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**From:** Wood, Fred <fewood@4cd.edu>  
**Sent:** Wednesday, May 09, 2018 6:00 PM  
**To:** Shipp, Dio  
**Cc:** Huff, Gene  
**Subject:** Re: Enholm, Greg: [REDACTED] District policy and procedures

Dio,  
Thanks for the information. Please note the procedure Reed sent is out-of-date and indicates Board members can be paid cash-in-lieu.  
Fred

Sent from my iPhone

On May 9, 2018, at 5:37 PM, Shipp, Dio <DShipp@4cd.edu> wrote:

FYI

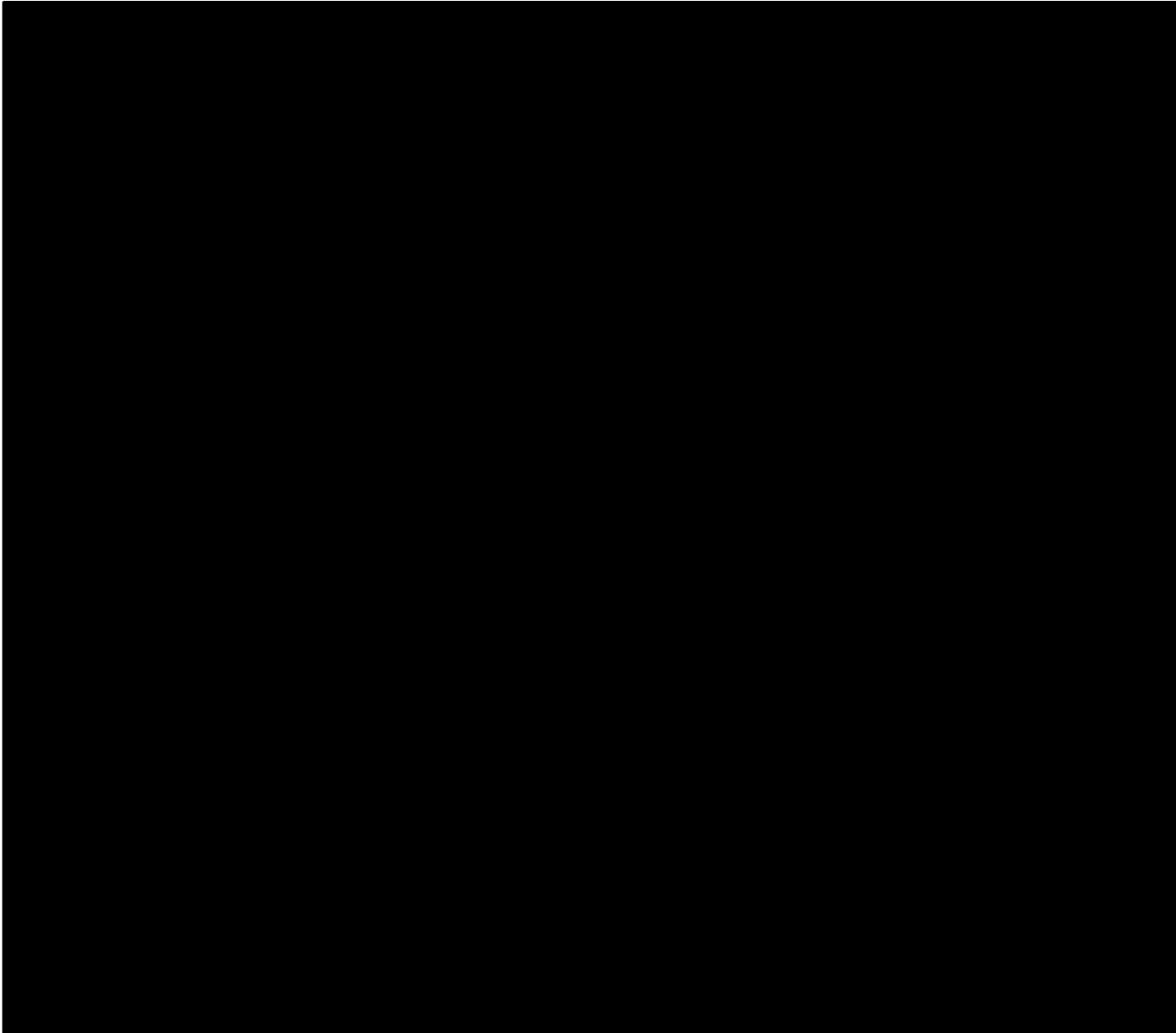
**From:** Rawlinson, Reed  
**Sent:** Wednesday, May 09, 2018 3:11 PM  
**To:** [gbenholm@hotmail.com](mailto:gbenholm@hotmail.com)  
**Cc:** Medina, Andrea <AMedina@4cd.edu>  
**Subject:** [REDACTED] District policy and procedures

Dear Trustee Enholm,

This is what I discovered by conducting further research [REDACTED]  
[REDACTED]

According to Human Resources Procedure 4000.01 (attached),

- "Board members are covered by the District's fringe benefit package, as if they were full-time active employees."



Please let me know if you would like to talk further or if you need any additional assistance.

W. Reed Rawlinson, PhD

Benefit Analyst

500 Court Street, 4th floor Human Resources Department

Martinez, CA 94553

Phone: 925-229-6853

Fax: 925-229-2490

**From:** Rawlinson, Reed  
**Sent:** Friday, May 04, 2018 2:13 PM  
**To:** Greg Enholm <[gbenholm@hotmail.com](mailto:gbenholm@hotmail.com)>  
**Cc:** Medina, Andrea <[AMedina@4cd.edu](mailto:AMedina@4cd.edu)>  
**Subject:** [REDACTED] District policy and procedures

Dear Trustee Enholm,

I wanted to give you a status on my research. I [REDACTED] and had a chance to do more research into District policy and procedures. According to Human Resources Procedure 4000.01 (see attached), Board members are covered by the District's fringe benefit package, as if they were full-time active employees [REDACTED]. [REDACTED] I should have an answer for you early next week and I will let you know what I find out.

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**From:** Rawlinson, Reed  
**Sent:** Wednesday, May 02, 2018 9:41 AM  
**To:** Greg Enholm <[gbenholm@hotmail.com](mailto:gbenholm@hotmail.com)>  
**Cc:** Medina, Andrea <[AMedina@4cd.edu](mailto:AMedina@4cd.edu)>  
**Subject:** [REDACTED]

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Thank you for the information. Now that I know more, I am going to check [REDACTED]  
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**Cc:** Medina, Andrea <[AMedina@4cd.edu](mailto:AMedina@4cd.edu)>

**Subject:** I'm available to talk until 2 pm today and tomorrow (May 2 & 3) . Re: Trustee Enholm -  
[REDACTED]

Dear Dr. Rawlinson,

[REDACTED]



You can call me at mobile [REDACTED] until 2 pm today and tomorrow (May 2 & 3).

Greg

---

**From:** Rawlinson, Reed <[rrawlinson@4cd.edu](mailto:rrawlinson@4cd.edu)>

**Sent:** Tuesday, May 1, 2018 4:47 PM

**To:** [gbenholm@hotmail.com](mailto:gbenholm@hotmail.com)

**Cc:** Medina, Andrea

**Subject:** Trustee Enholm - [REDACTED]

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<Governing Board Members Compensation - H4000\_01.pdf>

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**From:** Shipp, Dio <DShipp@4cd.edu>  
**Sent:** Friday, May 11, 2018 9:32 PM  
**To:** Huff, Gene  
**Subject:** FW: Enholm, Greg [REDACTED] District policy and procedures

This is the dang procedure we have online. I remember stopping the practice, but don't remember changing the procedure. If so, I'm trying to remember when and why we didn't put it online. Can you help refresh my memory?

Thanks,

Dio

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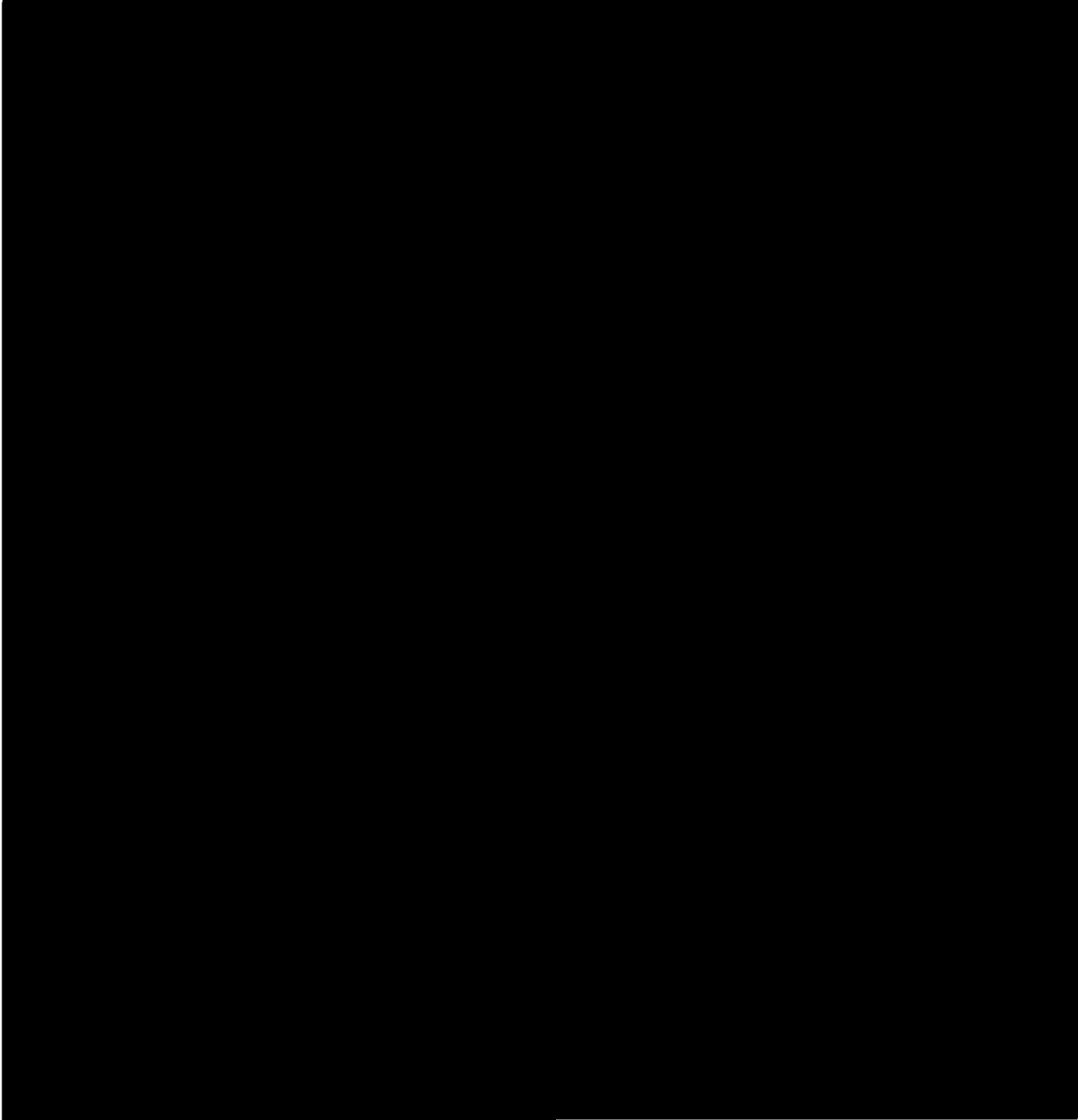
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[REDACTED]

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**Subject:** I'm available to talk until 2 pm today and tomorrow (May 2 & 3) - Re: Trustee Enholm - [REDACTED]

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<Governing Board Members Compensation - H4000\_01.pdf>



MEMORANDUM

To: Dr. Fred Wood, Chancellor  
From: Vicki Gordon, Trustee  
Date: July 14, 2018  
RE: Cash-in-Lieu of Health Benefits for Trustees

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This responds to your request for me to brief you on my understanding of the history of the District's former practice of providing Board members with the option of receiving a monthly cash stipend in lieu of District-paid health benefits if such members had other health care coverage. I was the President of the Board of Trustees during the period of time when Dr. Benjamin brought the issue to light, and can provide direct input as to the decisions that were made in regard to this issue before you became Chancellor in January 2017.

The District's past practice was to offer trustees the option of receiving a monthly cash stipend equivalent to the Kaiser single rate for monthly health benefit premiums (currently \$700 x 10 months = \$7,000 per year) if the trustee declined the coverage and presented proof of alternate health benefit coverage. This is the same option that is made available to all District employees. Although I was not aware until just recently, the District actually has an existing Human Resources Procedure 4000.01 which states as follows:

"In addition, Board members, like active employees, may opt for a monthly cash stipend in lieu of medical benefits if they have other health coverage." (HR Procedure 4000.01)"

In short, it was an established written District policy and procedure to provide a "cash in lieu" benefit option to trustees. In late April 2016, then Chancellor Dr. Helen Benjamin brought to my attention that [REDACTED] providing cash payments to trustees in lieu of health benefits violated Education Code limits on monthly board member compensation. I remember being surprised to learn this because I had understood that the regular practice of the District going back many years was to provide trustees with this option. In fact, when I was elected to the Board, I was informed in my benefits counseling meeting that this was an

option for me if I wished to receive the monthly cash payments in lieu of health benefits. While I chose to receive the health benefits, I became aware that two of my fellow trustees John Marquez and Tim Farley had been receiving the cash stipends instead of health benefits.

Dr. Benjamin informed me that [REDACTED] she had decided to immediately cease any further cash-in-lieu payments to trustees. I agreed that the payments had to stop immediately. I understand that the last recorded payments the District made to Trustees Marquez and Farley occurred on April 10, 2016. Dr. Benjamin shared this decision and the reason for it with each trustee individually. We did not discuss this matter as a group at a Board meeting.

In my capacity as Board President at the time, I discussed with Dr. Benjamin about whether it would be equitable or fair to ask Trustees Marquez and Farley to pay back the cash stipends they had received since becoming trustees in light of the fact that the District had provided the option to receive cash in lieu to each of them. By that time Mr. Marquez had been on the Board for over 7 years and Mr. Farley for over 1 year. In seeking to balance the equities and hardships, my assessment was that it would be an overwhelming financial burden for Mr. Marquez to pay this money back, would likely be a significant hardship to Mr. Farley as well. In addition, there was obviously no way to go back in time and provide the health care coverage each had opted out of, so they could not be "made whole" in any event.

In discussing the matter with Dr. Benjamin, the issue came down to whether it would be fair to either Mr. Marquez or Mr. Farley for the District to seek reimbursement of these funds since the District itself had offered the cash-in-lieu option to each of them and led them to believe that receiving the stipend was lawful. They relied on the District's representations of the option in making their decisions. It was the District's error, not theirs. [REDACTED] I confirmed with Dr. Benjamin that the payments had stopped going forward, and discussed with her that the District should take no further action in part because any action to seek reimbursement of such substantial sums might likely lead to a potential claim against the District given the hardship involved, particularly as it affected Mr. Marquez. Both Mr. Marquez and Mr. Farley were shocked and extremely upset to learn of the matter and that it was not legally allowed. Dr. Benjamin was also concerned with the unfairness and potential for legal actions and ramifications to the District, and agreed that no further action should be taken regarding this matter.

My understanding is that the District is currently running a proposed revision to Human Resources Procedure 4000.01 through the shared governance process which will delete the reference to board members being able to receive cash-in-lieu of health benefits.