



## Measure X Citizens' Bond Oversight Committee

Meeting Minutes

October 28, 2021 – 6:00 P.M.

Zoom Conference Call

<b>Present:</b>	John Gould Gordon Machado Jim Rogers John Flaherty Elvira Robinson	Community At-Large Business Community Senior Citizens' Organization Community At-Large Support Organization
<b>Staff:</b>	Dr. Kathleen Rose Graciano Mendoza Ann Kennedy Matt Kennedy Mike Chegini Carol Anderson Damon Felice	Superintendent/President Vice President of Administrative Services Financial Manager, AKG Program Manager, AKG Communications Manager, AKG Program Support, AKG SBCC Project Manager, Felice Consulting Services

### A. CALL TO ORDER

The meeting was called to order at 6:03 P.M. with a quorum by Elvira Robinson.

### B. ROLL CALL

Roll call attendance was taken.

### C. APPROVE RESOLUTION #0001 TO ENACT AB 361

AB 361, effective September 16, 2021, authorizes the Citizens' Bond Oversight Committee (CBOC) to continue meeting via teleconference as authorized by the Governor's Emergency Order N-29-20 which expired on September 30, 2021.

John Gould made a motion to approve Resolution #001, seconded by John Flaherty. The resolution was approved by a roll call vote.

A resolution enacting AB 361 needs to be approved every 30 days. John Flaherty questioned if the CBOC would need to have a proforma meeting every month to meet the requirement to continue meeting virtually. Ann Kennedy explained that follow-up with legal counsel is required and she has sent this question to the District's attorney. She will send the information to the committee once received. Dr. Rose suggests we schedule the next meeting as an in-person meeting. If it is determined that the next meeting needs to be virtual, we can approve a resolution enacting AB 361 at that time.

### D. APPROVAL OF AGENDA

John Flaherty made a motion to approve the agenda, seconded by John Gould. The agenda was approved as presented by a roll call vote.

### E. APPROVAL OF JULY 20, 2021 MINUTES

John Gould made a motion to approve the minutes, seconded by Jim Rogers. The minutes were approved as presented by a roll call vote.

### F. COMMENTS FROM THE PUBLIC

No comments were received from the public.

G. COMMUNICATIONS RECEIVED BY COMMITTEE MEMBERS

Elvira Robinson went on a tour of the San Benito County Campus with Damon Felice, San Benito County Campus Project Manager, and highly recommends the tour of the new campus site.

H. STAFF REPORTS

Dr. Rose provided the committee with the following updates:

- a. Dr. Rose introduced Graciano Mendoza, the recently hired Vice President, Administrative Services, to the committee.
- b. The Board of Trustees approved the Adopted Budget for FY21-22. The District is also working on a 5-year recovery plan, which will be renamed the sustainability plan.
- c. Return to Campus:
  - i. There are 35 online sections being offered for winter intersession.
  - ii. There are 800 sections being offered for the spring semester, approximately half of those will be on campus. The mandatory vaccination policy approved by the Board of Trustees is in place which allows students, who return to campus, access to all District services.

I. PREPARATIONS FOR ANNUAL REPORT

The Annual Report process begins now. The chair of the committee is always part of the Annual Report process. We need an additional 1-2 volunteers to work on the Annual Report. The process will take place via email and a draft will be presented at the next CBOC meeting. Elvira Robinson, as chair, will present the final annual report to the Board of Trustees. In addition to Elvira Robinson, Jim Rogers and John Flaherty volunteered to participate in the process.

J. PROGRAM OVERVIEW AND PROJECT UPDATES

Matt Kennedy gave a Measure X program overview and project update.

**San Benito County Campus Update**

Dr. Rose provided an update on the negotiations with Dividend Homes. The District has been in partnership with Dividend Homes since the land was purchased more than a decade ago and the agreement needs to be renegotiated. Negotiations have been on-going for over two years to reach a final development agreement with Dividend Homes. The district's attorney is still negotiating with Dividend Homes and is currently waiting for them to provide their requested changes by November 15, 2021.

The District has negotiated in good faith for more than two years and is hopeful for a successful outcome.

Matt Kennedy reviewed the conceptual designs of the new campus. Jim Rogers asked if the Design-Build team has been on any other college projects in the area. Matt Kennedy responded that the Design-Build team, Blach Construction, has worked with high schools and colleges in the area.

Matt Kennedy also noted that Blach has to design to cost and what has been shown in the presentation falls within the budget.

## **Gilroy Campus Update**

Matt Kennedy gave an update on the Gilroy campus projects noting that the three main projects are the Library and Student Resource Center, STEM Center, and Theater Modernization.

Elvira Robinson asked if Matt Kennedy could explain what is meant by modernization. Matt Kennedy explained that modernization means that we are not changing the function of the building, there will still be a theater and practice areas, but the finishes will be new and improvements will be made to both the theater itself (floors, ceiling, equipment) and the infrastructure of the building (mechanical, electrical, plumbing). Elvira Robinson asked if the current seats will remain or be replaced. Matt Kennedy answered that it has not yet been determined if there will be new seats or if the current seats will be refurbished.

Gordon Machado asked if the construction cost is close to the projected cost. Matt Kennedy stated that yes, the bid came in just below the cost estimate. Regarding the Pedestrian Bridge project, Ann Kennedy asked Matt Kennedy to explain why there is no visible activity even though the project is going on. Matt Kennedy explained that the new bridge is a steel bridge and will be fabricated off site. There won't be any visible activity until the end of January when the demolition of the old bridge begins. Once the old bridge is demolished, the new bridge will be installed. Activity at the site is expected to occur from January through April.

### **K. PROGRAM FINANCIAL UPDATES**

Ann Kennedy reviewed the Fiscal year 2020-2021 4<sup>th</sup> quarter Project Summary Report and Whole Program Report with the committee. These reports are from inception of the bond program through June 30, 2021.

Gordon Machado asked if there is a time element after the budget reconciliation. Ann Kennedy answered that for the bond, reconciliation must happen within the fiscal year if we are moving funding sources. Accounting reconciles every quarter and reviews the records. As we near fiscal year end, we review everything again and if there are any questionable items, we bring them to bond counsel, tax counsel or the auditors, depending on whose area of work the question relates to. During financial year end close, any lingering questions get signed off by one or all of the entities mentioned above.

John Gould made a motion that the Fiscal year 2020-2021 4<sup>th</sup> Quarter Project Summary Report and Whole Program Report be received and accepted by the committee as presented. Gordon Machado seconded the motion. The motion was approved by a roll call vote. The motion carried.

### **L. MEMBER TERM CHART**

The term chart was reviewed. There are currently two vacancies on the committee. The District is recruiting for the student and taxpayer positions.

Gordon Machado asked if the vacancy is for San Benito County. Dr. Rose replied that it is for anyone who meets the taxpayer association criteria. Elvira Robinson asked if we sent a notice to a taxpayer organization for recruitment. Dr. Rose noted that the District recruited and sent out materials as well as advertised in the papers. In addition, she went back to the previous pool and to the associated students in hopes of recruiting for both vacancies.

Ann Kennedy provided the definition, from the bylaws, for the taxpayer association vacancy. To serve on the CBOC committee as a taxpayer association member, a person must be a member of a bona fide taxpayers association. There are those associations that most are familiar with (Howard Jarvis, Santa Clara, etc.) but sometimes we receive an application for a taxpayer association we are not familiar with. If this happens, we ask for membership, mission statement, bylaws, etc. and send to bond counsel for approval. Bond counsel reviews the information to see if it meets the taxpayer association definition as it is currently interpreted.

M. FUTURE MEETING DATES

The following CBOC meeting dates were tentatively agreed upon:

- January 18, 2022, Location TBD (May shift based on the audit status and quorum)
- April 19, 2022, Location TBD
- July 19, 2022, Location TBD

These are target dates. Carol Anderson will reach out to establish quorum and adjust meetings accordingly.

N. TOPICS FOR NEXT MEETING

In addition to the standing agenda topics, the following items will be included on the next agenda:

- Measure X Financial and Performance Audits
- Draft Annual Report

It is very important to have a quorum at the next meeting.

O. ADJOURNMENT

A motion was made by John Gould to adjourn the meeting. The motion was seconded by Gordon Machado. The meeting was adjourned at 7:12 P.M.