



Tuesday, April 5, 2022
SPECIAL MEETING OF THE BOARD OF TRUSTEES

SAN MATEO COUNTY COMMUNITY COLLEGE DISTRICT

**Open Session at 4:30 p.m.; Closed Session immediately following conclusion of Open Session
In person at 3401 CSM Drive, San Mateo, CA 94402**

**Members of the Public may also participate via Zoom.
Zoom Meeting ID - <https://smccd.zoom.us/j/82596961519>
Dial-In: 1-669-900-9128; Webinar ID: 825 9696 1519**

NOTICE ABOUT PUBLIC PARTICIPATION AT BOARD MEETINGS

OBSERVING THE MEETING

Members of the public who wish to observe the meeting in-person or remotely by accessing the link or calling the following telephone number above at the beginning of the meeting.

For individuals who attend the meeting in person, face coverings will be required while in-doors at the District Office for all individuals, regardless of COVID-19 vaccination status.

PROVIDING PUBLIC COMMENT DURING THE MEETING ON NON-AGENDA ITEMS

To make a comment regarding a non-agenda item, members of the public:

- (1) If in person, may seek recognition at the speaker's lectern when called upon by the Board President, or**
- (2) If remote, once in the Zoom meeting (via above link), can utilize the "raise hand" function on the bottom right corner of the screen. This will allow for the Board President to recognize members for comment and will allow staff to activate audio access to individual participants. Members of the public who "raise their hand" will be called upon in the order they appear.**
- (3) Members of the public making comment are reminded of the 3-minute time limit for comment.**

PROVIDING PUBLIC COMMENT DURING THE MEETING ON AGENDA ITEMS

To make a comment regarding an item on the agenda, members of the public:

- (1) If in person, may seek recognition at the speaker's lectern when called upon by the Board President, or**
- (2) If remote, once in the Zoom meeting (via above link), can utilize the "raise hand" function on the bottom right corner of the screen. This will allow for the Board President to recognize members for comment and will allow staff to activate audio access to individual participants. Members of the public who "raise their hand" will be called upon in the order they appear.**
- (3) Members of the public making comment are reminded of the 3-minute time limit for comment.**

ACCOMMODATIONS

Persons with disabilities who require an accommodation or service should contact the Chancellor's Office at (650) 358-6877 at least 24 hours prior to the Board meeting.

1. OPEN SESSION - 5:00 p.m.

Subject **1.1 Call to Order / Roll Call**

Meeting Apr 5, 2022 - SPECIAL MEETING OF THE BOARD OF TRUSTEES

Category 1. OPEN SESSION - 5:00 p.m.

Access Public

Type Procedural

2. NEW BUSINESS

Subject **2.1 ADOPTION OF RESOLUTION NO. 22-05 TO MAKE FINDINGS ALLOWING CONTINUED REMOTE MEETINGS UNDER BROWN ACT**

Meeting Apr 5, 2022 - SPECIAL MEETING OF THE BOARD OF TRUSTEES

Category 2. NEW BUSINESS

Access Public

Type Action

Preferred Date Apr 05, 2022

Absolute Date Apr 05, 2022

Fiscal Impact No

Budgeted No

Recommended Action It is recommended that the Board of Trustees adopt Resolution No. 22-05 finding that, as a result of the continuing COVID-19 pandemic state of emergency declared by Governor Newsom, meeting in person would present imminent risks to the health or safety of attendees.

TO: Members of the Board of Trustees

FROM: Michael Claire, Chancellor

PREPARED BY: Mitchell Bailey, Vice Chancellor/Chief of Staff

ADOPTION OF RESOLUTION NO. 22-05 TO MAKE FINDINGS ALLOWING CONTINUED REMOTE MEETINGS UNDER BROWN ACT

On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which rescinded his prior Executive Order N-29-20 and set a date of October 1, 2021 for public agencies to transition back to public meetings held in full compliance with the Brown Act. The original Executive Order provided that all provisions of the Brown Act that required the physical presence of members or other personnel as a condition of participation or as a quorum for a public meeting were waived for public health reasons. If these waivers fully sunsetted on October 1, 2021, legislative bodies subject to the Brown Act would have to contend with a sudden return to full compliance with in-person meeting requirements as they existed prior to March 2020, including the requirement for full physical public access to all teleconference locations from which board members were participating.

On September 16, 2021, the Governor signed AB 361, a bill that formalizes and modifies the teleconference procedures implemented by California public agencies in response to the Governor's Executive Orders addressing Brown Act compliance during shelter-in-place periods. AB 361 allows a local agency to continue to use teleconferencing under the same basic rules as provided in the Executive Orders when certain circumstances occur or when certain findings have been made and adopted by the local agency.

AB 361 also requires that, if the state of emergency remains active for more than 30 days, the agency must make findings by majority vote every 30 days to continue using the bill's exemption to the Brown Act teleconferencing rules. The findings are to the effect that the need for teleconferencing persists due to the nature of the ongoing public health emergency and the social distancing recommendations of local public health officials. Effectively, this means that local agencies must agendaize a Brown Act meeting once every thirty days to make findings regarding the circumstances of the emergency and to vote to continue relying upon the law's provision for teleconference procedures in lieu of in-person meetings.

AB 361 provides that Brown Act legislative bodies must return to in-person meetings on October 1, 2021, unless they choose to continue with fully teleconferenced meetings because a specific declaration of a state or local health emergency is appropriately made. AB 361 allows local governments to continue to conduct virtual meetings as long as there is a gubernatorially-proclaimed public emergency in combination with (1) local health official recommendations for social distancing or (2) adopted findings that meeting in person would present risks to health. AB 361 is effective immediately as urgency legislation and will sunset on January 1, 2024.

Because local rates of transmission of COVID-19 are still in the "substantial" tier as measured by the Centers for Disease Control, it is recommended that the Board avail itself of the provisions of AB 361 allowing continuation of online meetings by adopting findings to the effect that conducting in-person meetings would present an imminent risk to the health and safety of attendees. A resolution to that effect, and directing staff to return each 30 days with the opportunity to renew such findings, is attached hereto.

The Board of Trustees adopted a similar resolution with similar findings on October 13, 2021, November 10, 2021, December 15, 2021, January 26, 2022, and February 12, 2022.

RECOMMENDATION

It is recommended that the Board of Trustees adopt Resolution No. 22-05 finding that, as a result of the continuing COVID-19 pandemic state of emergency declared by Governor Newsom, meeting in person would present imminent risks to the health or safety of attendees.

File Attachments

[RESOLUTION NO. 22-05 - Brown Act Remote Meetings.pdf \(302 KB\)](#)

Subject **2.2 VOTE TO ELECT MEMBERS TO THE CALIFORNIA COMMUNITY COLLEGE TRUSTEES (CCCT) BOARD**

Meeting Apr 5, 2022 - SPECIAL MEETING OF THE BOARD OF TRUSTEES

Category 2. NEW BUSINESS

Access Public

Type Action

Preferred Date Apr 05, 2022

Absolute Date Apr 22, 2022

Fiscal Impact No

Budgeted No

Recommended Action It is recommended that the Board of Trustees vote to elect members to the California Community College Trustees Board.

TO: Members of the Board of Trustees

FROM: Michael Claire, Chancellor

PREPARED BY: Mitchell Bailey, Vice Chancellor/Chief of Staff

VOTE TO ELECT MEMBERS TO THE CALIFORNIA COMMUNITY COLLEGE TRUSTEES (CCCT) BOARD

The California Community College Trustees (CCCT) Board consists of 21 members elected statewide by the 73 district governing boards and a student-member elected by the student trustees. The CCCT Board takes positions on and formulates education policy issues that come before the California Community Colleges Board of Governors, the State Legislature, and other relevant state-level boards and commissions. This policy board provides input to the League Board to advance the mission and effectively serve the organization's member colleges.

Pursuant to the CCCT Board Governing Policies, the election of members of the CCCT Board of the League will take place between March 10 and April 25. This year there are six (6) seats up for re-election on the board, with one (1) incumbent running.

Each community college district governing board shall have one vote for each of the six (6) seats on the CCCT Board. Only one vote may be cast for any nominee or write-in candidate. The six (6) candidates who receive the most votes will serve a three-year term. Results will be announced at the CCCT Annual Conference in May.

The 13 trustees who have been nominated for election to the board are listed below in the Secretary of State's random drawing order of August 12, 2021. Candidates' statements and bios are also available on the League's website here: <https://www.ccleague.org/about-us/california-community-college-trustees-ccct>

2022 CCCT BOARD ELECTION (*Candidates listed in Secretary of State's Random Drawing Order of August 12, 2021*) (* Incumbent)

Vote for no more than six (6) Candidates

1. Kenneth Brown, El Camino CCD*
2. Mary Ann Lutz, Citrus CCD
3. Jose Alcala, Riverside CCD
4. Mary Strobridge, San Luis Obispo County CCD
5. Tamara Silver, Pasadena Area CCD
6. Danny Kelley, Redwoods CCD
7. Marcia Milchiker, South Orange County CCD
8. Stacy Davis, Palo Verde CCD
9. Juan Delgado, Yuba CCD
10. Ines De Luna, Napa Valley CCD
11. Lisa Petrides, San Mateo CCD
12. Sharon Pinkerton, Victor Valley CCD
13. Milton Richards, Yosemite CCD

3. CLOSED SESSION (Immediately Following Conclusion of Open Session)

Subject	3.1 Call to Order / Roll Call
Meeting	Apr 5, 2022 - SPECIAL MEETING OF THE BOARD OF TRUSTEES
Category	3. CLOSED SESSION (Immediately Following Conclusion of Open Session)
Access	Public
Type	Procedural

4. CLOSED SESSION ITEMS FOR DISCUSSION

Subject	4.1 PURSUANT OF GOV. CODE, §54957: PUBLIC EMPLOYMENT (PRESIDENT OF CAÑADA COLLEGE)
Meeting	Apr 5, 2022 - SPECIAL MEETING OF THE BOARD OF TRUSTEES
Category	4. CLOSED SESSION ITEMS FOR DISCUSSION
Access	Public
Type	Discussion

Subject	4.2 CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION: SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO GOV. CODE, § 54956.9, SUBD. (D)(2): TWO CASES
Meeting	Apr 5, 2022 - SPECIAL MEETING OF THE BOARD OF TRUSTEES
Category	4. CLOSED SESSION ITEMS FOR DISCUSSION
Access	Public
Type	Discussion

5. PUBLIC COMMENTS ON CLOSED SESSION ITEMS ONLY

Subject	5.1 Comments by Community Members
Meeting	Apr 5, 2022 - SPECIAL MEETING OF THE BOARD OF TRUSTEES
Category	5. PUBLIC COMMENTS ON CLOSED SESSION ITEMS ONLY
Access	Public
Type	Information

6. CLOSED SESSION

Subject	6.1 Recess to Closed Session
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Meeting Apr 5, 2022 - SPECIAL MEETING OF THE BOARD OF TRUSTEES
Category 6. CLOSED SESSION
Access Public
Type Procedural

7. RECONVENE TO OPEN SESSION

Subject 7.1 Reconvened to Open Session

Meeting Apr 5, 2022 - SPECIAL MEETING OF THE BOARD OF TRUSTEES
Category 7. RECONVENE TO OPEN SESSION
Access Public
Type Procedural

Subject 7.2 Announcement of Reportable Action Taken In Closed Session (if necessary)

Meeting Apr 5, 2022 - SPECIAL MEETING OF THE BOARD OF TRUSTEES
Category 7. RECONVENE TO OPEN SESSION
Access Public
Type Procedural

8. ADJOURNMENT

Subject 8.1 Adjourn

Meeting Apr 5, 2022 - SPECIAL MEETING OF THE BOARD OF TRUSTEES
Category 8. ADJOURNMENT
Access Public
Type Procedural