

SAN MATEO COUNTY COMMUNITY COLLEGE DISTRICT
Bond Oversight Committee Minutes
May 3, 2012
SMCCCD District Office Board Room

Members Present:

- ✓ Steve Dworetzky, active in group supporting the District (Foundation); term limit 11/2014
- ✓ Gus Petropoulos, active in organization in support of District (retirees) 11/2014
- ✓ Alan Talansky, representative of business; term limit 11/2014
- ✓ Victor Torreano, community member; term limit 11/2014
- ✓ Adrienne Zanini, representative of bona-fide taxpayers association; term limit 2/2015
- ✓ Maritess Lagandaon, community member; term limit 11/2014

Members Absent:

- ✓ Paige Kupperberg, student member, term limit 6/2012
- ✓ Sylvia Merkadeau, representative of seniors; term limit 11/2014

District Staff Present: Barbara Christensen, Raymond Chow, Yanelly Pulido

Guests Present: None

Call to order

Chairman Talansky called the meeting to order at 3:09PM

Approval of minutes from meeting of February 2, 2012 meeting

Discussion: Mr. Torreano pointed out a spelling error on page 4, the middle of the page on the left hand margin; incorrect spelling of “Torreano”.

Ms. Zanini also noted another error on page 5 under committee members should say “requested” rather than “request”.

	Dworetzky	Kupperberg	Lagandaon	Merkadeau	Petropoulos	Talansky	Torreano	Zanini
Motion							X	
Second								X

Ayes	5
Noes	0
Abstain	0

Motion Passed

Review/Accept cumulative report on expenditures through March 31, 2012 for Measure A expenditures (Blackwood)

A revised copy of the cumulative report on expenditures was handed out to committee members.

Discussion: Director Christensen introduced Chief Financial Officer Chow who would be discussing the report on behalf of Executive Vice Chancellor Blackwood. Director Christensen pointed out Measure C financial information will no longer be part of the cumulative report because all funds have been spent.

CFO Chow stated that the previous report contained an error. Expenditures to date had been reported as \$441 million and has been corrected to read \$440 million. Director Christensen asked if the balance of \$23,526,795.47 is accurate, CFO Chow confirmed it was.

CFO Chow reported that 95% of Measure A funding has been spent. He also stated there was an encumbrance of \$4.4 million which denotes funding that is still committed to the projects and that will be expended as payments are made. He commented that Vice Chancellor Nuñez has stated projects should be completed by June 2014.

	Dworetzky	Kupperberg	Lagandoan	Merkadeau	Petropoulos	Talansky	Torreano	Zanini
Motion							X	
Second					X			

Ayes	6
Noes	0
Abstain	0

Motion Passed

Update on construction projects; Update on B20 and trees litigation (Christensen)

Director Christensen stated that only a few projects are underway at this time. Work is underway in the Skyline College cafeteria to mitigate issues with flooring, traffic flow, unused conference rooms, and to accommodate the College’s need for more open space. This project should be completed at the end of this school year. This project is not technically funded by the bond; however bond funds are being loaned to cover the costs which will be repaid by student union and Axillary Services funds. Mr. Torreano asked if this is allowable, Director Christensen said it was. Mr. Petropoulos asked if there is a deadline for repayment. Director Christensen said she has not addressed the question but believes it should be repaid in a relatively short time.

The second project in progress is the Cañada College cafeteria in Building 5. This is primarily a state funded project but a some Measure A funds were also used. The cafeteria has not been updated since its original construction and a renovation of the kitchen area and open space should be completed before the beginning of the Summer 2012 session.

Director Christensen then discussed two upcoming projects. She said that the North Gateway project includes the removal of 8 buildings, a complete re-grade of the north side of the CSM campus, creation of an outdoor amphitheater, new parking spaces, and a redo of the roadways. This project is funded by \$9 million of state funds and about \$1 million of Measure A funds. Energy efficient lighting will be installed, that will also meet the standards for lighting for safety purposes. Chairman Talansky and Mr. Torreano commented on the importance of lighting from a safety and environmental standpoint. Director Christensen noted that this project may be affected by the trees litigation since neighbors are upset because they are able to see the lights from their neighborhood.

Director Christensen provided an update about the trees litigation. The parties have agreed to schedule a court date by early July. The North Gateway project has gone out to bid, and construction cannot start until the project goes through the appropriate State approval process in

mid-July. The hope is to have a resolution of the tree case before then. The District informed the bidders about the court date and let them know that there was a potential for delay because of the litigation. In response to committee questions from Mr. Torreano and other questions about the bidders response to a potential delay, Director Christensen said that the bidders did not seem concerned. The North Gateway project is scheduled to start in late summer, and it is roughly a yearlong project.

The other project in the design phase is the Building 20 and Garden area project. The project consists of the demolition of Building 20 and the greenhouses. The District had been involved in a lawsuit about this matter and lost the suit in Superior Court. The District has requested a clarification of the judgment, and the Board has already decided to appeal. Our lawyers have advised us that CEQA lawsuits are generally not understood in the Superior Courts. The District's attorneys believe that the district has done everything it needed to do and have all the documentation needed in order to win this case in the Appellate Court.

Mr. Petropoulos asked what would be the worst case scenario for this project. Director Christensen said if the District were to lose in the Appellate Court, a new initial study would need to be produced at significant cost. She said a new initial study might not find anything else that has not already been found in the addendum. Mr. Petropoulos asked what funds are used to pay for these types of reports and legal fees. Director Christensen said that costs are split between District operating funds and bond funds.

Mr. Petropoulos asked if Director Christensen had any idea of what a reasonable outcome may be and if the District would be putting in more resources in defense of its position. Director Christensen said the plaintiffs want to stop the project. Mr. Petropoulos asked if the District has shown any interest in stopping the garden project and Director Christensen said no. Chairman Talansky commented the plaintiff's strategy is to stall the project as long as they can, however once the building is gone it is gone. Mr. Dworetzky asked if the plaintiffs have legally stopped the project, Director Christensen said no. Director Christensen explained the North Gateway project was designed as two phases; the first phase was the upgrade of the electrical infrastructure and removal of trees and the second phase is the demolition of buildings and the renovation of the roadways, new amphitheater etc. The District is moving forward with phase 2 and contending it has nothing to do with the tree litigation.

Mr. Dworetzky asked if the tree and the garden are two separate lawsuits. Director Christensen said yes and clarified that the same attorney is working on both cases.

Committee members' comments/requests for future agenda items

Chairman Talansky suggested that the pages of the cumulative report be numbered. Mr. Torreano requested an update of the possibility for a new bond measure as an agenda item. Director Christensen agreed and commented that the District will be doing a community needs assessment of educational services very soon, a survey of employers in the county for training needs, and some polling on a bond as well.

Schedule of future meetings: August 2, 2012, November 1, 2012, February 7, 2013, May 2, 2013 (1st Thursday, every 3 months)

Director Christensen said that she had reviewed committee bylaws regarding meeting frequency. She said that the committee could meet twice yearly instead of 4 times a year and, if needed, a special meeting could be requested. Chairman Talansky motioned for committee approval of the revised schedule of future meetings reflecting the cancellation of the August 2, 2012 and February 7, 2013 meeting dates. The next meeting will be November 1, 2012 at 3:00 p.m.

	Dworetzky	Kupperberg	Lagandoan	Merkadeau	Petropoulos	Talansky	Torreano	Zanini
Motion	X							
Second							X	

Ayes	6
Noes	0
Abstain	0

Motion Passed.

Motion to Adjourn

Discussion: None

	Dworetzky	Kupperberg	Lagandoan	Merkadeau	Petropoulos	Talansky	Torreano	Zanini
Motion							X	
Second	X							

Ayes	6
Noes	0
Abstain	0

Motion Passed.

Meeting adjourned at 3:52 p.m.