



Tuesday, January 10, 2023
SPECIAL MEETING OF THE BOARD OF TRUSTEES

SAN MATEO COUNTY COMMUNITY COLLEGE DISTRICT
Closed Session 1:30 p.m.; Open Session 6:00 p.m.
In person at 3401 CSM Drive, San Mateo, CA 94402

Members of the Public may also participate via Zoom.
Zoom Meeting ID - <https://smccd.zoom.us/j/83280813610>
Dial-In: 1-669-900-9128 - Webinar ID: 832 8081 3610

NOTICE ABOUT PUBLIC PARTICIPATION AT BOARD MEETINGS

OBSERVING THE MEETING

Members of the public who wish to observe the meeting in-person or remotely by accessing the link or calling the following telephone number above at the beginning of the meeting.

For individuals who attend the meeting in person: San Mateo County's current COVID Community Level is LOW, and face masks are strongly recommended but not required while indoors any SMCCCD facility. As the San Mateo County community level changes, information will be provided to students, employees, and visitors.

PROVIDING PUBLIC COMMENT DURING THE MEETING ON NON-AGENDA ITEMS

To make a comment regarding a non-agenda item, members of the public:

- (1) If in person, may seek recognition at the speaker's lectern when called upon by the Board President, or
- (2) If remote, once in the Zoom meeting (via above link), can utilize the "raise hand" function on the bottom right corner of the screen. This will allow for the Board President to recognize members for comment and will allow staff to activate audio access to individual participants. Members of the public who "raise their hand" will be called upon in the order they appear.
- (3) Members of the public making comment are reminded of the 3-minute time limit for comment.

PROVIDING PUBLIC COMMENT DURING THE MEETING ON AGENDA ITEMS

To make a comment regarding an item on the agenda, members of the public:

- (1) If in person, may seek recognition at the speaker's lectern when called upon by the Board President, or
- (2) If remote, once in the Zoom meeting (via above link), can utilize the "raise hand" function on the bottom right corner of the screen. This will allow for the Board President to recognize members for comment and will allow staff to activate audio access to individual participants. Members of the public who "raise their hand" will be called upon in the order they appear.
- (3) Members of the public making comment are reminded of the 3-minute time limit for comment.

ACCOMMODATIONS

Persons with disabilities who require an accommodation or service should contact the Chancellor's Office at (650) 358-6877 at least 24 hours prior to the Board meeting.

1. OPEN SESSION - 1:30 p.m.

Subject	1.1 Call to Order / Roll Call
Meeting	Jan 10, 2023 - SPECIAL MEETING OF THE BOARD OF TRUSTEES
Category	1. OPEN SESSION - 1:30 p.m.

Type Procedural

2. CLOSED SESSION ITEMS FOR DISCUSSION

Subject **2.1 Pursuant of Gov. Code §54957: Public Employment (Chancellor of San Mateo County Community College District)**

Meeting Jan 10, 2023 - SPECIAL MEETING OF THE BOARD OF TRUSTEES

Category 2. CLOSED SESSION ITEMS FOR DISCUSSION

Type Discussion

Subject **2.2 Conference with Legal Counsel - Anticipated Litigation: Significant Exposure to Litigation Pursuant to Subdivisions (d)(2), (4) and (h) of Section § 54956.9 - Number of Potential Cases: 3**

Meeting Jan 10, 2023 - SPECIAL MEETING OF THE BOARD OF TRUSTEES

Category 2. CLOSED SESSION ITEMS FOR DISCUSSION

Type Discussion

3. PUBLIC COMMENTS ON CLOSED SESSION ITEMS ONLY

Subject **3.1 Comments by Community Members**

Meeting Jan 10, 2023 - SPECIAL MEETING OF THE BOARD OF TRUSTEES

Category 3. PUBLIC COMMENTS ON CLOSED SESSION ITEMS ONLY

Type

4. CLOSED SESSION

Subject **4.1 Recess to Closed Session**

Meeting Jan 10, 2023 - SPECIAL MEETING OF THE BOARD OF TRUSTEES

Category 4. CLOSED SESSION

Type Procedural

5. RECONVENE TO OPEN SESSION - 6:00 p.m.

Subject **5.1 Call to Order / Roll Call / Pledge of Allegiance**

Meeting Jan 10, 2023 - SPECIAL MEETING OF THE BOARD OF TRUSTEES

Category 5. RECONVENE TO OPEN SESSION - 6:00 p.m.

Type Procedural

Subject **5.2 Announcement of Reportable Action Taken In Closed Session (if necessary)**

Meeting Jan 10, 2023 - SPECIAL MEETING OF THE BOARD OF TRUSTEES

Category 5. RECONVENE TO OPEN SESSION - 6:00 p.m.

Type Procedural

Subject 5.3 Discussion of the Order of the Agenda

Meeting Jan 10, 2023 - SPECIAL MEETING OF THE BOARD OF TRUSTEES

Category 5. RECONVENE TO OPEN SESSION - 6:00 p.m.

Type Discussion

6. PUBLIC COMMENTS ON NON-AGENDA ITEMS

Subject 6.1 Comments by Community Members

Meeting Jan 10, 2023 - SPECIAL MEETING OF THE BOARD OF TRUSTEES

Category 6. PUBLIC COMMENTS ON NON-AGENDA ITEMS

Type

7. NEW BUSINESS

Subject 7.1 Approval of Personnel Items (5 Minutes)

Meeting Jan 10, 2023 - SPECIAL MEETING OF THE BOARD OF TRUSTEES

Category 7. NEW BUSINESS

Type Action

Preferred Date Jan 10, 2023

Absolute Date Jan 10, 2023

Fiscal Impact No

Budgeted No

Recommended Action It is recommended that the Board of Trustees approve the attached Personnel Report.

TO: Members of the Board of Trustees

FROM: Michael Claire, Chancellor

PREPARED BY: Julie Johnson, Chief Human Resources Officer
David Feune, Director, Human Resources

APPROVAL OF PERSONNEL ITEMS

Staff presents in the attached report for the Board's consideration recommendations for approval of new employment; changes in assignment, compensation, and placement; leaves of absence; changes in staff allocation and classification of academic and classified personnel; retirements, phase-in retirements, and resignations; equivalence of minimum qualifications for academic positions; and short-term temporary classified positions.

RECOMMENDATION

It is recommended that the Board of Trustees approve the attached Personnel Report.

File Attachments

Subject **7.2 Adoption of Resolution No. 22-34 to Make Findings Allowing Continued Remote Meetings Under Brown Act (5 Minutes)**

Meeting Jan 10, 2023 - SPECIAL MEETING OF THE BOARD OF TRUSTEES

Category 7. NEW BUSINESS

Type Action

Recommended Action It is recommended that the Board of Trustees adopt Resolution No. 22-34 finding that, as a result of the continuing COVID-19 pandemic state of emergency declared by Governor Newsom, meeting in person would present imminent risks to the health or safety of attendees.

TO: Members of the Board of Trustees

FROM: Michael Claire, Chancellor

PREPARED BY: Candice E. Bell, Executive Assistant to the Board

ADOPTION OF RESOLUTION NO. 22-34 TO MAKE FINDINGS ALLOWING CONTINUED REMOTE MEETINGS UNDER BROWN ACT

On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which rescinded his prior Executive Order N-29-20 and set a date of October 1, 2021 for public agencies to transition back to public meetings held in full compliance with the Brown Act. The original Executive Order provided that all provisions of the Brown Act that required the physical presence of members or other personnel as a condition of participation or as a quorum for a public meeting were waived for public health reasons. If these waivers fully sunsetted on October 1, 2021, legislative bodies subject to the Brown Act would have to contend with a sudden return to full compliance with in-person meeting requirements as they existed prior to March 2020, including the requirement for full physical public access to all teleconference locations from which board members were participating.

On September 16, 2021, the Governor signed AB 361, a bill that formalizes and modifies the teleconference procedures implemented by California public agencies in response to the Governor's Executive Orders addressing Brown Act compliance during shelter-in-place periods. AB 361 allows a local agency to continue to use teleconferencing under the same basic rules as provided in the Executive Orders when certain circumstances occur or when certain findings have been made and adopted by the local agency.

AB 361 also requires that, if the state of emergency remains active for more than 30 days, the agency must make findings by majority vote every 30 days to continue using the bill's exemption to the Brown Act teleconferencing rules. The findings are to the effect that the need for teleconferencing persists due to the nature of the ongoing public health emergency and the social distancing recommendations of local public health officials. Effectively, this means that local agencies must agendize a Brown Act meeting once every thirty days to make findings regarding the circumstances of the emergency and to vote to continue relying upon the law's provision for teleconference procedures in lieu of in-person meetings.

AB 361 provides that Brown Act legislative bodies must return to in-person meetings on October 1, 2021, unless they choose to continue with fully teleconferenced meetings because a specific declaration of a state or local health emergency is appropriately made. AB 361 allows local governments to continue to conduct virtual meetings as long as there is a gubernatorially-proclaimed public emergency in combination with (1) local health official recommendations for social distancing or (2) adopted findings that meeting in person would present risks to health. AB 361 is effective immediately as urgency legislation and will sunset on January 1, 2024.

Because local rates of transmission of COVID-19 are still in the "substantial" tier as measured by the Centers for Disease Control, it is recommended that the Board avail itself of the provisions of AB 361 allowing continuation of online meetings by adopting findings to the effect that conducting in-person meetings would present an imminent risk to the health and safety of attendees. A resolution to that effect, and directing staff to return each 30 days with the opportunity to renew such findings, is attached hereto.

RECOMMENDATION

It is recommended that the Board of Trustees adopt Resolution No. 22-34 finding that, as a result of the continuing COVID-19 pandemic state of emergency declared by Governor Newsom, meeting in person would present imminent risks to the health or safety of attendees.

File Attachments
RESOLUTION NO. 22-34 - Brown Act Remote Meetings.pdf (94 KB)

Subject **7.3 Appointment of Board Members to the San Mateo County Community Colleges Foundation Board (10 Minutes)**

Meeting Jan 10, 2023 - SPECIAL MEETING OF THE BOARD OF TRUSTEES

Category 7. NEW BUSINESS

Type Action

TO: Members of the Board of Trustees

FROM: Michael Claire, Chancellor

APPOINTMENT OF BOARD MEMBERS TO THE SAN MATEO COUNTY COMMUNITY COLLEGES FOUNDATION BOARD

Accounting to Board Policy 1.20: "two members of the Board of Trustees shall be appointed as representatives to the Foundation Board for a term of two years." The term for both Board of Trustee seats on the Foundation Board ended in December 2022 and the Board will need to appoint representatives to the Foundation Board.

Subject **7.4 Appointment of Board Member to the Educational Housing Corporation Board (10 Minutes)**

Meeting Jan 10, 2023 - SPECIAL MEETING OF THE BOARD OF TRUSTEES

Category 7. NEW BUSINESS

Type Action

TO: Members of the Board of Trustees

FROM: Michael Claire, Chancellor

APPOINTMENT OF BOARD MEMBER TO THE EDUCATIONAL HOUSING CORPORATION BOARD

Two Board Members serve on the Educational Housing Corporation Board. One board member seat on the Educational Housing Corporation Board is vacant due to the resignation of a board member. The Board will need to appoint a board member representative to the Educational Housing Board to serve for the remainder of the term of the vacated seat, which will end in December 2023.

8. DISCUSSION

Subject **8.1 Discussion of a Timeline and a Process to Appoint a Board Member for Trustee Area 3 (15 Minutes)**

Meeting Jan 10, 2023 - SPECIAL MEETING OF THE BOARD OF TRUSTEES

Category 8. DISCUSSION

Type Discussion
TO: Members of the Board of Trustees
FROM: Michael Claire, Chancellor

DISCUSSION OF A TIMELINE AND A PROCESS TO APPOINT A BOARD MEMBER FOR TRUSTEE AREA 3

The Board made a decision to make an appointment to fill the vacant seat for Trustee Area 3 at the December 20, 2022 Board meeting. The Board will discuss a process, a timeline, and suggested outreach strategies for making the appointment.

Subject 8.2 Discussion of Topics for the February 4 Board Retreat (15 Minutes)

Meeting Jan 10, 2023 - SPECIAL MEETING OF THE BOARD OF TRUSTEES

Category 8. DISCUSSION

Type Discussion

TO: Members of the Board of Trustees

FROM: Michael Claire, Chancellor

DISCUSSION OF TOPICS FOR THE FEBRUARY 4 BOARD RETREAT

The annual retreat for the Board will be held on Saturday February, 4. Staff requests direction from the Board regarding retreat logistics and topics. Among the topics that the Board may wish to consider include:

Preliminary Discussion of the 2023/2024 Budget including:

- Review and discussion of personnel trends
- Update and discussion on the revised district allocation model.
- Update on Student Housing

Review and Discussion of Foundation MOU

Update on Chancellor Goals including:

- Update, discussion, and direction on a comprehensive District enrollment recovery plan.
- Update, discussion, and direction on Board norms and operations.
- Update, discussion, and direction on the full implementation of the SMCCCD tuition free program.

9. COMMUNICATIONS

10. STATEMENTS FROM BOARD MEMBERS

11. RECONVENE TO CLOSED SESSION (if necessary)

Subject 11.1 Reconvened to Closed Session

Meeting Jan 10, 2023 - SPECIAL MEETING OF THE BOARD OF TRUSTEES

Category 11. RECONVENE TO CLOSED SESSION (if necessary)

Type Procedural

12. RECONVENE TO OPEN SESSION (if necessary)

Subject 12.1 Announcement of Reportable Action Taken In Closed Session (if necessary)

Meeting Jan 10, 2023 - SPECIAL MEETING OF THE BOARD OF TRUSTEES
Category 12. RECONVENE TO OPEN SESSION (if necessary)
Type

13. ADJOURNMENT

Subject 13.1 Adjourn

Meeting Jan 10, 2023 - SPECIAL MEETING OF THE BOARD OF TRUSTEES

Category 13. ADJOURNMENT

Type Procedural