

## *San Joaquin County Grand Jury*



### **SAN JOAQUIN DELTA COMMUNITY COLLEGE 2008/2009 San Joaquin County Grand Jury Case No. 01-08B FOLLOW UP FINAL REPORT**

#### **SUMMARY**

The 2008/2009 San Joaquin County Grand Jury chose to follow up on prior year Case 12-06, San Joaquin Delta Community College. Jurors wanted to determine if the current Board of Trustees corrected the problems of the past and were making informed decisions for the College.

The current Board and College administration are united by a common vision for the future tempered by fiscal and demographic reality. A renewed sense of ethics and responsibility, both to the community and students, has done much to restore the Grand Jury's confidence in San Joaquin Delta Community College.

Differences in philosophy and direction between former and current Boards are striking. The current Board refocused energy away from acquiring land and developing satellite campuses. The current Board is using the \$250,000,000 Measure L Bond, narrowly approved by voters in March 2004, for improvements to existing facilities and a down-sized learning center at Mountain House.

The current Board faces new challenges. The Accrediting Commission for Community and Junior Colleges downgraded the College and placed the College on academic probation. The negative action was primarily due to the performance of the former Board. The current Board and Administration are working to restore a higher accreditation status.

#### **BACKGROUND**

The 2006/2007 and 2007/2008 Grand Juries received several citizen complaints stating that violations of the Brown Act, as well as violation of Government Code Section 54963 (disclosure of closed session discussion and confidential information), had occurred with regard to the San Joaquin Delta Community College Board of Trustees. The complainants also asked that these Juries investigate the use of Measure L Bond funds with regard to San Joaquin Delta Community College, in particular the Mountain House campus. The 2006/2007 Grand Jury began an investigation but was unable to complete the investigation before the term of service expired. The 2007/2008 Grand Jury chose to continue the investigation of the 2006/2007 Grand Jury as

well as new complaints they had received. As the investigation progressed, it was deemed necessary to examine the role of the Measure L Oversight Committee.

Following publication of the 2007/2008 Final Report, the California State Controller audited the use of Measure L bond funds. The Controller issued a report with similar findings. In the November 4, 2008 election, two of the seven board members chose not to run and two were defeated. A fifth board member later resigned after pleading no contest to a misdemeanor offense of double billing the College for travel expenses.

## **METHOD OF INVESTIGATION**

### **Materials Reviewed**

- San Joaquin Delta College Audit Report, California State Controller, November 2008
- Measure L Bond Financial Statement, Bond Management Team, November 2008
- Citizens' Oversight Committee Bylaws, meeting agenda and minutes
- Board of Trustees code of ethics, meeting agenda and minutes
- 20+ media reports concerning both the former and current San Joaquin Delta College Board of Trustees, Citizens' Oversight Committee and Measure L Bond funds
- Accreditation Report, Accrediting Commission for Community and Junior Colleges, June 2008 and Follow Up Report, October 2008
- The Brown Act, California Attorney General's Office, 2003

### **Interviews Conducted**

- Measure L Bond Program Executive

### **Sites Visited**

- Delta College, meetings of the former and current Board of Trustees
- Mountain House campus

## **RECOMMENDATIONS: 2007/2008 GRAND JURY; 2008/2009 GRAND JURY FINDINGS**

1. Delta College trustees and administrators avoid making the same mistake by entering into a public/private partnership to develop a center/campus in Lodi or Galt.  
Former Board of Trustees Response: This recommendation will not be implemented.

**2008/2009 Grand Jury Finding: The current Board and administration have, in fact, implemented this recommendation. The purchase option for the Lodi campus was allowed to expire. The Galt campus property development has been postponed indefinitely.**

2. The Board of Trustees thoroughly evaluate all staff and consultants' recommendations prior to making bond decisions and commitments.

Former Board of Trustees Response: This recommendation has been implemented.

**2008/2009 Grand Jury Finding: The current Board has access to much-improved Measure L Team (bond management staff) reports and is making informed decisions.**

3. The Board of Trustees use the most current student usage numbers to determine curriculum needs for students, i.e. brick and mortar vs. internet usage.

Former Board of Trustees Response: This recommendation has been implemented.

**2008/2009 Grand Jury Finding: The current Board has access to much-improved Measure L Team reports and is making informed decisions.**

4. The Board of Trustees refocus on the needs of the students and not personal agendas and work together as a cohesive unit.

Former Board of Trustees Response: This recommendation is being implemented.

**2008/2009 Grand Jury Finding: Unlike the former Board, the current Board has demonstrated the ability to work together from the first meeting when a newly elected Trustee was selected as President of the Board. Further, the ability of the current Board to work together is demonstrated by a lack of controversy at meetings or in the press. The current Board adopted Policy No. 2715, Board of Trustees Code of Ethics and Standards of Good Practice, as a means of defining responsibility and conduct of individual Board members.**

5. Delta College Trustees and administration support and work with the new, recently formed committee, Measure L Team, to oversee the various bond programs.

Former Board of Trustees Response: This recommendation will be implemented.

**2008/2009 Grand Jury Finding: The Measure L Team believes it has the support of Trustees and administration. This Team has exceeded all expectations of the 2008/2009 Grand Jury. Reports given to Trustees are timely, concise and accurate.**

6. The Delta College Board of Trustees to comply with the Brown Act. Further training on the Brown Act to be given to ensure understanding and compliance.

Former Board of Trustees Response: This recommendation is being implemented.

**2008/2009 Grand Jury Finding: The only Brown Act violation observed by Jurors was minor. Meeting agenda were posted 72 hours in advance of the meeting, but not at a location accessible 24 hours a day. The Administration is taking steps to comply.**

7. The Bond Oversight Committee meet once per month in an effort to pre-approve all expenses charged to Measure L funds.

Former Board of Trustees Response: This recommendation will not be implemented.

**2008/2009 Grand Jury Finding: The committee continues to schedule quarterly meetings but has met more frequently. In October 2008, the State Controller issued a**

**report following the audit of Measure L. Finding (3) states “...oversight by the Citizens’ Oversight Committee (COC) was passive, perfunctory and ineffective.” The Board has yet to pass an amendment to the Citizens’ Oversight Committee Bylaws that will allow pre-approval of expenses charged to Measure L.**

8. This Grand Jury recommends that the Citizens’ Bond Oversight Committee question all changes in projects selected for funding, project plans, or delays in construction. This is a precautionary measure to ensure that Measure L funds are not being wasted.  
Former Board of Trustees Response: This recommendation is being implemented.

**2008/2009 Grand Jury Finding: The Committee has access to much-improved Measure L Team (bond management staff) reports to aid the review. However, the Committee does not exercise its full authority as described in Section 15278 of the Education Code. The Committee appears somewhat restrained by the Bylaws and continues to review expenditures months after they occur.**

9. The Citizens’ Bond Oversight Committee to ensure that all aspects of the Brown Act are adhered to in order to give the public a clear picture of the committees’ workings. The Grand Jury believes that the Brown Act ensures a transparent democracy. The violation of the Brown Act cannot be tolerated.  
Former Board of Trustees Response: This recommendation has been implemented.

**2008/2009 Grand Jury Finding: The only Brown Act violation observed by Jurors was minor. Meeting agenda were posted 72 hours in advance of the meeting, but not at a location accessible 24 hours a day. The Administration is taking steps to comply.**

10. (No recommendation #10 from the 2008/2009 Grand Jury)

**2008/2009 Grand Jury Finding: The Board of Trustees recently established a policy of self-evaluation for Trustees and periodic evaluation of the Superintendent/President. Regular evaluations of performance are the basis of improvement and positive corrective actions. Implementation of the new policy will unify the Board and Administration and help prevent problems of the past.**

#### **RECOMMENDATIONS: 2008/2009 GRAND JURY**

- 1. Continue to use the Measure L Team (bond management staff) in lieu of a consultant.**
- 2. Take corrective action for posting Board meeting agenda and Citizen’s Oversight Committee agenda in a location accessible 24 hours a day for the 72 hour period prior to meetings, as required by the Brown Act and subsequent Attorney General opinions.**

3. **Amend the Bylaws of the Citizens' Oversight Committee to require monthly meetings, timely review of Measure L expenditures and review of projects before authorization by the Board of Trustees.**

**RESPONSE REQUIRED**

**Pursuant to Section 933.05 of the California Penal Code:**

The Delta College Board of Trustees shall report to the Presiding Judge of the San Joaquin County Superior Court, in writing and within 90 days of publication of this report, with a response as follows:

As to each finding in the report a response indicating one of the following:

- a. The respondent agrees with the finding.
- b. The respondent disagrees with the finding, with an explanation of the reasons therefore.

As to each recommendation, a response indicating one of the following:

- a. The recommendation has been implemented, with a summary of the action taken.
- b. The recommendation has not yet been implemented, but will be with a time frame for implementation.
- c. The recommendation requires further analysis, with an explanation of the scope of analysis and a time frame not to exceed six (6) months.
- d. The recommendation will not be implemented, with an explanation therefore.

**DISCLAIMER**

One juror did not participate in this follow up report due to a possible conflict of interest.