

Minutes of the Regular Meeting of the Board of Trustees
San Mateo County Community College District
October 28, 2009
San Mateo, CA

The meeting was called to order at 6:11 p.m. by Vice President Miljanich.

Board Members Present: President Karen Schwarz, Vice President-Clerk Patricia Miljanich, Trustees Helen Hausman, Richard Holober and Dave Mandelkern, and Student Trustee Virginia Medrano Rosales

Others Present: Chancellor Ron Galatolo, Executive Vice Chancellor Jim Keller, Skyline College President Victoria Morrow, College of San Mateo President Michael Claire, Cañada College President Tom Mohr, and District Academic Senate President Patty Dilko

Pledge of Allegiance

President Schwarz arrived at 6:14 p.m. and assumed control of the meeting.

DISCUSSION OF THE ORDER OF THE AGENDA

President Schwarz said that in order to accommodate guests, there is a request to move item 09-10-101B, Adoption of Resolution No. 09-9 Authorizing Lease Financing of the Acquisition and Construction of Cañada Vista, and Approving Related Documents and Actions, along with the meeting of the San Mateo County Community College District Financing Corporation, to take place immediately after “Statements from the Public on Non-Agenda Items.” There were no objections.

MINUTES

It was moved by Vice President Miljanich and seconded by Trustee Hausman to approve the minutes of the October 14, 2009 study session. The motion carried, all members voting “Aye.”

STATEMENTS FROM EXECUTIVES AND STUDENT REPRESENTATIVES

Executive Reports were presented by President Morrow, President Claire, President Mohr, President Dilko and College of San Mateo Associated Students President Steffi Santana. Copies of the Presidents’ Executive Reports were available for distribution at the meeting and are attached to the official minutes of record.

President Morrow said that on October 4, members of the Kababayan Program participated in the Filipino American History Month Celebration at the Asian Art Museum in San Francisco. Included were a discussion of and readings from *Aming Kuwento: Our Stories*, a collection of artwork, photography, poetry, short stories and essays published by the Kababayan Program in spring 2008. President Morrow said there was a large crowd on hand for the topping off ceremony for Building 4 on September 24. President Morrow said the quads are now fully landscaped.

President Claire acknowledged Mario Mihelcic and Jeremy Mileo who teamed with the local Veterans Administration to participate in a “Welcome Home” event held in San Francisco on September 26. President Claire said the number of students who are veterans at College of San Mateo has grown and Mr. Mihelcic and Mr. Mileo continue to serve them very well. President Claire said a new feature of his Executive Report will be a “Student Success Story” section. The current issue features Amber Klink, currently a student at Sarah Lawrence College in New York, who credits College of San Mateo for her success. President Claire announced that College of San Mateo alumnus Dr. J. Craig Venter received the National Medal of Science for his work in researching the human genome.

President Mohr announced that The Center for Teacher Efficacy will receive a “Golden Bell Award” from the California School Boards Association in December. A Theater Arts Fundraiser will be held on December 3 and “The Woman in Armor,” a play written and directed by Cañada Theater Arts Professor Anna Budd, will open on October 29. President Mohr said that MESA Director Cathy Lipe led a group of students to the annual Society of Women Engineers Conference. Transfer Day was held this week and College Night is being held tonight with participation from universities and community colleges from across the Bay Area and the nation.

President Dilko said she sent the attached memorandum to District administrators on October 27 on behalf of the District Academic Senate Governing Council. She said this memorandum was carefully crafted and reflects the feelings of the District Academic Senate Governing Council. She said the intent in sending the memorandum was to (1) reaffirm the Academic Senate's commitment to transparency in the shared governance process and their willingness to participate; (2) express gratitude to the College Presidents for the work done on the campuses; and (3) gently encourage the three College administrations to move forward with Districtwide plans and engage faculty and staff on these plans in order to tap into the innovative potential of collaboration among the three Colleges.

Chancellor Galatolo expressed gratitude to the District Academic Senate, and to President Dilko as its leader, for working with administrators to address the difficult economic problems. He assured President Dilko that during the process of considering Districtwide initiatives, faculty will be involved just as they were in the process of College reductions.

College of San Mateo Associated Students President Steffi Santana introduced Vice President George Frias. Ms. Santana said there are 18 senators and 20 active clubs on campus. Last summer, the leadership developed goals which include: proactively inform CSM students of the Associated Students and its willingness to help; enrich campus life by engaging with the student body and creating a sense of community; develop interpersonal relationships and strengthen communication among Senate members; evaluate and improve current programs; celebrate diversity; and advocate for student needs on the local, state and federal level. Ms. Santana said the Associated Students attended a summer leadership retreat in June. They also helped on Welcome Day and hosted Welcome Week and Oktoberfest. Several members attended the California Community College Student Affairs Association (CCCSAA) leadership conference and a conference on budget cuts. Upcoming events include a haunted house on October 29-30; Spirit Week which is taking place this week; a staff and faculty appreciation event, a budget forum with President Claire, and Social Justice Week. Vice President Miljanich asked what will take place during Social Justice Week. Ms. Santana said flyers and pamphlets regarding different kinds of social justice will be available. Trustee Mandelkern asked for details on the haunted house. Ms. Santana said it will be in the theater from 11:00 a.m.-2:00 p.m. and admission is free.

STATEMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

Professor Angela Stocker, Director of the Alcohol and Other Drug Studies Program at College of San Mateo, said this is an accredited program, with an emphasis on academics, which trains workers in the field, many of whom go on to get advanced degrees. Professor Stocker said the program meets State regulations for those who work in the field and serves an important need in the community. She said the program has professional and diverse faculty as well as a bilingual and bicultural curriculum. Debra Camarillo, Executive Director of The Latino Commission, also spoke in favor of the program. She is a graduate of the program and was one of two Latinos in the first class. Ms. Camarillo was instrumental in locating some of the classes in the community center of The Latino Commission in order to better serve the disproportionately represented Latino population. She said closing the program would devastate the field of substance abuse counselors. Marc Sabin, CEO of Project Ninety, Inc. also spoke in favor of the program. He said Project Ninety is the largest substance abuse treatment provider in San Mateo County and the majority of the counseling staff has come through the College of San Mateo program. Mr. Sabin said the program has produced professional counselors whose skills have saved many lives.

Sibel Gurel said she is a 50-year-old student who has returned to school. She said that because of the reduction in classes, people who are unemployed and want to better themselves cannot come to College of San Mateo. She also said that meetings need to be more transparent; students were not aware of the meeting tonight and had only two days to circulate a petition.

A second student said he is a veteran of the wars in Iraq and Afghanistan. He said he finds it difficult to get the classes he needs and is against the reduction of any classes. He urged the Board to not turn him and other students away by taking away courses they need.

Jesus Moya, Professor of Ethnic Studies, noted that one-half of the student population at College of San Mateo is minority. Professor Moya said that although his Department is very small, several hundred signatures were gathered in opposition to the recommended cutbacks. Professor Moya handed the petition to Chancellor Galatolo and said they are seeking their fair share and equality with the rest of the population.

Mario Mihelcic thanked President Claire and Dean Henry Villareal for their support of the Veterans Program. He said a welcome home barbecue is scheduled for November 13 at Central Park in San Mateo. Mr. Mihelcic introduced Renzo Delia who is a veteran and student at College of San Mateo. Mr. Delia was deployed to Qatar and described the intense loneliness felt by servicemen and women who are away from their families and the unsettling feeling of returning to find nothing has changed at home. He said returning service members must make a decision about what to do, e.g. go to school or reenlist. Mr. Delia said if not for College of San Mateo, he would not be able to continue his education. He said is determined to get his degree, go back to active duty and make a difference.

Mr. Mihelcic introduced Doug Harrington who is also a veteran and student. Mr. Harrington said that Mr. Mihelcic and Mr. Mileo do a very good job in transforming students so they can go into society. Mr. Harrington said he is an electrician and is now training to become a building inspector. He urged the Board to keep the trades programs.

President Schwarz thanked all of the public speakers. She said that in this difficult time, everyone must work together. President Schwarz added that the Board welcomes all input.

NEW BUSINESS

ADOPTION OF RESOLUTION NO. 09-9 AUTHORIZING LEASE FINANCING OF THE ACQUISITION AND CONSTRUCTION OF CAÑADA VISTA, AND APPROVING RELATED DOCUMENTS AND ACTIONS (09-10-101B)

It was moved by Trustee Hausman and seconded by Vice President Miljanich to approve adoption of the Resolution 09-9 and to approve related documents and actions.

Chris Lynch, an attorney with the law firm Jones Hall which is the District's bond counsel, said the lease documents have been amended since they were last presented in order to address a concern about the ability of the retirement reserve to be invested in this transaction over a long period of time. The documents now allow, on an annual basis, the retirement reserve to either ask the District for a new interest rate which would be acceptable to both parties or, if not acceptable, to require the District to repay the retirement fund in full using general obligation bond proceeds of the District which would constitute a special fund for that purpose.

Trustee Holoher asked if the lease obligation for the construction of College Vista was defeased in the same way, i.e. using bond money to pay off the obligation. Chancellor Galatolo said bond proceeds were used to pay off the lease obligation for College Vista and this was in conformance with the use of these funds as stated in the ballot argument. Trustee Holoher also asked how rents paid by College Vista residents are used. Chancellor Galatolo said the rent proceeds are accounted for in the District's unrestricted general fund. Trustee Holoher said that while he is comfortable with having Measure A dollars available as a safety net for this project, he is not comfortable with using bond money for any other scenario which is not for facilities that are academic in nature.

Trustee Mandelkern thanked Chancellor Galatolo, staff and bond counsel for responding to his questions. He said he had the same concerns as Trustee Holoher and was provided a spreadsheet showing that costs for the Cañada Vista project were already allocated in Measure A and, therefore, there was no cut to any academic programs.

Trustee Mandelkern said that because the Board has the final authority to make decisions as both the borrower and lender, it could be put in an awkward position in terms of being fair and equitable on both sides of the equation. He said he is concerned about the determination of the interest rate. The rationale presented at the Study Session was that this method of financing would reduce the cost of financing Cañada Vista and provide a higher than current market rate return to the retirement reserve through the District's investment funds. Trustee Mandelkern said he is puzzled as to why, if we need to provide these funds at market rate and this is an investment of the type and scope in which the retirement reserve should be invested, has the retirement reserve not already been invested in other market rate securities at the same price. He also questioned why those securities at that market rate are not currently part of the investment portfolio and asked whether it indicates some degree of risk or appropriateness, and why the District is willing to make that decision now. Trustee Mandelkern said he is concerned that the disparity in the interest rates vs. the market rate for similar obligations will put the Board in a position of unfavorably treating either the Cañada Vista side of the equation or the retirement reserve fund. Chancellor Galatolo said the interest rate will be determined by the District's financial advisor at Morgan Stanley and will be relative to what the market might be

if this were treated as an external investment. Chancellor Galatolo said the District has not invested in external investments because there is risk when a third party is involved; internally there is no risk because as the owner and ultimate re-payer of the investment, the District controls the risk. Additionally, most of the District money is in the County's comingled fund which is very risk averse.

Chancellor Galatolo asked Mr. Lynch to address Trustee Mandelkern's concern about whether this is an arm's length transaction. Mr. Lynch said his concern was that the District have an agreement that will hold up to scrutiny as a valid lease. To achieve this, the documentation is that used for a third party lender. The District will pay costs as with any arm's length transaction, including title insurance, rental interruption insurance and other types of casualty insurance appropriate for this type of lease financing. Mr. Lynch said that Morgan Stanley will set the interest rate to match the characteristics of the transaction.

Trustee Mandelkern asked if Mr. Lynch is comfortable with the process of setting the interest rate to insure it will be a fair market value rate to both sides in the transaction. Mr. Lynch said he is. He said the appropriate interest rate will be determined after the nature of the transaction is described to Morgan Stanley.

Trustee Mandelkern asked if there could be a conflict of interest in using Morgan Stanley as the underwriter because the District has done business with them before. Mr. Lynch said Morgan Stanley does not stand to benefit in any way from the transaction and it is wise to deal with an entity with a proven track record.

Trustee Holober asked if it is correct that this is a 30 year agreement at a 3% interest rate, and if this is considered market rate. Mr. Lynch said it is a 30 year agreement with an interest rate not to exceed 3%. He said one thing that makes it market rate is the ability to re-set the rate in each of the next two years. The retirement reserve may ask for a higher than 3% rate at these annual re-set opportunities, but the District is not obligated to agree; if there is no agreement, the District would then be obligated to repay the retirement reserve in full. After the second annual re-set, the interest rate would be fixed.

Trustee Mandelkern asked Mr. Lynch is he believes 3% is an adequate ceiling to cover the anticipated fair market value interest rate to be determined by Morgan Stanley. Mr. Lynch said he spoke with Morgan Stanley and they believe the appropriate rate will be in the range of 2-3%.

Mr. Lynch provided a brief explanation of the lease financing documents which include the District and Financing Corporation resolutions, the Lease Agreement, the Assignment of Lease Agreement, and the Termination Agreement.

Vice President Miljanich said it is her understanding that the retirement reserve will not lose money in the transaction. Mr. Lynch agreed, stating that the retirement reserve is entitled to receive annual lease payments plus interest. Vice President Miljanich said that in the current economic environment, she is more comfortable relying on ourselves than on outside partners.

Trustee Mandelkern said he had many questions which have been answered. He now sees nothing to indicate that this transaction would be improper or unlawful and he can support the recommendation.

Trustee Holober said he agrees with Trustee Mandelkern's analysis but given the loss of bond funds through the County and the failure of the State to fund some projects, he will want to discuss this matter further if there is a recommendation to defease the obligation in a couple of year using Measure A funds.

President Schwarz complimented the creativity of Chancellor Galatolo and staff in working with bond counsel to create this agreement. Vice President Miljanich thanked Mr. Lynch for presenting the information in a clear manner.

After this discussion, the motion to adopt Resolution 09-9 and approve related documents and actions carried, all members voting "Aye."

At 7:55 p.m., the meeting of the Board of Trustees was recessed in order to conduct a meeting of the Financing Corporation.

**MEETING OF THE SAN MATEO COUNTY COMMUNITY COLLEGE DISTRICT
FINANCING CORPORATION**

1. The meeting was called to order by President Karen Schwarz at 7:55 p.m.
2. Members Present: President Karen Schwarz, Vice President Ron Galatolo, Secretary Patricia Miljanich, and Treasurer Jim Keller
3. Approval of Minutes: It was moved by Secretary Miljanich and seconded by Vice President Galatolo to approve the minutes of the meeting of December 10, 2008. The motion carried, all members voting "Aye."
4. Adoption of Resolution No. 09-1 Approving Lease Financing Documents in Connection with the Financing of the Acquisition and Construction of Cañada Vista: It was moved by Secretary Miljanich and seconded by Vice President Galatolo to approve adoption of the Resolution No. 09-1. The motion carried, all members voting "Aye."
5. Adjournment: It was moved by Secretary Miljanich and seconded by Vice President Galatolo to adjourn the meeting. The motion carried, all members voting "Aye." The meeting was adjourned at 7:56 p.m.

The meeting of the Board of Trustees was called back into session by President Schwarz at 7:57 p.m.

APPROVAL OF PERSONNEL ACTIONS: CHANGES IN ASSIGNMENT, COMPENSATION, PLACEMENT, LEAVES, STAFF ALLOCATIONS AND CLASSIFICATION OF ACADEMIC AND CLASSIFIED PERSONNEL (09-10-2A)

It was moved by Vice President Miljanich and seconded by Trustee Hausman to approve the actions in Board Report No. 09-10-2A. The motion carried, all members voting "Aye."

APPROVAL OF CONSENT AGENDA

The Consent Agenda consists of the following Board Reports:

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| 09-10-1CA | Ratification of First Quarter Warrants, 2009-2010 |
| 09-10-2CA | Authorization and Utilization of Oakland Unified School District Contract for Districtwide Moving Services |

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

Other Recommendations

ADOPTION OF NEW POLICIES 2.19, NONDISCRIMINATION; 2.51, REPORTING OF CRIMES; AND 6.19, MULTIPLE AND OVERLAPPING ENROLLMENTS; AMENDMENT OF POLICIES 2.20, EQUAL EMPLOYMENT OPPORTUNITY; 2.29, SEXUAL ASSAULT EDUCATION, PREVENTION AND REPORTING; 2.60, RESIGNATIONS; 6.04, MINIMUM CLASS SIZE GUIDELINES; 6.21, GRADING AND ACADEMIC RECORD SYMBOLS; 6.90, COMMUNITY EDUCATION CLASSES; 7.03, ELIGIBILITY REQUIREMENTS FOR ADMISSION OF INTERNATIONAL STUDENTS; AND 7.07, NON-RESIDENT STUDENT TUITION FEES (09-10-2B)

President Schwarz read an email from AFT President Monica Malamud in which AFT demanded that Policies 2.19 and 2.60 be negotiated and not be considered at tonight's meeting. President Schwarz said she contacted Chancellor Galatolo who in turn contacted County Counsel. County Counsel's legal opinion, received via email, is that these items do not constitute terms and conditions of employment. President Schwarz said she was taken aback by the AFT demand because these policies went through the District Shared Governance Council twice. However, out of

courtesy to AFT, President Schwarz recommended that consideration of these two policies be deferred until all parties can discuss the opinion of legal counsel. Patty Dilko, co-chair of the District Shared Governance Council, said that the policies were discussed extensively at two meetings and AFT had concerns about them. She said it is the policy of the Council that any members may offer conflicting opinions when recommendations are forwarded to the Chancellor and the Board. She is not aware that any conflicting opinions were submitted on these policies. Trustee Holober said there are two separate issues: whether there are dissenting opinions and whether items are negotiable. Vice President Miljanich said a dissenting statement could have asserted that the items are negotiable.

President Schwarz also announced that there is a correction to the proposed Policy 7.07. Number 6(a) of this proposed policy currently reads “The College may waive non-resident tuition fees which were not collected as a result of the College’s error and not through the fault of the student *and* if collection of such a fee would cause the student undue hardship in accordance with regulations and definitions adopted by the State.” It should be corrected to read “. . .as a result of the College’s error and not through the fault of the student *or* if collection of such a fee would cause the student undue hardship. . .”

It was moved by Trustee Mandelkern and seconded by Trustee Hausman to approve the recommendation with the following amendments: (1) removal of Policies 2.19 and 2.60 from consideration and (2) correction of Policy 7.07 as noted above.

Regarding Policy 2.20, Equal Employment Opportunity, Trustee Holober said the list of categories covered is less comprehensive than the list in Policy 2.19. Vice President Miljanich said she read Policy 2.20 as a preamble or intent rather than an encompassment of everything that is included subsequently. Trustee Mandelkern suggested using a standard list of identifiers in all sections.

Trustee Holober raised for discussion the concept of including political belief to the list of covered classes. He said he has been told that there is sometimes a stifling of diversity of opinion in the classroom and noted that discrimination based on political belief goes back to the McCarthy era. Trustee Hausman said that depending on what the political belief is, it could border on hate belief and this should be considered when determining how much detail to provide. Vice Chancellor Joel said that Policy 2.20 was designed in conjunction with the recommendations of the Community College League of California and complies with all legal requirements of what the protected classes are. He said political affiliation is not a protected class so it would not stand up in court in a discrimination suit. Trustee Holober said he understands adoption of a policy which includes the classes mandated by law, but questioned whether the District is limited to covering only this list or whether it can add classes to reflect its own policies. President Dilko said political opinion and other speech are protected by law and that there are laws against hate speech. Vice President Miljanich said there is also a process by which students can go to a Dean or others who will mediate to work out concerns. President Schwarz asked if political belief falls into any other policy. Vice Chancellor Joel said it is addressed in freedom of speech and academic freedom. President Dilko said it is also addressed in the faculty ethics statement. Vice President Miljanich asked if there was discussion of this issue in the Academic Senate. President Dilko said there was general discussion but that this particular policy is not within the purview of the Academic Senate. President Dilko said she would be glad to take the Board’s comments back for further discussion.

Trustee Mandelkern said there are several points in Policy 2.20 that do not refer to employment and suggested calling it a policy on equal opportunity rather than equal employment opportunity.

Trustee Holober said that Policy 2.29, Sexual Assault Education, Prevention and Reporting, is limited for the most part to employees and students when referring to victims. He said it would be worth expanding to include members of the public who are visitors to the campuses and should be assisted if they were to become victims.

Trustee Holober suggested that the Board approve the amended recommendation tonight and revisit the policies discussed above sooner than the scheduled review if the Board agrees.

After this discussion, the motion as amended carried, all members voting “Aye.”

TRANSFER OF FUNDS INTO POST RETIREMENT TRUST (09-10-100B)

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

STATEMENTS FROM BOARD MEMBERS

Student Trustee Medrano Rosales attended the Chicana Latina Foundation Scholarship Gala along with fellow scholarship recipients Denisse Gonzalez and Margarita Gutierrez. Along with certificates from the Foundation, they received Certificates of Congressional Recognition from Congresswoman Jackie Speier and State Senator Gloria Romero and Certificates of Honor from Mayor Gavin Newsom.

Trustee Mandelkern expressed thanks to Professor Josie Glenn for leading a tour of the current Cosmetology Department facilities at Skyline College. He said the facilities are open for services such as salon treatments and haircuts. Trustee Mandelkern also attended the topping off ceremony at Skyline. Trustee Mandelkern said he appreciates the comments made by students and members of the public as well as the emails and letters the Board has received. He said that during these difficult economic times, it is important to remember that everyone is in the same boat and must work together in the most professional and courteous manner possible. He is concerned when an attitude is expressed pitting one group against another. He supports all collaboration Districtwide to find solutions that will result in the best outcome possible for students and the community.

Trustee Hausman said she appreciates hearing from students, including veterans, and members of the public. She said she is perturbed by negative comments regarding the swimming pool and believes information should be disseminated regarding the benefits to the District and College of this facility. President Claire said there is a new group of students since decisions were made during an open process and he will send an all-College memo to clarify the facts. Trustee Hausman attended the Arts & Wine Festival and the luncheon prior to the event.

Vice President Miljanich said that while it is sometimes difficult to hear comments from students and the public, it is a reminder that there are people who will be impacted by decisions and it motivates her to try to make the best possible decisions.

President Schwarz attended the Arts & Olive Festival and the preceding luncheon. She asked President Mohr about the success of this year’s event. President Mohr said he has not seen the final accounting but understands the Festival did better than ever before and had more attendance. President Schwarz attended the get-together for the 40 Year Celebration at Cañada. She is looking forward to the ribbon cutting ceremony at Skyline. She congratulated the College of San Mateo football team on its success.

Trustee Holober said he has seen emails expressing concerns about programs and responses by administrators. While the responses have been thoughtful and carefully written, Trustee Holober believes there should be a standard response expressing the budget reality and the factors that will be applied in evaluating all programs. Trustee Holober also said the Board will be in a difficult position of evaluating programs and he is willing to sit in and participate in meetings to better understand the decision-making process leading to cuts before being presented with a list in January. Trustee Holober said that Board members who participate in such a way could then inform each other in a Board setting.

Trustee Mandelkern agreed that it would be good to have more insight into the process before receiving a list but he is concerned about micromanagement. Trustee Mandelkern said there is a balancing act; he does not want to be completely surprised on January 15 but also is concerned that the Board might become involved too early by showing up at meetings. He would welcome the opportunity to learn more about programs but not to drive or influence decisions. Trustee Mandelkern said he agrees with Vice President Miljanich’s comments about there being a face behind each decision and he encourages students to keep providing their comments. He also agrees that there should be a standard statement which should include clarification that the root problem is at the State level and cuts are being thrust upon us.

Trustee Mandelkern said he has learned from lobbying for parks that it is more useful to approach legislators with alternatives and suggestions on how to make things work, such as revenue generating and money saving ideas, rather than just saying “don’t cut our program” and this approach may be carried over to the current situation.

Trustee Mandelkern said he looks forward to a presentation from the Foundation on efforts to fund programs and staff positions in addition to scholarships. He also suggested that a study session be dedicated to program evaluation. Chancellor Galatolo said a special meeting might also be a possibility.

Trustee Holober said community members have suggested to him that they might raise money to help subsidize particular programs or classes. Trustee Holober said this might be a good idea but it would need to have a sense of direction and policy. Trustee Hausman said it would be important to not pit one program against another or to favor a program whose advocates are in a position to raise money while another's are not.

President Schwarz said she would be willing to participate in discussions to understand the process but not to try to salvage programs. Vice President Miljanich said she would also participate but only to listen and learn. President Schwarz said she realizes that all classes are important to the people enrolled in them and everyone has a right to appeal to the Board. President Schwarz asked if there is a general statement to respond to questions from the press. Chancellor Galatolo said staff will work on one and get back to the Board.

Trustee Hausman agreed with Trustee Mandelkern about the danger of micromanaging and added that the Board should be careful to not intimidate those working within the process. She also agreed that a general statement should be developed and suggested that it include an explanation of what is taken into consideration when decisions about programs are made, e.g. low demand, high cost, etc.

Vice President Miljanich suggested that the statement also explain different funding sources. She said some programs might be able to get funding from other parts of the community and this should be examined.

COMMUNICATIONS

None

RECESS TO CLOSED SESSION

President Schwarz announced that during Closed Session, the Board will confer with Labor Negotiator Harry Joel; the employee organizations are AFT and CSEA.

The Board recessed to Closed Session at 9:15 p.m.

The Board reconvened to Open Session at 10:58 p.m.

CLOSED SESSION ACTIONS TAKEN

President Schwarz reported that, at the Closed Session just concluded, the Board took no action.

ADJOURNMENT

It was moved by Trustee Mandelkern and seconded by Vice President Miljanich to adjourn the meeting. The motion carried, all members voting "Aye." The meeting was adjourned at 10:59 p.m.

Submitted by

Ron Galatolo
Secretary

Approved and entered into the proceedings of the November 18, 2009 meeting.

Patricia Miljanich
Vice President-Clerk

Letter sent by District Academic Senate President Patty Dilko:

Dear SMCCCD Administrators,

This is a follow up message regarding our gathering on May 11 of 2009, at which the DASGC held a joint meeting between Faculty Senate leaders, the Chancellor and the College Presidents. The primary goal of that meeting was to allow each College President and the Chancellor to describe their perspective on the impending budget reduction process, and to allow the Faculty Senate Leaders to express the concerns of their members. In addition, it was our hope that we would collegially renew our commitment to the shared governance process as one that is girded by transparency and mutual respect.

Prior to that meeting DASGC members developed four guiding principles for faculty engagement over the summer and beyond, they were: (1) faculty need to be engaged collegially on matters that affect programs on both local and district level, (2) no academic program will be discontinued, modified, “un-scheduled” or moved from one campus to another without consultation, (3) decisions regarding class size and load must be made while maintaining the integrity of the instructional program and with transparency to the affected faculty member, and (4) if the budget reductions go more deeply than the first 10% that has been assumed to date, the district will convene a Restructuring Council to work through issues of program and service offerings.

Please allow us to express our gratitude to all three college administrative teams as these troubled times are navigated with skill and patience. We are grateful that administrators delayed the decision making process on the modification and/or elimination of instructional programs until the faculty returned to work in August. And, it is clear that a tremendous amount of planning and quick adaptation went into the cut back of 30% – 60% of our categorically funded programs, even so, administrators were careful to bring in faculty over the summer as necessary. In response to concerns and questions during the May 11 meeting about what actions would be taken over the summer and how information will be disseminated, Chancellor Galatolo said there would be “no Board of Trustees action taken on anything that will have an adverse effect,” and each President echoed that sentiment; by in large, these commitments have been honored.

Now that the semester is fully underway, and faculty members across the District have been engaged in the reduction discussions locally, we realize that next steps will include the challenge of coordinating reduction and/or efficiency efforts across the District. We hope that this will be an equally open process with opportunities for all who are interested to contribute their perspectives and expertise.