



# SAN JOAQUIN DELTA COMMUNITY COLLEGE DISTRICT

## MINUTES OF THE REGULAR BOARD MEETING Tuesday, August 16, 2005

The regular meeting of the Board of Trustees of the San Joaquin Delta Community College District was held on Tuesday, August 16, 2005, at 5:00 p.m. Closed Session and 6:30 p.m. Public Meeting, in the Board Room, Administration 103, 5151 Pacific Ave., Stockton, California.

Members Present: Janet Rivera, President; Ted Simas, Vice-President; Maria Elena Serna, Clerk; Anthony E. Bugarin; Leo Burke; Greg McCreary; Dan S. Parises; Vincent Harper, Student Representative

<p><b>I. Called to Order</b> The Board meeting was called to order at 5:07 p.m. by Board President Rivera.</p>	<p><b>Call to Order</b></p>
<p><b>II. Communications</b> 1. Public Comments. CTA President Joe Gonzalez addressed the Board regarding the health benefits issue as it pertains to faculty. Mr. Gonzalez provided the Board with a copy of an email regarding health benefits from the San Joaquin Delta College Teachers Association Council Meeting of August 24, 2005 which detailed a meeting between the Vice President of Human Resources, Kim Myers, Mr. Gonzalez and CTA representative Larry Paulsen.  Mr. Gonzalez reviewed the email with the Board and stated that after looking at the District's revenue and expenditures, and considering enrollment projections the CTA, although aware that either way they will have to pay for health benefits, wish to keep their current contract.  Mr. Gonzalez also stated that the statewide CTA is looking at the health benefit issue on a statewide level.</p>	<p><b>Public Comments</b></p>
<p><b>III. Recess to Closed Session</b> Board President Rivera convened to Closed Session to discuss matters pursuant to Government Code Section 54957 and 54957.6. Vote: 6/0; motion carried.</p>	<p><b>Closed Session</b></p>
<p><b>IV. Reconvene Public Session</b> The Board returned from Closed Session with nothing to report.</p>	<p><b>Reconvene Public Session</b></p>

<p><b>V. Pledge of Allegiance</b> Trustee Simas led the Pledge of Allegiance.</p> <p><b>VI. Communications</b> 1. Public Comments. Dr. Matthew Wetstein addressed the Board regarding serious questions he had about the governance of the college and the apparent disregard of the administrators and Board of Trustees for violating provisions of Education Code and the Brown Act. Dr. Wetstein went on to discuss an agenda item that appeared on the June 21<sup>st</sup> board agenda titled, "Consideration of Counselor Hours." Dr. Wetstein stated that the brief description conveyed the impression that the Board would be debating the work schedules of counselors. Though he saw the agenda item description as routine, he later realized that the item pertained to an administrative mistake of the over-scheduling of part-time counselors, a grievance settlement and the actual hiring of 3 full-time counselors. Dr. Wetstein stated that the minutes of the June 21<sup>st</sup> meeting reflected very limited debate on the matter and no apparent questions were asked of the item in public session. Only at the end of the board meeting were questions raised by Academic Senate President Janice Takahashi where she questioned how these 3 positions circumvented the college's normal hiring practices.</p> <p>Dr. Wetstein stated that on June 29<sup>th</sup>, he wrote to the board president alleging that the agenda requirements of the Brown Act were violated by the Board's actions at the June 21<sup>st</sup> meeting. Dr. Wetstein stated that as indicated in the Brown Act, the law requires a brief general description of the item to be discussed at the meeting and that in his view the agenda item in question did not meet the standard of the law because it did not provide an accurate description of the matters to be discussed. Further, the agenda item gave no impression that the District would hire 3 full-time employees. Dr. Wetstein referred to case law in which a school district had not properly agendized an agenda item and stated the resulting litigation. Dr. Wetstein went on to state that the faulty agenda description deprived the public the opportunity to come before the Board to make comments about such an important fiscal matter.</p> <p>In his statement, Dr. Wetstein addressed the accountability of the Board of Trustees and the administration and criticized the administration for the lack of actions taken on this matter. Dr. Wetstein stated that he had nothing but respect for the 3 employees that were hired, but disliked the apparent rewarding of programs that advance their interest through incompetent management.</p> <p>Dr. Wetstein further criticized the administration and the Board of Trustees for their untimely response to his letter of June 29<sup>th</sup> and stated that the District intentionally delayed their response so that no legal recourse could be taken because restrictive</p>	<p><b>Pledge of Allegiance</b></p> <p><b>Public Comments</b></p>
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timeframe limitations to seek injunction under law would be exhausted.

Dr. Wetstein stated that he would be on the look out for subsequent violations of the Brown Act and urged the Board to send top administrators to training on the Brown Act and the consequences of violating the Brown Act.

**VII. Report Items**

A. **Sabbatical Leave Report – Dr. Peggy Scully**  
Anthropology instructor, Dr. Peggy Scully presented a sabbatical report and Power Point presentation, in relation to her Spring 2005 sabbatical leave in which she traveled to 13 major archaeological/historic sites in Mexico. Dr. Scully’s presentation included several real time videos of primates demonstrating their unique humanlike characteristics. Dr. Scully traveled to various academic institutions and photographed the non-human bone skeletons of primates.

Dr. Scully will make these photographs, which she has enlarged and laminated, available to her colleagues at the college. Copies of Dr. Scully’s sabbatical report are available upon request.

Board President Rivera thanked Dr. Scully for her fascinating and informative report.

B. **Bond Fiscal Report – Andy Dunn**  
Vice President of Business Services Andy Dunn presented a bond financial report regarding bond fund expenditures in relation to the Measure L Bond Program. This report is available upon request.

**IX. Strategic Conversations**

A. **Fiscal Self-Evaluation Checklist – Andy Dunn**  
Superintendent/President Dr. Rodríguez gave a brief introduction of this new category and explained that this agenda item came about at Maricopa Community College in 1994 where one of their board of trustees wanted to increase dialogue amongst the college’s governance groups. Dr. Rodríguez suggested that the college adopt the idea of Strategic Conversations as a new way to provide dialogue with the Board of Trustees and constituent groups to make better and more informed policy decisions. Dr. Rodríguez stated that he has ordered a booklet detailing the concept of Strategic Conversations to share with the Board and constituent groups. Dr. Rodríguez suggested that the administration provide anywhere from 3 to 5 Strategic Conversation presentations per year beginning with the Fiscal Self-Evaluation Checklist.

**Report Items**

Sabbatical Leave Report  
– Dr. Peggy Scully

Bond Fiscal Report –  
Andy Dunn

**Strategic  
Conversations**

Fiscal Self-Evaluation  
Checklist – Andy Dunn

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Vice President of Business Services Andy Dunn continued the conversation by handing out a report to the Board of Trustees titled "Sound Fiscal Management Self-Assessment Checklist (Rev. #2)." This report is available upon request.

Members of the audience asked for copies and were told that the report would be accessible on the college website. Members of the audience asked that handouts provided to the Board of Trustees be made available to everyone in attendance. Vice President Dunn explained that copies were limited to 20 copies in an effort to conserve paper. Vice President Dunn stated that in the future copies would be made available of subsequent handouts. Board President Rivera agreed to make her copy of the report available to audience members.

Vice President Dunn explained that the Fiscal Management Self-Assessment Checklist came out of the System Office. Business office staff reviewed the report and it was shared with the President's Council. At the request of Trustee Serna the report is now being shared with the rest of the Board of Trustees.

Vice President Dunn explained the report and how the checklist is to be used. Vice President Dunn then shared with the Board of Trustees how the District has completed the checklist specific to college operations.

Vice President Dunn concluded that there is a common thread between what the District found in using this checklist and the findings of the three major rating agencies that rated the Districts financial credibility earlier this year. Vice President Dunn went through several areas that coincided with the findings of the fiscal management checklist and the findings of the rating agencies.

Members of the constituent groups took issue with the Districts checklist responses regarding collective bargaining fiscal obligations. Dr. Wetstein took the opportunity to reiterate the fact that, according to the Brown Act, handouts must be made available to anyone at a public meeting who requests a copy. Constituent members went on to ask critical questions regarding the Districts checklist responses.

Trustee Rivera made the comment that the District tries to do its best to provide as many documents available as can be done and that in the future she will make it a point to ensure that documents are available for all who request a copy. Trustee Rivera stated that although

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she respected Dr. Wetstein as a faculty member at the college, she did not appreciate personal attacks on the Board.

Dr. Wetstein responded that his comments were not meant to be a personal attack on the Board. Trustee Rivera accepted his comment and thanked him for responding.

Dr. Rodríguez reminded the constituent groups that the checklist was meant to be a dialogue and not meant to induce conflict. The intent was to share a document that is to be used as a fiscal report card. The checklist was developed by the Chancellor's office to help the college assess where we are with our fiscal health and is a useful document whether or not we agree on every item of the checklist. Dr. Rodríguez stated that a college is about looking at ideas in a civil and professional manner.

Trustee Serna added that as a board member on the CCCT the checklist document was given to CCCT board members. Board members were asked to bring the document back to share with their districts. Trustee Serna stated that the reason the document came about was due to some district's who have gotten into dire fiscal straits. Trustee Serna further stated that she felt that it was a good idea that we do our self-check in an open forum and that the document was an item to be discussed at the recent board retreat, but was tabled due to lack of time.

Board President Rivera stated that the document was open for questions and that she was glad that questions were raised.

Academic Senate President Janice Takahashi asked if someone could define checkpoint number 10 "Position Control" on the checklist. Director of Finance Claire Tyson responded by defining this checkpoint as a government accounting term and a budgeting tool.

Ms. Takahashi asked if someone could explain the controls over part-time faculty hiring and how it relates to position control.

Dr. Rodríguez offered an explanation stating that this relates to how you spend monies allocated to cover part-time positions without going over budget.

**XI. Communications**

1. Superintendent/President:  
Superintendent/President Rodríguez reported that the college had received an email from the Chancellor's office alerting him that the college had received a student success nursing grant. The grant is a 5 year grant somewhere between \$100,000 and \$200,000 dollars per year to supplement our nursing program. Dr. Rodríguez thanked Division Chair Debra Lewis for spending the time on writing the grant.

Dr. Rodríguez announced a partnership agreement with the Honeywell Corporation to develop integrated systems within the Tracy Center. Honeywell has agreed to adopt the College as a model partner. The agreement is non-binding.

Dr. Rodríguez informed the Board of the Cesar Chavez High School dedication to take place on Thursday, August 18<sup>th</sup>. Dr. Rodríguez will attend along with Assistant Superintendent Dr. Della Condon, and Vice President John Williams. Dr. Rodríguez asked everyone to support this high school by attending the dedication.

Dr. Rodríguez announced the welcome tables placed around campus so that new and returning students would have a place to get their questions answered and receive information on open classes. Dr. Rodríguez stated that he asked Assistant Superintendent Condon and Vice President Williams early in the summer to work on a way to welcome the students back to the college. He thanked Dr. Condon and Mr. Williams for their efforts.

Dr. Rodríguez stated that we had a great opening session with the faculty and thanked sociology instructor Harry Mersmann for his presentation at the opening session.

Dr. Rodríguez welcomed Executive Secretary to the President Valerie Stewart-Green as the new recorder of minutes for board meetings.

2. Board of Trustees:  
Trustee Serna announced that she was pleased to hear of the welcome tables around the campus. She felt it was a great way to market the campus. Trustee Serna thanked Dr. Rodríguez, Dr. Condon and Mr. Williams for their effort.

Trustee Serna announced that she and Trustee Bugarin would be attending the National Convention of the

**Communications**

Superintendent/President  
Dr. Rodríguez

Board of Trustees  
Trustee Serna

ACCT in Seattle, WA in September and would report back on the convention.

Trustee Bugarin made a statement regarding the Board's fiduciary responsibility to maintain the fiscal integrity of the College. Trustee Bugarin stated that when looking at the topic of Strategic Conversations he welcomes input to help our college become the best that it can possibly be. Trustee Bugarin stated that the expectation of polite, courteous and sometimes controversial conversations must take place.

Trustee Bugarin

Trustee Rivera welcomed all instructors, management, and classified staff back and wished all a nice Fall semester.

Trustee Rivera

3. Constituent Groups:

Academic Senate President Janice Takahashi reported that she was sorry to have missed the first mandatory In-Service day. Ms. Takahashi stated that she asked Public Media Coordinator Jim Vergara to tape the opening session. Ms. Takahashi stated that she was excited to be a part of Delta College and that she was looking forward to more strategic conversations to keep the Board abreast of what is happening institutionally with our student learning outcome efforts.

Constituent Groups  
Academic Senate  
Janice Takahashi

Ms. Takahashi stated that this summer a group worked on our new Student Equity Project. Ms. Takahashi hopes to use strategic conversations to keep open dialogue with the Board of Trustees concerning the project.

Ms. Takahashi thanked Dr. Hill and Dr. Condon for their support of faculty. Ms. Takahashi thanked Dr. Rodríguez for his involvement in the Student Equity Project. Ms. Takahashi also thanked the Board for agreeing to provide constituent groups with any handouts and/or reports presented at future board meetings.

Ms. Takahashi voiced her concern over the need for full-time faculty entitlements. She stated that it has been very difficult at times to find adjunct faculty to teach already full sections of courses. Ms. Takahashi stated that we seriously need to look at full-time entitlements and not take it for granted that there is always adjunct faculty to fill positions. She added that we also need to look at our growth as it relates to appropriate hiring of faculty and additional entitlements.

Classified Senate President Amal Elayyan voiced concern over staffing issues in service areas. Ms.

Classified Senate  
Amal Elayyan

Elayyan stated that in a time where student learning outcomes are the topic of discussion staffing in service areas is really important to student success.

Ms. Elayyan wished everyone a successful academic year.

Management Senate President Marc Brommé announced the Management Senate Coordinating Council is currently conducting an appreciative inquiry survey of all the managers to determine how the Senate can better serve the managers and ultimately the District. The survey should be complete in 2 weeks and will be brought to President's Council and then shared with the Board of Trustees.

Associated Student Body Government President Pierre Tapia stated that the ASBG is very excited that the new year has begun. Mr. Tapia announced that the ASBG is trying to create exciting projects and events to get students involved in college activities. The ASBG is using the welcome tables to impart this information. One project that is currently being developed is a monthly poetry slam and the ASBG will provide more detail on the poetry slam as it becomes available.

Mr. Tapia announced the ASBG's participation in the Cesar Chavez High School dedication. The ASBG had the opportunity to donate a photograph of Mr. Chavez to the school and M.E.Ch.A would also be involved in the dedication.

CTA President Joe Gonzalez announced that the welcome tables have been very beneficial to students. Mr. Gonzalez spoke on the issue of providing courses to students similar to those offered at many of the private institutions such as National University and the University of Phoenix. Mr. Gonzalez also reiterated the need for full-time faculty entitlements.

As a follow-up to Mr. Gonzalez' comments, Dr. Condon announced that a taskforce is being developed to look at how the College can be more flexible in offering programs such as the private institutions to students. Dr. Condon thanked Mr. Gonzalez for bringing forth the idea of offering such courses.

CSEA President Pat Putman announced that a tentative agreement had been reached on the health benefits issue. Mr. Putman invited and encouraged members to attend a question and answer session in regards to classified staff health benefit concerns on Thursday, August 18<sup>th</sup> from 12:30 – 3:00 p.m. in the North Forum.

Management Senate  
Marc Brommé

Associated Student Body  
Government  
Pierre Tapia

California Teachers  
Association  
Joe Gonzales

Classified Staff  
Employees Association  
Pat Putman

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Vice President of Human Resources Kim Myers added that he would be in attendance at the session and thanked Mr. Putman for working collaboratively with him on putting the session together.

No comments to report.

Board President Rivera adjourned the meeting at 8:35 p.m.

Respectfully submitted,

Dr. Raúl Rodríguez  
Superintendent/President and  
Secretary to the Board of Trustees

Police Officers  
Association  
Mario Vasquez