferred her comments to the presentation of the budget which is on the agenda for this meeting.

District Academic Senate President Bennett said the Academic Senate has been conducting new member orientation. President Bennett and AFT President Teeka James met with members of the Performance Evaluation Taskforce and reviewed expectations, answered questions and concerns, requested a timeline in mid-October, and offered any assistance

that Taskforce members may need. The Taskforce will provide monthly updates to AFT and the Academic Senate. President Bennett said that both she and Professor James are pleased with the selection of Taskforce members.

Student Trustee Girard said the student reports to the Board will begin next month.

PUBLIC HEARING TO RECEIVE INPUT ON “AT LARGE” VERSUS “BY DISTRICT” COLLEGE BOARD ELECTIONS (12-9-105B)

It was moved by Student Trustee Girard and seconded by Trustee Miljanich to hold the public hearing. The motion carried, all members voting “Aye.” President Mandelkern declared the public hearing open at 7:27 p.m.

President Mandelkern introduced demographer Michael Wagaman, who was participating by telephone, and William Tunick of Dannis Wolliver Kelley. Mr. Wagaman said that at the September 12 Board meeting, the Board discussed switching from at large to by district elections. The Board directed him to draw maps based on the number of districts (five, seven and nine) and various factors including population, the California Voting Rights Act, specific communities of interest such as the Coastal Community, and consideration of overlaps with other jurisdictions. Mr. Wagaman said he has prepared four scenarios which he will discuss tonight. His recommendation is that if the Board decides to move forward, they should focus on a scenario that they believe best represents their needs and provide additional direction on how they want that scenario refined so that additional maps can be brought forward at future meetings.

Mr. Wagaman said the first two scenarios both have five districts. The primary difference is whether the Coastal Community of Interest is split or kept whole. The third scenario has seven districts and the fourth scenario has nine districts. In all scenarios, the three campuses are located in three separate districts. Also in all scenarios, one district has two incumbents.

Mr. Wagaman described the four scenarios as follows:

Scenario 1A

This scenario has five districts. The Community of Interest (COI) on the Coast is split but the South County Latino COI is kept whole. This scenario has the fewest city splits of the four scenarios that will be presented tonight, with only South San Francisco and Redwood City being split. Mr. Wagaman said he tried to consider Redwood City’s officially adopted neighborhood associations and was able to keep all whole except the neighborhood of Redwood. District 1 is a potential Voting Rights Act seat as the voting age population is more than 50% Asian.

Scenario 2A

This scenario has five districts. The cities of South San Francisco, San Mateo and Belmont are split. Both the Coastal COI and the South County Latino COI are kept whole. Districts 1 and 5 are exactly the same as in Scenario 1.

Scenario 3A

This scenario has seven districts. The cities of San Mateo, Redwood City and Menlo Park are split. Daly City becomes its own district and the voting age population is more than 50% Asian. The Coastal COI, minus Pacifica, is kept whole, as is the South County Latino COI.

Scenario 4A

This scenario has nine districts. Six cities are split: Daly City, South San Francisco, San Bruno, San Mateo, Redwood City and Menlo Park. Districts 1 and 2 both have voting age populations that are more than 50% Asian. The Coastal COI and South County COI are kept whole. Several officially adopted neighborhood associations in Redwood City are split.

Mr. Wagaman said there are advantages and disadvantages to having a larger number of districts. With more districts, there will be more cities that are split but it is easier to keep smaller COIs whole and alone.

Mr. Wagaman said he could find no scenario in which the Latino voting age population would be more than 50%. He said the Latino COI can be kept whole and become an “influence seat” which could be considered in the Board’s deliberations as long as race is not the predominant factor in drawing the lines.

Trustee Miljanich asked what factors permit consideration of COIs, knowing that race cannot be the predominant factor. Mr. Tunick said race cannot be a predominant factor except in situations where a majority minority district is required in order to comply with the Federal Voting Rights Act. He said that COIs can be based on a variety of factors such as

residential vs. industrial, ethnicity, language or shared interest. Trustee Miljanich said she believes San Mateo County is a majority minority County and asked if race can therefore be considered. Mr. Tunick said race can be considered as a predominant factor only if there is concern about defending against a Federal Voting Rights Act claim.

David Cary said he represents Californians for Electoral Reform which works to improve representation of voters in government. He thanked the Board for their public service and stewardship of the community colleges. He said there is a conflict of interest when a board draws its own boundaries. He encouraged the Board to deal with this in a transparent manner and to be sure of what the processes and goals are. Mr. Cary said that before getting too deep into drawing maps, the Board should identify some guidelines and policies about how to avoid some serious abuses of the conflict of interest. He encouraged the Board to not use incumbents' location of residence as a factor in drawing boundaries. In terms of how to go about drawing boundaries, he encouraged the Board to make sure that voters within a district are as homogenous as possible. He said the board should look at general voting patterns and at contests that were education specific, and also look for polarized voting patterns. Mr. Cary said this will help assure that future boards will more fully represent the diversity that exists in the County.

Faith Schug, a Cañada College student and Vice President of the Fellowship of Beta Zeta Nu, Cañada's Phi Theta Kappa International Honors Society, said she believes there should be diversity among the districts and that they should not be isolated from each other. She said she does not believe districts should be drawn based on consistent voting patterns because she believes that diversity within a district is desirable.

Student Trustee Girard said he believes Scenario 3A is the most even way of organizing and might be able to work.

Trustee Schwarz asked why the way the County Board of Education is divided was not used as an example. Mr. Wagaman, noting that different groups have different interests, said he looked at this as an option and found that it did not as effectively accomplish other goals the Board has.

Trustee Miljanich said she would like the opportunity to have time to review what was presented. She said the presentation was a good starting point but there is considerable information to absorb. She said she would like to make sure that consideration is given to all factors and to the legal aspects as well.

Vice President Hausman said she is concerned about creating animosity in the community by dividing cities. She said another consideration should be where each College is located and what the factors are for each College. She said she agrees with Trustee Miljanich that this issue requires much thought and no decision should be made hastily.

Trustee Holober said he wanted clarification regarding the two laws to potentially consider: the Federal Voting Rights Act and the California Voting Rights Act. He said it is his understanding that by district elections per se satisfy any concern with the California Voting Rights Act. Mr. Tunick said this is correct. He said that one of the factors in looking at the Federal Voting Rights Act is compactness. Because it is not possible to draw a compact boundary and create a district that is 50% + 1 Latino, there would be no concern about issues with the Federal law. By contrast, it is possible to draw a compact district around the Asian population in the North County.

Trustee Holober said he realizes that there has not been a close legal review of the scenarios presented at this meeting but said his first impression is that they all would comply with State and Federal laws. Mr. Tunick said Mr. Wagaman understands the laws and has done a good job, but he would want to take a closer look at the scenarios in concert with the Board.

Trustee Holober said the Board is not considering changing the method of Board elections because of a concern about the State or Federal Voting Rights Acts, but because the Board is required by law after every census to look at how elections are conducted. He said there seems to be a fair amount of sentiment on the Board that by district elections may be a better way of serving democracy.

President Mandelkern, following up on a comment by a member of the public, asked for confirmation that it is permissible to consider incumbent location when drawing boundaries. Mr. Tunick said this can be considered at the local level.

President Mandelkern said he believes it would help to narrow the scope of inquiry by considering two factors:

1. the emerging consensus among Board members that by district elections are a preferable method because they increase diversity on the board, lower the cost of campaigning and increase accessibility to Board members.
2. If it is agreed that there is that consensus, determining the appropriate size of the Board (five, seven or nine members) would help form guidance going forward regarding which scenarios to look at in more detail and request specific map alternatives.

Regarding consensus to move to by district elections, Trustee Schwarz said she is not as enthusiastic as some of her colleagues about the discussion but would not vote against moving forward. Vice President Hausman said the reaction by the public might be very different when more specific borders are presented. She said that combining two cities that are completely different in orientation and thought could cause friction. Trustee Holober said the Board would be replacing one set of concerns with another; currently, candidates must run Countywide. There is not a concern in terms of geography but there are barriers in terms of being able to reach the large number of voters. He said switching to by district elections would open the process and create more competition. He said that some people who would like to consider running for a position on the Board wait until there is an opening because of the cost and because it is difficult to beat an incumbent. Trustee Holober said he leans heavily toward changing to by district elections. President Mandelkern said he also believes that the benefits of by district elections outweigh the costs.

Following discussion by Board members regarding the number of districts to have if switching to by district elections, the Board agreed that five districts would be preferable because fewer cities would be split; it is not possible to draw a compact boundary and create a district that is 50% + 1 Latino even with a larger number of districts; and small COIs can be kept whole.

Trustee Schwarz said she is concerned about splitting school districts as well as cities. The Board agreed that they would like to see a scenario that keeps elementary school districts whole, as well as looking more closely at the two five-district scenarios (1A and 2A) that were presented by Mr. Wagaman tonight. The Board also agreed that the district that includes the Coastsides should be drawn as shown in Scenario 1A. Mr. Wagaman said he will forward these three scenarios to the Board within one week. Discussion of the scenarios will be on the agenda for the next Board meeting.

Trustee Holober said that, under the current Board election rotation, two trustees would be up for election next year, and asked if this would change if the election method was changed. Mr. Tunick said he will research this and get back to the Board. Mr. Wagaman said the Community College League of California addresses this issue and the information is on the website. He said the Education Code section that allows the change in election method also addresses the issue.

Hearing no further questions or comments, President Mandelkern declared the public hearing closed at 8:58 p.m.

STATEMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

None

NEW BUSINESS

APPROVAL OF PERSONNEL ACTIONS: CHANGES IN ASSIGNMENT, COMPENSATION, PLACEMENT, LEAVES, STAFF ALLOCATIONS AND CLASSIFICATION OF ACADEMIC AND CLASSIFIED PERSONNEL (12-9-2A)

It was moved by Trustee Holober and seconded by Vice President Hausman to approve the actions in Board Report No. 12-9-2A. The motion carried, all members voting "Aye."

RATIFICATION OF RENEWED COLLECTIVE BARGAINING AGREEMENT BETWEEN THE DISTRICT AND THE AMERICAN FEDERATION OF TEACHERS (AFT) (12-9-3A)

It was moved by Trustee Holober and seconded by Trustee Miljanich to ratify the agreement as detailed in the report. President Mandelkern asked if the results of the voting by the AFT membership are available. Dan Kaplan, AFT Executive Secretary, said 97% of the votes cast were "yes" votes and 3% were "no." He said the voting rate was higher than ever before, partly because members were able to vote on Opening Day and the following day. President Mandelkern said the Board made a commitment that when resources became available, increases would be provided to faculty and staff. He said the Board is happy to be able to provide the increases at this time. After this discussion, the motion carried, all members voting "Aye."

RATIFICATION OF RE-OPENER ON WAGES AND MEDICAL CAP BETWEEN THE DISTRICT AND THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES (AFSCME), LOCAL 829 (12-9-4A)

It was moved by Trustee Schwarz and seconded by Vice President Hausman to ratify the re-opener as detailed in the report. Trustee Schwarz asked what the starting and ending dates of the contract are. Chancellor Galatolo said the contracts are typically for three years. Staff will verify the contract term and report to the Board. Trustee Holoher pointed out that this is a re-opener, indicating that the contract is in at least its second year. After this discussion, the motion carried, all members voting "Aye."

RATIFICATION OF THE RE-OPENER ON WAGES AND MEDICAL CAP BETWEEN THE DISTRICT AND THE CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION (CSEA), CHAPTER 33 (12-9-5A)

It was moved by Vice President Hausman and seconded by Trustee Schwarz to ratify the re-opener as detailed in the report. CSEA President Annette Perot reported that 152 CSEA members voted; 147 voted "yes" and 5 voted "no." President Mandelkern said the Board appreciates the hard work by staff and recognizes that it has been many years since the last increase. Ms. Perot thanked the Board on behalf of CSEA. After this discussion, the motion carried, all members voting "Aye."

APPROVAL OF WAGE ADJUSTMENT FOR ALL NON-REPRESENTED EMPLOYEES (12-9-6A)

It was moved by Vice President Hausman and seconded by Trustee Schwarz to approve the adjustment as detailed in the report. President Mandelkern said it is the Board's policy to treat everyone alike and fairly and this continues that policy. The motion carried, all members voting "Aye."

APPROVAL OF REVISION TO MISCELLANEOUS PAY RATES SALARY SCHEDULE (12-9-7A)

It was moved by Trustee Schwarz and seconded by Trustee Miljanich to approve the revision as detailed in the report. A member of the public asked for the definition of "miscellaneous pay raise." Executive Vice Chancellor Blackwood said this schedule is for short-term, non-continuing positions for non-regular employees. She said there are various rates for different positions and the only change being proposed is for assistant coaches. The same member of the public said she believes it is unfair for just one category to benefit from this proposal. Executive Vice Chancellor Blackwood said hourly rates are not changing; the only change is to put a limit on the amount assistant coaches can earn. Chancellor Galatolo said the objective of all of these pay rates is to draw the appropriate people for the positions. After this discussion, the motion carried, all members voting "Aye."

Other Recommendations

ADOPTION OF RESOLUTION NO. 12-11 IN SUPPORT OF CALIFORNIA PROPOSITION 30, THE SCHOOL AND LOCAL PUBLIC SAFETY PROTECTION ACT (12-9-1B)

It was moved by Student Trustee Girard and seconded by Trustee Miljanich to adopt Resolution No. 12-11. Trustee Holoher said he supports this recommendation because it is crucial for community colleges and all levels of public education at a time when the State is continuing to struggle and there is no sign of real recovery in terms of State revenue. He said there have been three years of consecutive cuts and, although the District has been more fortunate than some, it has had to reduce offerings and turn away students who are being turned away from the UCs and CSUs. Trustee Holoher said Proposition 30 is a small step, but one that will provide badly needed revenue for all segments of public education. Student Trustee Girard agreed. He said the Student Senate for California Community Colleges and the California Community College Association of Student Trustees are both supporting Proposition 30. After this discussion, the motion carried, all members voting "Aye."

APPROVAL OF CONTRACT AWARD FOR CAÑADA COLLEGE TENNIS FACILITY IMPROVEMENTS PROJECT (12-9-102B)

It was moved by Vice President Hausman and seconded by Trustee Schwarz to approve the contract award as detailed in the report. President Mandelkern asked what the source of funding is for the project. Chancellor Galatolo said half of the funding is from capital projects funds and the residual will likely be from redevelopment funds. After this discussion, the motion carried, all members voting "Aye."

PUBLIC HEARING OF THE 2012-13 FINAL BUDGET (12-9-103B)

It was moved by Trustee Schwarz and seconded by Vice President Hausman to conduct the public hearing. The motion carried, all members voting "Aye." President Mandelkern declared the public hearing open at 9:10 p.m.

Executive Vice Chancellor Blackwood said that if Proposition 30 passes, the impact on community colleges will be no new reductions; \$50 million growth funding; \$160 million reduction in deferrals; and \$341 million in redevelopment funds that will offset the State general apportionment. If Proposition 30 fails, the impact on community colleges will be \$338 million in budget cuts; no growth funding; 7.5% workload reduction; and the same \$341 million in redevelopment funds.

Executive Vice Chancellor Blackwood said the District achieved basic aid status in 2011-12 and is expected to retain this status. In 2013, the District will have a 3.3% increase in property taxes according to the County Assessor's Office. The District received \$2 million redevelopment residual funds last year and is projecting receiving the same amount this year. The Measure G parcel tax is entering year three of four years and brings in approximately \$7 million per year; the funds are used primarily to add course sections and student services. Cash flow continues to be an issue as property taxes are received in December and April while student fees are received primarily in August and January. In June, the Board approved issuance of Tax and Revenue Anticipation Notes to help make payroll until revenues come in.

Executive Vice Chancellor Blackwood said that looking only at the operating budget, there is still an operating deficit this year in the unrestricted general fund. However, last year the District budgeted an \$8 million operating deficit and, even at the time of the tentative budget in June, a \$4 million operating deficit was budgeted for 2012-13; this deficit has now been brought down to \$2.3 million. Taking the beginning balance in the unrestricted general fund, plus carryovers and deficit, the ending balance shows a 5% reserve.

Executive Vice Chancellor Blackwood said other District funds are:

- Internal Service – contains the self-insurance fund; maintains a reserve for potential claims and Workers Compensation medical bills.
- Debt Service – used for payment of General Obligation Bonds; shows money coming in from taxpayers and money going out to pay bondholders.
- Restricted Fund – one of the largest funds; contains funds for categorical programs.
- Capital Projects – consists of capital outlay projects and bond funds, which are slowly winding down.
- Enterprise/Auxiliary – consists of Bookstore, Cafeteria and San Mateo Athletic Club (SMAC); all are healthy; SMAC has turned a positive balance sooner than expected.
- Special Revenue – consists of Child Development and Measure G funds; as approved by the Board, the Child Development Centers at College of San Mateo and Skyline College are now using redevelopment funds to help support the Centers.
- Financial Aid – the amount in this fund is determined by student eligibility.
- Reserve for Post-Retirement Benefits – the Board started setting aside \$1.5 million per year about 20 years ago and three years ago the District established an irrevocable trust. The irrevocable trust now has \$26 million and \$22 million is in the post-retirement reserve. Chancellor Galatolo asked why this is not a component unit reflected in the budget. Executive Vice Chancellor Blackwood said it is because the Board does not control the investments. She said she will consult with the auditor about a way in which the information can be reflected in the budget, perhaps as a supplemental note. In response to a member of the public regarding the post-retirement fund, Chancellor Galatolo explained that the post-retirement fund is focused almost entirely on employee benefits and has nothing to do with income retirees receive as part of their pensions. President Mandelkern added that the number is determined by an actuary based on the actual employee population of the District. Executive Vice Chancellor Blackwood said an actuarial study is completed every two years.

Student Trustee Girard asked if student government funds are reflected in the budget. Executive Vice Chancellor Blackwood said they are not; the student body at each College has its own budget which is approved by the respective Vice President. Student Trustee Girard said that last year, one student government body contributed financially to the Child Development Fund; he asked if that would be reflected in the District's Special Revenue Fund. Executive Vice Chancellor Blackwood said it would.

Trustee Holober said the proposed budget contains an allocation to KCSM-TV which he recognizes is necessary because the station is still running. However, he said that this item should not be in next year's budget.

Trustee Schwarz said she enjoyed reading about the variety of questions asked of the people at the SMAC courtesy desk and the description of how those questions, many of which are unrelated to SMAC, are given courteous responses.

Trustee Schwarz noted that pages 110 and 111 of the Budget Report are stamped “No Borrowing.” Executive Vice Chancellor Blackwood said this indicates that the numbers may not match the State records because they reflect the students actually served by the District each year rather than the year in which the District recorded them for State purposes.

Hearing no further questions or comments, President Mandelkern declared the public hearing closed at 9:20 p.m.

ADOPTION OF THE 2012-13 FINAL BUDGET (12-9-104B)

It was moved by Trustee Miljanich and seconded by Vice President Hausman to adopt the final budget as detailed in the report. The motion carried, all members voting “Aye.”

INFORMATION REPORTS

UPDATE ON 2013 ACCREDITATION (12-9-1C)

Chancellor Galatolo said the report indicates that the three Colleges are on target to address the standards they must fulfill for the upcoming accreditation. He said this is an opportunity for the Board to look at the three individual College reports and ask any questions they have. Trustee Schwarz said the activities look positive so far. President Mandelkern commended Skyline College President Stanback Stroud for being vocal and clear that Skyline will meet every accreditation requirement without exception and there will be no compromise and no falling short of the mark. President Mandelkern said he appreciates this attitude and assumes that a similar attitude exists at the other two Colleges.

STATEMENTS FROM BOARD MEMBERS

Student Trustee Girard said the California Community College Association of Student Trustees has taken a stand against Proposition 32 and is looking at other bills. Student Trustee Girard attended the College of San Mateo Athletic Hall of Fame ceremony. He said the District Student Council now has a page on the District website.

Trustee Schwarz thanked Skyline College for hosting this meeting. She said she hopes the Board can travel to the other campuses as well. Trustee Schwarz and her family saw a wonderful show at the College of San Mateo Planetarium, which hosts shows open to the public on the second Friday of each month. She attended the Foundation meeting yesterday, to which President Claire brought one page of a student campus climate satisfaction survey. She said it was interesting and she would like to know if the Board can receive the entire report. Vice President Hughes said the report will be provided. Also at the Foundation meeting, a report on the annual campaign was presented which showed that donations exceeded the goal; Chancellor Galatolo’s team topped the list in donations. Trustee Schwarz said that, recognizing the financial difficulty of many of the District’s students, she had previously asked how much of the scholarship money was awarded to students who stay within the District’s Colleges. The Foundation provided information showing that \$477,000 was given out for the 2012-13 year and 60% went to students who were staying within the District system. Trustee Schwarz attended the first annual convocation at Cañada College and said it was an enthusiastic start to the school year. She attended the Opening Day event and complimented the bargaining unit representatives and District Academic Senate President Bennett for their interesting presentations. Trustee Schwarz also attended an AFSCME picnic, at which she saw three District employees, and the open house at Skyline College’s Disability Resource Center.

Trustee Miljanich said she appreciates being at Skyline College for this meeting and she also would like to travel to the other campuses.

Vice President Hausman said Skyline College provided a very nice setting for this meeting. She attended the College of San Mateo Athletic Hall of Fame ceremony and enjoyed the entertainment by the cheerleaders and the dance by the football team. She said the accomplishments of the inductees were varied and impressive. Vice President Hausman said the Foundation meeting yesterday was uplifting. A \$20,000 donor was present and other donors, including Chancellor Galatolo, were honored. She enjoyed the Opening Day event and said the speaker provided a different point of view.

Trustee Holober thanked Skyline College for doing an outstanding job hosting this meeting.

President Mandelkern attended the Opening Day event and said it was a good way to kick off the academic year. He attended the College of San Mateo Athletic Hall of Fame ceremony and noted that the list of inductees was impressive,

including Olympians and distinguished alumni who went on to be successful in their lives. President Mandelkern said he appreciates the hard work done by Skyline College staff to put this meeting together.

COMMUNICATIONS

President Mandelkern said that since the last regular Board meeting, the Board received two emails regarding KCSM-TV and one email from a student regarding an academic accommodation.

RECESS TO CLOSED SESSION

President Mandelkern announced that during Closed Session, the Board will consider the personnel item listed as 1A on the printed agenda.

President Mandelkern said the next meeting of the Board will be a Study Session on October 10 at 6:00 p.m. in the District Board Room.

The Board recessed to Closed Session at 9:45 p.m. and reconvened to Open Session at 11:00 p.m.

CLOSED SESSION ACTIONS TAKEN

President Mandelkern reported that at the Closed Session just concluded, the Board considered the personnel item listed on the printed agenda and voted 5-0 to approve the item listed as 1A.

ADJOURNMENT

It was moved by Trustee Schwarz and seconded by Trustee Miljanich to adjourn the meeting. The motion carried, all members voting "Aye." The meeting was adjourned at 11:02 p.m.

Submitted by

Ron Galatolo, Secretary

Approved and entered into the proceedings of the October 10, 2012 meeting.

Helen Hausman, Vice President-Clerk

BOARD REPORT 12-10-1A

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

Changes in assignment, compensation, placement, leaves, staff allocations and classification of academic and classified personnel:

A. REASSIGNMENT

Skyline College

Golda Margate (Gacutan) Administrative Assistant Vice President of Student Services

Reclassified from a full-time, 12-month Administrative Secretary position (Grade 27 of Salary Schedule 60) into this full-time, 12-month position (Grade 180S of Salary Schedule 40), effective July 1, 2012. The reclassification will more accurately reflect the responsibilities of the position.

B. LEAVE OF ABSENCE

Skyline College

Suzanne Poma Counselor Counseling Services

Recommend approval of a pregnancy disability leave of absence, effective October 8, 2012, pursuant to provisions of the Family and Medical Leave Act. Pursuant to District policy, employee is entitled to a maximum of twelve (12) calendar months of leave.

C. 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	Student Services	1	10/11/2012	5/24/2013	Retention Specialist: Provide retention support to TRiO and veteran students.

BOARD REPORT NO. 12-10-100B

TO: Members of the Board of Trustees

FROM: Ron Galatolo, Chancellor

PREPARED BY: Josè D. Nuñez, Vice Chancellor, Facilities Planning Maintenance & Operations, 358-6836

**CONTRACT AWARD FOR COLLEGE OF SAN MATEO HEALTH AND WELLNESS
BUILDING 5 FIRST FLOOR LOCKER ROOMS RENOVATIONS PROJECT**

Due to the overwhelming success of the San Mateo Athletic Club in attracting over 4,200 members of the local and district community to join the club as members, the men's and women's locker rooms on the first floor of the Health and Wellness Building 5 at College of San Mateo are in need of renovation in order to support the increased usage the facility has experienced and accommodate our still growing membership. This project reconfigures the locker rooms to maximize locker count capacity and increase the efficiency of the space, as well as providing a more user friendly layout.

On September 17 and 24, 2012 the District published legal notice inviting pre-qualified B Licensed contractors to bid on this project. Nine contractors who are on the District's 2012 Pre-Qualified Contractors list attended the mandatory pre-bid conference held on September 21, 2012. On October 1, 2012 seven of these firms submitted bids as follows:

General Contractor	Total Bid
Eternal Construction, Inc.	\$ 293,600.00
Angotti & Reilly, Inc.	\$ 383,020.00
Trico Construction (Galliera Inc.)	\$ 395,648.00
Lathrop Construction Assoc., Inc.	\$ 400,606.00
Beals Martin & Assoc., Inc.	\$ 404,973.00
Coulter Construction, Inc.	\$ 416,842.00
McEntee Construction	\$ 529,010.00

After bid opening, District staff conducted a due diligence investigation of the bid results to ascertain the lowest responsive, responsible bid that meets all the requirements of the project. In addition to pricing, all bidders were evaluated for their conformance with the bid documents requirements. This review determined that Eternal Construction, Inc. met all bid requirements and was deemed the lowest responsive, responsible bidder.

This project will be funded by local capital project funds.

RECOMMENDATION

It is recommended that the Board of Trustees award the contract for the College of San Mateo Health and Wellness Building 5 First Floor Locker Rooms Renovations Project to Eternal Construction, Inc. in an amount not to exceed \$293,600.

San Mateo County Community College District

October 10, 2012

BOARD REPORT NO. 12-10-1C

**CONTINUING DISCUSSION OF “AT LARGE” VERSUS “BY DISTRICT”
COLLEGE BOARD ELECTIONS**

There is no printed board report for this agenda item.