

**CHABOT-LAS POSITAS  
COMMUNITY COLLEGE DISTRICT  
BOARD OF TRUSTEES  
SPECIAL MEETING**

**MINUTES  
December 22, 2014**

**PLACE**

Chabot-Las Positas Community College District, 7600 Dublin Blvd., 3<sup>rd</sup> Floor, Dublin, California.

**CALL TO ORDER**

The Special Meeting was called to order at 5:30 p.m. by President Gelles. Recording Secretary Beverly Bailey called the roll. Trustee Dr. Mertes was absent and excused at the time of roll.

**ATTENDANCE**

Members Present:

Trustee Dr. Arnulfo Cedillo  
Trustee Mrs. Isobel F. Dvorsky  
Trustee Mr. Donald L. "Dobie" Gelles  
Trustee Dr. Hal G. Gin  
Trustee Dr. Marshall Mitzman  
Trustee Mr. Carlo Vecchiarelli

Members Absent:

Trustee Barbara F. Mertes (Excused)

Recording Secretary:

Mrs. Beverly Bailey

Managers Present:

Dr. Jannett N. Jackson, Chancellor  
Dr. Susan Sperling, President, Chabot College  
Dr. Barry Russell, President, Las Positas College  
Mr. Ken Agustin  
Ms. Julia Dozier  
Mr. Wyman Fong  
Ms. Jeannine Methe

Others Present:

Mr. Don Milanese, Management Emeritus  
Mr. Gordon Watt, President, Classified Senate, Chabot College  
Mr. Dale Wagoner, Chabot College

## **PLEDGE TO FLAG**

Dr. Barry Russell led the pledge to the flag.

## **PUBLIC COMMENTS**

Mr. Dale Wagoner, on behalf of the Wagoner Family, wished Trustee Dr. Barbara Mertes well in her retirement from the Board; noting that she will be missed. He expressed that Dr. Mertes is a special person, who has left a legacy at Las Positas College and the District.

## **ACCEPTANCE OF RESIGNATION/RETIREMENT OF BOARD MEMBER AND CONFERRING THE TITLE OF TRUSTEE EMERITA**

Chancellor Jackson reported that on December 10, 2014 the District received notification that Trustee Dr. Mertes is resigning from the Board. She reported that this Special Meeting was called to accept this resignation and bestow on her the Title of Trustee Emerita.

### Motion No. 1

Trustee Dr. Gin made a motion, seconded by Trustee Mrs. Dvorsky, to accept the resignation/retirement of Trustee Dr. Barbara Mertes from the Board effective December 22, 2014; and that she be conferred the Title of Trustee Emerita.

Trustee Dr. Mitzman questioned if the District had a Board Policy on Trustee Emeritus that was being followed. It was reported that the District has a Policy on Trustee Emeritus and the Board would be provided a copy of the Policy.

Motion carried unanimously, 6-0.

## **CALL FOR PROVISIONAL APPOINTMENT TO BOARD AND APPROVAL OF TIMELINE FOR APPOINTMENT OR ORDER AN ELECTION**

Chancellor Jackson explained that the Board of Trustees has three (3) options for filling the vacant seat on the Governing Board as outlined by the Education Code and confirmed by the Community College League of California (CCLC) and District Legal Counsel.

The three (3) options are:

1. Make a provisional appointment within 60 days.
2. Order an election within 60 days. (This means the order must be made within 60 days, not that the election is in 60 days.)
3. Do nothing, in which case the County Superintendent of Schools must order the election.

Timing of the election, once ordered:

Education Code Section 5091(b) states: “when an election is ordered, it shall be held on the next established election date...not less than 130 days after the order of the election.” This is the only timing requirement. The election is not delayed until the next established election date for that seat. Rather, the person who is elected in the special election has his/her term end on the date of the next regular election for that seat. That is how the staggered terms are preserved.

Education Code Section 5091(e) states: “A person appointed to fill a vacancy shall hold office only until the next regularly scheduled election for district governing board members, whereupon an election shall be held to fill the vacancy for the remainder of the unexpired term. A person elected at an election to fill the vacancy shall hold office for the remainder of the term in which the vacancy occurs or will occur.”

It was also stressed that the appointment must live in Trustee Area 7.

#### Motion No. 2

Trustee Dr. Cedillo made a motion, seconded by Trustee Mrs. Dvorsky, to fill the vacancy on the Board for Area 7 by Provisional Appointment and approve the timeline for the appointment.

Trustee Mr. Vecchiarelli questioned if there was an option of holding the Board seat vacant until the next scheduled election of the Board in November 2016. It was reported that this was not an option; the options, as noted in the Education Code, are the three options explained previously.

Trustee Dr. Mitzman reported that he is against appointing a Board Member, expressing that he believes the voters should have the right to vote for the replacement. Trustee Dr. Mitzman noted the number of current and past Board Members that have been appointed to the Board.

Trustee Dr. Cedillo reported that he was appointed to the Board 28 years ago and has run and won several elections since that original appointment.

Trustee Dr. Gin reported that he too was appointed to the Board after he retired from California State University East Bay. He reported that he was interviewed by the Board and selected from other applicants. At the end of the initial appointment, he too ran for the office and won the election.

Trustee Dr. Gin also stressed the cost to the District of almost \$1 million for running a special election.

Motion carried 4-2, with Trustees Dr. Mitman and Mr. Vecchiarelli voting no.

President Gelles asked the Chancellor to proceed with the process for appointment.

**ADJOURNMENT**

Motion No. 3

Trustee Dr. Cedillo made a motion, seconded by Trustee Mrs. Dvorsky to adjourn the Special Meeting at 5:50 p.m.

Motion carried unanimously, 6-0.

Minutes prepared by:

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Beverly Bailey  
Recording Secretary

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Secretary, Board of Trustees  
Chabot-Las Positas Community College District