

San Mateo County Community Colleges Educational Housing Corporation
Board of Directors | Regular Meeting
December 14, 2021 | 3:00 p.m.

The San Mateo County Community Colleges Educational Housing Corporation Board of Directors will have the option to meet telephonically (through Zoom) and in-person on December 14, 2021.

Observing the Meeting

Members of the public who wish to observe the meeting may do so by accessing the following link or calling the following telephone number at the beginning of the meeting:

Zoom: <https://smccd.zoom.us/j/82942640128>

Dial-in Number: 1-669-900-9128

Meeting ID: 829 4264 0128

For individuals who attend the meeting in person, face coverings will be required while in-doors at the District Office, regardless of COVID-19 vaccination status.

Providing Public Comment on NON-AGENDA Items

To make a comment regarding a non-agenda item, members of the public, 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. Members of the public making comment are reminded of the 3 minute time limit for comment.

Members of the public may also submit written comments on non-agenda items via email to housing@smccd.edu. The length of the emailed comment should be commensurate with the three minutes customarily allowed for verbal comments, which is approximately 300 words. Emails received by 12:00 p.m. on December 14, 2021 will be provided to Housing Board members.

Providing Public Comment on AGENDA Items

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

Members of the public may also submit written comments on non-agenda items via email to housing@smccd.edu. Emails received by 12:00 p.m. on December 14, 2021 will be provided to Housing Board members.

Accommodations

Individuals who require special assistance or a disability-related modification or accommodation to participate in this meeting, or who have a disability and wish to request an alternative format for the agenda, meeting notice, agenda packet or other writings that may be distributed at the meeting, should contact Carina Warne, Executive Assistant to the Chancellor, by 5:00 p.m. on December 13, 2021 at (650) 358-6877 or via email at warnec@smccd.edu.

San Mateo County Community Colleges Educational Housing Corporation
Board of Directors | Special Meeting
December 14, 2021 | 3:00 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/82942640128>
Dial-In: 1-669-900-9128 – Webinar ID: 829 4264 0128

AGENDA

- I. Call To Order and Roll Call**
- II. Public Comments on Non-Agenda Items**
- III. Recognition of Outgoing Director Peggy Berlese**
- IV. Action Items**
 - a. Adoption of Resolution to Make Findings Allowing Continued Remote Meetings Under Brown Act (*Attachment #01*)
 - b. Approval of Minutes of September 15, 2021 Meeting (*Attachment #02*)
 - c. Approval of Rental Rates, Fees and Requirements for College Vista and Cañada Vista Clubhouses for Calendar Year 2022 (*Attachment #03*)
 - d. Adoption of Meeting Schedule for 2022 (*Attachment #04*)
- V. Information Items**
 - a. Discussion of Process for Consideration of Extension of Property Manager Contract for BLVD Residential (*Attachment #05*)
 - b. Continued Discussion of Potential Policy Changes – Income Eligibility Requirements (*Attachment #06*)
 - c. Update on College Ridge at Skyline College Housing Development (*Verbal at Meeting*)
- VI. Statements from Directors**
- VII. Adjourn**

HOUSING BOARD REPORT

PREPARED FOR: Educational Housing Corporation Board of Directors

PREPARED BY: Mitchell Bailey, Vice Chancellor and Chief of Staff

MEETING DATE: December 14, 2021

REPORT SUBJECT: Adoption of Resolution 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 Housing 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 meeting with the opportunity to renew such findings, is attached hereto.

The District's Board of Trustees has adopted a similar resolution on prior occasion and is set to consider adoption at its meeting on December 15, 2021. The law requires that each entity utilizing the provisions of this law adopt findings for their respective body, thus, the Housing Board is not covered by the District Board's findings and resolution.

RECOMMENDATION

It is recommended that the Educational Housing Corporation Board of Directors adopt Resolution No. 21-01 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.

RESOLUTION NO. 21-01

**BY THE BOARD OF DIRECTORS OF THE
SAN MATEO COUNTY COLLEGES EDUCATIONAL HOUSING CORPORATION**

RESOLUTION FINDING THAT, AS A RESULT OF THE CONTINUING COVID-19 PANDEMIC STATE OF EMERGENCY DECLARED BY GOVERNOR NEWSOM, MEETING IN PERSON FOR MEETINGS OF THE SAN MATEO COUNTY COLLEGES EDUCATIONAL HOUSING CORPORATION WOULD PRESENT IMMINENT RISKS TO THE HEALTH OR SAFETY OF ATTENDEES

WHEREAS, on March 4, 2020, the Governor proclaimed pursuant to his authority under the California Emergency Services Act, California Government Code section 8625, that a state of emergency exists with regard to a novel coronavirus (a disease now known as COVID-19); and

WHEREAS, on June 4, 2021, the Governor clarified that the “reopening” of California on June 15, 2021 did not include any change to the proclaimed state of emergency or the powers exercised thereunder, and as of the date of this Resolution, neither the Governor nor the Legislature have exercised their respective powers pursuant to California Government Code section 8629 to lift the state of emergency either by proclamation or by concurrent resolution in the state Legislature; and

WHEREAS, on March 17, 2020, Governor Newsom issued Executive Order N-29-20 that suspended the teleconferencing rules set forth in the California Open Meeting law, Government Code section 54950 et seq. (the “Brown Act”), provided certain requirements were met and followed; and

WHEREAS, on September 16, 2021, Governor Newsom signed AB 361 that provides that a legislative body subject to the Brown Act may continue to meet without fully complying with the teleconferencing rules in the Brown Act provided the legislative body determines that meeting in person would present imminent risks to the health or safety of attendees, and further requires that certain findings be made by the legislative body every thirty (30) days; and

WHEREAS, California Department of Public Health (“CDPH”) and the federal Centers for Disease Control and Prevention (“CDC”) caution that the Delta variant of COVID-19, currently the dominant strain of COVID-19 in the country, is more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations (<https://www.cdc.gov/coronavirus/2019-ncov/variants/delta-variant.html>); and

WHEREAS, the CDC has established a “Community Transmission” metric with 4 tiers designed to reflect a community’s COVID-19 case rate and percent positivity; and

WHEREAS, the County of San Mateo currently has a Community Transmission metric of “substantial” which is the second most serious of the tiers; and

WHEREAS, the Board of Directors has an important governmental interest in protecting the health, safety and welfare of those who participate in its meetings; and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the Board of Directors deems it necessary to find that meeting in person would present imminent risks to the health or safety of attendees, and thus intends to invoke the provisions of AB 361 related to teleconferencing;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The recitals set forth above are true and correct.
2. The Board of Directors finds that meeting in person would present imminent risks to the health or safety of attendees.
3. Staff is directed to return no later than thirty (30) days after the adoption of this resolution with an item for the Board to consider making the findings required by AB 361 in order to continue meeting under its provisions.
4. Staff is directed to take such other necessary or appropriate actions to implement the intent and purposes of this resolution.

REGULARLY PASSED AND ADOPTED this 14th day of December 2021.

Ayes:

Noes:

Abstentions:

Attest:

Maurice Goodman, Vice President/Secretary
Board of Directors



**Minutes of the Educational Housing Corporation Board Meeting
September 15, 2021
ZOOM Webinar**

Board Members Present:

Dennis McBride, President
Maurice Goodman, Vice President
Michael Pierce, Treasurer
Peggy Berlese
Kate Williams Browne
Richard Holober
Jonathan Wax

Other Attendees:

Mitchell Bailey, SMCCCD
Bernata Slater, SMCCCD
Bob Talbott, BLVD Residential
Yaakov Strauss, BLVD Residential
Jonathan Garcia, BLVD Residential
Carina Warne, SMCCCD

Call to Order and Roll Call

The meeting was called to order at 3:02 p.m. Members in attendance are listed above. Ms. Browne joined the meeting at 3:05 pm. Mr. Holober joined the meeting at 3:12 pm.

Public Comments on Non-Agenda Items

None.

ACTION ITEMS

Approval of Minutes of June 15, 2021 Meeting

It was moved by Mr. Wax and seconded by Ms. Berlese to approve the minutes of the June 15, 2021 Meeting. The motion carried, with all members voting Aye.

Approval of Minutes of August 31, 2021 Special Meeting

It was moved by Mr. Pierce and seconded by Ms. Berlese to approve the minutes of the August 31, 2021 Special Meeting as amended. Mr. Goodman abstained. The motion carried.

Approval of FY 2021-22 Final Budgets for College Vista and Cañada Vista

It was moved by Mr. Goodman and seconded by Mr. Pierce to approve the FY 2021-22 Final Budgets for College Vista and Canada Vista. The motion carried, with all members voting Aye.

INFORMATION ITEMS

Update on College Ridge at Skyline College Housing Development

Mr. Bailey gave an update on the College Ridge at Skyline College Development. He said the structure frame is up and sheeting on walls are installed. Window delivery is expected

at the end of the month with installation in October. Mr. Bailey offered to provide a tour of the project to any Board member who is interested. Mr. Bailey said an “under roof” ceremony will be planned for the project soon. Project completion is scheduled for late Spring or early Summer 2022.

Mr. Bailey also mentioned College Ridge’s connection to surrounding outdoor spaces including a paved walkway to a fitness path at Skyline College, and another path from the parking lot to the Sweeney Ridge Trail.

In regards to the waitlist, Mr. Bailey said some employees on the waitlist have indicated that they prefer to live at College Ridge at Skyline College. He said there are also some current residents at College Vista and Cañada Vista who would like to move to College Ridge at Skyline College. He said staff will be coordinating occupancy for College Ridge at Skyline College in the coming months.

Ms. Browne asked about the communal space between the College Ridge property and the nearby housing development. Mr. Bailey said there is a children’s play area built and plans for other joint use amenities such as picnic tables and BBQs.

Discussion of Potential Policy Changes

Mr. McBride introduced the discussion of potential policy changes. He said these are policy items that the Board has talked about as a group in the past and placed on the agenda for further consideration and discussion.

1. New Rental Rate Category and Income Eligibility Requirements

Mr. Bailey noted the Board has previously discussed the possibility of introducing a new rental rate for new residents. He said the current rental rates are significantly below market rate, but because of AB 1482, current resident rental rates can only be raised by a certain percentage per year.

Mr. Pierce recommended using the San Mateo County very low market rate as the rate for new residents. He said the new 2021 rates are as follows:

- 1 bedroom – \$1,713
- 2 bedroom – \$2,056
- 3 bedroom – \$2,375

The fair market rent rates published by the U.S. Department of Housing & Urban Development (HUD) are as follows:

- 1 bedroom – \$2,923
- 2 bedroom – \$3,553
- 3 bedroom – \$4,567

Mr. McBride noted that the original goal was to reach 60% of fair market rent and the very low market rates in question are at 58%, which is very close. Mr. Goodman said he likes the suggestion from Mr. Pierce, but the question is timing and how soon the new rates should be implemented.

Mr. Holober agreed that this is the right direction to go, but asked if potential residents on the waitlist are given any rental rate information when they sign up. Mr. Bailey said employees on the waitlist are not given any information about rental rates until the time at which they are offered a unit.

The Board discussed the issue of potential disparity in rental rates between existing tenants and new tenants. Mr. Wax expressed his concern with the idea of an increase in rental rates for new tenants. He asked the Board to consider the mission of the District housing and if generating revenue is a priority. He said the mission of District housing has been to assist employees in saving money in order to purchase homes. Mr. McBride said it is important to remember that as the buildings age, there will be an increased need for funding for maintenance and significant repairs.

Mr. Goodman said some tenants, depending on their income, will think the new rental rate is a great value and others will think it is not. Mr. Holober agreed that a discussion is warranted regarding income eligibility requirements. He asked if there is a way to look at total household income and create a formula for rent to coincide with income. The Board discussed using household income vs. individual income to determine rental rates and asking tenants for voluntary household income information.

Mr. Holober suggested creating a sub-committee to review the issue, along with income eligibility requirements. The Board agreed to forming an ad-hoc committee and Mr. Wax, Mr. Pierce and Mr. Holober volunteered to participate. Mr. Goodman suggested using the San Mateo County very low market rate as a "ceiling" and then creating accommodations for residents earning significantly less income.

Ms. Browne asked about the Faculty and Staff ratio of residents. Mr. Bailey said as a general principle the Board has established a ratio of 45% Faculty and 55% Staff. He said Administrators are broadly considered Staff. Mr. Bailey also said that Administrators are generally not offered District housing unless they have moved through the ranks during their tenancy.

2. Incentives for Resident Savings

Mr. McBride said the question to consider is if the Board should have a process in place to assist residents with saving money. Ms. Berlese said she was surprised and dismayed to hear of residents living in housing for the full lease term and not saving anything.

The Board discussed the idea of having residents make mandatory deposits or paycheck deductions into a saving account. Mr. McBride said he is uncomfortable knowing about individual employee financial situations. Mr. Wax said some residents may like the idea if it was optional. Ms. Browne expressed her concern with the idea. She said residents should have the freedom to make their own financial decisions. Ms. Berlese said the issue still remains that very few residents are saving money and purchasing homes.

Ms. Browne discussed the need for financial educational opportunities for residents such as financial coaching, first time homebuyer seminars, credit score assistance, and savings options. Mr. Bailey said the District has partnered with San Mateo Credit Union

in the past to provide first time home buyer seminars. He said staff will work to bring that programming back for residents and all employees. Mr. Bailey also said the District has partnered with Landed, which is a non-profit organization that helps educational employees with down payment assistance. Mr. Wax supported the idea of providing financial education tools and resources for residents.

After discussion, the Board decided not to further pursue incentives for resident savings.

Discussion of Return to In-Person Board Meetings

Mr. Bailey said at the beginning of the pandemic, Governor Newsom issued executive orders suspending components of the Brown Act which governs how public agencies and subordinate groups meet and are transparent to the public. He said the executive order is set to expire at the end of this month whereby the full rules of the Brown Act will be in effect. To add context, Mr. Bailey also added that the SMCCCD Board of Trustees has transitioned back to in-person meetings in a hybrid form utilizing in-person and zoom components.

Mr. Bailey asked the Board if they would like to continue utilizing zoom as a hybrid component to the Educational Housing Board Meetings. Mr. McBride said he is in favor of the Zoom component because it allows increased public engagement. Mr. Pierce asked about vaccination requirements or recent COVID testing for in-person meetings. Mr. Bailey said that the SMCCCD Board of Trustees approved a policy requiring all employees and students to be vaccinated unless they have an exemption. For members of the public, the District is following County Health Orders requiring all individuals, regardless of vaccination status, to wear a mask indoors.

The Board discussed and agreed to continue to utilize Zoom as an optional hybrid component to the Educational Housing Board meetings in addition to any changes to the Brown Act that would require only in-person activities.

ADJOURN

The meeting was adjourned at 5:04 p.m.

HOUSING BOARD REPORT

PREPARED FOR: Educational Housing Corporation Board of Directors

PREPARED BY: Mitchell Bailey, Vice Chancellor and Chief of Staff

MEETING DATE: December 14, 2021

REPORT SUBJECT: Approval of Rental Rates, Fees and Requirements for College Vista and Cañada Vista Clubhouses for Calendar Year 2022

Both College Vista and Cañada Vista have clubhouses on site that are used by residents, District employees, the colleges, non-profit organizations and corporate groups. The clubhouses are great local venues for personal parties (birthdays, anniversaries, etc.), retreats, meetings and mixers. Over the years, both clubhouses have had moderate use. The clubhouses have been closed due to the pandemic but are being re-opened for use.

Fees are charged for use of the facilities except for official District/college activities/events. In addition to rental fees, renters of the facilities are required to provide a security deposit per rental and to procure additional insurance through the District (\$50 for general liability insurance or \$250 for liability insurance if alcohol will be served at the event).

Rates for use of the clubhouses have not been modified in at least 10 years. Staff recommends the Board review the rates below and consider adjustments as presented:

College Vista Clubhouse	Current Rental Rate (2021)	Proposed Rental Rate (2022)
Residents and District Employees	\$50 (per day)	\$50 (for 4 hours)
Non-profit Organizations (not a fundraiser)	\$50 (per day)	\$75 (per hour)
Non-profit Organizations (fundraising event)	\$50 (per day)	\$100 (per hour)
Business/Commercial/Private Party	\$50 (per day)	\$150 (per hour)
Official District/College Events	No Charge	No Charge

Cañada Vista Clubhouse	Current Rental Rate (2021)	Proposed Rental Rate (2022)
Residents and District Employees	\$25 (for every 2 hours)	\$50 (for every 2 hours)
Non-profit Organizations (not a fundraiser)	\$50 (for every 2 hours) (2-hour minimum)	\$100 (per hour) (2-hour minimum)
Non-profit Organizations (fundraising event)	\$100 (for every 2 hours) (2-hour minimum)	\$150 (per hour) (2-hour minimum)
Business/Commercial/Private Party	\$200 (for every 2 hours) (2-hour minimum)	\$225 (per hour) (2-hour minimum)
Official District/College Events	No Charge	No Charge

Security Deposit	Current Deposit Fee (2021)	Proposed Deposit Fee (2022)
Residents and District Employees	\$500 (per use)	\$500 (per use)/ \$1,000 with alcohol
Non-profit Organizations (not a fundraiser)	\$500 (per use)	\$750 (per use)/\$1,000 with alcohol
Non-profit Organizations (fundraising event)	\$500 (per use)	\$750 (per use)/\$1,000 with alcohol
Business/Commercial/Private Party	\$500 (per use)	\$750 (per use)/\$1,000 with alcohol
Official District/College Events	No deposit required	No deposit required

Should the Board approve modifications to the rental fee and/or security deposit rates, staff would recommend that the rates become effective January 1, 2022 and that any renter who has reserved a date at a clubhouse on or before December 14, 2021 be charged the rate in effect for 2021.

RECOMMENDATION

Staff recommends the Housing Board approved modifications to the rental fee rates and security deposit rates for the College Vista and Cañada Vista clubhouses for 2022.

HOUSING BOARD REPORT

PREPARED FOR: Educational Housing Corporation Board of Directors

PREPARED BY: Mitchell Bailey, Vice Chancellor and Chief of Staff

MEETING DATE: December 14, 2021

REPORT SUBJECT: Adoption of Meeting Schedule for 2022

The Educational Housing Corporation Board of Directors (Housing Board) holds regular meetings on a quarterly basis each calendar year and other special meetings as needed.

For calendar year 2022, staff proposes the following regular meeting dates for the Housing Board's consideration:

Tuesday, March 15 – 3:00 p.m.

Tuesday, June 14 – 3:00 p.m.

Tuesday, September 13 – 3:00 p.m.

Tuesday, December 13 – 3:00 p.m.

RECOMMENDATION

Staff recommends the Housing Board adopt a meeting schedule for regular meetings for calendar year 2022.

HOUSING BOARD REPORT

PREPARED FOR: Educational Housing Corporation Board of Directors

PREPARED BY: Mitchell Bailey, Vice Chancellor/Chief of Staff

MEETING DATE: December 14, 2021

**REPORT SUBJECT: Discussion of Process for Consideration of Extension of Property
Manager Contract for BLVD Residential**

Earlier this year, the Housing Board approved a one-year contract with BLVD Residential to provide property management services for College Vista and Cañada Vista. The contract was effective April 1, 2021 and runs through March 31, 2022, with the option of the Housing Board to renew the contract on an annual basis for up to two additional years.

Though BLVD Residential has only been working with the Housing Corporation for seven and a half (7.5) months, it is time to begin the discussion of the Board's interest in renewal of the contract.

Staff will outline a recommended process for Board consideration to evaluate the extension of the property management contract and seek Board feedback about how it would like to process this matter.

HOUSING BOARD REPORT

PREPARED FOR: Educational Housing Corporation Board of Directors

PREPARED BY: Mitchell Bailey, Vice Chancellor/Chief of Staff

MEETING DATE: December 14, 2021

REPORT SUBJECT: Continued Discussion of Potential Policy Changes

At its meeting on September 15, 2021, the Housing Board began a discussion on various policy considerations, including establishing a new rental rate category and incentives for resident savings. The Board determined that it was interested in further exploring a new rental rate category but not in pursuing incentives for resident savings.

One additional item was surfaced but warrants further discussion by the Board: Establishing income eligibility/restriction requirements. As noted at the September 15 meeting, currently, there are no formal income eligibility requirements for employees and their families living in employee housing. The only major requirements for residency relate to current employment status and first-time homebuyer status. As such, it is possible for households living in Vistas units to have incomes that range from a single income to multiple incomes (of varying rates).

This item is presented for further Board discussion, not as an action item, at this time.

A Board ad-hoc committee was appointed (consisting of Directors Pierce, Wax and Holober) to explore policy modifications relating to a new-resident rental rate and will meet after the Housing Board determines if there is any interest in also considering the establishment of income eligibility/restriction requirements as well.