

**Minutes of the Regular Meeting of the Board of Trustees  
San Mateo County Community College District  
January 27, 2021 – 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 Thomas A. Nuris, Vice President Richard Holober, Trustee Maurice Goodman, Trustee Lisa Petrides, Trustee John Pimentel

**ANNOUNCEMENT OF CLOSED SESSION ITEMS FOR DISCUSSION**

President Nuris 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; (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 6:28 p.m.

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

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

**ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION**

*[\(Time Stamp: 05:25\)](#)*

President Nuris reported that there were no actions to report from Closed Session.

**DISCUSSION OF THE ORDER OF THE AGENDA**

*[\(Time Stamp: 05:35\)](#)*

President Nuris announced that staff asked that Agenda Items 21-01-06B, 21-01-07B, 21-01-08B and 21-01-09B, items relating to the District's Audit and which will be presented together, be moved to be considered immediately following the discussion of the order of the agenda. President Nuris further announced that staff asked that Agenda Item 21-01-10B, Approval of Compensation Agreement with City of San Mateo, be considered immediately following the consideration of the audit items.

The Board agreed to the reordering of agenda items.

## **NEW BUSINESS: Other Recommendations**

### **Receipt and Acceptance of the 2019-20 District Audit Report (21-01-06B)**

*(Time Stamp: 06:48)*

***Motion to Approve by:*** Vice President Holober

***Second by:*** Trustee Petrides

***Action:*** Approved unanimously, all members voting Aye

***Summary of Discussion:*** Chief Financial Officer Bernata Slater introduced the 2019-20 Audit Report. Ms. Slater introduced Jennifer Richards, Managing Director, and Colleen Goeser, Audit Manager from Crowe LLP. Ms. Goeser presented information on the audit results including the District financial statements (unmodified opinion), State Compliance (modified opinion due to 50% law), and the Independent Audit Report on compliance of Federal Programs (Student Financial Aid, Higher Education Cluster, and the CARES Program). Ms. Goeser noted the District's response to 50% law and plans for future allocation of funds. Ms. Goeser also discussed the District's internal controls over financial reporting, including payroll controls and the reconciliation process. Vice President Holober asked if the audit includes a practice for ensuring Board approval for Payroll functions such as pay increases, granting of benefits, terminations, etc. Ms. Richards responded that the audit confirms authorization, internal controls, and the use of a personnel action form, but Board approval is outside the scope of the audit.

***Public Comment:*** None

### **Receipt and Acceptance of the 2019-20 KCSM Audit Report (21-01-07B)**

*(Time Stamp: 25:50)*

***Motion to Approve by:*** Vice President Holober

***Second by:*** Trustee Petrides

***Action:*** Approved unanimously, all members voting Aye

***Summary of Discussion:*** Ms. Goeser presented information on the unmodified opinion audit results for the 2019-20 KCSM Audit Report. Ms. Goeser reported that KCSM increased its net position, although operating results decreased. Ms. Goeser also mentioned there is a COVID-19 impact disclosure that is new this year and included in all financial reports. The disclosure notes that COVID-19 has disrupted normal business operations and there is a high level of uncertainty going forward.

***Public Comment:*** None

### **Receipt and Acceptance of the 2019-20 General Obligation Bond Financial and Performance Audit Reports (21-01-08B)**

*(Time Stamp: 28:18)*

***Motion to Approve by:*** Vice President Holober

***Second by:*** Trustee Petrides

***Action:*** Approved unanimously, all members voting Aye

***Summary of Discussion:*** Ms. Goeser reported an unmodified opinion on the 2019-20 General Obligation Bond Financial and Performance Audit Reports. Ms. Goeser explained that during the Performance Audit 34 expenditures (payroll related and non-payroll related) are randomly selected

for review. Ms. Goeser reported that the Performance Audit results found that the District is spending funds in accordance with the Bond Measure approved by the voters and the Board of Trustees.

Trustee Pimentel referenced Ms. Turner's public comment and said his vote to approve this item is with the caveat that Ms. Turner's suggested analysis be included in the next audit. Trustee Pimentel asked staff to report back if a performance audit can be conducted to analyze the bond language compared to the actual project list. Vice President Holober requested that staff provide hard copies of the audit documents to Board members before future meetings.

**Public Comment:** Ms. Maxine Turner commented that she does not see the difference in the financial and performance audits and encouraged the auditors to read the bond measure language presented to the voters.

**Receipt and Acceptance of the 2019-20 Retirement Futuris Public Entity Investment Trust Audit Report (21-01-09B)**  
*(Time Stamp: 31:33)*

**Motion to Approve by:** Vice President Holober

**Second by:** Trustee Petrides

**Action:** Approved unanimously, all members voting Aye

**Summary of Discussion:** Ms. Goeser reported an unmodified opinion on the 2019-20 Retirement Futuris Public Entity Investment Trust Audit Report. Ms. Goeser said the focus of this audit is on reviewing the actuary report, which the District uses to estimate future liabilities, and the assets set aside in the fiduciary trust. In terms of post-employment benefits, Ms. Goeser reported that the District is in a very good financial position with the funds set aside in the fiduciary trust well above what future expected liability. Vice President Holober asked if the District has future projections for the Retirement Futuris Public Entity Investment Trust. Ms. Slater responded that the District performs an actuarial study each year. Ms. Slater said the District is fully funded with some excess funding, liability may shift slightly, but there is not an expectation of significant changes.

**Public Comment:** None

**Approval of Compensation Agreement with City of San Mateo, Pursuant to Health and Safety Code Section 34180(f) (21-01-10B)**  
*(Time Stamp: 47:08)*

**Motion to Approve by:** Trustee Pimentel

**Second by:** Vice President Holober

**Action:** Approved unanimously, all members voting Aye

**Summary of Discussion:** Barbara Christensen, Advisor and Consultant to the Chancellor's Office, introduced Kathy Kleinbaum, Assistant City Manager for the City of San Mateo. Ms. Kleinbaum presented information about the Compensation Agreement with the City of San Mateo regarding the disposition of two former Redevelopment Agency properties in downtown San Mateo in which the District is one of ten taxing entities that will receive a share of the property tax revenue. Ms. Kleinbaum gave a presentation outlining information about the former redevelopment properties, the Downtown Opportunity Sites Project (including a Multi-Family Residential Building and Parking Garage), the Public Private Partnership agreement, and the Property Disposition.

**Public Comment:** None

## **PRESENTATIONS TO THE BOARD BY PERSONS OR DELEGATIONS**

### **Contemporary Conversation Regarding Race, Class, Gender, Privilege and Equity: Discussion of Recent Violence at the U.S. Capitol and the of Impact of Change in Federal Administration on Higher Education and American Society (21-01-06C)**

*[\(Time Stamp: 57:14\)](#)*

#### ***Summary of Discussion:***

Vice President Holober said this topic is essential to discuss because its front and center to our nation, our colleges and our students. Vice President Holober said that racism, hatred and authoritarianism has always existed, but has recently been given license by our country's leadership.

Trustee Pimentel encouraged the Board to focus on offering a great product (Community College) at a great price. Trustee Pimentel said he'd like to see more focus on career technical education because that is what employers in San Mateo County are seeking. Trustee Pimentel also said he is appalled by the lack of basic civic and government understanding and suggested that as a District we focus on improving teaching in these areas.

President Nuris said the recent violence at the U.S. Capitol is not due to lack of education, it is due to lack of respect and sensibility. President Nuris said that, due to COVID-19, there has not been an opportunity to gauge the feelings of our students. President Nuris said our students need help processing recent events because they will inherit this country and be our future leaders.

Trustee Petrides said it is important to think about race, class, gender, privilege and equity through all curriculum and consider the full education of an individual, not just the attainment of a degree. Trustee Petrides also said civic understanding cannot always be taught by a book, but needs to be a learned experience.

District Academic Senate President, Jeremy Wallace said the majority of students in the District are students of color and they live civics every day. Mr. Wallace suggested bolstering teaching in ethnic studies and educational offerings that affirm the lived reality of our students of color.

***Public Comment:*** None

## **STATEMENTS FROM EXECUTIVES AND STUDENT REPRESENTATIVES**

*[\(Time Stamp: 1:21:48\)](#)*

Chancellor Claire welcomed the new Chief Human Resources Officer, Cheng Yu Hou, to the District and thanked David Feune, Director of Human Resources, for his continued work.

Chancellor Claire thanked Trustee Pimentel for his input and direction on Board policies, particularly Board policy regarding minutes. Chancellor Claire acknowledged that Board minute taking has fallen behind and staff are working diligently to bring minutes up to date.

Cañada College President Jamillah Moore thanked the Board for attending Cañada College Cabinet for a "Meet and Greet" this past Monday. President Moore also announced that Cañada College will be hosting Dr. Coronel West and Dr. Rick Najera to have conversations about African Americans and Latinx to discuss anti-racism.

## **STATEMENTS FROM OTHER REPRESENTATIVE GROUPS**

*(Time Stamp: 01:27:13)*

- ***AFT, Local 1493:*** Mr. Kolo Wamba, Physics Instructor at Skyline College and newly elected AFT Representative, made a statement regarding the need for a fair contract for Faculty and parity in part time pay with meaningful health benefits for Adjuncts.
- ***CSEA, Chapter 33:*** Ms. Annette Perot, CSEA Chapter 33 President, said CSEA members are working extremely hard to have a successful Spring 2021 Semester and look forward to a time when we can all return safely to campus.
- ***AFSCME, AFL-CIO, Local 829, Council 57:*** None

## **STATEMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS**

*(Time Stamp: 01:33:02)*

- Lane Poms asked that the San Mateo Athletic Club Request for Proposal (RFP) process and timeline be made public so that the process is more inclusive to stakeholders.
- Sam Chuang spoke on behalf of the parents of the Age Group Swimmers and asked the Board for help to find a solution in returning the children to the pool.
- Brooke Anderson, attorney with the law firm Nixon Peabody, spoke on behalf of EXOS in regards to the RFP for the San Mateo Athletic Club management contract, noting that EXOS has issued a formal protest to the notice of intent to award the RFP to Power Wellness.
- Chris Jaffe advocated for more consideration to return the Age Group Swimmers back to the pool.

*(Time Stamp: 1:52:59)*

- Frank Elliott suggested the formation of an oversight committee to govern the activities and management at the San Mateo Athletic Club.
- Maxine Terner expressed concern regarding lack of financial information in staff reports and minutes regarding certain projects.
- Matthew Metzger commented about the San Mateo Athletic Club and expressed frustration that quality swim instructors are leaving the San Mateo Athletic Club and many swimmers are leaving the club and the sport.

## **MINUTES**

### **Approval of the Minutes of the March 11, 2020 Study Session (21-01-06)**

*(Time Stamp: 01:46:36)*

***Motion to Approve by:*** Vice President Holober

***Second by:*** Trustee Goodman

***Action:*** President Nuris, Vice President Holober and Trustee Goodman voting Aye. Trustee Pimentel and Trustee Petrides abstain. The motion passed.

***Summary of Edits or Corrections:*** None.

**Approval of the Minutes of the March 25, 2020 Regular Meeting (21-01-07)**

[\(Time Stamp: 01:47:28\)](#)

*Motion to Approve by:* Trustee Goodman

*Second by:* Vice President Holober

*Action:* President Nuris, Vice President Holober and Trustee Goodman voting Aye. Trustee Pimentel and Trustee Petrides abstain. The motion passed.

*Summary of Edits or Corrections:* None.

**Approval of the Minutes of the April 7, 2020 Study Session (21-01-08)**

[\(Time Stamp: 01:47:51\)](#)

*Motion to Approve by:* Vice President Holober

*Second by:* Trustee Goodman

*Action:* President Nuris, Vice President Holober and Trustee Goodman voting Aye. Trustee Pimentel and Trustee Petrides abstain. The motion passed.

*Summary of Edits or Corrections:* None.

**Approval of the Minutes of the April 13, 2020 Special Closed Meeting (21-01-09)**

[\(Time Stamp: 01:48:12\)](#)

*Motion to Approve by:* Trustee Goodman

*Second by:* Vice President Holober

*Action:* President Nuris, Vice President Holober and Trustee Goodman voting Aye. Trustee Pimentel and Trustee Petrides abstain. The motion passed.

*Summary of Edits or Corrections:* None.

**Approval of the Minutes of the April 14, 2020 Special Closed Meeting (21-01-10)**

[\(Time Stamp: 01:48:40\)](#)

*Motion to Approve by:* Vice President Holober

*Second by:* Trustee Goodman

*Action:* President Nuris, Vice President Holober and Trustee Goodman voting Aye. Trustee Pimentel and Trustee Petrides abstain. The motion passed.

*Summary of Edits or Corrections:* None.

**Approval of the Minutes of the April 22, 2020 Regular Meeting (21-01-11)**

[\(Time Stamp: 01:49:07\)](#)

*Motion to Approve by:* Trustee Goodman

*Second by:* Vice President Holober

*Action:* President Nuris, Vice President Holober and Trustee Goodman voting Aye. Trustee Pimentel and Trustee Petrides abstain. The motion passed.

*Summary of Edits or Corrections:* None.

**Approval of the Minutes of the May 6, 2020 Special Closed Session (21-01-12)**

[\(Time Stamp: 01:49:32\)](#)

*Motion to Approve by:* Vice President Holober

*Second by:* Trustee Goodman

*Action:* President Nuris, Vice President Holober and Trustee Goodman voting Aye. Trustee Pimentel and Trustee Petrides abstain. The motion passed.

*Summary of Edits or Corrections:* None.

**Approval of the Minutes of the May 7, 2020 Special Closed Session (21-01-13)**

[\(Time Stamp: 01:49:58\)](#)

*Motion to Approve by:* Vice President Holober

*Second by:* Trustee Goodman

*Action:* President Nuris, Vice President Holober and Trustee Goodman voting Aye. Trustee Pimentel and Trustee Petrides abstain. The motion passed.

*Summary of Edits or Corrections:* None.

**Approval of the Minutes of the May 8, 2020 Special Closed Session (21-01-14)**

[\(Time Stamp: 01:50:17\)](#)

*Motion to Approve by:* Trustee Goodman

*Second by:* Vice President Holober

*Action:* President Nuris, Vice President Holober and Trustee Goodman voting Aye. Trustee Pimentel and Trustee Petrides abstain. The motion passed.

*Summary of Edits or Corrections:* None.

**Approval of the Minutes of the May 13, 2020 Regular Meeting (21-01-15)**

[\(Time Stamp: 01:50:41\)](#)

*Motion to Approve by:* Vice President Holober

*Second by:* Trustee Goodman

*Action:* President Nuris, Vice President Holober and Trustee Goodman voting Aye. Trustee Pimentel and Trustee Petrides abstain. The motion passed.

*Summary of Edits or Corrections:* None.

**Approval of the Minutes of the June 2, 2020 Special Closed Session (21-01-16)**

[\(Time Stamp: 01:51:02\)](#)

*Motion to Approve by:* Vice President Holober

*Second by:* Trustee Goodman

*Action:* President Nuris, Vice President Holober and Trustee Goodman voting Aye. Trustee Pimentel and Trustee Petrides abstain. The motion passed.

*Summary of Edits or Corrections:* None.

**Approval of the Minutes of the June 10, 2020 Study Session (21-01-17)**  
**(Time Stamp: 01:51:29)**

*Motion to Approve by:* Vice President Holober

*Second by:* Trustee Goodman

*Action:* President Nuris, Vice President Holober and Trustee Goodman voting Aye. Trustee Pimentel and Trustee Petrides abstain. The motion passed.

*Summary of Edits or Corrections:* None.

**NEW BUSINESS**

**Approval of Personnel Items: Changes in Assignment, Compensation, Placement, Leaves, Staff Allocations and Classification of Academic and Classified Personnel (21-01-4A)**  
**(Time Stamp: 02:02:36)**

*Motion to Approve by:* Vice President Holober

*Second by:* Trustee Petrides

*Action:* Approved unanimously, all members voting Aye

*Summary of Discussion:* Trustee Pimentel asked about the creation of the new District Public Information Officer position and what the District's current operations for marketing, public information and community outreach look like. Chancellor Claire responded that each College has a Marketing & Community Relations Department and at the District level the Public Information Officer is the Chief of Staff. Trustee Pimentel said there are areas for improvement when it comes to responding to public inquiries, community outreach and recruitment.

*Public Comment:* None.

**Approval of Revisions to Student Assistant Salary Schedule (21-01-5A)**  
**(Time Stamp: 02:08:30)**

*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.

**NEW BUSINESS: Approval of Consent Agenda**  
**(Time Stamp: 02:09:21)**

**Approval of Curricular Additions, Deletions and Modifications – Cañada College, College of San Mateo and Skyline College (21-01-01CA)**

**Approval of District Organizational Memberships (21-01-02CA)**

**Approval of 2021-22 Integrated District Budget Planning Calendar (21-01-03CA)**



***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.

## **NEW BUSINESS: Other Recommendations**

### **Approval of Contract Award for District Independent Audit Services for CWDL, Certified Public Accountants (21-01-11B)**

***(Time Stamp: 02:10:05)***

***Motion to Approve by:*** Vice President Holober

***Second by:*** Trustee Goodman

***Action:*** Approved unanimously, all members voting Aye

***Summary of Discussion:*** Vice President Holober gave his support in favor of the contract award, but in light of the topic, asked to revisit his earlier questions regarding the audit. Vice President Holober asked if it would be possible to have the auditors include Board approval in their list of items particularly payroll and Human Resources changes. Chancellor Claire confirmed that this update to the audit can be made.

***Public Comment:*** None

### **Approval of Contract Award for College Ridge Housing Lease-Leaseback Project, Phase 2 at Skyline College (21-01-12B)**

***(Time Stamp: 02:13:43)***

***Motion to Approve by:*** Trustee Goodman

***Second by:*** Trustee Pimentel

***Action:*** Approved unanimously, all members voting Aye

***Summary of Discussion:*** Mr. Jose Nuñez, Vice Chancellor of Facilities Planning, Maintenance & Operations, presented a brief history of the project including project delivery method selection (Lease-Leaseback), and a timeline of previous bidding history. Mr. Nuñez explained the Request for Proposal (RFP) best value scoring and technical review process. Mr. Nuñez reported Guzman Construction Group as staff's recommendation for this project due to their high scoring technical skills and safety record. Mr. Nuñez also noted that Guzman Construction Group is a locally and minority owned business.

Trustee Pimentel asked for further justification for the selection of the Guzman Construction Group. Mr. Nuñez explained that Guzman Construction Group is not the lowest bid, but it is the best value. Mr. Nuñez said the lowest bid is not always in the best interest of the District and he noted various projects in the past that have been problematic because the lowest bidder was selected. Ms. Yanelly Pulido, Director of General Services, said the process is fair and equal, under consultation with our legal team, and the RFP is very clear in terms of the scoring methodology.

Trustee Pimentel asked about the original estimated cost of the project. Mitchell Bailey, Chief of

Staff, explained that Summerhill was originally intended to build the project, but there was a conflict that could not be resolved. Mr. Bailey said that through that process there was a general estimate of project cost. Ms. Pulido said she has a legal memo she will share with Trustee Pimentel as to why Summerhill did not move forward with the vertical construction.

Vice President Holober asked about the selection interview process and how the scoring was set for the interviews. Mr. Strugar-Fritsch said the interview is weighted heavily with an interview rating form because it shows how well the construction team can articulate their approach to the project and answer any questions.

Vice President Holober also asked when the Board will discuss funding for this project. Chancellor Claire said he recommends a separate conversation with the Board regarding funding to be scheduled as soon as possible.

**Public Comment:** Maxine Turner expressed her dissatisfaction with the staff report and asked for the total project cost.

**Adoption of Resolution 21-01 Authorizing Use of Design-Build Project Delivery Method of College of San Mateo Building 36 Mechanical Engineering Project (21-01-13B)**

[\(Time Stamp: 02:56:41\)](#)

**Motion to Approve by:** Trustee Goodman

**Second by:** Vice President Holober

**Action:** Through a roll-call vote, President Nuris voted Aye. Vice President Holober, Trustee Goodman, Trustee Petrides and Trustee Pimentel voted Nay. The motion failed.

**Summary of Discussion:** Mr. Jose Nuñez, Vice Chancellor of Facilities Planning, Maintenance & Operations, gave an overview of the College of San Mateo Mechanical Engineering Project. Mr. Nuñez said there is a sense of urgency on this project because the ideal time for equipment installation is during winter break. Mr. Chris Strugar-Fritsch, Director of Capital Projects, said this particular project is well suited for Design Build because the Design Build delivery method allows the planning team to run some activities concurrently.

Vice President Holober expressed his concern with the Design Build delivery method and said he'd prefer to weigh the pros and cons and explore different delivery methods before deciding. Vice President Holober suggested that staff brief the Board on various delivery methods at a future meeting before a decision is made.

**Public Comment:** None

**Approval of Extension to Contract with Swinerton Management and Consulting for Capital Improvement Program Management Services (21-01-14B)**

[\(Time Stamp: 03:19:25\)](#)

**Motion to Approve by:** Trustee Goodman

**Second by:** Trustee Pimentel

**Action:** Approved unanimously, all members voting Aye

**Summary of Discussion:** Mr. Jose Nuñez, Vice Chancellor of Facilities Planning, Maintenance & Operations, said this contract was brought to the Board five years ago, understanding then that it was a seven-year process, but because of public contract code the District was only able to execute a five-year contract. Mr. Nuñez said this extension gives the District an opportunity to review fees. Mr. Chris Strugar-Fritsch said the current contract amount is \$25 million.

**Public Comment:** Ms. Maxine Turner expressed her concerns with the staff report related to this agenda item and asked if there are additional costs associated with extending the contract.

## INFORMATIONAL ITEMS

### **Update on the Accrediting Commission for Community and Junior Colleges (ACCJC) Follow-up Report for College of San Mateo (21-01-05C)**

[\(Time Stamp: 03:24:22\)](#)

**Summary of Discussion:** None. The report was recorded as received.

**Public Comment:** None

## **COMMUNICATIONS**

[\(Time Stamp: 03:25:07\)](#)

None

## **STATEMENTS FROM BOARD MEMBERS**

[\(Time Stamp: 03:25:15\)](#)

None.

President Nuris announced that the next meeting of the Board of Trustees would be the Board's annual retreat on Saturday, February 6, 2021, conducted via Zoom.

## **RECONVENE TO CLOSED SESSION**

The Board recessed to Closed Session at 9:49 p.m.

## **RECONVENE TO OPEN SESSION**

The Board reconvened to Open Session at 11:14 p.m.

## **ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION (if necessary)**

President Nuris announced that there were no reportable actions taken in Closed Session.

## **ADJOURNMENT**

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

Submitted by

Michael Claire, Secretary