

Regular Board Meeting (Zoom) 3:00 PM (Tuesday, September 20, 2022)

Prepared by Micol Benet on Wednesday, September 21, 2022

Meeting minutes were approved by the Board of Trustees on October 18, 2022.

A. Open Meeting, 3:00 PM (Zoom)

Procedural: 1. Call Meeting to Order, Roll Call

Present: Devin Mims, Stephanie O'Brien, Diana Conti, Suzanne Crow, Paul da Silva, Wanden Treanor, and Philip Kranenburg.

Absent: Eva Long

Roll Call: Devin Mims, Stephanie O'Brien, Diana Conti, Suzanne Crow, Paul da Silva, Philip Kranenburg, Wanden Treanor.

The meeting was called to order at 3:01 p.m.

Action: 2. Adopt Regular and Closed Session Meeting Agendas (ROLL CALL VOTE)

Motion to adopt the regular and closed session meeting agendas by Suzanne Crow, second by Wanden Treanor.

Roll Call: Devin Mims, Stephanie O'Brien, Diana Conti, Suzanne Crow, Paul da Silva, Philip Kranenburg, Wanden Treanor.

Information, Procedural: 3. Public Comment on Study Session and Closed Session Items (3 minutes per speaker)

There was no public comment.

B. Study Session

Discussion: 1. In-Person versus Virtual Board Meetings

General Counsel Mia Robertshaw reported that Governor Gavin Newsom is signing a new law that will go into effect in January 2023. The new law will allow for legislative bodies to hold hybrid meetings – with trustees attending both in-person and virtually (without complying with standard Brown Act teleconference requirements) – in limited circumstances, and a limited number of times. General Counsel Robertshaw stated that she will provide the Board with more information on the changes to the law prior to January 2023.

General Counsel Robertshaw reported on the existing Brown Act requirements that meetings be open to the public, subject to enumerated parameters, with limited exceptions (such as authorized closed sessions). Pre-COVID, and continuing, standard teleconference rules allow Board members to join remotely so long as they meet certain requirements, including but not limited to that their location is posted on the agenda, the agenda is physically posted at the location joined from, and the public has access to join from that same location.

Assembly Bill 361 made temporary changes to the Brown Act to allow teleconference meetings without complying with the standard Brown Act teleconference provisions during a proclaimed state of emergency. To hold such a meeting, the Board of Trustees by majority vote must determine that as a result of the emergency, meeting in person would present imminent risks to the health or safety of meeting attendees. General Counsel Robertshaw advised that, under this Brown Act-directed analysis, Board meetings should be held either entirely remotely or entirely

in-person (with or without one-way livestreaming or an additional virtual attendance option for the public). General Counsel Robertshaw confirmed that if a meeting is held entirely in-person, teleconferencing would be permitted only pursuant to the standard Brown Act teleconference requirements.

Superintendent/President David Wain Coon reported that the IT Department has received technology for simultaneous remote and in-person instruction in classroom AC 255, and that it will be installed early October. The technology will be tested to determine whether the technology could enable the public to view Board meetings remotely, such as via livestream, or with an option that would allow participation, as many agencies now allow the public to attend either in-person or virtually.

Trustee da Silva facilitated the discussion about AB 361, the emergency exception justifying virtual Board meetings, and the Trustees' discussion about the form of Board meetings. The Board of Trustees discussed the pros and cons of meeting virtually or meeting in-person, in light of the Brown Act requirements.

The cons of meeting in-person include the potential health risks despite safety precautions although with new vaccines, boosters, masking requirements, proper room ventilation, and social distancing requirements that risk is diminished.

The cons of meeting virtually include that the Board communicates more effectively face-to-face, that most school boards are meeting in person, the expectation that College of Marin students, faculty, and staff return in person, and that as elected officials there may be a duty to attend Board meetings in person.

Attached to the agenda is a [summary](#) of how other Marin County legislative bodies and agencies are conducting meetings. For instance, the Marin County Board of Supervisors limits the number of people who may attend but also broadcasts the meeting to the public.

The Board discussed minimizing health risks by reducing the number of members of the public in attendance, increasing the meeting location space, requiring masking, and increasing air circulation.

Each Trustee described under what circumstances they would feel comfortable meeting in person. Trustees expressed some concern about long COVID as a newly-recognized disability. There was disagreement among the Trustees about the interpretation and application of AB 361 requirements, as well as the level of risk to health and safety to meeting in-person. At least one Trustee expressed hesitation to meeting in-person even if all safety precautions were taken.

President Coon reported that the masking requirement at College of Marin was lifted, but highly recommended, because all students and staff are required to vaccinate, and following the latest public health advice. However, the Board is not precluded from requiring members of the public to wear masks at Board meetings.

The Board of Trustees discussed the need for flexibility in case they need to return to virtual meetings in the event of a COVID surge, as defined by experts. Other Trustees stated their preference to defer to a person most risk averse.

General Counsel Robertshaw clarified that agenda item E.1. is to confirm the need to meet virtually at today's meeting, but also to give staff direction for the next meeting in October.

The Board may re-authorize emergency for 30 days and still meet in person during that 30-day period if circumstances warrant an in-person meeting. However, the Board's decision to meet virtually or in-person must be made during a meeting or by staff pursuant to direction given by the Board during a meeting.

The Board requested clarification and discussed various Brown Act scenarios and AB 361.

The Board reached a consensus to affirm an ongoing emergency for the September meeting but agreed to meet in person at the October meeting, provided there is no surge and safety precautions are taken in AC255.

Report: 2. Fall Semester Opening 2022

The Fall Semester Opening was heard after the new faculty introductions and sabbatical report.

Information: 3. New Full-Time Faculty Introductions

Department deans introduced new full-time faculty.

Carol Hernandez, Dean of Math, Science, and Business, introduced Hector Saez Nunez the Economics instructor and Sara Malmquist West, the Articulation Officer/General Counselor.

Stormy Miller Sabia, Director of Student Services, Student Accessibility Services and College of Marin's mental health programs, introduced Aneissa Rosas Sanchez, Mental Health Counselor, and Carl Freschl, the Student Accessibility Services Counselor.

Ryan Byrne, Director of Student Services, Kinesiology and Athletics, introduced Pedro Cortes Garcia, Kinesiology faculty.

Report: 4. Sabbatical Report

Nancy Willet, Business and Information Systems instructor, gave a [report](#) on her study abroad sabbatical on *Global Competence*. What she learned on her sabbatical has inspired ideas for new courses to teach students to learn global competence and encourage study abroad for College of Marin students, as well as courses on ethics and anti-corruption.

Report: 2. Fall Semester Opening 2022

Jonathan Eldridge, Assistant Superintendent/Vice President of Student Learning and Success, reported on College of Marin's enrollment trends. After declines in enrollment over the past few years, enrollment has levelled out. This is positive news when compared to national enrollment trends in institutions of higher learning.

Non-credit enrollment has increased by 25% (ESL) this semester and there is a student headcount increase of 3.8%. Also, students are each taking more units this semester.

The District will continue to evaluate its offerings to grow back student enrollment. Students will be surveyed in November, as they have been in the past semesters, to determine and meet their changing needs and to plan for Spring 2023.

While trends nationally indicate COM is unlikely to return to the level of enrollment as in 2018 the District can continue to maximize its course offerings and student headcount.

The fall semester opening reports were heard by the academic senate and student trustee.

Maria Coulson, the new Academic Senate President, reported that the senate is reviewing its bylaws and focusing on hiring faculty. The new officers are educating themselves on the Act, Title 5, and 10+1 policies and procedures, while also preparing ICER, and the upcoming accreditation.

There was no Classified Senate report this meeting.

Student Trustee Devin Mims reported on behalf of the students on recent events and upcoming events. Student engagement has been very positive and increased significantly. Last week ASCOM held Club Fest, with a live band, a scholarship ceremony, a raffle with two laptop prizes, served over 300 slices of pizza each day of the two-day event, and gave away 400 goody bags. Over 20 clubs joined, including new [clubs](#) such as “Unloaded” a sobriety club. Over 400 new students signed up to various clubs, representing 11 departments. ASCOM now has 768 Instagram (@ASCOM_social) followers, a 30% increase.

Other recent events were Constitution Day and [Welcome Week](#). Upcoming events include an ASCOM alumni panel, with California State University (CSU) and University of California (UC) representatives, as well as Undocumented Student Day.

All student government positions are filled, and ASCOM’s new space, in Student Services, Room SS 247 is accessible and attracts many new students.

C. Consent Calendar Items - Consideration and Action (ROLL CALL VOTE)

Action (Consent): 1. Approve Consent Calendar Items (ROLL CALL VOTE)

Resolution: The Superintendent/President recommends that the Board of Trustees approve the consent calendar items.

Motion by Paul da Silva, second by Suzanne Crow.

Final Resolution: Motion Carries

Aye: Devin Mims, Suzanne Crow, Diana Conti, Philip Kranenburg, Paul da Silva, Wanden Treanor, Stephanie O'Brien

Action (Consent): 2. Academic Personnel Recommendations

Resolution: The Superintendent/President recommends that the Board of Trustees approve the Academic Personnel Recommendations.

Aye: Devin Mims, Suzanne Crow, Diana Conti, Philip Kranenburg, Paul da Silva, Wanden Treanor, Stephanie O'Brien

Action (Consent): 3. Classified Personnel Recommendations

Resolution: The Superintendent/President recommends that the Board of Trustees approve the Classified Personnel Recommendations and update the Classified Staffing Plan accordingly.

Final Resolution: Motion Carries

Aye: Devin Mims, Suzanne Crow, Diana Conti, Philip Kranenburg, Paul da Silva, Wanden Treanor, Stephanie O'Brien

Action (Consent): 4. Short-Term Hourly Services

Resolution: The Superintendent/President recommends that the Board of Trustees approve the Short-Term Hourly Services for September 20, 2022.

Final Resolution: Motion Carries

Aye: Devin Mims, Suzanne Crow, Diana Conti, Philip Kranenburg, Paul da Silva, Wanden Treanor, Stephanie O'Brien

Action (Consent): 5. Supervisory Personnel Recommendations

Resolution: The Superintendent/President recommends that the Board of Trustees approve the supervisory personnel recommendation.

Final Resolution: Motion Carries

Aye: Devin Mims, Suzanne Crow, Diana Conti, Philip Kranenburg, Paul da Silva, Wanden Treanor, Stephanie O'Brien

Action (Consent): 6. Management Personnel Recommendation

Resolution: The Superintendent/President recommends that the Board of Trustees approve the Management Personnel Recommendation.

Aye: Devin Mims, Suzanne Crow, Diana Conti, Philip Kranenburg, Paul da Silva, Wanden Treanor, Stephanie O'Brien

Action (Consent): 7. Revised Children's Center Salary Schedule effective July 1, 2022

Resolution: The Superintendent/President recommends that the Board of Trustees approve the Revised Children Center Salary Schedule effective July 1, 2022.

Final Resolution: Motion Carries

Aye: Devin Mims, Suzanne Crow, Diana Conti, Philip Kranenburg, Paul da Silva, Wanden Treanor, Stephanie O'Brien

Action (Consent): 8. Credit Course Revisions and Amended Course Outline of Records

Resolution: The Superintendent/President recommends the Board of Trustees approve the attached credit course revisions and amended course outline of records.

Final Resolution: Motion Carries

Aye: Devin Mims, Suzanne Crow, Diana Conti, Philip Kranenburg, Paul da Silva, Wanden Treanor, Stephanie O'Brien

Action (Consent): 9. Warrant Approval for the Month of August 2022

Resolution: The Superintendent/President recommends that the Board of Trustees approve the payments for goods and services.

Final Resolution: Motion Carries

Aye: Devin Mims, Suzanne Crow, Diana Conti, Philip Kranenburg, Paul da Silva, Wanden Treanor, Stephanie O'Brien

Action (Consent): 10. Budget Transfers for the Month of August 2022

Resolution: The Superintendent/President recommends that the Board of Trustees approve the Budget Transfers.

Final Resolution: Motion Carries

Aye: Devin Mims, Suzanne Crow, Diana Conti, Philip Kranenburg, Paul da Silva, Wanden Treanor, Stephanie O'Brien

Action (Consent): 11. Contracts and Agreements for Services for the Month of August 2022

Resolution: The Superintendent/President recommends that the Board of Trustees approve the Contracts and Agreements.

Final Resolution: Motion Carries

Aye: Devin Mims, Suzanne Crow, Diana Conti, Philip Kranenburg, Paul da Silva, Wanden Treanor, Stephanie O'Brien

Action (Consent): 12. Measure B Consent Items

Resolution: The Superintendent/President recommends that the Board of Trustees approve or ratify the listed Purchase Orders.

Final Resolution: Motion Carries

Aye: Devin Mims, Suzanne Crow, Diana Conti, Philip Kranenburg, Paul da Silva, Wanden Treanor, Stephanie O'Brien

D. Consideration and Possible Action (Measure B)(ROLL CALL VOTE)

Action: 1. On-Call Landscape Architectural Design Services - Consultant Selections

The Superintendent/President recommends that the Board of Trustees approve the On-Call Landscape Architectural Design Services consultants selected under the District's Request for Proposal process.

Motion by Diana Conti, second by Suzanne Crow.

Final Resolution: Motion Carries

Roll Call/Aye: Devin Mims, Suzanne Crow, Diana Conti, Philip Kranenburg, Paul da Silva, Wanden Treanor, Stephanie O'Brien

Action: 2. On-Call Consultant Services - Consultant Selections

The Superintendent/President recommends that the Board of Trustees approve the On-Call Consultant Services consultants selected under the District's Request for Proposal process.

Motion by Wanden Treanor, second by Paul da Silva.

Final Resolution: Motion Carries

Roll Call/Aye: Devin Mims, Diana Conti, Suzanne Crow, Paul da Silva, Philip Kranenburg, Wanden Treanor, and Stephanie O'Brien

Action: 3. On-Call Architectural Design Services - MASTER AGREEMENTS

The Superintendent/President recommends that the Board of Trustees approve the On-Call Architectural Services Master Agreements for consultants selected and approved under the District's Request for Proposal process.

Motion by Diana Conti, second by Paul da Silva.

Final Resolution: Motion Carries

Roll Call/Aye: Devin Mims, Diana Conti, Suzanne Crow, Paul da Silva, Philip Kranenburg, Wanden Treanor, and Stephanie O'Brien.

Action: 4. Change Order #1 - Silverado Contractors, Inc. - Demolition of Pool at Building 21, Indian Valley Campus

The Superintendent/President recommends that the Board of Trustees approve Change Order #1 with Silverado Contractors, Inc., for Demolition of Pool at Building 21, in the amount of \$390,500, at the Indian Valley Campus.

Motion by Suzanne Crow, second by Diana Conti.

Final Resolution: Motion Carries

Roll Call/Aye: Devin Mims, Diana Conti, Suzanne Crow, Paul da Silva, Philip Kranenburg, Wanden Treanor, and Stephanie O'Brien.

E. Consideration and Possible Action (ROLL CALL VOTE)

Action: 1. Redeclaring a State of Emergency to Justify Meetings Via Teleconference Pursuant to AB 361 (2021)

The Superintendent/President recommends the Board of Trustees Motion to re-declare a state of emergency exists for purposes of this meeting because of the spread of the COVID-19 virus and that state or local officials have imposed or recommended measures to promote social-distancing.

Motion by Wanden Treanor, second by Suzanne Crow.

Final Resolution: Motion Carries

Aye: Suzanne Crow, Diana Conti, Philip Kranenburg, Paul da Silva, Wanden Treanor, Stephanie O'Brien

There was initial disagreement about the intent of the motion but the Trustees agreed to act to approve redeclaring a state of emergency and that they could not meet safely for the purposes of the present meeting and for another 30 days, although they agreed to meet in person in October so long as there is no COVID surge and safety precautions are taken in AC255, where they plan to meet.

The Board President recommends that the Board of Trustees consolidate agenda items E.2. through E.7.

Motion by Wanden Treanor, second by Diana Conti.

Motion Carries

Aye: Devin Mims, Suzanne Crow, Diana Conti, Philip Kranenburg, Paul da Silva, Wanden Treanor, Stephanie O'Brien

The Superintendent/President recommends that the Board of Trustees approve agenda items E.2. through E.7.

Motion by Diana Conti, second by Suzanne Crow.

Final Resolution: Motion Carries

Roll/Aye: Devin Mims, Suzanne Crow, Diana Conti, Philip Kranenburg, Paul da Silva, Wanden Treanor, Stephanie O'Brien

Action: 2. Dyleski Family Construction - Exterior Staircase at Miwok Aquatic and Fitness Center, Indian Valley Campus

Final Resolution: Motion Carries

Roll/Aye: Devin Mims, Suzanne Crow, Diana Conti, Philip Kranenburg, Paul da Silva, Wanden Treanor, Stephanie O'Brien

Action: 3. Agreement between San Francisco Department of Public Health and Marin Community College District

Final Resolution: Motion Carries

Roll/Aye: Devin Mims, Suzanne Crow, Diana Conti, Philip Kranenburg, Paul da Silva, Wanden Treanor, Stephanie O'Brien

Action: 4. Marin Community College District Resolution #2022-18 (NCCCSIA Board Official and Alternate designations)

Final Resolution: Motion Carries

Roll/Aye: Devin Mims, Suzanne Crow, Diana Conti, Philip Kranenburg, Paul da Silva, Wanden Treanor, Stephanie O'Brien

Action: 5. Renewal for an application integration platform (iPaaS) -- Boomi

Final Resolution: Motion Carries

Roll/Aye: Devin Mims, Suzanne Crow, Diana Conti, Philip Kranenburg, Paul da Silva, Wanden Treanor, Stephanie O'Brien

Action: 6. MOU between Child Development Training Consortium and College of Marin

Final Resolution: Motion Carries

Roll/Aye: Devin Mims, Suzanne Crow, Diana Conti, Philip Kranenburg, Paul da Silva, Wanden Treanor, Stephanie O'Brien

Action: 7. Agreement with Center Point, Inc. Mentored Internship Program

Final Resolution: Motion Carries

Roll/Aye: Devin Mims, Suzanne Crow, Diana Conti, Philip Kranenburg, Paul da Silva, Wanden Treanor, Stephanie O'Brien

F. Board Policies (First Read)

Information: 1. BP 1100 Marin Community College District

Information: 2. BP 2310 Regular Meetings of the Board

Information: 3. BP 2800 Naming of Buildings and Facilities

Information: 4. BP 3510 Workplace Violence Plan

Information: 5. BP 6340 Bids and Contracts

Information: 6. BP 6560 Environmental Responsibility

Trustee commented that this policy should be brought to the Sustainability Committee for review and revision, perhaps to include United Nations sustainability recommendations regarding resources.

G. Administrative Procedures (Information)

Information: 1. AP 2800 Naming of Buildings and Facilities

Information: 2. AP 3280 Grants

Information: 3. AP 3300 Public Records

Information: 4. AP 3430 Prohibition of Harassment

Information: 5. AP 3510 Workplace Violence Plan

Information: 7. AP 4235 Credit for Prior Learning

Information: 8. AP 5015 Residence Determination

Information: 9. AP 5040 Student Records and Directory Information

Information: 10. AP 6340 Bids and Contracts

Information: 11. AP 7600 District Police

Information: 12. AP 7700 Whistleblower Protection

H. Consideration/Approval of Meeting Minutes (ROLL CALL VOTE)

Action, Minutes: 1. Meeting Minutes August 16, 2022

The Superintendent/President recommends that the Board of Trustees approve the minutes of the August 16, 2022 Board meeting.

Motion by Wanden Treanor, second by Suzanne Crow.

Final Resolution: Motion Carries

Aye: Devin Mims, Suzanne Crow, Diana Conti, Philip Kranenburg, Paul da Silva, Wanden Treanor, Stephanie O'Brien

I. Board Reports/Requests

Report: 1. Additional Committee Reports

There were no additional committee reports.

Information, Report: 2. Individual Reports/Requests

Trustees reported that because there are no election costs this year.

Staff was made aware that the Public Comment wording in today's agenda limited public comment to the regular and closed session agenda items. A Trustee was aware of a member of the public wishing to comment but the Board Officer was unaware or they would have opened the floor to such comment at the outset of the meeting.

J. Board Meeting Evaluation

Discussion: 1. Meeting Evaluation

Discussion: 2. Follow-up Items

K. Board Meeting Schedule

Information: 1. Upcoming Board Meetings

The next Board meeting

Information: 2. Board of Trustees Governance Calendar

L. Upcoming Events

Information: 1. Retiree Luncheon: September 23, 11:30 a.m. (Jonas Center)

Information: 2. Drama Dept. Production of Everybody: September 30, October 1, 9, and 16 (James Dunn Theatre)

Information: 3. COM Golden Gate Brass Band: October 12, 12:40 (Student Services Lawn, Kentfield)

Information: 4. Indian Valley Organic Farm & Garden Annual Olive Harvest: November 2, 12:40 PM (Indian Valley Campus, Novato)

Information: 5. Community College League of California Annual Convention, (San Francisco) November 14-17, 2022

M. Motion to Recess to Closed Session, followed by Automatic Adjournment (Action) (ROLL CALL VOTE)

Procedural: 1. PUBLIC ANNOUNCEMENT of Items to be Discussed in Closed Session (Govt Code Section 54957.7)

Action, Procedural: 2. Motion to Recess the Board Meeting and Move to Closed Session, with Automatic Adjournment after Closed Session

Motion to move into closed session by Suzanne Crow, second by Wanden Treanor.

Roll Call/Aye: Devin Mims, Suzanne Crow, Diana Conti, Philip Kranenburg, Paul da Silva, Wanden Treanor, Stephanie O'Brien

N. Closed Session (Zoom)

Discussion: 1. Conference with Legal Counsel – Anticipated Litigation (pursuant to Government Code Section 54956.9, subd. (d)) Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9: 1 potential case

Discussion: 2. Conference with Legal Counsel – Existing Litigation (Government Code Section 54956.9 (d) (1)) Garcia-Brower v. Marin Community College District (Marin County Superior Court, Case No. CIV2102918)

Discussion: 3. Conference with Legal Counsel – Anticipated Litigation (pursuant to Government Code Section 54956.9, subd. (d)) Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9: 1 potential case

O. Closed Session Report Out and Automatic Adjournment

Action, Procedural: 1. Closed Session Report Out and Automatic Adjournment

The Board of Trustees took no action in closed session.

The meeting automatically adjourned at 6:35 p.m.