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Delta trustee says he believes colleagues violated Brown Act

San Joaquin Delta College District Board of Trustees President Ted Simas said Friday that he believes two colleagues violated state law by divulging confidential information regarding the college's south-county campus from a closed-session meeting held earlier this year.

If proven, the breach of confidentiality would be a violation of the Ralph M. Brown Act, which governs how public-policy boards, committees and councils conduct their business.

Simas said he was not sure who the members were, but he said he is confident that Gerry Kamilos, a developer who has pledged to spend \$17.2million to build streets and underground utilities that will link up with the college's proposed Mountain House campus, received important information almost immediately after the college board's private retreat Feb. 9.

He said the information gave Kamilos a powerful bargaining advantage in negotiations between the developer and the college district over the payment of Delta's off-site infrastructure costs.

"I have a deep love and respect for the college," Simas said. "I hate to bring a black eye against the college, but I feel it's important to bring this to light."

Simas said he received a phone call from Dean Andal, the former Stockton assemblyman and current Lincoln Unified School District trustee who works for Kamilos, less than two hours after the Delta board concluded its retreat at the Wine and Roses Hotel and Restaurant in Lodi. When Simas returned the call, he said Andal had

information that could have been obtained only by board members in closed session.

"(Andal) told me that two board members called his boss about the negotiations," Simas said. "Only he and Kamilos know who they are. We're asking them to come forward and tell us who the board members are.

"They did nothing wrong. The board members did."

Andal, who has spent more than 20 years in elected positions and is accustomed to working within the parameters of the Brown Act, said he does not recall the conversation in question.

"I feel bad that (Simas) feels this way. He's an honorable person, and he believes that has occurred," he said. "But I have no evidence of it and wouldn't accuse anyone of that."

Simas read a portion of a letter from one of Delta College's attorneys, stating that the school's legal staff never approved the dissemination of information.

"Our bargaining position has been compromised. ... (It) will almost certainly prove detrimental to the interests of the district," the attorney wrote.

Trustee Janet Rivera said Simas has told board colleagues of the matter and believes an inquiry is in order.

Trustee Dan Parises, who has served on the board for 32 years, said Simas' allegations are off-base and inappropriate for a public official. Parises admitted receiving a \$500 contribution from Kamilos during his primary run for San Joaquin County supervisor this spring.

Trustee Anthony Bugarin said he was not aware of Simas' allegations but said board members should understand that confidential information cannot be leaked.

Trustees Leo Burke, Greg McCreary and Maria Elena Serna could not be reached Friday.

Terry Franke, president of Californians Aware, a Sacramento-based, nonprofit public-policy watchdog group, said revealing classified information is a clear violation of the Brown Act. There are several penalties for doing so, and the matter can be sent to a grand jury for inquiry.

Simas, who is seeking re-election in November, said he is considering doing just that.

"I'm doing what I have to do to clear my conscience," he said.

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College awaits signature



Ben Marrone/Tracy Press

Saturday, 03 March 2007

The local community college board could be on a collision course with the Mountain House developer. By Ben Marrone

MOUNTAIN HOUSE — A deal between the San Joaquin Community College District and a developer could force the district to pay an extra \$14 million to build a satellite campus in Mountain House and limit other college projects around the county.

According to Andy Dunn, the college's business services director, developer Gerry Kamilos — which plans to build homes near the college site — agreed to cover all the fees that the college would have to pay to join the not-yet-incorporated city.

But for months, the district has tried, unsuccessfully, to get Kamilos to sign a contract promising to cover \$14 million in traffic impact fees.

In February, college trustees voted to donate several acres of land to Mountain House for roads and a water-storage tank, a move Dunn says everyone building in Mountain House is required to make. But the vote was not unanimous, and some trustees think the college is moving too fast.

Trustee Ted Simas, who represents Manteca and Escalon on the board, said that giving up the land for the roads and the water-storage tank now, before Kamilos signs the new contract, leaves the college vulnerable to a bad deal.

"He's been stalling," Simas said. "My theory is, without that water site, he's not going to be able to do anything. To me, we just gave up our last bargaining chip."

College trustees who voted to give up the land last month did not give a reason for their decision.

Trustees Leo Burke and Janet Rivera, who represent different parts of Stockton, said that they would not speak with the Press because the board had agreed to have Maria Elena Serna, a trustee from Lodi and current president of the board, be the single voice of the board.

Serna did not respond to phone calls, nor did trustees Dan Parises or Anthony Bugarin, who also voted to give up the land.

Trustee Greg McCreary, who represents Tracy and voted against the land donation, said he's never wanted to build the new campus in Mountain House. He said he would rather have it in Tracy, which would not have required the college to pay impact fees.

"This has been going on for months and months and months, this whole thing with Kamilos," McCreary said. "I'm on the other side of the fence on this thing, but we'll see what transpires rather than play what-if games."

The satellite campus in Mountain House has been the top priority for the college, after voters passed a \$250 million bond in 2004 to fund the college's expansion around the county. A new Lodi campus and an expansion of Manteca's campus came in second and third, respectively.

"If (the Mountain House) project took all of the bond money, then obviously something is going to have to

give," Simas said.

Uprising cost



Bob Browne/Tracy Press

Saturday, 17 March 2007

Instructors at San Joaquin Delta College are starting to publicly criticize what they argue is the squandering of a \$250 million, voter-approved bond. By Bob Browne

San Joaquin Delta College faces a teacher rebellion as costs of the Mountain House campus climb and negotiations over health benefits for instructors stall.

“I think this has been simmering for a while,” said English instructor Sam Hatch. He was one of six faculty members to sign a letter of protest, sent to the Tracy Press this week, which reflects growing frustration among more than 250 instructors at the Stockton campus and at a satellite campus in Manteca.

The letter alleges mismanagement of the \$250 million Measure L bond, failure to agree on a health benefit contract for instructors and lack of openness in the board’s treatment of personnel matters.

“Sometimes, these issues are given lip service,” he said. “I believe all of these things are solvable. There has to be a will to do it.”

Political science instructor Matt Wetstein said the growing cost of the Mountain House campus, which climbed from an original \$55 million to \$115 million today, is especially frustrating to people at the Stockton campus. He said faculty members expected the money to go to Stockton when voters approved the \$250 million bond in 2004.

“Those (projects) are falling off the list and probably won’t be added back on because of purchases of property like Mountain House,” he said. “What has been disappointing for me is the nature of the projects on the Stockton campus versus what’s not being done.”

A new math and science building, for example, will now have to wait for another state bond in order to move forward, he said.

“New science labs are not being built because of decisions to buy property elsewhere in the district.”

But board members also expressed dismay at their March 8 meeting when they learned that the anticipated expansion of the Manteca campus would likely be put on hold as bond money priorities shifted.

District administrators referred press inquiries this week to Delta College President Raul Rodriguez, who was out of town this week. Board President Maria Serna did not return several phone calls seeking comment.

Trustee Greg McCreary, who represents Tracy on the Delta College board, said he pushed for a campus in Tracy instead of in outlying areas, mainly because a campus in town would be less expensive because roads and utilities are in place, while the Mountain House campus will go on what is now an open field.

McCreary added that he can sense the frustration of the faculty.

“It’s kind of coming to a head here, and after 3½ years, it should be.”

Wetstein said that even though trustees say they want to re-evaluate priorities for the bond, he feels their past actions speak much louder.

“They made the decisions as a board to purchase those properties, so they have to take responsibility for those other projects falling off the list.”

He added that management of the bond money is the hot issue today, but he has seen other actions that anger the faculty.

In their letter, the instructors point out that \$90,000 which should have gone to improve health benefits for faculty has gone instead to lifetime health benefits for the seven trustees.

Wetstein added that violations of state open meeting laws include personnel discussions in closed session where agenda items were mislabeled. That has led to approval of new employees while board watchers thought board members were talking about schedules and duties of existing employees.

The board also conducted two off-campus closed session meetings, labeled as “performance evaluation” for Rodriguez, but never made any reports from those meetings.

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OPINION

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Big test for Delta officials

The problems keep piling up at San Joaquin Delta College.

It's a good thing county residents attending classes are more interested in getting an education than monitoring an impaired leadership.

Two weeks ago, we criticized the college's leadership for mishandling development of a new campus at Mountain House, for trustee bickering and a failure to evaluate President Raúl Rodríguez in a timely manner.

Now, there's more:

- Board members argued again last week about traffic-impact fees for the Mountain House site. The big

questions: How much does Delta pay? How much does developer Gerry Kamilos pay?

- Eighteen months ago, trustees were criticized for voting full health-care coverage for themselves. Last week, those benefits became more generous. According to recent news accounts, any medical need not covered by conventional insurance will be reimbursed to trustees from Delta's general fund. Who else gets that kind of a deal?

- Telling the Lodi News-Sentinel he "screwed up," Rodríguez now says the community college doesn't have an option to buy four of the acres needed to build a campus

on 114 acres north of Victor Road. Who wants to invest in a campus when there's a doughnut hole in the middle of it?

Here's our advice:

Students should keep studying hard for finals, instructors should prepare for every class as thoroughly as they always have, and midlevel administrators should keep doing the right things.

Rodríguez and the trustees should get busy living up to their responsibilities and resolving these issues as soon as they possibly can

Which, quite honestly, won't be soon enough.

Delta résumés make the rounds

College officials
look for posts at
other universities

By Michelle Machado
Record Staff Writer

STOCKTON — Just as the San Joaquin Delta Community College District is spending \$250 million in bond money to expand into Mountain House, Lodi and Manteca — and make improvements to its Stockton campus — one of five top administrators is eyeing a position with another district, a second will retire soon, and a third until recently was in the running for a job elsewhere.

The trio includes Superintendent/President Raúl Rodríguez, a finalist for chancellor of Chabot-Las Positas Community College District.

"Part of being a president is knowing when to leave," he said, alluding to the well-documented dysfunctional relationship among the college's Board of Trustees that sometimes has placed Rodríguez in the middle of board disputes.

"It impacts all of us on the management team," he said.

Rodríguez said becoming a chancellor is the next logical career step for a superintendent/president.

If selected for the chancellor position, Rodríguez would lead a two-college district in southern Alameda County that serves nearly 22,000 students and employs more than 1,200 administrators, faculty and classified staff.

But the vacancy would leave the Delta district leaderless in the midst deciding how \$250 million in bond funds should be reallocated to cover spiraling costs for improvements to the Stockton campus and building centers in

DELTA: Official says having employees under consideration can be seen as a positive thing

CONTINUED FROM PAGE A1

Rodríguez came to the district nearly five years ago from Los Medanos College to pass the 2004 bond and push those projects forward.

The average tenure of California community college presidents is 4.7 years.

Rodríguez is not the only top Delta administrator looking at other job vistas.

Della Condon, assistant superintendent/vice president of instruction, until last week was among five finalists for the top leadership post at Rio Hondo College in Whittier.

Condon said she applied for the presidency not because of job dissatisfaction but because she was recruited and because the position was in line with her career goals.

"I don't cut and run when things get tough," she said.

Still, she admitted her focus on instruction likely keeps her further from the board fray than some other administrators.

"We are just keeping our eye on the mission of student achievement," Condon said.

Where Rodríguez is seeking a promotion, as Condon was, John Williams, vice president

Kim Myers, Delta vice president of human resources and employee relations: "The fact that our leadership team is competitive speaks well of their performance."

of student services, is seeking retirement.

Williams said he will leave in June to spend more time with his family now that is eligible for full retirement benefits.

Board President Maria Elena Serna could not be reached late Monday for comment about Rodríguez's application to Chabot-Las Positas.

Kim Myers, Delta vice president of human resources and employee relations, believes having top administrators under serious consideration for other positions is positive.

"The fact that our leadership team is competitive speaks well of their performance," Myers said.

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