



SAN JOAQUIN DELTA COMMUNITY COLLEGE DISTRICT

MINUTES OF THE REGULAR BOARD MEETING Tuesday, January 16, 2007

The regular meeting of the Board of Trustees of the San Joaquin Delta Community College District was held on Tuesday, January 16, 2007 at 5:45 p.m. Closed Session and 6:30 p.m. Public Meeting, in the Board Room, Administration 103, 5151 Pacific Ave., Stockton, California.

Members Present: Maria Elena Serna, Board President; Leo Burke, Vice-President; Greg McCreary, Clerk; Dan S. Parises; Ted Simas; Jovan Paunovic, Student Representative

Member Absent: Anthony Bugarin; Janet Rivera

I. Called to Order The Board meeting was called to order at 5:45 p.m. by Board President Serna.	Call to Order
II. Communications 1. Public Comments Delta College Grounds Equipment Operation Manual Payan, residing at 5151 Pacific Avenue, Stockton, CA. addressed the Board on behalf of the Mexican Heritage Center and invited Trustees to the opening reception to take place on January 17 th – February 16, 2007.	Public Comments
III. Recess to Closed Session Board President Serna convened to Closed Session to discuss matters pursuant to Government Code Section 54957, 54957.6 and 54956.8. Motion: Burke; Seconded: McCreary. Vote: 5/0; motion carried.	Closed Session
IV. Reconvene Public Session Board President Serna reconvened the meeting at 6:31 p.m. with nothing to report.	Reconvene Public Session
V. Pledge of Allegiance Trustee Burke led the Pledge of Allegiance.	Pledge of Allegiance
VI. Communications 1. Public Comments None.	Public Comments
VII. Recognitions A. Consideration of Resolution No. 07-01 Honoring Ted Simas. Dr. Rodriguez pulled this item from the agenda stating that the resolution for Trustee Simas was not ready at this time.	Recognitions Consideration of Resolution No. 07-01 Honoring Ted Simas.

B. Introduction of the January 2007 Academic Senate Non-Teaching Staff Award.
Academic Senate President Janice Takahashi introduced Trinidad (Trini) Araya, Chemistry Stockroom Manager, Science & Mathematics Division as the January 2007 Academic Senate Non-Teaching Award recipient. Ms. Takahashi read a statement by the faculty of the Chemistry department and Dr. William Fellner presented Ms. Araya with a bouquet of flowers and seconded the sentiments read in the statement by the Chemistry faculty.

Trustee Serna thanked Ms. Araya on behalf of the Board.

C. Introduction of the January 2007 Academic Senate Adjunct Faculty Award.
Academic Senate President Janice Takahashi introduced Beverly West-Dorny, English and Communication Skills Instructor as the January 2007 Academic Senate Adjunct Faculty Award Recipient. Faculty member Diane Oren, who nominated Ms. West-Dorny read a statement regarding Beverly's outstanding motivation of students and her high standards of teaching.

Ms. Dorny-West introduced her husband and stated that she loved teaching at Delta College and truly cared about the students. Trustee Serna thanked Ms. West-Dorny for inspiring the students.

VIII. Consent Agenda – Action Items

Trustee Serna read the Consent Agenda. Student Trustee Jovan Paunovic requested that Consent Item B 4.1 be pulled from the agenda for discussion.

Vice President Dunn requested to pull Consent Item B 6.1 from the agenda to be discussed at a future board meeting.

A. Governance Process
1. Approval of the Minutes: December 5, 2006, Regular Board Meeting.
Approved the Minutes of the December 5, 2006 Regular Board Meeting. See Exhibit **CON A 1.1 – A 1.13** which is made a part of the January 16, 2007 agenda.

B. Business/Fiscal Services
1. Consideration to Authorize a Contract for Student Accident Insurance Intercollegiate Athletics Coverage.

January 2007 Academic Senate Non-Teaching Staff Award.

January 2007 Academic Senate Adjunct Faculty Award.

Consent Agenda

*Items requested to be pulled from the agenda.
B 4.1, B 6.1*

Governance Process
Approval of the December 5, 2006 Board Meeting Minutes.

Business Services.
Consideration to Authorize

<p>Authorized the Administration to begin the plan benefit negotiations for Student Accident Insurance Intercollegiate Athletics Coverage with Student Insurance of Los Angeles, CA for an estimated yearly cost of \$100,000. If for some reason an agreement could not be reached with the #1 ranked firm, the Board of Trustees authorizes the Administration to open negotiations with the #2 ranked firm, Myers-Stevens & Toohey and so on down the ranking system. See Exhibit CON B 1.1 – 1.8 which is made a part of the January 16, 2007 agenda.</p>	<p>a Contract for Student Insurance Intercollegiate Athletics Coverage.</p>
<p>2. Consideration to Award Bid LA-8103-01 for Baseball Field Improvements Project. Approved the awarding of Bid LA-8103-01 to Robert A. Bothman, Inc. of San Jose, CA, for the Baseball Field Improvements Project in the total amount of \$1,935,000. See Exhibit CON A 2.1 – 2.10 which is made a part of the January 16, 2007 agenda.</p>	<p>Consideration to Award Bid LA-8103-01 for Baseball Field Improvements Project.</p>
<p>3. Consideration of Ratification of Bid LA-8105-01 Swimming Pool Score Improvements Project, Per Resolution No. 05-23. Approved to ratify the Bid Award of Bid LA-8105-01 for the Swimming Pool Score Improvements Project, per Resolution No. 05-23 to the low bidder, Robert Davis Construction of Stockton, CA, in the total amount of \$87,440. See Exhibit CON A 3.1 – 3.9 which is made a part of the January 16, 2007 agenda.</p>	<p>Consideration of Ratification of Bid LA-8105-01 Swimming Pool Score Improvements Project, Per Resolution No. 05-23.</p>
<p>4. Adoption of Nonresident Tuition Fee for 2007-08 College Year Resolution No. 07-02. Adopted Resolution No. 07-02, setting the Nonresident Tuition Fee at \$173.00 per unit for the 2007-08 College Year, calculated under method “a” (Statewide Average). See Exhibit CON B 4.1 – 4.4 which is made a part of the January 16, 2007 agenda. Student Trustee Jovan Paunovic inquired about the rationale to increase Nonresident Tuition given that in-state fees were decreased from \$26 to \$20. Vice President Dunn responded that the tuition decrease means additional costs being picked up by the State. Director of Finance Claire Tyson gave further information on how the District decides non-resident fees which are based on the state-wide average, currently at \$173.00. Mr. Paunovic spoke on the state budget increase in education and suggested that the nonresident fee should be lower due to this increase.</p>	<p>Adoption of Nonresident Tuition Fee for 2007-08 College Year Resolution No. 07-02.</p>
<p>5. Consideration of Acceptance of Donation. Accepted the donation from Mr. Thomas Chen of Stockton, CA, consisting of four cabinets with large stereo speakers to the Fine Arts Drama Program. The</p>	<p>Consideration of Acceptance of Donation.</p>

donor has placed a value of \$4,000 on this system. The Board of Trustees directed the administration to send a letter of appreciation to Mr. Chen. See **CON B 5.1 – 5.2** which is made a part of the January 16, 2007 agenda.

6. Consideration to Adopt Resolution No. 07-05 to Authorize the Award of Professional Service to Contracts under \$250,000. (This item was pulled from the agenda at the request of Vice President Dunn to be presented at a future board meeting.)

C. Human Resources

1. Consideration of Personnel Action – Short-term. The Board approved the employment of adjunct faculty as presented. See **CON 1.1 – 1.3** which is made a part of the January 16, 2007 agenda.

Human Resources
Consideration of Personnel
Action – Short-term

2. Consideration of Personnel Action – Adjunct. The Board approved the employment of the adjunct faculty as presented. See **CON 2.1 – 2.3** which is made a part of the January 16, 2007 agenda.

Consideration of Personnel
Action – Adjunct

Trustee Burke motioned and Trustee McCreary seconded to approve the Consent Agenda notwithstanding B 4.1, B 6.1 and C 1.1. Vote: 5/0; motion carried.

IX. NonConsent Agenda/Action Items

- A. Consideration Personnel Action – Classified. Trustee Parises motioned and Trustee McCreary seconded the motion to approve the following classified appointments, retirements and resignations:
Replacement(s): Kimberly Campbell-Spore, Learning Advisor, Child Development Center (Effective January 17th or as soon as possible thereafter).
New Hire(s): Alena Koumariianos, CART Provider at .65% FTE, Disabled Student Programs & Services (Effective January 17th or as soon as possible thereafter).
New Entitlement(s): Zachary Thompson, Accounting Assistant I, Business Services (Effective January 17th or as soon as possible thereafter).
Resignations/Retirements/Separations: Megan M. Stover, Instructional Support Assistant I, Communication Skills (Resignation effective Date: January 3, 2007); Regina Poynor-Brown, Secretary I, Admissions & Records (Retirement effective date July 1, 2007); Terri Todd, Programmer Analyst I, Computer Applications (Resignation effective April 1, 2007); Brandie Allen, Secretary I, Business Division (Separation effective date January 3, 2007).

**NonConsent
Agenda/Action Items**
Consideration of Personnel
Action – Classified.

Vote 5/0; motion carried.

- B. Consideration of Personnel Action – Management.
Trustee McCreary motioned and Trustee Parises seconded to approve the following management hiring, retirements and separation as presented: Mary Neville, Appointment to Dean/Director of Nursing and Health Sciences, Range 12, Step 3 at \$99,209; Steve Arena, Assistant Director of Financial Aid and Veterans Services, Retirement, Effective Date – December 31, 2006; B.R. Brown, Director of Public Information and Marketing, Resignation, Effective Date – January 19, 2007.

Vote: 5/0; motion carried.

- C. Consideration of Classified Classification/Entitlement Changes.
Trustee Burke motioned and Trustee McCreary Seconded to approve the Classified Classification/Entitlement Changes as presented: Senior Office Assistant (1), Publication Center, 100% FTE, 12 month, Step 24 - \$15.06-\$18.31/hour, New Entitlement; Computer Support Technician, Publication Center, 100% FTE, 12 month, Range 33 - \$18.81 – 22.87/hour, Reclassification; Secretary I (1), Instruction Office Passport to College Program, 65% FTE 12 month, Range 28 - \$26.63 - \$20.21/hour, New Entitlement; Student Programs Assistant (1), Financial Aid, 50% 12 month, Range 29 - \$17.05 - \$20.72/hour, New Entitlement; Student Programs Assistant (2), Financial Aid, 50% 12 month, Range 29 - \$17.05 - \$20.72/hour – Entitlement.

Vote: 5/0; motion carried.

- D. Consideration of Administrative Reclassification/Entitlement Changes.
Trustee McCreary motioned and Trustee Parises seconded to approve the New Entitlement of Project Coordinator of the College's AmeriCorps program, 75% FTE, 12 month, Range 21 \$4,044 - \$4,658.25/month.

Vote: 5/0; motion carried.

- E. Consideration of Revision to the 2007 Summer Intersession Calendar.
Trustee McCreary motioned and Trustee Parises seconded to approve the revised 2007 Summer Intersession calendar.

Vote: 5/0; motion carried.

Consideration of Personnel Action – Management.

Consideration of Classified Classification/Entitlement Changes.

Consideration of Administrative Reclassification/Entitlement Changes.

Consideration of Revision to the 2007 Summer Intersession Calendar.

<p>F. Consideration of Proposals for Sabbatical Leaves for 2007-2008. Trustee Burke motioned and Trustee McCreary seconded to grant the sabbatical leaves of Nick Bykov, Instructor, Science and Math Division; Mary Ann Paz, Physical Education Instructor, PERA Division for the Spring of 2008.</p> <p>Vote: 5/0; motion carried.</p>	<p>Consider of Proposals for Sabbatical Leaves for 2007-2008.</p>
<p>G. Consideration of New, Revised, and Deactivated Degree and Certificate Programs. Trustee Burke motioned and Trustee McCreary seconded to approve the revised and deactivated Associate degree and Certificate programs to be offered in the 2006-2007 academic year.</p> <p>Vote: 5/0; motion carried.</p>	<p>Consideration of New, Revised, and Deactivated Degree and Certificate Programs.</p>
<p>H. Consideration of New, Revised, and Deactivated Courses. Trustee Burke motioned and Trustee McCreary seconded to approve the six (6) new and thirty-eight (38) revised associate degree credit courses, and the deactivation of six (6) associate degree credit courses.</p> <p>Vote: 5/0; motion carried.</p>	<p>Consideration of New, Revised, and Deactivated Courses.</p>
<p>I. Consideration of Resolution 07-06, Removal of Sabbatical Bond Requirement. Trustee Parises motioned and Trustee Simas seconded to approve Resolution #07-06 eliminating the need for a bond as a condition of receiving a sabbatical leave, and specifying that a written agreement to ensure that the employee returns and renders the agreed upon period of service in the employ of the governing board is sufficient indemnification for the district.</p> <p>Vote: 5/0; motion carried.</p>	<p>Consideration of Resolution 07-06, Removal of Sabbatical Bond Requirement.</p>
<p>J. Consideration of Land Conveyance for Water Tank Site to Mountain House Community Services District – SJDC Contract #05-272. Vice President Dunn explained that this item was one of several items regarding Mountain House before the Board tonight. Mr. Dunn explained that this property conveyance item came about during the development of the Specific Plan III and is reflected in the reimbursement agreement with our neighboring developer PCCP. The item is actually a resolution of intent to sell assuming the Board approves it this evening. There will be a follow-up item in February concluding this action for both this item and the</p>	<p>Consideration of Land Conveyance for Water Tank Site to Mountain House Community Services District – SJDC Contract #05-272.</p>

following item. Vice President Dunn introduced counsel Mark Ornellas and bond team member Bob Bush. Trustee McCreary inquired about the implications should for some reason the District does not get an annexation to the Mountain House District, specifically would these two motions increase the value of our property. Bob Bush of Barnhart, Inc. responded that the value of Mountain House would increase should the annexation be delayed. Trustee Simas inquired if a motion were made on the land conveyance tonight would that override the motion board members made several months ago that if we had not received the Letters of Credit or the amendments to the agreement that we would convey this property or pay the \$640,000 invoice. Trustee Simas brought up the Letter's of Credit (LOC) and the amendments to the LOC's that had not been received. Vice President Dunn stated that the LOC's had been received. Trustee Simas countered Vice President Dunn's response by referring to documentation he had dated February 17, 2006. Trustee Simas read from the documentation regarding PCCP CEO Gerry Kamilos and his attorney saying that they would pay \$15,000/a day if the Letter's of Credit were not received and that a letter or proposal would be in Dr. Rodriguez' office the next day. Trustee Simas also referred to an email that he had received from Mr. Trainor, the attorney for Mr. Kamilos while still President of the Board which referred to the Traffic Impact Fees and their not covering them through the LOC's.

Trustee Parises asked that a motion be taken before Trustee Simas continued with his comments. Trustee Burke motioned and Trustee Simas seconded the motion to adopt Resolution No. 07-03 then the comments from Trustee Simas were allowed to ensue.

Trustee Simas continued with more questions regarding the amendments, particularly the Traffic Impact Fees (TIF) asking for an explanation. District counsel Mark Ornellas answered Trustee Sima's request as to what the developer is required to pay. Trustee Parises asked if the vote on this matter was a 2/3rd vote or required a unanimous vote of the entire board. Counsel Mark Ornellas responded that the items before the board tonight would require a 2/3rd's vote. Trustee Parises motioned to table the discussion until the next board meeting. Trustee Burke seconded the motion. Dr. Rodriguez interjected that in regards to the reimbursement agreement he was told verbally by Kamilos that the District must find other funding for the TIF's before his group would pay the fees. Trustee McCreary inquired if the Board needed pass Item "K" and "L" in order to pass Item "M" on the agenda.

Parises motioned to table Items "J & K" of the January 16th agenda until the February 6, 2007 board meeting. Board President Serna called for a roll call vote: Trustees voting yes – Parises, Serna, Burke. Trustees voting no – McCreary, Simas. Motion to table passed on a 3/2 vote.

- K. Consideration of Land Conveyance for Central Parkway site to Mountain House Community Services District – SJDC Contract #05-272. This item was tabled by a 3/2 vote of the Board of Trustees, see Item J. above for discussion.

- L. Consideration of Annexation for Delta College at Mountain House Site to Mountain House Community Services District and Adoption of Resolution No. 07-07. Vice President Dunn addressed the Board regarding Resolution No. 07-07. Trustee McCreary again inquired if the board could vote of Item "L" without voting on Item's "J" and "K". Vice President Dunn responded that the Board could move on Item "L" without voting on Items "J" and "K".

Trustee McCreary motioned and Trustee Burke seconded to approve Resolution No. 07-07 authorizing the LAFCO annexation of the Delta College property at Mountain House into the Mountain House Community Services District. Authorizing staff to sign the "Indemnification Agreement" and "Certification" sections of the "Justification of Proposal" form on behalf of San Joaquin Delta Community College District. In the Boards adoption of Resolution No. 07-07, authorizing and directing its Superintendent/President to negotiate, execute, and deliver an Agreement for Annexation of Real Property into the Mountain House Community Services District.

Vote: 5/0; motion carried.

- M. Consideration of South County Subcommittee Recommendation to Proceed with Phase I Tracy Learning Center at Mountain House. Trustee McCreary motioned and Trustee Burke seconded the motion to proceed with Phase I of Tracy Center at Mountain House without further delay and in a manner consistent with the plans, as suspended in August 2005.

Vote: 5/0; motion carried.

Consideration of Land Conveyance for Central Parkway site to Mountain House Community Services District – SJDC Contract #05-272.

Consideration of Annexation for Delta College at Mountain House Site to Mountain House Community Services District and Adoption of Resolution No. 07-07.

Consideration of South County Subcommittee Recommendation to Proceed with Phase I Tracy Learning Center at Mountain House.

<p>N. Consideration of Nominations for the 2007 California Community College Trustees (CCCT) Board Election. Trustee Burke motioned and Trustee McCreary seconded the nomination of Board President Serna to the CCCT Board of Directors.</p> <p>Vote: 5/0; motion carried.</p> <p>O. Consideration of Personnel Action – Faculty Appointment of Temporary Full-Time Math & Science Learning Center Coordinator. Trustee Burke motioned and Trustee Simas seconded the motion to approve the temporary appointment of Dr. Gordon C. Hill for the Math & Science Learning Center Coordinator position. Vice President of Human Resources Kim Myers addressed the Board regarding the recruitment of a full-time Math & Science Learning Center Coordinator position. Vice President Myers explained that no candidate had been selected at the end of the recruitment process in Fall 2006. The need to fill the position has led to the temporary appointment until the permanent position is reopened and a final selection made to begin in August 2007.</p> <p>Vote: 5/0; motion carried.</p>	<p>Consideration of Nominations for the 2007 California Community College Trustees (CCCT) Board Election.</p> <p>Consideration of Personnel Action – Faculty Appointment of Temporary Full-Time Math & Science Learning Center Coordinator.</p>
<p>X. Report Items</p> <p>A. Budget/Bond Update. Vice President Dunn informed the Board of Trustees that there would not be a report on the Budget/Bond Update.</p>	<p>Report Items</p>
<p>XI. Communications</p> <p>Superintendent/President:</p> <p>Dr. Rodriguez spoke on the “student life” photographs newly displayed in the Boardroom and thanked his office staff and Public Information Media Coordinator Jim Vergara for working on the project.</p> <p>Dr. Rodriguez made mention of English Instructor Phil Hutcheon’s novel, “Nobody Roots Goliath” that had been recently published and stated that he was looking forward to reading it.</p> <p>Dr. Rodriguez stated that he would miss Public Information Officer B.R. Brown and wished him the best in his new job.</p>	<p>Communications</p> <p>Superintendent/President</p>
<p>Board of Trustees:</p> <p>Trustee McCreary stated that he was happy that the College is moving on the South County project.</p>	<p>Board of Trustees</p>

<p>Trustee Simas thanked Dr. Rodriguez for being politically correct regarding Item VII. A "Consideration of Resolution No. 07-01 Honoring Ted Simas".</p> <p>Board President Serna wished Dr. Rodriguez a happy birthday and thanked B.R. for his service to the College.</p> <p>Trustee Serna informed the Board that she and Dr. Rodriguez would be traveling to Washington D.C. to attend the ACCT Legislative Summit February 10-14th.</p> <p>Constituent Groups:</p> <p>Academic Senate President Janice Takahashi wished Dr. Rodriguez a happy birthday and wished B.R Brown good luck in his new position. Ms. Takahashi informed the Board of Trustees of the Board/Executive Senate meeting's new date of February 20th.</p> <p>No comments.</p> <p>Management Senate representative Jan Trustcott wished Dr. Rodriguez a happy birthday on behalf of the Management Senate and thanked Trustee Simas for his leadership last year as the Board President.</p> <p>ASBG President Jovan Paunovic informed the Board that the student government had been on a winter retreat to plan for the spring semester and that it was very productive.</p> <p>No comments.</p> <p>No comments.</p> <p>CTA President Joe Gonzales stated that he was back from an illness. Mr. Gonzales stated that he was hoping that new contract would be in place next term.</p> <p>No comment.</p> <p>Board President Serna adjourned the meeting at 7:39 p.m.</p> <p>Respectfully submitted,</p> <p>Dr. Raúl Rodríguez Superintendent/President and Secretary to the Board of Trustees</p>	<p>Constituent Groups Academic Senate Janice Takahashi</p> <p>Management Senate Jan Trustcott for Alin Ciochina</p> <p>ASBG Jovan Paunovic</p> <p>Classified Senate Joyce Giovanetti</p> <p>CSEA President Pat Putman</p> <p>CTA Joe Gonzales</p> <p>POA Mario Vasquez</p> <p>Adjournment</p>
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