

**Meeting Minutes of the Board of Trustees  
October 22, 2020  
10:00 am-12:00 pm Pacific Time**

**MEMBERS PRESENT VIA TELECONFERENCE**

Dr. Anne L. Viricel, Chair  
Dr. Stephanie Houston, Vice Chair  
Gloria Macías Harrison, Clerk  
Frank Reyes, Trustee  
John Longville, Trustee  
Dr. Donald L. Singer, Trustee  
Adrian Rios, SBVC Student Trustee

**ABSENT**

Joseph Williams, Trustee  
Alex Ramos Huaman, CHC Student Trustee

**ADMINISTRATORS PRESENT**

Jose Torres, Interim Chancellor  
Diana Rodriguez, SBVC President  
Dr. Kevin Horan, CHC President

The following text was referenced and all votes were taken by roll call.

*Governor Newsom issued Executive Order N-25-20 on March 12, 2020, and Executive Order N-29-20 on March 17, 2020. Portions of these orders relax parts of the Brown Act. In part, the orders allow elected officials to “attend” a meeting via teleconference WITHOUT having to admit members of the public into the location from which they are participating (N-25-20) and orders that “such a body need not make available any physical location from which members of the public may observe the meeting and offer public comment” (N-29-20). Anyone wishing to participate may do so via location posted on the agenda. The meetings are also recorded. Public comments must be submitted electronically by emailing [snikac@sbccd.edu](mailto:snikac@sbccd.edu) Submissions must be received 24 hours in advance of the meeting. From the comments received, staff will call each speaker to make their public comment. Submissions will be considered a public record under the Public Records Act, and are therefore subject to public disclosure. In accordance with Board Policy 2350, persons may address the Board of Trustees either on an agenda item or on other matters of interest to the public that are within the subject matter jurisdiction of the Board. Public comments will take place at the time designated at the meeting for public comment. Comments must be limited to five (5) minutes per speaker and twenty (20) minutes per topic if there is more than one speaker. At the conclusion of public comment, the Board may ask staff to review a matter or may ask that a matter be put on a future agenda. As a matter of law, members of the Board may not discuss or take action on matters raised during public comment unless the matters are properly noticed for discussion or action in Open Session. Anyone who requires a disability-related modification or accommodation in order to participate in the public meeting should contact the Chancellor’s Office at (909) 388-6902 as far in advance of the Board meeting as possible.*

**I. CALL TO ORDER – PLEDGE OF ALLEGIANCE**

*Chair Viricel called the meeting to order at 10:04am. Trustee Reyes led the pledge of allegiance.*

**II. PUBLIC COMMENTS ON AGENDA AND NON-AGENDA ITEMS**

*None.*

**III. ANNOUNCEMENT OF CLOSED SESSION ITEMS**

- A. Public Employee Discipline/Dismissal/Release/Non Re-Employment  
Government Code 54957 (1 case)

**IV. CONVENE CLOSED SESSION**

*The Board convened to closed session at 10:08am.*

#### V. RECONVENE PUBLIC MEETING

Vice Chair Houston reconvened the public meeting at 10:36am.

#### XII. REPORT OF ACTION IN CLOSED SESSION

No report.

#### VII. BOT AD HOC COMMITTEE FOR ETHICS/STANDARDS

Trustee Singer moved to nominate and elect the members of the Board Executive Committee to serve on the BOT Ad Hoc Committee for Ethics/Standards. Staff will revise BP 2715 Code of Ethics/Standards of Practice to indicate the Board Executive Committee will serve as the Ad Hoc committee for complaints of trustee misconduct. Trustee Longville seconded the motion.

AYES: Viricel, Houston, Harrison, Longville, Singer

NOES: None

ABSENT: Reyes, Williams, Ramos

ABSTENTIONS: Rios

#### VIII. ETHICS TRAINING

William A. Diedrich, Partner with Atkinson, Andelson Loya, Ruud & Romo presented District guidelines, policies, and responsibilities concerning political activities to the Board of Trustees.

##### Board Policy 2200 Role of the Board

In a community college district, the Board and Chancellor work together as a governance team. Members need to: Act as a unit, Represent the common good, and Set policy direction.

- Individual board members do not have authority to act unless they've been designated by the entire board to perform a particular task.
- Individual board members are not permitted to speak on behalf of the Board. They speak for themselves.

##### Campaigning – Limits to the Authority of a Trustee

- The District is prohibited from expending any resources, directly or indirectly, to urge the support or defeat of any ballot measure or candidate for elected office, including candidates for the Board of Trustees. (Ed. Code 7054).
- The District must remain neutral, applying and enforcing its rules equally upon any and all candidates. (Ed. Code 7054)
- The District may establish reasonable rules and regulations regarding political activities on District property. (Ed. Code 7055(b))
- The District's facilities may be used for a political activity, such as a debate, "if the forum is made available to all sides on an equitable basis." (Ed. Code 7058)

##### Board Policy 2716

- Members of the Board of Trustees shall not use District funds, services, supplies, or equipment to urge the passage or defeat of any ballot measure or candidate, including, but not limited to, any candidate for election to the Board. Some examples of the use of district resources that are not acceptable:
  - **Cannot use a district copier to copy political flyers.**
  - **Cannot use your own district email to send political communications.**
  - **Cannot use your personal email address to email political communication to a district email address.**
- Initiative or referendum measures may be drafted on an area of legitimate interest to the District. The Board may by resolution express the Board's position on ballot measures. Public resources may be used only for informational efforts regarding the possible effects of District bond issues or other ballot measures.

##### Subject to the Brown Act

- Commissions, committees, boards, or other subsidiary bodies of a local agency, whether permanent or temporary, decision-making or advisory, created by resolution of some other formal action of a legislative body. (Gov. Code 54952(b)).

# SAN BERNARDINO COMMUNITY COLLEGE DISTRICT

- Applies to a trustee upon election (legal counsel would advise it applies the moment the results come in).
- Applies anytime a majority of the board is together and discusses any issue.
- Examples of a serial meeting:
  - A newly elected Trustee cannot call three other trustees get together and start talking about plans for next year.
- Exempted from the Brown Act:
  - Attending an awards dinner enjoying the accomplishments of the students.

## AB 992 Communications on Social Media

- Allowable:
  - Trustees can answer questions, provide general information, and solicit input for matters from people within your jurisdiction.
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- Not Allowable:
  - The board cannot discuss issues among themselves via social media.
  - Legal recommends trustees do not comment, use emojis, or retweet to avoid it being viewed as collective concurrence.

## District Policies & Procedures

- The Chancellor is your first point of contact if you have a question regarding your campaign and District procedures.
- Board Policies and Administrative Regulations are available to the public online. Candidates should review, at minimum, the following policies:
  - Board Policy 2200 (Board Duties & Responsibilities)
  - Board Policy 2710 (Conflict of Interest)
  - Board Policy 2715 (Code of Ethics/Standards of Practice)
  - Board Policy 2716 (Political Activity)
  - Board Policy/Administrative Procedure 7370 (Political Activity)
  - Administrative Procedure 7371 (Personal Use of Public Resources)

## Campus Visits/Meetings on District Property/Campaign Signs on District Property/Endorsements/

- Allowable:
  - You are permitted to endorse candidates as an individual, not as a Board Member.
  - Elected officials may be invited to speak on issues of interest to the campus.
  - You can put campaign signs in vehicles and in the campus parking lots.
  - Board members can attend campus events in their official capacity.
  - Political debates between at least two candidates is permitted.
- Not Allowable:
  - Cannot endorse candidates as a Board Member.
  - A candidate may not attend a campus function that is not otherwise open to the public.
  - No political rallies.
  - No campaign signs on campus.

## Cal-Cards (Credit Cards)

- To have consistency among all Trustees.
- Develop clear guidelines for the Board to consider and discuss if it is something they want to continue doing.
- Card Holder Agreement is currently tailored towards employees and will be revised.

SAN BERNARDINO  COMMUNITY COLLEGE DISTRICT

XIII. ADJOURN

Chair Viricel adjourned the meeting at 11:40am.

The next meeting of the Board: Zoom Conference <https://cccconfer.zoom.us/j/549366869>

Strategy Session: Guided Pathways Part 2 – November 5, 2020 at 12pm



Gloria Macias Harrison, Clerk  
SBCCD Board of Trustees