



COMMUNITY COLLEGE LEAGUE OF CALIFORNIA

TRUSTEE WEEKLY WEBINAR:

Responding to COVID-19



Webinar Moderator



Linda Wah
CCCT Board President
Pasadena Area CCD



Agenda

- Government Relations Update
- Reporting Identified Cases
- System Response
- Brown Act
- Giving your CEO Broad Authority to take Action
- Q&A
- COVID-19 Resource Links



Presenters

- Chancellor Doug Houston, Yuba CCD
- Trustee Dianne McKay, Ventura County CCD
- Ryan McElhinney, League Acting Director, Government Relations
- Jonathan Lightman, Consultant, League Government Relations
- Aaron O'Donnell, Partner, Atkinson, Andelson, Loya, Ruud and Romo
- Eileen O'Hare-Anderson, Partner, Liebert Cassidy Whitmore



Webinar Participation

- Questions will be held to the Q&A section
- During presentations
 - Use the Chat room to ask questions or
 - Raise your hand in the Participation room
- Questions not addressed in today's webinar will be addressed on the following webinar, April 2.



Government Relations Update

- Ryan McElhinney
Acting Director, Government Relations
- Jonathan Lightman
League Government Relations Consultant



Dept of Finance

March 24, 2020

BUDGET LETTER

SUBJECT:	2020 BUDGET CHANGE LETTERS AND MAY REVISION	NUMBER:	20-08
REFERENCES:		DATE ISSUED:	March 24, 2020
		SUPERSEDES:	BL20-04, BL 19-19

TO: Agency Secretaries
Department Directors
Departmental Budget and Accounting Officers
Department of Finance Budget and Accounting Staff

FROM: DEPARTMENT OF FINANCE

This BL informs agencies and departments of revisions to the 2020-21 Budget Change Letter (Spring Finance Letter) process previously established in BL 20-04, as well as budget policy criteria described in BL 19-19.

Evaluation of Spring Finance Letters and May Revision Requests

As a result of the conditions noted above, the Department of Finance will now reevaluate all budget changes within the context of a workload budget, based on the merits of each proposal, and ultimately subject to the availability of funding. This includes all Spring Finance Letter requests, all potential adjustments to be included in the May Revision, as well as previously approved adjustments incorporated in the Governor's Budget. This reevaluation applies to all support and local assistance adjustments, inclusive of Capital Outlay and information technology projects. It also applies to all funds and all departments, including those departments not directly under the Governor's authority.

All budget changes to be evaluated in the context of a “**workload budget**,” as defined in Government Code Section 13308.05.





Up for discussion:

Fund operating expenses.

Defer everything else regardless of merit until revenues stabilize.

Extend hold harmless.

Backfill shortfalls in property taxes and student fees.

Statutory and regulatory relief on such items as Fifty Percent Law, FON, Sixty-Seven Percent Law, Faculty Flex, etc.

Defer districts' increased pension obligation.



New Budget Priorities



Factors to consider for budget year 2020-21 (not exhaustive):

- 1) What do the numbers show?
- 2) Would the Legislature suspend the Proposition 98 statutory split?
- 3) Would the Legislature suspend Proposition 98?
- 4) Would the Legislature provide relief for increased pension obligation?
- 5) Would Proposition 2 reserves be triggered?
- 6) What other mitigation strategies would the Legislature consider?



Withstanding Declining Revenues



COMMON ADVOCACY

Aggressive push back on any proposed cuts to community colleges as our institutions are focal points of responding to and recovering from the COVID-19 crisis

Funding should support core operations

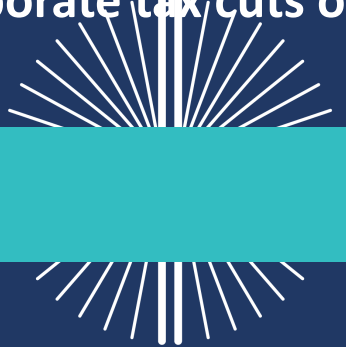
Backfill shortfalls in property tax and/or student fees

Extension of Hold Harmless provision in funding formula

Ensure no less than statutory Prop 98 split

Prioritize education funding over corporate tax cuts or tax credits

Withstanding Declining Revenues



Recommend districts run three simulations for local planning on budget year 2020-21*:

- a) Current budget plus COLA
- b) Current budget
- c) Budget reduction (we have **NO** numbers at this time but suggesting simulations in the range of 5-15%)**

**Possibility of Legislature approving a budget in June which mirrors current year and revise it during a special session in the fall.*

***The League will be aggressively fighting any cuts. This is a suggested simulation, not a prediction of budget year reductions.*

Withstanding Declining Revenues





other
questions

- 1) Are districts positioned to withstand one month's deferral of payments? **In the early 2000s, the state deferred payments from June to July to avoid making deeper cuts. While this is unlikely for 2020, everything is on the table. It may be necessary in the out years.**
- 2) What types of one-time funds beyond deferred maintenance and Prop 51 capital outlay do districts need to cope with the emergency?



Withstanding Declining Revenues



Bad news: Capital gains revenue likely to tumble. All other sectors of the economy are affected.

Good news: State is in a much better fiscal position than the last decade to withstand a shortfall.

Most importantly: Until we have real data we can deal only in reasonable assumption. We have to plan realistically while hoping to emerge relatively unharmed.



Withstanding Declining Revenues

Phase One: Emergency Response

- \$8 Billion appropriation to provide emergency testing and treatment of COVID-19.

Phase Two: Societal Issues Related to COVID-19

- Paid sick leave for those who develop COVID-19 symptoms.
- Extended access to unemployment insurance.
- Increased access to SNAP benefits for families with students who attend a closed school.



Federal Response: Phases One and Two

Phase 3: Economic Stimulus - \$2.5 Trillion Package

Large Ticket Items:

- \$500 billion in direct payments, up to \$1,200 for individuals making less than \$75,000. Additional \$500 per child.
- \$367 billion in forgivable bridge loans to small businesses.
- \$250 billion of expansion of Unemployment Insurance:
 - Expands maximum unemployment benefit by \$600 a week for four months.
 - Extends the ability to qualify for unemployment benefits for gig workers, freelancers and furloughed workers.
 - Extend benefits by 13 weeks.
- \$150 billion to hospitals. \$150 billion for state and local governments.
- \$500 billion in loans to distressed companies
 - \$50 billion to go to airlines.
 - \$17 billion to go to firms vital to national security.
 - \$50 billion to go to Small Business Administration.



Federal Response: Phase 3 Stimulus Package

Phase 3: Economic Stimulus - \$2.5 Trillion Package

Education Funding: \$30 Billion Overall for Education

- \$13.5 billion for K-12.
- \$3 billion for Governors to distribute – wide latitude on how they can use these funds.
- \$14.25 billion for Higher Education.

Higher Education Funding: Breakdown of \$14.25 Billion

- Funding would go out to colleges based on a formula consisting of 75% number of Pell FTES and 25% FTES.
- MSI colleges will have \$1 billion reserved for them.
 - Will likely result in larger grants for those colleges.
- At least half of the funding would be needed to be spent on direct emergency aid to students.
- Roughly \$7 billion for students, \$7 billion for institutions.
- \$300 million would go out in grants to colleges deeply impacted by the Coronavirus.



Federal Response: Phase 3 Stimulus Package

Phase 3: Economic Stimulus - \$2.5 Trillion Package

Regulatory Relief:

- Waiving Return to Title IV requirements as well as satisfactory academic progress.
- Waiving institutional match requirements for Federal Work Study (FWS) and Supplemental Education Opportunity Grants (SEOG)
- Allows colleges to pay students via federal work study who are unable to attend school.
- Permits colleges to transfer FWS funds to SEOG.

Other Provisions of Interest For Colleges:

- Suspension of payroll tax.
- Expanded ability to borrow loans from the Small Business Administration for colleges with less than 500 employees.
- Expansion of incentives for charitable contributions.
- Suspension of payments of student loans for the next six months.
- No interest will be collected during this time.
- DOE will not garnish wages or SSI payments during this period.



Federal Response: Phase 3 Stimulus Package

Unknown how legislature will conduct business:

- Recess until April 13th.
- Virtual committee hearings.
- Likely will prioritize critical legislation – potential reduction in bills going through legislative process.
- Most legislative deadlines up to the discretion of the state legislature.
- Constitutional deadline of budget passage by June 15th.



Legislative Session on Hold

Reporting Identified Cases

- To the Board
- To the CCC Chancellor's Office
- To the College/District community & public
 - Maintain Confidentiality



System Response

- State-wide *Stay at Home* directive; many counties have *shelter in place* orders
- All colleges are in remote/online delivery with minimal essential services on site
- Sustain courses that directly support the essential infrastructure sectors, especially healthcare and first responders.



What Should We Be Doing Now? Recommended Actions.

- The CEO and Executive Staff should develop/update an emergency response plan to respond to a pandemic.
- Coordinate your emergency response team and plan to include communications with your local city, county, and State officials, especially county health officials;
- Cleaning and disinfecting protocols;
- Develop/clarify travel protocols;
- Equity and Continuity of education
 - Computer loans to students, faculty and staff
 - Labs for emergency response professions continuing
 - Nursing/Fire/EMT/ Peace Officer Standards and Training (POST)



Recommended Actions, (cont.)

- Evaluate any mutual aid agreements to support emergency relief efforts in community/region? What impact will this have on planning?
- Monitor expenses that may be reimbursable from FEMA, Red Cross, and other sources.
- If you have not done so already, adopt an emergency resolution delegating authority for CEO to take necessary action during an emergency.



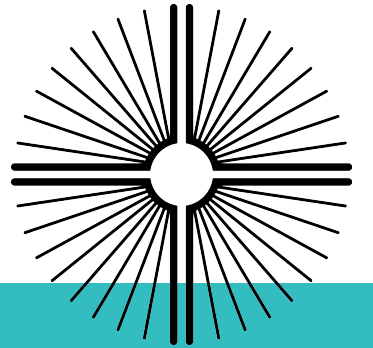
Brown Act Changes

Aaron O'Donnell
AALRR
Partner

aa^lrr
Atkinson, Andelson
Loya, Ruud & Romo
A Professional Law Corporation

Brown Act

- Executive Orders have suspended some procedural requirements due to COVID-19 emergency & need for social distancing
- All other Brown Act rules remain in effect
- Public transparency still a fundamental principle



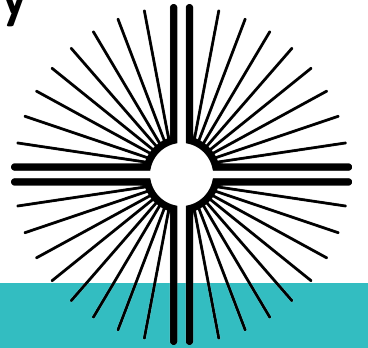
Governor's Executive Orders

[Executive Order N-29-20](#) (March 17, 2020)

- Suspends any requirement for physical presence of board members or of the public at meetings
- Establishes new requirements for conduct of telephonic or electronic meetings

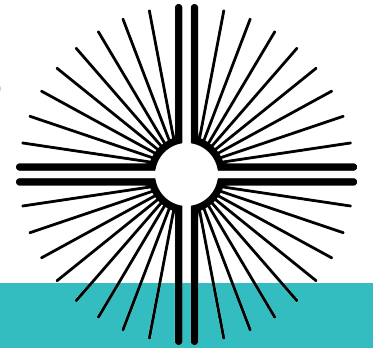
[Executive Order N-35-20](#) (March 21, 2020)

- Provides more flexibility for board members to receive emergency updates
- Does not permit discussion or action by quorum outside of duly noticed board meeting



Requirements for Teleconference-Only Meetings

- Allow members of the public to observe and address the meeting “telephonically or otherwise electronically.”
- Implement, and advertise in posted meeting notice, procedure to “swiftly resolve” requests for reasonable accommodation of disabilities, and for “resolving any doubt whatsoever in favor of accessibility.”
- In the posted meeting notice, include “notice of the means by which members of the public may observe the meeting and offer public comment.”
- If there is a change in such means of public participation, advertise using “the most rapid means of communication available at the time,” including agency website.



Suspended Provisions

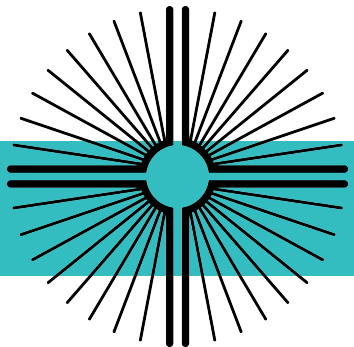
The following Brown Act requirements have been suspended:

- The requirement to notice each teleconference location from which members of the legislative body participate
- The requirement that each teleconference location be accessible to the public
- The requirement that members of the public may address the legislative body at each teleconference location
- The requirement that at least one member of the legislative body be physically present at the meeting location
- The requirement that during a teleconference meeting, at least a quorum of the legislative body participate from locations within the boundaries of the district



Public Participation and Accessibility

- Managing Public Comments
- Educ. Code 72121.5
- Translation services & extra time for non-English speakers [Gov't Code 54954.3(b)(2)]
- Accommodation of disabilities



Giving your CEO Broad Authority to Take Action

Eileen O'Hare-Anderson
Liebert Cassidy Whitmore
Partner



LIEBERT CASSIDY WHITMORE

Board Policy and Administrative Procedures

- **BP/AP 2430 Delegation of Authority to the CEO**
 - Provides general delegation to the CEO
- **BP/AP 6100 Delegation of Authority, Business and Fiscal Affairs**
 - Addresses delegation related to contracts, fiscal affairs, business processes, etc.
 - Education Code, § 81655 allows a community college district board to delegate the authority to contract to CEO
 - Under 81655, the Board must ratify the contract
 - Required to make the contract enforceable



Board and Administrative Policies (cont.)

- **BP/AP 3505 Emergency Response Plan**
 - Ensures that detailed, operational emergency procedures are in place
- **BP/AP 5210 Communicable Disease - Students**
 - Reflects state statute pertaining to students
 - Authority: Education Code, § 76403
- **BP/AP 7330 Communicable Disease - Employees**
 - Addresses hiring requirements for employees related to communicable diseases and on-going tuberculosis testing.
 - Authority: Education Code, §§ 87408, 87408.6, and 88021.



Board Policy and Administrative Procedures

The League's Policy & Procedure Subscription Service templates reflect the minimum language required by Federal/State statutes and regulations as well as regional accreditation standards.





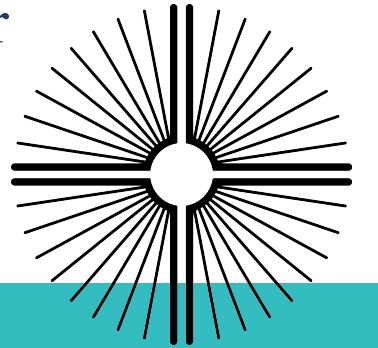
COVID 19 Resource Links

- League COVID-19 webpage <https://www.ccleague.org/novel-coronavirus-2019-covid-19>
- Chancellor's office COVID-19 webpage <https://www.cccco.edu/About-Us/Chancellors-Office/Divisions/Communications-and-Marketing/Novel-Coronavirus>
- ACCT Federal COVID-19 Guidance <https://www.acct.org/COVID-federal-resources>



Future Topics:

- How are students getting access? laptop loans? 24 hr computer centers? 24 hour internet access?
- Is there any negative impact on attendance? If so, what can be done to mitigate
- How are DI student populations needs being addressed (foster? Homeless? Veterans?)
- How are colleges delivering Mental Health service for those in need?
- How are Student Services being delivered (Virtual and In-Person)?
- Is there a HELP/Feedback online or 24 hr emergency response line for students?



Next Webinar:

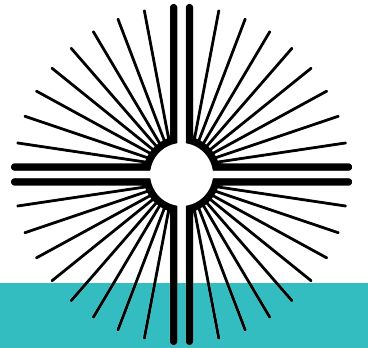
Thursday, April 2, 2020 12:00PM

Emergency Preparedness & Response

Presenters:

Meredith E. Brown, Trustee, Peralta CCD and Partner
Atkinson, Andelson, Loya, Ruud & Romo

Dr. Erika Endrijonas, Superintendent/President, Pasadena
City College



Webinar Schedule

Thursdays, 12PM – 1PM

April 2

April 9

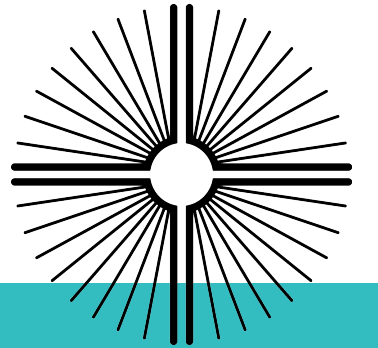
April 16

April 23

April 30

May 7

May 14



Thank You Community Colleges



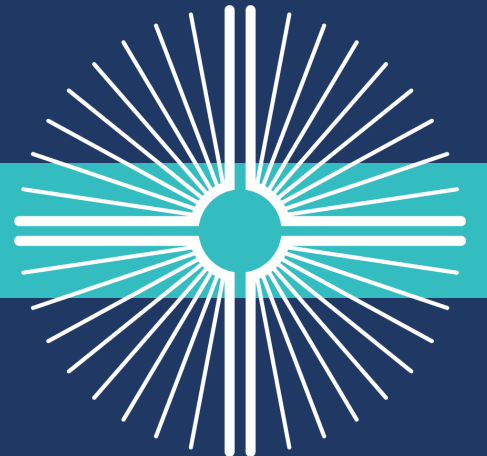
California Community Colleges

3/25/20, 12:52 PM · 🌐

"I was talking to the head of the community college system... which have also been heroic in this. They've provided, just as one example, 60 ventilators, and they're also keeping, by the way, all of us safe because, let's remember, the community college system is the backbone of our training in the State of California."

"By some estimates, 70% of our first responders, however one would define them, are trained through that community college system and they're doing heroic work in this state. (I only offer that because of the conversations we had today and) they deserve to be highlighted." - California GOVERNOR Gavin Newsom

Read more #KeyFacts about #CA #comm_colleges:
<http://bit.ly/2PePje7>.



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