

**Minutes of the Study Session of the Board of Trustees  
San Mateo County Community College District  
March 10, 2021 – San Mateo, CA**

**This was conducted remotely via Zoom. A video recording of the meeting can be accessed at: <https://smccd.edu/boardoftrustees/meetings.php>.**

**The meeting was called to order at 5:08 p.m.**

Board Members Present: President Thomas A. Nuris, Vice President Richard Holober, Trustee Maurice Goodman, Trustee Lisa Petrides, Trustee John Pimentel

**ANNOUNCEMENT OF CLOSED SESSION ITEMS FOR DISCUSSION**

1. President Nuris said that during closed session, the Board will take up items as listed on the printed agenda, including: (1) Holding Conference with Labor Negotiators for Employee Organizations: AFT; (2) Holding Conference with Legal Counsel – Existing Litigation: Three cases; (3) Holding Conference with Legal Counsel – Anticipated Litigation: Significant exposure to litigation pursuant to Gov. Code, § 54956.9, subd. (d)(2): Two cases; and (4) Consideration of Employee Discipline, Dismissal, Release.

**STATEMENTS FROM THE PUBLIC ON CLOSED SESSION ITEMS ONLY**

- Monica Malamud spoke about ongoing District and AFT negotiations.

**RECESS TO CLOSED SESSION**

The Board recessed to closed session at 5:12 p.m.

**RECONVENE TO OPEN SESSION**

The Board reconvened to open session at 6:18 p.m.

Board Members Present: President Thomas A. Nuris, Vice President Richard Holober, Trustee Maurice Goodman, Trustee Lisa Petrides; Trustee John Pimentel; Student Trustee Jade Shonette

Others Present: Chancellor Michael Claire, Chief Financial Officer Bernata Slater; Skyline College President Melissa Moreno, College of San Mateo Interim President Kim Lopez, Cañada College President Jamillah Moore, District Academic Senate President Jeramy Wallace

**ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION**

*[\(Time Stamp: 1:11:47\)](#)*

President Nuris announced that there were no reportable actions taken in Closed Session.

**DISCUSSION OF THE ORDER OF THE AGENDA**

*[\(Time Stamp: 1:11:54\)](#)*

President Nuris announced that staff asked that Agenda Item 21-03-101B - Adoption of Resolution No. 21-03 Authorizing the Issuance and Sale of 2021 General Obligation Refunding Bonds in an Aggregate Principal Amount not to Exceed \$360,000,000 – be moved up in the agenda to be considered immediately following discussion on the order of the agenda. The Board agreed to this request.

**NEW BUSINESS****Adoption of Resolution No. 21-03 Authorizing the Issuance and Sale of 2021 General Obligation Refunding Bonds in an Aggregate Principal Amount not to Exceed \$360,000,000 (21-03-101B)***(Time Stamp: 1:12:33)**Motion to Approve by:* Vice President Holober*Second by:* Trustee Pimentel*Action:* Approved with roll-call vote. President Nuris, Vice President Holober, Trustee Goodman, Trustee Petrides, Trustee Pimentel voting Aye. Student Trustee Shonette casting advisory vote of Aye. No dissenting votes or abstentions.*Summary of Discussion:* Chief Financial Officer Bernata Slater reminded the Board that none of the savings realized from the refunding of the Bond would go to the District, it would go to the taxpayers. She also noted that this action would not extend the Bond. Chris Lynch, the District's Bond Counsel from Jones Hall, summarized the terms of the refunding as outlined in the Resolution. Trustee Pimentel asked about the expected sale date of the Bonds and John Sheldon, the District's financial advisor from Morgan Stanley, explained that March 31, 2021 was the target date, noting that the District had to get ratings from the rating agencies prior to the sale of the Bonds.*Public Comment:* None.**STATEMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS***(Time Stamp: 1:29:01)*

- Annette Perot expressed appreciation for the District's new Chief Human Resources Officer, Cheng Yu Hou.
- Michael Reiner spoke about the prior relationship former Chancellor Galatolo and the Board.
- Sam Chuang spoke about the youth swimming program at SMAC.
- Marianne Kaletzky expressed appreciation for the District's new Chief Human Resources Officer, Cheng Yu Hou and about AFT negotiations.

**MINUTES****Approval of the Minutes of the January 7, 2021 Special Closed Session Meeting (21-03-01)***(Time Stamp: 1:40:35)**Motion to Approve by:* Trustee Goodman*Second by:* Vice President Holober*Action:* Approved. All Trustees voting Aye.*Summary of Edits or Corrections:* Edit to remove reference to President Schwarz and replace with President Nuris.

**Approval of the Minutes of the January 13, 2021 Study Session (21-03-02)**

**(Time Stamp: 1:41:36)**

*Motion to Approve by:* Vice President Holober

*Second by:* Trustee Goodman

*Action:* Approved. All Trustees voting Aye.

*Summary of Edits or Corrections:* None.

**Approval of the Minutes of the January 19, 2021 Special Closed Session Meeting (21-03-03)**

**(Time Stamp: 1:42:14)**

*Motion to Approve by:* Trustee Petrides

*Second by:* Trustee Goodman

*Action:* Approved. All Trustees voting Aye.

*Summary of Edits or Corrections:* Edit to remove reference to President Schwarz and replace with President Nuris.

**Approval of the Minutes of the January 27, 2021 Regular Meeting (21-03-04)**

**(Time Stamp: 1:42:37)**

*Motion to Approve by:* Vice President Holober

*Second by:* Trustee Petrides

*Action:* Approved. All Trustees voting Aye.

*Summary of Edits or Corrections:* None.

**Approval of the Minutes of the February 6, 2021 Retreat (21-03-05)**

**(Time Stamp: 1:42:55)**

*Motion to Approve by:* Trustee Petrides

*Second by:* Trustee Goodman

*Action:* Approved. All Trustees voting Aye.

*Summary of Edits or Corrections:* Vice President Holober asked that as it related to the discussion regarding the use of data that the video be reviewed relating to the disaggregation of domestic student data and international student data, not resident and non-resident student data.

**Approval of the Minutes of the February 9, 2021 Special Closed Session Meeting (21-03-06)**

**(Time Stamp: 1:44:05)**

*Motion to Approve by:* Trustee Petrides

*Second by:* Trustee Pimentel

*Action:* Approved. All Trustees voting Aye.

*Summary of Edits or Corrections:* Edit to remove reference to President Schwarz and replace with President Nuris.

**Approval of the Minutes of the February 17, 2021 Special Closed Session Meeting (21-03-07)**  
**(Time Stamp: 1:45:31)**

*Motion to Approve by:* Trustee Petrides

*Second by:* Trustee Pimentel

*Action:* Approved. All Trustees voting Aye.

*Summary of Edits or Corrections:* Edit to remove reference to President Schwarz and replace with President Nuris.

**Approval of the Minutes of the February 24, 2021 Regular Meeting and Special Closed Session Meeting (21-03-08) (Time Stamp: 1:45:31)**

*Motion to Approve by:* Vice President Holober

*Second by:* Trustee Petrides

*Action:* Approved. All Trustees voting Aye.

*Summary of Edits or Corrections:* None.

**Approval of the Minutes of the March 3, 2021 Special Closed Session Meeting (21-03-09)**  
**(Time Stamp: 1:45:56)**

*Motion to Approve by:* Vice President Holober

*Second by:* Trustee Pimentel

*Action:* Approved. All Trustees voting Aye.

*Summary of Edits or Corrections:* Edit to remove reference to President Schwarz and replace with President Nuris.

**NEW BUSINESS**

**Approval of Personnel Items: Changes in Assignment, Compensation, Placement, Leaves, Staff Allocations and Classification of Academic and Classified Personnel (21-03-1A)**  
**(Time Stamp: 1:47:07)**

*Motion to Approve by:* Vice President Holober

*Second by:* Trustee Petrides

*Action:* Approved. All Trustees voting Aye.

*Summary of Discussion:* Trustee Pimentel asked that staff follow-up with an explanation of where the reallocated positions under Item E were allocated from within the District.

*Public Comment:* None.

**Re-employment of Contract and Regular Faculty for the 2021-2022 Academic Year (21-03-02A)**  
**(Time Stamp: 1:49:19)**

*Motion to Approve by:* Trustee Goodman

*Second by:* Vice President Holober

**Action:** Approved. All Trustees voting Aye.

**Summary of Discussion:** Staff asked that a correction be made to the report. Due to an administrative oversight at the college level, under Section A of the Recommendation, Susanne Schubert was included with the Contract II status employees for the 2021-22 academic year. Ms. Schubert is a temporary full-time faculty member and should not be included on this list.

**Public Comment:** None.

## Other Recommendations

### **Consideration of Endorsement of SB 659 (21-03-102B)**

**(Time Stamp: 1:53:05)**

**Motion to Approve by:** Trustee Pimentel

**Second by:** Trustee Petrides

**Action:** Approved with amendment to insert clarifying language relating to the range in fee rates districts may charge not to exceed the current state rate. All Trustees voting Aye.

**Summary of Discussion:** Trustees asked about potential supporters of the legislation and staff explained that work would be underway, should the Board endorse the legislation, to build a coalition of supporters, including area Districts, basic aid districts, associations and the League. Trustees asked that the Bill language be clarified to address the issue relating to the “may” flexibility in that a District would have the option to charge fees up to the current state rate, not exceed it.

**Public Comment:** None.

## **STUDY SESSION**

### **Discussion of Board Governance Relating to Proposed Internal Audit Function and External Performance Review of Select District Operations (21-03-01C)**

**(Time Stamp: 2:14:21)**

**Summary of Discussion:** Vice President Holober and Trustee Pimentel, making up the Board sub-committee reviewing this topic, presented recommendations for the Board’s consideration including (1) a job description for an internal auditor, and (2) proposed revisions to Board Policy 1.10 relating to Board responsibilities. They explained that the timing is right to consider these issues while things are calm in the District and that it not be perceived as a criticism of the District staff.

As it related to the internal auditor, Vice President Holober explained the various elements of the proposed job description as provided to the Trustees and included in the revised Board meeting packet. Trustee Pimentel noted that similar functions are not uncommon in public agencies, particularly in state government.

President Nuris expressed concern about the reporting structure for such a position and noted he was not comfortable with having an auditor report directly to the Board and not the Chancellor. He said this may be a violation of accreditation standards. Vice President Holober said that as it relates to the issue of accreditation, he would suggest seeking the Board seek an independent legal opinion on that issue. President Nuris further explained that he does not believe that by adding an additional function will provide any additional oversight, given that the five elected members of the Board

have that responsibility in overseeing their one report – the Chancellor – and they have a duty to hold him accountable in the administration of the District.

Trustee Goodman expressed concern about the timeliness of receiving the supporting materials from the sub-committee. He also noted that he believes that the Board has the responsibility to hold the Chancellor accountable and any concerns about his work should be addressed directly. He also asked if any evaluation was done to check for redundancy among current staff work. Trustee Goodman noted that he believes the work is needed but how the work is done and the reporting structure is important to resolve. He also asked if such a function could be appropriately housed within the Title IX compliance office.

Chancellor Claire suggest a middle approach in reaching the Board’s objective by having a Board audit sub-committee, noting that a number of districts have such Board-level engagement. He noted that he does have concerns about having an auditor reporting to the Board and that he firmly believes there is an accreditation issue.

Trustee Petrides said approaching this from a systems perspective allows for a broader perspective and does not call out one particular thing that needs fixed but allows broader refinements. She noted that not many districts are talking about the amount of transparency and accountability that this Board is discussing. She said now is the time is now for this and in the spirit of continuous improvement and transparency, she is supportive of an audit role.

Chancellor Claire suggested that the sub-committee continue to meet and gather and process information and that staff connect with the state internal audit association to understand how other districts administer this function and identify potential best practices. Trustees agreed with this approach.

There was also general consensus that a whistle-blower policy be developed in a timely manner and be brought to the Board for consideration. The Board also provided feedback regarding edits to Board Policy 1.10 and suggested that revisions be brought back to the next meeting with possible action at the April 14 meeting.

***Public Comment:***

- Maxine Terner spoke about the capital improvement program and urged the Board to include capital improvement process in the audit review.

**Discussion of RFP Process for Selecting Vendor to Operate the San Mateo Athletic Club (21-03-02C)**  
*(Time Stamp: 3:53:48)*

***Summary of Discussion:*** Yanely Pulido, Director of General Services, presented an overview of the draft solicitation, development and evaluation plan for the San Mateo Athletic Club procurement process. She discussed that the draft procedures will help ensure the procurement process is conducted in an impartial, fair, efficient, transparent and non-discriminatory manner.

Ms. Pulido explained that the procurement team would consist of key staff members including the Chancellor, Director of General Services, a project manager, supporting consultants and technical subject matter experts, along with the Board ad-hoc committee consisting of Vice President Holober and Trustee Goodman, an RFP evaluation committee comprised of seven to nine representatives of constituency groups, along with legal counsel. She further reviewed the planning, solicitation and evaluation and post procurement processes, along with RFP issuance,

vendor outreach and communications. Ms. Pulido provided an overview of the RFP planning timeline, which constitutes an estimated 40-week process from beginning to end.

Trustee Pimentel asked about the item discussed relating to individual scoring sheets in the initial evaluation not being published and inquired if that was pursuant to a state law or procurement regulation. Catherine Groves, the District's special counsel from Hanson Bridgett, explained that it is not a legal requirement but instead a best practice to allow evaluators to openly and honestly evaluate bids without concern that their evaluations would be used against them. Trustee Pimentel asked if that were a concern, could the scoring sheets be anonymized. He also asked about a best and final offer process and Ms. Groves explained that sometimes that process is not needed.

Chancellor Claire noted that to form the review committee, he would like to use a participatory governance-like model which engages the Academic Senate and classified groups to help select members for the committee.

Vice President Holober explained that he believes the Board should provide, early in the process, questions and requests for data, that the Board believes are essential and should be included in the RFP. He also suggested that the Board needs to determine the weighting of scoring on items in the RFP evaluation. Vice President Holober also recommended identifying opportunities to responsibly shorten the timeline, but not sacrifice time for outreach to vendors and time for responses.

Trustee Petrides suggested that the RFP could specify that certain services could be sub-contracted, such as that mentioned by Trustee Pimentel in relation to operation of the gym versus the pool. She also asked how Board feedback relating to input about items to be included in evaluation will be collected, processed and approved. Ms. Groves noted that the RFP preparation team has been collecting all feedback from Trustees and others to include in the bid document and a survey will be administered and listening session will be held.

Vice President Holober noted that he believes that Trustees should provide feedback as soon as possible to Chancellor Claire. He also noted, in relation to Trustee Petrides suggestion about engaging in conversations with the unions about bringing certain operations in-house that that can be done in tandem with the proposed timeline, not in addition to it.

Chancellor Claire suggested that a special retreat might be helpful in evaluating the vision for SMAC and also for Cañada Building 1. Trustee Goodman agreed that it was important for the Board to discuss what it wanted from these facilities and to set a direction for both facilities.

***Public Comment:***

- Frank Elliott recommended shortening the process timeline and noted that he believes there is a very small group of qualified vendors that could bid on this RFP. He also requested bid documents from the last bid.
- Nancy Littlefield suggested that employee satisfaction be included in the RFP.
- Lane Poms said she thinks it is important to have review committee members who are involved in the club.
- Sam Chuang recommended revisiting the potential for operating parts of the club in-house and suggested the pool operations might be operated by a vendor rather than in-house.

## INFORMATION REPORTS

### Discussion of Short-term Contract Extension with EXOS for the Operation of the San Mateo Athletic Club (21-03-04C)

*(Time Stamp: 5:03:44)*

**Summary of Discussion:** Chancellor Claire noted that there are two issues that he would like the Board to address: (1) knowing that the current EXOS contract expires on March 31, there will be a need for an extension of some length based on the timeline discussed earlier for the RFP, and (2) as an extension is considered, what items does the Board want included in any extension of the EXOS contract.

Trustee Goodman said that he believes that now is time to consider everything in relation to the contract extension and that he has concerns with just extending the contract and continuing to pay fees for operations that are scaled back. Vice President Holober agreed with Trustee Goodman's assessment and also suggested that the Board should evaluate the notion of a full employment approach for third-party vendors.

Trustee Pimentel asked what would happen if the District simply allowed the current contract to expire and open the facility free of charge to employees and students and then the community. Chancellor Claire responded that the District does not have existing capacity to process or operate the facility without a vendor on April 1.

Trustee Goodman asked about student job training and when a discussion about that training would be held. Chancellor Claire noted that such conversations are part of a broader discussion about the vision of the Club and that there are immediate operational needs that must be addressed on April 1. Trustee Petrides suggested that a sub-committee of the Board and administration could begin conversations with the unions who have expressed interest in exploring positions within the club.

Trustee Petrides suggested the Board direct staff to negotiate a three-month contract extension, recognizing that future extensions may be necessary as the RFP process will take longer than three months. Vice President Holober agreed with Trustee Petrides and suggested that a future extension should be at a break-even level, not at a deficit.

President Nuris asked for an update on the status of SMAC and how it is being used and by whom. Vice Chancellor Tom Bauer explained that inside activities occurred in the beginning and are returning as permitted under the health orders, and outdoor activities have been taking place since the pandemic began, along with online and group exercise courses. He noted that there has been a staff reduction during the pandemic and that expense have gone up. Mr. Bauer explained that there are approximately 3,000 members who continue to pay dues and the aquatics program continues to operate, though with restrictions. He noted that 100 percent of Pilates instructors hired by EXOS at SMAC have been graduates of the CSM academic program. Mr. Bauer further explained that he has presented more than 70 in-person and written reports to the Board over the last 10 years and he will provide additional information as requested by the Board this evening. President Nuris said that such a report would be helpful for the Board.

Trustee Goodman asked for clarification on the usage of SMAC. Mr. Bauer noted that he would provide head-count usage to the board in a report and explained that prior to the pandemic, there were around 6,000 members. Currently, 3,744 are paying dues, 1,728 have frozen their membership and are not currently paying dues and another 600 plus have cancelled their memberships.



Chancellor Claire summarized the direction from the Board to be to approach an extension that will: (1) be three months in length, (2) request a review of SMAC staffing, (3) consider reduction in the management fee, and (4) ask for usage data to be used in evaluating extensions. The Board concurred with this summary.

***Public Comment:***

- Frank Elliott noted it was remarkable that there is still a roster of 3,000 members and encouraged shifts in operations to get to the break-even point suggested by Vice President Holober.
- Nancy Littlefield urged the Board to balance the short-term operational crisis and the creation of the long-term vision.
- Sam Chuang supported Trustee Pimentel's suggestion to open the facility for all to use, and suggested that members were willing to make modifications to operations work.

**Discussion of Future Study Session and Informational Report Topics (21-03-03C)**

**[Time Stamp: 1:07:00](#)**

***Summary of Discussion:*** Due to time constraints, this item was held for a future meeting.

**COMMUNICATIONS**

**[Time Stamp: 5:56:22](#)**

Chancellor Claire noted that the Board had received several emails relating to the District's operations for fall 2021 semester and that administration would prepare responses for the Board to those emails.

**STATEMENTS FROM BOARD MEMBERS**

**[Time Stamp: 5:57:08](#)**

***President Nuris:*** None.

***Vice President Holober:*** He congratulated and thanked Trustee Pimentel and Trustee Goodman on taking the lead on conversations with the Board of Supervisors to support the District's Promise Scholars Program.

***Trustee Goodman:*** He reminded everyone to get their tickets for the Skyline College President's Breakfast.

***Trustee Petrides:*** None.

***Trustee Pimentel:*** He thanked Trustee Goodman for his leadership with the County Board of Supervisors on funding for the District. He also asked about the District Strategic Plan Committee; staff responded that the Board would be receiving an updated plan and metrics for consideration at a meeting in likely April or May.

***Student Trustee Shonette:*** None.

President Nuris announced that the next meeting of the Board of Trustees would be on March 24, 2021, conducted via Zoom.

**RECONVENE TO CLOSED SESSION**

The Board recessed to Closed Session at 11:12 p.m.

**RECONVENE TO OPEN SESSION**

The Board reconvened to Open Session at 1:06 a.m.

**ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION (if necessary)**

President Nuris announced that there were no reportable actions taken in Closed Session.

**ADJOURNMENT**

The meeting adjourned by consent at 1:06 a.m.

Submitted by

Michael Claire, Secretary