

To: Jim Austin, VP of Business and Administrative Services
Cc: Charles Adams, Board President
From: Gloria Carranza, Trustee
Date: May 29, 2007
Re: Mediation with Judge Moon on June 8th

I want to stress that I am always open and willing to look for ways to "enhance the environment at the college" for the benefit of the students and the community. However, I have given a lot of thought to the invitation from Attorneys Shinoff and Otilie to attend mediation on June 8th with the Superintendent/President together with Trustees Batiste and Fernandez in the presence of retired Judge Moon. I am not in favor of this meeting and must respectfully disagree with you in that this meeting would not be in the best interest of the district. To hold an unagendized meeting on the topic of enhancing the college environment, outside the public's eye, with no way for the public to participate, would be a violation of the Brown Act. Furthermore, any advisory group or committee formally created by the governing body is also subject to the open meeting laws. The board must be very careful and conduct the public's business in public.

The board "minority" for months has been attempting to try to get the entire board to address this very issue, and we have been unsuccessful. We have repeatedly tried to place issues such as the campus climate survey, the votes of no confidence and collegiality on the board agenda, but time and time again we have been met with opposition from the board majority. The issue of enhancing the environment of the college is an issue for the entire board to address, not just a sub-committee of the board.

1. What is the purpose of the "mediation"? Generally speaking, when mediation is involved, there is some type of dispute e.g. employment-related or as a way to avoid litigation, and mediation is aimed at reaching an agreement. What is being "disputed" in this case? Has the Superintendent/President threatened to initiate legal action against the College? What type of "agreement" are we trying to reach?
2. In Mr. Otilie's letter to Mr. Shinoff dated May 17, 2007, Otilie states that he and Shinoff had a conversation on Monday May 14, 2007 concerning the College. During that conversation, both attorneys "jointly agreed that it might be of benefit to the College if the Trustees and President would take some time to discuss ways of enhancing the environment at the college for the benefit of the students and community." What prompted Mr. Shinoff and Mr. Otilie to initiate this conversation on May 14th? Why would two attorneys and a retired judge have to get involved in enhancing the environment of the college? Provide correspondence or relevant information.

3. Who authorized Mr. Shinoff to meet with Mr. Otilie to negotiate "mediation" between the Trustees and the Superintendent/President? It certainly should not have been the Superintendent/President because that would be a conflict of interest. If it was Board President Adams, then he has overstepped his authority to act on behalf of the board when the full board has not met to discuss the issue and give direction. Individual board members – including the board president – cannot make decisions on behalf of the board and/or college; the board must act as a whole.
4. Who will pay for the mediation costs (attorney's fees, retired judge's fees, etc.) and how much do you estimate the process will cost the College?
5. If the Superintendent/President wants to discuss ways to enhance the environment at the college, this is an issue for the whole board to discuss. This would provide transparency to the process, if it is properly agendized. Why meet with only three trustees?
6. I don't believe that Mr. Shinoff or his law firm should represent the Board when he has represented the Superintendent/President in the past. This would be a conflict of interest, per my previous conversations with you.
7. You state that "following the meeting, Mr. Shinoff would advise the Board president of the appropriate next steps. Those steps would include a closed session discussion under one of several permissible closed session topics." Again, this statement is very confusing. If the meeting is to look for ways to enhance the environment at the college for the benefit of the students and community, I am not aware of any exceptions to the Brown Act that would allow the board to discuss this issue in a "permissible" closed session meeting. Under California's transparency laws, we are required to conduct the public's business in open and publicized meetings and we must allow the public to participate. Enhancing the environment at the college would naturally involve the faculty and staff, so I would expect that they would somehow be involved in the process.

I would appreciate your written response to the above as soon as possible. Thank you.