



SAN JOAQUIN DELTA COMMUNITY COLLEGE DISTRICT

MINUTES OF THE REGULAR BOARD MEETING Tuesday, February 17, 2009

The regular meeting of the Board of Trustees of the San Joaquin Delta Community College District was held on Tuesday, February 17, 2009 at 5:00 p.m. Closed Session; 6:00 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; Taj M. Khan; Ted Simas; Jennet C Stebbins; Valerie Novak, Student Trustee

I. Called to Order

The Board meeting was called to order at 5:00 p.m. by Board President Castellanos.

Call to Order

II. Communications

1. Public Comments

Real Descent asked for clarification of the prior board meeting discussion of a new Middle College School (MCHS). Mr. Descent stated that he recalled Dr. Rodriguez stating at that meeting that there would be no Middle College High School for 2009/10 and asked that this be reflected in the minutes. Mr. Descent further inquired about Mr. Hall being given a Delta College email address as though he were part of the staff. Dr. Rodriguez stated that Mr. Hall asked for an email address and he was given one, further stating that right now there is no agreement for a Middle College High School with Stockton Unified in 2009/10 but that an agreement could be reached in the future. Mr. Descent added that Trustee Stebbins statement that the make-up of students at the current MCHS is from Stockton was not a true statement. Trustee Stebbins responded that she had called the Stockton Unified School District (SUSD) and that is what she was told.

Public Comments

Cindy Scalitta addressed the Board regarding the possibility of another MCHS stating that her daughter was a student of the current MCHS and that she did not want a rivalry to occur should another MCHS come to Delta.

At the request of Board President Castellanos, Dr. Rodriguez clarified the MCHS/SUSD issue in its entirety. In short, Dr. Rodriguez reiterated that at this point in time the College does not have a proposal for a MCHS with SUSD. Dr. Rodriguez added when a MCHS

agreement with SUSD is considered the agreement will go through the College's normal governance process.

Terry Nickleson addressed the Board stating that she was now confused about the MCHS/SUSD issue because she attended a magnet fair and talked with Mr. Hall who gave her the impression that the MCHS was a done deal and that Mr. Hall had emailed her twice. Because of this miscommunication Ms. Nickleson stated that her daughter had missed the dates to put her daughter in another program.

III. Pledge of Allegiance

Trustee Mary Ann Cox led the Pledge of Allegiance.

IV. Recognition(s)

- A. Introduction of the November 2008 Academic Senate Adjunct Faculty Award Recipient. (Michael Leonard)
- B. Introduction of the November 2008 Academic Senate Non-Teaching Award Recipient. (Jeff Poynor)
- C. Introduction of the December 2008 Academic Senate Non-Teaching Award Recipient. (Janice Palmer)
Academic Senate President Janice Takahashi introduced the award recipients and Board President Castellanos thanked each recipient for their work at the College.

V. Consent Agenda – Action Items

Trustee Khan asked that the minutes be voted on separately since he was only present for the February 3rd minutes. Trustee Khan asked that the February 3rd minutes reflect the fact that he was present. Trustee Rivera motioned and Trustee Simas seconded to vote on the minutes presented separately.

- A. Governance Process
 - 1. Approval of the Minutes: January 20, 2008 and February 3, 2008 Board of Trustees Meetings.
Approved the minutes with the corrections noted. See Exhibit **CON A 1.1 – CON A 1.12** which is made a part of the February 17, 2009 agenda. Trustee Rivera motioned and Trustee Simas seconded to approve the January 20, 2009 board minutes. Vote: 7/0; motion carried. Trustee Khan motioned and Trustee Cox seconded to approve the February 3, 2008 board minutes. Vote: 7/0; motion passed.
- B. Business Services
 - 1. Consideration of Notice of Completion of Contract for Purchase of a Modular System, Inc. for Purchase of a Modular Restroom, Utilizing a Piggyback Contract from Santa Rita Union School District, SJDC Contract #08-131, with American Modular System, Inc. *This item*

Pledge of Allegiance

Recognitions

Introduction of the November 2008 Academic Senate Adjunct Faculty, and Non-Teaching Award Recipient (s)

Consent Agenda

Governance Process
Approval of the minutes of the January 20, 2009, and February 3, 2009 Board of Trustees Meetings.

Business Services

Consideration of Notice of Completion of Contract for Purchase of a Modular System, Inc. for Purchase of a Modular Restroom,

was pulled for discussion by Dr. Raul Rodriguez and moved to the Non Consent Agenda "R".

Utilizing a Piggyback Contract from Santa Rita Union School District, SJDC Contract #08-131, with American Modular System, Inc.

C. Human Resources

Human Resources
Consideration of
Personnel – Adjunct.

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 February 17, 2009 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 2.2** which is made a part of the February 17, 2009 agenda.

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

Trustee Rivera motioned and Trustee Khan seconded to approve the Consent Agenda moving Consent B 1.1 to the Non Consent Agenda. Vote: 7/0; motion carried.

VI. NonConsent Agenda/Action Items

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

A. Consideration of Personnel Action - Classified.
Trustee Rivera motioned and Trustee Khan seconded to approve the appointment of the classified employees as presented. **See NONCON A 1.1 - 1.2** which made a part of the February 17, 2009 agenda.

Vote: 7/0; motion carried.

B. Consideration of Personnel Action – Faculty Additional Discipline.
Trustee Rivera motioned and Trustee Stebbins seconded to approve the list of Delta College faculty requesting additional disciplines for which they meet the minimum qualifications as presented. **See NONCON B 1.1 – 1.2** which is made a part of the February 17, 2009 agenda.

Consideration of
Personnel Action – Faculty
Additional Discipline

Vote: 7/0; motion carried.

C. Consideration of Personnel Action – Classification/Entitlement Changes.
Trustee Rivera motioned and Trustee Brown seconded to approve the transfer of the Student Success Coordinator.
Trustee Cox inquired if this was a new position to which Vice President Brown stated that it was position that Ms. Takahashi was appointed to by the president in

Consideration of
Personnel Action –
Classification/Entitlement
Changes.

February of 2008. Trustee Cox inquired about the interview process and as to why the names of the other candidates were not listed as it states in B 2.1. Vice President Brown explained that the language used in the item is stock language. Dr. Rodriguez clarified that Janice Takahashi was not the Student Success Coordinator, but was performing some of the functions of the position. Dr. Hart added that Janice did transfer into to position and that other faculty did have the opportunity to apply for the position, but Janice Takahashi was the only one interested in the position. Trustee Cox asked what the duties of the Student Success Coordinator were to which Dr. Rodriguez and Janice Takahashi responded. Ms. Takahashi gave the history behind the need for the position and the approval of the entitlement. Trustee Simas inquired if the position was an administrative position to which Vice President Brown responded that is was not an administrative position, rather an academic non-instructional position.

Vote: 7/0; motion carried.

- D. Consideration of Personnel Action - Management. Trustee Simas motioned and Trustee Rivera seconded to approve the appointment of Lynn Welch, Division Dean of Social Science. Salary Placement: Range 8 (\$108,456 - \$124,937/annually).

Vote: 7/0; motion carried.

- E. Consideration of Proposed Adoption – Board Policy 2745 “Board of Trustees Self Evaluation.” (*First Reading*) Trustee Cox motioned and Trustee Stebbins seconded that the Board accept for first reading Board Policy 2745 and that the Board would take the opportunity to discuss and revise Board Policy 2745 which would replace Board Policy 1042 as drafted in September 2008. **See NONCON E 1.1 – 1.5** which is made a part of the February 17, 2009 agenda.

Vote: 7/0; motion carried.

- F. Consideration of Proposed Adoption Board Policy 2746 “Evaluation of the Superintendent/President”. (*First Reading*) Trustee Cox motioned and Trustee Stebbins seconded to accept for First Reading Board Policy 2746, “Evaluation of the Superintendent/President” and that the Board would take the opportunity to discuss and revise Board Policy 2746 which would replace Board Policy 1046 as drafted September 2008. **See**

Consideration of Personnel Action - Management.

Consideration of Proposed Adoption – Board Policy 2745 “Board of Trustees Self Evaluation.” (*First Reading*)

Consideration of Proposed Adoption Board Policy 2746 “Evaluation of the Superintendent/President”. (*First Reading*)

NONCON F 1.1 – 1.5 which is made a part of the February 17, 2009 agenda.

Trustees Simas and Rivera voiced concerns with revisions to the policy that “include the incorporation of input from the College community, constituent groups, etc. into the Board’s annual evaluation of the Superintendent/President.” (See **NONCON F .14** line 11) Trustee Rivera stated that the Board is the sole employer of the Superintendent/President and did not want any hindrances that might pose a violation of the Superintendent/President’s contract. Trustee Simas also voiced concerns with extend to which constituent input would be used in the evaluation process.

Vote: 7/0; motion carried.

- G. Consideration of Board Policy 5130 “Financial Aid” *(First Reading)*
Trustee Simas motioned and Trustee Rivera seconded to accept for First Reading and to delete Board Policy 5360 and Administrative Procedure 5360 and replace them with Board Policy 5130 and Administrative Procedure (AP) 5130 as presented. Trustee Cox inquired about ESL students in regards to **NON CON G 1.13** “Eligibility Requirements” and how parallel remedial instruction for ESL students is treated with regard to remedial courses. Dr. Kathy Hart responded that she would research the issue. **See NONCON G 1.1 – 1.13** which is made a part of the February 17, 2009 agenda.

Vote: 7/0; motion carried.

- H. Consideration of Proposed Adoption – Proposed Amendment Policy 4020 “Employment Requirements” (Classified Employees) *(First Reading)*.
See NONCON H 1.1 – 1.3 which is made a part of the February 17, 2009 agenda.
Trustee Rivera motioned and Trustee Khan seconded to accept the First Reading to amend Board Policy 4020 as presented.

Vote: 7/0; motion carried.

- I. Consideration of Proposed Adoption – Board Policy 7210 “Nepotism”.
Trustee Rivera motioned and Trustee Khan seconded to accept the First Reading to adopt Board Policy (BP) 7130. **See NONCON I 1.1 – I 1.4** which is made a part of the February 17, 2009 agenda.

Vote: 7/0; motion carried.

Consideration of Board Policy 5130 “Financial Aid” *(First Reading)*

Consideration of Proposed Adoption – Proposed Amendment Policy 4020 “Employment Requirements” (Classified Employees) *(First Reading)*.

Consideration of Proposed Adoption – Board Policy 7210 “Nepotism”. *(First Reading)*

J. Consideration of Proposed Board Policy (BP) 1300 "Conflict of Interest". (*Second Reading*)
Trustee Simas motioned and Trustee Brown seconded to accept the Second Reading to revise Board Policy 1300 "Conflict of Interest" and to refer in the policy to the Conflict of Interest Form 700. At the request of the Board, Dr. Matt Wetstein will research the requirements of the various categories one must declare. **See NONCON J 1.1 – 1.4** which is made a part of the February 17, 2009 agenda.

Vote: 7/0; motion carried.

K. Consideration of Mt. House Permanent Building.
Trustee Rivera motioned and Trustee Simas seconded to approve Resolution No. 09-04 Accepting Completion of Contract for the Police Portable-Power & Data Service Project, 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. **See NONCON K 1.1 – 1.6** which is made a part of the February 17, 2009 agenda.

Vote: 7/0; motion carried.

L. Consideration of Second Quarter Financial Report 2008-09 and Adoption of Resolution No. 09-05.
Trustee Simas motioned and Trustee Brown seconded to accept and file the Second Quarter Financial Report, including the purchase order expenditures. The Board also approved the Budget Adjustment of \$1,885,743 and adopted Resolution No. 09-05 implementing the changes. **See NONCON L 1.1 – 1.17** which is made a part of the February 17, 2009 agenda. Trustee Khan inquired about endowments to which Vice President Stephens responded that the endowments are not shown in this report because they are not operating funds. Trustee Cox asked that the Vice President provide Trustees with an explanation of the acronyms used in the report. Trustee Khan asked for a brief summary of the function of each program. Vice President Stephens agreed to both requests.

Vote: 7/0; motion carried.

M. Consideration of Acceptance of Budget Assumptions for Fiscal Year 2009-2010.
Trustee Rivera motioned and Trustee Simas seconded to accept the preceding budget assumptions for fiscal year 2009-2010. **See NONCON 1.1** which is made a part of the February 17, 2009 agenda.

Consideration of Proposed Board Policy (BP) 1300 "Conflict of Interest". (*Second Reading*)

Consideration of Mt. House Permanent Building.

Consideration of Second Quarter Financial Report 2008-09 and Adoption of Resolution No. 09-05.

Consideration of Acceptance of Budget Assumptions for Fiscal Year 2009-2010.

Vote: 7/0; motion carried.

- N. Consideration of Presentation and Reporting Formats for Measure L Bond Program. Trustee Rivera motioned and Trustee Simas seconded to select a format that is acceptable to the Board for future presentations and reports for the Measure L Bond Program. **See NONCON N 1.1 – 1.11** which is made a part of the February 17, 2009 agenda. Vice President Belarmino presented Measure L Bond forms to used for future reports on the bond program. Trustee Khan suggested that the forms identify safety issues, change orders and any exceptions/deviations to project plans. Trustee Brown suggested the forms clearly show the Calendar year.

Consideration of Presentation and Reporting Formats for Measure L Bond Program.

- O. Consideration of Award of Bid LA-9502-02 Interior Improvements for Police Portable. Trustee Rivera motioned and Trustee Cox seconded the recommendation that the Board waive the minor variation in the bid submitted by World Tech dba Geigle Electric by not having signed the Bid Bond and to award the bid in the total amount of \$412,691. **See NONCON O 1. 1 – 1.36** which is made a part of the February 17, 2009 agenda.

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

Vote: 6/1 (Stebbins opposed); motion carried.

- P. Consideration of New and Revised Degree and Certificate Programs. Trustee Rivera motioned and Trustee Cox seconded to approve the new and revised certificated programs offered in the 2009-2010 academic year. **See NONCON P 1.1 – 1.3** which is made a part of the February 17, 2009 agenda.

Consideration of New and Revised Degree and Certificate Programs.

Vote: 7/0; motion carried.

- Q. Consideration of Cash Flow Report for Fiscal Year 2008-2009. Trustee Simas motioned and Trustee Cox seconded to accept the cash flow report as presented. **See NONCON Q 1.1** which is made a part of the February 17, 2009 agenda.

Consideration of Cash Flow Report for Fiscal Year 2008-2009.

Vote: 7/0; motion carried.

- R. Consideration of Notice of Completion of Contract for Purchase of a Modular System, Inc. for Purchase of a Modular Restroom, Utilizing a Piggyback Contract from Santa Rita Union School District, SJDC Contract 308-131, with American Modular System, Inc.
This item was removed from the Consent Agenda

Consideration of Notice of Completion of Contract for Purchase of a Modular System, Inc. for Purchase of a Modular Restroom, Utilizing a Piggyback

because it is a bond project and bond project should always be placed on the NonConsent Agenda.

Contract from Santa Rita Union School District, SJDC Contract 308- 131, with American Modular System, Inc.

VII. Communications

Superintendent/President:

Dr. Rodriguez informed the Board of the recent budget forums and of his attendance at "Welcome Day". Dr. Rodriguez stated that he attended the basketball game and participated in a ceremony in honor of faculty members by basketball team members. Dr. Rodriguez informed the Board that he had attended a Manufacturing Summit with Dr. Hazel Hill and informed the Board that he would be having regular informal lunches with various staff on campus.

Communications

Superintendent/President
Dr. Raul Rodriguez

Board of Trustees:

Board President Castellanos introduced members of the Stockton Unified School District (SUSD). SUSD Principal Michael Hall spoke on behalf of the District in regards to the proposed Middle College High School (MCHS). Mr. Hall apologized for the absence of SUSD Superintendent Amato. Mr. Hall stated that it was an unfortunate turn of events regarding the MOU with Delta College and SUSD on a MCHS and apologized for not following the College's governance process stating that it was not the intent of SUSD to do so.

Board of Trustees

Mr. Hall stated that it is the intent of SUSD to remain with the goal to have a MCHS and that SUSD is moving ahead with a MCHS at another location.

Student Trustee Valerie Novak informed the Board of the visit by Certified Parliamentarian Bruce Bishop who is the Dean of Student Services at Palomar College. Mr. Bishop will be working with the ASBG on revising their constitution.

Trustee Kahn spoke on his activities touring the College with Public Information Officer Greg Greenwood and informed the Board that he had been getting invitations from different organizations on campus inviting him to lunch.

Trustee Rivera stated that she also attended "Welcome Day" and the African American Athletes Association's Crabfeed with Trustee Cox and Trustee Stebbins. Trustee Rivera commended SUSD attendees on their effort to go forward with a MCHS.

Trustee Cox requested a copy of the

Superintendent/President's evaluation for the Board Retreat on Thursday and stated that she has been attending Passport to College activities held on campus. Trustee Cox asked if as a Board member she could continue to work with Passport to College suggesting that the Board discuss how they could be involved with the program.

Trustee Stebbins stated that heard concerns with inadequate restroom supplies on campus. Trustee Stebbins further stated that she had been contacted by Lathrop City officials regarding a Delta site in Lathrop.

Trustee Brown stated that she had missed attending "Welcome Day" and hoped to participate in the future. Trustee Brown reminded the Board that at a prior board meeting members of the Mountain House Community District board asked that our board members meet with them, to which Board President Castellanos appointed Trustee Brown and Stebbins to this task.

Trustee Cox reiterated that campus bathrooms are in really bad shape and that she heard there was not enough maintenance staff. Trustee Cox asked if the bathrooms could be brought up to standard. Director of Facilities Maria Baker responded that custodial managers have been working the custodial staff on standards and that they have asked staff to inform them of any problems.

Board President Castellanos thanked SUSD and MCHS parents for making comments and voicing their concerns earlier and that developing a MCHS with SUSD will be a very long process. Board President Castellanos informed the Board that he and Dr. Rodriguez had a very fruitful meeting with developer Gerri Kamilos who committed to finding alternatives to building the Mountain House campus and working with the Board.

Board President Castellanos informed the Board that he and Dr. Rodriguez also meet with the Calaveras County Superintendent to discuss the needs for services in Calaveras County.

Constituent Groups:

Academic Senate President Janice Takahashi stated that the Senate was looking forward to hosting a meeting reception with the Board.

Classified Senate representative Nicollete George congratulated Jeff Poyner and Janice Palmer on their awards tonight and congratulated Janice Takahashi and

Constituent Groups
Academic Senate
Janice Takahashi

Classified Senate
Nicollete George for Joyce
Giovanetti

Lynn Welch on their new appointments.

Management Senate President Jan Truscott welcomed Lynn Welch to her new position and congratulated Janice Takahashi on her new appointment as well as award recipients Jeff Poynor, and Janice Palmer. Ms. Truscott reiterated to the Board that the comments from the Management Senate on the Board policies reviewed tonight were just suggestions.

Management Senate
Jan Truscott

ASBG President Valerie Novak voiced concerns with the number of places for students to study on campus, particularly at night. Ms. Novak stated that the ASBG is working on fixing up the lounges, and working with constituent groups to find places for students to study. Ms. Novak informed the Board that the ASBG was buying new furniture for the Locke Lounge and the Budd Lounge and that the ASBG would like to work with Greg Greenwood to ensure students know exactly where the library is now locate.

ASBG
Valerie Novak

CSEA President Dana Baker congratulated Jeff Poynor and Janice Palmer on their awards and congratulated Janice Takahashi and Lynn Welch on their new appointments. Ms. Baker had one concern with the new construction – that there would be no new maintenance staff hired to maintain the new buildings. Ms. Baker stated that their union would not allow contracting out of maintenance staff for these buildings. Trustee Cox inquired if there was contracting out in Manteca to which Ms. Baker responded yes.

CSEA
Dana Baker

CTA President Gonzales made comments in regards to the counseling issue and asked for a response to what has happened to Interest Based Bargaining. Mr. Gonzalez informed the Board that issues regarding diversity and affirmative action would be coming forward. Mr. Gonzalez voiced concerns with the lack of diversity of faculty representing the student body stating that the College is federally funded under the mandate of affirmative action. Mr. Gonzalez further stated that Vice President of Human Resources Vince Brown is working on a diversity plan, but that he had asked for this to be done with the prior Vice President of Human Resources and got no response except hearing that to allow for diversity would lower the College's hiring standards.

CTA
Joe Gonzales

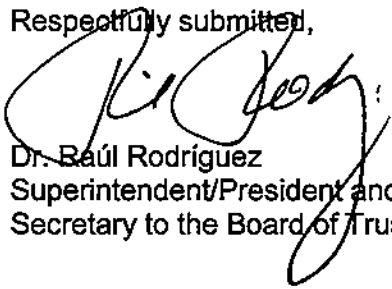
No comments.

POA
Mario Vasquez

Board President Castellanos adjourned the meeting at 8:17 p.m.

Adjournment

Respectfully submitted,



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