



Measure X Citizens' Bond Oversight Committee
Meeting Minutes
October 13, 2022 – 6:00 P.M.
Gavilan College, North/South Lounge

Present:	John Flaherty Gordon Machado Jim Rogers Michael Dziuba Elvira Robinson	Community At-Large Business Community Senior Citizens' Organization Taxpayers Association Support Organization
Absent:	Cynthia Matory John Gould	Student Organization Community At-Large
Staff:	Dr. Pedro Avila Jaime Mata Ann Kennedy Matt Kennedy Mike Chegini Carol Anderson	Superintendent/President Interim Vice President, Administrative Services Financial Manager, AKG Program Manager, AKG Communications Manager, AKG Program Support, AKG

1. CALL TO ORDER-6:00 PM

A. Call to Order

The meeting was called to order at 6:00 P.M. with a quorum by Ms. Robinson.

B. Approval of Agenda

Mr. Rogers made a motion to approve the agenda, seconded by Mr. Machado.

Ayes: 4 Nays: 0 Abstentions: 1 Absent: 2

The motion carries.

2. CONSENT AGENDA

A. Approval of June 16, 2022 Meeting Minutes

Mr. Dziuba made a motion to approve the minutes, seconded by Mr. Rogers.

Ayes: 4 Nays: 0 Abstentions: 1 Absent: 2

The motion carries.

3. COMMENTS FROM THE PUBLIC

A. Comments from the Public

Public comment was given. Students expressed concerns they have regarding safety.

4. INFORMATION / DISCUSSION

A. Communications Received via the Measure X Website

No comments were received via the Measure X website since the last meeting.

B. Staff Report

Dr. Avila provided the committee with the following updates:

1. The District has a balanced budget with 30% in reserves. The Board is going to approve a policy setting the reserve at 18% so the District will have a rainy day fund. The balance of the current 30% in reserves will be invested in infrastructure, technology, and housing.
2. Enrollment has increased in the last two years by 5% in headcount and 8% in enrollment (the number of classes students are taking).
3. For the first time since 2018, men's and women's soccer is coming back.
4. District is looking at hiring a Director of Capital Projects to help with the coordination of Measure X. The position will provide a District representative to manage Measure X and add to capacity with AKG. The Director of Capital Projects will manage change orders, the Measure X budget, communications, etc.

Ms. Robinson noted that she has seen a lot of social media posts regarding events at Gavilan and it is wonderful to see.

C. Hollister and San Benito County Enrollment

Mr. Machado requested information from the District on the number of Gavilan students that are from San Benito County and what the percentage is. The information was provided to Mr. Machado via email and included in the meeting packet.

D. Preparations for Annual Report

A working group is needed to begin the 2021-2022 CBOC Annual Draft Report. Ms. Robinson and Mr. Flaherty will begin work with Mr. Chegini from AKG on the 2021-2022 CBOC Annual Report.

E. Program Overview and Project Updates

Mr. Kennedy presented a Measure X program update.

San Benito County Campus Update

Division of the State Architect (DSA) approval is expected in mid-December and mobilization is expected in January. Mobilization involves preparing the site (cut a road in, level an area for onsite offices) for building.

Ms. Robinson noted that a key issue with the community is the septic tank and asked for an update on the septic system. Mr. Kennedy explained that the District has not received approval to connect to the sewer line. To keep the project moving, a septic system was designed that includes a line from the building to Fairview Road so that if or when a sewer line does become available, the campus can connect. A future line would be necessary to build more buildings at the San Benito County Campus (SBCC) site.

Ms. Robinson asked if the District anticipates any delay in breaking ground in January for the SBCC. Mr. Kennedy stated that there is no anticipation of a delay. The design is close to receiving DSA approval and the septic system is already approved by the county. Mr. Flaherty asked if City action would have any impact on the SBCC. Mr. Kennedy answered that City action would not impact the construction of the SBCC. Dr. Avila noted that moving forward with a septic system is most beneficial to the District, acknowledging that there are rumors that developers will pay for the sewer connection, but no developers have stepped forward to pay. Even if the City approved a sewer connection, Measure X funds can not be used for the connection, so it would have to be a different funding source.

Gilroy Campus Update

Mr. Kennedy reviewed the completed subprojects that are part of Project 3201 – Site Improvement, Security and Infrastructure.

Mr. Flaherty asked if the energy management system (EMS) controls the HVAC. Mr. Kennedy confirmed that the EMS system controls the HVAC.

Mr. Kennedy noted that the budgets reflected in the presentation are higher than what is reflected in the financial reports and will be discussed as part of Agenda Item 4G.

Library and Student Resource Center (LSRC) – Mr. Kennedy reviewed the selection process for the Design-Build Entity (DBE) for the LSRC project. Flint/JKAE was selected as the DBE and is currently in contract negotiations. The winning renderings were shared with the CBOC. Ms. Robinson asked who created the designs. Mr. Kennedy answered that JKAE created the designs. The selection committee unanimously selected the Flint/JKAE team.

Ms. Robinson asked Mr. Kennedy to show the committee where the LSRC will be located. Mr. Kennedy showed the campus map board, noting that the LSRC will be located by parking lot A.

The construction date for the LSRC that is shown in the schedule slide of the presentation is incorrect and should show the start of construction in February 2024 with completion anticipated in July 2025.

STEM Center – Dr. Avila noted that the original scope changed from an actual STEM Center to a new biology building. He is exploring bringing the option of rebuilding the STEM Center budget and bringing back the concept of a STEM Center.

THEATER MODERNIZATION – The theater project was approved by the Board of Trustees as a modernization project. There was concern over the structural integrity of the building and the DSA's assessment was that the building needs a complete seismic update. Mr. Kennedy explained that if the value of a modernization exceeds 50% of the value of the building, the building must be brought up to current seismic requirements. The cost of the modernization is now higher than the budget. Ms. Robinson asked if the

District will now build a new theater. Dr. Avila noted that he is having conversations with the Fine Arts Department, and they are having conversations among their department and will submit their recommendations to Dr. Avila. The options for the Theater are as follows:

1. Located additional funding for the completion of the modernization of the current theater
2. Build a new, smaller theater
3. Go out for a new bond in 2024 and build a larger Performing Arts Center that would include communications, music, and an art gallery.

Mr. Flaherty asked if a new bond can be specific to the Gilroy area? Dr. Avila said yes and that the plan is to go for a Santa Clara County bond only for use only on the Gilroy campus. If San Benito County wants to go for a bond specific to SBCC Phase 2, that is also an option.

WAYFINDING & SIGNAGE – Mr. Dziuba asked if marquees are part of the Wayfinding & Signage project or is it separate. Ms. Kennedy stated that it will be part of phase 2 and that there is more to come.

F. Post-COVID Pandemic Design Changes

Ms. Kennedy reviewed the general considerations in post COVID design including ventilations systems, touchless fixtures, paths of travel, audio visual systems, open office areas and facility sizes. When COVID started, the design of the SBCC was well underway. The future impact of COVID on design will be seen in the LSRC project and other projects moving forward.

Mr. Flaherty asked the following questions in relation to post-COVID design changes:

1. What does it mean that colleges have general conversations and information?
Ms. Kennedy answered that colleges are sharing information among themselves. The Bay 10 community colleges meet and share what's working and what isn't.
2. Has there been any formal, agendized discussion regarding the impact of COVID at the State level? Ms. Kennedy answered that there have been no specific conversations in a formal manner regarding the impact of COVID.
3. Have there been any hearings in the post-COVID environment related to physical infrastructure and digital hybrid learning? Ms. Kennedy answered that there has not been any information received in a formal manner.

Mr. Flaherty stated that the District is operating on the 2019 floor because they have not been given any additional information, as opposed to information that may be coming down. Ms. Kennedy noted that we don't have anything coming down yet other than the general conversations being had between the colleges. Mr. Flaherty asked if a survey had been conducted of existing literature for architects and engineers. Ms. Kennedy stated that this could be done with the new designers in the LSRC project and what is coming. Mr. Flaherty doesn't understand why the SBCC is not being reviewed to see what can be done under the circumstances. Mr. Flaherty stated that ventilation is the primary problem with COVID and he doesn't understand why industry standards aren't

being reviewed, what the current discussions are, and why the District is going with the minimum floor from 2019, before the COVID pandemic.

Ms. Robinson agreed and noted that she has heard community members say that they are concerned about the amount of glass and there have been so many issues with shootings and criminality and asked how we are going to protect our students.

Ms. Kennedy suggested that the SBCC designers be invited to the next CBOC meeting. The District would need a list of questions to provide the designers in advance of the next meeting and let them speak to their process and focus the questions appropriately. Mr. Flaherty feels that the District could lead a group and define the impact of COVID and build to a higher standard. This is an opportunity for Gavilan to become a leader in post-COVID design.

It was agreed that the next meeting will be two hours to allow time for this discussion.

G. Bond List Revision (BLR) #4

Ms. Kennedy explained that BLR #4 is a result of an accounting function to allocate overhead expenses into the individual projects for capitalization purposes. BLR #4 transfers budget from Project 3999 – Program Management, Planning and Support to the individual active projects during the allocation period to accommodate the distribution of program-wide overhead expenses and Gilroy Campus specific overhead expenses paid from inception through May 31, 2022. The overhead allocation is calculated in proportion to the projects' spending during the allocation period. This allocation process was reviewed and approved by the District's auditors. Expense transfers were completed in FY21-22 and are reflected in the FY21-22 Q4 financial reports. BLR #4 wasn't approved by the Board of Trustees until September 13, 2022, therefore the budget amounts in the financial reports don't match the budgets in the Program Overview and Project Update presentation.

H. Billing explanation and detail for A Kennedy Group (AKG)

This item was placed on the agenda at the request of the CBOC Chair, Ms. Robinson. Ms. Robinson stated that a member of the **Board CBOC Committee*** asked that this item be placed on the agenda. Ms. Robinson reviewed the invoices, asking AKG to identify the positions stated on the invoices (i.e Communications Manager, Financial Manager, etc.).

**as amended in the February 7, 2023 CBOC meeting*

Ms. Robinson didn't understand the line items for Program Accountant/Admin, stating that Measure X program support is not enough billing information. At the request of Ms. Robinson, Mr. Chegini explained his time on April 18th. Mr. Rogers asked the Chair if the CBOC had ever seen this before. He felt that the CBOC was not debriefed on what to expect, he doesn't know why the CBOC is reviewing the invoices, and in his opinion this is a little picky. Mr. Rogers asked if Ms. Robinson requested this item to be on the agenda. Ms. Robinson acknowledged that yes, she requested the item be on the agenda because a Board member asked her for more detail and that it is the CBOC's obligation under the Board approved Bylaws section 3.2 to see where our monies are going. Ms. Robinson

wanted to see what the billing and detail looks like and what the District is being charged for.

Ms. Robinson asked what “Measure X program support” means on the invoices. Ms. Kennedy explained that Ms. Anderson is responsible for all the administrative and accounting functions for the Measure X program. This includes all meeting notes, coordinating meeting minutes with stakeholder groups, entering requisitions, processing invoices, reviewing contracts, verifying insurance documents, working with the business office, entering Measure X agenda items in BoardDocs, coordination for all projects, meeting scheduling, etc. Ms. Kennedy noted that most districts do not ask for more detail for a project admin because the tasks are repetitive. Mr. Flaherty agreed that the billing descriptions need more detail. Mr. Dziuba commented that providing more detailed billing will require more time, which will cost the District more. Ms. Robinson doesn’t think it will take that long. Dr. Avila inquired about how many days Ms. Anderson spends on campus. Ms. Anderson responded that she works both remotely and on campus as needed. Dr. Avila asked what determined when Ms. Anderson would be on campus. Ms. Kennedy stated that it depends on the activities (i.e., meetings). Mr. Avila noted that all employees of Gavilan are required to work on campus and that if Ms. Anderson works forty hours on Gavilan Measure X, then she needs to work on campus full-time.

5. ACTION ITEMS

A. **Program Financial Updates**

Ms. Kennedy reviewed the fiscal year 2021-2022, Q4 Whole Program Report, Project Summary Report, and the Sub-Project Detail Report with the committee. These reports are from inception of the bond program through June 30, 2022.

There has been a slowdown in spending for SBCC in the last quarter due to the design being in DSA. There is a slowdown in activity during DSA and activity will pick up once DSA approval is received.

Mr. Flaherty made a motion that the fiscal year 2021-2022 Q4 Whole Program Report, Project Summary Report and Sub-project Detail Report be received and accepted by the committee as presented. Mr. Dziuba seconded the motion.

Ayes: 5 Nays: 0 Abstentions: 0 Absent: 2

The motion carried.

B. **Election of Chair and Vice Chair**

Mr. Rogers made a motion that Ms. Robinson remain as Chair and Mr. Flaherty remain as Vice-Chair. Mr. Flaherty seconded the motion.

Ayes: 5 Nays: 0 Abstentions: 0 Absent: 2

6. CLOSING ITEMS

A. **MEMBER TERM CHART AND FUTURE MEETING DATES**

The term chart and future meeting dates were reviewed. There is a student vacancy that needs to be filled. Interested students can fill out an application on the Measure X website.

The District will not be presenting the audit to the Board of Trustees until January, so it is suggested that the December CBOC meeting be moved to January. As soon as we know when the audit will go to the Board of Trustees, the next meeting would be scheduled.

Ms. Robinson would like to know the date for the SBCC forum as soon as possible. It was agreed with Dr. Avila that the SBCC forum will be scheduled once DSA approval is received.

Mr. Flaherty would like to receive the agenda and meeting packet earlier. Ms. Kennedy noted that this was dependent on the District. They must close their books before we can prepare our reports. The agenda is required to be posted 72 hours before the meeting. Everything must be finalized before it can be mailed.

Mr. Flaherty asked if meetings are recorded, can we have access to the recordings earlier than receiving the official minutes? Ms. Kennedy replied that recordings can be sent if requested. Written minutes cannot be provided until the following meeting.

B. Topics for Next Meeting

1. Draft Annual Report Presentation
2. Financial and Performance Audit Report

C. Adjournment

Mr. Machado made a motion to adjourn the meeting, Mr. Rogers seconded the motion.
Ayes: 5 Nays: 0 Abstentions: 0 Absent: 2

Meeting adjourned at 7:42 pm.