

**Minutes of the Regular Meeting of the Board of Trustees
San Mateo County Community College District
July 28, 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 5:08 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 Negotiator for Employee Organizations: AFSCME, AFT, CSEA and Unrepresented Employees; and (2) Hold a Conference with Legal Counsel – Anticipated Litigation: Significant exposure to litigation pursuant to Gov. Code, § 54956.9, subd. (d)(2): One case.

STATEMENTS FROM THE PUBLIC ON CLOSED SESSION ITEMS ONLY

None.

RECESS TO CLOSED SESSION

The Board recessed to closed session at 5:10 p.m.

RECONVENE TO OPEN SESSION

The Board reconvened to open session at 6:17 p.m.

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

Others Present: Chancellor Michael Claire, Chief Financial Officer Bernata Slater; Skyline College Acting President Newin Orante, College of San Mateo President Jennifer Taylor-Mendoza, Cañada College Acting President Manuel Perez, District Academic Senate President Kate Williams Browne

ANNOUNCEMENT OF REPORTABLE ACTION TAKEN IN CLOSED SESSION

[\(Time Stamp: 1:08:38\)](#)

President Nuris stated that no reportable actions were taken in Closed Session. He further stated that there was an omission in reporting an item out of closed session of the June 23 meeting. At that meeting, the Board did vote to ratify the confidential district warrants for March and April 2021 and that should be reflected in the record.

DISCUSSION OF THE ORDER OF THE AGENDA

[\(Time Stamp: 1:09:18\)](#)

Staff requested and the Board agreed that Information Item 21-07-07C – Update on the Futuris Trust – be moved up in the agenda to be considered immediately following the discussion on the order of the agenda.

Update on the Futuris Trust (21-07-07C)

(Time Stamp: 1:09:57)

Summary of Discussion: Chief Financial Officer Slater noted that for many years, the District has been setting aside funds for the OPEB fund for post-retirement benefits and that the District has contracted with Benefits Trust Company to keep those funds in a revocable trust, with Morgan Stanley to direct the investments and with Keenan and Associates to manage the process and support the District's Retirement Board of Authority. She said the District's fund is called the Futuris Trust. Ms. Slater noted that at a prior meeting the Board authorized the approval of a contract for construction of employee housing at Skyline College and that the possibly of filling the funding gap for that project from funds from the OPEB fund.

Cary Allison from Morgan Stanley provided an overview of the fund, including the team that manages the Futuris fund, the Governmental Accounting Standards Board requirements for the fund, the structure of the program, the role of the Retirement Board of Authority and portfolio returns. He noted that the District was fully funded, along with only six other districts in the state. Mr. Allison summarized that since inception in 2009, \$91.8 million in deposits had been made, with a total value of \$157 million, and there currently were excess assets over net OPEB liability of \$39 million.

President Nuris noted the unusually high one-year performance of the fund and asked what the average growth should be. Mr. Allison noted that the fund is designed for six to seven percent annual growth.

Vice President Holober asked if the District was at a point where it could stop taking general fund money to set aside for this fund. Ms. Slater explained that the District continues to charge a service cost at a rate of three percent as determined by an actuarial study, because the District has not capped benefits. She noted that it is a much lower rate and that annually the amount is approximately \$3 million.

Trustee Pimentel asked how often the services for managing the OPEB fund are bid and requested that a follow-up note be provided that identifies all the fees charged on an annual basis both on a percentage and dollar basis for each service provider. Ms. Slater said that she would provide that information to the Board.

Public Comment: None.

Approval of the Minutes of the June 23, 2021 Regular Meeting (21-07-01)

Motion to Approve by: Trustee Goodman

Second by: Vice President Holober

Action: Approved, with all Trustees voting Aye

Summary of Edits or Corrections: None.

Approval of the Minutes of the June 29, 2021 Special Closed Session Meeting (21-07-02)

Motion to Approve by: Trustee Goodman

Second by: Vice President Holober

Action: Approved, with all Trustees voting Aye

Summary of Edits or Corrections: None.

Approval of the Minutes of the July 14, 2021 Study Session (21-07-03)

Motion to Approve by: Trustee Goodman

Second by: Vice President Holober

Action: Approved as corrected, with all Trustees voting Aye

Summary of Edits or Corrections: Trustee Pimentel asked that under Item 21-07-01, paragraph four, second sentence that “*Acknowledging that things seem to be working well,*” be removed.

PRESENTATIONS TO THE BOARD BY PERSONS OR DELEGATIONS

Contemporary Conversation Regarding Race, Class, Gender, Privilege and Equity: Pride Month – Discussion of Recent Federal Court Ruling Declaring Deferred Action for Childhood Arrivals (DACA) Unlawful and Suspending Applications (21-07-05C)

(Time Stamp: 1:34:10)

Summary of Discussion: Vice Chancellor/Chief of Staff Mitchell Bailey explained that on July 16, a federal judge in Texas ruled that the Deferred Action for Childhood Arrivals (DACA) program was unlawful and yet again put into question the fate of immigrants known as Dreamers, some of whom are students who study at our colleges. Mr. Bailey noted that this is not just a political issue for the District, it is a personal issue, because we know the students it impacts. He noted that only Congress can ensure a permanent solution by granting a path to citizenship for Dreamers. Mr. Bailey reminded the Board that it has been active in supporting the DACA program, through Resolution 17-12, adopted in September 2017, which condemned the elimination of DACA and called for federal legislation to protect DACA students, and through Resolution 17-1, in which the Board committed to protecting undocumented students and the privacy of all students against federal law enforcement agencies as it related to immigration.

President Nuris noted that the Board was in full support of the DACA program and suggested that the Board reaffirm its commitment of prior resolutions and let that support be known to members of the District’s congressional delegation. Trustee Goodman suggested that as campuses are re-opened that that Dream Centers be fully staffed in-person and remotely to support students, particularly those completing new applications. Trustee Holober suggested that the District consider joining other higher education partners in amicus briefs supporting the DACA program. Trustee Petrides and Trustee Pimentel asked if there is anything else that could be done to reaffirm and support the program.

Acting President Perez provided examples of collaboration and cooperation efforts across the District and the importance of the emergency funding during the pandemic for undocumented students. President Taylor-Mendoza discussed partnerships for families, including community legal services and statewide advocacy efforts through the state chancellor’s office. Acting President Orante commented that mental health and personal counseling supports are available for students experiencing anxiety and fear due to their immigration status.

STATEMENTS FROM EXECUTIVES AND STUDENT REPRESENTATIVES

(Time Stamp: 1:52:09)

Chancellor Claire noted that he had provided recent marketing collateral to Trustees. He thanked Dr. Manuel Perez for serving as Acting President at Cañada College and welcomed College of San Mateo President Taylor-Mendoza to her first live Board meeting. Chancellor Claire also noted that the District had received several notes of commendation for its J. Russell Kent Award recognition.

District Academic Senate President Browne noted that faculty would soon be receiving information about fall flex days.

STATEMENTS FROM OTHER REPRESENTATIVE GROUPS

[\(Time Stamp: 1:57:22\)](#)

- ***AFT, Local 1493:*** Monica Malamud thanked the District for its efforts in supporting DACA and undocumented students. She also addressed the union's concerns regarding class cancellations and conversions and safe return to campus efforts.
- ***CSEA, Chapter 33:*** Annette Perot also thanked the Board in supporting the District's DACA students. She spoke about return to campus safety issues and encouraged the Board to issue a universal mask mandate.
- ***AFSCME, AFL-CIO, Local 829, Council 57:*** Joseph Puckett said that the facilities are beautiful and clean and ready for students, faculty and staff to return to campus.

STATEMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

[\(Time Stamp: 2:16:39\)](#)

None.

NEW BUSINESS

Approval of Personnel Items: Changes in Assignment, Compensation, Placement, Leaves, Staff Allocations and Classification of Academic and Classified Personnel (21-07-02A)

[\(Time Stamp: 2:16:58\)](#)

Motion to Approve by: Trustee Goodman

Second by: Vice President Holober

Action: Approved as amended, with all Trustees voting Aye

Summary of Discussion: Chancellor Claire asked that the item relating to the appointment of the Executive Vice Chancellor be removed from the report.

Public Comment: None.

NEW BUSINESS: Approval of Consent Agenda

[\(Time Stamp: 2:14:53\)](#)

Annual Review and Approval of Instructional Material Fees (21-07-01CA)

Approval of Budgetary Transfers for the Period Ending May 31, 2021 and Adoption of Resolution No. 21-08 Authorizing Budget Revisions and Transfers for 2020-21 (21-07-02CA)

Approval of Community College League of CA and California Community and College Athletic Association Annual Memberships (21-07-03CA)

Approval of Agreement with Dannis Woliver Kelley for District Legal Services (21-07-04CA)

Adoption of COVID-19 Vaccine Requirement Policy (21-07-05CA)

Approval of Memorandum of Understanding with South San Francisco Unified School District Regarding Middle College at Skyline College (21-07-06CA)

Approval of Agreement with San Mateo Union High School District Regarding Middle College at Skyline College (21-07-07CA)

Motion to Approve by: Vice President Holober

Second by: Trustee Petrides

Action: Approved unanimously, with all Trustees voting Aye

Summary of Discussion: None.

NEW BUSINESS: Other Recommendations

Adoption of the San Mateo County Community College District Strategic Plan, 2021 – 2026 (21-07-102B (Time Stamp: 2:20:56))

Motion to Approve by: Trustee Goodman

Second by: Vice President Holober

Action: Approved unanimously, with all Trustees voting Aye

Summary of Discussion: Vice Chancellor Aaron McVean provided a summary of the changes made to the plan based on feedback from the Board at prior meetings. He noted that the implementation of the plan will require the focusing of efforts and resources collectively as a district to support the key elements of the free community college initiatives, and focus on equity, social justice and completion.

Trustee Goodman acknowledged the work of those who contributed to the revision of the plan and asked if the finished plan reflected the spirit and cumulative work of those contributors. Dr. McVean said that he felt the plan does reflect the spirit and work of the steering committee and those who have worked on the plan. Trustee Pimentel asked what the next step would be after the plan is approved. Dr. McVean noted that during the fall, metrics and targets would be developed to measure implementation. Trustee Petrides asked if Dr. McVean felt if the District met the metrics and targets of the last plan. Dr. McVean noted that the last plan was the District's first plan and that there were areas that helped the District provide focus, such as with equity, social justice and completion. Vice President Holober suggested that enrollment targets be part of the metrics that are developed for the plan.

Public Comment: None.

Approval of 2023-2027 Five-Year Capital Construction Plan (21-07-103B) (Time Stamp: 2:37:04)

Motion to Approve by: Trustee Goodman

Second by: Vice President Holober

Action: Approved unanimously, with all Trustees voting Aye

Summary of Discussion: Jose Nunez, Vice Chancellor of Facilities Planning, Maintenance and Operations, provided a brief overview of the report, including projects approved by the state chancellor's office and in progress, projects approved by the state and considered in the governor's budget, projects subject to state approval and future funding, and locally funded current and future projects.

Trustee Pimentel asked about the timing of completing a facilities master plan. Mr. Nunez stated that the District prepares a plan every five years and one is currently in process. Trustee Pimentel asked that the community and the Board be given an opportunity to provide input before the plan is fully developed, as priorities may have shifted based on current circumstances. Mr. Nunez and Chancellor Claire affirmed that the engagement process most certainly includes Board and community input and feedback.

Public Comment: None.

Approval of Contract with MV Transportation as Operator of the Skyline Express Shuttle Service (21-07-104B) (Time Stamp: 2:57:29)

Motion to Approve by: Trustee Goodman

Second by: Vice President Holober

Action: Approved unanimously, as amended, with all Trustees voting Aye

Summary of Discussion: Trustee Pimentel asked if the shuttle was for the exclusive use of the District or if it was shared and if the shuttle would be wrapped in Skyline colors. Acting President Orante confirmed that the shuttle was for the college's exclusive use and would be wrapped with Skyline College imagery. Trustee Pimentel also asked that the District consider the efficacy of creating its own shuttle service versus contracting for the service.

Public Comment: None.

INFORMATIONAL ITEMS

Discussion of Process for Considering Trustee Area Adjustments (21-07-06C) (Time Stamp: 2:59:30)

Summary of Discussion: Vice Chancellor/Chief of Staff Mitchell Bailey provided a summary of suggested actions the Board should consider in relation to examining how the population data from the recent national census may impact the Board's trustee areas. Mr. Bailey suggested that the Board retain legal counsel and a demographer to assist with this process.

Vice President Holober expressed concern with the demographer used when creating the original trustee areas map and recommended using a different demographer for this new cycle. He further noted that he believed that there should be no staff involvement in this process, except in a facilitative capacity to schedule meetings and process matters as directed by the Board. Trustee Goodman suggested that a possible sub-committee be created to guide this matter and have any consultants work directly with the Board. Trustees concurred with this approach.

The Board agreed to engage the firm of Dannis Woliver Kelley as their legal advisor for this process and asked that quotes be solicited for demographer services and presented to the Board for consideration.

Public Comment: None.

Update on Face Covering Guidance as it Relates to COVID-19 (21-07-08C) (Time Stamp: 3:14:04)

Summary of Discussion: Chancellor Claire noted that the Centers for Disease Control is recommending masking in indoor spaces regardless of vaccination status for areas with high levels of spread for the COVID-19 Delta variant. He recommended that the District adopt such a posture

requiring all individuals to wear facial coverings when indoors of a District facility regardless of vaccination status. The Board supported the approach of requiring facial coverings.

Public Comment: None.

COMMUNICATIONS

(Time Stamp: 3:19:02)

The Board received a communication from Maxine Turner relating to the Five-Year Capital Construction Plan.

STATEMENTS FROM BOARD MEMBERS

(Time Stamp: 3:19:21)

President Nuris: No comments.

Vice President Holober: No comments.

Trustee Goodman: No comments.

Trustee Petrides: No comments.

Trustee Pimentel: Relating to AFT comments regarding course cancellations, encouraged outreach and communication to students about signing up for courses.

Student Trustee Garcia: No comments.

President Nuris announced that the next meeting of the Board of Trustees would be a regular meeting on August 25, 2021.

ADJOURNMENT

The meeting adjourned by consent at 8:31 p.m. in the memory of Cañada College student Tatyana Fleming.

Submitted by

Michael Claire, Secretary