

**Minutes of the Regular Meeting of the Board of Trustees
San Mateo County Community College District
June 24, 2020 – 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 4:00 p.m.

Board Members Present: President Karen Schwarz, Vice President Thomas A. Nuris, Trustee Maurice Goodman, Trustee Richard Holober, Trustee Dave Mandelkern

ANNOUNCEMENT OF CLOSED SESSION ITEMS FOR DISCUSSION

President Schwarz said that during closed session, the Board will take up items as listed on the printed agenda, including: (1) Hold a Conference with Legal Counsel – Anticipated Litigation: Significant exposure to litigation pursuant to Gov. Code, § 54956.9, subd. (d)(2): Two cases; (2) Consider Employee Discipline, Dismissal, Release; (3) Consider Public Employee Appointment/Employment: Vice Chancellor of Educational Services and Planning and Vice Chancellor/Chief of Staff; (4) Consider Ratification of Confidential Warrants; and (5) Hold Conference with Labor Negotiators for Employee Organizations: AFT and CSEA and an Unrepresented Employee: Skyline College President.

STATEMENTS FROM THE PUBLIC ON CLOSED SESSION ITEMS ONLY

None.

RECESS TO CLOSED SESSION

The Board recessed to closed session at 4:02 p.m.

RECONVENE TO OPEN SESSION

The Board reconvened to open session at 6:00 p.m.

Board Members Present: President Karen Schwarz, Vice President Thomas A. Nuris, Trustee Maurice Goodman, Trustee Richard Holober, Trustee Dave Mandelkern; Student Trustee Jade Shonette

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

ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION

(Time Stamp: 1:44)

There were no adjustments to the order of the agenda.

DISCUSSION OF THE ORDER OF THE AGENDA

(Time Stamp: 1:47)

Trustees agreed to staff's request to move Informational Report 20-6-6C a Report on Request for Proposal Process for Operation of the San Mateo Athletic Club in Partnership with the District to be the first item under new business, and Item 20-6-111B, the Approval of Contract Extension to Professional Services Agreement with EXOS Community Services to Operate the San Mateo Athletic Club in Partnership with the District to be the second item considered under new business.

PRESENTATIONS TO THE BOARD BY PERSONS OR DELEGATIONS

Contemporary Conversation Regarding Race, Class, Gender, Privilege and Equity: Recognizing Pride Month (20-6-1B)

[\(Time Stamp: 03:05\)](#)

The three college presidents reported on activities in support of Pride Month. President Lopez reported on the activities of the Safe Zone Alliance Club and college professional development activities to support the LGBTQIA population. President Moore reported on Cañada's work regarding supporting Safe Zone activities. President Jackson mentioned social media posts and other activities celebrating Pride Month. Mr. Wardell, a Skyline student, expressed his concerns about armed security and shared a letter outlining his concerns with the Board. Trustee Nuris mentioned that it is nice to highlight groups during special recognition months, but we must highlight activities and support our students for the entire year. Trustee Goodman agreed and urged the Board to continue to have conversations that deconstruct systems of racism and oppression and include the LGBTQIA community. Trustee Mandelkern thanked the College presidents and the faculty, staff, and students for working to provide an environment where all can feel comfortable. Trustee Holober agreed with prior comments. Student Trustee Shonette supports creating a safe space for students. President Schwarz read a proclamation regarding Pride month into the record. Trustee Goodman acknowledged Mr. Wardell's questions and concerns about armed security.

STATEMENTS FROM EXECUTIVES AND STUDENT REPRESENTATIVES

[\(Time Stamp 23: 35\)](#)

Chancellor Claire stated that the Colleges were able to open the three campuses on a limited basis in accordance with state and county guidelines. He thanked all involved with assisting in the re-opening of the campuses. President Jackson thanked Trustee Goodman for his support of the Juneteenth Celebration at Skyline College. President Lopez announced the first convening of the Minding the Obligation Gap webinar series at CSM. President Moore stated that Cañada College held its second critical conversation on anti-racism. District Academic Senate President Wallace announced that the District Academic Senate will continue to meet over the summer to participate in the planning for the Fall 2020 and the Spring 2021 semesters. District Academic Senate President Wallace also stated that the District Academic Senate continues to have conversations on race and anti-racism and deconstructing systems that harm our students.

STATEMENTS FROM OTHER REPRESENTATIVE GROUPS

[\(Time Stamp: 31:30\)](#)

- Mr. Tiwari, an adjunct faculty member commented on the positive and negative aspects of online teaching.

STATEMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

[\(Time Stamp: 34:30\)](#)

- Dr. Smith, a CSM counselor, spoke about the value of counselors and the work of counselors at the colleges. Dr. Smith raised concerns about the treatment of counseling profession in the context of contract negotiations.
- Ms. Zannasi, a Skyline counselor, discussed the difficulty of counseling in a COVID-19 environment. She also mentioned that counseling at a community college is distinct from other high-education segments.
- Ms. Escobar, a Skyline Counselor, expressed concerns about the lack of time allotted to students for counseling appointments.

- Ms. Mendez, a counselor at Cañada College, discussed the difficulties students face especially during the pandemic. Ms. Mendez also requested more time with students. Ms. French, a learning disability specialist at Cañada College, supported the position of the prior speakers and stated that she was speaking for adjunct counselors who might be afraid to speak up.
- Ms. Venkataraman shared her difficulty with large class sizes and online teaching.
- Mr. Lehmann stated his support of the counselors.
- Mr. Meckler stated his concern about workload in an online environment.
- Mr. Wamba stated his concern about equity gaps related to online learning.
- Ms. Zhang agreed with the prior comments and expressed her concerns about technology.
- District Academic Senate President Wallace mentioned the District Academic Senate support of longer appointments for counselors.
- Mr. Brenner stated his support of prior faculty comments on workload.
- Dr. Wimmer stated concerns about the safety of returning to work during the pandemic.

NEW BUSINESS

Report on Request for Proposal Process for Operation of the San Mateo Athletic Club in Partnership with the District (20-6-6C)

(Time Stamp 1:12:18)

Vice Chancellor Bauer reported on the Request for Proposal and requested Board guidance. Trustee Holober stated that there have been severe problems with the staff not following the leadership of the Board and/or the chancellor. In particular he was surprised about a recent public statement regarding the opening of the San Mateo Athletic Club. He stated that it was his opinion that the RFP process must be removed from staff and requested that a neutral party execute the RFP. He stated that he does not have confidence that a neutral assessment can be done by staff. Trustee Holober also shared concerns about the scope of the RFP and contracting out what could be bargaining unit positions. Vice Chancellor Bauer stated that he worked under the direction of the chancellor to work with the EOC to develop a reopening plan for SMAC.

Trustee Mandelkern stated his interest in using an outside entity to review positions and that he too, is uncomfortable with contracting out all positions. He requested that the RFP incorporate the possibility of using bargaining employees for certain tasks. He also stated that the RFP should focus only on the San Mateo Athletic Club.

Trustee Goodman supported Trustee Mandelkern's statement. Trustee Goodman found it problematic about prior comments made about trust in staff. Vice President Nuris agreed with Trustee Goodman's statement. Vice President Nuris also stated that the Board has an obligation to the community to ensure that the community and students have access to the facility. President Schwarz also stated that she would like to focus on the issue at hand. Trustee Holober stated his desire to have a performance audit concerning the operation of the San Mateo Athletic Club.

Trustee Mandelkern stated his concerns about the need to proceed with the RFP given that the existing contract will expire. Trustee Goodman suggested a Board subcommittee

to assist with the formation of an RFP.

Chancellor Claire stated his support of including a Board subcommittee in the design of the RFP. Trustee Mandelkern and President Schwarz volunteered to serve on the Board subcommittee. Director Pulido stated that it is legal to have the Board participate in the RFP process but not always a best practice. Director Pulido summarized the RFP process for the Board. Trustee Goodman stated that his interest is in having a Board subcommittee participate in defining the scope of the RFP, not for the Board to participate for the entire RFP process. Trustee Mandelkern concurred.

Chancellor Claire asked for feedback regarding the timeframe for the RFP and if it looked reasonable. Trustee Mandelkern requested that the scope be discussed in public at the July 21 Board meeting. He also requested further Board discussion on the role of Building One at Cañada. Trustee Mandelkern requested that the Board focus on the San Mateo Athletic Club only.

Trustee Holober requested an analysis of running the San Mateo Athletic Club in-house. Trustee Holober clarified that if run as a district operation the positions would be classified positions, not faculty positions. Trustee Mandelkern suggested that the District run the RFP in parallel with an independent analysis of managing SMAC as a district operation. Trustee Goodman encouraged the Board to have an honest, inclusive conversation that includes all voices including employees and members of the community.

Director Pulido stated that the full RFP should not be released at a Board meeting but rather through a legal notification process. Instead, a high-level summary could be provided for public review and comment at a future Board meeting. There was consensus among the Board regarding Director Pulido's advice on providing a high-level summary of the RFP.

Public Comment:

- Ms. Celaya supported Board member comments regarding staffing of the San Mateo Athletic Club with bargaining unit members and cited prior Board reports.
- Ms. Terner requested that staff bring back the scope of the RFP for public comment.
- Ms. Bell, a member of SMAC, stated concerns about the ability for SMAC to continue.
- Mr. Pimentel requested additional details concerning Building One at Cañada College. He also encouraged the Board to consider a policy level decision regarding salary and wage levels.

Approval of Contract Extension to Professional Services Agreement with EXOS Community Services to Operate the San Mateo Athletic Club in Partnership with the District (20-6-111B)

(Time Stamp: 2:19:44)

Motion to Approve by: Trustee Mandelkern

Second by: Trustee Nuris

Action: Approved. Ayes: President Schwarz, Vice President Nuris, Trustee Goodman, Trustee

Mandelkern. Nays: Trustee Holober. Student Trustee Advisory Vote: Student Trustee Shonette - Aye.

Summary of Discussion:

Vice Chancellor Bauer stated that he has worked with Director Pulido to develop a six-month addendum to the EXOS contract. He introduced members of the EXOS management team to answer questions. President Schwarz acknowledged that the Board has received three letters of support to reopen the facility. Trustee Mandelkern stated that that decision to open the pools is separate from the decision to extend the contract with EXOS. Trustee Mandelkern stated that the first priority is for students and that we need to meet student needs first before opening facilities to the community. Trustee Holober stated concerns about the management fees in the agreement. Trustee Holober stated that he is not comfortable with a process that puts the Board in a corner. He stated that he will be voting no. Trustee Mandelkern acknowledged Trustee Holober's concern. Trustee Mandelkern asked about the continued dues payment and the status of the SMAC staff. Trustee Goodman also acknowledged Trustee Holober's frustration regarding the timing of bringing the contract forward. He also stated that we need to consider to provide free access to existin student, faculty, and staff SMAC members during the facility shutdown. Trustee Mandelkern also supported student use and adjustment of scheduling for student access. Vice President Nuris agreed with Board member statements about the timing of bringing the contract forward

Public Comment:

- Mr. Simon supported the Board decision to open the facility to the public many years ago and to contract out the management of the facility. He stated that the facility is well-run and urged the Board to extend the contract.
- Ms. Goldman, a masters swimmer, stated her support of a contract extension and her support of the current operator.
- Ms. Poms urged the Board to open the 50-meter pool.
- Ms. Thomas commented on the actions that EXOS has taken to support members and SMAC employees. She stated that EXOS had discounted its management fee by 75% from the time of the shelter in place order to June 30, 2020.

Approval of Personnel Items: Changes in Assignment, Compensation, Placement, Leaves, Staff Allocations and Classification of Academic and Classified Personnel (20-6-2A)

[\(Time Stamp: 2:58.20\)](#)

Motion to Approve by: Vice President Nuris

Second by: President Schwarz

Action: Approved. Ayes: President Schwarz, Vice President Nuris, Trustee Holober, Trustee Mandelkern. Nays: None. Abstention: Trustee Goodman.

Summary of Discussion: Trustee Goodman will abstain

Public Comment: None.

Approval of Consent Agenda**(Time Stamp: 3:00:00)****Approval of Curricular Additions, Deletions and Modifications – Cañada College, College of San Mateo and Skyline College (20-6-3CA)****Annual Review and Approval of Instructional Material Fees (20-6-4CA)****Suspension of Emergency Board Resolution Authorizing the Chancellor to Immediately Take Necessary Action to Protect Students and Employees from the Spread of Coronavirus (COVID19) (20-6-5CA)****Acceptance of Grant Funds from the San Bruno Community Foundation for the San Bruno Small Business Recovery Assistance Program to be Administered by the Bay Area Entrepreneur Center (20-6-6CA)****Acceptance of Grant Funds from the National Science Foundation for the Biotechnology Supply Chain Operations Project for Education (BioSCOPE) (20-6-7CA)****Request for Approval of Internal Borrowing (20-6-8CA)****Adoption of Resolution No. 20-10 Establishing 2020-21 Budget Limits (20-6-9CA)****Certification of District Equal Employment Opportunity Fund Allocation Application (20-6-10CA)***Motion to Approve by:* Trustee Goodman*Second by:* Vice President Nuris*Action:* Approved unanimously, all members voting Aye*Summary of Discussion:* No discussion.**Other Recommendations****Approval of Contract Award for College of San Mateo Building 3 Theatre Repair and Replacement Project (20-6-105B)****(Time Stamp: 3:02:42)***Motion to Approve by:* Vice President Nuris*Second by:* Trustee Holober*Action:* Approved unanimously, all members voting Aye*Summary of Discussion:* No discussion.*Public Comment:* None**Approval of Contract Award for Skyline College Building 3 Portables Replacement Project (20-6-106B)****(Time Stamp: 3:03:06)**

Motion to Approve by: Trustee Goodman

Second by: Vice President Nuris

Action: Approved unanimously, all members voting Aye

Summary of Discussion: No discussion.

Public Comment: None

Approval of Construction Consultants (20-6-107B)

[\(Time Stamp: 03:03:49\)](#)

Motion to Approve by: Trustee Goodman

Second by: Trustee Holober

Action: Approved unanimously, all members voting Aye

Summary of Discussion:

Trustee Goodman encouraged that staff continue to explore how to expand outreach to consultants to increase the diversity of our consultant base. Vice Chancellor Nunez stated that he is committed to this goal as well.

Public Comment: None

Approval of Tuition Increase for Fee-For-Service Childcare Effective August 1, 2020 (20-6-108B)

[\(Time Stamp: 03:07:42\)](#)

Motion to Approve by: Trustee Mandelkern

Second by: Trustee Goodman

Action: Approved unanimously, all members voting Aye

Summary of Discussion: No discussion

Public Comment: None

Adoption of the 2020-21 Tentative Budget (20-6-109B)

[\(Time Stamp: 03:08:40\)](#)

Motion to Approve by: Trustee Mandelkern

Second by: Trustee Holober

Action: Approved unanimously, all members voting Aye

Summary of Discussion: CFO Slater reviewed the 2020-21 Tentative Budget including key assumptions and anticipated changes in state funding levels. Chancellor Claire discussed budget principles and goals, including goals in response to the pandemic and developing a long-term approach to meeting the 50% law. CFO Slater presented key revenues expenses for the 2020/21 budget. Trustee Holober asked about international student program costs and travel costs. CFO Slater stated that the bulk of the costs are for permanent employees assigned to the international education program. Chancellor Claire stated that the District will review permanent positions and will shift personnel resources accordingly. Trustee Mandelkern stated that we are now overfunded on our OPEB liability and we might we think differently and reduce the surplus in the fund. He also asked about cash flow concerns in general. Chancellor Claire presented an analysis of the 50%

law. The Board agreed that is important to move towards compliance with the 50% law. Some Board members also expressed concern about using one-time funds to move towards compliance.

Public Comment: None

Adoption of Resolution No. 20-12 Calling for an Election to be Held on November 3, 2020, for the Election of Three Members of the Governing Board of the San Mateo County Community College District (20-6-110B)

[\(Time Stamp: 4:31:06\)](#)

Motion to Approve by: Trustee Goodman

Second by: Trustee Holober

Action: Approved unanimously, all members voting Aye

Summary of Discussion: No board discussion

Public Comment: None

INFORMATION REPORTS

Presentation by South Bay Regional Public Safety Training Consortium on Addressing Cultural Sensitivity and People with Disabilities in the Police Academy (20-6-3C)

[\(Time Stamp: 4:32:47\)](#)

Summary of Discussion: Linda Vaughn, President of the South Bay Regional Public Safety Training Consortium (SBRPSTC) made a presentation on the operations of SBRPSTC. Police Academies are offered at Monterey Peninsula College, Gavilan College, and College of San Mateo. SBRPSTC offers Peace Officer Standards and Training (POST) certified curriculum. President Vaughn discussed the history of de-escalation and changes in use of force policies. President Vaughn discussed the “8 Can’t Wait Campaign”, which is designed to reduce killings by police. President Vaughn also discussed curriculum to address cultural sensitivity and cultural competency.

Trustee Mandelkern stated that his goal is to ensure that officers are trained to the highest standards. Trustee Mandelkern asked a number of specific questions regarding training. Trustee Mandelkern also asked about the training required regarding mental health responses. President Vaughn responded that some of the training is provided in the Academy, additional training is provided by San Mateo County Law enforcement.

Trustee Nuris asked what police agencies use the SBRPSTC. President Vaughn responded that almost all law enforcement agencies in San Mateo County use the SBRPSTC for training.

Trustee Goodman stated that the reason we are here is because what is going on in the country and the killing of unarmed people of color. Trustee Goodman stated that he feels that many of the problems result from a lack of training and bad police officers. He asked about the process to monitor behavior of Academy recruits to ensure that candidates that might make bad police officers be removed from the program. President Vaughn stated that because they are governed by Education Code, there is limited ability to remove a recruit from the Academy. However, the Academy does document problematic behavior. Trustee Goodman asked what needs to happen at the state level so that we can make changes to improve. President Vaughn responded that community college academies need to establish a model similar to community college nursing programs.

Trustee Holober asked about standards and if they are set at the state or federal level. Trustee Holober asked if the training is enough given the responsibility of police officers. President Vaughn stated that additional training would be desirable. At the same, time recruits receive up to 6 months of field training after graduating from the Academy.

Third Quarter Report of Auxiliary Operations, 2019-20 (20-6-4C)

[\(Time Stamp: 5:53:06\)](#)

Summary of Discussion: Trustee Mandelkern stated that the Board needs a detailed discussion regarding the future of Auxiliary operations.

District Financial Summary for the Quarter Ending March 31, 2020 (20-6-5C)

[\(Time Stamp: 5:53:42\)](#)

Summary of Discussion: No discussion; report noted as received.

COMMUNICATIONS

[\(Time Stamp: 5:57:11\)](#)

No communications have been received.

STATEMENTS FROM BOARD MEMBERS

[\(Time Stamp: 00:00\)](#)

President Schwarz: No comments.

Vice President Nuris: Trustee Nuris appreciated the material presented in the Minding the Obligation Gap webinar.

Trustee Goodman: No comments.

Trustee Holober: Trustee Holober requested that all meetings, including special meetings, have a Board packet available. He also requested a report on running the San Mateo Athletic Club as an in-house operation. Finally, he asked staff to investigate if the District has rules in place that prohibit the solicitation of campaign funds for trustee elections by employees from contractors and others.

Trustee Mandelkern: Trustee Mandelkern appreciates everyone's time this evening

Student Trustee Shonette: No comments.

Vice President Nuris announced that the next meeting of the Board of Trustees would be on July 8, 2020, conducted via Zoom.

ADJOURNMENT

The meeting adjourned by consent at 12:02 a.m.

Submitted by

Michael Claire, Secretary