

# SAN JOAQUIN DELTA COMMUNITY COLLEGE DISTRICT

## MINUTES OF THE REGULAR BOARD MEETING Tuesday, January 20, 2009

The regular meeting of the Board of Trustees of the San Joaquin Delta Community College District was held on Tuesday, January 20, 2009 at 5:30 p.m. Closed Session; 6:30 p.m. Public Meeting in the Board Room, Administration 103, 5151 Pacific Ave., Stockton, California.

Members Present: Steve Castellanos, Board President; Janet Rivera, Vice President; Teresa R. Brown Clerk; Mary Ann Cox; Ted Simas; Jennet C Stebbins; Valerie Novak, Student Trustee

<p><b>I. Called to Order</b> The Board meeting was called to order at 5:30 p.m. by Board President Castellanos.</p>	<p><b>Call to Order</b></p>
<p><b>II. Communications</b> 1. Public Comments CTA President Joe Gonzales addressed the Board regarding the appointment of the provisional trustee and the Dean of Counseling position.</p>	<p><b>Public Comments</b></p>
<p><b>III. Recess to Closed Session</b> Board President Castellanos convened to Closed Session to discuss matters pursuant to Government Code Section 54957; 54956.9. Motion: Simas; Seconded: Stebbins. Vote: 6/0; motion carried.</p>	<p><b>Recess to Closed Session</b></p>
<p><b>IV. Reconvene Public Session</b> Board President Castellanos reconvened the meeting at approximately 6:34 p.m. with the following to report:  The Board approved in closed session a settlement with the District's former Director of the College Foundation. The substance of the settlement reinstates the former Director of the College Foundation in the position of Director of Special Programs, and includes payment of back pay, benefits and attorneys fees, in exchange for a full waiver of all claims and release of the District.</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 Student Roberto Radrigan recommended to the Board Adolfo Melara as the Area 4 Provisional Trustee.</p>	<p><b>Communications</b></p>

Tony Bertolucci addressed the Board regarding the bid protest that took place at the College voicing concerns with the process and requesting the Board reconsider their decision. Mr. Bertolucci stated that he is a long-time resident of Stockton and a former Delta College student.

Board President Castellanos welcomed members of the Mountain House Community who were newly elected to the Mountain House Board of Directors. Bernice Tangle, Director of the Mountain House Community District addressed the Board stating that the members of the Mountain House community are excited about the College coming to their community. Board President Castellanos responded that the College looks forward to working with the Mountain House community.

Matthew Balzarini, Mountain House Board of Directors, addressed the Board regarding NonConsent Agenda item K. "Consideration of Mt. House Permanent Building", encouraging the building of a permanent campus in Mountain House..

Linda Arroyo and Yolanda Arroyo, both community parents, addressed the Board regarding the appointment of the provisional trustee and read a letter in support of candidate Adolfo Melara.

**VII. Recognition(s)**

- A. Consideration of Resolution No. 09-02 in Honor of the 85th Anniversary Celebration of St. Anne's School. Trustee Rivera motioned and Trustee Simas seconded to pass resolution No. 09-02 in honor of St. Anne's School by formal resolution. Vote: 6/0; motion carried.

**Recognitions**

Consideration of Resolution No. 09-02 in Honor of the 85th Anniversary Celebration of St. Anne's School.

**VIII. Consent Agenda – Action Items**

*Trustee Rivera pulled Consent A with a correction to the December 16th minutes.*

- A. Governance Process
1. Approval of the Minutes: December 16, 2008, January 6, 2009 Regular Board of Trustees Meetings and the January 14th, and 15th, 2009 Special Board of Trustees Meetings.  
Approved the minutes with a correction to the December 16<sup>th</sup> minutes, page 2 "Other Action" where the third paragraph down states "incoming President Rivera" should state "outgoing President Rivera." See Exhibit **CON A 1.1 – CON A 1.17** which is made a part of the January 20, 2009 agenda.

**Consent Agenda**

Governance Process  
Approval of the December 16, 2008, January 6, 2009 Regular Board of Trustees Meetings and the January 14th, and 15th, 2009 Special Board of Trustees Meetings.

- B. Business Services

1. Adoption of Nonresident Tuition Fee for 2009-10 College Year, Resolution 09-01.

**Business Services**

Adoption of Nonresident Tuition Fee for 2009-10

<p>Adopted Resolution No. 09-01, setting the Nonresident Tuition Fee at \$190.00 per unit for the 2009-10 College Year, calculated under method "a" (Statewide Average). See <b>Con B 1.1 – 1.5</b> which is made a part of the January 20, 2009 agenda.</p>	<p>College Year, Resolution 09-01.</p>
<p>2. Consideration of Acceptance of Donations. Accepted the donations from Caterpillar, Inc., and General Motors and directed the administration to send letters of appreciation. See <b>CON B 2.1 – CON B 2.3</b> which is made a part of the January 20, 2009 agenda.</p>	<p>Consideration of Foundation Acceptance of Donations.</p>
<p>C. Human Resources 1. Consideration of Personnel Action – Adjunct. The Board approved the employment of the adjunct faculty presented. See <b>CON C 1.1 – 1.3</b> which is made a part of the January 20, 2009 agenda.</p>	<p>Human Resources Consideration of Personnel – Adjunct.</p>
<p>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 <b>CON C 2.1 – CON C 2.3</b> which is made a part of the January 20, 2009 agenda.</p>	<p>Consideration of Personnel Action – Short Term – Non Academic Employees.</p>
<p>After discussing the pulled item the Consent Agenda was approved with the corrections suggested. Trustee Rivera motioned and Trustee Simas seconded to approve the Consent Agenda. Vote: 6/0; motion carried.</p>	
<p><b>IX. NonConsent Agenda/Action Items</b></p>	
<p>A. Consideration of Personnel Action - Classified. Trustee Rivera motioned and Trustee Simas seconded to approve the appointment of the classified employees as presented. See <b>NONCON A 1.1 - 1.2</b> which made a part of the January 20, 2009 agenda.</p> <p>Vote: 6/0; motion carried.</p>	<p><b>NonConsent Agenda/Action Items</b> Consideration of Personnel Action – Classified.</p>
<p>B. Consideration of Personnel Action – Faculty Additional Discipline. Trustee Rivera motioned and Trustee Cox seconded to approve the list of Delta College faculty requesting additional disciplines for which they meet the minimum qualifications as presented. See <b>NONCON B 1.1 – 1.2</b> which is made a part of the December 16, 2008 agenda.</p> <p>Vote: 6/0; motion carried.</p>	<p>Consideration of Personnel Action – Faculty Additional Discipline</p>
<p>C. Consideration of Personnel Action – Classification/Entitlement Changes.</p>	<p>Consideration of Personnel Action –</p>

Trustee Cox motioned and Trustee Rivera seconded to approve the reclassification, new job description and downgrade in range/salary of a bus operator, Facilities Division - .50 FTE/12 month position, Range 26 \$2,833 - \$3,443; District funding with an annual savings of \$3,902.

Vote: 6/0; motion carried.

Trustee Rivera motioned and Trustee Brown seconded to approve the reclassification of the Dean of Counseling and Special Services - 1.0 FTE/12 month, Range 5 \$114,002-\$131,326/annual; District funding. See **NONCON C 1.1 – 2.1** which is made a part of the January 20, 2009 agenda.

Vote: 5/1; motion carried; Trustee Cox abstained.

- D. Consideration of Selection of Provisional Trustee Appointment, Area 4.  
Dr. Rodriguez explained the ballot process for appointing a provisional trustee. Board President Castellanos thanked all of the candidates who came forward to apply for the position. Dr. Matt Wetstein tallied the votes, round by round, on screen for audience members to view. Once a candidate received a majority vote the process was complete. Taj M. Khan received a majority vote after two rounds of voting. Trustee Rivera motioned and Trustee Brown seconded to declare Taj M. Khan the Provisional Trustee for Area 4.

Vote: 6/0; motion carried.

- E. Consideration of Deletion of Specific Health Benefits Plan Currently Offered to Trustees.  
Trustee Cox motioned and Trustee Simas seconded to delete the Blue Cross 1A from the list of benefits offered to the trustees and to authorize the Superintendent/President to write a letter to CVT informing them of this action. See **NONCON E 1.1 – 1.2** which is made a part of the January 20, 2009 agenda.

Vote: 6/0; motion carried.

- F. Consideration of BP 2715 Board of Trustees Code of Ethics and Standards of Good Practice. (*Second Reading*)  
Trustee Rivera motioned and Trustee Simas seconded to accept for second reading and adopt Board Policy 2715, "Code of Ethics and Standards of Good Practice." See **NONCON F 1.1 – 1.13** which is made a part of the

Classification/Entitlement Changes.

Consideration of Selection of Provisional Trustee Appointment, Area 4.

Consideration of Deletion of Specific Health Benefits Plan Currently Offered to Trustees.

Consideration of BP 2715 Board of Trustees Code of Ethics and Standards of Good Practice. (*Second Reading*)

January 20, 2009 agenda.

Vote: 6/0; motion carried.

- G. Consideration of Board Policy 1300 "Conflict of Interest." (First Reading)  
Trustee Rivera motioned and Trustee Simas seconded to accept for first reading the revised Board Policy 1300, "Conflict of Interest."  
**See NONCON E 1.1 – 1.5** which is made a part of the January 20, 2009 agenda.

Vote: 6/0; motion carried.

- H. Report on Change Order #1 Regarding Campus Northeast Infrastructure Project Contract #08-139 Bond, Bid# LA-831502, with DSS Company dba Knife River Construction. See NONCON H 1.1 – 1.8 which is made a part of the January 20, 2009 agenda.  
**Informational Item Only.**

- I. Consideration of Award of Bid LA-9502-02, Interior Improvements for Police Portable. **See NONCON I 1.1 – 1.10** which is made a part of the January 20, 2009.

Trustee Rivera motioned and Trustee Stebbins seconded the recommendation to reject all bids and authorize the administration to modify the scope of work and re-bid the project. After hearing background information from staff and college legal counsel as well as the protest of the low bidder, Thomas Geigle, the motion was withdrawn however the second was not withdrawn. Board President Castellanos requested a roll call vote to accept the recommendation to reject all bids. It was decided that this item would be brought back at the February 3rd board meeting in light of the letter from Geigle. Vote: Castellanos – no; Rivera – no; Brown – no; Cox – no; Simas – no; Stebbins – no; Advisory – no.  
Vote: 6/0; the motion to reject all bids does not carry.

Trustee Cox motioned to have legal counsel review and analyze the new information received in a letter from World Tech dba Geigle Electric and advise the Board of the legal issues. Trustee Rivera seconded the motion.

Vote: 6/0; motion carried.

- J. Consideration of Award of Bid LA-9850-02, Purchase of Generators for the District Data Center. **See NONCON J 1.1 – 1.16** which is made a part of the January 20, 2009 agenda.

Consideration of Board Policy 1300 "Conflict of Interest." (First Reading)

Report on Change Order #1 Regarding Campus Northeast Infrastructure Project Contract #08-139 Bond, Bid# LA-831502, with DSS Company dba Knife River Construction.

Consideration of Award of Bid LA-9502-02, Interior Improvements for Police Portable.

Consideration of Award of Bid LA-9850-02, Purchase of Generators for the District Data Center.

After hearing comments from the low bidder (Energy Systems) and the protest of the second low bidder (Holt) alleging the low bidder did not meet the specifications, the Board listened to staff and asked questions regarding the matter. Trustee Stebbins motioned to table the item for further information or a third party review. Vice President Belarmino committed to bringing the item forward once further information was obtained and after a third party review. Trustee Rivera seconded the motion. A roll call vote was taken as follows: Castellanos- yes; Rivera – yes; Brown – yes; Cox – yes; Simas – no; Stebbins – yes.

Vote: 5/1; motion carried.

- K. Consideration of Mt. House Permanent Building. Trustee Brown motioned and Trustee Rivera seconded to accept the recommendation to suspend the current planning for the Mountain House Permanent Building in favor of developing a proposal for state funding for the Mt. House facility. Trustee Brown suggested that a tour of Mountain House be set-up for the Trustees and that focus groups with the students be held in the Tracy/Mountain House community. Board President Castellanos clarified that the College was not considering not moving in at Mountain House. Members of the Mountain House Board of Directors addressed the Board with concerns that the College not pull funds from the Mountain House project and recommended designating a subcommittee to work with members of the Mountain House Board of Directors. It was requested that the item be tabled. Board President Castellanos supported an idea to have two board members meet with members of the Mountain House Board of Directors. A roll call vote was taken as follows: Castellanos – yes; Rivera – yes; Brown – yes; Cox –yes; Simas – no; Stebbins – no; Advisory – no.

Vote: 6/0; motion carried to suspend the current planning for the Mt. House Permanent Building in favor of developing a proposal for state funding for the Mt. House facility.

- L. Consideration of Acceptance of Audit Reports for the 2007-08 College Year. Trustee Rivera motioned and Trustee Simas seconded to accept the Audit Report and its component units for the fiscal year ended June 30, 2008. **See NONCON L 1.1 – 1.2** which is made a part of the January 20, 2009 agenda.

Vote: 6/0; motion carried.

Consideration of Mt. House Permanent Building.

Consideration of Acceptance of Audit Reports for the 2007-08 College Year.

**X. Communications**  
Superintendent/President:  
No comments.

Board of Trustees:  
No comments.

Constituent Groups:  
No comments

No comments.

No comments.

ASBG President Novak informed the Board that the ASBG would be looking for a new student lounge on campus.

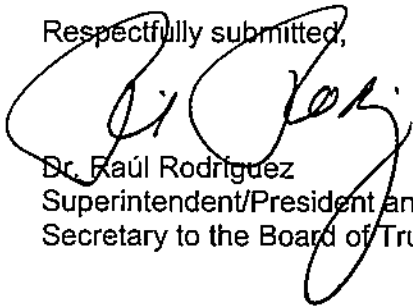
CTA President Gonzales made comments in regards to campus safety. Board President Castellanos direct Dr. Rodriguez to meet with Mr. Gonzales to address the campus safety issues and to have a report ready for the February 3, 2009 board meeting.

No comments.

Officer Jeff Greenwood asked that any safety issues be forwarded to the campus police because the POA likes to be informed and involved. Officer Greenwood welcomed anyone to tour the police department and made mention of the need to have additional police for the Mountain House site in light of the budget freeze.

Board President Castellanos adjourned the meeting at 10:00 p.m.

Respectfully submitted,



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

**Communications**  
Superintendent/President  
Dr. Raul Rodriguez

Board of Trustees

Constituent Groups  
Academic Senate  
Janice Takahashi

Classified Senate  
Joyce Giovanetti

Management Senate  
Jan Trustcott

ASBG  
Valerie Novak

CTA  
Joe Gonzales

CSEA  
Dana Baker

POA  
Mario Vasquez

**Adjournment**