

**Minutes of the Regular Meeting of the Board of Trustees
San Mateo County Community College District
December 14, 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: Vice President Thomas A. Nuris, Trustee Maurice Goodman, Trustee Richard Holober, Trustee Lisa Petrides; Trustee John Pimentel

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 Conference with Labor Negotiator for Unrepresented Employees; (3) Hold a Conference with Legal Counsel – Anticipated Litigation: Significant exposure to litigation pursuant to Gov. Code, § 54956.9, subd. (d)(2): Two cases; (4) Consider Employee Discipline, Dismissal, Release; and (5) Consideration of Ratification of September and October 2020 Confidential District Warrants.

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 6:19 p.m.

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

Others Present: Chancellor Michael Claire, 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

[\(Time Stamp: 36:04\)](#)

Vice President Nuris announced that the confidential District warrants were ratified.

DISCUSSION OF THE ORDER OF THE AGENDA

[\(Time Stamp: 36:17\)](#)

Vice President Nuris announced that staff asks that Agenda Item 20-12-7C be removed and it will be brought back at a future meeting. The Board also agreed to move Informational Item 20-12-5C up in the agenda to be considered immediately following the consent agenda items and to allow for public comment immediately following the swearing in of Trustees.

SWEARING IN OF RE-ELECTED AND NEWLY ELECTED TRUSTEES

[\(Time Stamp: 39:45\)](#)

Vice President Nuris announced that that Trustee Petrides took her oath of office, administered by the Lt. Governor, in a private ceremony earlier and would not be re-taking the oath.

Trustee Goodman took the oath of office, administered by his sons Justice and Malcolm Goodman.

Trustee Pimentel took the oath of office, administered by State Senator Josh Becker.

STATEMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

[\(Time Stamp: 45:28\)](#)

- Annie Corbett, an adjunct faculty member at Skyline and Cañada Colleges, encouraged the Board to approve part-time pay parity.
- Kate Browne, a professor at Skyline College, thanked outgoing State Senator Jerry Hill who has been a steadfast supporter of the District and Skyline College.
- Hamsa Rajaraman, a student at Cañada College, spoke about difficulties with her experience at the college.

ORGANIZATION OF THE BOARD OF TRUSTEES

[\(Time Stamp: 57:32\)](#)

1. Election of President

Trustee Holober nominated Trustee Tom Nuris to serve as president of the Board. There were no further nominations. Trustee Nuris was elected by unanimous vote, with all members voting Aye.

2. Election of Vice President-Clerk

Trustee Pimentel nominated Trustee Richard Holober to serve as vice president of the Board. There were no further nominations. Trustee Holober was elected by unanimous vote, with all members voting Aye.

3. Election of Secretary for the Board

Trustee Holober nominated Chancellor Michael Claire to serve as secretary of the Board. There were no further nominations. Chancellor Claire was elected by unanimous vote, with all members voting Aye.

4. Appointment of Representative of the Board to the County Committee on School District Organization

Trustee Petrides nominated Trustee Pimentel to serve as the Board's representative to the County Committee on School District Organization. There were no further nominations. Trustee Pimentel was appointed by unanimous vote, with all members voting Aye.

PRESENTATIONS TO THE BOARD BY PERSONS OR DELEGATIONS

Presentation of Fall Semester Activities by Associated Students of Cañada College, College of San Mateo and Skyline College (20-12-1C)

[\(Time Stamp: 1:02:08\)](#)

Summary of Discussion: Student Trustee Shonette introduced the presentations from the three college Associated Student Organizations.

Adrian Afif and Chili Montain, president and vice president respectively of the Cañada College Associated Students, shared a video presentation of their report that highlighted their organization's initiatives, including (1) communication, (2) technology support, (3) multi-cultural center, (4) environment and mental health, and (5) Campus Inclusion Team. They noted that the number of campus events, now virtual, has been maintained and the campus continues to host the only community college to host a movie festival.

The Skyline College Associated Students shared a video presentation, narrated by AS President Carlos Ungo, that highlighted the events hosted, community padlets, open mics, voter education, support of mental health awareness, and cultural appreciation activities of the Associated Students.

College of San Mateo Associated Students president Joseph Nguyen, presented an update on the AS's organizational structure and events hosted during the fall semester. President Nguyen also previewed plans for spring 2021, which include Reboot Week, Black History Month speaker, support of Black History Month activities, advocacy for Ethnic Studies degree requirement, Spring Fling and a student film festival.

Trustees thanked all student panelists for their great presentations and commended them on their great work in supporting students on their campuses.

STATEMENTS FROM EXECUTIVES AND STUDENT REPRESENTATIVES

[\(Time Stamp: 1:48:50\)](#)

- Chancellor Claire congratulated the new Trustees Petrides and Pimentel on their election to the Board and Trustee Goodman on his re-election.
- President Moore, President Moreno and Interim President Lopez congratulated newly elected and re-elected Trustees.
- President Wallace highlighted the District Academic Senate's resolution supporting an ethnic studies requirement. He noted that the Senate is recommending the hiring of tenure-track faculty at Skyline and Cañada Colleges for the ethnic studies departments and programs, and he encouraged the Board's support for programming and resources.

STATEMENTS FROM OTHER REPRESENTATIVE GROUPS

[\(Time Stamp: 1:56:46\)](#)

- Monica Malamud commended outgoing Trustees Schwarz and Mandelkern and congratulated newly-elected and re-elected trustees. She urged the Board to hold a study session to discuss part-time pay inequities.

STATEMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

[\(Time Stamp: 2:01:16\)](#)

- Michael Hoffman, a professor at Cañada College, encouraged the board to extend COVID-related leave policies that were offered in the fall semester.

- Suzanne Poma, a counselor at Skyline College, commented on the need for parental leave during COVID.
- Liza Erpelo, a professor at Skyline College, spoke about the worry of burnout of those teaching and parenting during COVID.
- Sue Hwang, an instructor at College of San Mateo, spoke about juggling parental and work duties in an online environment and the need for District support during this time.
- Lezlee Ware, a professor at Cañada College, commented on the need for parental leave during COVID.
- Nadya Sigona, a counselor at Cañada College, spoke about the need for parental leave during COVID.
- Larry Moody, a member of the community, thanked the District and colleges for their work and congratulated Trustee Goodman on his re-election and Trustee Pimentel on his election.

NEW BUSINESS

Approval of Personnel Items: Changes in Assignment, Compensation, Placement, Leaves, Staff Allocations and Classification of Academic and Classified Personnel (20-12-1A)

[*\(Time Stamp: 2:31:51\)*](#)

Motion to Approve by: Trustee Holober

Second by: Trustee Petrides

Action: Approved with Trustees Nuris, Holober, Petrides and Pimentel voting Aye. Trustee Goodman abstained.

Summary of Discussion: None.

Public Comment: None.

Ratification of Renewed Collective Bargaining Agreement between the District and the California School Employees Association (CSEA) and its Chapter 33 (20-12-2A)

[*\(Time Stamp: 2:32:52\)*](#)

Motion to Approve by: Trustee Goodman

Second by: Vice President Holober

Action: Approved unanimously, all members voting Aye

Summary of Discussion: None.

Public Comment: None.

Approval of Consent Agenda

[*\(Time Stamp: 2:33:52\)*](#)

Approval of Curricular Additions, Deletions and Modifications – Cañada College, College of San Mateo and Skyline College (20-12-1CA)

Reappointment of Anne Campbell to the District’s Bond Oversight Committee (20-12-2CA)

Ratification of September and October 2020 District Warrants (20-12-3CA)

Motion to Approve by: Trustee Goodman

Second by: Vice President Holober

Action: Approved unanimously, all members voting Aye

Summary of Discussion: None.

INFORMATIONAL ITEMS

Update on Contract Award Process for San Mateo Athletic Club RFP (20-12-5C)

[\(Time Stamp: 2:34:42\)](#)

Summary of Discussion: Chancellor Claire provide the Board an update on the process for an RFP to operate SMAC, which has included consulting with outside procurement counsel. Chancellor Claire noted that there is a bit more time than realized and March 2021 is the true deadline per existing contract language.

President Nuris noted that the new trustees may want to avail themselves of briefings with legal counsel to answer any legal questions they may have on this matter.

Trustee Holober said that he believed the Board gave clear direction to staff to poll the Board and schedule a special meeting to receive public comment as soon as possible following the last meeting. He acknowledged that the Board was polled and a meeting was scheduled immediately after Thanksgiving but the meeting never occurred. He expressed concern that staff did not adhere to the direction of the Board and has put the Board in a bind because the item presented at this meeting is not an action item. He further explained that he believed that the Board did not authorize any additional extension of the current EXOS contract beyond December 31, 2020 and at that time, EXOS's contract expires.

Trustee Goodman said he shared some of Trustee Holober's concerns regarding the scheduling of a special meeting. He said he wanted to focus on how to move forward and get this processed with a meeting as soon as possible. He suggested that if any consideration be given to extending the current contract beyond December 31, that EXOS be asked to waive any type of potential lawsuit. Further, he asked what it would take to get the new trustees up to speed on the matter so they could participate in the decision process.

President Nuris noted that the information relating to the scheduling of the meeting was accurate but that the direction at the last meeting was to begin negotiating a contract with the other party and that posed legal risks and until those risks were known, it was not appropriate to meeting because we can not "jump until we see where we we're going to land." He said he was not able to understand how a delay of a couple of weeks to allow for additional information gathering would be an issue.

Trustee Petrides noted that she believed she was as versed in the issue as she could be at this point and now that she has been sworn in will be able to access the legal briefing by the District's counsel she is confident that she can help resolve this issue. She further clarified that she believed there was not a new contract but that the existing contract had language that allowed for an extension of 90 days.

Trustee Pimentel said that he was informed and prepared to act on this issue. He said he was looking forward to helping govern an educational institution not a gym. He said he concurred with Vice President Holober's assessment that the contract expires on December 31.

Trustee Petrides asked for clarification on the extension terms of the contract. Yanely Pulido, Director of General Services, stated that the language in the extension agreement approved by the Board in June 2020 called for the termination of the agreement on December 21, 2020, unless terminated earlier. Language was also added in the event that additional time was required for the District to complete the RFP process or execute a subsequent agreement and to transition to a successor, the contractor would have agreed to continue to provide services for a period not to exceed three months.

Trustees agreed that staff should approach EXOS regarding seeking a waiver of legal action relating to the RFP and that a special meeting be scheduled before December 31, 2020.

NEW BUSINESS: Other Recommendations

Setting of Board of Trustees Meeting Dates for 2021 (20-12-101B)

[\(Time Stamp: 3:23:29\)](#)

Motion to Approve by: Vice President Holober

Second by: Trustee Petrides

Action: Approved unanimously, all members voting Aye

Summary of Discussion: None.

Public Comment: None.

Approval of Contract Award for Skyline College Building 19 Swing Space Project (20-12-102B)

[\(Time Stamp: 3:24:26\)](#)

Motion to Approve by: Trustee Goodman

Second by: Vice President Holober

Action: Approved unanimously, all members voting Aye

Summary of Discussion: Trustee Goodman asked Vice Chancellor Jose Nunez to explain any process that assured representation and equity in this process. Vice Chancellor Nunez explained that the District maintains a list of pre-qualified vendors that is approved annually by the Board of Trustees and when that vendor list is compiled significant outreach is conducted to minority-owned, women-owned, veteran-owned, LGBQIA-owned businesses.

Public Comment: None.

Approval of District's Response to San Mateo County Civil Grand Jury Report Relating to Ransomware (20-12-103B)

[\(Time Stamp: 3:26:54\)](#)

Motion to Approve by: Trustee Goodman

Second by: Vice President Holober

Action: Approved unanimously, all members voting Aye

Summary of Discussion: None.

Public Comment: None.

Approval of Contract Award for Digital Marketing Services for Community, Continuing and Corporate Education (20-12-104B)

[\(Time Stamp: 3:27:35\)](#)

Motion to Approve by: Vice President Holober

Second by: Trustee Goodman

Action: Approved unanimously, all members voting Aye

Summary of Discussion: none.

Public Comment: None.

Approval of Updates to District Policy 6.18 – Credit by Examination (20-12-105B)

[\(Time Stamp: 3:28:18\)](#)

Motion to Approve by: Vice President Holober

Second by: Trustee Goodman

Action: Approved unanimously, all members voting Aye

Summary of Discussion: Vice Chancellor Aaron McVean explained that new Title 5 regulations spell out credit for prior learning, not just credit by examination, but also for joint service transcripts for student veterans, but not limited to that, but also includes industry health certifications and previous learning. This update replaces the old Title 5 language with the new language. In response to a question from Trustee Petrides, Vice Chancellor McVean explained that credit by examination is not widely utilized and that this is different from competency-based education.

Public Comment: None.

Adoption of Resolution No. 20-20 Honoring Trustee Karen Schwarz (20-12-106B)

[\(Time Stamp: 3:35:08\)](#)

Motion to Approve by: Trustee Petrides

Second by: Vice President Holober

Action: Approved unanimously, all members voting Aye

Summary of Discussion: Trustees commended former Trustee Schwarz for her many years of service to the District and community.

Public Comment: None.

Adoption of Resolution No. 20-21 Honoring Trustee Dave Mandelkern (20-12-107B)

[\(Time Stamp: 3:37:25\)](#)

Motion to Approve by: Vice President Holober

Second by: Trustee Goodman

Action: Approved unanimously, all members voting Aye

Summary of Discussion: Trustees commended former Trustee Mandelkern for his many years of service to the District and community.

Public Comment: None.

INFORMATION REPORTS

Update on District COVID-19 Planning and Response, Including Planning for Summer Term 2021 (20-12-3C)

[\(Time Stamp: 3:40:53\)](#)

Summary of Discussion: Chancellor Claire explained that though it might seem early, the District is beginning its annual planning processes which include scheduling for summer and fall 2021. He noted that the District's emergency operations center continues to evaluate the situation and plan for re-population of the campuses as soon as allowable and responsible, keeping in mind that there are simply so many unknowns at this point. He said that he will bring back an item in January to further discuss this issue and get direction from the Board regarding operating modalities for summer and fall 2021.

Discussion of District Policy and Advocacy Priorities for 2021 (20-12-4C)

[\(Time Stamp: 3:45:22\)](#)

Summary of Discussion: Chief of Staff Mitchell Bailey explained that the Board of Trustees has given staff clear direction over time on priority policy areas of interest, including relating to food, housing, and transportation, along with supporting DACA students just as examples. He offered the following recommended policy priority areas for the Board's consideration for 2021, which take into account the current economic and operating conditions locally and statewide: (1) protecting the District's Basic Aid status; (2) advocating for greater flexibility in the use of Fund 1 (General Fund) dollars to support basic student needs (food, transportation, housing, mental health services), akin to the flexibility granted in 2020 for the use of Lottery Funds; and (3) guaranteeing that any state budget cuts to categorical funds (or other funds which the District receives) are applied equally among Districts, regardless of their Basic Aid or Revenue-Limit status (meaning the SMCCCD should not take a disproportionate cut because of its Basic Aid status).

Trustee Goodman inquired if this discussion was authorizing any action and if there would be any associated costs. Mr. Bailey noted that it is not uncommon for Districts to publicly present a policy agenda and that with this it would ensure everyone is working from the same list of priorities. He noted that the District's advocacy efforts are supported by staff and a lobbyist. Chancellor Claire noted that the forming basic aid coalition of Districts is also working on an agenda and will likely engage a lobbyist. Trustee Goodman asked for further clarification if this was a blanketed approval on these items without future Board action. Mr. Bailey assured the Board that future action on advocacy items would be brought back as those items come up. Kathy Blackwood, former Executive Vice Chancellor, noted that a number of District administrators set on association boards and have affiliations with statewide organizations (such as the League's CEO group, Association of Chief Budget Officers, Facilities Coalition, etc.) and having those staff know the priorities allows them to use those organizations to support those efforts. Trustee Holober expressed support for the priority areas and asked that this item be agendaized for future action, incorporating the suggestion of Trustee Petrides to include educational materials and Trustee Pimentel to include flexibility in charging tuition and fees and permissibility of supporting broader student needs.

Discussion of Potential Updates to Board Minutes Policy (20-12-6C)

(Time Stamp: 4:07:54)

Summary of Discussion: Chancellor Claire outlined that staff is working to catch up on the backlog of minutes and that for those meetings where there are no video recordings (those prior to March 2020) that those minutes be completed as had been in the past with great detail. He said staff would be suggesting an overhaul of the minutes process at the January meeting, which would include recommended changes to policy and utilization of a new condensed format along with new technology.

Trustee Goodman said he was more interested in knowing what the plan of action to get caught up on minutes and implementing new resources than keeping talking about this item which has been brought up several times. Trustee Pimentel and Vice President Holober concurred with Trustee Goodman and urged for swift action. Chancellor Claire said that staff would present a plan at the January meeting.

Public Comment: Monica Malamud expressed support for broadcasting Board meetings.

STATEMENTS FROM BOARD MEMBERS

(Time Stamp: 4:27:02)

There were no comments from any Board members.

MEETING OF THE SAN MATEO COUNTY COMMUNITY COLLEGE DISTRICT FINANCING CORPORATION

1. Call to Order

Vice President Claire called the meeting to order at 10:03 p.m. on December 14, 2020.

2. Roll Call

Members Present: Vice President Michael Claire, Director Thomas Nuris, Director Maurice Goodman, Director Richard Holober

3. Approval of Minutes of the December 9, 2019 Meeting

It was moved by Director Goodman and seconded by Director Holober to approve the minutes of the December 9, 2019 meeting. The minutes were approved unanimously.

4. Naming of Officers for 2021

It was moved by Director Holober and seconded by Director Nuris to approve the slate of officers and directors as presented. The motion passed unanimously.

President – Board of Trustees President Thomas Nuris

Vice President – Chancellor Michael Claire

Secretary – Board of Trustees Vice President-Clerk Richard Holober

Treasurer – Chief Financial Officer Bernata Slater

Board of Trustees members Maurice Goodman, Lisa Petrides and John Pimentel will serve as Directors.

5. Adjournment

It was moved by Director Holober and Seconded by Director Nuris to adjourn the meeting at 10:06 p.m. The motion passed unanimously.

RECONVENE TO REGULAR MEETING

President Nuris reconvened the regular meeting to announce that the Board would be recessing to closed session. He noted that the next meeting of the Board of Trustees would be on January 13, 2021, conducted via Zoom.

RECESS TO CLOSED SESSION

The Board recessed to closed session at 10:08 p.m.

RECONVENE TO OPEN SESSION

President Nuris announced that there were no actions to report from closed session.

ADJOURNMENT

The meeting adjourned by consent at 11:15 p.m.

Submitted by

Michael Claire, Secretary