

**Minutes of the Regular Meeting of the Board of Trustees
San Mateo County Community College District
July 22, 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 Conference with Labor Negotiators for Employee Organizations: AFT and CSEA; (2) Hold a Conference with Legal Counsel – Anticipated Litigation: Significant exposure to litigation pursuant to Gov. Code, § 54956.9, subd. (d)(2): Two cases; (3) Consider Public Employee Appointment/Employment: Vice Chancellor/Chief of Staff; (4) Conduct Public Employee Performance Evaluation: Review of Goals – Chancellor; and (5) Consider Employee Discipline, Dismissal, Release.

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: Chancellor Michael Claire, Chief Financial Officer Bernata Slater, Skyline College Interim President Jannett Jackson, Skyline College President Designate Melissa Moreno, 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

[\(Time Stamp: 00:10\)](#)

There were no actions to report in Closed Session.

DISCUSSION OF THE ORDER OF THE AGENDA

[\(Time Stamp: 01:17\)](#)

Staff requested that Information Report “Update on Crystal Springs Cross Country Course (20-7-6C)” be moved to the first item following “Statements from the Public on Non-Agenda Items”. The Board agreed to the change in the order of the agenda.

STATEMENTS FROM EXECUTIVES AND STUDENT REPRESENTATIVES

(Time Stamp: 01:50)

Chancellor Claire acknowledged the graduating Class of 2020. He congratulated the graduates on their success and resilience during such a challenging year.

Chancellor Claire congratulated Brian Horwitz for his nomination as the San Mateo County Community College District's 2020 Classified Employee of the Year and the California Community Colleges 2020 Classified Employee of the Year. Cañada College President, Jamillah Moore and Vice Chancellor, Tom Bauer congratulated and thanked Mr. Horwitz. Mr. Horwitz thanked the Board for the prestigious award and dedicated the award to his wife of 43 years, Linda Horwitz. The Board congratulated Mr. Horwitz on his well-deserved award.

Chancellor Claire thanked Dr. Jannett Jackson for her service as Interim Skyline College President and wished her well in retirement. Dr. Jackson thanked the Board for the opportunity to serve as Interim Skyline College President. Dr. Jackson acknowledged the great work at Skyline College and the many accomplishments achieved in the past year. Dr. Jackson also welcomed Dr. Melissa Moreno as the new President of Skyline College. Ms. Kate Browne thanked Dr. Jackson on behalf of the Skyline College Academic Senate. The Board recognized Dr. Jackson for her service and expressed gratitude for her leadership.

District Academic Senate President, Jeramy Wallace gave an update on the District Academic Senate's Taskforce on Teaching & Learning (TTL). The taskforce has been instrumental in providing guidance to faculty on procedures, grading policies, teaching, and learning in an online modality. The taskforce has most recently drafted a vision for equity and social justice that creates flexibility and compassion to students. Mr. Wallace also noted two resolutions that the District Academic Senate passed this month. The first resolution is affirming the discipline and expertise of Counseling Faculty and the second resolution is regarding Early Childhood Education (ECE) Faculty offering curriculum online and advocating for Child Development Centers to reopen. Trustee Goodman asked for more information about providing resources to ECE Faculty and reopening Child Development Centers. Dr. Patty Hall, Early Childhood Education (ECE) Professor, encouraged the Board to consider Child Care an essential program to serve students. She said other programs in San Mateo County have remained open or reopened recently. One course in particular, which has been difficult to convert to online, is the practicum student teaching course, which students are required to be in a classroom with children. Ms. Kate Browne seconded Ms. Hall's comments and emphasized the importance of providing education to students that make them confident teachers.

President, Karen Schwarz and Trustee Goodman discussed the Board supporting District Academic Senate resolutions by advocating to County and State counterparts as well as passing a Board resolution to provide support.

STATEMENTS FROM OTHER REPRESENTATIVE GROUPS

(Time Stamp: 59:28)

- Ms. Marianne Kaletzky introduced herself as the new Executive Secretary for AFT 1493. Ms. Kaletzky said AFT is grateful to have a recently agreed upon Memorandum of Understanding (MOU) for Summer/Fall 2020. She said Faculty are working harder than ever during these extraordinary circumstances. Ms. Kaletzky expressed hope that Deans and Administrators will support Faculty and honor the provisions in the MOU.
- CSEA President, Annette Perot, said that CSEA is working with the District on their MOU and making progress on contract negotiations.

STATEMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

(Time Stamp: 01:03:53)

- John Pimentel said that the California State University Board of Trustees passed an Ethnic Studies requirement that will require a class based on social justice and ethnic studies. Mr. Pimentel also asked about the Class of 2020 and student outcomes. He asked if the District knows how many students transfer to 4-year Colleges after graduating, how many students obtain jobs after graduating, and if the 200 international students that graduated remain in San Mateo County to contribute to the local economy.
- Frank Elliott thanked the Board for their support in opening the San Mateo Athletic Club on July 13th. He said that the San Mateo Athletic Club patrons are stakeholders in the San Mateo County Community College District and their opinions are important.
- Nigel Hawkins, student at Cañada College and Black Student Union (BSU) President, expressed appreciation for the Counseling Faculty at Cañada College. Mr. Hawkins said he is graduating in Spring 2021 and extremely grateful for the guidance and support.
- Bertha Garcia, past student at Cañada College, expressed appreciation for the Counseling Faculty at Cañada College. Ms. Garcia said her counseling experience was crucial part of her learning journey. Ms. Garcia said that her Counselor guided her to take classes with a purpose and pursue her educational goals.
- Vanessa Del Rio, an EOPS student at Cañada College and graduating Class of 2020, expressed appreciation for the Counseling Faculty at Cañada College. Ms. Del Rio said the Cañada College Counselors advocate for students, encourage success, and serve as role models.
- Lane Poms thanked the Board for their support in reopening the San Mateo Athletic Club. She said the reopening process has gone smoothly and great effort has been put in place to keep patrons safe.

NEW BUSINESS

Approval of Personnel Items: Changes in Assignment, Compensation, Placement, Leaves, Staff Allocations and Classification of Academic and Classified Personnel (20-7-3A)

(Time Stamp: 1:44:39)

Motion to Approve by: Trustee Goodman

Second by: Trustee Nuris

Action: Approved unanimously, all members voting Aye

Summary of Discussion: None

Public Comment: None

Approval of the Allocation of Total Compensation and Adoption of New Salary Schedule for Employees in the American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO, Local 829, Council 57 Bargaining Unit (20-7-4A)

(Time Stamp: 01:45:27)

Motion to Approve by: Trustee Goodman

Second by: Trustee Mandelkern

Action: Approved unanimously, all members voting Aye

Summary of Discussion: None

Public Comment: None

Approval of the Allocation of Total Compensation and Adoption of Salary Schedules for Non-Represented Employees on Salary Schedules 35 (Academic-Classified Exempt Supervisory), 40 (Classified Professional/Supervisor), and 50 (Confidential) (20-7-5A)

[\(Time Stamp: 01:46:16\)](#)

Motion to Approve by: Trustee Holober

Second by: Trustee Mandelkern

Action: Trustee Schwarz, Trustee Nuris, Trustee Mandelkern and Trustee Holober voting Aye. Trustee Goodman abstain. The Motion passed.

Summary of Discussion: None

Public Comment: None

Approval of Consent Agenda

[\(Time Stamp: 01:47:19\)](#)

Approval of Budgetary Transfers for the Period Ending May 31, 2020 and Adoption of Resolution 20-13 Authorizing Budget Revisions and Transfers for 2019-20 (20-7-1CA)

Acceptance of Gifts by the District (20-7-2CA)

Motion to Approve by: Trustee Nuris

Second by: Trustee Goodman

Action: Approved unanimously, all members voting Aye

Summary of Discussion: None

Other Recommendations

Approval of 2022-2026 Five-Year Capital Construction Plan (20-7-101B)

[\(Time Stamp: 01:48:16\)](#)

Motion to Approve by: Trustee Nuris

Second by: Trustee Holober

Action: Approved unanimously, all members voting Aye

Summary of Discussion: Trustee Holober noted that projects on the 5YCP are in different stages and some projects are “wish list” items. Mr. Jose Nuñez, Vice Chancellor of Facilities Planning, Maintenance & Operations, verified that all projects on the “wish list” are related to the education of students and instructional needs. Some projects have funding that has not yet been identified. Mr. Nuñez noted that there are budget shortfalls, in terms of State matching funds, for projects in FY21/22 and FY22/23. The FY21/22 projects are already approved. Mr. Nuñez reviewed the project list and addressed Ms. Terner’s questions.

Public Comment:

- Maxine Turner asked if the projects in the 5YCP are current projects in the Facilities Master Plan. Ms. Turner also asked what funding is used for the Skyline College Building 2 project. Ms. Turner commented that six unfunded projects in the 5YCP total \$163M, which is the total cost of the Cañada College Building 1 project.

Approval of Menlo Park/Cañada College CCCE Collaborative Programming (20-7-102B)**(Time Stamp: 02:05:15)****Motion to Approve by:** Trustee Holober**Second by:** Trustee Mandelkern**Action:** Approved unanimously, all members voting Aye**Summary of Discussion:** None**Public Comment:** None**Approval of Memorandum of Understanding with South San Francisco Unified School District Regarding Skyline College Middle College (20-7-103B)****(Time Stamp: 02:06:11)****Motion to Approve by:** Trustee Mandelkern**Second by:** Trustee Holober**Action:** Approved unanimously, all members voting Aye**Summary of Discussion:** None**Public Comment:** None**Approval of Memorandum of Understanding with San Mateo Union High School District Regarding Skyline College Middle College (20-7-104B)****(Time Stamp: 02:07:00)****Motion to Approve by:** Trustee Nuris**Second by:** Trustee Holober**Action:** Approved unanimously, all members voting Aye**Summary of Discussion:** None**Public Comment:** None**INFORMATION REPORTS****Discussion of Board Direction on Revising Standing Meeting Item Relating to Contemporary Conversation Regarding Race, Class, Gender, Privilege and Equity (20-7-2C)****(Time Stamp: 02:07:35)**

Summary of Discussion: Trustee Goodman said the original intention of this agenda item was to create continuous opportunities for discussion about race, class, gender, privilege and equity. Trustee Goodman said that past conversations have proved helpful, but the agenda item evolved over time to acknowledging celebratory events instead of the Board having rich dialogue and

deeper conversations. Trustee Goodman said celebratory events are important, but this discussion today is an opportunity to recalibrate and solidify what is important.

Trustee Holober agreed with Trustee Goodman and also noted that the title of this agenda item is sometimes unclear to the public what the Board will actually be discussing. Trustee Holober said it's important for agenda items to be transparent. Trustee Mandelkern said this agenda item has worked well in the past when used as an opportunity to discuss topics such as institutional racism and achievement gaps. Trustee Mandelkern also said the Board should focus on topics where change can be created, for example, conversations regarding public safety and the police academy have been very meaningful. Trustee Nuris agreed with the conversations and said the Board should be leaders in making change, knowing that change does not happen overnight, but taking meaningful steps to move in that direction.

Chancellor Claire agreed with the Board discussion and said that recalibrating this agenda item is a positive change. Chancellor Claire said he'd like to always bring attention to how we can make our District better for our students.

President Schwarz invited the District community and the public to give input on how to improve this agenda item in the future.

Budget Update in Advance of FY 2020-21 Adopted Budget (20-7-3C)

[*\(Time Stamp: 02:28:56\)*](#)

Summary of Discussion: Chancellor Claire acknowledged the Board's comments regarding budget policy level guidance at previous meetings and said tonight's presentation is to report on what has changed since the Board approved the tentative budget. Chancellor Claire introduced Chief Financial Officer, Bernata Slater, and acknowledged assistance from Kathy Blackwood. Ms. Slater presented slides on the adopted budget for FY20/21. Ms. Slater explained the changes from tentative budget to adopted budget including changes in the Promise Scholars fee waiver, property tax increases, non-resident enrollment decline, COVID-19 mitigation, 75/25 conversion (10 faculty), the Schools Excess Liability Fund (SELF) AB 218 Assessment, international travel, insurance fees, Districtwide technology, and negotiations. In summary, Ms. Slater reported that there will be a net reduction in funding of approximately \$2M. Ms. Slater noted that projecting ahead to FY21/22 is challenging because there are so many unknown factors, but the budget will continue to be monitored. Chancellor Claire also mentioned that the District will not run a structural deficit and although a deficit is projected, saving this year can be shifted.

Chancellor Claire brought the 75/25 conversion for instructional faculty item back to the Board's attention and asked the Board for policy direction. Ms. Blackwood clarified that the 75/25 conversion would eliminate 10 FTE of Adjunct Faculty to be replaced by 10 FTE of Full Time Faculty and the delta is \$700K. Trustee Mandelkern, Trustee Holober and Trustee Goodman all offered their support for the 75/25 conversion for instructional faculty.

Update on Effect of Title IX Rule and New Regulations (20-7-4C)

[*\(Time Stamp: 03:01:13\)*](#)

Summary of Discussion: Ms. Mwanaisha Sims, Director of Policy, Training and Compliance, discussed the new Title IX Rule and Regulations. Ms. Sims explained that the Department of Education released new Title IX regulations on May 6, 2020 that must be implemented by August 14, 2020. Ms. Sims said that the new regulations are laws and include changes to the definition of Title IX and the definition of sexual harassment. Ms. Sims explained that higher education is now

required to provide live Title IX hearings, each party is provided an advisor for cross examination, and both parties have the right to appeal. Ms. Sims also noted there is now a change in the Title IX team which now includes an Appeals Officer, Advisors, Title IX Coordinators, Investigators and Decision Makers all of which cannot be the same person. Moving forward, Ms. Sims said the District and the Title IX team will need to work together to review current policies and procedures, train the Title IX team and administrators, and update the website with new Title IX regulations and California Law.

Trustee Goodman asked about the Title IX team and if many of the roles will be absorbed in the Human Resources Department. Ms. Sims replied that a Title IX team for an institution our size is roughly 10 -15 individuals. Mr. David Feune, Director of Human Resources, said the District is in search of solutions, but the current Human Resources team will not be able to fulfill the needs of a Title IX team. Chancellor Claire said the District will be hiring a Chief Human Resources Officer and an Executive Vice Chancellor soon and one of the first tasks will be to assess our needs for Title IX.

Update on Request for Proposal Process for Operation of the San Mateo Athletic Club in Partnership with the District (20-7-5C)
[\(Time Stamp: 03:22:43\)](#)

Summary of Discussion: Mr. Tom Bauer, Vice Chancellor of Auxiliary and Community Services, gave an update on the Request for Proposal (RFP) Process for Operations of the San Mateo Athletic Club (SMAC). Mr. Bauer said, per Board direction in June 2020, a subcommittee was formed to work on the scope of work for the RFP. The subcommittee, which included President Schwarz, Trustee Mandelkern, and Yanely Pulido, Interim Director of General Services, met twice. Ms. Pulido presented a high-level summary of outcomes from the meetings and asked the Board and public to review the opportunity statement, goals and objectives, proposed evaluation criteria, contract term, and planned outreach efforts for procurement. Ms. Pulido said the RFP schedule has been updated to allow for additional steps in the RFP process. Ms. Pulido said the goal is to release and legally advertise the RFP on August 17, 2020 and she anticipates presenting the contract award recommendation to the Board on October 28, 2020.

Trustee Holober asked Chancellor Claire about the status of the comprehensive review of SMAC operations and the possibility of bringing services in-house. Chancellor Claire responded that he is leading this initiative and has reached out to multiple firms for independent review. Chancellor Claire said he understands the urgency of the process and sees the RFP and the comprehensive review running on parallel tracks.

Trustee Goodman read two questions in the chat from CSEA: (1) What is the process to make sure that classified staff bargaining units are being looked at to fulfill some of the positions at SMAC? (2) What positions are being contracted out? What are the job descriptions and salary ranges of all positions at SMAC?

Mr. Bauer responded to question #1 that the RFP includes a hybrid model and includes that information. In response to question #2, Mr. Bauer said he will send the requested information to CSEA and include the Board in that communication.

Public Comment:

- John Pimentel, member of the public, said he hopes that the RFP will include an academic function and career training opportunities to teach students how to run an athletic facility.

Update on Crystal Springs Cross Country Course (20-7-6C)

[\(Time Stamp: 01:22:49\)](#)

Summary of Discussion: Chancellor, Mike Claire gave an update on the Crystal Springs Cross Country Course. Chancellor Claire thanked the San Francisco Public Utilities Commission (SFPUC) for collaborating to make the course accessible to the College of San Mateo and the community. Chancellor Claire said that the College of San Mateo does not use the course much anymore, but Middle School and High School use has increased dramatically. He said the objection is to find a solution to keep the course open, but try to find a balance on the ability to maintain the course with the needs of the community.

Mr. Bill Kurtz, representing the Belmont Heights Civic Improvement Association (BHCIA), thanked the College of San Mateo for 50 years of local use. Mr. Kurtz said that events and public use on the course are often times a concern to neighbors from an environmental standpoint, but they are supportive of keeping the course open. Mr. Kurtz said the BHCIA has been in contact with the Central Coast Section (CCS), an organization that represents High School sports, and received a cooperative management proposal to engage with a non-profit 3rd party to manage the physical course including event scheduling, parking, alleviating congestion, etc. Mr. Steve Filios, CCS Assistant Commissioner and liaison for Cross Country, said CCS would like to be part of a respectful solution for the course and the community, and move forward in an agreeable fashion.

Mr. Charles Stone, Vice Mayor of the City of Belmont, applauded the Board of Trustees and Chancellor for the decision to keep the Crystal Springs Cross County Course open. Mr. Stone said he is confident a long-term solution will be reached for this tremendous community asset while addressing the concerns of the neighborhood.

Trustee Goodman expressed his concerns in making sure both sides are motivated to find solution, listen to alternatives and come together. Trustee Goodman said that even with a 3rd party organization managing the site, the District is still the permit holder, and the Board has a responsibility to maintain standards and accountability to the community. Trustee Mandelkern said this is an important issue to many stakeholders and the goal has always been to keep the facility open. Trustee Mandelkern said he encourages the solution process to move forward.

Chancellor Claire thanked the Board for their direction and support and committed to continuing to foster a relationship with BHCIA and CCS and move forward with a solution.

Discussion of Concept of New Board Policy Regarding Solicitation of and Direct Contributions from Contractors and Vendors for Trustee Elections (20-7-7C)

[\(Time Stamp: 03:34:41\)](#)

Summary of Discussion: Considering the upcoming elections in November, Trustee Holober recommended that the Board create a clear policy that District Administrators and leadership absent themselves from Board elections especially in the matter of soliciting donations. Trustee Goodman said this is a question of ethics and agreed this is an appropriate time to evaluate Board election donations and contributions. Trustee Mandelkern said there is an existing District policy that employees at all levels cannot engage in electioneering or use work resources of any kind for election or campaign purposes, but the true issue at hand is Administrators soliciting donations from vendors or directing staff to do so on their behalf. Trustee Mandelkern suggested that the District remind employees of this policy as a refresher and also noted that campaign finance reports are public record.

President Schwarz said that the three bargaining units in the District have supported candidates in the past and contributed to campaigns. President Schwarz also said most candidates already know the rules and creating a new policy might be unnecessary. Trustee Nuris said the appearance of fairness and credibility is extremely important. Trustee Nuris emphasized that the public needs to have trust in elected officials.

Chancellor Claire agreed that District employees should not be involved in Board elections. Chancellor Claire suggested that the District review and update the current policy and bring back to the Board for review at the next meeting.

COMMUNICATIONS

[\(Time Stamp: 03:59:12\)](#)

None

STATEMENTS FROM BOARD MEMBERS

[\(Time Stamp: 03:59:24\)](#)

President Schwarz: President Schwarz thanked Skyline College Interim President, Jannett Jackson, for her service.

Vice President Nuris: None

Trustee Goodman: None

Trustee Holober: None

Trustee Mandelkern: Trustee Mandelkern welcomed new Skyline College President, Dr. Melissa Moreno.

Student Trustee Shonette: None

President Schwarz announced that the next meeting of the Board of Trustees would be on August 19, 2020, conducted via Zoom.

ADJOURNMENT

The meeting adjourned by consent at 10:02 p.m.

Submitted by

Michael Claire, Secretary