



# SAN JOAQUIN DELTA COMMUNITY COLLEGE DISTRICT

## MINUTES OF THE REGULAR BOARD MEETING Tuesday, December 16, 2008

The regular meeting of the Board of Trustees of the San Joaquin Delta Community College District was held on Tuesday, December 16, 2008 at 5:15 p.m. Closed Session; 6:30 p.m. Public Meeting in the Board Room, Administration 103, 5151 Pacific Ave., Stockton, California.

Members Present: Janet Rivera, Temporary Board President; Teresa R. Brown; Steve Castellanos; Mary Ann Cox; Ted Simas; Jennet C Stebbins

<p><b>I. Called to Order</b> The Board meeting was called to order at 5:45 p.m. by Board President Rivera.</p>	<p><b>Call to Order</b></p>
<p><b>II. Communications</b> 1. Public Comments No comments.</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 54956.9. Motion: Simas; Seconded: Castellanos. Vote: 6/0; motion carried.</p>	<p><b>Recess to Closed Session</b></p>
<p><b>IV. Reconvene Public Session</b> Board President Rivera reconvened the meeting at approximately 8:00 p.m. with the following to report: Nothing to report.</p>	<p><b>Reconvene Public Session</b></p>
<p><b>V. Pledge of Allegiance</b> Trustee Mary Ann Cox led the Pledge of Allegiance.</p>	<p><b>Pledge of Allegiance</b></p>
<p><b>VI. Communications</b> 1. Public Comments Dr. Elizabeth Maloney addressed the Board regarding the ASBG, asking Board Members to extend the same courtesy to the students that staff and administrators are given. Dr. Maloney spoke on the flea market issue and asked the Board to give the students an opportunity to make corrective measures stating that it would take a minimum of 6 months to correct the problems with the flea market.</p> <p>ASBG members Nicholas Aguirre, and David Burr also addressed the Board regarding ASBG issues. David Burr welcomed the new board and defended ASBG spending.</p> <p>Delta College student and veteran Brandon Biegert presented</p>	<p><b>Communications</b></p>

the Board with a proposal to address the ASBG issues and the problems with the flea market management.

Trustee Rivera thanked the students and stated that she appreciated the comments and information given to the Board.

**VII. Other Actions**

A. Consideration of the Annual Organization of the Board of Trustees.

The Board of Trustees conducted their annual organization meeting with Trustee Simas making the motion to nominate Trustee Castellanos as Board President, Trustee Cox seconded the motion. Trustee Brown moved to close the nomination. Vote: 6/0; motion carried.

Trustee Castellanos motioned to nominate Trustee Rivera as Vice President of the Board and Trustee Brown seconded the motion. Trustee Rivera moved to close the nomination. Vote 6/0; motion carried.

With the nominations of the Board President and Vice President, Trustee Castellanos rotated seats with incoming President Rivera.

Trustee Rivera motioned to nominate Trustee Stebbins as Clerk of the Board. Trustee Stebbins respectfully declined the nomination stating that she was new to the Board and still in the training mode. Trustee Stebbins motioned to nominate Trustee Brown as the Clerk of the Board and Trustee Cox seconded the motion. Trustee Rivera moved to close the nomination. Vote: 6/0; motion carried.

Board President Castellanos called for a motion to appoint Dr. Rodriguez as the Secretary to the Board of Trustees and Dr. Hart as the Assistant Secretary to the Board of Trustees according to Board Policy 1100. Trustee Rivera made the motion and Trustee Stebbins seconded the motion. Vote: 6/0; motion carried.

B. Consideration of Board of Trustees Meeting Dates for the 2009 Calendar Year.

Board President Castellanos called for the motion to adopt the Board of Trustees Meeting Dates for the 2009 Calendar Year. Trustee Rivera motioned and Trustee Brown seconded to adopt the 2009 meeting dates as presented. Vote: 6/0; motion carried.

**VIII. Consent Agenda – Action Items**

A. Governance Process

1. Approval of the Minutes: November 16<sup>th</sup>, December 2<sup>nd</sup> and December 10<sup>th</sup> 2008 Board of Trustees Meetings.

**Other Actions**

Consideration of Annual Organization of the Board of Trustees.

Consideration of Board of Trustees Meeting Dates for the 2009 Calendar Year.

**Consent Agenda**

Governance Process  
Approval of the November 16<sup>th</sup>,

<p>Approved the minutes with a correction to the December 10<sup>th</sup> minutes, page 5 Non Con N, Trustee Serna was not present for the vote. With the corrections noted for the record the minutes were approved as presented. See Exhibit <b>CON A 1.1 – CON A 1.15</b> which is made a part of the December 16, 2008 agenda.</p> <p>Trustee Cox pulled items B 2, 3, and 4 from the Consent agenda for discussion.</p> <p>2. Consideration of Authorization to Serve Wine on Campus. Authorized the Quail Lakes Congregation of Jehovah’s Witnesses use of red wine on campus as a symbolic gesture for their yearly Memorial Observance of the death of Jesus Christ.</p> <p>B. Business Services</p> <p>1. Consideration of Acceptance of Foundation Donation. Accepted a donation from Caterpillar, Inc., and Beachler Equipment LSG, Inc. and directed the administration to send letters of appreciation. <b>See CON B 1.1 – B 1.5</b> which is made a part of the December 16, 2008 agenda.</p> <p>2. Consideration of Acceptance of Donation. Accepted the donation from B &amp; R Enterprises, L.L. C., and directed the administration to send a letter of appreciation. <b>See CON B 2.1 – CON B 2.3</b> which is made a part of the December 16, 2008 agenda.</p> <p>3. Consideration of Notice of Completion of Contract, Bid #666 with Advanced Roofing for the Re-Roof Low Slope Roofs at the Danner, Budd, and Cunningham Buildings; SJDC Contract #08-195. Approved Resolution No. 08-45, accepting completion of contract for the Re-Roof Low-Slope Roofs at the Danner, Budd, and Cunningham Buildings, that the Notice of Completion be filed, and that the Vice President of Business Services be directed to release the remaining funds on this project. <b>See CON B 3.1 – CON B 3.6</b> which is made a part of the December 16, 2008 agenda.</p> <p>4. Consideration to Accept San Joaquin Delta College Foundation Financial Report. Trustee Cox suggested that the word “dissolution” be removed from the board item because the Foundation was not dissolved. Accepted the San Joaquin Delta College Foundation Financial reports with the correction. <b>See CON B 4.1 –</b></p>	<p>December 2<sup>nd</sup> and December 10<sup>th</sup> Board of Trustees Meetings.</p> <p>Consideration of Authorization to Serve Wine on Campus.</p> <p>Consideration of Foundation Acceptance of Donation.</p> <p>Consideration of Acceptance of Donation.</p> <p>Consideration of Notice of Completion of Contract, Bid #666 with Advanced Roofing for the Re-Roof Low Slope Roofs at the Danner, Budd, and Cunningham Buildings; SJDC Contract #08-195.</p> <p>Consideration to Accept San Joaquin Delta College Foundation Financial Report.</p>
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**CON B 4.5** which is made a part of the December 16, 2008 agenda.

C. Human Resources

1. Consideration of Personnel Action – Adjunct.  
The Board approved the employment of the adjunct faculty presented. **See CON C 1.1 – 1.2** which is made a part of the December 16, 2008 agenda.

2. Consideration of Personnel Action – Short Term – Non Academic Employees.  
The Board approved the appointment of the employment of the short-term, non-academic employees as presented. **See CON C 2.1 – CON C 2.3** which is made a part of the September 9, 2008 agenda.

After discussing the pulled items the Consent Agenda was approved with the corrections suggested. Trustee Rivera motioned and Trustee Simas seconded to approve the Consent Agenda as approved. Vote: 6/0; motion carried.

**IX. NonConsent Agenda/Action Items**

- A. Consideration of Personnel Action - Classified.  
Trustee Rivera motioned and Trustee Simas seconded to approve the appointment of the classified employees as presented. **See NONCON A 1.1 - 1.3** which made a part of the December 16, 2008 agenda.

Vote: 6/0; motion carried.

- B. Consideration of Personnel Action - Faculty.  
Trustee Stebbins motioned and Trustee Brown seconded to approve the appointments/resignations as presented. **See NONCON B 1.1 – 1.2** which is made a part of the December 16, 2008 agenda.

Vote: 6/0; motion carried.

- C. Consideration of Personnel Action – Management.  
Trustee Cox motioned and Trustee Rivera seconded to approve the appointment of Ms. Karen Ippolito as Acting Division Dean of the Health Science Division. Salary Range 8 (corrected from Range 12) \$92,434 – 106,481/annual. **See NONCON 1.1** which is made a part of the September 9, 2008 agenda.

Vote: 6/0; motion carried.

- D. Consideration of Personnel Action - Classification/Entitlement Changes.  
Trustee Rivera motioned and Trustee Brown seconded to approve the new entitlements, entitlement changes

Human Resources  
Consideration of  
Personnel – Adjunct.

Consideration of  
Personnel Action – Short  
Term – Non Academic  
Employees.

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

Consideration of  
Personnel Action -  
Faculty.

Consideration of  
Personnel Action –  
Management.

Consideration of  
Personnel Action –  
Classification/Entitlement  
Changes.

and classification as listed.

Trustee Cox called for the question stating that she wanted more information and comparative information on the recommendation to the Board. Vice President Walton explained the rationale for the Dean of Counseling and Special Services. Dr. Rodriguez suggested that the entire reorganization of Student Services be brought to the Board. After much discussion, Trustee Rivera motioned to take back the earlier motion to which Trustee Brown seconded. The item was not approved. Vote: 6/0 not to approve the motion. **See NONCON D 1.1 – 1.2** which is made a part of the December 16, 2008 agenda.

Vote: 6/0; not to approve NONCON D until further information is provided.

- E. Consideration to Authorize the Purchase and Installation of Seating Repair/Replacement for Atherton & Tillie Lewis Theatres.

Trustee Simas motioned and Trustee Stebbins seconded to authorize the administration to execute the purchase and installation for the seating repairs/replacement for the Atherton/Tillie Lewis Theatres with American Seating using the CMAS Contract, for a total amount of \$297,769.73, including material, installation, freight, performance/payment bonds, prevailing wage, and sales tax. Authorized the payment of the administrative fee of approximately \$5,896 directly to DGS for usage of the CMAS Contract. **See NONCON E 1.1 – 1.9** which is made a part of the December 16, 2008 agenda. Vote: 6/0; motion carried.

Board President Castellanos requested the administration ensure that fees charged for theatre usage are used to cover the costs of the repairs and not Measure L funds.

- F. Consideration to Ratify Bid Award LA-9204-01, Atherton/Tillie Lewis Egress Modifications Project, Per Resolution 05-03.

Trustee Rivera motioned and Trustee Simas seconded to ratify the bid award of Bid LA-9204-01 for the Atherton/Tillie Lewis Egress Modifications Project, per Resolution 05-23, to the low bidder lomlan Construction Services of Turlock, CA, for the Base Bid of \$56,629.82, plus the two alternate additives in the amount of \$79,590, for a grand total in the amount of \$136,219.82. Vote: 6/0; motion carried. **See NONCON F 1.1 – 1.20** which is made a part of the December 16, 2008 agenda. Vote: 6/0; motion carried.

Consideration to Authorize the Purchase and Installation of Seating Repair/Replacement for Atherton & Tillie Lewis Theatres.

Consideration to Ratify Bid Award LA-9204-01, Atherton/Tillie Lewis Egress Modifications Project, Per Resolution 05-03.

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| <p>G. Consideration of Award of Bid LA-9204-03 Atherton /Tillie Lewis Theatre Rigging &amp; Lifts System Upgrade Project.<br/>Trustee Simas motioned and Trustee Rivera seconded to award Bid LA-9204-03 Atherton/Tillie Lewis Theatre Rigging &amp; Lifts Upgrade Project to LVH Entertainment Systems of Oxnard, CA, for Base Bid C in the total amount of \$382,074. The Board rejected the alternate base bids (A&amp;B) and the additive alternate bids (1A, 1B, 2B, 1C &amp; 2C).<br/><b>See NONCON E 1.1 – 1.11</b> which is made a part of the December 16, 2008 agenda. Vote: 6/0; motion carried.</p>  | <p>Consideration of Award of Bid LA-9204-03 Atherton/Tillie Lewis Theatre Rigging &amp; Lifts System Upgrade Project.</p>  |
| <p>H. Report on Change Order #1 Regarding District Data Center – Shell Project (Pre-Fabricated Building) Contract #07-579, Bid# LA-9850-01, with D.G. Granade, Inc.<br/><b>Informational Item Only.</b> Board President Castellanos requested more background information when change orders are presented in the future.</p>  | <p>Report on Change Order #1 Regarding District Data Center – Shell Project (Pre-Fabricated Building) Contract #07-579, Bid# LA-9850-01, with D.G. Granade, Inc.</p>                                 |
| <p>I. Consideration of New, Revised, and Deactivated Courses.<br/>Trustee Rivera motioned and Trustee Simas seconded to approve 25 new associate degree credit courses, 48 course revisions, and five (5) course deactivations. <b>See NONCON I 1.1 – 1.18</b> which is made a part of the December 16, 2008.<br/><br/>Vote: 6/0; motion carried.</p>  | <p>Consideration of New, Revised, and Deactivated Courses.</p>   |
| <p>J. Notice of Withdrawal from the Schools Excess Liability Fund JPA &amp; Bay Area Schools Insurance Cooperative; and Approve Membership in the State Wide Association of Community Colleges JPA.<br/>Trustee Simas motioned and Trustee Brown seconded to adopt Resolution Number 08-44, Notice of Withdrawal from the Schools Excess Liability Fund Joint Powers Authority and Bay Area Schools Insurance Cooperative Joint Powers Authority, and declare membership in the State Wide Association of Community Colleges Joint Powers as presented. <b>See NONCON J 1.1 – 1.4</b> which is made a part of the December 16, 2008 agenda. Vote: 5/1; Trustee Rivera abstained; motion carried.</p> | <p>Notice of Withdrawal from the Schools Excess Liability Fund JPA &amp; Bay Area Schools Insurance Cooperative; and Approve Membership in the State Wide Association of Community Colleges JPA.</p> |
| <p>K. Consideration of Board Policy 2715 “Code of Ethics”. (First Reading)<br/>Trustee Rivera motioned and Trustee Stebbins seconded to accept Board Policy 2715 (formerly 1041)</p>   | <p>Consideration of Board Policy 2715 “Code of Ethics”. (First Reading)</p>  |

“Code of Ethics and Standards of Good Practice” as the newly revised version of the current policy for First Reading. Academic Senate President Janice Takahashi asked the Board to consider adding a survey under part C of the policy so that constituents have input into the Board’s self-evaluation. Board President Castellanos stated that he and Dr. Rodriguez had talked about a 360 degree evaluation process. Trustee Cox requested that language in lines 95 through 99 and 131 through 136 be kept in the policy because the language calls for transparency of information from the Superintendent/President to the Board of Trustees. Dr. Rodriguez pointed out that the language is still in the policy, just moved to another area and shared with Dr. Cox where the language had been moved. Dr. Cox insisted that lines 131-136 be added back into the policy. Dr. Rodriguez stated that the language would be added back into the policy for the second reading. Board President Castellanos suggested the definition of “self-evaluation” be clarified. Trustee Simas commented that this policy has to be a living and breathing document, one that can be changed positively as time goes on and that he agrees with the changes recommended. Trustee Simas further stated that for the second reading when the policy comes back amended he hopes the Board can accept it and move on. **See NONCON K 1.1 – 1.8** which is made a part of the December 16, 2008 agenda. Vote: 6/0; motion carried.

L. Consideration of Process to Make a Provisional Trustee Appointment for Area 4.  
Trustee Brown motioned and Trustee Simas seconded to approve the proposed Trustee Appointment Process with the suggestions and recommended changes from board members. **See NONCON L 1. 1 – 1.3** which is made a part of the December 16, 2008 agenda. Vote: 6/0; motion carried.

Consideration of Process to Make a Provisional Trustee Appointment for Area 4.

M. Consideration of Mountain House Project Progress and Direction.  
Vice President of Information Technology Lee Belarmino and bond staff presented to the Board a comprehensive status report, timeline, financial and demographic information regarding Measure L. After discussing the information presented and addressing questions from the Board it was recommended to have a closed session workshop on January 6, 2009 to further discuss the Measure L Bond Program. Trustee Rivera made a recommendation to hold the workshop at 9 a.m. so that adequate time would be provided for discussion. Board President Castellanos stated that the Board was not prepared to provide any direction at

Consideration of Mountain House Project Progress and Direction.

this time except to have the workshop on January 6, 2009.

**X. Report(s)/Informational Item(s)**

- A. Report Regarding Construction Management and Program Management Services.  
Vice President of Information Technology Lee Belarmino and the bond team gave a report to the Board regarding the Construction Management and Program Management Services for the Measure L Bond.
- B. Report on Policy Review Process.  
Due to time constraints this report was tabled by Board President Castellanos to be carried over for a subsequent board meeting.

**XI. Communications**

Superintendent/President:

Dr. Rodriguez wished everyone happy holidays.

Board of Trustees:

Trustee Rivera wished everyone a Merry Christmas and Happy New Year.

Trustee Cox requested that the Friday memo be placed in the staff lounge and other public places such as the library, to which Dr. Rodriguez suggested the memo be made public online. Trustee Cox asked for a number of materials from the administration to include the College Policy and Procedure Manual, Education Code and the Audit Report with Delta's response. In addition Trustee Cox asked for copies of the Superintendent/President's last two evaluations and current contract. Trustee Cox stated that the process for electing a board president at the Annual Organization meeting should not necessarily be on a rotation basis and that she would like board members to discuss the process. Trustee Cox requested the Board discuss how board members can work together how the board can develop the board agenda. Board President Castellanos responded that he had planned to have that discussion with Dr. Rodriguez and perhaps technology could be used to communicate with one another on assembling the agenda.

Lastly, Trustee Cox implored everyone involved with the situation involving the students to work with them through the process of shared governance and made mention of the demonstration by the Interim Supervisor of Student Activities which took place at a prior board meeting which she felt was inappropriate.

**Report(s)/Informational Item(s)**

Report Regarding Construction Management and Program Management Services.

**Communications**

Superintendent/President  
Dr. Rodríguez

Board of Trustees

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Trustee Stebbins stated that she sincerely hoped the Board would consider the legal and financial ramifications of not going forward with Mountain House.

Board President Castellanos spoke on sustainability issues and applauded Dr. Rodriguez for moving the College in that direction. In regards to the student government, Trustee Castellanos shared the sentiments of Trustee Cox regarding the demonstration presented at a prior board meeting by the Interim Supervisor of Student Activities and encouraged all to not look to assigning blame, rather find a collegiate way of working together to solve the problems with the ASBG and the administration.

Board President Castellanos stated that he had recently shared an article from *Comstock* magazine with Dr. Rodriguez on the need for colleges to find alternative funding sources and that he had concerns with the Delta College Foundation stating other community colleges tend to use their foundations much more robustly. Trustee Castellanos added that we can no longer rely on funding from Sacramento and asked staff to begin thinking about how we can utilize the energy and generosity of our community to support Delta College.

Trustee Brown stated that she was looking forward to learning about our curriculum process and that she was also interested in the Foundation having worked with several nonprofits being able to think outside of government and involve the community as stakeholders is incredibly important. Trustee Brown stated that it was going to be a steep climb to learn everything as a new trustee, but that she was very eager and willing learn. Trustee Brown wished everyone happy holidays.

Trustee Simas stated that he appreciated all the questions from the new trustees and reminded everyone that our bond team, headed by Vice President Belarmino, had just took over in April of 2008 and in many cases had no clue nor did the incumbent trustees on why many decisions took place regarding Mountain House. Trustee Simas stated that many decisions were shoved down their throats without their knowledge. Trustee Simas gave the example of when consultants Barnhart were chosen stating that a meeting was held on campus that he was not privy to, however a trustee told him that Barnhart would be selected because the votes were already in Barnhart's favor. Trustee Simas stated that he was looking forward to the workshop in January and wished everyone a merry Christmas and happy new year.

Trustee Rivera stated that she wanted to thank and recognize one of the Grand Jury members in the audience and apologized for the length of the closed session meeting time.

**Constituent Groups:**

Academic Senate President Takahashi welcomed the new trustees to the College and informed them of an upcoming visit to Butte College regarding sustainability. Ms. Takahashi stated she was pleased to hear that at least two of the new trustees were interested in curriculum issues and that an in-service would be provided on the Academic Senate. Ms. Takahashi wished everyone a happy holiday.

No comments.

Greg Greenwood for the Management Senate thanked all of the new trustees for joining the College and wished everyone happy holidays.

Navid Shaghghi for the ASBG stated that the ASBG had asked the administration to look into why money had been moved around in some of their fund accounts without their knowledge or approval. Board President Castellanos directed Dr. Rodriguez to follow-up on the issue with the ASBG. Mr. Shaghghi concurred with board members regarding their sentiments on the Interim Supervisor of Student Activities prior board presentation where she displayed items that incoming ASBG officers receive as excessive.

No comments.

No comments.

No comments.

Board President Castellanos introduced his wife and wished everyone happy holidays before adjourning the meeting.

Board President Castellanos adjourned the meeting at 11:39 p.m.

Constituent Groups  
Academic Senate  
Janice Takahashi

Classified Senate  
Joyce Giovanetti

Management Senate  
Jan Truscott

ASBG  
Valerie Novak

CTA  
Joe Gonzales

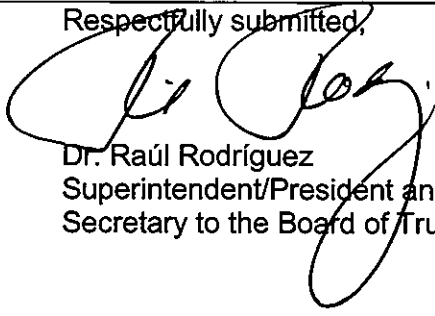
CSEA  
Dana Baker

POA  
Mario Vasquez

**Adjournment**

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Respectfully submitted,



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