

**Minutes of the Regular Meeting of the Board of Trustees
San Mateo County Community College District
August 19, 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 5:00 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; and (2) Hold a Conference with Legal Counsel – Anticipated Litigation: Significant exposure to litigation pursuant to Gov. Code, § 54956.9, subd. (d)(2): Two cases.

STATEMENTS FROM THE PUBLIC ON CLOSED SESSION ITEMS ONLY

None.

RECESS TO CLOSED SESSION

The Board recessed to closed session at 5:02 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 President 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

[\(Time Stamp: 02:05\)](#)

President Schwarz announced that there were no reportable actions from closed session.

DISCUSSION OF THE ORDER OF THE AGENDA

[\(Time Stamp: 02:10\)](#)

Trustees agreed to move Item 20-8-3C, Request that Discussion on Formation of San Mateo Athletic Club Advisory Group to be the first item following Statements from the Public on Non-Agenda Items.

STATEMENTS FROM EXECUTIVES AND STUDENT REPRESENTATIVES

[\(Time Stamp: 02:49\)](#)

Chancellor Claire said the district-wide Opening Day was successful with more than 700 attendees. He received good feedback from people about what he sees as priorities this year. He was able to attend the

CSM and Skyline Opening Day presentations. He commended Skyline Professor Danielle Powell for her keynote address. The decision to close the campus due to the smoke situation prevented some students from picking up resources. He is working with the college presidents to develop alternatives to help students stay on track.

President Melissa Moreno, Skyline College, reported that staff and faculty said it was the best Opening Day. She is excited to be off to a good start.

Acting President Kim Lopez, CSM, said the college had great attendance at Opening Day considering the virtual nature of the world and are we are in right now. They are excited and ready for the fall semester.

President Jamillah Moore, Cañada College, reported that 200 faculty and staff were in attendance for Opening Day. Cañada College kicked off intense conversations on Black Lives Matter and race. The keynote speaker was Judge Antoinette Morris who shared her story of overcoming barriers.

Academic Senate President Jeramy Wallace welcomed back faculty, staff and administrators and is looking forward to the academic year.

STATEMENTS FROM OTHER REPRESENTATIVE GROUPS

(Time Stamp: 08:45)

- AFT Local # 1493: Cañada College Faculty Michael Hoffman of the Contract Action Team announced that some AFT members are working on forming an anti-oppression committee to focus on justice and racial/gender oppression in the workplace.
- CSEA Chapter 33: President Annette Perot reported that CSEA is working on finalizing its COVID-19 MOU and working with the District on the finalization of the CSEA contract.

STATEMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

(Time Stamp: 11:20)

- Lily Chen urged for access to the SMAC pool for the Bulldog Swim Club members.
- Tim Chao expressed concern about the hours of pool time available to Bulldog Swim Club members.
- Sam Chuang urged for more SMAC pool availability and utilization for youth and member swimmers.
- Jennifer Diehn asked for more pool time for lap swimming outside of school hours.
- Conrad Chern urged for access to the SMAC pull for youth swimmers.
- Eden Chuang urged for access to the SMAC pull for youth swimmers.
- Hinako Karachiwala urged for access to SMAC for the Bulldog Swim Team.
- Ami Wells asked for more access for the Bulldog Swim Club at SMAC.
- Kieran Clark urged for ability to swim at SMAC after school.

President Schwarz asked Diana Thomas, SMAC Fitness Center General Manager, to respond with the latest correspondence to parents. Ms. Thomas provided a brief update, noting that a letter to parents did provide options for the BSC swim team. She reinforced that SMAC continues to comply with County health guidelines and as there is flexibility the Club will work to accommodate more members on site.

The Board of Trustees asked Chancellor Claire provide a response to both sides that the district could present to the public at a future time.

INFORMATIONAL ITEMS

Discussion on the Formation of the SMAC Advisory Group (20-8-3C)

(Time Stamp: 42:50)

Summary of Discussion: The Board of Trustees received a letter and packet of information from a group interested in forming the SMAC Advisory Group. SMAC member Frank Elliott spoke on behalf of the group. He said more transparency and communication concerning any developments with SMAC are requested by members, and noted that the contract with EXOS is being reviewed and is going out for bid. Mr. Elliott and members of the steering committee urges the Board to consider developing a SMAC Advisory Group.

Trustee Mandelkern commented that he would like the users of SMAC to have a voice in the process and would like Mr. Elliott to take the lead so there is an independent voice that represents the users. Trustee Holober also expressed that he would like to hear from the community members who are using SMAC. Vice President Nuris noted that he met with a group of SMAC members and feels that the Advisory Group is appropriate to have at this time, and would like the Advisory Group members to meet with administration to talk about a collaborative process going forward. Trustee Goodman agreed that there needs to be a representative voice and additional transparency and he has concerns around AB1725 and suggests possibly creating an official non-voting seat on an existing AB1725 district committee, such as District Auxiliary Services, in order to provide a space for the voice to be heard. President Schwarz said the Board is in favor of forming this Advisory Group. Colleges have advisory committees within the community around work that is needed. She would like to leave it to the administration to work with these members.

Vice Chancellor Tom Bauer commented that the SMAC Advisory Group is a good idea and it must be representative of all members. There is a District Auxiliary Services Advisory Committee, as well as the individual colleges' College Auxiliary Services Committees, which typically deal with student concerns. There is one seat available on the RFP Evaluation Committee and Mr. Bauer noted that if the Board directed, the seat would go to someone from the SMAC Advisory Group.

Relating to the RFP evaluation committee, Trustee Holober asked for the clarification on the membership and role of the committee and its membership. Director of General Services, Yanely Pulido, reported that the committee reviews and scores RFP proposals, the results of which are submitted to the Board for consideration. Director Pulido suggested that a community member be an advisory member rather than a voting member, as advisory members review the proposal and provide input and feedback to those who are ranking the proposals but would not vote.

Responding to a question relating to SMAC membership comments cards, Diana Thomas, SMAC General Manager, outlined the process, noting that most comments focus on increasing group exercise classes, requests for exercise equipment, adjustments to shower heads, locker room access and facilities requests. She said all Comment Cards are submitted to Vice Chancellor Tom Bauer and that there have been no Comment Cards since March 11. Repetitive comments or requests for repairs with the District are shared with the district, although there is not a formal process for providing the information to the District. Vice Chancellor Bauer said that since March 11, all decisions on SMAC have been made in accordance with the San Mateo County Health Department, the Chancellor and his Cabinet.

Trustee Mandelkern noted that he would like the Comment Cards to go to the District and Board so that issues are addressed and that voices of the various users are heard in an unfiltered way. Trustee Holober suggested that the Board look at the legal issues around having a community member serve on

an Advisory Group, as there was a discussion around committee membership on RFP committees so there is a fair and impartial process. Vice President Nuris said he was reluctant to go beyond the scope of what has been done with other RFPs and that he wants to make sure we have the feedback and suggestions, but not go beyond at this time. President Schwarz said the Advisory Group is important to SMAC but the Trustees would like to look at the RFP process at a future date.

Public Comment:

- Frank Elliott recommended that the Board consider appointing SMAC Member Lane Pons to the Advisory Group.
- John Pimentel asked what the academic purpose of these facilities is, how do we maximize their capacity for workforce training and academic advancement for the student population as well as keeping them open for the community.

Approval of Personnel Items: Changes in Assignment, Compensation, Placement, Leaves, Staff Allocations and Classification of Academic and Classified Personnel (20-8-1A)

(Time Stamp: 1:26:00)

Motion to Approve by: Trustee Holober

Second by: Vice President Nuris

Action: Approved unanimously, with all members voting Aye

Summary of Discussion: President Schwarz announced that staff has asked for an item in Section F, Changes in Staff Allocation pertaining to Chris Jorness be removed. Further, Human Resources Director David Feune said there is a typo under Item #1, the Cañada College request to add one temporary full-time dean of Kinesiology/Athletics/Dance with a start date listed as August 20, 2019, which should be corrected to August 20, 2020.

Public Comments: None

Approval of Consent Agenda

(Time Stamp: 1:27:30)

Acceptance of the Truth Initiative Tobacco/Vape-Free College Program Grant at Skyline College (20-8-1CA)

Declaration of Surplus Property (20-8-3CA)

Disposition of District Records (20-8-4CA)

Motion to Approve by: Trustee Mandelkern

Second by: Trustee Holober

Action: Approved unanimously, with all members voting Aye

Summary of Discussion: Trustee Goodman requested that the approval to Renew the Half Moon Bay Property Site (20-8-2CA) be discussed separately.

Public Comment: None

Approval to Renew the Half Moon Bay Property Site Use Permit with Louis Iacopi (20-8-2CA)

Trustee Goodman asked about the usage of the Half Moon Bay property and the history of the site. Chancellor Claire said the site was purchased to be a potential fourth college, but it cannot be developed and they cannot run water to it. It does not have use to the District at this point. Vice Chancellor Mitchell Bailey said the property has been used for farming, but no public utilities service it and it cannot be served from Half Moon Bay. President Schwarz said there has been suggestions in the past of trading the property with POST or the county. Trustee Godman stated the amount charged has increased and asked why there was an increase. General Services Director Pulido said the property is protected and cannot be developed and is of no interest to other parties. Mr. Luis Iacopi takes care of the property for the District, and the increase over time is due to inflation.

Motion to Approve by: Vice President Nuris

Second by: Trustee Holober

Action: Approved unanimously, with all members voting Aye

Summary of Discussion: None

Public Comment: None

Other Recommendations

Ratification of Sole Source Services Agreement between San Mateo County Community College District and Bay Area Biotechnology Education Community (BABEC) to Provide Project and Logistics Management Expertise to Further Employ and Expand the Bioscope Project (20-8-101B)
(Time Stamp: 1:35:00)

Motion to Approve by: Trustee Holober

Second by: Trustee Goodman

Action: Approved unanimously, with all members voting Aye

Summary of Discussion: None

Public Comment: None

Ratification of Sole Source Services Agreement between San Mateo County Community College District and Peralta Community College District to Utilize the Services of Laney College to Provide Operational and Technical Assistance to Expand the Bioscope Project (20-8-102B)
(Time Stamp: 1:35:54)

Motion to Approve by: Trustee Mandelkern

Second by: Vice President Nuris

Action: Approved unanimously, with all members voting Aye

Summary of Discussion: None

Public Comment: None

Approval of Sole Source Agreement with State Chancellor's Office Identified Key Talent of ReEntry Connect Technologies LLC (20-8-103B)

(Time Stamp: 1:36:33)

Motion to Approve by: Trustee Mandelkern

Second by: Vice President Nuris

Action: Approved unanimously, with all members voting Aye

Summary of Discussion: None

Public Comment: None

Ratification of Sole Source Agreement for Building Management System Maintenance Services with Schneider Electric Buildings Americas, Inc. (20-8-104B)

(Time Stamp: 1:37:04)

Motion to Approve by: Trustee Holober

Second by: Trustee Goodman

Action: Approved unanimously, with all members voting Aye

Summary of Discussion: Trustee Mandelkern asked about the size of the contract and if there are there other vendors that the District could look at who would be competitive. Vice Chancellor José Nuñez said the District is interested in continuing to have the contract with Schneider Electric since the equipment is proprietary equipment and the District has more than 9,000 devices. Another vendor may not be familiar with the devices that the district works with, and the District has been with Schneider Electric for 10-15 years and they are very responsive. Trustee Mandelkern asked if the District will look at a more open source solution as the devices age and would they work with other vendors. Vice Chancellor Nuñez said it is better to work with one vendor, along with their technicians and sales reps, who really know the SMCCCD campuses.

Public Comment: None

Amendment to 2022-2026 Five-Year Capital Construction Plan (20-8-105B)

(Time Stamp: 1:40:37)

Motion to Approve by: Trustee Goodman

Second by: Trustee Holober

Action: Approved unanimously, with all members voting Aye

Summary of Discussion: Trustee Holober asked if this is a different discussion than was held at the previous Board Meeting and Vice Chancellor Nuñez said in the Five-Year Capital Improvement Projects, two FTP projects at Cañada Building 3 and CSM Building 9 were approved by the state for funding. The SMCCCD went into the project assuming that it would come up with the matching funding of about \$36 million. However, after discussion with the Chancellor and District administrative leaders, the District cannot come up with the \$36 million matching funds. Vice Chancellor Nuñez must report to the state that the SMCCCD must return the \$36 million funds and create an amendment to the Five-Year Capital Construction Plan. He notified the state verbally and this amendment serves as formal notification that the district is withdrawing its request for funding of the FPPs for those two projects.

Chancellor Claire noted that given the uncertain fiscal future, he was not comfortable making the

matching contribution at this time. Chief Financial Officer Slater said that when those projects were submitted to the state initially, no match was required. She noted that the match notification was made last year, and districts are now required to provide a match for state funding under Prop 51. She said the cost is challenging given COVID-19 and potential future reductions in state dollars to the District. Trustee Mandelkern said that he hopes going forward that that we plan with more foresight and set aside money so that we can take advantage of the state matching money to make these projects happen in the future. Vice Chancellor Nuñez said the SMCCCD has put in more than \$1 billion over the last 15 years on projects at all three college campuses. Of that money, \$175 million was in state-funded projects over Capital Improvement Programs 1, 2 and 3.

Vice President Nuris said it is likely that other districts in the state have to do this and we should be able to be competitive on future projects. Vice Chancellor Nuñez said several districts throughout the state faced this problem where they had the approval of local bonds but could not meet the matching contribution.

Public Comment: None

Approval of Student Accidental Injury Insurance Program, 2020-2021 (20-8-106B)

[*\(Time Stamp: 1:48:46\)*](#)

Motion to Approve by: Trustee Holober

Second by: Trustee Goodman

Action: Approved unanimously, with all members voting Aye

Summary of Discussion: None

Public Comment: None

INFORMATION REPORTS

Report on the Use of Public Agency Contracts for the Purchase of Materials, Equipment, Supplies and Services (20-8-1C)

[*\(Time Stamp: 1:49:22\)*](#)

Summary of Discussion: There was no discussion and the report was noted as received.

Districtwide Americans with Disabilities Act Plan Update (20-8-2C)

[*\(Time Stamp: 1:50:02\)*](#)

Summary of Discussion: Vice Chancellor José Nuñez and Chris Strugar-Fritsch, Director of Capital Projects presented an overview of the District's ADA plan update, which includes two components: a self-assessment evaluation and a transition plan. As it relates to the Self-Assessment Evaluation, Mr. Strugar-Fritsch noted that this is an evaluation of how the District provides services to our public, students, faculty and employees once they are on campus including how services and reasonable accommodations are provided during meetings, how our websites provide accommodations and how we provide accommodations to students going through financial aid. He explained that the Transition Plan involves the built environment of our campuses and how we provide access to the public, to our students and our employees when they come to our district, addressing any physical barriers prevent someone from having access to buildings and get services.

The Trustees are being informed now because the District is completing the draft of the plan in early

September and part of the process includes having a public comment period. The plan is being advertising to the campus constituents and on the campus websites and people are invited to participate. Two webinars are scheduled in early October, one in the morning and one in the afternoon, and people are encouraged to look at the plan and submit their comments and questions. In later October, the comments will be compiled and become part of the ADA Plan Update. It will be presented to the Board of Trustees for approval and formal adoption later this year.

Trustee Mandelkern said he hopes this project provides a check and audit of where we are on campus facilities so we do not have any technical violations and are in full compliance with the law as much as possible. Director Strugar-Fritsch said that physical surveys were done of all buildings, sidewalks, parking lots, and restrooms and 5,900 barriers that require mitigation were found. He noted that there are more than 100 buildings and more than 120 miles in sidewalks on the SMCCCD campuses. In some cases, these are common maintenance items. The newer buildings were designed and permitted and constructed according to the ADA codes in place at that time, although there are some barriers that need mitigation in newer buildings. All barriers will go into a work plan, be prioritized, based on where the greatest need is (what is creating the most adverse barrier) and then the Director of Facilities, Maintenance and Operations will develop an execution plan.

Vice Chancellor Nuñez said the work will be done over 10-year period, \$3 million per year, for a total of a \$30 million project. Director Strugar-Fritsch said that when barriers are identified, we are required to prioritize, come up with a plan and show evidence that you are mitigating those problems. The ADA does not require that all barriers be corrected at once.

Trustee Mandelkern said it important to get ahead of the curve on these issues and check thoroughly so that we are in specific compliance and manage risk.

Update on Fall 2020 Remote Operations as a Result of COVID-19 (20-8-4C)

(Time Stamp: 2:05:26)

Summary of Discussion: Emergency Preparedness Manager Ben Zara Minkin provided the Board with an update on the District's Emergency Operations Center (EOC), including an overview of the organization structure, key personnel, operational and planning components. He noted that the District continues to work to provide resources, training and support for faculty, staff and students as the transition to online learning, teaching and work continues. He also noted that the District's continuity of instruction activities for Fall 2020 was shared with a student occupancy total of 884. Mr. Minkin shared that as of August 5, 2020, nearly 17,000 EOC administrative hours have been dedicated to COVID-19.

Chancellor Claire explained that he and his Cabinet would be working with the Academic Senate and collective bargaining groups on a recommendation for the spring semester and will need direction from the Board of Trustees on planning for the next couple of months.

Vice President Nuris commented that he was grateful for everyone's efforts to keep the District moving in a safe and appropriate way. Trustee Goodman thanked employees for the added workload that they have taken on. President Schwarz thanked the group for their report and complimented the work of the team. Trustee Holober thanked Chancellor Claire, Vice Chancellor McVean and Manager Minkin for the report as well as the team for going beyond the call of duty.

Update on Board Request for Policy Relating to Solicitation of Campaign Support from Vendors by District Staff for Trustee Elections (20-8-5C)

[\(Time Stamp: 2:31:57\)](#)

Summary of Discussion: Chancellor Claire reported that the Board requested that a policy on this topic be developed. Although a policy has not yet been developed, Chancellor Claire said his job is to remain neutral and to not take a position. He noted that the District has a role to provide information to the candidates but he does not feel that there are legal issues that make creating such a policy challenging. Chancellor Claire explained that he consulted with the District's counsel who was able to provide legal advice as well as rationale and considerations on the topic.

Attorney Joshua Morrison from the firm Atkinson, Andelson, Loya, Ruud & Romo discussed the California Supreme Court case law that says that campaign contributions are strongly encouraged and do not create the appearance of unfairness or impropriety. He said there are some restrictions in various provisions of law under Government Code 1090, the main conflict of interest law, and the line can be crossed if contributions are being traded for a vote. Someone would have to have a clear idea that they are doing this unlawfully at the time it is being done.

Mr. Morrison said the California Education Code has restrictive language about what kind of policies can be adopted. He explained that there is a section that focuses on political activities of school officers and employees under Education Code 7050 which states that a policy that limits political activities on district property or on work time can be adopted. It also says that, except as otherwise provided or as required by federal law, no restrictions shall be placed on political activities of an officer or employee of a local agency. He noted that by adopting restrictions, it can be viewed as violation of First Amendment rights.

Trustee Holober said he understood this to mean that the SMCCCD, as a local government agency or local school board, is prohibited by state law from adopting any additional restrictions on campaign solicitations during non-work time, on non-work phone lines and emails, and that the district is prohibited by state law from adopting such a local ordinance. Mr. Morrison confirmed that this is correct.

COMMUNICATIONS

[\(Time Stamp: 2:38:36\)](#)

None.

STATEMENTS FROM BOARD MEMBERS

[\(Time Stamp: 2:38:45\)](#)

President Schwarz: President Schwarz said she was able to attend the Facilities General Session and thought it was uplifting to see the facilities staff get their awards. She said it was nice to hear the accolades and to see the staff appreciated. President Schwarz hopes the Board of Trustees would agree that the Board Meeting would be adjourned in memory of Linda Salter, retired former President of Skyline College. She worked in the district for many years and President Schwarz said she will not be forgotten as so many of the programs at Skyline College were started and continued by her. President Schwarz said Linda Salter was a wonderful president, a fantastic artist, a lot of fun and always saw the bright side of things and she will be dearly missed. With the Board's permission, President Schwarz is adjourning the meeting in Linda Salter's memory.

Vice President Nuris: No statements.

Trustee Goodman: No statements.

Trustee Holober: No statements.

Trustee Mandelkern: Trustee Mandelkern commended President Schwarz on her Opening Day comments and Chancellor Claire for his statement on his vision and goals for the next year. He is hopeful that we can help our students achieve their goals during difficult times. He thanked students, administrators, faculty and staff for their flexibility, resilience and adaptability.

Student Trustee Shonette: Trustee Shonette reported that she is working with the Associated Students officers from all three campuses and hopes they will hold a DSC meeting in the next few weeks.

President Schwarz announced that the next meeting is a special Study Session on September 3. The next regular meeting of the Board of Trustees would be on September 9, 2020, conducted via Zoom.

RECESS TO CLOSED SESSION

The Board adjourned to Closed Session at 8:46 p.m.

ADJOURNMENT

The regular meeting adjourned by consent at 10:05 p.m. in memory of Linda Salter.

Submitted by

Michael Claire, Secretary