

Fall  
2021

# Newsletter

## Chabot-Las Positas

### Association of Retired Employees

#### Editor's Note

*This special issue is focused on recent action by the District to create and initially fund an "OPEB irrevocable trust". What's that? Our article beginning on page 2 will tell you.*

*Although the topic sounds complicated and perhaps worrisome, it is a matter of considerable significance to the fiscal stability of our District and to every retiree who is eligible for District-paid medical benefits. This trust has been under discussion by the District for nearly 15 years. Now it has moved forward, and we expect you'll be encouraged as you learn more.*

*In this issue, we explain the trust in straightforward, accessible terms and then present a detailed interview about it with Business Services Vice-Chancellor Jonah Nicholas.*

#### Inside this issue:

**OPEB Irrevocable Trust** 2-3

**Interview: Jonah Nicholas** 4-6

**Helen Bridge remembered** 6

**Address Changes** 7

**2022 Dues Form**

**Jonah Nicholas joins CLPCCD** 8

**New Retirees**

**In Memoriam**

#### CARE Reunion Postponed Again

We sadly regret to announce that the annual CARE member reunion will not be held in January 2022. The COVID situation remains unresolved and unpredictable, making it difficult for us to set detailed plans months ahead of a possible event. This postponement is a genuine disappointment but a necessary precaution for everyone.



We look forward to a future opportunity to gather our membership, perhaps later in 2022.

#### Seeking Your Participation!

CARE is actively seeking participation by retirees interested to serve on the CARE Board or newsletter development. The duties are light but important, with an opportunity to associate with former colleagues. If you are interested, please learn more by sending email to [board@care-news.org](mailto:board@care-news.org).

Readers may be confident that even in the current situation, CARE remains active in the interests of our membership:

- We vigilantly monitor CLPCCD board actions that may bear on retiree interests.
- We represent retirees on the Retirement Board of Authority.
- We participate in hiring processes for District employees who serve retirees.
- Finally, we keep you informed through our newsletter and connected through our web site.

We encourage you to support our work by contributing your voluntary dues on page 7.

#### Visit us online:

[www.care-news.org](http://www.care-news.org)

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## District Trustees Approve OPEB Irrevocable Trust and Retirement Board of Authority

### What happened?

On April 20, 2021, the Trustees established an OPEB trust “for the purposes of investment and disbursement of funds irrevocably for the payment of its obligations to employees and retirees for health insurance and other similar benefits”.

The Trustees also established a seven-member “Retirement Board of Authority” to provide oversight and make decisions in regard to the the Trust.

Let’s explore these actions, which are of great importance to most retirees and many employees.

*One of the difficulties in reporting on this topic is that different sources list varying dollar figures, often due to differences in publication dates. However, the exact dollar amounts are not important – the import for readers is in the “big picture”.*

*Note that unless attributed to other reports, all amounts herein are sourced from the May 2020 District document: [Establishing an OPEB Irrevocable Trust - An Investment Opportunity.](#)*

### Should retirees be worried?

The issue is complicated, but the bottom line is that CARE believes the establishment of this trust to fund “other post-employment benefits” is a positive step that is in the interests of all retirees eligible for District-paid retirement benefits.

### What does OPEB stand for?

**OPEB: Other Post-Employment Benefits.** There are two categories of retiree benefits:

- Pensions. These are paid by CALPERS or CALSTRS.
- Other benefits. Some retirees are contractually entitled to “Other post-employment benefits”, referred to by the acronym “OPEB”. These are paid by the District, and funding these is the purpose of the OPEB irrevocable trust. Retiree medical benefits are the most common example.

### How is this OPEB liability different from PERS & STRS pension obligations?

- For PERS and STRS pensions, the District pays its liability as part of the monthly payroll process. Once the employee retires, the district does not have any further liability. PERS or STRS pays the lifetime pension benefits.
- For OPEB obligations, when the employee retires, the District remains responsible to pay these benefits for the retiree’s lifetime.

### How has CLPCCD been managing its obligation to pay for these other post-employment benefits?

To date, the District has relied on the “pay as you go” approach. This approach simply pays the current year obligation and saves nothing for the future.

For example, on May 2020, the District projected that “pay as you go” OPEB would require \$7,847,691 for 2020-2021.

### How large is CLPCCD’s OPEB obligation?

By any measure, it is big:

- \$200,280,667 reported as of 6-30-19
- \$251,576,551 as of 2021 reported in the District’s [June 30, 2020 actuarial study](#)
- A [September 2017 credit Opinion from Moody’s Investor Service](#) described the obligation as “a very high 314% of covered payroll.”
- [California Community Colleges Have \\$2.7 Billion in Unfunded Retiree Health Care Obligations](#), a 2019 research piece by the Reason Foundation, showed the Chabot-Las Positas CCD having larger unfunded OPEB liability than all other California community college districts except Los Angeles CCD and Peralta CCD and the largest unfunded OPEB liability per FTES of all districts.

*Note: These estimates are likely to be reduced in an updated actuarial study that will reflect the District’s recent action to create and fund its OPEB trust by June 30, 2021. For more, see the interview on page 4.*

### How much has the District saved toward this \$251,576,551 liability?

Not much. As of 6-30-19, the District had set aside \$3,399,300 for this obligation, including \$1,608,585 in the RUMBL Fund and \$1,790,715 in yet-to-be transferred funds from Economic Development/Contract Education (EDCE).

### What about the “RUMBL Fund”?

The RUMBL (Retirement Unfunded Medical Benefit Liability) fund was an earlier attempt to save for OPEB obligations, but it has accumulated relatively little money and is not protected against funds being redirected for other purposes by District “borrowing”.

(Continued from page 2)

### **What is meant by “irrevocable”?**

The trust’s sole purpose is to fund retiree benefits. The commitment of funds in the OPEB Irrevocable trust cannot be revoked; the District cannot redirect them for other purposes.

### **Are OPEB trusts common?**

Yes. Now including CLPCCD, 62 out of 72 California community college districts have established an OPEB trust as an important step toward fiscal sustainability.

### **Is this trust idea new?**

No. It has been under discussion by the District for nearly 15 years.

### **What is an actuarial study, and why is it important?**

The services of an actuary are used to calculate the OPEB liability and develop plans for funding of the trust, typically over a period of up to thirty years. Once the trust is fully funded, all retiree OPEB benefits will be paid directly from the irrevocable trust.

The 2020 actuarial study for CLPCCD was performed by Geoffrey L. Kischuk of Total Compensation Systems, a highly respected firm which has prepared such studies for 60 out of the 72 community college districts in California. The detailed study is available at <http://www.clpccd.org/Business/documents/ActuarialStudy2020GASB75Final2020Report.pdf>

### **Will creation of the trust solve the OPEB problem?**

Creation of the trust does not relieve the District of responsibility to meet its contractual obligations to pay “Other Post-employment Benefits”. Instead, it is a vehicle to allow investment at a higher rate of return and to accumulate funds committed to pay for post-retirement benefits.

Like any trust, it must be funded with assets. The District’s Vice-Chancellor of Business Services has reported that the District made a special effort to get the trust established and a deposit made into it prior to June 30th of this year. The result of this funding push was that the actuary now recognizes a trust has been established and monies are being invested at a higher rate of expected return. Because that higher rate of return will be incorporated into the actuarial assumptions, the OPEB liability has decreased by more than \$100M since the 2020 study, a change that will be reflected in an updated actuarial study now in preparation. (See the interview beginning on page 4.)

### **How will the new CLPCCD OPEB trust be managed?**

The District established an OPEB “Retirement Board of Authority” to oversee the trust and manage its assets and investments. Its membership is defined as follows:

*The persons holding the following titles shall be appointed as the members of the Retirement Board of Authority, until such time as their successors, holding the same title, shall replace them:*

- Vice Chancellor, Business Services
- Vice President, Administrative Services
- College President
- Administrative Association Representative
- SEIU Representative
- Faculty Association Representative
- Retiree Representative

CARE will be an active participant in the Retirement Board of Authority, providing an appointment to the “Retiree Representative” position.

A professional management firm will assist the Retirement Board of Authority in its responsibilities.

### **How will retirees learn more about the funding and management of the trust?**

The Retirement Board of Authority intends to establish a web site to report on its agendas and actions. CARE will provide notice to our members when the site is available.

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### **CARE Board Member Mark Smythe appointed to Retirement Board of Authority**

CARE has named Mark Smythe to serve as the “retiree representative” to the new Retirement Board of Authority. Mark has considerable experience in committee work and college governance, having served multiple terms as Classified Union President during negotiations over three contracts from 2006 - 2014. Recently, Mark served on the District hiring committee for Benefits Specialist. Retirees may be confident that their interests will be well represented!



## Interview with Chabot Las Positas CCD Vice-Chancellor of Business Services Jonah Nicholas

Following are excerpts from an August 2, 2021 interview with Jonah, who generously agreed to update retirees about the OPEB trust and its implementation. Bill Threlfall was the interviewer.



**CARE: So to start, it would be great if you could put this new trust into overall perspective -- How does it fit into the District's plan to meet its long range obligations?**

JONAH: Yes, thanks for that Bill, appreciate the opportunity to reach out to the clientele whom the trust is supposed to serve.

I would like to give a little bit of background on me and my experiences with trusts and irrevocable trusts in general. I worked at the Contra Costa Community College District for about 10 years as the Chief Financial Officer, and I served on the Retirement Board authority at that entity the whole time. So I'm pretty familiar with trusts, seeing the earning potentials that they can have.

I would share with you and your members that when I started there back in 2011, the trust had about \$30 million in assets. When I left, we were up to about 170 million for a liability of about 220 million, so we were real close to getting all the way there.

So considering your liability in context here at Chabot-Las Positas, when I first was interviewing for the job, I pulled the actuarial reports and saw it was a large liability -- about 250 million, but right away, I could tell that it was largely overstated purely because a trust hadn't been put into place.

When you don't have a trust, an actuary is forced to use what's called a discount rate. Kind of think of it as a rate of return on investments, tied to a bond index.

It's just the way that the GASB (Government Accounting Standards Board) regulations work. So, the bond index rate of return, based on your last actuarial report was a little over 2%. And I just know there's no one variable that means more to reduce the liability than changing that discount rate. So that was one of my top priorities. I just thought it was really low hanging fruit for the District. It's not an onerous thing to get a trust in place. Most districts already do it -- Most of them for a decade or more.

So, for whatever reason, this district's not doing it was really impacting its financials. So, we raced to the finish to get it done and got the first deposit by June 30. And as I, as I think I shared with you in email communication, that discount rate going from that 2.2% all the way up to about 6.6% reduced the overall liability by about \$107 million!

**CARE: So can you tell us a little bit more about the special effort that you made to get the trust established and funded by June 30?**

JONAH: Yes, well a lot of the work had been done. So my predecessor Doug Roberts, who was serving on an interim basis, had gone to the governing board and had gotten approval to establish a trust through a company called Futuris, which is a product of Keenan Financial. For those that are in the know, Keenan is also the District's property and liability carrier. Keenan's product is the same one I was familiar with at Contra Costa. The same individuals are there that I've known for a decade.

So we just really went through the last hoop, which was establishing the Retirement Board of Authority with seven members. We had those members approved by the District's Governing Board and the process then of getting those exact people in place took place. We did a quick meeting at which the Board of Authority went through an exercise essentially to determine what its comfortability was in terms of investment portfolios. So you ask a series of questions. Often-times it's the same question asked in a different way, but it leads you to a particular portfolio mix between, essentially money market versus equities, and that mix really is determinative for the actuary as to what discount rate they could use. It was just dotting the i's and crossing the t's -- a lot of the work has already been done. But once we got it in by June 30, it became a component of the 2021 actuarial report. That's why we were trying to get everything done by June 30.

**CARE: Has Keenan been engaged to assist both District leadership, and the Retirement Board of authority?**

JONAH: Yes, that had already occurred prior to my arriving. They had chosen Keenan's vehicle, which is the Futuris product to oversee the trust.

CARE: So it was fortunate that you had existing familiarity with this product and Keenan's team.

**CARE: Can you say anything about how the move to get to the trust funded and operational might affect the district's long range fiscal stability and bond rating?**

JONAH: Yes. It was kind of an interesting discussion on the first meeting when we were going over the retirement board's comfortability level in terms of risk. You know there's oftentimes a greater reward but there's also the inherent ability for the trust to lose value.

One of the things that I was really vocal about I would say in the, in that initial meeting with the Retirement Board of Authority was, with a liability as large as the District had back then we are not going to have plans to take money out of the trust for a very long period of time. So, in my mind, there was the ability to go a little bit more on the equity side as opposed to money market, simply because it the way I describe it, Bill is it's probably going

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to be decade or more before any of these dollars get taken out, so you never want to time the market. You want to stick to a strategy, I learned that over the course of the last board that I sat on.

Let's look at it from the District's perspective. Right now it's spending approximately 6.5% to 7% of its unrestricted funds to pay as you go on its current obligations for retirees. That's not an outlandish figure. It's not on the low end, but it's a manageable amount. And so when you look at these things in a long-term fashion, anytime that you have identified ongoing funding sources or things that are long-term liabilities by their nature, you really want to look for the best rate of return that you can have. So, the District has identified a funding source ongoing, in terms of its economic development and contract education (EDCE) profits. I think 50% of those go into an account to fund OPEB liabilities. And so particularly when you have that ongoing funding source, even if it's a little bit, it will be leveraged by the pretty amazing power of compound interest. So you really just want to maximize your returns, hopefully over the course of a decade or more with the District investing in this. You could eventually start withdrawing from the trust offsetting some of that 6.5% or 7% on that you're currently spending out of your unrestricted funds and put those dollars to better use in the classroom other things that the District feels would be would be appropriate.

So it really is looking again long-term there's not going to be any major changes here in the short term, but I would always look to try and set up whoever is going to eventually take my job and put them in a better place than I was when I started. So it's really a long-term vehicle, and hopefully it will help mitigate the general fund for the District sometime in the future.

**CARE: So can you say anything about the funding plan for the trust over the years. We plainly have an annual obligation for expenditure but also an obligation to fund the trust. Can you say a little about how you envision that going?**

JONAH: Yeah, that's, that's a good question. So, I assume you were with the District for a number of years, Bill and are probably familiar with some of its committee structures. One of the committees that I'm chairing now is the Planning and Budget Committee and we're currently going through a process of looking to change, modify, whatever word you want to throw out there, the current budget allocation model. And one of the models that I am familiar with certainly, is a model in which a certain either percentage or flat dollar amount is taken off the top prior to distributing revenue to any of the sites in order to chip away at those long-term liabilities so that's certainly under consideration. That's in addition to the ongoing monies that we anticipate the Educational Development and Contract, Ed (EDCE) department to generate. And I would also remind the planning and budget committee that funding of long-term liabilities, particularly other post-employment benefits, is explicitly called out within

standard three of the accreditation standards. So, you not only need to have a plan, you need to demonstrate to the Accrediting Commission that you're working towards addressing some of these long-term liabilities and they specifically call out compensated absences, and open up OPEB obligations.

**CARE: Sounds like the Retirement Board of Authority will be a crucial tool in oversight and management. Can you tell us how retirees will learn about the actions of that board of authority?**

JONAH: Yes. We're in the process of setting up a website. I will probably go under the header of committees at the District's homepage and have links, then to the minutes of the Retirement Board of Authority. It is a Brown Act committee so it is certainly available for the public to attend and we will post all agendas, minutes, and documents in compliance with the Brown Act.

**CARE: You've been involved in such trusts for a while. Based on your experience, are there sometimes misunderstandings that people develop about trusts like this?**

JONAH: You know, it's interesting, I left before we withdrew anything from the trust. While I was there, it was always a good talking point. I used to tell people, we've put millions and millions of dollars into the trust and we've never taken a single dollar out. Eventually, we were getting to the point at my prior district where we were discussing, particularly when COVID hit and it looked like the state funding was going to go down 8 or 10 percent, we were having serious discussions about taking some out to offset those costs. I think that is sort of the prickly point in my mind — when do you actually begin withdrawing from trust? You could take a very conservative position, and argue that we shouldn't take anything out until we got 100% funded. I typically don't subscribe to that. I think once you hit 75 or 80%, you can really start looking at paying at least some of the pay as you go obligations through the trust, check but that's a long ways off, Bill. I think that in my mind, the deposits into a trust, at least in my experience, have never been a point of contention. I think everybody realizes that this is something that even if it's not benefiting them today it's set aside to help benefit employees in the future if they've asked for these benefits. So, to me it's just it's a really non-controversial vehicle.

**CARE: So, to follow up on that to make sure that our readers don't develop any misunderstanding. In the article on page 3, I offered assurance that the term "irrevocable" meant that funds could not be diverted for purposes other than retiree benefits. So am I correct when you just said there was some consideration in a fiscal emergency about "taking some of it out, I think I understood you to mean to pay for the the current year's OPEB obligation, not to use it for other purposes.**

JONAH: Yes! That's a great clarification.

(Continued on page 6)

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**CARE: I think when people hear the words, “take some out” they might get the wrong idea. You wouldn't actually take them out of the trust and put them back into general fund -- that's not possible.**

JONAH: Correct.

**CARE: Is there anything else you'd like retirees to know about the trust and this new initiative that's been launched.**

JONAH: Yes. I think it's indicative of the District, recognizing its commitment and looking to not have a 250 million-dollar liability on its books when you didn't have to and getting that down, I think that I would share with your readers that the company that we have chosen is very reputable and has done outstanding work within the community college system here in California. They have a lot of the business within California. The money managers are very reputable. They're overseen by individuals from Morgan Stanley, and we have a group that I think really have a grasp on what the long-term benefits of the trust will be. So I think it's a win for the District, it's a win for retirees, and I'm just happy to be a part.

**CARE: So how you are you feeling about it at this point? I mean that's a big step.**

JONAH: Well, on a personal note, I think that the growth of the trust at my previous district was probably the thing that I consider to be the biggest feather in my cap. It was a very intentional strategy that myself and another person utilized within the district in order to grow that trust. We were pursuing any one-time dollars we could find that we could try to redirect towards the trust to help build it up. So, I know this this district operates differently certainly than my previous one, but I do have a very strong commitment to funding of long-term liabilities. I just think it's a game changer. When you get to the point where you can now redirect six to seven percent of your unrestricted funds to other uses because you've done a good job by investing your money and planning for your future to cover the obligations that you promised, I just think that that's a really good narrative to be able to explain to people, and I think people buy into it. So, at my last district, it was really hard to get to that first hundred million, but due to compound interest, it did not take long to get to 150 million. So I think it's good for taxpayers. I think it shows that we're good fiscal stewards, and it's, again, something, I'm happy to be a part of and bring some relevant experience that I've had to Chabot-Las Positas.

**CARE: Wonderful! Vice Chancellor Jonah Nicholas, it has been great talking with you. Thank you for taking your time to speak with us and put some real expertise behind the information that we will be sharing with retirees.**

JONAH: Thank you! I appreciate the time.

## Helen Bridge's Rotisserie Chicken Chili

Since publication of our last newsletter, our friend Helen Bridge has passed away. Helen, of course, was a key leader at Chabot College, the District, and state community college affairs, and she served multiple terms as CARE President, providing inspiration and motivation to fellow CARE board members. Helen and her husband Les were great social companions to many, and I think of them fondly.

She prepared this great, simple recipe for a CARE board lunch meeting at her home, and I remember her now, each time I fix this recipe. As it is based on a Costco rotisserie chicken, it is easy to prepare and perfect for a group meal or for a single family with leftovers to follow. I don't know where Helen found it, but I associate it with her. I hope you'll give it a try and think of her as well.

*Bill Threlfall*

### Rotisserie Chicken Chili with Hominy & Chiles

**1 Costco roast chicken, meat picked from bones & pulled into bite-sized pieces, skin & bones reserved separately**

**1 quart (8 cups) chicken broth**

**3 Tbs. vegetable oil**

**2 Tbs. ground cumin**

**2 tsp dried oregano**

**½ tsp cayenne pepper**

**1 large onions, cut into medium dice**

**1 4-ounce jar or can diced mild green chiles**

**1 29-ounce can Mexican-style hominy**

**3 medium garlic cloves, minced**

**1 lime**

**1 pkg frozen corn, preferably shoepeg**

**Sour cream, cilantro, lime wedges, green hot sauce**

**Broth:** (can be prepared ahead)

- Bring skin & bones, chicken broth, and 4 cups water to boil over medium-high heat.
- Reduce heat to low & simmer about 30 minutes.
- Strain & discard skin & bones.

**Soup Solids:**

- Heat oil over medium-low heat in soup kettle.
- Add cumin, oregano, & cayenne; cook 1 min until spices are fragrant.
- Add onion, increase heat to medium; sauté until soft, 4 to 5 min.
- Stir in chicken & chilies.
- Add 2 cups hominy & all but 1/2 cup of the broth.
- Reduce heat to low & simmer, uncovered,, 25 – 30 min.
- Process remaining 1 cup hominy & 1/2 cup broth until silky smooth; add to soup.
- Stir garlic & corn into soup.
- Stir juice of 1 lime into soup.
- Simmer for a minute or so longer, then cover & let stand for 5 min.
- Ladle into bowls; top with sour cream, cilantro or scallions. Pass separately the lime wedges & green hot pepper sauce. Perhaps sink some tortilla chips in the soup.

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**Change of Address or E-mail**

Please send your change of address to CARE Treasurer,  
Sharon Trethan via email at [www.care-news.org/contacts](http://www.care-news.org/contacts) or  
5122 Blackhawk Drive, Danville, CA 94506.

Please send your change of e-mail address to CARE Communications Director,  
Bill Threlfall via email at [www.care-news.org/contacts](http://www.care-news.org/contacts)

**District Retirement Benefits Contacts**

Rosalyn Tucker 925-485-5504 [rtucker@clpccd.org](mailto:rtucker@clpccd.org)  
Lety Macias 925-485-5505 [lmacias@clpccd.org](mailto:lmacias@clpccd.org)

**Important reminder from District Benefits staff:**

"Please note that you or your heirs must notify the District of any changes to your eligibility status within thirty days of the event (e.g. **marriage, divorce, death**). Any financial loss that the District incurs due to failure to notify the District will be the responsibility of you or your heirs."

*Detach and return*

**C.A.R.E. Dues 2022**

Your dues are used in direct support of our newsletter and web site.  
No stipends are paid to board members, who volunteer their time and service.  
Thank you for your support if you have already paid your 2022 dues!

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(please print clearly)

→  **Yes, please add me to the CARE Member Directory.**  
(E-mail address required)

**AMOUNT ENCLOSED:**

\$10 per year or  \$100 lifetime membership (Thank you!)

Please cut and mail this form and your check payable to **CARE** to:

**CARE c/o Sharon Trethan**  
**5122 Blackhawk Dr.**  
**Danville, CA 94506**

## **Jonah Nicholas joins CLPCCD as Vice-Chancellor of Business Services**

On October 20, 2020, the District Board of Trustees appointed Mr. Jonah Nicholas Vice-Chancellor of Business Services.

Jonah has over 14 years of experience in higher education in both California and Washington. He served as the chief financial officer at Contra Costa Community College District, where he provided leadership over accounting, budgeting, purchasing, and payroll. In addition, he was an instrumental team member in other areas such as bond issuance and debt management, negotiations, post-employment benefit obligation funding, accreditation, and support of diversity initiatives. Nicholas earned a master of business administration degree from Washington State University and a bachelor's degree from Central Washington University.

"We are excited to have Jonah join our organization as the new vice-chancellor of business services," said Ronald P. Gerhard, CLPCCD Chancellor. "

See CARE's interview with Jonah on page 4 of this issue.

## **New Retirements**

Rodolfo Apostol, District Services, August 2020  
Cheryl Burton-Morrell, Las Positas College, June 2021  
Doralene Campbell, District Services, September 2021  
Carlos Enriquez, Chabot College, January 2021  
Ed Antonio Erestain, District Services, May 2020  
Donald Fuller, Chabot College, August 2021  
Richard Grow, Las Positas College, June 2021  
Mary Hargiss, Las Positas College, May 2020  
LaVaughn Hart, Las Positas College, July 2021  
Karen Kit, District Services, effective October 2021  
Ann Le Pell, Chabot College, July 2021  
Rick Moniz, Chabot College, August 2021  
Scott Rivera, District Services, June 2020  
Pedro Ruiz de Castilla, District Services, effective December 2021  
Cheryl Sannebeck, Chabot College, effective October 2021  
Stacy Thompson, Chabot College, effective August 2021  
Julie Thornburg, Las Positas College, August 2021  
Katherine Tollefsen, District Services, August 2021  
Michelle Tong, District Services, March 2021  
Christie Verarde, Chabot College, August 2021  
Stephanie Zappa, Chabot College, June 2021  
Karen Zeigler, Las Positas College, July 2021

## **In Memoriam**

We have lost these valued CARE members recently. Our thoughts and prayers go out to their families.

Helen Bridge	Victor Chen	Jackie Fitzgerald
Glenn Leuning	Wallace Look	Joy Sanderson

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