SAN JOAQUIN DELTA COMMUNITY COLLEGE DISTRICT

MINUTES OF THE CITIZENS’ OVERSIGHT COMMITTEE MEETING
Thursday, January 15, 2009

The regular meeting of the Measure L Bond Citizens’ Oversight Committee of the San Joaquin Delta Community College District was held on Thursday, January 15, 2009, at 5:30 p.m. in the Board Room, Administration 103, 5151 Pacific Ave., Stockton, California.

Members Present: Nancy Alhberg Mellor, Bob Bentz, Paul Cavanaugh, Bruce Jonsson, Janet Lilly, Gary Yocum

I. Called to Order

The Board meeting was called to order by Chairperson Nancy Alhberg Mellor at 5:38 p.m.

II. Communications

A. Public Comments

- Donald Yamada from World Tech, Inc., primarily an electrical contractor who also does general construction work. His company presently is working on the Delta College Police Portables data power project. Within the last 72 hours, World Tech has been taken off an open bid for the interior remodel of the Police Portable project as the apparent low bidder, rejected due to a technicality. The next lowest bid came in at $40,000 more, coming in from another county. His company is comprised of all local employees.

- Tony Bertolucci, business representative for International Brotherhood of Electrical Workers. Mr. Bertolucci was present to speak on behalf of World Tech, Inc. They are an outstanding contractor and hire local workers. They also work together on an apprenticeship program that is state approved. His group is looking to keeping work for local companies. He would like to see the Bond monies kept within the District and for the local economy, thus encouraging the local graduates and apprentices from the College’s technical programs.
III. Welcome, Introductions, and Announcements
   - Lee Belarmino, Vice President of Information Technology
   - Dr. Kathy Hart, Asst. Supt./VP of Instruction
   - Maria Baker – Director of Facilities Management
   - Matt Wetstein – Interim Dean of Planning, Research & Institutional Effectiveness
   - Raquel Puentes-Griffith – Budget Manager
   - Sam Khourofeh
   - Tony Bertolucci
   - Don Yamada

IV. Unfinished Business

   There was no unfinished business on the agenda.

V. New Business

   A. Approval of Minutes, December 3, 2008 – A couple errors were noted for correction to the minutes: Vice Chair Gary Yocum’s residence is located in Lodi and not Stockton; and Committee member Bruce Jonsson asked that the minutes reflect that he is a Cal Poly graduate with 33 years in aerospace industry. Committee member Bruce Jonsson made a motion to accept the minutes as corrected. The motion was seconded by Paul Cavanaugh and unanimously approved.

   B. History of Citizens’ Oversight Committee – Dr. Stephens distributed a time line and gave a brief overview of how the Citizens’ Oversight Committee came to be:
      - The Citizens’ Oversight Committee was triggered by the Board of Trustees’ resolution to call for a special election for Measure L for capital bond projects under Proposition 39.
      - Once Measure L was passed in 2004, the Board had 90 days to create a Citizens’ Oversight Committee.
      - On April 13, 2004, the Board adopted a reimbursement agreement.
      - On May 4, 2004, the Board established the Citizens’ Oversight Committee and created the bylaws.
      - In July, the election was certified by the Board.
      - On August 31, 2004, the first Citizens’ Oversight Committee members were appointed.

   It was questioned whether the current Citizens’ Oversight Committee would have an opportunity to tour the facilities.
Bond Executive Lee Belarmino replied that this could be arranged, and that the Bond Team was also going to be going over an inventory of Bond projects with the Board of Trustees at their February 3, 2009, meeting. At that time, the current status, timelines, and finances would be reviewed. He further noted that the Bond Team is planning for an all day workshop with the Board to go into more detail. The Committee asked to get as much information on projects, individually and collectively, in their next meeting packet. It was further suggested that the Committee meet concurrently with the Board at the Board’s next meeting.

C. **Review of the Brown Act** – Interim Dean of Planning, Research, & Institutional Effectiveness Matt Wetstein provided an overview of the Brown Act noting that the law is clear that the act of the Board of Trustees extends the open meeting law to the Citizens’ Oversight Committee. The meetings are public for this Committee – no closed session. Within the presentation, the following topics were covered:

- Purpose and Intent
- Scope of Bodies Covered
- Scope of the Brown Act
- Meeting Locations
- Notice & Agenda Requirements
- Penalties for Violations

As was noted earlier, the Citizens’ Oversight Committee will meet concurrently with the Board of Trustees on February 3rd. In order to comply with the Brown Act, an agenda will be prepared and sent out as well as posted.

D. **Status of Mt. House** – Bond Executive Lee Belarmino gave a concise history of his role as Bond Team leader, and then segued into the status of Mt. House. Assistant Superintendent/Vice President of Instruction Kathy Hart spoke about the programs being offered at Mt. House – primarily basic education and general skills courses. There are plans to have a Cisco Lab. Currently, Tracy Learning Center has 810 FTES. The College is looking to pump those numbers up to 1,000 FTES in order to get special funding. At that point, we would be able to qualify for funding in order to build the permanent structure. It was mentioned that the Board of Trustees now want to take a slow approach to Mt. House and look at other options and allow time to do an analysis. If we re-focus and not do the permanent building right now, we can put in for State matching funds and not use Bond funds. The first classes will be held in August 2009.
E. **Additional Citizens’ Oversight Committee Members** – The Committee bylaws state that there should be a minimum of seven (7) members. It was suggested that we return to the remaining pool to supplement the current (six) Committee. It was also recommended to go out for a representative of a taxpayers association. Currently, the Committee is lacking representation in not only the taxpayers’ association representative, but also representation from a Foundation and student government. It was further proposed that while we are looking at filling these roles that the business representative component be reviewed as Janet Lilly’s term will expire this fall.

Committee member Bruce Jonsson made a motion to ask the Trustees to advertise for positions required by Prop 39 and the bylaws to fill out specific vacant positions including the business position in order to maintain seven positions. The motion was seconded by Committee member Bob Bentz and approved unanimously.

F. **Consideration of Change to Citizens’ Oversight Committee Bylaws (second reading)** - At the last Committee meeting, Dr. Stephens reviewed with the Committee the initial reason for the First Amendment to the Citizens’ Oversight Committee Bylaws. It was feared that when the current members’ term limits were up, there would be only one or two members on the Committee. It was determined that in order to maintain the required number of members on the Committee that it would be necessary to amend the Bylaws to allow the Board of Trustees to appoint current Committee members to serve a third consecutive term of service in the event that the District was not in receipt of an application of a qualified replacement by the expiration date of the incumbent and allow that incumbent to serve a third consecutive term. So on October 16, 2007, the Board of Trustees amended the Bylaws and adopted the First Amendment. Subsequently, one of the State Controller’s Office findings stated that the Board of Trustees exceeded its authority by amending the COC bylaws to extend the term limit of the members beyond the term prescribed in the Education Code.

This First Amendment needs to be rescinded and is now being brought to the Committee for second reading. Vice Chair Gary Yocum made a motion to approve the second reading and rescind the first amendment to the bylaws. Committee member Bob Bentz seconded the motion and it was unanimously approved. It will be forwarded to the Board of Trustees requesting that they rescind this amendment.

Moved, seconded, and unanimously approved.
G. Consideration of Potential Dates for 2009 Committee Meetings – Vice Chair Gary Yocum made a motion to remain with the quarterly meetings as identified on the agenda with the possibility of adding additional meetings if necessary, and request a concurrent meeting with the Board of Trustees at their February 3, 2009, meeting. The motion was seconded by Committee member Janet Lilly and unanimously approved.

H. Project Update – North Road Project – Director of Facilities Management Maria Baker updated the Committee on the North Road Project, noting that it began as a $2.8 million safety project. This was to provide a better route for delivery trucks off of Pershing Avenue. This project was recently completed at a cost of $1.1 million - a savings of $1.7 million.

V. Committee Member Comments

- Committee member Bob Bentz noted that he met with the Commission on Aging and shared information as it relates to the Citizens’ Oversight Committee.
- Vice Chair Gary Yocum thanked and complimented the staff for support and information provided.
- Chair Nancy Alhberg Mellor commented that she appreciated the reports, as well as the supper provided by Food Services.
- Committee member Bruce Jonsson mentioned he appreciated the reports but expressed that he would welcome receiving detailed expenditures/financial summaries ahead of time when presentations are given. Mr. Jonsson asked how the Committee can have correspondence with the Board of Trustees, as well as getting feedback from one another without violating the Brown Act. Mr. Jonsson plans to attend Board of Trustees meetings. He also questioned the possibility of attending the Board of Trustees’ closed sessions.
- Committee member Janet Lilly thanked the staff for all their efforts, citing that they have always been wonderful and very supportive.
- It was remarked by Committee member Paul Cavanaugh that he is grateful for the binder and materials sent out ahead of the meeting. He is looking forward to the quarterly reports next meeting.

Future meeting dates:

- February 26, 2009
- May 21, 2009
- August 27, 2009
- November 19, 2009

All meetings are scheduled for 5:30 p.m. in the Board Room.
VI. Other Business/Comments

A motion was made by Committee Member Bruce Jonsson to adjourn the meeting. Committee member Paul Cavanaugh seconded the motion. The motion was unanimously approved, and the meeting was adjourned at 8:38 p.m.

Respectfully submitted,

Jon C. Stephens  
Vice President of Business Services

Meeting adjourned